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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 983

[Docket No. AMS–FV–07–0082; FV07–983–1 FIR]

Pistachios Grown in California; Changes in Handling Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Department of Agriculture (USDA) is adopting, as a final rule, without change, an interim final rule changing the handling requirements authorized under the California pistachio marketing order (order). The order regulates the handling of pistachios grown in California and is administered locally by the Administrative Committee for Pistachios (committee). This rule continues in effect the action that suspended the minimum quality requirements, including maximum defects and minimum sizes, for California pistachios. This reduces handler costs and provides handlers more flexibility in meeting customer needs.

DATES: *Effective Date:* April 21, 2008.

FOR FURTHER INFORMATION CONTACT: Terry Vawter, Senior Marketing Specialist, or Kurt J. Kimmel, Regional Manager, California Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA; Telephone: (559) 487–5901, Fax: (559) 487–5906, or E-mail: *Terry.Vawter@usda.gov* or *Kurt.Kimmel@usda.gov*.

Small businesses may request information on complying with this regulation by contacting Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue, SW., STOP 0237, Washington, DC 20250–0237; Telephone: (202) 720–2491, Fax: (202) 720–8938, or E-mail: *Jay.Guerber@usda.gov*.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Order No. 983 (7 CFR part 983), regulating the handling of pistachios grown in California, hereinafter referred to as the ''order.'' The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

USDA is issuing this rule in conformance with Executive Order 12866.

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is not intended to have 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 Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with USDA a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing, USDA would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review USDA's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

This rule continues in effect the action that changed the handling requirements for pistachios currently authorized under the order. This rule continues to suspend the minimum quality requirements, including maximum defects and minimum sizes, for California pistachios. This reduces handler costs and provides handlers more flexibility in meeting customer needs. This action was recommended by the committee.

Prior to implementation of the interim final rule, § 983.39 established minimum quality levels for pistachios, including maximum defects and minimum sizes permitted under the order. Under § 983.46, the Secretary may modify, suspend, or make rules and regulations to implement §§ 983.38 through 983.45 based upon a recommendation by seven concurring committee members or other available information.

The quality and size requirements were in effect for California pistachios since the order's inception in 2004. Evidence provided at the promulgation hearing suggested that there was a direct link between lower-quality pistachios and the incidence of aflatoxin contamination (see 68 FR 45990). Aflatoxin is one of a group of mycotoxins produced by the molds *Aspergillus flavus* and *Aspergillus parasiticus*. Aflatoxins are naturally-occurring in the field and can be further spread in improperly processed and stored nuts, dried fruits, and grains. The data presented at the hearing was based on aflatoxin analyses of pistachios with different defects. Although the data also indicated that the levels of aflatoxin associated with each defect varied widely, researchers attributed this to variability among the samples.

As further data was collected in 2005 and 2006, University of California researchers concluded that variability in aflatoxin levels seen in previous studies may have been due to geographic variability.[1] [2] Aflatoxin contamination is more prevalent in pistachios produced in the northern San Joaquin Valley, while quality defects, largely due to insect damage, are less prevalent. The opposite is true for the southern San Joaquin Valley. It is now believed that these differences in aflatoxin contamination between the growing areas are due to differences in climate. The northern San Joaquin Valley has more aflatoxin contamination because its cooler temperatures and greater moisture are more conducive to *Aspergillus* and aflatoxin development, but less conducive to insect population

[1] Doster, M.A., T.J. Michailides, L.D. Boeckler, and D.P. Morgan, 2006. Development of expert systems and predictive models for aflatoxin contamination in pistachios. In California Pistachio Industry Annual Report Crop Year 2005–2006, pg. 101–102.

[2] Doster, M.A., T.J. Michailides, L.D. Boeckler, and D.P. Morgan, 2007. Prediction of aflatoxin contamination and a survey of fungi producing Ochratoxin A in California pistachios. In California Pistachio Industry Annual Report Crop Year 2006–2007, pg. 109–110.

and damage. However, in the southern San Joaquin Valley, there is a higher incidence of insect damage and a much lower incidence of aflatoxin contamination because of the drier environment and higher temperatures. Thus, recent research suggests that aflatoxin occurrence in pistachios may be attributable to climatic factors.

Additionally, growers and handlers are reporting unexpected problems with the size of pistachios this season, as well as with staining of the nut shell from the hull. Pistachios are smaller than usual, and the large crop has resulted in a large percentage of pistachios which may not have met the requirements of the order because the sizes are smaller than authorized, which was 30/64ths of an inch. Staining is a problem this season due to unseasonable humidity and spotty rains on August 26th and 30th. The moisture wet the outer hull, and the hull then stained the pistachio shell. Dark stains are an external defect, which affects overall pistachio quality.

Thus, the committee recommended suspending the minimum quality requirements, which include maximum defects and minimum sizes, under the order. This reduces handler costs and provides handlers more flexibility in meeting customer needs. Suspending these requirements also necessitated modifications to other sections of the order and regulations that referenced minimum quality and size requirements. Accordingly, this rule continues to partially suspend or amend language in §§ 983.6, 983.7, 983.31, 983.38, 983.40, 983.41, 983.42, 983.45, 983.138, 983.143, and 983.147 of the order; and continues to suspend §§ 983.19, 983.20, 983.39, and 983.141 in their entirety.

Additionally, the third sentence in § 983.11(b), and all of § 983.71 were removed because the committee's State counterpart, the California Pistachio Commission, has been terminated and there is currently no relationship between the two organizations.

Final Regulatory Flexibility Analysis

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), Agricultural Marketing Service (AMS) has considered the economic impact of this action on small entities. Accordingly, AMS has prepared this final regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses would not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf.

There are approximately 740 producers in the production area, and 50 handlers of California pistachios subject to regulation. The Small Business Administration (SBA) (13 CFR 121.201) defines small agricultural producers as those having annual receipts less than $750,000, and defines small agricultural service firms as those whose annual receipts are less than $6,500,000. Of the 740 producers, approximately 722 have annual receipts of less than $750,000. Forty-two of the 50 handlers subject to regulation have annual pistachio receipts of less than $6,500,000. Thus, the majority of producers and handlers of California pistachios may be classified as small entities.

This rule continues in effect the action that changed the handling requirements authorized under the order. This rule continues to suspend the minimum quality requirements, including maximum defects and minimum sizes, for California pistachios. Authority for this action is provided in § 983.46.

Regarding the impact on affected entities, suspending the minimum quality requirements decreases handler inspection costs. The committee estimates that the direct costs to obtain inspection average approximately $50.00 per lot. The average lot is approximately 44,000 pounds. With over 100,000,000 pounds shipped domestically, the direct costs for inspection for approximately 2,300 lots could total $115,000 for the industry. The direct costs do not include handler staff time in preparing samples, and handler storage and recordkeeping costs associated with inspected pistachios.

The committee considered alternatives to suspending the minimum quality requirements. Some producers were concerned that this could give handlers too much latitude in their operations. Other producers commented that handlers' customers would likely dictate product quality and prevent shipment of substandard pistachios into the market. Ultimately, the majority of committee members supported the changes.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the form ACP–5, ''Minimal Testing'' being suspended by this rule was previously approved by the Office of Management and Budget and assigned OMB No. 0581–0215, Pistachios Grown in California, for 1 burden hour. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

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.

In addition, as noted in the initial regulatory flexibility analysis, USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

Further, the committee meetings where this action was discussed were widely publicized throughout the pistachio industry and all interested persons were encouraged to attend the meetings and participate in the committee's deliberations. Like all committee meetings, these were public meetings, and entities of all sizes were encouraged to express their views on these issues.

An interim final rule concerning this action was published in the **Federal Register** on December 7, 2007. Copies of the rule were mailed by the committee's staff to all committee members and pistachio handlers. In addition, the rule was made available by USDA and the Office of the **Federal Register**. That rule provided for a 60-day comment period which ended February 5, 2008. One comment was received that was not relevant to the interim final rule.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: *http://www.ams.usda.gov/fv/moab/html.* Any questions about the compliance guide should be sent to Jay Guerber at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

The order provisions and regulations that were suspended or terminated no longer tend to effectuate the declared policy of the Act, while the regulations that were revised tend to effectuate the declared policy of the Act. Accordingly, after consideration of all relevant material presented, including the committee's recommendation, and other information, it is found that finalizing this interim final rule, without change, as published in the **Federal Register** (72 FR 69139, December 7, 2007), will effectuate the declared policy of the Act.

List of Subjects in 7 CFR Part 983

Pistachios, Marketing agreements and orders, Reporting and recordkeeping requirements.

PART 983—PISTACHIOS GROWN IN CALIFORNIA

■ Accordingly, the interim final rule amending 7 CFR part 983 which was published at 72 FR 69139 on December 7, 2007, is adopted as a final rule without change.

Dated: March 13, 2008.

Lloyd C. Day,

Administrator, Agricultural Marketing Service.

[FR Doc. E8–5648 Filed 3–19–08; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1216

[Docket No.: AMS–FV–08–0001; FV–08–701 IFR]

Peanut Promotion, Research, and Information Order; Amendment to Primary Peanut-Producing States and Adjustment of Membership

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule with request for comments.

SUMMARY: This rule would add a producer member and alternate from the State of Mississippi to the National Peanut Board (Board). The change was proposed by the Board, which administers the nationally coordinated program, in accordance to the provisions of the Peanut Promotion, Research, and Information Order (Order) which is authorized under the Commodity Promotion, Research, and Information Act of 1996 (1996 Act). This change is made because Mississippi is now considered a major peanut-producing state based on the Board's review of the geographical distribution of the production of peanuts. The Order requires a review of the geographical distribution of the production of peanuts at least every five years. The addition of a member from Mississippi will provide for additional representation from another primary peanut-producing state.

DATES: *Effective date:* March 21, 2008. Comments must be submitted on or before April 21, 2008.

ADDRESSES: Interested persons are invited to submit written comments on the Internet at: *http://www.regulations.gov* or to the Research and Promotion Branch, Fruit and Vegetable Programs, Agricultural Marketing Service (AMS), U.S. Department of Agriculture, Room 0632–S, Stop 0244, 1400 Independence Avenue, SW., Washington, DC 20250–0244; fax: (202) 205–2800. All comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be made available for public inspection in the above office during regular business hours or can be viewed at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Jeanette Palmer, Marketing Specialist, Research and Promotion Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue, SW., Room 0632, Stop 0244, Washington, DC 20250–0244; telephone: (202) 720–9915; or fax: (202) 205–2800; or e-mail: *Jeanette.Palmer@usda.gov.*

SUPPLEMENTARY INFORMATION: This rule is issued under the Peanut Promotion, Research, and Information Order [7 CFR Part 1216]. The Order is authorized under the Commodity Promotion, Research, and Information Act of 1996 [7 U.S.C. 7411–7425].

Executive Order 12866

The Office of Management and Budget has waived the review process required by Executive Order 12866 for this action.

Executive Order 12988

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. The rule is not intended to have a retroactive effect and will not affect or preempt any other State or Federal law authorizing promotion or research relating to an agricultural commodity.

The 1996 Act provides that any person subject to an order may file a written petition with the Department of Agriculture (Department) if they believe that the order, any provision of the order, or any obligation imposed in connection with the order, is not established in accordance with the law. In any petition, the person may request a modification of the order or an exemption from the order. The petitioner is afforded the opportunity for a hearing on the petition. After a hearing, the Department would rule on the petition. The 1996 Act provides that the district court of the United States in any district in which the petitioner resides or conducts business shall have the jurisdiction to review the Department's ruling on the petition, provided a complaint is filed not later than 20 days after the date of the entry of the ruling.

Regulatory Flexibility Analysis

In accordance with the Regulatory Flexibility Act (RFA) [5 U.S.C. 601–612], AMS has examined the economic impact of this rule on small entities that would be affected by this rule. The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened.

The Small Business Administration defines, in 13 CFR part 121, small agricultural producers as those having annual receipts of no more than $750,000 and small agricultural service firms as having receipts of no more than $6,500,000 million.

There are approximately 10,840 producers and 33 handlers of peanuts who are subject to the program. Most producers would be classified as small businesses under the criteria established by the Small Business Administration [13 CFR 121.201], and most of the handlers would not be classified as small businesses.

The Department's National Agricultural Statistics Service (NASS), reports U.S. peanut production from the 10 major peanut-producing states. The combined production from these states totaled 3.74 billion pounds in 2007. NASS data indicates that Georgia was the largest producer (44 percent of the total U.S. production), followed by Texas (20 percent), Alabama (11 percent), Florida (9 percent), North Carolina (7 percent), South Carolina (5 percent), Mississippi (2 percent), Oklahoma (2 percent), Virginia (2 percent), and New Mexico (1 percent). According to the 2002 Census of Agriculture, small amounts of peanuts were also grown in six other states. NASS data indicates that the farm value of the peanuts produced in the top 10 states in 2007 was $763 million.

Three main types of peanuts are grown in the United States: Runners, Virginia, and Spanish. The southeast growing region grows mostly the medium-kernel Runner peanuts. The southwest growing region used to grow two-thirds Spanish and one-third Runner peanuts, but now more Runners than Spanish are grown. Virtually all of the Spanish peanut production is in Oklahoma and Texas. In the Virginia-Carolina region, mainly large-kernel Virginia peanuts are grown. New Mexico grows a fourth type of peanut, the Valencia.

According to the Department's *Agricultural Statistics* report, in 2005 there were 10,840 commercial producers of peanuts in the United States. If that number of growers is divided into the total U.S. production in 2005, the resulting average is 449,249 pounds of peanuts per grower. Peanuts produced during 2005 provided average

gross sales of $77,808 per peanut producer, and the total value of the 2005 crop was approximately $843 million. During the 2005/2006 marketing season (which began August 1, 2005), the per capita consumption of peanuts in the United States was 6.6 pounds, the same as in the 2004/2005 season.

Peanut manufacturers produce three principal peanut products: peanut butter, packaged nuts (including salted, unsalted, flavored, and honey-roasted nuts), and peanut candies. In most years, half of all peanuts produced in the United States for edible purposes are used to manufacture peanut butter. Packaged nuts account for almost one-third of all processed peanuts. Some of these (commonly referred to as ''ballpark'' peanuts) are roasted in the shell, while a much larger quantity is used as shelled peanuts packed as dry-roasted peanuts, salted peanuts, and salted mixed nuts. Some peanuts are ground to produce peanut granules and flour. Other peanuts are crushed to produce oil.

According to the Department's Foreign Agricultural Service, exports of the United States peanuts (including peanut meal, oil, and peanut butter expressed in peanut equivalents) totaled 743 million in-shell equivalent pounds in calendar year 2006, with a value of $228 million (U.S. point of departure for the foreign country). Of the total quantity, 60 percent was shelled peanuts used as nuts, 19 percent was in peanut butter, 8 percent was blanched or otherwise prepared or preserved peanuts, 4 percent was in-shell peanuts, and 3 percent was shelled oil stock peanuts. The remaining 6 percent represents peanuts exported as either a meal or oil.

The major destinations in 2006 for domestic shelled peanuts for use as nuts are Canada, Mexico, the Netherlands, and Russia. Blanched or otherwise prepared peanuts are sent mainly to Western Europe, especially Norway, Denmark, and Spain. In-shell peanuts are mainly exported to Canada and various countries in Western Europe. Peanut butter is sent to many countries, with the largest amounts going to Canada, Mexico, and Germany. Peanut oil and oil stock peanuts are exported world-wide, but major destinations can vary from year to year.

Approximately 164 million in-shell equivalent pounds of peanuts and peanut butter were imported in 2006 with a combined value (freight on board country of origin) of $45 million.

Peanut butter accounted for about 63 percent of the total quantity of nuts (in-shell basis) imported in 2006. Most peanut butter imports come from Canada, Mexico, and Argentina. The other major import category—processed peanuts, are shipped mainly from China. Imports of oil stock shelled peanuts and peanut meal were negligible in the United States.

Most peanuts produced in other countries are crushed for oil and protein meal. The United States is the main producer of peanuts used in such edible products as peanut butter, roasted peanuts, and peanut candies. Peanuts are one of the world's principal oilseeds, ranking fourth behind soybeans, cottonseed, and rapeseed. India and China usually account for half of the world's peanut production.

The Board is currently composed of 10 producer members and their alternates. There is one producer member and alternate from each of the nine major peanut-producing states (in descending order—Georgia, Texas, Alabama, Florida, North Carolina, South Carolina, Oklahoma, Virginia, and New Mexico) and one at-large member and alternate representing all other peanut-producing states. However, based on the Board's review of the geographical distribution of the production of peanuts, Mississippi is now considered a major peanut-producing state. The Order requires this review at least every five years. The Board membership would move from 10 members and their alternates to 11 members and their alternates.

The addition of a producer member and alternate would be consistent with section 1216.40(b) of the Order which indicates that at least once during each five-year period, the Board shall review the geographical distribution of peanuts and make recommendation to the Secretary of Agriculture (Secretary) to continue without change or whether changes should be made in the number of representatives on the Board to reflect changes in the geographical distribution of the production of peanuts.

The Order became effective on July 30, 1999, and it contains provision to add a producer member and alternate if the State meets and maintains a three-year average production of at least 10,000 tons of peanuts. At the Board's December 4–5, 2007, meeting, the Board voted unanimously to add the State of Mississippi as a primary peanut-producing state contingent on the NASS data for the 2007 crop year showing that Mississippi has maintained a three-year average annual peanut production of at least 10,000 tons per year. The most recent NASS data shows that for the years 2005, 2006, and 2007 Mississippi produced 22,400 tons, 23,200 tons, and 29,700 tons of peanuts respectively. Based on this data, the three-year average annual peanut production for Mississippi totals 22,410 tons per year (67,232 divided by 3), which well exceeds the threshold set in the Order.

With regard to alternatives, the Board reviewed the peanut distribution for all the minor peanut-producing states, and Mississippi was the only State that met the Order's requirement for a three-year average peanut production of at least 10,000 tons.

Nominations and appointments to the Board are conducted pursuant to sections 1216.40, 1216.41, and 1216.43 of the Order. Appointments to the Board are made by the Secretary from a slate of nominated candidates. Pursuant to section 1216.41(a) of the Order, eligible peanut producer organizations within the State shall nominate two qualified persons for each member and each alternate member. The nomination meeting must be announced 30 days in advance. The nominees should be elected at an open meeting among peanut producers eligible to serve on the Board. At the nomination meeting, the Department will be present to oversee and to verify eligibility and count ballots. The nominees for the producer member and alternate member will be submitted to the Secretary for appointment to the Board.

In accordance with the Office of Management and Budget (OMB) regulation [5 CFR part 1320] which implements the Paperwork Reduction Act of 1995 [44 U.S.C. Chapter 35], the background form, which represents the information collection and recordkeeping requirements that may be imposed by this rule, was previously submitted to and approved by OMB under OMB Number 0505–0001.

The public reporting burden is estimated to increase by an average 0.5 hours per response for each of the four producers. The estimated annual cost of providing the information by the four producers would be $19.80 or $4.95 per producer. This additional burden will be included in the existing information collections approved for use under OMB Number 0505–0001.

With regard to information collection requirements, adding a producer member and alternate member representing the State of Mississippi for the Board means that four additional producers will be required to submit background forms to the Department in order to be considered for appointment to the Board. Four producers will be affected because two names must be submitted to the Secretary for consideration for each position on the Board. However, serving on the Board is optional, and the burden of submitting the background form would be offset by

the benefits of serving on the Board. The estimated annual cost of providing the information by four producers would be $19.80 for all four producers or $4.95 per producer.

The Department has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

We have performed this Initial Regulatory Flexibility Analysis regarding the impact of this proposed amendment to the Order on small entities, and we invite comments concerning the effects of this amendment on small businesses.

Background

The Order became effective on July 30, 1999, and is authorized under the 1996 Act. The Board is composed of 10 producer members and their alternates: One member and alternate from each primary peanut-producing state (in descending order—Georgia, Texas, Alabama, Florida, North Carolina, South Carolina, Oklahoma, Virginia, and New Mexico) and one at-large member and alternate collectively from the minor peanut-producing states. The members and alternates are nominated by producers or producer groups.

Under the Order, the Board administers a nationally coordinated program of promotion, research, and information designed to strengthen the position of peanuts in the market place and to develop, maintain, and expand the demand for peanuts in the United States. Under the program, all peanut producers pay an assessment of one percent of the total value of all farmers stock peanuts. The assessments are remitted to the Board by handlers and, for peanuts under loan, by the Commodity Credit Corporation.

Pursuant to section 1216.40 (b) of the Order, at least once in each five-year period, the Board shall review the geographical distribution of peanuts in the United States and make a recommendation to the Secretary to continue without change or whether changes should be made in the number of representatives on the Board to reflect changes in the geographical distribution of the production of peanuts.

The Board reviewed the most recent NASS data and it reported that in 2005, 2006, and 2007 Mississippi produced 22,400 tons, 23,200 tons, and 29,700 tons of peanuts respectively. Based on this data, the three-year average annual peanut production for Mississippi totals 22,410 tons per year (67,232 divided by 3) which exceeds the requirement set in the Order of 10,000 pounds per year to become a major peanut-producing state. In addition, NASS data showed that Mississippi has produced two percent of the total United States peanut crop which is the same as Oklahoma and Virginia, two of the primary peanut-producing states. At the Board's December 4–5, 2007, meeting, the Board voted unanimously to add Mississippi as a primary peanut-producing state.

Therefore, the addition of a producer member and alternate would carry out the recommendations of the Board. This action will add to the Board a member and an alternate from Mississippi which has become a primary peanut-producing state. The addition of a producer member and alternate member would allow Mississippi representation on the Board's decision making and also potentially provide an opportunity to increase diversity on the Board.

Furthermore, this rule would make amendments to sections 1216.15 and 1216.21 of the Order to add the State of Mississippi as a primary peanut-producing state. Also, this rule would revise sections 1216.40(a) and 1216.40(a)(1) of the Order to specify that the Board will be composed of 11 peanut producer members and their alternates rather than 10.

Nominations and appointments to the Board are conducted pursuant to sections 1216.40, 1216.41, and 1216.43 of the Order. Appointments to the Board are made by the Secretary from a slate of nominated candidates. Pursuant to section 1216.41(a) eligible peanut producer organizations within the State as certified pursuant to section 1216.70 shall nominate two qualified persons for each member and each alternate member. The nomination meeting must be announced 30 days in advance. The nominees should be elected at an open meeting among peanut producers eligible to serve on the Board. At the nomination meeting, the Department will be present to oversee and to verify eligibility and count ballots. The nominees for the producer member and alternate member will be submitted to the Secretary for appointment to the Board.

The Mississippi nomination process would begin in 2008; however, if this process is not in effect by the Spring of 2008, then Mississippi would not be able to have representation on the Board until 2010. Accordingly, pursuant to 5 U.S.C. 553, it is found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect and good cause exists for not postponing the effective date of this rule until 30 days after publication in the **Federal Register** because this rule will allow the upcoming nominations and appointments to be conducted in time for the Mississippi members to be appointed to begin during the next term of office. The Board's term of office would begin on January 1, 2009, and end December 31, 2011. For the same reasons, a 30-day period is provided for interested persons to comment on this rule.

List of Subjects in 7 CFR Part 1216

Administrative practice and procedure, Advertising, Consumer information, Marketing agreements, Peanut promotion, Reporting and recordkeeping requirements.

■ For the reasons set forth in the preamble, 7 CFR part 1216 is amended as follows:

PART 1216—PEANUT PROMOTION, RESEARCH, AND INFORMATION ORDER

■ 1. The authority citation for part 1216 continues to read as follows:

Authority: 7 U.S.C. 7411–7425.

■ 2. Section 1216.15 is revised to read as follows:

§ 1216.15 Minor peanut-producing states.

Minor peanut-producing states means all peanut-producing states with the exception of Alabama, Florida, Georgia, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Texas, and Virginia.

■ 3. Section 1216.21 is revised to read as follows:

§ 1216.21 Primary peanut-producing states.

Primary peanut-producing states means Alabama, Florida, Georgia, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Texas, and Virginia, *Provided,* these states maintain three-year average production of at least 10,000 tons of peanuts.

■ 4. Section 1216.40, paragraphs (a) introductory text and (a)(1) are revised to read as follows:

§ 1216.40 Establishment and membership.

(a) *Establishment of a National Peanut Board.* There is hereby established a National Peanut Board, hereinafter called the Board, composed of no more than 11 peanut producers and alternates, appointed by the Secretary from nominations as follows:

(1) *Ten members and alternates.* One member and one alternate shall be appointed from each primary peanut-producing state, who are producers and whose nominations have been submitted by certified peanut producer

organizations within a primary peanut-producing state.

* * * * *

Dated: March 13, 2008.

Lloyd C. Day,

Administrator, Agricultural Marketing Service.

[FR Doc. E8–5652 Filed 3–19–08; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

12 CFR Part 32

[Docket No. OCC–2008–0005]

RIN 1557–AD08

Lending Limits

AGENCY: Office of the Comptroller of the Currency, Treasury.

ACTION: Interim final rule with request for comment.

SUMMARY: The Office of the Comptroller of the Currency (OCC) is issuing an interim final rule to add a provision to its part 32 lending limits regulation that will address temporary funding arrangements in emergency situations. The interim final rule will enable the OCC to establish a special lending limit for loans and extensions of credit that the OCC determines are essential to address an emergency situation (such as critical financial markets stability), will be of short duration, will be reduced in amount in a timeframe and manner acceptable to the OCC, and do not present unacceptable risk to the lending national bank. In granting approval for a special temporary lending limit, the OCC would impose supervisory oversight and reporting measures that it determines are appropriate.

DATES: *Effective Date:* This rule is effective on March 20, 2008. *Comment Date:* Comments must be received by April 21, 2008.

ADDRESSES: Because paper mail in the Washington, DC area and at the OCC is subject to delay, commenters are encouraged to submit comments by e-mail, if possible. Please use the title ''Lending Limits'' to facilitate the organization and distribution of the comments. You may submit comments by any of the following methods:

- *Federal eRulemaking Portal—''Regulations.gov'':* Go to *http://www.regulations.gov*, under the ''More Search Options'' tab click next to the ''Advanced Docket Search'' option where indicated, select ''Comptroller of the Currency'' from the agency drop-down menu, then click ''Submit.'' In the ''Docket ID'' column, select ''OCC–2008–0005'' to submit or view public comments and to view supporting and related materials for this interim final rule. The ''How to Use This Site'' link on the Regulations.gov home page provides information on using Regulations.gov, including instructions for submitting or viewing public comments, viewing other supporting and related materials, and viewing the docket after the close of the comment period.
- *E-mail: regs.comments@occ.treas.gov*.
- *Mail:* Office of the Comptroller of the Currency, 250 E Street, SW., Mail Stop 1–5, Washington, DC 20219.
- *Fax:* (202) 874–4448.
- *Hand Delivery/Courier:* 250 E Street, SW., Attn: Public Information Room, Mail Stop 1–5, Washington, DC 20219.

Instructions: You must include ''OCC'' as the agency name and ''Docket Number OCC–2008–0005'' in your comment. In general, OCC will enter all comments received into the docket and publish them on the Regulations.gov Web site without change, including any business or personal information that you provide such as name and address information, e-mail addresses, or phone numbers. Comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not enclose any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

You may review comments and other related materials that pertain to this interim final rule by any of the following methods:

- *Viewing Comments Electronically:* Go to *http://www.regulations.gov*, under the ''More Search Options'' tab click next to the ''Advanced Document Search'' option where indicated, select ''Comptroller of the Currency'' from the agency drop-down menu, then click ''Submit.'' In the ''Docket ID'' column, select ''OCC–2008–0005'' to view public comments for this rulemaking action.
- *Viewing Comments Personally:* You may personally inspect and photocopy comments at the OCC's Public Information Room, 250 E Street, SW., Washington, DC. For security reasons, the OCC requires that visitors make an appointment to inspect comments. You may do so by calling (202) 874–5043. Upon arrival, visitors will be required to present valid government-issued photo identification and submit to security screening in order to inspect and photocopy comments.
- *Docket:* You may also view or request available background documents and project summaries using the methods described above.

FOR FURTHER INFORMATION CONTACT: Patrick T. Tierney, Senior Attorney, Legislative and Regulatory Activities Division, (202) 874–5090; Stuart Feldstein, Assistant Director, Legislative and Regulatory Activities Division, (202) 874–5090; or Steven V. Key, Special Counsel, Bank Activities and Structure Division, (202) 874–5300, Office of the Comptroller of the Currency, 250 E Street, SW., Washington, DC 20219.

SUPPLEMENTARY INFORMATION:

Background

The percentage of capital and surplus that a national bank may loan to any one borrower is limited by 12 U.S.C. 84. Generally, section 84 and the OCC's implementing regulations, 12 CFR part 32, permit a national bank to make loans in an amount up to 15 percent of its unimpaired capital and surplus to a single borrower. A national bank also may extend credit up to an additional 10 percent of unimpaired capital and surplus to the same borrower if the amount of the loan that exceeds the 15 percent limit is secured by specified types of collateral. Part 32 refers to these lending limits as the ''combined general limit.'' The statute and regulation also provide exceptions to the combined general limit for various types of loans and extensions of credit.

12 CFR 32.3(c)(7) of the OCC's current regulations include an exemption from the combined general limit for loans and extensions of credit approved by the OCC to a ''financial institution'' when an emergency situation exists. For purposes of this exception, a ''financial institution'' is defined as a commercial bank, savings bank, trust company, savings association, or credit union.

Recent market conditions have highlighted that emergency situations may exist where temporary exemptions from the lending limits may be appropriate for loans and extensions of credit to other types of parties. National banks, in their established role as lenders and financial intermediaries, can be a crucial source of liquidity in such situations, provided the emergency funding is of limited duration, does not present unacceptable risk, and is subject to appropriate safeguards. 12 U.S.C. 84(d)(1) provides the OCC with rulemaking authority ''to administer and carry out the purposes'' of the lending limit statute, including authority ''to

establish limits other than those specified in this section for particular classes or categories of loans or extensions of credit.'' [1] Accordingly, the OCC is amending part 32 to add a provision that creates a special lending limit for temporary funding arrangements for loans and extensions of credit that the OCC determines are essential to address emergency situations, which would include critical financial markets stability, subject to certain conditions, described below.

This additional lending limit category is based upon, but more limited than, the OCC's existing authority under § 32.3(c)(7) to approve and exempt from the general lending limit loans or extensions of credit by a national bank to a ''financial institution'' when an emergency situation exists.

Description of the Interim Final Rule

The interim final rule adds a new § 32.8 that permits an eligible bank,[2] with the written approval of the OCC, to make loans and extensions of credit to one borrower subject to a special temporary lending limit established by the OCC, where the OCC determines that such loans and extensions of credit are essential to address an emergency situation (such as critical financial markets stability), will be of short duration, will be reduced in amount in a timeframe and manner acceptable to the OCC, and do not present unacceptable risk. In granting approval for such a special temporary lending limit, the OCC will impose supervisory oversight and reporting measures that it determines are appropriate to monitor compliance with the standards contained in new § 32.8. The § 32.8 special temporary lending limit is in addition to the amount a national bank may lend to one borrower under § 32.3, i.e., the combined general lending limit and applicable exceptions.

Effective Date; Solicitation of Comments

This interim final rule will become effective immediately upon publication in the **Federal Register**. Pursuant to the Administrative Procedure Act (APA), at 5 U.S.C. 553(b)(B), notice and an opportunity for public comment are not required prior to the issuance of a final rule if an agency, for good cause, finds that ''notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.'' [3] Similarly, a final rule may be published with an immediate effective date if an agency finds good cause and publishes such with the rule. 5 U.S.C. 553(d)(3).

Consistent with section 553(b)(B) of the APA, the OCC finds that good cause exists for a finding that notice and comment is impracticable and contrary to the public interest. As previously described, temporary funding arrangements in emergency situations are critical to maintain the orderly functioning of markets and provide market liquidity. Completion of notice and comment rulemaking procedures prior to issuing this interim final rule would require delaying implementation of the final rule. In the current market environment, such a delay is impracticable and inconsistent with the public interest since it may result in undue constraint on the national banks' ability to perform critical lending and financial intermediary roles which are critical to the orderly functioning and liquidity of markets. Issuance of this interim final rule furthers the public interest because it will provide the OCC with an additional tool that will help ensure the safety and soundness of national banks and liquidity to the credit markets. For the same reasons, the OCC finds good cause to publish this rule with an immediate effective date. *See* 5 U.S.C. 553(d)(3).

Although notice and comment are not required prior to the effective date of this rule, the OCC invites comments on all aspects of this interim final rule and intends to revise the interim final rule if necessary or appropriate in light of the comments received.

Solicitation of Comments on Use of Plain Language

The OCC also requests comment on whether the interim final rule is written clearly and is easy to understand. On June 1, 1998, the President issued a memorandum directing each agency in the Executive branch to write its rules in plain language. This directive applies to all new proposed and interim rulemaking documents issued on or after January 1, 1999. In addition, Public Law 106–102 requires each Federal agency to use plain language in all proposed and interim final rules published after January 1, 2000. The OCC invites comments on how to make this rule clearer. For example, you may wish to discuss:

(1) Whether we have organized the material to suit your needs;

(2) Whether the requirements of the rule are clear; or

(3) Whether there is something else we could do to make the rule easier to understand.

Regulatory Flexibility Act Analysis

The Regulatory Flexibility Act (Pub. L. 96–354, Sept. 19, 1980) (RFA) applies only to rule making actions for which an agency publishes a general notice of proposed rulemaking pursuant to 5 U.S.C. 553(b).[4] Because the OCC has determined for good cause that the Administrative Procedure Act does not require public notice and comment on this interim final rule, we are not publishing a general notice of proposed rulemaking. Thus, the RFA does not apply to this interim final rule.

Executive Order 12866

The OCC has determined that this interim final rule is not a significant regulatory action under Executive Order 12866.

Unfunded Mandates Reform Act of 1995 Determinations

Section 202 of the Unfunded Mandates Reform Act of 1995 [5] (Unfunded Mandates Act) requires that an agency prepare a budgetary impact statement before promulgating any rule likely to result in a Federal mandate that may result in the expenditure by state, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year. If a budgetary impact statement is required, section 205 of the Unfunded Mandates Act also requires the agency to identify and consider a reasonable number of regulatory alternatives before promulgating the rule. The OCC has determined that this interim final rule will not result in a Federal mandate that would result in expenditures by state, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year. Accordingly, the OCC has not prepared a budgetary impact statement or specifically addressed the regulatory alternatives considered.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3506; 5 CFR part 1320 Appendix A.1), we have reviewed the interim final rule to assess any information collections. There are no collections of information

[1] This authority is in addition to OCC's general rulemaking authority found at 12 U.S.C. 93a, upon which the OCC also relies for purposes of issuing the 12 CFR part 32 lending limits regulations.

[2] For purposes of part 32, ''eligible bank'' means a national bank that (1) is ''well capitalized'' as defined in 12 CFR 6.4(b)(1); and (2) has a composite rating of 1 or 2 under the Uniform Financial Institutions Rating System in connection with the bank's most recent examination or subsequent review, with at least a rating of 2 for asset quality and for management. *See* 12 CFR 32.2(i).

[3] 5 U.S.C. 553(b)(B).

[4] 5 U.S.C. 601(2).

[5] 2 U.S.C. 1532.

as defined by the Paperwork Reduction Act in the interim final rule.

Lists of Subjects in 12 CFR Part 32

Lending limits.

Authority and Issuance

■ For the reasons set forth in the preamble, part 32 of chapter I of title 12 of the Code of Federal Regulations is amended as follows:

PART 32—LENDING LIMITS

■ 1. The authority citation for part 32 continues to read as follows:

Authority: 12 U.S.C. 1 *et seq.*, 84, and 93a.

■ 2. Add § 32.8 to read as follows:

§ 32.8 Temporary funding arrangements in emergency situations.

In addition to the amount that a national bank may lend to one borrower under § 32.3 of this part, an eligible bank with the written approval of the OCC may make loans and extensions of credit to one borrower subject to a special temporary lending limit established by the OCC, where the OCC determines that such loans and extensions of credit are essential to address an emergency situation, such as critical financial markets stability, will be of short duration, will be reduced in amount in a timeframe and manner acceptable to the OCC, and do not present unacceptable risk. In granting approval for such a special temporary lending limit, the OCC will impose supervisory oversight and reporting measures that it determines are appropriate to monitor compliance with the foregoing standards as set forth in this paragraph.

Dated: March 17, 2008.

John C. Dugan,

Comptroller of the Currency.

[FR Doc. E8–5724 Filed 3–19–08; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2007–0205; Airspace Docket No. 07–ANM–17]

Establishment of Class E Airspace; Walden, CO

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action will establish Class E airspace at Walden, CO. Additional Class E airspace is necessary to accommodate aircraft using a new Area Navigation (RNAV) Global Positioning System (GPS) Standard Instrument Approach Procedure (SIAP) at Walden-Jackson County Airport. This will improve the safety of Instrument Flight Rules (IFR) aircraft executing the new RNAV GPS SIAP at Walden-Jackson County Airport, Walden, CO.

DATES: *Effective Date:* 0901 UTC, June 5, 2008. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

FOR FURTHER INFORMATION CONTACT: Eldon Taylor, Federal Aviation Administration, System Support Group, Western Service Area, 1601 Lind Avenue, SW., Renton, WA 98057; telephone (425) 203–4537.

SUPPLEMENTARY INFORMATION:

History

On January 18, 2008, the FAA published in the **Federal Register** a notice of proposed rulemaking to establish Class E airspace at Walden, CO (73 FR 3431). This action would improve the safety of IFR aircraft executing this new RNAV GPS SIAP approach procedure at Walden-Jackson County Airport, Walden, CO. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

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

The Rule

This action amends Title 14 Code of Federal Regulations (14 CFR) part 71 by establishing Class E airspace at Walden, CO. Additional controlled airspace is necessary to accommodate IFR aircraft executing a new RNAV (GPS) approach procedure at Walden-Jackson County Airport, Walden, CO.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. The FAA's authority to issue rules regarding aviation safety is found in title 49 of the U.S. Code. Subtitle 1, Section 106 discusses the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it establishes controlled airspace at Walden-Jackson County Airport, Walden, CO.

List of Subjects in 14 CFR Part 17

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

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

§ 71.1 [Amended]

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

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

* * * * *

ANM CO, E5 Walden, CO [New]

Walden-Jackson County Airport, CO
(Lat. 40°45′01″ N., long. 106°16′17″ W.)

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Walden-Jackson County Airport, and

within 4 miles each side of the 342° bearing from the airport extending from the 5-mile radius to V–524 northwest of the airport.

* * * * *

Issued in Seattle, Washington, on March 7, 2008.

Kevin Nolan,

Acting Manager, System Support Group, Western Service Center.

[FR Doc. 08–1028 Filed 3–19–08; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2008–0024; Airspace Docket No. 08–AGL–4]

Amendment of Class E Airspace; Black River Falls, WI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; withdrawal.

SUMMARY: A direct final rule, published in the **Federal Register** February 11, 2008, (73 FR 7668), FAA Docket No. FAA–2008–0024, establishing Class E airspace at Black River Falls Area Airport, is being withdrawn. The FAA has found that Class E airspace already exists for the area, and therefore, substantial corrections would need to be made. In the interest of clarity, this rule is being withdrawn, and a new rulemaking amending the existing airspace will be forthcoming.

DATES: *Effective Date:* 0901 UTC March 20, 2008.

FOR FURTHER INFORMATION CONTACT: Joe Yadouga, Central Service Center, System Support Group, Federal Aviation Administration, Southwest Region, Fort Worth, Texas 76193–0530; telephone number (817) 222–5597.

SUPPLEMENTARY INFORMATION:

History

On Monday, February 11, 2008, a direct final rule was published in the **Federal Register** (73 FR 7668), Docket No. FAA–2008–0024, establishing Class E airspace at 08–AGL–04 2 Black River Falls Area Airport, Black River Falls, WI. Subsequent to publication, the FAA found that Class E airspace already exists for this area. The FAA feels a correction to this rulemaking would be confusing. Therefore, the FAA is withdrawing this direct final rule and will replace it with an amendment to the existing Class E airspace for Black River Falls, WI.

Withdrawal of Direct Final Rule

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration withdraws the direct final rule published in the **Federal Register** February 11, 2008 (73 FR 7668).

* * * * *

Issued in Fort Worth, TX, on March 5, 2008.

Donald R. Smith,

Manager, System Support Group, ATO Central Service Center.

[FR Doc. E8–5165 Filed 3–19–08; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2008–0126; Airspace Docket No. 08–AGL–2]

Amendment of Class E Airspace; Indianapolis, IN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; withdrawal.

SUMMARY: A direct final rule, published in the **Federal Register** February 4, 2008, (73 FR 6424), Docket No. FAA–2008–026, establishing Class E airspace at Hendricks County-Gordon Graham Field Airport, Indianapolis, IN, is being withdrawn.

The FAA has found that Class E airspace already exists for the Indianapolis, IN, area, and therefore, substantial corrections would need to be made. In the interest of clarity, this rule is being withdrawn, and a new rulemaking amending the existing airspace will be forthcoming.

DATES: *Effective Date:* 0901 UTC March 20, 2008.

FOR FURTHER INFORMATION CONTACT: Joe Yadouga, Central Service Center, System Support Group, Federal Aviation Administration, Southwest Region, Fort Worth, TX 76193–0530; telephone (817) 222–5597; Airspace Docket No. 08–AGL–02.

SUPPLEMENTARY INFORMATION:

History

On Monday, February 4, 2008, a direct final rule was published in the **Federal Register** (73 FR 6424), Docket No. FAA–2008–0024, establishing Class E airspace at Hendricks County-Gordon Graham Field Airport, Indianapolis, IN. Subsequent to publication, the FAA found that Class E airspace already exists for the Indianapolis area. The FAA feels a correction to this rulemaking would be confusing. Therefore, the FAA is withdrawing the direct final rule and will replace it with an amendment to the existing Class E airspace for Indianapolis, IN.

Issued in Fort Worth, TX, on March 7, 2008.

Donald R. Smith,

Manager, System Support Group, ATO Central Service Center.

[FR Doc. E8–5367 Filed 3–19–08; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2008–0003; Airspace Docket No. 08–ASW–1]

Establishment of Class E Airspace; Lexington, OK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; withdrawal.

SUMMARY: A direct final rule, published in the **Federal Register** February 11, 2008 (73 FR 7667) FAA Docket No. 2008–0003, is being withdrawn. This copy of the rule was inadvertently sent to the **Federal Register**. The direct final rule establishing Class E airspace at Muldrow Army Heliport, Lexington, OK, published February 15, 2008, (73 FR 8795) is the correct rule.

DATES: *Effective Date:* 0901 UTC March 20, 2008.

FOR FURTHER INFORMATION CONTACT: Joe Yadouga, Central Service Center, System Support Group, Federal Aviation Administration, Southwest Region, Fort Worth, Texas 76193–0530; telephone number (817) 222–5597.

SUPPLEMENTARY INFORMATION:

History

On Monday, February 11, 2008, a direct final rule establishing Class E Airspace at Muldrow Army Heliport, Lexington, OK, was inadvertently published in the **Federal Register** (73 FR 7667) FAA Docket No. 2008–0003. On Friday, February 15, 2008, another direct final rule for the same airspace, with minor changes to the geographic location, also was published in the **Federal Register** (73 FR 8795). The FAA is withdrawing the first direct final rule, published in the **Federal Register** February 11, 2008 (73 FR 7667).

Withdrawal of Direct Final Rule

Accordingly, pursuant to the authority delegated to me, the Federal

Aviation Administration withdraws the direct final rule published in the **Federal Register** February 11, 2008 (73 FR 7667).

* * * * *

Issued in Fort Worth, TX, on March 5, 2008.

Donald R. Smith,

Manager, System Support Group, ATO Central Service Center.

[FR Doc. E8–5164 Filed 3–19–08; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 522

Implantation or Injectable Dosage Form New Animal Drugs; Oxytetracycline Solution

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 Norbrook Laboratories, Ltd. The supplemental NADA provides for changing scientific nomenclature for a bovine pathogen on labeling for 300 milligrams per milliliter (mg/mL) strength oxytetracycline injectable solution.

DATES: This rule is effective March 20, 2008.

FOR FURTHER INFORMATION CONTACT: Joan C. Gotthardt, Center for Veterinary Medicine (HFV–130), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 240–276–8342, e-mail: *joan.gotthardt@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION: Norbrook Laboratories, Ltd., Station Works, Newry, BT35 6JP, Northern Ireland, filed a supplement to NADA 141–143 for TETRADURE 300 (oxytetracycline) Injection used for the treatment of various bacterial diseases of cattle and swine. The supplemental NADA provides for changing a bovine pathogen genus from *Haemophilus* to *Histophilus* on product labeling. The supplemental NADA is approved as of February 8, 2008, and the regulations are amended in 21 CFR 522.1660b 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.

■ 2. In § 522.1660, revise the section heading to read as follows:

§ 522.1660 Oxytetracycline injectable dosage forms.

■ 3. In § 522.1660a, revise the section heading to read as follows:

§ 522.1660a Oxytetracycline solution, 200 milligrams/milliliter.

§ 522.1660b [Amended]

■ 4. In § 522.1660b, in the section heading, remove ''injection, 300 milligram/milliliter'' and in its place add ''solution, 300 milligrams/milliliter''; in paragraph (e)(1)(i)(A), remove ''*Haemophilus* spp.'' and in its place add ''*Histophilus* spp.''; and in the fourth sentence in paragraph (e)(1)(ii), remove ''in cattle''.

Dated: March 6, 2008.

Bernadette Dunham,

Director, Center for Veterinary Medicine.

[FR Doc. E8–5598 Filed 3–19–08; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF STATE

22 CFR Parts 41 and 42

[Public Notice: 6135]

Visas: Documentation of Immigrants and Nonimmigrants —Visa Classification Symbols

AGENCY: State Department.

ACTION: Final rule.

SUMMARY: The Department is amending its regulations to add new classification symbols to the immigrant and nonimmigrant classification tables. The amendment is necessary to implement legislation that has created additional immigrant and nonimmigrant classifications as described herein. Additionally, the Department is removing immigrant classifications that have become obsolete as a result of either their deletion from the Immigration and Nationality Act ''INA'' or the expiration of legislative provisions that had temporarily authorized them. This rule also corrects typographical errors noted in the tables.

DATES: This rule is effective March 20, 2008.

FOR FURTHER INFORMATION CONTACT: Barbara J. Kennedy, Legislation and Regulations Division, Visa Services, U.S. Department of State, Washington, DC 20520–0106, phone (202) 663–1206.

SUPPLEMENTARY INFORMATION:

Which immigrant classifications are being added?

The new immigrant classification symbols listed are for children residing habitually in Hague Adoption Convention countries who have been or will be adopted by U.S. citizens who are habitually residents in the United States (IH3, IH4), and for two additional classes of special immigrants: certain nationals of Afghanistan and Iraq employed by the U.S. Government in Afghanistan or Iraq as translators or interpreters (SI1, SI2, SI3), and certain Iraqis employed by or on behalf of the U.S. Government in Iraq (SQ1, SQ2, SQ3).

Which nonimmigrant classifications are being added?

Added to the nonimmigrant classification tables are symbols for certain nationals of Australia in a specialty occupation (E3), spouses and children accompanying or following to join E3 principal aliens (E3D), E3 principal aliens who are applying for a new visa when there has been uninterrupted continuity of employment (E3R); treaty aliens from

Singapore and Chile in a specialty occupation (H1B1); unmarried siblings under age 18 of an alien under 21 years of age who has qualified for T1 classification as a victim of a ''severe form of trafficking in persons'' (T5); and unmarried siblings under age 18 of an alien under 21 years of age who has qualified for U1 classification as a victim of certain types of criminal activity helpful in the investigation or prosecution of such activity (U5).

Which immigrant classifications are being removed?

The Department of State is removing the immigrant classification symbol for one class of special immigrant: certain aliens employed at the United States Mission in Hong Kong (SEH) or members of their immediate families. The authority for special immigrant status for that class applied only to aliens who had filed applications for such status by January 1, 2002. Also being removed are two of the five symbols for special immigrants who were recruited outside the United States into the U.S. armed forces and have served or are enlisted in the U.S. armed forces for 12 years and their spouses and children. The deleted symbols pertain to those service members (SM4) and spouses and children (SM5) who became eligible as of the date of enactment (October 1, 1991). Also being deleted is the reference to the date of enactment from the class description for the SM1 classification symbol because the INA provision that was the reason for the additional symbols and the significance of that date was deleted from the INA. As amended, the regulation will provide three SM classification symbols that encompass such service members, spouses, and children without reference to the date they became eligible.

What is the background for the new immigrant visa classifications (IH3 and IH4) for a child from a Hague Convention country?

Section 302 of the Intercountry Adoption Act of 2000, Public Law 106–279, amended the INA by adding a new section 101(b)(1)(G), effective upon the entry into force for the United States of the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption done at the Hague on May 29, 1993, to accord a classification of immediate relative under section 201(b) to a child who has been adopted in a foreign state, or a child who is emigrating from a foreign state to be adopted in the United States, when the foreign state is a party to the Convention. On December 12, 2007, the United States deposited its instrument of ratification for the Convention. In accordance with the terms of the Convention, it will enter into force with respect to the United States on April 1, 2008.

What is the background for the new immigrant visa classifications (SI1, SI2, SI3) for aliens employed by the U.S. Government in Iraq or Afghanistan as translators or interpreters, spouse of SI1, and child of SI1?

Section 1059 of the National Defense Authorization Act for Fiscal Year 2006, Public Law 109–163, as amended by section 3812 of Public Law 110–28, created the new special immigrant classification for certain self-petitioning translators or interpreters of Iraqi or Afghani nationality who have worked directly with United States Armed Forces or under Chief of Mission authority for a period of at least 12 months. The alien must have obtained a favorable written recommendation from the Chief of Mission or a general or flag officer in the chain of command of the United States Armed Forces unit that was supported by the alien and, before filing the petition, cleared a background check and screening, as determined by the Chief of Mission or such a general or flag officer. This class is subject to numerical limitations; however, aliens in this class who are granted special immigrant status shall not be counted against any numerical limitation under INA sections 201(d), 202(a), or 203(b)(4). If accompanying or following to join a principal alien, the spouse or child is entitled to derivative special immigrant status. If the principal alien dies after special immigrant status has been granted, the surviving spouse or child is entitled to such status.

What is the background for the new immigrant visa classifications (SQ1, SQ2, SQ3) for certain Iraqis employed by or on behalf of the U.S. Government, spouse of SQ1, and child of SQ1?

Section 1244 of the National Defense Authorization Act for Fiscal Year 2008, Public Law 110–181, created the new special immigrant classification under section 101(a)(27) of the INA for certain qualified self-petitioning Iraqi citizens or nationals. The alien must have been employed by or on behalf of the United States Government in Iraq on or after March 20, 2003, for not less than one year; have provided faithful and valuable service to the United States Government, which is documented in a positive recommendation or evaluation from the employee's senior supervisor or, if the employee's senior supervisor has left the employer or has left Iraq, from the person currently occupying that position or a more senior person; and have experienced or be experiencing an ongoing serious threat as a consequence of the alien's employment by the United States Government. No petition may be approved for such an alien unless the supervisor's positive recommendation or evaluation is accompanied by approval from the Chief of Mission or the designee of the Chief of Mission, who shall conduct a risk assessment of the alien and an independent review of records maintained by the United States Government or the hiring organization or entity to confirm employment and faithful and valuable service to the United States Government. Further, the alien must be otherwise eligible to receive an immigrant visa; be otherwise admissible to the United States for permanent residence (excluding the grounds for inadmissibility specified in section 212(a)(4) of the INA) and have cleared a background check and appropriate screening, as determined by the Secretary of Homeland Security. This class is subject to numerical limitations; however, aliens in this class who are granted special immigrant status shall not be counted against any numerical limitation under INA sections 201(d), 202(a), or 203(b)(4). If accompanying or following to join a principal alien, the spouse or child is entitled to derivative special immigrant status. If the principal alien dies after special immigrant status has been granted, the surviving spouse or child is entitled to such status.

What is the background for the new nonimmigrant classifications (E3, E3D, E3R) for Australian treaty aliens coming to the United States solely to perform services in a specialty occupation, spouse or child of an E3, and returning E3?

Section 501 of Division B, Title V, of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, Public Law 109–13, amended INA 101(a)(15)(E) to add the new nonimmigrant visa classification for certain treaty aliens who are nationals of Australia coming to the United States solely to perform services in a specialty occupation as defined in section 214(i)(1) of the INA, provided the Secretary of Labor determines and certifies to the Secretary of Homeland Security that the intending employer has filed an attestation under section 212(t)(1) of the INA. Annual numerical limitations apply unless the alien is obtaining a new E3 visa after having already been in E3 status in the United

States and establishes that there has been uninterrupted continuity of employment for the same United States-based employer who submitted the original labor condition application and offer of employment. Section 101(a)(15)(E) provides that the spouse or child who is accompanying or following to join a principal alien who qualifies for classification under that section is also entitled to such classification.

What is the background for the new nonimmigrant classification (H1B1) for a Chilean or Singaporean national to work in a specialty occupation?

Sections 402(a)(1) of Public Law 108–77, the United States-Chile Free Trade Agreement Implementation Act, as amended, and Public Law 108–78, the United States-Singapore Free Trade Agreement Implementation Act, amended Sections 101(a)(15)(H)(i)(b1) and 214(g)(8)(A) of the INA, to provide for nonimmigrant classification for an alien who is entitled to enter the United States under and in pursuance of the provisions of either of those two free trade agreements, subject to annual numerical limitations established by the Secretary of Homeland Security. Both agreements entered into force on January 1, 2004.

What is the background for the new nonimmigrant classification (T5) for an unmarried sibling under age 18 of a T1 under 21 years of age?

Section 801(b)(2) of the Violence Against Women and Department of Justice Reauthorization Act of 2005, Public Law 109–162, amended section 101(a)(15)(T) of the INA, which provides for nonimmigrant classification of an alien who is determined by the Secretary of Homeland Security to be a victim of a ''severe form of trafficking in persons,'' provided he or she also meets additional requirements of that section, and for certain family members, if accompanying or following to join the principal alien. As amended, clause (ii) includes a provision for derivative nonimmigrant classification of an unmarried sibling under 18 years of age on the date the principal alien applies for status, if accompanying or following to join a principal alien under 21 years of age. This rule is adding the T5 classification for such a sibling to the classification table, which already lists the victim (T1), and the spouse (T2) and child (T3) of a T1 principal alien, as well as the parent of a T1 principal under the age of 21 (T4), if accompanying or following to join the principal alien.

What is the background for the new nonimmigrant classification (U5) for an unmarried sibling under age 18 of a U1 under 21 years of age?

Section 801(b)(2) of the Violence Against Women and Department of Justice Reauthorization Act of 2005, Public Law 109–162, amended section 101(a)(15)(U) of the INA, which provides for nonimmigrant classification of an alien who is determined by the Secretary of Homeland Security to have suffered physical or mental abuse as a result of having been a victim of certain criminal activity described in that section, provided he or she also meets additional requirements, and for certain family members, if accompanying or following to join the principal alien. As amended, clause (ii) includes a provision for derivative nonimmigrant classification of an unmarried sibling under age 18 as of the date the principal alien applies for status, if accompanying or following to join a principal alien under 21 years of age. This rule is adding the U5 classification to the classification table, which already lists the victim (U1), and the spouse (U2) and child (U3) of a U1 principal alien, as well as the parent of a U1 principal under the age of 21 (U4), if accompanying or following to join the principal alien.

Why is the Department removing symbols for special immigrant status for certain aliens employed at the United States Mission in Hong Kong (SEH), and for certain aliens recruited outside the United States who have served or are enlisted in the U.S. armed forces for 12 years (eligible as of October 1, 1991) (SM4), and the spouse or child (SM5)?

Section 152 of Public Law 101–649 established a class of immigrants with special immigrant status for certain aliens employed at the United States Mission in Hong Kong or their immediate families. The immigrant classification table has listed this class with the symbol SEH. Subsection (c) of section 152 of Public Law 101–649 stated that special immigrant status applied only to aliens who filed applications for such status under section 152 by not later than January 1, 2002. Because the authority for special immigrant status for this classification no longer exists, the Department is removing the SEH classification symbol.

Section 2(b) of the Armed Forces Immigration Adjustment Act of 1991, Public Law 102–110, amended section 203(b)(6) of the INA. As amended, section 203(b)(6) included a subparagraph (C), which distinguished between those aliens who, as of the date of enactment, October 1, 1991, met the requirements in section 101(a)(27)(K) for special immigrant status, based on recruitment into the U.S. armed forces outside the United States and at least 12 years of service, and those who met the requirements subsequent to that date. The difference was that immigrants who met the requirements after October 1, 1991 were subject to annual numerical limitations, while those who already met the requirements as of October 1, 1991 were not. The Department assigned classification symbols SM1, SM2, and SM3, respectively, to those principal aliens who met the requirements of section 101(a)(27)(K) after October 1, 1991, their spouses and their children. The SM4 and SM5 classification symbols were assigned, respectively, to those principal aliens who met those requirements as of October 1, 1991 and their spouses and children. Section 212(b) of the Immigration and Nationality Technical Corrections Act of 1994, Public Law 103–416, amended section 203(b)(6) of the INA by deleting subparagraph (C). As a result, there is no longer a numerical limitation under section 203(b) for any aliens who qualify for special immigrant status under section 101(a)(27)(K). The Department is therefore removing the SM4 and SM5 classification symbols from the table, and deleting from the class description for SM1 the reference to becoming eligible after the date of enactment.

Regulatory Findings

Administrative Procedure Act

This regulation involves a foreign affairs function of the United States and, therefore, is not subject to the procedures required by 5 U.S.C. 553 and 554. It is exempt from review under Executive Order 12866 but has been reviewed internally by the Department to ensure consistency with the purposes thereof. This rule does not require analysis under the Regulatory Flexibility Act or the Unfunded Mandates Reform Act. It has been found not to be a major rule within the meaning of the Small Business Regulatory Enforcement Fairness Act of 1996. It will not have substantial direct effects on the States, the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this rule does not have sufficient federalism implications to warrant application of consultation provisions of Executive Orders 12372 and 13132. This rule does not impose

any new reporting or recordkeeping requirements subject to the Paperwork Reduction Act, 44 U.S.C. Chapter 35.

Regulatory Flexibility Act/Executive Order 13273: Small Business

Because this final rule is exempt from notice and comment rulemaking under 5 U.S.C. 553, it is exempt from the regulatory flexibility analysis requirements set forth at sections 603 and 604 of the Regulatory Flexibility Act (5 U.S.C. 603 and 604). Nonetheless, consistent with section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 605(b)), the Department certifies that this rule will not have a significant economic impact on a substantial number of small entities. This regulates individual aliens who seek consideration for immigrant and nonimmigrant visas and does not affect any small entities, as defined in 5 U.S.C. 601(6).

The Unfunded Mandates Reform Act of 1995

Section 202 of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, 109 Stat. 48, 2 U.S.C. 1532, generally requires agencies to prepare a statement before proposing any rule that may result in an annual expenditure of $100 million or more by State, local, or tribal governments, or by the private sector. This rule will not result in any such expenditure, nor will it significantly or uniquely affect small governments.

The Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule as defined by 5 U.S.C. 804, for purposes of congressional review of agency rulemaking under the Small Business Regulatory Enforcement Fairness Act of 1996, Public Law 104–121. 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 import markets.

Executive Order 12866

The Department of State has reviewed this rule to ensure its consistency with the regulatory philosophy and principles set forth in Executive Order 12866 and has determined that the benefits of the regulation justify its costs. The Department does not consider the rule to be an economically significant action within the scope of section 3(f)(1) of the Executive Order since it is not likely to have an annual effect on the economy of $100 million or more or to adversely affect in a material way the economy, a sector of the economy, competition, jobs, the environment, public health or safety, or State, local or tribal governments or communities.

Executive Orders 12372 and 13132: Federalism

This regulation will not have substantial direct effects on the States, on the relationship between the national Government and the States, or the distribution of power and responsibilities among the various levels of government. Nor will the rule have federalism implications warranting the application of Executive Orders No. 12372 and No. 13132.

Executive Order 12988: Civil Justice Reform

The Department has reviewed the regulations in light of sections 3(a) and 3(b)(2) of Executive Order No. 12988 to eliminate ambiguity, minimize litigation, establish clear legal standards, and reduce burden.

Paperwork Reduction Act

This rule does not impose information collection requirements under the provisions of the Paperwork Reduction Act, 44 U.S.C. Chapter 35.

List of Subjects in 22 CFR Parts 41 and 42

Aliens, Foreign Officials, Immigration, Nonimmigrants, Passports and Visas, Students.

■ For the reasons stated in the preamble, the Department of State amends 22 CFR parts 41 and 42 to read as follows:

PART 41—[AMENDED]

■ 1. The authority citation for part 41 continues to read as follows:

Authority: 8 U.S.C. 1104; Pub. L. 105–277, 112 Stat. 2681–795 through 2681–801.

■ 2. Revise § 41.12 to read as follows:

§ 41.12 Classification symbols.

A visa issued to a nonimmigrant alien within one of the classes described in this section shall bear an appropriate visa symbol to show the classification of the alien. The symbol shall be inserted in the space provided on the visa. The following visa symbols shall be used:

NONIMMIGRANTS

Symbol	Class	Section of law
A1	Ambassador, Public Minister, Career Diplomat or Consular Officer, or Immediate Family	101(a)(15)(A)(i).
A2	Other Foreign Government Official or Employee, or Immediate Family	101(a)(15)(A)(ii).
A3	Attendant, Servant, or Personal Employee of A1 or A2, or Immediate Family	101(a)(15)(A)(iii).
B1	Temporary Visitor for Business	101(a)(15)(B).
B2	Temporary Visitor for Pleasure	101(a)(15)(B).
B1/B2	Temporary Visitor for Business & Pleasure	101(a)(15)(B).
C1	Alien in Transit	101(a)(15)(C).
C1/D	Combined Transit and Crewmember Visa	101(a)(15)(C) and (D).
C2	Alien in Transit to United Nations Headquarters District Under Sec. 11.(3), (4), or (5) of the Headquarters Agreement.	101(a)(15)(C).
C3	Foreign Government Official, Immediate Family, Attendant, Servant or Personal Employee, in Transit.	212(d)(8).
D	Crewmember (Sea or Air)	101(a)(15)(D).
E1	Treaty Trader, Spouse or Child	101(a)(15)(E)(i).
E2	Treaty Investor, Spouse or Child	101(a)(15)(E)(ii).
E3	Australian Treaty Alien Coming to the United States Solely to Perform Services in a Specialty Occupation.	101(a)(15)(E)(iii).
E3D	Spouse or Child of E3	101(a)(15)(E)(iii).
E3R	Returning E3	101(a)(15)(E)(iii).
F1	Student in an academic or language training program	101(a)(15)(F)(i).
F2	Spouse or Child of F1	101(a)(15)(F)(ii).
F3	Canadian or Mexican national commuter student in an academic or language training program	101(a)(15)(F)(iii).

NONIMMIGRANTS—Continued

Symbol	Class	Section of law
G1	Principal Resident Representative of Recognized Foreign Government to International Organization, Staff, or Immediate Family.	101(a)(15)(G)(i).
G2	Other Representative of Recognized Foreign Member Government to International Organization, or Immediate Family.	101(a)(15)(G)(ii).
G3	Representative of Nonrecognized or Nonmember Foreign Government to International Organization, or Immediate Family.	101(a)(15)(G)(iii).
G4	International Organization Officer or Employee, or Immediate Family	101(a)(15)(G)(iv).
G5	Attendant, Servant, or Personal Employee of G1 through G4, or Immediate Family	101(a)(15)(G)(v).
H1B	Alien in a Specialty Occupation (Profession)	101(a)(15)(H)(i)(b).
H1B1	Chilean or Singaporean National to Work in a Specialty Occupation	101(a)(15)(H)(i)(b1).
H1C	Nurse in Health Professional Shortage Area	101(a)(15)(H)(i)(c).
H2A	Temporary Worker Performing Agricultural Services Unavailable in the United States	101(a)(15)(H)(ii)(a).
H2B	Temporary Worker Performing Other Services Unavailable in the United States	101(a)(15)(H)(ii)(b).
H3	Trainee	101(a)(15)(H)(iii).
H4	Spouse or Child of Alien Classified H1B/B1/C, H2A/B/R, or H–3	101(a)(15)(H)(iv).
I	Representative of Foreign Information Media, Spouse and Child	101(a)(15)(I).
J1	Exchange Visitor	101(a)(15)(J).
J2	Spouse or Child of J1	101(a)(15)(J).
K1	Fiance(e) of United States Citizen	101(a)(15)(K)(i).
K2	Child of Fiance(e) of U.S. Citizen	101(a)(15)(K)(iii).
K3	Spouse of U.S. Citizen Awaiting Availability of Immigrant Visa	101(a)(15)(K)(ii).
K4	Child of K3	101(a)(15)(K)(iii).
L1	Intracompany Transferee (Executive, Managerial, and Specialized Knowledge Personnel Continuing Employment with International Firm or Corporation).	101(a)(15)(L).
L2	Spouse or Child of Intracompany Transferee	101(a)(15)(L).
M1	Vocational Student or Other Nonacademic Student	101(a)(15)(M)(i).
M2	Spouse or Child of M1	101(a)(15)(M)(ii).
M3	Canadian or Mexican National Commuter Student (Vocational Student or Other Nonacademic Student).	101(a)(15)(M)(iii).
N8	Parent of an Alien Classified SK3 or SN3	101(a)(15)(N)(i).
N9	Child of N8 or of SK1, SK2, SK4, SN1, SN2 or SN4	101(a)(15)(N)(ii).
NATO 1	Principal Permanent Representative of Member State to NATO (including any of its Subsidiary Bodies) Resident in the U.S. and Resident Members of Official Staff; Secretary General, Assistant Secretaries General, and Executive Secretary of NATO; Other Permanent NATO Officials of Similar Rank, or Immediate Family.	Art. 12, 5 UST 1094; Art. 20, 5 UST 1098.
NATO 2	Other Representative of Member State to NATO (including any of its Subsidiary Bodies) including Representatives, Advisers, and Technical Experts of Delegations, or Immediate Family; Dependents of Member of a Force Entering in Accordance with the Provisions of the NATO Status-of-Forces Agreement or in Accordance with the Provisions of the "Protocol on the Status of International Military Headquarters"; Members of Such a Force if Issued Visas.	Art. 13, 5 UST 1094; Art. 1, 4 UST 1794; Art. 3, 4 UST 1796.
NATO 3	Official Clerical Staff Accompanying Representative of Member State to NATO (including any of its Subsidiary Bodies), or Immediate Family.	Art. 14, 5 UST 1096.
NATO 4	Official of NATO (Other Than Those Classifiable as NATO1), or Immediate Family	Art. 18, 5 UST 1098.
NATO 5	Experts, Other Than NATO Officials Classifiable Under NATO4, Employed in Missions on Behalf of NATO, and their Dependents.	Art. 21, 5 UST 1100.
NATO 6	Member of a Civilian Component Accompanying a Force Entering in Accordance with the Provisions of the NATO Status-of-Forces Agreement; Member of a Civilian Component Attached to or Employed by an Allied Headquarters Under the "Protocol on the Status of International Military Headquarters" Set Up Pursuant to the North Atlantic Treaty; and their Dependents.	Art. 1, 4 UST 1794; Art. 3, 5 UST 877.
NATO 7	Attendant, Servant, or Personal Employee of NATO1, NATO2, NATO3, NATO4, NATO5, and NATO6 Classes, or Immediate Family.	Arts. 12–20, 5 UST 1094–1098.
O1	Alien with Extraordinary Ability in Sciences, Arts, Education, Business or Athletics	101(a)(15)(O)(i).
O2	Alien Accompanying and Assisting in the Artistic or Athletic Performance by O1	101(a)(15)(O)(ii).
O3	Spouse or Child of O1 or O2	101(a)(15)(O)(iii).
P1	Internationally Recognized Athlete or Member of Internationally Recognized Entertainment Group.	101(a)(15)(P)(i).
P2	Artist or Entertainer in a Reciprocal Exchange Program	101(a)(15)(P)(ii).
P3	Artist or Entertainer in a Culturally Unique Program	101(a)(15)(P)(iii).
P4	Spouse or Child of P1, P2, or P3	101(a)(15)(P)(iv).
Q1	Participant in an International Cultural Exchange Program	101(a)(15)(Q)(i).
Q2	Irish Peace Process Program Participant	101(a)(15)(Q)(ii)(I).
Q3	Spouse or Child of Q2	101(a)(15)(Q)(ii)(II).
R1	Alien in a Religious Occupation	101(a)(15)(R).
R2	Spouse or Child of R1	101(a)(15)(R).
S5	Certain Aliens Supplying Critical Information Relating to a Criminal Organization or Enterprise	101(a)(15)(S)(i).
S6	Certain Aliens Supplying Critical Information Relating to Terrorism	101(a)(15)(S)(ii).
S7	Qualified Family Member of S5 or S6	101(a)(15)(S).
T1	Victim of a Severe Form of Trafficking in Persons	101(a)(15)(T)(i).
T2	Spouse of T1	101(a)(15)(T)(ii).
T3	Child of T1	101(a)(15)(T)(ii).

NONIMMIGRANTS—Continued

Symbol	Class	Section of law
T4	Parent of T1 Under 21 Years of Age	101(a)(15)(T)(ii).
T5	Unmarried Sibling Under Age 18 of T1 Under 21 Years of Age	101(a)(15)(T)(ii).
TN	NAFTA Professional	214(e)(2).
TD	Spouse or Child of NAFTA Professional	214(e)(2).
U1	Victim of Criminal Activity	101(a)(15)(U)(i).
U2	Spouse of U1	101(a)(15)(U)(ii).
U3	Child of U1	101(a)(15)(U)(ii).
U4	Parent of U1 Under 21 Years of Age	101(a)(15)(U)(ii).
U5	Unmarried Sibling Under Age 18 of U1 Under 21 Years of Age	101(a)(15)(U)(ii).
V1	Spouse of a Lawful Permanent Resident Alien Awaiting Availability of Immigrant Visa	101(a)(15)(V)(i) or 101(a)(15)(V)(ii).
V2	Child of a Lawful Permanent Resident Alien Awaiting Availability of Immigrant Visa	101(a)(15)(V)(i) or 101(a)(15)(V)(ii).
V3	Child of a V1 or V2	203(d) & 101(a)(15)(V)(i) or 101(a)(15)(V)(ii).

PART 42—[AMENDED]

■ 1. The authority citation for part 42 continues to read as follows:

Authority: 8 U.S.C. 1104; Pub. L. 107–56, sec. 421.

■ 2. Revise § 42.11 to read as follows:

§ 42.11 Classification symbols.

A visa issued to an immigrant alien within one of the classes described below shall bear an appropriate visa symbol to show the classification of the alien.

IMMIGRANTS

Symbol	Class	Section of law
	Immediate Relatives	
IR1	Spouse of U.S. Citizen	201(b).
IR2	Child of U.S. Citizen	201(b).
IR3	Orphan Adopted Abroad by U.S. Citizen	201(b) & 101(b)(1)(F).
IH3	Child from Hague Convention Country Adopted Abroad by U.S. Citizen	201(b) & 101(b)(1)(G).
IR4	Orphan to be Adopted in U.S. by U.S. Citizen	201(b) & 101(b)(1)(F).
IH4	Child from Hague Convention Country to be Adopted in U.S. by U.S. Citizen	201(b) & 101(b)(1)(G).
IR5	Parent of U.S. Citizen at Least 21 Years of Age	201(b).
CR1	Spouse of U.S. Citizen (Conditional Status)	201(b) & 216.
CR2	Child of U.S. Citizen (Conditional Status)	201(b) & 216.
IW1	Certain Spouses of Deceased U.S. Citizens	201(b).
IW2	Child of IW1	201(b).
IB1	Self-petition Spouse of U.S. Citizen	204(a)(1)(A)(iii).
IB2	Self-petition Child of U.S. Citizen	204(a)(1)(A)(iv).
IB3	Child of IB1	204(a)(1)(A)(iii).
VI5	Parent of U.S. Citizen Who Acquired Permanent Resident Status Under the Virgin Islands Nonimmigrant Alien Adjustment Act.	201(b) & sec. 2 of the Virgin Islands Nonimmigrant Alien Adjustment Act, (Pub. L. 97–271).
	Vietnam Amerasian Immigrants	
AM1	Vietnam Amerasian Principal	584(b)(1)(A) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988 (as contained in section 101(e) of Pub. L. 100–102) as amended.
AM2	Spouse or Child of AM1	584(b)(1)(A) and 584(b)(1)(B) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988 (as contained in section 101(e) of Pub. L. 100–102) as amended.
AM3	Natural Mother of AM1 (and Spouse or Child of Such Mother) or Person Who has Acted in Effect as the Mother, Father, or Next-of-Kin of AM1 (and Spouse or Child of Such Person).	584(b)(1)(A) and 584(b)(1)(C) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988 (as contained in section 101(e) of Pub. L. 100–102) as amended.
	Special Immigrants	
SB1	Returning Resident	101(a)(27)(A).
SC1	Person Who Lost U.S. Citizenship by Marriage	101(a)(27)(B) & 324(a).
SC2	Person Who Lost U.S. Citizenship by Serving in Foreign Armed Forces	101(a)(27)(B) & 327.
SI1	Certain Aliens Employed by the U.S. Government in Iraq or Afghanistan as Translators or Interpreters.	Section 1059 of Pub. L. 109–163 as amended by Pub. L. 110–36.
SI2	Spouse of SI1	Section 1059 of Pub. L. 109–163 as amended by Pub. L. 110–36.

IMMIGRANTS—Continued

Symbol	Class	Section of law
SI3	Child of SI1	Section 1059 of Pub. L. 109–163 as amended by Pub. L. 110–36.
SM1	Alien Recruited Outside the United States Who Has Served or is Enlisted to Serve in the U.S. Armed Forces for 12 Years.	101(a)(27)(K).
SM2	Spouse of SM1	101(a)(27)(K).
SM3	Child of SM1	101(a)(27)(K).
SQ1	Certain Iraqis Employed by or on Behalf of the U.S. Government	Section 1244 of Public Law 110–181.
SQ2	Spouse of SQ1	Section 1244 of Public Law 110–181.
SQ3	Child of SQ1	Section 1244 of Public Law 110–181.
	Family-Sponsored Preferences **Family 1st Preference**	
F11	Unmarried Son or Daughter of U.S. Citizen	203(a)(1).
F12	Child of F11	203(d) & 203(a)(1).
B11	Self-petition Unmarried Son or Daughter of U.S. Citizen	204(a)(1)(A)(iv) & 203(a)(1).
B12	Child of B11	203(d), 204(a)(1)(A)(iv) & 203(a)(1).
	Family 2nd Preference (Subject to Country Limitations)	
F21	Spouse of Lawful Permanent Resident	203(a)(2)(A).
F22	Child of Lawful Permanent Resident	203(a)(2)(A).
F23	Child of F21 or F22	203(d) & 203(a)(2)(A).
F24	Unmarried Son or Daughter of Lawful Permanent Resident	203(a)(2)(B).
F25	Child of F24	203(d) & 203(a)(2)(B).
C21	Spouse of Lawful Permanent Resident (Conditional)	203(a)(2)(A) & 216.
C22	Child of Alien Resident (Conditional)	203(a)(2)(A) & 216.
C23	Child of C21 or C22 (Conditional)	203(d) & 203(a)(2)(A) & 216.
C24	Unmarried Son or Daughter of Lawful Permanent Resident (Conditional)	203(a)(2)(B) & 216.
C25	Child of F24 (Conditional)	203(d) & 203(a)(2)(B) & 216.
B21	Self-petition Spouse of Lawful Permanent Resident	204(a)(1)(B)(ii).
B22	Self-petition Child of Lawful Permanent Resident	204(a)(1)(B)(iii).
B23	Child of B21 or B22	203(d) & 204(a)(1)(B)(ii).
B24	Self-petition Unmarried Son or Daughter of Lawful Permanent Resident	204(a)(1)(B)(iii).
B25	Child of B24	203(d) & 204(a)(1)(B)(iii).
	Family 2nd Preference (Exempt from Country Limitations)	
FX1	Spouse of Lawful Permanent Resident	202(a)(4)(A) & 203(a)(2)(A).
FX2	Child of Lawful Permanent Resident	202(a)(4)(A) & 203(a)(2)(A).
FX3	Child of FX1 or FX2	202(a)(4)(A) & 203(a)(2)(A) & 203(d).
CX1	Spouse of Lawful Permanent Resident (Conditional)	202(a)(4)(A) & 203(a)(2)(A) & 216.
CX2	Child of Lawful Permanent Resident (Conditional)	202(a)(4)(A) & 203(a)(2)(A) & 216.
CX3	Child of CX1 or CX2 (Conditional)	202(a)(4)(A) & 203(a)(2)(A) & 203(d) & 216.
BX1	Self-petition Spouse of Lawful Permanent Resident	204(a)(1)(B)(ii).
BX2	Self-petition Child of Lawful Permanent Resident	204(a)(1)(B)(iii).
BX3	Child of BX1 or BX2	204(a)(1)(B)(ii) & 203(d).
	Family 3rd Preference	
F31	Married Son or Daughter of U.S. Citizen	203(a)(3).
F32	Spouse of F31	203(d) & 203(a)(3).
F33	Child of F31	203(d) & 203(a)(3).
C31	Married Son or Daughter of U.S. Citizen (Conditional)	203(a)(3) & 216.
C32	Spouse of C31 (Conditional)	203(d) & 203(a)(3) & 216.
C33	Child of C31 (Conditional)	203(d) & 203(a)(3) & 216.
B31	Self-petition Married Son or Daughter of U.S. Citizen	204(a)(1)(A)(iv) & 203(a)(3).
B32	Spouse of B31	203(d), 204(a)(1)(A)(iv) & 203(a)(3).
B33	Child of B31	203(d), 204(a)(1)(A)(iv) & 203(a)(3).
	Family 4th Preference	
F41	Brother or Sister of U.S. Citizen at Least 21 Years of Age	203(a)(4).
F42	Spouse of F41	203(d) & 203(a)(4).
F43	Child of F41	203(d) & 203(a)(4).
	Employment-Based Preferences **Employment 1st Preference (Priority Workers)**	
E11	Alien with Extraordinary Ability	203(b)(1)(A).
E12	Outstanding Professor or Researcher	203(b)(1)(B).
E13	Multinational Executive or Manager	203(b)(1)(C).
E14	Spouse of E11, E12, or E13	203(d) & 203(b)(1)(A) & 203(b)(1)(B) & 203(b)(1)(C).

IMMIGRANTS—Continued

Symbol	Class	Section of law
E15	Child of E11, E12, or E13	203(d) & 203(b)(1)(A) & 203(b)(1)(B) & 203(b)(1)(C).
Employment 2nd Preference (Professionals Holding Advanced Degrees or Persons of Exceptional Ability)		
E21	Professional Holding Advanced Degree or Alien of Exceptional Ability	203(b)(2).
E22	Spouse of E21	203(d) & 203(b)(2).
E23	Child of E21	203(d) & 203(b)(2).
Employment 3rd Preference (Skilled Workers, Professionals, and Other Workers)		
E31	Skilled Worker	203(b)(3)(A)(i).
E32	Professional Holding Baccalaureate Degree	203(b)(3)(A)(ii).
E34	Spouse of E31 or E32	203(d) & 203(b)(3)(A)(i) & 203(b)(3)(A)(ii).
E35	Child of E31 or E32	203(d) & 203(b)(3)(A)(i) & 203(b)(3)(A)(ii).
EW3	Other Worker (Subgroup Numerical Limit)	203(b)(3)(A)(iii).
EW4	Spouse of EW3	203(d) & 203(b)(3)(A)(iii).
EW5	Child of EW3	203(d) & 203(b)(3)(A)(iii).
Employment 4th Preference (Certain Special Immigrants)		
BC1	Broadcaster in the U.S. employed by the International Broadcasting Bureau of the Broadcasting Board of Governors or a grantee of such organization.	101(a)(27)(M) & 203(b)(4).
BC2	Accompanying spouse of BC1	101(a)(27)(M) & 203(b)(4).
BC3	Accompanying child of BC1	101(a)(27)(M) & 203(b)(4).
SD1	Minister of Religion	101(a)(27)(C)(ii)(I) & 203(b)(4).
SD2	Spouse of SD1	101(a)(27)(C)(ii)(I) & 203(b)(4).
SD3	Child of SD1	101(a)(27)(C)(ii)(I) & 203(b)(4).
SE1	Certain Employees or Former Employees of the U.S. Government Abroad	101(a)(27)(D) & 203(b)(4).
SE2	Spouse of SE1	101(a)(27)(D) & 203(b)(4).
SE3	Child of SE1	101(a)(27)(D) & 203(b)(4).
SF1	Certain Former Employees of the Panama Canal Company or Canal Zone Government.	101(a)(27)(E) & 203(b)(4).
SF2	Spouse or Child of SF1	101(a)(27)(E) & 203(b)(4).
SG1	Certain Former Employees of the U.S. Government in the Panama Canal Zone.	101(a)(27)(F) & 203(b)(4).
SG2	Spouse or Child of SG1	101(a)(27)(F) & 203(b)(4).
SH1	Certain Former Employees of the Panama Canal Company or Canal Zone Government on April 1, 1979.	101(a)(27)(G) & 203(b)(4).
SH2	Spouse or Child of SH1	101(a)(27)(G) & 203(b)(4).
SJ1	Certain Foreign Medical Graduates (Adjustments Only)	101(a)(27)(H).
SJ2	Accompanying Spouse or Child of SJ1	101(a)(27)(H) & 203(b)(4).
SK1	Certain Retired International Organization employees	101(a)(27)(I)(iii) & 203(b)(4).
SK2	Spouse of SK1	101(a)(27)(I)(iv) & 203(b)(4).
SK3	Certain Unmarried Sons or Daughters of an International Organization Employee.	101(a)(27)(I)(i) & 203(b)(4).
SK4	Certain Surviving Spouses of a deceased International Organization Employee.	101(a)(27)(I)(ii) & 203(b)(4).
SL1	Juvenile Court Dependent (Adjustment Only)	101(a)(27)(J) & 203(b)(4).
SN1	Certain retired NATO6 civilians	101(a)(27)(L) & 203(b)(4).
SN2	Spouse of SN1	101(a)(27)(L) & 203(b)(4).
SN3	Certain unmarried sons or daughters of NATO6 civilian employees	101(a)(27)(L) & 203(b)(4).
SN4	Certain surviving spouses of deceased NATO6 civilian employees	101(a)(27)(L) & 203(b)(4).
SP	Alien Beneficiary of a petition or labor certification application filed prior to September 11, 2001, if the petition or application was rendered void due to a terrorist act of September 11, 2001. Spouse, child of such alien, or the grandparent of a child orphaned by a terrorist act of September 11, 2001.	Section 421 of Public Law 107–56.
SR1	Certain Religious Workers	101(a)(27)(C)(ii)(II) & (III) as amended, & 203(b)(4).
SR2	Spouse of SR1	101(a)(27)(C)(ii)(II) & (III) as amended, & 203(b)(4).
SR3	Child of SR1	101(a)(27)(C)(ii)(II) & (III) as amended, & 203(b)(4).
Employment 5th Preference (Employment Creation Conditional Status)		
C51	Employment Creation OUTSIDE Targeted Areas	203(b)(5)(A).
C52	Spouse of C51	203(d) & 203(b)(5)(A).
C53	Child of C51	203(d) & 203(b)(5)(A).
T51	Employment Creation IN Targeted Rural/High Unemployment Area	203(b)(5)(B).
T52	Spouse of T51	203(d) & 203(b)(5)(B).
T53	Child of T51	203(d) & 203(b)(5)(B).
R51	Investor Pilot Program, Not in Targeted Area	203(b)(5) & Sec. 610 of the Departments of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriations Act, 1993 (Pub. L. 102–395), as amended.

IMMIGRANTS—Continued

Symbol	Class	Section of law
R52	Spouse of R51	203(d) & 203(b)(5) & Sec. 610 of the Departments of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriations Act, 1993 (Pub. L. 102–395), as amended.
R53	Child of R51	203(d) & 203(b)(5) & Sec. 610 of the Departments of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriations Act, 1993 (Pub. L. 102–395), as amended.
I51	Investor Pilot Program, in Targeted Area	203(b)(5) & Sec. 610 of the Departments of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriations Act, 1993 (Pub. L. 102–395), as amended.
I52	Spouse of I51	203(d) & 203(b)(5) & Sec. 610 of the Departments of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriations Act, 1993 (Pub. L. 102–395), as amended.
I53	Child of I51	203(d) & 203(b)(5) & Sec. 610 of the Departments of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriations Act, 1993 (Pub. L. 102–395), as amended.
	Other Numerically Limited Categories Diversity Immigrants	
DV1	Diversity Immigrant	203(c).
DV2	Spouse of DV1	203(d) & 203(c).
DV3	Child of DV1	203(d) & 203(c).

Dated: March 3, 2008.

Stephen A. Edson,

Acting Assistant Secretary for Consular Affairs, Department of State.

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DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 9387]

RIN 1545–AY75

Application of Normalization Accounting Rules to Balances of Excess Deferred Income Taxes and Accumulated Deferred Investment Tax Credits of Public Utilities Whose Assets Cease To Be Public Utility Property

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final regulations that provide guidance on the normalization requirements applicable to public utilities that benefit (or have benefited) from accelerated depreciation methods or from the investment tax credit permitted under pre-1991 law. These regulations permit a utility whose assets cease, whether by disposition, deregulation, or otherwise, to be public utility property with respect to the utility (deregulated public utility property) to return to its ratepayers the normalization reserve for excess deferred income taxes (EDFIT) with respect to those assets and, in certain circumstances, also permit the return of part or all of the reserve for accumulated deferred investment tax credits (ADITC) with respect to those assets.

DATES: *Effective Date:* These regulations are effective March 20, 2008.

Applicability Date: For dates of applicability, see § 1.46–6(k)(4) and § 1.168(i)–3(d) of these regulations.

FOR FURTHER INFORMATION CONTACT: Patrick Kirwan, at (202) 622–3040 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background and Explanation of Provisions

This document amends the Income Tax Regulations (26 CFR part 1) relating to the normalization requirements of sections 168(f)(2) and 168(i)(9) of the Internal Revenue Code (Code), section 203(e) of the Tax Reform Act of 1986, Public Law 99–514 (100 Stat. 2146), and former section 46(f) of the Code. Proposed regulations relating to the normalization requirements applicable to electric utilities that benefit (or have benefited) from accelerated depreciation methods or from the investment tax credit permitted under pre-1991 law [REG–104385–01] were published in the **Federal Register** on March 4, 2003 (the 2003 proposed regulations) and again on December 21, 2005 (the 2005 proposed regulations). The preambles of both the 2003 proposed regulations and the 2005 proposed regulations describe the normalization method of accounting and the reserves under the normalization method for excess deferred federal income tax (EDFIT) and accumulated deferred investment tax credits (ADITC).

The 2003 proposed regulations provided that electric utilities whose generation assets become deregulated public utility property could continue to flow through EDFIT reserves associated with those assets without violating the normalization requirements. The rate of flowthrough was limited to the rate that would have been permitted under a normalization method of accounting if the assets had remained public utility property.

The 2003 proposed regulations provided similar rules under which electric utilities could continue to flow through ADITC reserves associated with generation assets that become deregulated public utility property without violating the normalization requirements. The 2003 proposed regulations addressed the treatment of these assets under former section 46(f)(2) (relating to the use of the investment credit to reduce the taxpayer's cost of service) but did not address their treatment under former section 46(f)(1) (relating to the use of the

investment credit to reduce the taxpayer's rate base). The 2003 proposed regulations would have applied to public utility generation property deregulated after March 4, 2003. Utilities would have been permitted an election to apply the proposed rules to generation property that was deregulated on or before that date.

In response to the public comments and after further analysis, the 2003 proposed regulations were withdrawn and were replaced by the 2005 proposed regulations. The 2005 proposed regulations generally retain the rule of the 2003 proposed regulations regarding the return of EDFIT reserves and extend the application of the rule to all public utility property.

The 2005 proposed regulations permit flowthrough of the ADITC reserve with respect to deregulated public utility property to continue after its deregulation only to the extent the reduction in cost of service does not exceed, as a percentage of the ADITC with respect to the property at the time of deregulation, the percentage of the total stranded cost that the taxpayer is permitted to recover with respect to the property. In addition, the 2005 proposed regulations provide that the credit may not be flowed through more rapidly than the rate at which the taxpayer is permitted to recover the stranded cost with respect to the property. The 2005 proposed regulations provide similar rules for property to which former section 46(f)(1) (relating to rate base restoration) applies and extend the application of the ADITC flowthrough rules to all public utility property.

The 2005 proposed regulations generally apply to any public utility property that becomes deregulated public utility property after December 21, 2005. They do not include an election to apply the regulations retroactively. For public utility property that became deregulated public utility property on or before December 21, 2005, the preamble of the 2005 proposed regulations states that the IRS will follow the holdings set forth in the private letter rulings prohibiting flowthrough of the EDFIT and ADITC reserves associated with an asset after the asset's disposition. The 2005 proposed regulations provide, however, that flowthrough will be permitted if it is consistent with the 2003 proposed regulations and occurs during the period beginning on March 5, 2003, and ending on the earlier of (1) the last date on which the utility's rates are determined under the rate order in effect on December 21, 2005, or (2) December 21, 2007.

Written comments were received in response to the 2005 proposed regulations, and a public hearing was held on April 5, 2006. Three commentators spoke at the public hearing. After consideration of all the comments, the 2005 proposed regulations are adopted as amended by this Treasury decision. In general, the final regulations follow the approach of the 2005 proposed regulations.

A number of commentators suggested that the proposed rules should apply on an elective basis to public utility property that was deregulated prior to March 5, 2003, if regulatory proceedings for the deregulated public utility property are pending. The preamble to the 2005 proposed regulations explains that the Secretary's authority under section 7805(b)(7) to provide for retroactive elections should not be exercised in a manner that impairs existing agreements between utilities and their regulators. Many commentators agreed with the objective of not disturbing previously settled and finalized agreements and believed that a retroactive election would likely result in taxpayers being compelled to reopen such agreements. The commentators suggested, however, that applying the regulations to regulatory proceedings that have yet to be finally decided would not impair any existing agreement, and that the final regulations should permit continued flowthrough of the EDFIT and ADITC reserves if no final order or settlement agreement prescribing the treatment of those reserves after deregulation was in effect on December 21, 2005. Other commentators suggested that the section 7805 limitations on retroactivity do not apply to these regulations because the normalization provisions were enacted before the effective date of those limitations. The IRS and Treasury Department agree that there is no statutory impediment that would prohibit the application of the regulations to previously deregulated property. Nevertheless, the IRS and Treasury Department have concluded that there is no compelling argument in this instance for frustrating the expectations of taxpayers who embarked upon deregulation of their public utility property before the publication of the new rules. Accordingly, the final regulations do not depart from the general practice of applying amendments to the regulations without retroactive effect and retain the prospective effective date of the 2005 proposed regulations without a retroactive election. The final regulations retain the proposed transition rule under which flowthrough is permitted if it is consistent with the 2003 proposed regulations and occurs during the period beginning on March 5, 2003, and ending on the earlier of (1) the last date on which the utility's rates are determined under the rate order in effect on December 21, 2005, or (2) December 21, 2007.

One commentator suggested that the regulations should provide guidance concerning when deregulation occurs. Under the regulations, property becomes deregulated public utility property when it ceases to be public utility property with respect to the taxpayer. This depends on the particular facts and circumstances and is more appropriately addressed on a case-by-case basis.

Some commentators suggested that the final regulations should permit flowthrough of ADITC reserves even in cases in which ratepayers do not bear the cost of the asset giving rise to the credit. The comments generally argued that this would be consistent with Congressional intent to share the benefit of the credit between ratepayers and shareholders. The IRS and Treasury Department agree that the Code provides for such sharing in the typical situation in which ratepayers ultimately bear the full cost of an asset through ratemaking depreciation. On the other hand, neither the statutory provision nor the legislative history provides any indication that Congress intended for ratepayers to share in benefits attributable to costs that they do not bear. Accordingly, for the reasons set forth in the preamble of the 2005 proposed regulations, the final regulations retain the proposed rules relating to flowthrough of the ADITC reserve and rate base restoration, including the rule allowing flowthrough consistent with the 2003 proposed regulations during the transition period.

Commentators suggested that the use of terms other than deregulated public utility property in the preamble of the 2005 proposed regulations implies that a distinction exists between property that ceases to be public utility property because of deregulation and property that ceases to be public utility property because of a disposition or other event. To clarify that this is not the case, the term deregulated public utility property is the sole term used in the final regulations to describe property that ceases to be public utility property.

One commentator questioned whether the term deregulated public utility property includes normal retirements. The final regulations clarify that they do not apply to ordinary retirements within

the meaning of section 1.167(a)–11(d)(3)(ii).

One commentator suggested that deregulated public utility property should include property that is public utility property in the hands of a transferee. The commentator further suggested that if the transferee of public utility property will continue the flowthrough of the transferor's EDFIT and ADITC reserves, further flowthrough by the transferor should not be required. The IRS and Treasury Department agree with these suggestions. Accordingly, the final regulations provide, on a prospective basis, that they apply to a taxpayer with respect to public utility property that ceases to be public utility property with respect to the taxpayer. Thus, the regulations will apply even if the property remains regulated public utility property in the hands of a transferee. The regulations further provide an exception from the generally applicable rule permitting transferor flowthrough when the transferee will continue flowthrough of the EDFIT reserves. A similar exception was not provided for the ADITC reserve because transferor flowthrough of that reserve does not occur if the transferee, rather than the transferor, is recovering the cost of the property through ratemaking depreciation.

Special Analyses

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

Drafting Information

The principal author of the regulations is Patrick S. Kirwan, Office of Associate Chief Counsel (Passthroughs & Special Industries). However, other personnel from the IRS and the Treasury Department participated in the development of the regulations.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Adoption of Amendments to the Regulations

■ Accordingly, 26 CFR part 1 is amended as follows:

PART 1—INCOME TAXES

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

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

■ **Par. 2.** Section 1.46–6 is amended by adding paragraph (k) to read as follows:

§ 1.46–6 Limitation in case of certain regulated companies.

* * * * *

(k) *Treatment of accumulated deferred investment tax credits upon the deregulation of public utility property*—(1) *Scope*—(i) *In general.* This paragraph (k) provides rules for the application of former sections 46(f)(1) and 46(f)(2) of the Internal Revenue Code to a taxpayer with respect to public utility property that ceases, whether by disposition, deregulation, or otherwise, to be public utility property with respect to the taxpayer and that is not described in paragraph (k)(1)(ii) of this section (deregulated public utility property).

(ii) *Exception.* This paragraph (k) does not apply to property that ceases to be public utility property with respect to the taxpayer on account of an ordinary retirement within the meaning of § 1.167(a)–11(d)(3)(ii).

(2) *Ratable amount*—(i) *Restoration of rate base reduction.* A reduction in the taxpayer's rate base on account of the credit with respect to public utility property remaining to be restored does not, at any time during the period, exceed the restoration percentage of the recoverable stranded cost of the property at such time. For this purpose—

(A) The stranded cost of the property is the cost of the property reduced by the amount of such cost that the taxpayer has recovered through regulated depreciation expense during the period before the property becomes deregulated public utility property;

(B) The recoverable stranded cost of the property at any time is the stranded cost of the property that the taxpayer will be permitted to recover through rates after such time; and

(C) The restoration percentage for the property is determined by dividing the reduction in rate base remaining to be restored with respect to the property immediately before the property becomes deregulated public utility property by the stranded cost of the property.

(ii) *Cost of service reduction.* Reductions in the taxpayer's cost of service on account of the credit with respect to public utility property that becomes deregulated public utility property are ratable during the period after the property becomes deregulated public utility property if the cumulative amount of the reduction during such period does not, at any time during the period, exceed the flowthrough percentage of the cumulative stranded cost recovery for the property at such time. For this purpose—

(A) The stranded cost of the property is the cost of the property reduced by the amount of such cost that the taxpayer has recovered through regulated depreciation expense during the period before the property becomes deregulated public utility property;

(B) The cumulative stranded cost recovery for the property at any time is the stranded cost of the property that the taxpayer has been permitted to recover through rates on or before such time; and

(C) The flowthrough percentage for the property is determined by dividing the amount of credit with respect to the property remaining to be used to reduce cost of service immediately before the property becomes deregulated public utility property by the stranded cost of the property.

(3) *Cross reference.* See § 1.168(i)–(3) for rules relating to the treatment of balances of excess deferred income taxes when public utility property becomes deregulated public utility property.

(4) *Effective/applicability dates*—(i) *In general.* Except as provided in paragraph (k)(4)(ii) of this section, this paragraph (k) applies to public utility property that becomes deregulated public utility property with respect to a taxpayer after December 21, 2005.

(ii) *Property that becomes public utility property of the transferee.* This paragraph (k) does not apply to property that becomes deregulated public utility property with respect to a taxpayer an account of a transfer on or before March 20, 2008 if after the transfer the property is public utility property of the transferee.

(iii) *Application of regulation project (REG–104385–01).* A reduction in the taxpayer's cost of service will be treated as ratable if it is consistent with the proposed rules in regulation project (REG–104385–01) (68 FR 10190) March 4, 2003, and occurs during the period beginning on March 5, 2003, and ending on the earlier of—

(A) The last date on which the utility's rates are determined under the rate order in effect on December 21, 2005; or

(B) December 21, 2007.

■ **Par. 3.** Section 1.168(i)–3 is added to read as follows:

§ 1.168(i)–3 Treatment of excess deferred income tax reserve upon disposition of deregulated public utility property.

(a) *Scope*—(1) *In general.* This section provides rules for the application of section 203(e) of the Tax Reform Act of 1986, Public Law 99–514 (100 Stat. 2146) to a taxpayer with respect to public utility property (within the meaning of section 168(i)(10)) that ceases, whether by disposition, deregulation, or otherwise, to be public utility property with respect to the taxpayer and that is not described in paragraph (a)(2) of this section (deregulated public utility property).

(2) *Exceptions.* This section does not apply to the following property:

(i) Property that ceases to be public utility property with respect to the taxpayer on account of an ordinary retirement within the meaning of § 1.167(a)–11(d)(3)(ii).

(ii) Property transferred by the taxpayer if after the transfer the property is public utility property of the transferee and the taxpayer's excess tax reserve with respect to the property (within the meaning of section 203(e) of the Tax Reform Act of 1986) is treated as an excess tax reserve of the transferee with respect to the property.

(b) *Amount of reduction.* If public utility property of a taxpayer becomes deregulated public utility property to which this section applies, the reduction in the taxpayer's excess tax reserve permitted under section 203(e) of the Tax Reform Act of 1986 is equal to the amount by which the reserve could be reduced under that provision if all such property had remained public utility property of the taxpayer and the taxpayer had continued use of its normalization method of accounting with respect to such property.

(c) *Cross reference.* See § 1.46–6(k) for rules relating to the treatment of accumulated deferred investment tax credits when utilities dispose of regulated public utility property.

(d) *Effective/applicability dates*—(1) *In general.* Except as provided in paragraph (d)(2) of this section, this section applies to public utility property that becomes deregulated public utility property after December 21, 2005.

(2) *Property that becomes public utility property of the transferee.* This section does not apply to property that becomes deregulated public utility property with respect to a taxpayer on account of a transfer on or before March 20, 2008 if after the transfer the property is public utility property of the transferee.

(3) *Application of regulation project (REG–104385–01).* A reduction in the taxpayer's excess deferred income tax reserve will be treated as ratable if it is consistent with the proposed rules in regulation project (REG–104385–01) (68 FR 10190) March 4, 2003, and occurs during the period beginning on March 5, 2003, and ending on the earlier of—

(i) The last date on which the utility's rates are determined under the rate order in effect on December 21, 2005; or

(ii) December 21, 2007.

Linda E. Stiff,

Acting Deputy Commissioner for Services and Enforcement.

Approved: March 6, 2008.

Eric Solomon,

Assistant Secretary of the Treasury (Tax Policy).

[FR Doc. E8–5619 Filed 3–19–08; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Fiscal Service

31 CFR Part 356

[Docket No. BPD GSRS 08–01]

Sale and Issue of Marketable Book-Entry Treasury Bills, Notes, and Bonds—Minimum and Multiple Amounts Eligible for STRIPS, Legacy Treasury Direct, and Certification Requirements

AGENCY: Bureau of the Public Debt, Fiscal Service, Treasury.

ACTION: Final rule.

SUMMARY: The Department of the Treasury (''Treasury'' or ''We'') is issuing in final form amendments to the Uniform Offering Circular for the Sale and Issue of Marketable Book-Entry Treasury Bills, Notes, and Bonds. The first change lowers the minimum and multiple par amounts of Treasury marketable notes, bonds, and Treasury inflation-protected securities (TIPS) that may be stripped from $1,000 to $100. The second change eliminates the provisions allowing depository institutions and dealers to submit customer bids in Treasury marketable securities auctions for securities that will be held in Legacy Treasury Direct. The third change eliminates the requirement that submitters that submit bids by computer provide a written certification that they are in compliance with the auction rules. Finally, this final rule adds technical clarification to the calculation of accrued interest for Treasury bonds and notes.

DATES: *Effective Date:* This rule is effective on March 20, 2008.

Applicability Date: The changes to 31 CFR 356.31 apply to all Treasury marketable securities eligible for stripping (notes, bonds, plus TIPS issued after January 15, 1985) outstanding on and after April 7, 2008.

Applicability Date: The change to 31 CFR Part 356, Appendix B, Section I, Paragraph C applies to all Treasury notes, bonds, and TIPS issued on or after the date of the first Treasury marketable securities auction with a $100 minimum purchase amount announced through an offering announcement.

Applicability Date: The changes to 31 CFR 356.2, 356.4, 356.16, 356.17 and 356.25 apply to all auctions of Treasury marketable securities beginning with the first Treasury marketable securities auction with a $100 minimum purchase amount announced through an offering announcement.

ADDRESSES: You may download this final rule from the Bureau of the Public Debt's Web site at *http://www.treasurydirect.gov* or from the Electronic Code of Federal Regulations (e-CFR) Web site at *http://www.gpoaccess.gov/ecfr.* It is also available for public inspection and copying at the Treasury Department Library, Room 1428, Main Treasury Building, 1500 Pennsylvania Avenue, NW., Washington, DC 20220. To visit the library, call (202) 622–0990 for an appointment.

FOR FURTHER INFORMATION CONTACT: Lori Santamorena (Executive Director), Chuck Andreatta (Associate Director), or Aaron Gregg (Government Securities Specialist), Bureau of the Public Debt, Government Securities Regulations Staff, (202) 504–3632 or e-mail us at *govsecreg@bpd.treas.gov. Policy Information:* Karthik Ramanathan (Director), Department of the Treasury, Office of Debt Management, (202) 622–2042 or e-mail at *debt.management@do.treas.gov.*

SUPPLEMENTARY INFORMATION: The Uniform Offering Circular (UOC), in conjunction with the announcement for each auction, provides the terms and conditions for the sale and issuance to the public of marketable Treasury bills, notes, bonds and TIPS.[1]

[1] The Uniform Offering Circular was first published as a final rule on January 5, 1993 (58 FR

Continued

This final rule revises 31 CFR 356.31 of the UOC, which describes the terms and conditions for STRIPS (Separate Trading of Registered Interest and Principal of Securities). The STRIPS program allows holders of book-entry (electronic) Treasury notes, bonds, and TIPS to separate those securities into their separate principal and interest components. Holders then can hold or trade these components separately as zero-coupon securities. Currently, the minimum par amount of notes, bonds, and TIPS that may be stripped is $1,000,[2] and any higher par amount to be stripped must be in a multiple of $1,000.

On August 1, 2007, Treasury announced that it was considering lowering the minimum and multiple par amounts that bidders may bid for in Treasury marketable securities auctions from $1,000 to $100 to put Treasury securities within the reach of all individual investors.[3] On October 31, 2007, Treasury announced that it will lower the minimum purchase amounts for Treasury auctions from $1,000 to $100 after the release of the new auction processing system.[4] This will also allow holders to hold and transfer all outstanding Treasury bills, notes, bonds, and TIPS in minimum and multiple par amounts of $100. The announced change does not require a change to the UOC because it will be incorporated in each auction announcement.[5]

This final rule makes the minimum and multiple par amounts of Treasury notes, bonds, and TIPS eligible to be stripped consistent with the lower minimum and multiple par amounts that bidders may bid for in marketable Treasury securities auctions. The change to the minimum and multiple par amounts eligible to be stripped (31 CFR 356.31) will apply on April 7, 2008, and thereafter to all outstanding Treasury marketable securities eligible for stripping (notes, bonds, plus TIPS issued after January 15, 1985).

The final rule also eliminates the provisions allowing depository institutions and dealers to submit customer bids in Treasury marketable securities auctions for securities that will be held in Legacy Treasury Direct (31 CFR 356.2, 356.4, 356.17, and 356.25). This functionality is not available in the new Treasury Automated Auction Processing System (TAAPS). Our experience has been that the volume of such bids has been so low that it does not justify continuing to provide the service in the new TAAPS. Investors will still be able to submit their own bids directly to Legacy Treasury Direct.

This final rule also eliminates the requirement that submitters that submit bids by computer provide a written certification that they are in compliance with the auction rules, because it is unnecessary in view of other requirements. The current UOC states that, by submitting bids or other information in an auction, submitters are deemed to have certified that they are in compliance with the auction rules; that the information provided regarding any bids for their own account is accurate and complete; and that the information provided with regard to any bids for customers accurately and completely reflects information provided by those customers or their intermediaries (31 CFR 356.16(a)). The new TAAPS will also state on the login screen that, by bidding in an auction, bidders are certifying that they will comply with the auction rules.

In addition, this final rule adds language to Appendix B, Section I, Paragraph C of the UOC to specify how we calculate accrued interest for a par amount of securities less than $1,000.

Procedural Requirements

This final rule is not a significant regulatory action for purposes of E.O. 12866. The notice and public procedures requirements of the Administrative Procedure Act do not apply, under 5 U.S.C. 553(a)(2).

Since a notice of proposed rulemaking is not required, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) do not apply.

List of Subjects in 31 CFR Part 356

Bonds, Federal Reserve System, Government Securities, Securities.

■ For the reasons stated in the preamble, 31 CFR part 356 is amended as follows:

PART 356—SALE AND ISSUE OF MARKETABLE BOOK-ENTRY TREASURY BILLS, NOTES, AND BONDS (DEPARTMENT OF THE TREASURY CIRCULAR, PUBLIC DEBT SERIES NO. 1–93)

■ 1. The authority citation for part 356 continues to read as follows:

Authority: 5 U.S.C. 301; 31 U.S.C. 3102 *et seq.*; 12 U.S.C. 391.

■ 2. Amend § 356.2 to revise the definition of ''Autocharge agreement'' to read as follows:

§ 356.2 What definitions do I need to know to understand this part?

* * * * *

Autocharge agreement means an agreement in a format acceptable to Treasury between a submitter or clearing corporation and a depository institution that authorizes us to:

(1) Deliver awarded securities to the book-entry securities account of a designated depository institution in the commercial book-entry system, and

(2) Charge a funds account of a designated depository institution for the settlement amount of the securities.

* * * * *

■ 3. Amend § 356.4 to revise paragraph (c) as follows:

§ 356.4 What are the book-entry systems in which auctioned Treasury securities may be issued?

* * * * *

(c) *Legacy Treasury Direct.* In this system, we maintain the book-entry securities of account holders directly on the records of the Bureau of the Public Debt, Department of the Treasury. Bids for securities to be held in Legacy Treasury Direct are submitted directly to us. From time to time, Treasury may announce that certain securities to be offered will not be eligible for purchase or holding in Legacy Treasury Direct.

§ 356.16 [Amended]

■ 4. In § 356.16, remove paragraph (a)(4).

■ 5. Amend § 356.17 to revise paragraph (c)(1) to read as follows:

§ 356.17 How and when do I pay for securities awarded in an auction?

* * * * *

(c) * * *

(1) *Bidding and payment by computer or by telephone.* If you are bidding by computer or by telephone, you must pay for any securities awarded to you by debit entry to a deposit account.

* * * * *

■ 6. Amend § 356.25 to revise paragraph (b) to read as follows:

412). The circular, as amended, is codified at 31 CFR part 356. A final rule converting the UOC to plain language and making certain other minor changes was published on July 28, 2004 (69 FR 45202).

[2] *See* 65 FR 66174 (November 3, 2000) for a previous UOC amendment to minimum and multiple par amounts that may be stripped.

[3] *See* August 2007 Quarterly Refunding Statement by Anthony W. Ryan, Treasury Assistant Secretary for Financial Markets (August 1, 2007) *http://www.treas.gov/press/releases/hp515.htm.*

[4] *See* November 2007 Quarterly Refunding Statement by Anthony W. Ryan, Treasury Assistant Secretary for Financial Markets (October 31, 2007) *http://www.treas.gov/press/releases/hp655.htm.*

[5] *See* 31 CFR 356.2, which defines ''minimum to bid'' and ''multiple to bid'' as ''the smallest amount of a security that may be bid for in an auction as stated in the auction announcement'' and ''the smallest additional amount of a security that may be bid for in an auction as stated in the auction announcement,'' respectively.

§ 356.25 How does the settlement process work?

* * * * *

(b) *Payment by authorized charge to a funds account.* Where the submitter's method of payment is an authorized charge to the funds account of a depository institution as provided for in § 356.17 (d), we will charge the settlement amount to the specified funds account on the issue date.

* * * * *

■ 7. Amend § 356.31 to revise paragraphs (b)(1) and (c)(1) to read as follows:

§ 356.31 How does the STRIPS program work?

* * * * *

(b) * * *

(1) *Minimum par amounts required for STRIPS.* The minimum par amount of a fixed-principal security that may be stripped is $100. Any par amount to be stripped above $100 must be in a multiple of $100.

* * * * *

(c) * * *

(1) *Minimum par amounts required for STRIPS.* The minimum par amount of an inflation-protected security that may be stripped is $100. Any par amount to be stripped above $100 must be in a multiple of $100.

* * * * *

■ 8. Amend Appendix B to part 356 by revising Section I, Paragraph C, Subparagraph 4, to read as follows:

Appendix B to Part 356—Formulas and Tables

* * * * *

C. Accrued Interest

* * * * *

4. We round all accrued interest computations to five decimal places for a $1,000 par amount, using normal rounding procedures. We calculate accrued interest for a par amount of securities greater than $1,000 by applying the appropriate multiple to accrued interest payable for a $1,000 par amount, rounded to five decimal places. We calculate accrued interest for a par amount of securities less than $1,000 by applying the appropriate fraction to accrued interest payable for a $1,000 par amount, rounded to five decimal places.

* * * * *

Gary Grippo,

Acting Fiscal Assistant Secretary.

[FR Doc. E8–5713 Filed 3–19–08; 8:45 am]

BILLING CODE 4810–39–P

NATIONAL SCIENCE FOUNDATION

45 CFR Part 670

RIN 3145–AA48

Conservation of Antarctic Animals and Plants

AGENCY: National Science Foundation.

ACTION: Final rule.

SUMMARY: Pursuant to the Antarctic Conservation Act of 1978, The National Science Foundation (NSF) is amending its regulations to designate additional Antarctic Specially Managed Areas (ASMA) and one new Historical Site or Monument (HSM). Further, NSF is amending its regulations to reflect that the Antarctic Treaty Consultative Parties (Consultative Parties), at the Antarctic Treaty Consultative Meeting XXIX (ATCM XXIX) in Edinburgh, Scotland adopted Measure 4 (2006) which removed all species of the genus Arctocephalus, Fur Seals, from the list of Specially Protected Species in Appendix A to Annex II to the Protocol on Environmental Protection to the Antarctic Treaty (The Protocol). These additions only reflect measures already adopted by the Consultative Parties at Antarctic Treaty Consultative Meetings.

DATES: *Effective Date:* March 20, 2008.

FOR FURTHER INFORMATION CONTACT: Bijan Gilanshah, Office of the General Counsel, at 703–292–8060, National Science Foundation, 4201 Wilson Boulevard, Room 1265, Arlington, Virginia 22230.

SUPPLEMENTARY INFORMATION: The Antarctic Conservation Act of 1978 (ACA), as amended, (16 U.S.C. 2401, *et seq.*) implements the Protocol on Environmental Protection to the Antarctic Treaty. Annex II of the Protocol contains provisions for conservation of native Antarctic plants and animals. Annex V contains provisions for the protection of specially designated areas. Section 2405 of title 16 of the ACA directs the Director of the National Science Foundation to issue such regulations as are necessary and appropriate to implement Annexes II and V to the Protocol.

The Antarctic Treaty Parties periodically adopt measures to establish additional specially protected areas, specially managed areas and historical sites or monuments in Antarctica. This rule is being revised to add two new Antarctic Specially Managed Areas and one new Historical Site and Monument. Finally, this revision reflects a decision by the Consultative Parties to de-list all species of the genus Arctocephalus, Fur Seals, from the list of Specially Protected Species in Appendix A to Annex II to the Protocol. The Fur Seals will continue to receive comprehensive protection under the Environmental Protocol to the Antarctic Treaty.

No public comment is needed because the addition of these areas or sites and the delisting merely implements measures adopted by the Consultative Parties at ATCM XXIX.

Determinations

NSF has determined, under the criteria set forth in Executive Order 12866, that this rule is not a significant regulatory action requiring review by the Office of Management and Budget. This rule involves a foreign affairs function of the United States and is, therefore, exempt from the notice requirements of section 553 of the Administrative Procedures Act and from regulatory flexibility analysis requirements of the Regulatory Flexibility Act, 5 U.S.C. 601–612. Although this rule is exempt from the Regulatory Flexibility Act, it has nonetheless been determined that this rule will not have a significant impact on a substantial number of small businesses. For purposes of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), these amendments to the existing regulations do not change the collection of information requirements contained in NSF's existing regulations, which have already been approved by the Office of Management and Budget.

List of Subjects in 45 CFR Part 670

Administrative practice and procedure, Antarctica, Exports, Imports, Plants, Reporting and recordkeeping requirements, Wildlife.

Dated: March 17, 2008.

Lawrence Rudolph,

General Counsel.

Pursuant to the authority granted by 16 U.S.C. 2405(a)(1), NSF hereby amends 45 CFR part 670 as set forth below:

PART 670—[AMENDED]

■ 1. The authority citation for part 670 continues to read as follows:

Authority: 16 U.S.C. 2405, as amended.

■ 1. Section 670.25 is revised to read as follows:

§ 670.25 Designation of specially protected species of native mammals, birds, and plants.

The following species has been designated as Specially Protected Species by the Antarctic Treaty Parties and is hereby designated Specially Protected Species:

Common Name and Scientific Name
Ross Seal—Ommatophoca rossii

■ 2. Section 670.29 is revised to read as follows:

§ 670.29 Designation of Antarctic Specially Protected Areas, Specially Managed Areas and Historic Sites and Monuments.

(a) The following areas have been designated by the Antarctic Treaty Parties for special protection and are hereby designated as Antarctic Specially Protected Areas (ASPA). The Antarctic Conservation Act of 1978, as amended, prohibits, unless authorized by a permit, any person from entering or engaging in activities within an ASPA. Detailed maps and descriptions of the sites and complete management plans can be obtained from the National Science Foundation, Office of Polar Programs, National Science Foundation, Room 755, 4201 Wilson Boulevard, Arlington, Virginia 22230.

ASPA 101 Taylor Rookery, Mac. Robertson Land, East Antarctica
ASPA 102 Rookery Islands, Holme Bay, Mac. Robertson Land, East Antarctica
ASPA 103 Ardery Island and Odbert Island, Budd Coast, Wilkes Land, East Antarctica
ASPA 104 Sabrina Island, Balleny Islands
ASPA 105 Beaufort Island, Ross Sea (see ASPA 124)
ASPA 106 Cape Hallett, Victoria Land
ASPA 107 Emperor Island, Dion Islands, Marguerite Bay, Antarctic Peninsula (see Measure 1, 2002)
ASPA 108 Green Island, Berthelot Islands, Antarctic Peninsula
ASPA 109 Moe Island, South Orkney Islands
ASPA 110 Lynch Island, South Orkney Islands
ASPA 111 Southern Powell Island and adjacent islands, South Orkney Islands
ASPA 112 Coppermine Peninsula, Robert Island, South Shetland Islands
ASPA 113 Litchfield Island, Arthur Harbour, Anvers Island, Palmer Archipelago
ASPA 114 Northern Coronation Island, South Orkney Islands
ASPA 115 Lagotellerie Island, Marguerite Bay, Antarctic Peninsula
ASPA 116 'New College Valley', Caughley Beach, Cape Bird, Ross Island
ASPA 117 Avian Island, off Adelaide Island, Antarctic Peninsula
ASPA 118 'Cryptogam Ridge', Mount Melbourne, Victoria Land
ASPA 119 Davis Valley and Forlidas Pond, Dufek Massif
ASPA 120 'Pointe-Géologie Archipelego', Terre Adélie
ASPA 121 Cape Royds, Ross Island
ASPA 122 Arrival Heights, Hut Point Peninsula, Ross Island
ASPA 123 Barwick and Balham Valleys (see Measure 1, 2002), Victoria Land
ASPA 124 Cape Crozier, Ross Island
ASPA 125 Fildes Peninsula, King George Island, South Shetland Islands
ASPA 126 Byers Peninsula, Livingston Island, South Shetland Islands
ASPA 127 Haswell Island
ASPA 128 Western shore of Admiralty Bay, King George Island
ASPA 129 Rothera Point, Adelaide Island
ASPA 130 'Tramway Ridge', Mount Erebus, Ross Island
ASPA 131 Canada Glacier, Lake Fryxell, Taylor Valley, Victoria Land
ASPA 132 Potter Peninsula, '25 de Mayo' (King George) Island, South Shetland Islands
ASPA 133 Harmony Point, west coast of Nelson Island, South Shetland Islands
ASPA 134 Cierva Point and offshore islands, Danco Coast, Antarctic Peninsula
ASPA 135 North-eastern Bailey Peninsula, Budd Coast, Wilkes Land
ASPA 136 Clark Peninsula, Budd Coast, Wilkes Land
ASPA 137 Northwest White Island, McMurdo Sound
ASPA 138 Linnaeus Terrace, Asgaard Range, Victoria Land
ASPA 139 Biscoe Point, Anvers Island
ASPA 140 Parts of Deception Island, South Shetland Islands
ASPA 141 'Yukidori Valley', Langhovde, Lützow-Holmbukta
ASPA 142 Svarthamaren, Mühlig-Hofmannfjella, Dronning Maud Land
ASPA 143 Marine Plain, Mule Peninsula, Vestfold Hills, Princess Elizabeth Land
ASPA 144 'Chile Bay' (Discovery Bay), Greenwich Island, South Shetland Islands
ASPA 145 Port Foster, Deception Island, South Shetland Islands
ASPA 146 South Bay, Doumer Island, Palmer Archipelago
ASPA 147 Ablation Valley-Ganymede Heights, Alexander Island
ASPA 148 Mount Flora, Hope Bay, Antarctic Peninsula
ASPA 149 Cape Shirreff and San Telmo Island, Livingston Island, South Shetland Islands
ASPA 150 Ardley Island, Maxwell Bay, King George Island
ASPA 151 Lions Rump, King George Island, South Shetland Islands
ASPA 152 Western Bransfield Strait off Low Island, South Shetland Islands
ASPA 153 Eastern Dallmann Bay off Brabant Island, Palmer Archipelago
ASPA 154 Botany Bay, Cape Geology, Victoria Land
ASPA 155 Cape Evans, Ross Island
ASPA 156 Lewis Bay, Mount Erebus, Ross Island
ASPA 157 Backdoor Bay, Cape Royds, Ross Island
ASPA 158 Hut Point, Ross Island
ASPA 159 Cape Adare, Borchgrevink Coast
ASPA 160 Frazier Islands, Wilkes Land, East Antarctica (see Measure 2, 2003)
ASPA 161 Terra Nova Bay, Ross Sea
ASPA 162 Mawson's Huts, Commonwealth Bay, George V Land, East Antarctica (see Measure 2, 2004)
ASPA 163 Dakshin Gangotri Glacier, Dronning Maud Land
ASPA 164 Scullin and Murray Monoliths, Mac. Robertson Land, East Antarctica
ASPA 165 Edmonson Point, Wood Bay, Ross Sea
ASPA 166 Port-Martin, Terre Adélie
ASPA 167 Hawker Island, Vestfold Hills, Ingrid Christensen Coast, Princess Elizabeth Land, East Antarctica

(b) The following areas have been designated by the Antarctic Treaty Parties for special management and are hereby designated as Antarctic Specially Managed Areas (ASMA). Detailed maps and descriptions of the sites and complete management plans can be obtained from the National Science Foundation, Office of Polar Programs, National Science Foundation, Room 755, 4201 Wilson Boulevard, Arlington, Virginia 22230.

ASMA 1 Admiralty Bay, King George Island, South Shetland Islands
ASMA 2 McMurdo Dry Valleys, Southern Victoria Land
ASMA 3 Cape Denison, Commonwealth Bay, George V Land
ASMA 4 Deception Island, South Shetland Islands
ASMA 5 Amundsen-Scott South Pole Station, South Pole
ASMA 6 Larsemann Hills, East Antarctica

(c) The following areas have been designated by the Antarctic Treaty Parties as historic sites or monuments (HSM). The Antarctic Conservation Act of 1978, as amended, prohibits any damage, removal or destruction of a historic site or monument listed pursuant to Annex V to the Protocol. Descriptions of the sites or monuments can be obtained from the National Science Foundation, Office of Polar Programs, National Science Foundation, Room 755, 4201 Wilson Boulevard, Arlington, Virginia 22230.

HSM 1 Flag mast at South Pole

HSM 2 Rock cairn and plaques on Ongul Island, Prins Harald Kyst
HSM 3 Rock cairn and plaque on Proclamation Island, Enderby Land
HSM 4 Bust and plaque at 'Pole of Inaccessibility'
HSM 5 Rock cairn and plaque at Cape Bruce, Mac. Robertson Land
HSM 6 Rock cairn and canister at Walkabout Rocks, Vestfold Hills, Princess Elizabeth Land
HSM 7 Stone and plaque at Mabus Point, Queen Mary Land
HSM 8 Monument sledge and plaque at Mabus Point, Queen Mary Land
HSM 9 Cemetery on Buromskiy Island, Queen Mary Land
HSM 10 Observatory at Bunger Hills, Queen Mary Land
HSM 11 Tractor and plaque at Vostok Station
HSM 14 Ice cave at Inexpressible Island, Terra Nova Bay, Scott Coast
HSM 15 Hut at Cape Royds, Ross Island
HSM 16 Hut at Cape Evans, Ross Island
HSM 17 Cross at Cape Evans, Ross Island
HSM 18 Hut at Hut Point, Ross Island
HSM 19 Cross at Hut Point, Ross Island
HSM 20 Cross on Observation Hill, Ross Island
HSM 21 Hut at Cape Crozier, Ross Island
HSM 22 Hut at Cape Adare, Borchgrevink Coast
HSM 23 Grave at Cape Adare, Borchgrevink Coast
HSM 24 Rock cairn at Mount Betty, Queen Maud Range
HSM 26 Installations at Barry Island, Debenham Islands, Marguerite Bay, Antarctic Peninsula
HSM 27 Cairn with plaque at Megalestris Hill, Petermann Island, Antarctic Peninsula
HSM 28 Cairn, pillar and plaque at Port Charcot, Booth Island, Antarctic Peninsula
HSM 29 Lighthouse on Lambda Island, Melchior Islands, Antarctic Peninsula
HSM 30 Shelter at Paradise Harbour, Danco Coast, Antarctic Peninsula
HSM 32 Monolith on Greenwich Island, South Shetland Islands
HSM 33 Shelter, cross and plaque on Greenwich Island, South Shetland Islands
HSM 34 Bust on Greenwich Island, South Shetland Islands
HSM 35 Cross and statue on Greenwich Island, South Shetland Islands
HSM 36 Plaque at Potter Cove, King George Island, South Shetland Islands
HSM 37 Statue at Trinity Peninsula, Antarctic Peninsula
HSM 38 Hut of Snow Hill Island, Antarctic Peninsula
HSM 39 Hut at Hope Bay, Trinity Peninsula, Antarctic Peninsula
HSM 40 Bust, grotto, statue, flag mast, graveyard and stele at Hope Bay, Trinity Peninsula, Antarctic Peninsula
HSM 41 Hut and grave at Paulet Island, Antarctic Peninsula
HSM 42 Huts, magnetic observatory and graveyard at Scotia Bay, Laurie Island, South Orkney Islands
HSM 43 Cross at 'Piedrabuena Bay', Filchner Ice Front, Weddell Sea
HSM 44 Plaque at Nivlisen Ice Front, Princesse Astrid Kyst, Dronning Maud Land
HSM 45 Plaque at Metchnikoff Point, Brabant Island, Antarctic Peninsula
HSM 46 Buildings and installations at Port-Martin, Terre Adélie
HSM 47 Building on Ĭle des Pétrels, Terre Adélie
HSM 48 Cross on Ĭle des Pétrels, Terre Adélie
HSM 49 Pillar at Bunger Hill, Queen Mary Land
HSM 50 Plaque at Fildes Peninsula, King George Island, South Shetland Islands
HSM 51 Grave and cross at Admiralty Bay, King George Island, South Shetland Islands
HSM 52 Monolith at Fildes Peninsula, King George Island, South Shetland Islands
HSM 53 Monolith and plaques on Elephant Island, South Shetland Islands
HSM 54 Bust on Ross Island
HSM 55 Buildings and artifacts on Stonington Island, Marguerite Bay, Antarctic Peninsula
HSM 56 Remains of hut and environs at Waterboat Point, Danco Coast, Antarctic Peninsula
HSM 57 Plaque at ''Yankee Bay'' (Yankee Harbour), MacFarlane Strait, Greenwich Island, South Shetland Islands
HSM 59 Cairn on Half Moon Beach, Cape Shirreff, Livingston Island, South Shetland Islands
HSM 60 Plaque and cairn at 'Penguins Bay', Seymour Island, James Ross Island archipelago
HSM 61 'Base A' at Port Lockroy, Goudier Island, off Wiencke Island, Antarctic Peninsula
HSM 62 'Base F (Wordie House)' on Winter Island, Argentine Islands
HSM 63 'Base Y' on Horseshoe Island, Marguerite Bay, western Graham Land
HSM 64 'Base E' on Stonington Island, Marguerite Bay, western Graham Land
HSM 65 Message post on Foyn Island, Possession Islands
HSM 66 Cairn at Scott Nunataks, Alexandra Mountains
HSM 67 Rock shelter 'Granite House' at Cape Geology, Granite Harbour
HSM 68 Depot at Hells Gate Moraine, Inexpressible Island, Terra Nova Bay
HSM 69 Message post at Cape Crozier, Ross Island
HSM 70 Message post at Cape Wadworth, Coulman Island
HSM 71 Whaling station at Whalers Bay, Deception Island
HSM 72 Cairn on Tryne Islands, Vestfold Hills
HSM 73 Memorial Cross, Lewis Bay, Ross Island
HSM 74 Wreckage of sailing ship, Elephant Island, South Shetland Islands
HSM 75 'A Hut', Pram Point, Ross Island
HSM 76 Ruins of base 'Pedro Aguirre Cerda', Pendulum Cove, Deception Island
HSM 77 Cape Denison, Commonwealth Bay, George V Land
HSM 78 Memorial Plaque at India Point, Humboldt Mountains, Wohlthat Massif, central Dronning Maud Land
HSM 79 Lilie Marleen Hut, Mt. Dockery, Everett Range, Northern Victoria Land
HSM 80 Amundsen's Tent
HSM 81 Rocher du Débarquement (Landing Rock)
HSM 82 Monument to the Antarctic Treaty and Plaque

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 6 and 64

[CG Docket No. 03–123; FCC 07–110]

Sections 225 and 255 Interconnected Voice Over Internet Protocol Services (VoIP)

AGENCY: Federal Communications Commission.

ACTION: Final rule; announcement of effective date.

SUMMARY: In this document, the Commission announces that the Office of Management and Budget (OMB) has approved, for a period of three years, the information collection associated with the Commission's 2007 Report and Order concerning *Sections 225 and 255 Interconnected Voice Over Internet Protocol Services (VoIP).* This notice is consistent with the Report and Order, which stated that the Commission would publish a document in the **Federal Register** announcing the effective date of the rules.

DATES: The rules published at 72 FR 43546, August 6, 2007, are effective March 20, 2008. 47 CFR 6.11(a), 6.11(b), 6.18(b), 6.19, 64.604(a)(5), 64.604(c)(1)(i), 64.604(c)(1)(ii), 64.604(c)(2), 64.604(c)(3), 64.604(c)(5)(iii)(C), 64.604(c)(5)(iii)(E), 64.604(c)(5)(iii)(G), 64.604(c)(6)(v)(A)(*3*), 64.604(c)(6)(v)(G), 64.604(c)(7) and 64.606(b).

FOR FURTHER INFORMATION CONTACT: Lisa Boehley, Consumer Policy Division, Consumer & Governmental Affairs Bureau, at (202) 418–7395.

SUPPLEMENTARY INFORMATION: This document announces that, on January 15, 2008, OMB approved, for a period of three years, the information collection requirements contained in the Commission's Report and Order concerning *Sections 225 and 255 Interconnected Voice Over Internet Protocol Services (VoIP),* FCC 07–110, published at 72 FR 43546, August 6, 2007. The OMB Control Number is 3060–1111. The Commission publishes this notice as announcement of the effective date of the rules. If you have any comments on the burden estimates listed below, or how the Commission can improve the collections and reduce any burdens caused thereby, please contact Cathy Williams, Federal Communications Commission, Room 1–C823, 445 12th Street, SW., Washington, DC 20554. Please include the OMB Control Number, 3060–1111, in your correspondence. The Commission will also accept your comments via the Internet if you send them to *PRA@fcc.gov.*

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).

Synopsis

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), the FCC is notifying the public that it received OMB approval on January 15, 2008, for the information collection requirements contained in the Commission's rules at 47 CFR 6.11(a), 6.11(b), 6.18(b), 6.19, 64.604(a)(5), 64.604(c)(1)(i), 64.604(c)(1)(ii), 64.604(c)(2), 64.604(c)(3), 64.604(c)(5)(iii)(C), 64.604(c)(5)(iii)(E), 64.604(c)(5)(iii)(G), 64.604(c)(6)(v)(A)(3), 64.604(c)(6)(v)(G), 64.604(c)(7) and 64.606(b). The OMB Control Number is 3060–1111. The total annual reporting burden for respondents for these collections of information, including the time for gathering and maintaining the collection of information, is estimated to be: 5,711 respondents, a total annual hourly burden of 149,962 hours, and $5,711,000 in total annual costs.

Under 5 CFR part 1320, an agency may not conduct or sponsor a collection of information unless it displays a current, valid OMB Control Number.

No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act that does not display a current, valid OMB Control Number.

The foregoing notice is required by the Paperwork Reduction Act of 1995, Public Law 104–13, October 1, 1995, and 44 U.S.C. 3507.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. E8–5690 Filed 3–19–08; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

RIN 0648–AU29

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery off the Southern Atlantic States; Amendment 15A

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

ACTION: Notice of agency action.

SUMMARY: NMFS announces approval of Amendment 15A to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region (FMP). Amendment 15A updates management reference points for snowy grouper, black sea bass, and red porgy based on the most recent stock assessments; modifies rebuilding schedules for snowy grouper and black sea bass; defines rebuilding strategies for snowy grouper, black sea bass, and red porgy; and redefines the minimum stock size threshold for the snowy grouper stock. The measures contained in the subject amendment are intended to both comply with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) and satisfy a U.S. district court's rulings to establish rebuilding plans for South Atlantic snowy grouper and black sea bass and approve, amend or reject Amendment 15A by March 14, 2008.

DATES: NMFS approved Amendment 15A, without modification, on March 14, 2008.

FOR FURTHER INFORMATION CONTACT: John McGovern, telephone: 727–824–5305; fax: 727–824–5308; e-mail: John.McGovern@noaa.gov.

SUPPLEMENTARY INFORMATION: The South Atlantic snapper-grouper fishery is managed under the FMP. The FMP was prepared by the South Atlantic Fishery Management Council (Council) and implemented by NMFS under the authority of the Magnuson-Stevens Act by regulations at 50 CFR part 622.

On December 28, 2007, NMFS published a notice of availability of Amendment 15A and requested public comment (72 FR 73747). After considering the public comments received, NMFS approved Amendment 15A, without modification, on March 14, 2008. The background rationale for the measures in Amendment 15A are contained in the amendment and the notice of availability and are not repeated here.

Comments and Responses

NMFS received 17 comment letters on Amendment 15A and the associated environmental impact statement. Two of these comment letters supported the proposed actions. The remaining comment letters opposed one or more of the proposed actions for the reasons summarized below.

Comment 1: One group stated Amendment 15A should consider management measures to address the Magnuson-Stevens Act's requirement that an amendment designed to rebuild an overfished fishery must also allocate both overfishing restrictions and recovery benefits fairly and equitably among sectors of the fishery.

Response: Amendment 15A is intended to comply with the Magnuson-Stevens Act and satisfy a United States district court ruling that found a plan to rebuild snowy grouper and black sea bass should have been included in Amendment 13C to the FMP because the two species were overfished. Amendment 15A establishes the rebuilding plans but does not contain measures with direct regulatory effect; instead it specifies management reference points, a timeframe for rebuilding overfished stocks, and a strategy for how overfished stocks will be rebuilt within the specified timeframe, as required by the August 17, 2007, court opinion and October 2, 2007, court order. Although Amendment 13C did not have a

rebuilding plan, the amendment included measures with direct regulatory effect necessary to end overfishing of snowy grouper and black sea bass, and therefore, initiate recovery of those fisheries. The court determined the measures in Amendment 13C were ''fair and equitable'' and in compliance with national standard 4 of the Magnuson-Stevens Act. The Council is considering additional management measures in Amendments 15B and 17 to ensure both overfishing restrictions and recovery benefits would continue to be fairly and equitably allocated among fishing sectors during the rebuilding periods for snowy grouper and black sea bass.

Comment 2: One group of commenters supported fast-track strategies for fish stock recoveries. The commenters indicated such strategies would minimize the number of years needed for recovery, benefitting fish stocks as well as fishermen once stocks recovered.

Response: The Council evaluated a broad range of alternatives for the establishment of rebuilding schedules for snowy grouper and black sea bass. A rebuilding schedule for red porgy was established through Amendment 12, in 2000. The alternatives considered for each proposed rebuilding schedule action in Amendment 15A ranged from those that would rebuild stocks in the shortest amount of time in the absence of fishing mortality to those that would rebuild stocks over the longest period of time allowed by the Magnuson-Stevens Act. For snowy grouper, the Council's preferred alternative would rebuild the stock in 34 years, which is the maximum time allowed by the Magnuson-Stevens Act. However, shorter rebuilding schedules would not be expected to rebuild the snowy grouper stock to biomass at the maximum sustainable yield, even if retention was entirely prohibited due to the incidental capture of snowy grouper in this multi-species snapper-grouper fishery. As release mortality is 100 percent, it is expected these fish would still be caught incidentally and discarded dead when fishermen target co-occurring species. Amendment 13C reduced the allowable catch of snowy grouper to the extent that fishermen are not targeting the species and now only retain them as incidental catch.

The preferred rebuilding strategy alternative for snowy grouper would retain the total allowable catch (TAC) at 102,960 lb (46,702 kg) whole weight until modified by future action. By keeping TAC at this level, fishing mortality would decrease to levels less than the fishing mortality associated with the maximum sustainable yield and thereby increase the probability that biomass would increase.

The preferred 10-year rebuilding schedule for black sea bass is also the longest allowed by the Magnuson-Stevens Act. However, the shortest rebuilding schedule (6 years) would not be expected to rebuild black sea bass to the biomass at the maximum sustainable yield, even if retention of black sea bass is entirely prohibited. Black sea bass is part of a multi-species fishery, and it is expected that these fish would still be caught incidentally and discarded dead when fishermen target co-occurring species. The Council's preferred rebuilding schedule would rebuild the stock to healthy levels, over a slightly longer time period and still within the allowable time frame, which would be less detrimental to the fishing community dependent on the resource.

Comment 3: Two commenters stated that despite NMFS' assertion that the best available data were used in the analyses supporting Amendment 15A, they remain concerned that the stock assessments do not provide adequate estimates of stock status.

Response: Status determinations for snowy grouper, black sea bass, and red porgy were derived from the Southeast Data, Assessment and Review (SEDAR) process. The SEDAR process involves a series of three workshops designed to ensure each stock assessment reflects the best available scientific information. The findings and conclusions of each SEDAR workshop are documented in a series of reports, which are ultimately reviewed and discussed by the Council and its Scientific and Statistical Committee (SSC). SEDAR participants, Council advisory committees, the Council, and NMFS staff reviewed and considered these and other concerns about the adequacy of the data. The Council's snapper-grouper committee acknowledged that while stock assessment findings are uncertain, there is no reason to assume that uncertainty leads to overly pessimistic or optimistic conclusions about stock status. Therefore, uncertainty should not be used as a reason to avoid taking action. The adequacy of these data was at issue in the recent civil action, *North Carolina Fisheries Association, Inc., et al.*, v. *Carlos Gutierrez, Secretary, United States Department of Commerce*, Case No. 06–1815 (D.D.C. 2006), where the plaintiffs claimed, among other things, that actions taken in Amendment 13C were inconsistent with national standard 2 of the Magnuson-Stevens Act, which requires that all FMPs and plan amendments ''be based upon the best scientific information available.'' The same assessment information used in Amendment 13C was used in Amendment 15A to specify management reference points, and rebuilding plans for snowy grouper, black sea bass, and red porgy. In the court's opinion issued in the North Carolina Fisheries Association case, the judge concluded ''the Secretary was not obliged to 'sit idly by' when faced with overfishing and overfished stocks simply because the data available to him may have been less than perfect. In sum, the Secretary's decision to act on the basis of the existing information easily meets the standard of rationality required of him.'' The NMFS' Southeast Fisheries Science Center (SEFSC) reviewed and certified Amendment 13C and its supporting analyses as being based on the best available scientific information. The SSC and the SEFSC have determined Amendment 15A is based on the best scientific information available.

Comment 4: One commenter stated the cumulative impacts section of the EIS is inadequate because impacts from previous regulations on fishery participants in all fisheries available to them in the past have been ignored in the analysis.

Response: Amendment 15A, which is integrated with the EIS, qualitatively discusses cumulative impacts (Section 4.5.2), and concludes that ''it is not possible to differentiate actual or cumulative regulatory effects from external cause-induced effects.'' It also states, ''In general, it can be stated, however, that the regulatory environment for all fisheries has become progressively more complex and burdensome, increasing, in tandem with other adverse influence, the pressure on economic losses, business failure, occupational changes, and associated adverse pressures on associated families, communities, and industries. Some reverse of this trend is possible and expected.''

The integrated document also contains a discussion of potential adverse long-term socioeconomic impacts to some current fishery participants (Section 4.5.2). This section states that ''Where losses are projected, as is always the case, individual losses may be so severe that some entities may not be able to remain in business long enough to reap the benefits of a recovered stock and increased long-term resource stability. Thus, even though the fishery as a whole may benefit, individual participants may suffer. However, as is also the case, failure to take action can result in persistent foregone economic benefits, or more severe corrective action with greater

adverse impacts if the period under which recovery is mandated is substantially shortened.''

The integrated document also incorporates, by reference, discussion of impacts associated with the regulatory measures associated with Amendment 13C to the FMP.

Comment 5: It is likely the recreational allocation of snowy grouper will be quite small, and any snowy grouper rebuilding schedule will be compromised until the Council can put into place an adequate method of accounting for recreational landings.

Response: Amendment 15B to the FMP, currently under development, includes alternatives to address allocation of snowy grouper. Furthermore, Amendment 15B includes alternatives that could modify the regulations on the sale of bag limit caught fish and, thus, improve accounting of snowy grouper landings. Amendment 17 to the FMP is being developed to establish annual catch limits for species experiencing overfishing, including snowy grouper. Amendment 17 would also include accountability measures to ensure annual catch limits in the recreational and commercial sectors are not exceeded and overfishing is prevented where possible and mitigated if it occurs.

Comment 6: Six individuals commented that the fishery would be best served by utilizing the rebuilding plan options which have the least effect on fishing effort and harvest as possible. They feel that the shorter the rebuilding schedule the more substantial socioeconomic impacts on fishermen will be, and they would like those impacts minimized as much as possible. These commenters also noted that fishing effort could shift to other species.

Response: The Council's preferred rebuilding schedule alternatives for snowy grouper and black sea bass are the maximum length of time allowed by the Magnuson-Stevens Act and would have less of a negative short-term social and economic impact than shorter rebuilding schedules. Some effort shift to other fisheries could occur as a result of management measures imposed through Amendment 13C, however, longer rebuilding schedules are likely to cause less effort shifting than shorter rebuilding schedules, which would require more stringent management regulations. An 18-year rebuilding schedule for red porgy was specified through Amendment 12 to the FMP in 2000. Also, the Council considered the rebuilding strategy alternatives that would have the greatest benefit to the stock and result in the least short-term negative socioeconomic effects. Red porgy is no longer undergoing overfishing, and the stock is rebuilding. An increase in TAC for 2009 reflects the improved status of the red porgy fishery.

Snowy grouper and black sea bass are experiencing overfishing and are overfished. Amendment 13C implemented management measures over a 3-year period with the intent of ending overfishing by 2009. At the December 2007 Council meeting, the Council elected to set the snowy grouper TAC at the 2008 level of 102,960 lb (46,702 kg) whole weight rather than increase TAC to 109,360 lb (49,605 kg) whole weight in 2009. The Council was concerned that the 2009 TAC was based on the yield at FMSY, which would be considered to be a limit rather than a target under the reauthorized Magnuson-Stevens Act. By keeping catch at 2008 levels, fishing mortality would decrease below FMSY and the probability that overfishing had ended would increase.

The preferred rebuilding strategy for black sea bass would also retain TAC at the 2008 levels and could rebuild sea bass 2 years ahead of schedule resulting in a very large increase in the allowable catch once the stock is rebuilt. As a result, this alternative is expected to provide the greatest long-term, biological effects to the stock and associated ecosystem as well as significant economic benefits.

Comment 7: One individual suggested that a more reasonable approach to end overfishing would be through the establishment of a two-for-one permit buyout program, and suggested anyone holding a permit is entitled to an equal allocation of fish.

Response: A two-for-one permit buyout program would address the number of allowed participants over the long term but would not immediately or directly address overfishing. The Council implemented a 2 for 1 permit program in 1998, and many snapper grouper species are still experiencing overfishing. The possibility of using a limited access privilege (LAP) program in the South Atlantic snapper-grouper fishery is being considered in Amendment 18 to the FMP. Such a program would further limit fishery participation and would be created with the intent to prevent and/or end overcapitalization of the fishery. Allocations for certain snapper-grouper species are being considered in snapper-grouper Amendment 15B, Amendment 16, and a comprehensive allocation amendment, which are in development.

Comment 8: One group recommended against using the maximum amount of time possible under the law (T(max)) to rebuild severely depleted fish stocks such as snowy grouper.

Response: Rebuilding schedules of 12 and 23.5 years (Alternatives 2 and 3 in Amendment 15A, respectively) would not be expected to rebuild the snowy grouper stock to the biomass at the maximum sustainable yield, even if retention of snowy grouper is entirely prohibited. Snowy grouper is part of a multi-species fishery. Even with no harvest, one would expect snowy grouper to be caught incidentally and released dead by fishermen when co-occurring species were targeted. Snowy grouper is a deepwater species, and release mortality is estimated to be 100 percent; therefore, no incidentally captured snowy grouper would survive. Actions taken in Amendment 13C substantially reduced the allowable harvest of snowy grouper to a level that would likely be taken incidentally. The longest rebuilding schedule allows fishermen to retain snowy grouper that are incidentally caught rather than release dead fish. Snowy grouper probably would not be able to rebuild in a shorter timeframe due to bycatch mortality when fishermen target co-occurring species. The Council is considering the formation of a deepwater snapper-grouper unit in Amendment 17 to the FMP. The Council believes that managing the deepwater species as a unit would decrease discards of these species with high release mortality rates.

Comment 9: One commenter stated the definition of minimum stock size threshold (MSST) at $0.75*SSB_{MSY}$ is inappropriate and suggested retaining the MSST definition at $(1–M)*SSB_{MSY}$.

Response: The current definition of MSST is $(1–M)*SSB_{MSY}$ or $0.5*SSB_{MSY}$, whichever is greater, where M equals the natural mortality rate. The relatively low estimation of M (0.12) produces an MSST that is similar to SSB_{MSY}. By modifying the current definition of MSST for snowy grouper to $0.75*B_{MSY}$, the Council is hoping to avoid a situation where the natural variation in recruitment causes the stock biomass to frequently alternate between an overfished and rebuilt condition, even if the fishing mortality rate applied to the stock was within the limits specified by the maximum fishing mortality threshold. Such a situation could create administrative difficulties if the overfished threshold was met and a rebuilding plan was unnecessarily triggered. Regardless of which MSST definition is chosen, snowy grouper is overfished and biomass is well below the threshold that would trigger a rebuilding plan. The recent SEDAR

assessment estimates current biomass of snowy grouper at 18 percent of SSBMSY.

Comment 10: Several commenters objected to the modified F rebuilding strategies because they either fail to achieve optimum yield, or fail to prevent overfishing by using TACs set at F_{MSY}.

Response: Achievement of OY has been specified in Amendment 15A through the selection of the preferred rebuilding strategy alternatives for snowy grouper, red porgy, and black sea bass. An estimate of OY is the target when a stock is rebuilt and plans can transition from rebuilding to OY management. OY for each of the subject species has been defined in the amendment. The preferred rebuilding strategies are expected to achieve the OY target for each species within the rebuilding schedule time frame, while minimizing to the extent practicable, adverse socioeconomic impacts.

Prior to December 2007, the preferred rebuilding strategy for snowy grouper was based on the yield at F_{MSY}. However, in response to comments from The Ocean Conservancy, the Council, at its December 2007 meeting, added a new sub-alternative for snowy grouper that would not increase the TAC; thereby setting yield based on a fishing mortality rate less than F_{MSY}. By leaving the TAC at the 2008 level, the allowable fishing mortality rate will decrease below FMSY and increase the chance overfishing will end and the stock will rebuild. In addition, based on the reauthorized Magnuson-Stevens Act, it would be difficult to justify increasing the TAC before a stock assessment indicates overfishing is ended. A 2010 assessment update for snowy grouper will determine if management measures have been effective in ending overfishing, and if so, warrant a subsequent increase in TAC, which would help achieve optimum yield.

The TAC for red porgy, as specified through the preferred rebuilding strategy alterative is set below the yield when fishing at MSY and will result in a fishing mortality rate that approximates F_{OY}. For black sea bass, the TAC in 2009 is established at the yield when fishing at MSY. However, with the preferred constant catch strategy, the TAC for 2009 (847,000 lb (384,193 kg whole weight) would remain in effect beyond 2009 until modified. Holding catch at constant levels as the stock rebuilds would be expected to gradually reduce the fishing mortality rate to F_{OY} by 2010, increasing the chance overfishing will end and the stock will rebuild. The preferred rebuilding strategy alternatives for snowy grouper, red porgy, and black sea bass are expected to provide the greatest long-term, biological effects to the stocks and associated ecosystem throughout their entire rebuilding time frames.

Comment 11: Any fishery management plan must include measures that minimize bycatch and unavoidable bycatch mortality to the extent practicable. Amendment 15A does not contain any discussion of bycatch reduction in the deepwater complex.

Response: Although no measures in the amendment involve regulatory changes, the preferred rebuilding alternative for red porgy that would increase TAC beyond 2008 levels accounts for an estimate of increase in dead discards. Preferred rebuilding strategies for snowy grouper and black sea bass keep TAC at 2008 levels; however, other alternatives considered that increase TAC in 2009 account for an increased estimate of dead discards that could occur. In addition, Amendment 15A contains a discussion on bycatch of snowy grouper in the bycatch practicability section and includes estimates of the magnitude of bycatch that are currently occurring in the commercial and recreational sectors. Furthermore, Appendix E to Amendment 15A provides estimates of dead discards that could occur in fisheries for snowy grouper, black sea bass, and red porgy as a result of new management measures imposed through Amendment 13C. Discussion in Amendment 15A also indicates snowy grouper bycatch could be reduced through future actions in Amendment 17. Alternatives in Amendment 17 include actions to establish a deepwater unit composed of co-occurring species and would establish management measures for the deepwater unit including an aggregate trip limit and a quota. Alternatives would also consider prohibiting all purchase and sale of species in the unit after any of the individual quotas are met. Although some bycatch of species in the unit could occur when targeting shelf edge species, management of the deepwater species as a unit is expected to substantially reduce bycatch of snowy grouper. Amendment 17 would also establish ACLs and accountability measures for snowy grouper and other species experiencing overfishing, further reducing bycatch.

Comment 12: One individual stated that Amendment 15A would prevent the remaining fishermen from making a living, and would increase the cost of fish.

Response: Retaining existing values for the reference points and subsequent allowance of harvest at the respective MSY value may lead to excessive exploitation, precipitating imposition in the future of more restrictive management measures and reductions in economic and social benefits. Once the resource is rebuilt, consistent with the rebuilding plans in Amendment 15A, the specification of MSY/OY and the related increase in total allowable harvest and reduced harvest restrictions would support increased economic and social benefits of the fishery.

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

Dated: March 14, 2008.

Samuel D. Rauch III,

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

[FR Doc. E8–5655 Filed 3–19–08; 8:45 am]

BILLING CODE 3510–22–S

Proposed Rules

Federal Register
Vol. 73, No. 55
Thursday, March 20, 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.

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 20, 30, 40, 50, 70 and 72

RIN 3150–AH45

[NRC–2008–0030]

Decommissioning Planning; Extension of Comment Period

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule: Extension of comment period.

SUMMARY: On January 22, 2008 (73 FR 3812), the Nuclear Regulatory Commission (NRC) published for public comment a proposed rule on Decommissioning Planning. The public comment period for this proposed rule was to have expired on April 7, 2008. The Nuclear Energy Institute (NEI) and several other stakeholders have requested an extension of 90 days. After due consideration of the requests and considering the staff's previous efforts at public outreach during this rulemaking, the NRC has decided to extend the comment period by 30 days, until May 8, 2008. In a letter dated February 29, 2008, NEI requested the additional time to provide review of the legacy site issues raised in the proposed rule, and to provide input to the NRC staff regarding the specific proposed rule text, potential unintended consequences of the rulemaking, and draft regulatory guidance released with the proposed rule.

DATES: The comment period has been extended and now expires on May 8, 2008. Comments received after this date will be considered if it is practical to do so, but the NRC is able to assure consideration only for comments received on or before this date.

ADDRESSES: You may submit comments by any one of the following methods. Please include the following number RIN 3150–AH45 in the subject line of your comments. Comments on rulemakings submitted in writing or in electronic form will be made available to the public in their entirety in NRC's Agencywide Documents Access and Management System (ADAMS). Personal information, such as your name, address, telephone number, e-mail address, etc., will not be removed from your submission.

Mail comments to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Rulemakings and Adjudications Staff.

E-mail comments to: Rulemaking.Comments@nrc.gov. If you do not receive a reply e-mail confirming that we have received your comments, contact us directly at 301–415–1677. Comments can also be submitted via the Federal eRulemaking Portal *http://www.regulations.gov.*

Hand deliver comments to: 11555 Rockville Pike, Rockville, Maryland 20852, between 7:30 a.m. and 4:15 p.m. Federal workdays. (Telephone 301–415–1677).

Fax comments to: Secretary, U.S. Nuclear Regulatory Commission at 301–415–1101.

Publicly available documents related to this rulemaking, including comments, may be viewed electronically on the public computers located at the NRC's Public Document Room (PDR), O1 F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland. The PDR reproduction contractor will copy documents for a fee.

Publicly available documents created or received at the NRC after November 1, 1999, are available electronically at the NRC's Electronic Reading Room at: *http://www.nrc.gov/reading-rm/adams.html.* From this site, the public can gain entry into ADAMS, which provides text and image files of NRC's public documents. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the PDR Reference staff at 1–800–397–4209, 301–415–4737 or by e-mail to *pdr@nrc.gov.*

FOR FURTHER INFORMATION CONTACT: Kevin O'Sullivan, telephone (301) 415–8112, e-mail, *kro2@nrc.gov* of the Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

Dated at Rockville, Maryland, this 14th day of March 2008.

For the Nuclear Regulatory Commission.

Annette Vietti-Cook,

Secretary of the Commission.

[FR Doc. E8–5650 Filed 3–19–08; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

10 CFR Part 51

[Docket No. PRM–51–1]

New England Coalition on Nuclear Pollution; Denial of Petition for Rulemaking

AGENCY: Nuclear Regulatory Commission.

ACTION: Denial of petition for rulemaking.

SUMMARY: The Nuclear Regulatory Commission (NRC) is denying a petition for rulemaking (PRM–51–1) submitted by the New England Coalition on Nuclear Pollution (now New England Coalition (NEC)). The petitioner requested that the NRC revise the value for radon-222 in Table S–3, ''Table of Uranium Fuel Cycle Environmental Data,'' of 10 CFR part 51, ''Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions,'' because it did not disclose the long-term and long-range health effects of radon gas released from uranium mill tailings piles.

ADDRESSES: For a copy of the petition, write to Michael T. Lesar, Chief, Rulemaking, Directives, and Editing Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–7163; e-mail: *MTL@nrc.gov.*

Publicly available documents related to this petition may be viewed electronically on public computers in the NRC's public document Room (PDR), O–1 F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland. The PDR reproduction contractor will copy documents for a fee.

Publicly available documents created or received at the NRC after November 1, 1999, are also available electronically at the NRC's Electronic Reading Room at: *http://www.nrc.gov/NRC/ADAMS/index.html.* From this site, the public

can gain entry into the NRC's Agencywide document Access and Management System (ADAMS), which provides text and image files of NRC's public documents. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS contact the NRC's PDR Reference staff at 1–800–397–4209, 301–415–4737, or by e-mail to *pdr@nrc.gov.*

FOR FURTHER INFORMATION CONTACT: Stewart Schneider, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–4123; e-mail *SXS4@nrc.gov.*

SUPPLEMENTARY INFORMATION:

Background

On November 25, 1975, the NRC docketed a petition for rulemaking (PRM–51–1) dated November 19, 1975, filed by Roisman, Kessler, and Cashdan, on behalf of the New England Coalition on Nuclear Pollution, now New England Coalition (NEC). The petitioner requested the Commission to issue a number of amendments to 10 CFR part 51, Table S–3, ''Table of Uranium Fuel Cycle Environmental Data,'' and to postpone resolution of pending applications for construction or operation of nuclear power plants and to reassess the conclusions for previous authorizations for construction or operation of nuclear power plants. Table S–3 lists environmental data to be used by applicants and the NRC staff as the basis for evaluating the environmental effects of the portions of the fuel cycle that occur before new fuel is delivered to the plant and after spent fuel is removed from the plant site for light-water reactors (LWRs).

The petitioner stated that:

1. Table S–3 ''seriously understates'' the impact on human safety and health by disregarding the long-term effects of certain long-lived radionuclides and that the health effects of uranium mining and milling listed in the table fail to disclose the long-term and long-range health effects of radon-222 released from tailings piles;

2. The health effects of krypton-85 and tritium releases from fuel reprocessing plants are underestimated in Table S–3;

3. Releases of carbon-14 from the fuel cycle should be included in Table S–3;

4. Table S–3, by the exclusive use of the term ''man-rems,'' does not provide a meaningful representation of these health effects, and that human deaths from man-rem exposures provide a more easily comprehended consequence of the fuel cycle activities; and

5. The magnitude of the potential death toll from mill tailings alone is so great as to alter the previous judgment on these matters and to require, as a minimum, a reassessment of previous conclusions to authorize construction and operation of nuclear reactors and a postponement of resolution of all pending applications for construction or operation authority until final resolution of this issue by the Commission.

The NRC published a notice of receipt of petition on January 16, 1976 (41 FR 2448). The notice of receipt invited interested persons to submit written comments on the petition. Comments were received from 10 organizations. The Commission resolved the public comments as discussed in a **Federal Register** notice published on April 14, 1978 (43 FR 15613).

Response to the Petition

In its April 14, 1978 notice, the Commission resolved the petitioner's first issue (concerning the value for radon-222 in Table S–3), in part, when it amended Table S–3 by deleting the value for radon-222.[1] The Commission, however, deferred instituting any rulemaking on the radon issue, including the insertion of a revised value for radon-222, pending generic consideration of the issue. The generic consideration of the radon-222 value in Table S–3 remained the one outstanding item of this petition and is now resolved by this denial, as explained under the ''Reasons for Denial'' section below.

As reflected in the April 14, 1978 notice, the Commission resolved the second and third issues raised by the petition when the Commission published a revised Table S–3 on March 14, 1977 (42 FR 13803). In this revision, the Commission added carbon-14 to the table and revised the release values for krypton-85 and tritium upwards. Differences in the petitioner's release estimates and those of the NRC staff were due to differences in the models used. The basis for the NRC models is described in detail in NUREG–0116, ''Environmental Survey of the Reprocessing and Waste Management Portions of the LWR Fuel Cycle,'' October 1976, and NUREG–0216, ''Public Comments and Task Force Responses Regarding the Environmental Survey of the Reprocessing and Waste Management Portions of the LWR Fuel Cycle,'' March 1977.

As further reflected in the April 14, 1978 notice, the Commission resolved the petitioner's fourth issue, namely, that Table S–3 does not provide a meaningful representation of health effects, by amending Footnote 1 to Table S–3 to indicate that health effects are not covered in the table and may be litigated in individual cases.

Finally, regarding the petitioner's fifth issue, the Commission in the April 14, 1978 notice, denied the petitioner's request to halt the licensing of reactors and to reopen all proceedings where construction or operation had already been authorized. The Commission concluded that the actions it had taken (as described previously) effectively addressed the concerns raised by the petitioner.

Reasons for Denial

The NRC is denying the remaining outstanding issue from the petition for rulemaking (PRM–51–1) submitted by the New England Coalition on Nuclear Pollution (now New England Coalition or NEC), namely, the revision of the value for radon-222 in Table S–3.

The update to Table S–3 was delayed because, by the mid-1980s, there were no new applications for construction of nuclear power plants, nor, at that time, were any future ones predicted. Consequently, there was no regulatory need to update Table S–3 and competing priorities for rulemaking resources eventually resulted in the cessation of activities on the table. Since the mid-1980s, the NRC has revisited the issue of revising the value for radon-222 in Table S–3 on more than one occasion, but in each case higher priority rulemakings led to a halt in these efforts.

The NRC is denying the remaining outstanding issue in PRM–51–1, revising the value for radon-222 in Table S–3 of 10 CFR part 51, because the NRC has made a generic determination that the radiological impacts of the uranium fuel cycle, including those from radon-222 emissions, on individuals off-site will remain at or below the Commission's regulatory limits, and as such, are of small significance. The NRC described this generic determination and conclusion in chapter 6 of the Generic Impact Statement for License Renewal of Nuclear Plants, NUREG–1437, May 1996, (NUREG–1437),[2] which was in turn, based upon the findings made in NRC and Environmental Protection

[1] The original radon-222 value in Table S–3 was 75 curies followed by the statement, ''Principally from mills—maximum annual dose rate < 4 percent of average natural background within 5 mi of mill. Results in 0.06 man-rem per annual fuel requirement.''

[2] NUREG–1437, Ch. 6., § 6.2.2.1 (pp. 6–8 to 6–18), § 6.2.4 (pp. 6–27 to 6–28), and § 6.6 (pp. 6–87 to 6–88).

Agency (EPA) rulemakings as described below.

EPA and NRC Regulatory Programs

Section 84a(2) of the Atomic Energy Act (AEA) requires NRC to conform its regulations to EPA's regulations promulgated under the Uranium Mill Tailings Radiation Control Act, 42 U.S.C. 2022, 7901–7942 (UMTRCA) for the protection of the public health, safety and the environment from radiological and non-radiological hazards associated with the processing and with the possession, transfer, and disposal of byproduct material as defined under section 11(e)(2) of the AEA, *e.g.*, uranium mill tailings. EPA's regulations at Subpart D of 40 CFR part 192 set forth a design standard requiring that the tailings or wastes from mill operations be covered to provide reasonable assurance that radon released to the atmosphere from the tailings or wastes will not exceed an average of 20 picocuries per square meter per second (pCi/m^2-s) flux for 1000 years, to the extent reasonably achievable, and in any case, for 200 years.[3] In 1985, the NRC conformed its regulations at 10 CFR part 40, Appendix A, to EPA's regulations at Subpart D of 40 CFR part 192, by adopting the 20 pCi/m^2-s flux standard.[4] The NRC regulations at 10 CFR part 40, Appendix A apply to NRC or Agreement State licensed mill tailings piles.

An EPA risk assessment conducted as part of the 1989 EPA National Emission Standard for Hazardous Air Pollutants rulemaking (promulgating 40 CFR part 61, subparts T and W), consisting of a two-step analysis, established that compliance with the 20 pCi/m^2-s flux standard for radon emissions from uranium mill tailings piles would result in an estimated lifetime risk of cancer to the maximally exposed individual of approximately 1E–4, a level determined by EPA to be safe, under the first step of the analysis, and provided an ample margin of safety under the second step, which considered additional factors such as cost and technological feasibility.[5]

On June 1, 1994, the NRC published a final rule which conformed its regulations at 10 CFR part 40, Appendix A, to amendments made by EPA in 1993 to Subpart D of 40 CFR part 192.[6] The EPA amendments and the conforming NRC rule added provisions to fill a regulatory gap related to the timing and monitoring of NRC or Agreement State licensed mill tailings piles. In a related July 15, 1994 rulemaking, EPA found that the NRC regulatory program concerning radon-222 emissions from these tailings piles ''protect public health with an ample margin of safety'' and that the ''NRC's implementation criteria set forth a rigorous program governing the reclamation of the disposal sites so that closure will (1) last for 1,000 years to the extent reasonable, but in any event at least 200 years, and (2) limit radon release to 20 pCi/m^2-s throughout that period.''[7]

NUREG–1437

In 1996, the NRC incorporated the above EPA regulatory findings and NRC standards reflected in 10 CFR part 40, Appendix A into NUREG–1437. Specifically, the NRC ''supplements the data on environmental impacts of the uranium fuel cycle presented in Table S–3 * * * to extend the coverage of impacts to ^{222}Rn, ^{99}Tc, higher fuel enrichment, higher fuel burnup, and license renewal of up to 20 additional years of operation.''[8]

NUREG–1437 made the following findings:

- Principal radon releases occur during mining and milling operations and as emissions from mill tailings;
- The long-term integrity of the coverings for stabilized mill tailings piles must be maintained because the EPA and NRC regulatory standards (40 CFR part 192 and 10 CFR part 40, Appendix A) require certification of stability and the control of average radon flux levels to 20 pCi/m^2-s;
- The design and implementation of the radon cover and erosion protection features are the primary reliance for maintaining radon emissions within the 10 CFR part 40 limits and significant failure of the coverings for stabilized mill tailings piles is considered highly unlikely;
- A combination of engineering and institutional controls will most likely result in compliance with the 20 pCi/m^2-s flux standard for the foreseeable future;
- For long-term radon releases from stabilized mill tailings piles, the NRC staff has assumed that the tailings would emit, per reference reactor year (RRY),[9] 1 Ci/year for
- 100 years (covering fully intact), 10 Ci/year for the next 400 years (covering partially failed), and 100 Ci/year for periods beyond 500 years (covering failed).[10]
- The doses from radon-222 emissions from mines and tailings piles consist of tiny doses summed over large populations (the doses are very small fractions of regulatory limits, and even smaller fractions of natural background exposure to the same population); and
- As each uranium fuel cycle facility licensee must ensure that the radioactive dose from such facility is within the limit and be as low as reasonably achievable (ALARA), the doses to individual members of the public are considered by the NRC staff to be small.

NUREG–1437 served as the basis for the NRC rulemaking which amended 10 CFR part 51, insofar as license renewal impact considerations are concerned. This rulemaking summarized the NUREG–1437 findings regarding the impacts of radon-222 emissions and stated that ''impacts on individuals from radioactive gaseous and liquid releases including radon-222 and technetium 99 are small.''[11] The NRC provided ample opportunity for public comment on both the draft and final versions of NUREG–1437 and the related amendments to part 51, including the issue concerning the impacts of radon-222 emissions.[12]

Although NUREG–1437 concerned license renewals, the NRC notes that the NUREG–1437 radon-222 impact determination is not unique to the fuel cycle for renewed licenses and can be applied to all NRC actions. In this

[3] 40 CFR 192.32(b); *see also* 48 FR 45926 (October 7, 1983).

[4] 50 FR 41852 (October 16, 1985).

[5] 54 FR 51654, 51682–83 (December 15, 1989); *see also* 59 FR 36280, 36281, 36287–88 (July 15, 1994).

[6] 59 FR 28220 (June 1, 1994). The EPA final rule amending 40 CFR part 192, Subpart D was published on November 15, 1993 (58 FR 60340).

[7] 59 FR 36280, 36283 (July 15, 1994).

[8] NUREG–1437, § 6.1 (p. 6–1).

[9] The ''reference reactor'' is a model 1000–MW(e) light-water reactor. One reference reactor year (RRY) would be one year of operation of such model reactor.

[10] NUREG–1437 sets forth the NRC staff's radon-222 data in tabular format: Table 6.1 (p. 6–10) shows data for radon releases from mining and milling operations and mill tailings piles for each RRY; Table 6.2 (p. 6–10) shows data for the estimated 100-year environmental dose commitment from mining and milling for each RRY (*i.e.*, prior to closure or stabilization of the tailings piles); Table 6.3 (p. 6–12) shows population-dose commitments from unreclaimed open-pit mines for each RRY; and Table 6.4 (p. 6–12) shows population-dose commitments from stabilized tailings piles for each RRY.

[11] 11 61 FR 28467, 28494 (June 5, 1996), now codified at 10 CFR part 51, Subpart A, App. B, Table B–1.

[12] 56 FR 47016, 47022 (September 17, 1991) (proposed rule); 61 FR 28467, 28477–78, 28494 (June 5, 1996) (final rule). The June 5, 1996 final rule provided for an additional 30 day comment period, requesting that commenters give ''specific attention'' to a number of issues, including ''the cumulative radiological effects from the uranium fuel cycle.'' 61 FR 28467. In a December 18, 1996 final rule, the NRC responded to the one comment received on the radiological impacts of the uranium fuel cycle, from EPA, which requested clarification on the collective effects, over time, on human populations. 61 FR 66537, 66539–40 (December 18, 1996). The December 18, 1996 final rule made minor clarifying and conforming changes to 10 CFR part 51.

regard, the NRC has received, and expects to continue to receive, applications for licenses to build and operate new nuclear power plants. For these applications, the NRC assesses the validity of the value for radon-222 in the environmental report submitted by the applicant for a construction permit, early site permit, or combined license for a nuclear power reactor to determine any impacts to the environment. The NRC staff scales data to the model reactor described in NUREG–1437 to arrive at figure for the expected radon-222 emissions resulting from the operation of the proposed plant. The health, safety and environmental impacts of the expected radon-222 emissions are evaluated on an application-specific basis, using the NUREG–1437 generic analysis and assessment.[13]

The NRC has determined that, at this time, revising the value for radon-222 in Table S–3, as requested in PRM–51–1, does not provide any benefit over the NRC's current application-specific review. In Staff Requirements Memorandum COMGBJ–07–0002, dated August 6, 2007, the Commission agreed that PRM–51–1 should be closed.

Conclusion

For the reasons described above, the NRC finds that a rulemaking to revise the radon-222 value in Table S–3 is not necessary. The NRC's prior deletion of the value for radon-222 in Table S–3 did grant, in part, the petitioner's request regarding the value for radon-222. The Commission is now denying the remaining outstanding issue of the petitioner's request by not revising Table S–3 to include a revised value for radon-222.

Closing the petition does not preclude the NRC from taking future regulatory action to amend Table S–3. The NRC will continue to evaluate, as part of its annual review of potential rulemaking activity, the need to amend Table S–3.

For the reasons cited in this document, the NRC denies this petition.

Dated at Rockville, Maryland, this 11th day of March, 2008.

For the Nuclear Regulatory Commission.

Luis A. Reyes,

Executive Director for Operations.

[FR Doc. E8–5647 Filed 3–19–08; 8:45 am]

BILLING CODE 7590–01–P

[13] *See, e.g.,* NRC final environmental impact statements for early site permits to construct new nuclear reactor facilities at Dominion's North Anna Power Station, in Louisa County, Virginia (NUREG–1811, § 6.1.1.5); Exelon's Clinton Power Station, near Clinton, Illinois (NUREG–1815, § 6.1.1.5); and Entergy's Grand Gulf Nuclear Station, near Port Gibson, Mississippi (NUREG–1817, § 6.1.1.5).

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2008–0154; Airspace Docket No. 08–ASO–10]

Establishment of Class E Airspace; Canon, GA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This action proposes to establish Class E Airspace at Canon, GA. Airspace is needed to support new Area Navigation (RNA V) Global Positioning System (GPS) Standard Instrument Approach Procedures (SIAPs) that have been developed for Franklin County Airport. As a result, controlled airspace extending upward from 700 feet Above Ground Level (AGL) is needed to contain the SIAP and for Instrument Flight Rule (IFR) operations at Franklin County Airport. The operating status of the airport will change from Visual Flight Rules (VFR) to include IFR operations concurrent with the publication of the SIAP. This action enhances the safety and airspace management of Franklin County Airport, Canon, GA.

DATES: Comments must be received on or before May 5, 2008.

ADDRESSES: Send comments on this rule to: U.S. Department of Transportation, Docket Operations, West Building Ground Floor, Room W12–140, 1200 New Jersey, SE., Washington, DC 20590–0001; Telephone: 1–800–647–5527; Fax: 202–493–2251. You must identify the Docket Number FAA–2008–0154; Airspace Docket No. 08–ASO–10, at the beginning of your comments. You may also submit and review received comments through the Internet at *http://www.regulations.gov.*

You may review the public docket containing the rule, any comments received, and any final disposition in person in the Dockets Office (see **ADDRESSES** section for address and phone number) between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

An informal docket may also be examined during normal business hours at the office of the Eastern Service Center, Federal Aviation Administration, Room 210, 1701 Columbia Avenue, College Park, Georgia 30337.

FOR FURTHER INFORMATION CONTACT: Melinda Giddens, System Support Group, Eastern Service Center, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305–5610.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to comment on this rule by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Those wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2008–0154; Airspace docket No. 08–ASO–10.'' The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded from and comments submitted through *http://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's Web page at *http://www.faa.gov* or the **Federal Register's** Web page at: *http://www.gpoaccess.gov/fr/index.html.* Persons interested in being placed on a mailing list for future NPRM's should contact the FAA's Office of Rulemaking, (202) 267–9677, to request a copy of Advisory Circular No. 11–2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

The Proposal

The FAA is considering an amendment to part 71 of the Code of Federal Regulations (14 CFR part 71) to establish Class E airspace at Canon, GA. Area Navigation (RNAV) Global Positioning System (GPS) Standard Instrument Approach Procedures

(SIAPs) that have been developed for Franklin County Airport and controlled airspace is required to support these procedures. Class E airspace designations for airspace areas extending upward from 700 feet or more above the surface of the Earth are published in Paragraph 6005 of FAA Order 7400.9R, signed August 15, 2007, and effective September 15, 2007, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in the Order.

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

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority.

This rulemaking is promulgated under the authority described in Subtitle VII, part, A subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it proposes to establish Class E airspace at Canon, GA.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (Air).

The Proposed Amendment

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

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

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

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

§ 71.1 [Amended]

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

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

ASO GA E5 Canon, GA [New]

Franklin County Airport, GA
(Lat. 34°20′25″ N., long. 83°07′51″ W.)

That airspace extending upward from 700 feet above the surface of the Earth within a 6.6-mile radius of the Franklin County Airport.

* * * * *

Issued in College Park, Georgia, on February 26, 2008.

Mark D. Ward,

Manager, System Support Group Eastern Service Center.

[FR Doc. E8–5573 Filed 3–19–08; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[FWS–R3–ES–2008–0030; 1111 FY07 MO–B2]

Endangered and Threatened Wildlife and Plants; 90-Day Finding on a Petition To List the U.S. Population of Coaster Brook Trout (Salvelinus fontinalis) as Endangered

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of 90-day petition finding and initiation of status review.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce a 90-day finding under the Endangered Species Act of 1973, as amended (Act), concerning the petition to list as endangered a population of brook trout *(Salvelinus fontinalis)* known as coaster brook trout throughout its known historic range in the conterminous United States. We find that the petition contains substantial scientific or commercial information indicating that listing the U.S. population of coaster brook trout may be warranted. Therefore, with the publication of this notice, we are initiating a status review of the coaster brook trout. At the conclusion of the status review, we will issue a 12-month finding on the petition. To ensure that the status review of the coaster brook trout is comprehensive, we are soliciting scientific and commercial information regarding the coaster brook trout throughout its range. We will make a determination on critical habitat for this species if we initiate a listing action.

DATES: We will accept comments received or postmarked on or before May 19, 2008. We must receive requests for public hearings, in writing, at the address shown in the **ADDRESSES** section by May 5, 2008.

ADDRESSES: You may submit comments by one of the following methods:

- Federal eRulemaking Portal: *http://www.regulations.gov*. Follow the instructions for submitting comments.
- U.S. mail or hand-delivery: Public Comments Processing, Attn: FWS–R3–ES–2008–0030, Division of Policy and Directives Management; U.S. Fish and Wildlife Service; 4401 N. Fairfax Drive, Suite 222; Arlington, VA 22203.

We will not accept e-mail or faxes. We will post all comments on *http://www.regulations.gov*. This generally means that we will post any personal information you provide us (see the Public Comments section below for more information).

FOR FURTHER INFORMATION CONTACT: Ms. Jessica Hogrefe, East Lansing Field Office, U.S. Fish and Wildlife Service, 2651 Coolidge Road—Suite 101, East Lansing, MI 48823–6316; telephone 517–351–8470; facsimile 517–351–1443. If you use a telecommunications device for the deaf (TDD), call the Federal Information Relay Service (FIRS) at (800) 877–8339.

SUPPLEMENTARY INFORMATION:

Public Comments

When we make a finding that a petition presents substantial scientific or commercial information indicating that the petitioned action may be warranted, we are required to promptly commence a review of the status of the species. To ensure that the status review is complete and based on the best available scientific and commercial information, we are soliciting information on coaster brook trout

throughout its range. We request any additional information, comments, and suggestions from the public, other concerned governmental agencies, Tribes, the scientific community, industry, or any other interested parties concerning the status of coaster brook trout. We are seeking information regarding:

(1) The species' historical and current population status, distribution, and trends; its biology and ecology; and habitat selection;

(2) The effects of potential threat factors that are the basis for a listing determination under section 4(a) of the Act, which are:

(a) The present or threatened destruction, modification, or curtailment of the species' habitat or range;

(b) Overutilization for commercial, recreational, scientific, or educational purposes;

(c) Disease or predation;

(d) The inadequacy of existing regulatory mechanisms; or

(e) Other natural or manmade factors affecting its continued existence.

(3) Management programs for the conservation of the coaster brook trout.

We will base our 12-month finding on a review of the best scientific and commercial information available, including all information received during the public comment period.

You may submit your comments and materials concerning this finding by one of the methods listed in the **ADDRESSES** section. Comments must be submitted to *http://www.regulations.gov* before midnight Eastern Time on the date specified in the **DATES** section. We will not accept comments sent by e-mail or fax or to an address not listed in the **ADDRESSES** section. We will not accept anonymous comments; your comment must include your first and last name, city, state, country, and postal (zip) code. Finally, we will not consider hand-delivered comments that we do not receive, or mailed comments that are not postmarked, by the date specified in the **DATES** section.

We will post your entire comment—including your personal identifying information—on *http://www.regulations.gov*. If you provide personal identifying information in addition to the required items specified in the previous paragraph, such as your street address, phone number, or e-mail address, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so.

Comments and materials we receive, as well as supporting documentation we used in preparing this finding, will be available for public inspection on *http://www.regulations.gov*, or by appointment, during normal business hours, at the U.S. Fish and Wildlife Service, East Lansing Field Office (see **FOR FURTHER INFORMATION CONTACT**).

Background

Section 4(b)(3)(A) of the Act (16 U.S.C. 1531 *et seq.*) requires that we make a finding on whether a petition to list, delist, or reclassify a species presents substantial scientific or commercial information to indicate that the petitioned action may be warranted. We are to base this finding on information provided in the petition and supporting information submitted with the petition. To the maximum extent practicable, we are to make this finding within 90 days of our receipt of the petition, and publish our notice of this finding in the **Federal Register**.

Our standard for substantial scientific or commercial information for a 90-day petition finding, as defined by the Code of Federal Regulations (CFR), is ''that 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)). If we find that the petition presents substantial scientific or commercial information, we are required to promptly commence a review of the species status.

The Sierra Club Mackinac Chapter, Huron Mountain Club, and Marvin J. Roberson filed a petition dated February 22, 2006, with the Secretary of the Interior to list as endangered the naturally spawning lake-dwelling coaster brook trout throughout its known historic range in the conterminous United States and to designate critical habitat under the Act. The petition clearly identifies itself as such and includes the requisite identification information for the petitioners, as required in 50 CFR 424.14(a). On behalf of the petitioners, Peter Kryn Dykema, Secretary of the Huron Mountain Club, submitted supplemental information dated May 23, 2006, in support of the original petition. This supplemental information provides further information on the species status and biology, particularly for the Salmon Trout River.

In a letter to the petitioners dated April 27, 2006, we explained that we would not be able to address their petition at that time, due to the need to address higher priority listing actions. In 2007, the Service directed funds to address the coaster brook trout 90-day finding. On September 13, 2007, we received a 60-day notice of intent to sue over the Service's failure to make a determination within 1 year of receiving the petition, as to whether the coaster brook trout warrants listing. As described above, under section 4 of the Act, the Service is to make a finding, to the maximum extent practicable within 90 days of receiving a petition, regarding whether it presents substantial scientific or commercial information indicating that the petitioned action may be warranted. Further, the Act requires that within 12 months after receiving a petition found to present substantial information, the Service must make a finding as to whether the petitioned action is warranted. A complaint was filed in U.S. District Court in the District of Columbia on December 17, 2007, for failure to make a timely finding.

In making this finding, we considered information provided by the petitioners, as well as information readily available in our files at the time of the petition review. We evaluated that information in accordance with 50 CFR 424.14(b). Our process for making this 90-day finding under section 4(b)(3)(A) of the Act and the associated regulations is based on using the ''substantial scientific and commercial information'' threshold described above. This finding does not consider critical habitat, because any decision concerning the need for, or identification of, areas to consider for critical habitat would occur only if we decide to prepare a proposed rule to list the species. This notice constitutes our 90-day finding for the petition to list the U.S. population of coaster brook trout.

Species Information

Brook trout (*Salvelinus fontinalis*) are a member of the char genus in the family Salmonidae; they live in well-oxygenated streams, rivers, and lakes of northeastern North America (Scott and Crossman 1973, pp. 30, 213). Some brook trout populations are adfluvial or anadromous, migrating from lakes and oceans (respectively) into tributary streams for feeding and spawning (Lake Superior Brook Trout Subcommittee 1997, pp. 4–5; Ryther 1997, pp. 1–34). Coaster brook trout are a life history form of brook trout that spend a portion of their life cycle in the Great Lakes (Becker 1983, p. 320). These brook trout are known as ''coasters'' because they spend part of their life cycle along the coast of a lake. Some coaster brook trout subpopulations or runs are adfluvial and migrate from Lake Superior to tributary streams to spawn; other coaster brook trout subpopulations are lacustrine and remain in Lake Superior throughout their life cycle (Quinlan

1999, p. 15). Coaster brook trout mature later, live longer, and grow larger than stream resident brook trout (Becker 1983, p. 318; Lake Superior Brook Trout Subcommittee 1997, p. 10).

Historically, coaster brook trout occurred in Lakes Huron, Michigan, and Superior (Bailey and Smith 1981, p. 1549) and in more than 50 streams along the Michigan, Wisconsin, and Minnesota shores of Lake Superior (Newman *et al.* 2003, pp. 34–38). They have been extirpated in Lakes Huron and Michigan (Quinlan 2008). Self-sustaining subpopulations or spawning runs remain in four streams in the U.S. portion of Lake Superior (Quinlan 2008). Population levels in these streams are considered low (Quinlan 2008). No harvest is allowed in the four streams with coaster brook trout subpopulations in the United States, (Dykema 2006, p. 2; National Park Service 2007, p. 10). Coaster brook trout may be harvested within the waters of Lake Superior itself through angling, subject to a 20-inch (51-centimeter) minimum size limit (Baker 2007). Few coaster brook trout from the Salmon Trout River subpopulation exceed this size limit (Huckins and Baker 2004, p. 21). Additionally, no harvest is allowed in Lake Superior waters that are within 4.5 miles (7.2 kilometers) of Isle Royale National Park (National Park Service 2007, p. 10).

In Canada, coaster brook trout populations historically occurred in approximately 60 streams (Newman *et al.* 2003, pp. 31–33). Data suggest that spawning runs remain in a few Canadian streams in Lake Superior, and numbers in these streams are described in general terms as being very low overall (Ontario Ministry of Natural Resources undated, p. 1). Coaster brook trout populations are also present in Lake Nipigon (Ontario). Recent estimates suggest that the Lake Nipigon spawning population has declined 75 percent compared to the population level in the 1930s (Ontario Ministry of Natural Resources undated, p. 1). However, neither the petition nor information readily available to the Service provides information regarding the population size in the 1930s, making it difficult to determine the accuracy of the estimated decline. Coaster brook trout in Canada may be harvested by anglers in both Lake Superior and its tributaries, subject to size, bag, and seasonal limits (Ontario Ministry of Natural Resources 2008, pp. 48–49). Coaster brook trout are not being considered for protection under Canada's Species at Risk Act (Chase 2008).

Distinct Vertebrate Population Segment

The petitioners asked us to list the naturally spawning anadromous (lake-run) coaster brook trout throughout its known historical range in the conterminous U.S.; they asserted that the Salmon Trout River coaster population is reproductively isolated from the in-stream resident brook trout population and should be considered a Distinct Population Segment (DPS). Section 3 of the Act defines the term ''species'' to include ''any subspecies of fish or wildlife or plants, and any distinct population segment of any species of vertebrate fish or wildlife which interbreeds when mature.'' 16 U.S.C. 1532(16). In determining whether an entity constitutes a DPS and is, therefore, listable under the Act, we follow the Policy Regarding the Recognition of Distinct Vertebrate Population Segments Under the Endangered Species Act (DPS Policy) (61 FR 4722; February 7, 1996). The policy identifies three elements we are to consider in making a decision regarding the status of a possible DPS for listing under the Act: (1) The discreteness of the population segment in relation to the remainder of the species to which it belongs; (2) The significance of the population segment to the species to which it belongs; and (3) The population segment's conservation status in relation to the Act's standards for listing (that is, whether the population segment, when treated as if it were a species, is endangered or threatened) (61 FR 4722; February 7, 1996). This finding considers whether the petition presents substantial scientific or commercial information that the petitioned coaster brook trout may be a DPS, and if so, whether the information indicates that listing may be warranted.

Discreteness

Under the DPS Policy, a population segment of a vertebrate species may be considered discrete if it satisfies either one of the following two conditions: (1) It is markedly separated from other populations of the same taxon as a consequence of physical, physiological, ecological, or behavioral factors; or (2) It is delimited by international governmental boundaries within which significant differences in control of exploitation, management of habitat, conservation status, or regulatory mechanisms exist (61 FR 4722; February 7, 1996).

The petition asserts that coaster brook trout are ''distinguished from stream resident brook trout by behavior'' and information submitted in association with the petition notes that coaster brook trout ''are distinguished from stream resident brook trout by behavior, i.e. anadromy—and by physiology (they grow much larger, and may be longer-lived).'' Information in our files supports this assertion because, unlike resident brook trout that remain in streams, coaster brook trout are adfluvial or lacustrine, spending part or all of their life cycle in the Great Lakes (Becker 1983, p. 320; Newman *et al.* 2003, p. 39). Therefore, we find that the petition presents substantial information that would lead a reasonable person to believe that the U.S. population of coaster brook trout may be discrete from stream resident brook trout because of differences in behavior and physiology.

The petition also asserts that coaster brook trout (of the Salmon Trout River) are ''separated from coaster populations in the Nipigon River area [in Canada] by an international boundary.'' Further, the petition states that coaster brook trout programs currently are administered and implemented by a wide variety of Federal, State, private, and international institutions, and that the result has been duplicated effort, inadequate communication, and sometimes contradictory policies and practices. Finally, the petition states that the entire reach of the Salmon Trout River in Marquette County (MI) is owned by the Huron Mountain Club (HMC, one of the petitioners) and that, since 1995, HMC has prohibited its members from killing coaster brook trout there.

Information in our files or otherwise readily available to us supports the statement that the coaster brook trout described in the petition (in the Salmon Trout River and on Isle Royale) are separated from coaster brook trout subpopulations in the Nipigon River area and elsewhere in Canada by an international boundary, and in addition, this information indicates that the boundary delimits differences in control of exploitation and regulatory mechanisms (Lake Superior Brook Trout Subcommittee 1997, p. 4; Ontario Ministry of Natural Resources, 2008 p. 48–49). More specifically, differences in control of exploitation and regulatory mechanisms between the United States and Canada relate to allowable harvest of coaster brook trout and the fishing regulations that dictate this harvest.

In the United States, coaster brook trout: (1) May not be harvested in the four remaining streams with coaster brook trout subpopulations (Dykema 2006, p. 2; National Park Service 2007, p. 10); (2) may be harvested in the U.S. waters of Lake Superior within the lake itself, subject to a 20-inch (51-

centimeter) minimum size limit (Baker 2007); and (3) may not be harvested in Lake Superior waters within 4.5 miles (7.2 kilometers) of Isle Royale National Park, which would protect the subpopulations of Isle Royale National Park (National Park Service 2007, p. 10). The lack of coasters in the Salmon Trout River subpopulation that exceed the 20-inch (51-centimeter) size limit (Huckins and Baker 2004, p. 21) indicates that few coasters meet the minimum size limit in the U.S. waters of Lake Superior where harvest is allowed.

In comparison, coaster brook trout in Canada may be harvested within Lake Superior itself and its tributaries, subject to size, bag, and seasonal limits (Ontario Ministry of Natural Resources 2008, p. 48–49), but we have no information indicating that there are any locations in Canadian waters occupied by coaster brook trout where their harvest is not allowed. Therefore, we find there is substantial scientific and commercial information indicating that the petitioned U.S. coaster brook trout may be discrete from coaster brook trout in Canada because of an international boundary that delimits differences in control of exploitation and regulatory mechanisms.

Significance

Under our DPS Policy, in addition to our consideration that a population segment is discrete, we consider its biological and ecological significance to the species to which it belongs. The DPS policy states that if a population segment is considered discrete under one or more of the discreteness criteria, its biological and ecological significance will then be considered in light of Congressional guidance that the authority to list DPSs be used ''sparingly'' while encouraging the conservation of genetic diversity. Under the DPS policy, our consideration of significance may include, but is not limited to: (1) Evidence of the persistence of the discrete population segment in an ecological setting that is unique or unusual for the taxon; (2) Evidence that loss of the population segment would result in a significant gap in the range of the taxon; (3) Evidence that the population segment represents the only surviving natural occurrence of a taxon that may be more abundant elsewhere as an introduced population outside its historical range; or (4) Evidence that the discrete population segment differs markedly from other populations of the species in its genetic characteristics (61 FR 4722; February 7, 1996).

Information Provided in the Petition on Significance

The petition asserts that the coaster brook trout of the Salmon Trout River are significant to the brook trout taxon because their loss ''would result in a significant gap in the range of the taxon.'' Information in our files indicates that lake-dwelling coaster brook trout historically occurred in Lakes Superior, Huron, and Michigan (Bailey and Smith 1981, p. 1549), but are now extirpated from Lakes Huron and Michigan (Quinlan 2008). The coaster brook trout described in the petition (in the Salmon Trout River and on Isle Royale) are the last remaining lake-dwelling brook trout in Lake Superior (Newman et. al. 2003, p. 39); thus if the coaster subpopulations in the Salmon Trout River and on Isle Royale disappear, lake-dwelling brook trout would be extirpated throughout the U.S. waters of the Great Lakes. Therefore, we find that the petition presents substantial information that would lead a reasonable person to believe that the U.S. coaster brook trout may be significant to the species to which it belongs, based on evidence that loss of the U.S. population of coaster brook trout may result in a significant gap in the range of the taxon.

DPS Conclusion

We have reviewed the information presented in the petition and have evaluated it in accordance with 50 CFR 424.14(b). In a 90-day finding, the question is whether a petition presents substantial scientific or commercial information indicating that the petitioned action may be warranted. We do not make final determinations regarding DPSs at this stage; rather, we determine whether a petition presents substantial information that a population may be a DPS. Based on our evaluation described above, we conclude that the petition and information readily available to us do present substantial scientific or commercial information indicating that the U.S. population of coaster brook trout may be discrete and significant within the meaning of our DPS policy, and therefore may constitute a DPS.

To meet the third element of the DPS policy, we evaluate the level of a population segment's conservation status in relation to the Act's standards for listing. This involves an analysis, referred to as a threats analysis, pursuant to the five listing factors specified in section 4 of the Act. We thus proceeded with an evaluation of whether the petition presents substantial scientific or commercial information indicating that listing the U.S. population of coaster brook trout may be warranted. Our threats analysis and conclusion follow.

Five-Factor Analysis

Section 4 of the Act and its implementing regulations (50 CFR part 424) set forth the procedures for adding species to the Federal Lists of Endangered and Threatened Wildlife and Plants. We may list a taxon on the basis of any one of the following factors: (A) Present or threatened destruction, modification, or curtailment of habitat or range; (B) Overutilization for commercial, recreational, scientific, or educational purposes; (C) Disease or predation; (D) Inadequacy of existing regulatory mechanisms; or (E) Other manmade or natural factors affecting its continued existence. Consistent with our regulations for making 90-day findings (50 CFR 424.14(b)), we evaluated whether the threats to the U.S. population of coaster brook trout presented in the petition would lead a reasonable person to believe that the petitioned action may be warranted. The following evaluation of these threats was based on information provided or cited in the petition and found to be substantial, and information from our files used to evaluate the information in the petition.

Factor A. The Present or Threatened Destruction, Modification, or Curtailment of the Species' Habitat or Range

The petition asserts that the following conditions under Factor A threaten the coaster brook trout: Dams and river diversions; toxic pollution related to organophosphorus compounds (that is, as used in pesticides), deoxygenation via decomposition of organic material and other effluents from paper mills and other sources, and mercury (from fungicides and wood pulp treatment); stream acidification via acid rain, acid spills, and the proposed Kennecott's sulfide mine; changes in water temperature and flow due to deforestation and reservoir release, and dams and diversions; and siltation.

The information presented in the petition regarding dams and diversions, toxic pollution, deoxygenation via decomposition of organic material, acid level changes in streams, and changes in water temperature and flow is general. The petition does not explain how the concerns expressed would result in the present or threatened destruction, modification, or curtailment of the habitat or range of the U.S. coaster brook trout. Also, the petition acknowledges that, with regard to toxic pollution,

deoxygenation, and changes in water temperature and flow, little research has been done on their possible impacts to coaster brook trout in the Upper Great Lakes.

The petitioners assert that siltation due to increases in road building may threaten coaster brook trout in the Salmon Trout River. In particular, the petitioners cite a road wash-out in 2005 that deposited 80 tons of sediment into the river. The petitioners assert that siltation can affect the reproductive success of coaster brook trout by filling in holding areas of migrating adults; filling hollows that afford protection for juveniles; filling interstitial spaces in the substrate that are required for proper water flow and egg oxygenation; and decreasing the amount of rooted plants and algae, which in turn may reduce the biomass of benthic invertebrates (food for young coaster brook trout). Additionally, the petitioners assert that siltation can interfere with fish respiration and impact water flow and clarity, which may subsequently impede migration and feeding. Two references are given to support the above statements regarding the effects of siltation on fish (Mills 1989, Shearer 1992); these citations were not listed in the References section of the petition. Additionally, we did not have these two references in our files, and we could not find them using a literature search. However, readily available sources in our files corroborated the effects of siltation on fish reproduction, respiration, and feeding (Waters 1995, pp. 79–118). Similarly, although no reference was provided for the 2005 siltation event, we concur that the event took place and that future road washouts in the Salmon Trout River could result in impacts to the coaster brook trout downstream (Baker 2007). Therefore, based principally on information related to siltation, we find that the petition presents substantial information indicating that the petitioned action may be warranted due to the present or threatened destruction, modification, or curtailment of the habitat or range of the U.S. coaster brook trout.

Factor B. Overutilization for Commercial, Recreational, Scientific, or Educational Purposes

With regard to Factor B, the petition asserts that sport fishing and commercial fishing threaten the coaster brook trout. However, the information presented is limited to noting that a commercial fishery existed on many rivers used by coaster brook trout in the 19th century, and that the extremely low number of extant coaster brook trout means almost none will be caught by commercial vessels. The petition also states that both the Huron Mountain Club and Isle Royale National Park have restrictions on keeping coaster brook trout that may be caught during sport fishing. The petition does not present any information indicating there is overutilization for commercial, recreational, scientific, or educational purposes, and we have no information in our files indicating that there is any such overutilization. Consequently, we find that the petition does not present substantial information for Factor B.

Factor C. Disease or Predation

The petition does not provide information pertaining to Factor C. Therefore, we find that the petition does not present substantial information in relation to this factor.

Factor D. The Inadequacy of Existing Regulatory Mechanisms

With regard to Factor D, the petition asserts the following: there is no single government entity with overall program authority for managing coaster brook trout; there is inadequate authority to prevent conflicting government policies and programs, land-use practices, and toxic pollution; there is over-reliance on hatchery production and stocking; program funding is inadequate; and there is a lack of public education and involvement in coaster brook trout restoration. The petition also asserts that existing programs are inadequate to provide for the long-term viability of *Salvelinus fontinalis* in the U.S. and the restoration and protection of its habitat. Other than the two sentences making these very general assertions, the petition presents no information or explanation as to why the petitioned coaster brook trout is threatened as a result of the inadequacy of existing regulatory mechanisms. Therefore, we find that the petition does not present substantial information in relation to Factor D.

Factor E. Other Manmade or Natural Factors Affecting Its Continued Existence

The petition asserts that the following factor under Factor E threatens the coaster brook trout: Competition with rainbow trout, coho salmon, and brown trout. However, the petition concludes that it is doubtful ''that competition played a large role in reducing coaster brook trout and there is no direct evidence to suggest that this has happened along large areas of the Lake Superior shoreline'' (p. 20). Consequently, the petition does not provide substantial information with respect to competition.

The petition also asserts that small population size may threaten the continued survival of the coaster brook trout population in the Salmon Trout River. Recent surveys have estimated that the average annual spawning population in the Salmon Trout River is fewer than 200 individuals; this average may be an underestimate given limitations of the gear and methods (Huckins, 2006). The petition compares this average annual spawning population to the number of bull trout *(Salvelinus confluentus)* that spawned in the Jarbidge River annually when it was emergency-listed (50–125 individuals) (63 FR 42757; August 11, 1998). The petition also compares the average to the definitions of a strong subpopulation (greater than 500 spawners) and depressed population (fewer than 500 spawners) given in the Determination of Threatened Status for the Klamath River and Columbia River Distinct Population Segments of Bull Trout (63 FR 31647; June 10, 1998).''

Information in our files supports the conclusion of a depressed subpopulation in the Salmon Trout River (Lake Superior Brook Trout Subcommittee 1997, p. 4). Surveys also indicate that coaster brook trout numbers are low in the three locations where self-sustaining populations occur on Isle Royale (National Park Service 2007, p. 10; Quinlan 2008). The annual spawning population at Tobin Harbor may be less than 150 (National Park Service 2007; p. 10). The sizes of the annual spawning populations at Siskiwit River and Washington Creek are unknown but believed to be low (Quinlan 2008). Although coaster brook trout have been stocked into several streams along the U.S. shoreline of Lake Superior including Whittlesey Creek (WI) and Grand Portage Creek (MN), none of these stocking programs has resulted in self-sustaining populations (Newman *et al.* 2003, p. 39; Quinlan 2008). Therefore, based on population size, we find that the petition presents substantial information relative to Factor E.

Finding

We have reviewed the petition, supporting information provided by the petitioners, and information that was readily available in our files or elsewhere (such as the Internet). As described above, the petition presents evidence of siltation in the Salmon Trout River that indicates the present or threatened destruction or modification or curtailment of the habitat or range of coaster brook trout, with impact to fish

reproduction, respiration, and feeding (Waters 1995, pp. 79–118). The petition also presents information regarding population size, which indicates the small number estimated to remain poses a risk to the continued survival of the petitioned population of coaster brook trout. We find that the petition presents substantial information to indicate that the petitioned action may be warranted, based on threats posed by siltation and small population size. Therefore, we are initiating a status review of coaster brook trout to determine whether listing the species under the Act is warranted. To ensure that the status review is comprehensive, we are soliciting scientific and commercial information regarding this species.

References

A complete list of all references cited herein is available on request from the East Lansing Field Office (see **FOR FURTHER INFORMATION CONTACT**).

Author

The primary author of this document is the staff of Region 3 Endangered Species Program, U.S. Fish and Wildlife Service, 1 Federal Drive, Fort Snelling, MN 55111.

Authority: The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated March 12, 2008.

H. Dale Hall,

Director, Fish and Wildlife Service.

[FR Doc. E8–5618 Filed 3–19–08; 8:45 am]

BILLING CODE 4310–55–P

Notices

Federal Register

Vol. 73, No. 55

Thursday, March 20, 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

Animal and Plant Health Inspection Service

[Docket No. APHIS–2007–0143]

Notice of Decision To Issue Permits for the Importation of Dropwort Leaves With Stems from South Korea Into the Continental United States

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public of our decision to begin issuing permits for the importation of dropwort leaves with stems from South Korea into the continental United States subject to the requirements specified in the risk management analysis. Based on the findings of a pest risk analysis, which we made available to the public for review and comment through a previous notice, we believe that the application of one or more designated phytosanitary measures will be sufficient to mitigate the risks of introducing or disseminating plant pests or noxious weeds via the importation of dropwort leaves with stems from South Korea.

EFFECTIVE DATE: March 20, 2008.

FOR FURTHER INFORMATION CONTACT: Mr. Alex Belano, Import Specialist, Commodity Import Analysis and Operations, Plant Health Programs, PPQ, APHIS, 4700 River Road Unit 133, Riverdale, MD 20737–1231; (301) 734–8758.

SUPPLEMENTARY INFORMATION: Under the regulations in ''Subpart—Fruits and Vegetables'' (7 CFR 319.56 through 319.56–47, referred to below as the regulations), the Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture prohibits or restricts the importation of fruits and vegetables into the United States from certain parts of the world to prevent plant pests from being introduced into and spread within the United States.

Section 319.56–4 of the regulations contains a performance-based process for approving the importation of commodities that, based on the findings of a pest risk analysis, can be safely imported subject to one or more of the designated phytosanitary measures listed in paragraph (b) of that section. Under that process, APHIS publishes a notice in the **Federal Register** announcing the availability of the pest risk analysis that evaluates the risks associated with the importation of a particular fruit or vegetable. Following the close of the 60-day comment period, APHIS may begin issuing permits for importation of the fruit or vegetable subject to the identified designated measures if: (1) No comments were received on the pest risk analysis; (2) the comments on the pest risk analysis revealed that no changes to the pest risk analysis were necessary; or (3) changes to the pest risk analysis were made in response to public comments, but the changes did not affect the overall conclusions of the analysis and the Administrator's determination of risk.

In accordance with that process, we published a notice [1] in the **Federal Register** on November 21, 2007 (72 FR 65560–65561, Docket No. APHIS–2007–0143), in which we announced the availability, for review and comment, of a pest risk analysis that evaluates the risks associated with the importation into the continental United States of dropwort leaves with stems from South Korea. We solicited comments on the notice for 60 days ending on January 22, 2008. We received one comment by that date, from a private citizen. The commenter stated that food should be grown locally and not imported, and that the risks—which the commenter did not specify—associated with imports generally were too great. No changes to the pest risk analysis are necessary based on that comment.

Therefore, in accordance with the regulations in § 319.56–4(c)(2)(ii), we are announcing our decision to begin issuing permits for the importation into the continental United States of dropwort leaves with stems from South Korea subject to the following conditions:

- The dropwort leaves with stems must be part of a commercial consignment as defined in § 319.56–2.
- Each consignment of dropwort leaves with stems must be accompanied by a phytosanitary certificate issued by the Korean National Plant Protection Organization (NPPO) certifying that the dropwort is a product of the Republic of Korea. The NPPO must also include an additional declaration in the phytosanitary certificate that states: ''The water dropwort (*Oenanthe javanica*) in this shipment was inspected and considered free from Water Dropwort Witches' Broom and *Puccinia oenanthes-stoloniferae*.''

These conditions will be listed in the fruits and vegetables manual (available at *http://www.aphis.usda.gov/import_export/plants/manuals/ports/downloads/fv.pdf*). In addition to these specific measures, the dropwort stems with leaves will be subject to the general requirements listed in § 319.56–3 that are applicable to the importation of all fruits and vegetables.

Done in Washington, DC, this 17th day of March 2008.

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. E8–5651 Filed 3–19–08; 8:45 am]

BILLING CODE 3410–34–P

[1] To view the notice, the pest risk analysis, and the comment we received, go to *http://www.regulations.gov/fdmspublic/component/main?main=DocketDetail&d=APHIS-2007-0143*.

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

Basin Electric Power Cooperative, Inc.: Notice of Intent To Hold Public Scoping Meeting and Prepare an Environmental Assessment

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice of Intent to Hold Public Scoping Meeting and Prepare an Environmental Assessment.

SUMMARY: The Rural Utilities Service (RUS), an Agency delivering the United States Department of Agriculture (USDA) Rural Development Utilities Programs, hereinafter referred to as Rural Development and/or the Agency, intends to hold a public scoping meeting and prepare an Environmental Assessment (EA) in connection with possible impacts related to a project being proposed by Basin Electric Power

Cooperative, Inc. (Basin Electric), of Bismarck, North Dakota. The proposal for construction and operation of a wind turbine generation facility referred to as the PrairieWinds-ND1 Project (Project), consists of a 77-turbine, 115 megawatt (MW) facility at a site near Minot, North Dakota.

DATES: Rural Development will conduct the public scoping meeting in an open-house format in order to provide information and solicit comments for the preparation of an EA. The meeting will be held on April 3, 2008, from 4 p.m. to 7 p.m., Central Daylight Time, North Central Research Extension Center, 5400 Highway 83 South, Minot, North Dakota (approximately 1 mile south of Minot on U.S. Highway 83).

ADDRESSES: To obtain copies of the EA, or for further information, contact: Barbara Britton, Environmental Protection Specialist, Water and Environmental Programs, Rural Development, Utilities Programs, 1400 Independence Ave., SW., Stop 1571, Washington, DC 20250–1571, telephone: (202) 720–1414 or e-mail: *barbara.britton@wdc.usda.gov*, or Kevin L. Solie, Basin Electric Power Cooperative, Inc., 1717 East Interstate Avenue, Bismarck, ND 58503–0564, telephone: (701) 355–5495 or e-mail: *ksolie@bepc.com*. A proposal development document—Alternative Evaluation and Site Selection Study—is available for public review at Rural Development or Basin Electric, at the addresses provided in this notice, and at the Minot Public Library, 516 2nd Ave., SW., Minot, North Dakota 58701.

SUPPLEMENTARY INFORMATION: Basin Electric proposes to construct a new 115 MW wind generation facility in north-central North Dakota. The Project would include seventy-seven (77) 1.5 MW wind turbine generators. A wind resource assessment study conducted in the area projects a net capacity factor in the upper thirty percent range. Power from the facility would be supplied to Basin Electric's customers through an interconnection with the Integrated System (IS), of which the Western Area Power Administration (Western) is the control area operator. Western is a federal power marketing agency with the U.S. Department of Energy (DOE). Western is being requested to participate as a cooperating agency in the Environmental Assessment. Basin Electric is requesting Rural Development to provide financing for the proposed project.

Alternatives to be considered by the Agency include no action, purchased power, load management, other renewable energy sources, and alternative site locations. Questions and comments regarding the proposed project should be received by Rural Development in writing by May 3, 2008, to ensure that they are considered in this environmental impact determination.

From information provided in the study mentioned above, and using input provided by government agencies, private organizations, and the public, Rural Development will prepare the EA. The EA will be available for review and comment for 30 days after distribution. Following the 30-day comment period, Rural Development will prepare either a Finding of No Significant Impact (FONSI) or an Environmental Impact Statement (EIS). Notices announcing the availability of the EA and a FONSI, as appropriate, will be published in the **Federal Register** and in local newspapers.

Any final action by the Agency related to the proposed projects will be subject to, and contingent upon, compliance with all relevant Federal, State and local environmental laws and regulations and completion of the environmental review requirements as prescribed in the USDA Rural Utilities Service Environmental Policies and Procedures (7 CFR part 1794).

Dated: March 13, 2008.

Mark S. Plank,

Director, Engineering and Environmental Staff, USDA/Rural Development/Utilities Programs.

[FR Doc. E8–5602 Filed 3–19–08; 8:45 am]

BILLING CODE 3410–15–P

DEPARTMENT OF COMMERCE

[Docket No. 080306392–8393–01]

RIN 0648–ZB89

Postsecondary Internship Program (PIP); Extension of Award Period

AGENCY: Department of Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce (DOC) is publishing this notice to allow for the extension of the award period for an additional four-month period of funding, on a non-competitive basis, to awards of current Postsecondary Internship Program (PIP) recipients who will be completing the third year of partnership with DOC on May 31, 2008. The **Federal Register** notice (69 FR 68125, November 23, 2004) and Federal Funding Opportunity (FFO) announcement that solicited applications for the program established the total project award period for cooperative agreements under the Postsecondary Internship Program as three years and three months (March 1, 2005–May 31, 2008). This extension of time will permit DOC's Office of Human Resources Management (OHRM) to implement an overall program review, consider potential enhancements and revisions of the program scope, work requirements and performance measures for the PIP. It is OHRM's intent to assess the future direction of the program especially in outlining initiatives for successful and strategic management of human capital.

DATES: The award period and related funding, if approved by the DOC Grants Officer, will commence on June 1, 2008, and will continue through September 30, 2008.

FOR FURTHER INFORMATION CONTACT: Mr. Adam D. Santo, Project Manager, United States Department of Commerce, Office of Human Resources Management, Room 5204, 1400 Constitution Avenue, NW, Washington, DC 20230. Mr. Santo may be reached by telephone at (202) 482–4286 and by e-mail at *asanto@doc.gov*.

SUPPLEMENTARY INFORMATION: The Postsecondary Internship Program (PIP) was developed as one vehicle the DOC uses to promote participation of minorities in Federal programs as mandated by Executive Orders and statutes. Title 5, section 7201 of the U.S. Code requires that each Executive agency conduct a continuing program for the recruitment of members of minorities to address under representation of minorities in various categories of Federal employment. Executive Order 13256 provides for Executive departments to enter into, among other things, cooperative agreements with Historically Black Colleges and Universities (HBCUs) to further the goals of the Executive Order, principally that of strengthening the capacity of HBCUs to provide quality education, and to increase opportunities to participate in and benefit from Federal programs. Executive Order 13230 calls for Executive departments to develop plans to increase opportunities for Hispanic Americans to participate in and benefit from Federal education programs. Executive Order 13270 helps ensure that greater Federal resources are available to the tribal colleges. Executive Order 13216 directs Federal agencies to increase participation of Asian and Pacific Islanders in Federal programs.

In order to ensure that the Federal Government can maintain visibility and attractiveness to the ''best and brightest'' college students, this program supports

partnerships between Federal departments and nonprofit or educational institutions. This program continues to improve opportunities for college students to prepare for their transition to the workplace and foster human resource diversity at DOC. In order to provide the program with the necessary time to review and develop its revised program for new awards, this notice amends DOC's prior **Federal Register** notice dated November 23, 2004 (69 FR 68125) to allow for an additional four-month period of funding, on a non-competitive basis, to current PIP recipients who will be completing the third year of partnership with DOC on May 31, 2008. The following recipients whose award period is scheduled to end on May 31, 2008, are affected by this notice and will be eligible for an additional four-month period of funding, on a non-competitive basis, through September 30, 2008: American Indian Science and Engineering Society, Hispanic Association of Colleges and Universities National Intern Program, Minority Access, Inc., Oak Ridge Associated Universities, and The Washington Center for Internships and Academic Seminars.

The award period and related funding, if approved by the DOC Grants Officer, will commence on June 1, 2008, and will continue through September 30, 2008. The additional period of funding will permit student participation in the PIP through the 2008 summer session of the program (June through August), which coincides with the academic year.

Funding for the additional period of time will be at the sole discretion of the DOC using the evaluation criteria and process used to determine the continuation of funding during the original award period (March 1, 2005–May 31, 2008). In making such determinations, the following factors will be considered: (1) Satisfactory performance by the recipients; (2) the availability of appropriated funds; and (3) DOC priorities that support the continuation of the project. DOC has no obligation to provide any additional future funding in connection with this award. Renewal of an award to increase funding or extend the period of performance is at the total discretion of DOC. The OHRM is currently reviewing the program to ensure it meets workforce planning needs. The additional period of funding, as announced in this notice, will allow OHRM the necessary time to review and develop its revised program so that a competition can be held for new awards, which will permit student participation in the PIP commencing with the fall session of 2008.

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 notice.

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 of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are inapplicable. Therefore, a regulatory flexibility analysis has not been prepared.

Authority: 5 U.S.C. 7201 and Executive Orders 13216, 13230, 13256, and 13270.

Dated: March 14, 2008.

Deborah A. Jefferson,

Director for Human Resources Management, Department of Commerce.

[FR Doc. E8–5660 Filed 3–19–08; 8:45 am]

BILLING CODE 3510–BS–S

DEPARTMENT OF COMMERCE

Foreign–Trade Zones Board

[Doc. 3–2007]

Review of Sourcing Change, Foreign–Trade Subzone 43D, Perrigo Company, Allegan, Michigan, (Ibuprofen Products)

Pursuant to 15 CFR Sec. 400.27(d)(3)(vii)(B), the Foreign–Trade Zones Board (the Board) is making available for public inspection and comment the February 25, 2008, submission of the Perrigo Company (Perrigo) in the Board's review of the company's sourcing change (FTZ Doc. 3–2007). A copy of Perrigo's submission is available at the Office of the Executive Secretary, Foreign–Trade Zones Board, U.S. Department of Commerce, Room 2111, 1401 Constitution Ave., NW, Washington, D.C. 20230.

Comments on Perrigo's submission (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address above. The closing period for their receipt is April 21, 2008. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15–day period (to May 5, 2008).

Dated: March 13, 2008.

Andrew McGilvray,

Executive Secretary.

[FR Doc. E8–5665 Filed 3–19–08; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–809]

Forged Stainless Steel Flanges from India: Extension of Time Limits for Preliminary Results of Antidumping Duty New Shipper Review

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

EFFECTIVE DATE: March 20, 2008.

FOR FURTHER INFORMATION CONTACT: Fred Baker 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) 482–2924 or (202) 482–0649, respectively.

SUPPLEMENTARY INFORMATION:

Background

On October 4, 2007, the Department published a notice of initiation of an antidumping duty new shipper review of forged stainless steel flanges from India. *See Forged Stainless Steel Flanges from India: Notice of Initiation of Antidumping Duty New Shipper Review*, 72 FR 56723 (October 4, 2007). This new shipper review covers Hot Metal Forge (India) Pvt. Ltd. (Hot Metal) and the period February 1, 2007 through July 31, 2007. The preliminary results for this new shipper administrative review are currently due no later than March 26, 2008.

Extension of Time Limits for Preliminary Results

Section 751(a)(2)(B)(iv) of the Tariff Act of 1930, as amended (the Act),

requires the Department to complete the preliminary results of a new shipper administrative review within 180 days after the date on which the review is initiated. However, if the Department concludes that the case is extraordinarily complicated, it may extend the 180–day period to 300 days.

Due to the complexity of the issues the Department finds that it is not practicable to complete the preliminary results within the normal 180–day deadline. The issues include the unusual circumstances surrounding Hot Metal's third–country sales, the evaluation of the *bona fide* nature of Hot Metal's sales, and the need to conduct additional analysis of its reported cost of manufacturing. As a result, the Department must extend the deadline for the preliminary results of this new shipper administrative review to permit the collection and analysis of additional information concerning Hot Metal's sales processes in both the U.S. and comparison markets, and also concerning its reported cost of manufacture.

Therefore, in accordance with section 751(a)(2)(B)(iv) of the Act,the Department is extending the time limits for completion of the preliminary results of this new shipper administrative review until no later than July 24, 2008, which is 300 days from the date of initiation of this review. We intend to issue the final results of this review no later than 90 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 14, 2008.

Stephen J. Claeys,

Deputy Assistant Secretary for Import Administration.

[FR Doc. E8–5658 Filed 3–19–08; 8:45 am]

BILLING CODE 3510–DR–S

DEPARTMENT OF COMMERCE

International Trade Administration

A–533–809

Notice of Initiation of Antidumping Duty Changed Circumstances Review: Certain Forged Stainless Steel Flanges from India

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

SUMMARY: In response to a request by Isibars, Ltd. (Isibars), and pursuant to section 751(b) of the Tariff Act of 1930, as amended (the Act) and 19 CFR 351.216 and 351.221(c)(3), the Department is initiating a changed circumstances review of the antidumping duty order on forged stainless steel flanges from India. This review will determine whether India Steel Works, Ltd. (India Steel) is the successor–in-interest to Isibars.

EFFECTIVE DATE: March 20, 2008.

FOR FURTHER INFORMATION CONTACT: Fred Baker 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) 482–2924 and (202) 482–0649, respectively.

SUPPLEMENTARY INFORMATION:

Background

On February 9, 1994, the Department published in the **Federal Register** the antidumping duty order on certain forged stainless steel flanges from India. *See Amended Final Determination and Antidumping Duty Order; Certain Forged Stainless Steel Flanges From India*, 59 FR 5994, (February 9, 1994).

Pursuant to a February 28, 2003, request from Isibars, the Department conducted an administrative review of the antidumping duty order on flanges from India. On March 5, 2004, the Department published the final results of the administrative review, determining that a dumping margin of zero percent existed for Isibars for the period February 1, 2002, through January 31, 2003. *See Certain Forged Stainless Steel Flanges from India; Final Results of Antidumping Duty Administrative Review*, 69 FR 10409 (March 5, 2004).

On February 26, 2008, Isibars filed a request for a changed circumstances administrative review of the antidumping duty order on flanges from India, claiming that Isibars has changed its name to India Steel. Isibars requested that the Department determine whether India Steel is the successor–in-interest to Isibars, in accordance with section 751(b) of the Act, and 19 CFR 351.216 (2007). In addition, Isibars submitted documentation from the government of India related to its name change. In response to Isibars' request, the Department is initiating a changed circumstances review of this order.

Scope of the Order

The products covered by this order are certain forged stainless steel flanges, both finished and not finished, generally manufactured to specification ASTM A–182, and made in alloys such as 304, 304L, 316, and 316L. The scope includes five general types of flanges. They are weld–neck, used for butt–weld line connection; threaded, used for threaded line connections; slip–on and lap joint, used with stub–ends/butt–weld line connections; socket weld, used to fit pipe into a machined recession; and blind, used to seal off a line. The sizes of the flanges within the scope range generally from one to six inches; however, all sizes of the above–described merchandise are included in the scope. Specifically excluded from the scope of this order are cast stainless steel flanges. Cast stainless steel flanges generally are manufactured to specification ASTM A–351. The flanges subject to this order are currently classifiable under subheadings 7307.21.1000 and 7307.21.5000 of the Harmonized Tariff Schedule (HTS). Although the HTS subheadings are provided for convenience and customs purposes, the written description of the merchandise under review is dispositive of whether or not the merchandise is covered by the scope of the order.

Initiation of Antidumping Duty Changed Circumstances Review

Pursuant to section 751(b)(1) of the Act, the Department will conduct a changed circumstances review upon receipt of a request from an interested party or receipt of information concerning an antidumping duty order which shows changed circumstances exist to warrant a review of the order. On February 26, 2008, Isibars submitted its request for a changed circumstances review. With this request, Isibars submitted certain information related to its claim that Isibars changed its name to India Steel. Based on the information Isibars submitted regarding a name change, the Department has determined that changed circumstances sufficient to warrant a review exist. *See* 19 CFR 351.216(d).

In antidumping duty changed circumstances reviews involving a successor–in-interest determination, the Department typically examines several factors including, but not limited to' (1) management; (2) production facilities; (3) supplier relationships; and (4) customer base. *See Brass Sheet and Strip from Canada: Final Results of Antidumping Administrative Review*, 57 FR 20460, 20462 (May 13, 1992) and *Certain Cut–to-Length Carbon Steel Plate from Romania: Initiation and Preliminary Results of Changed Circumstances Antidumping Duty Administrative Review*, 70 FR 22847 (May 3, 2005) (*Plate from Romania*). While no single factor or combination of factors will necessarily be dispositive, the Department generally will consider the new company to be the successor to

the predecessor if the resulting operations are essentially the same as those of the predecessor company. *See, e.g., Industrial Phosphoric Acid from Israel: Final Results of Antidumping Duty Changed Circumstances Review*, 59 FR 6944, 6945 (February 14, 1994), and *Plate from Romania*, 70 FR 22847. Thus, if the record evidence demonstrates that, with respect to the production and sale of the subject merchandise, the new company operates as the same business entity as the predecessor company, the Department may assign the new company the cash deposit rate of its predecessor. *See, e.g., Fresh and Chilled Atlantic Salmon from Norway: Final Results of Changed Circumstances Antidumping Duty Administrative Review*, 64 FR 9979, 9980 (March 1, 1999). Although Isibars submitted documentation related to its name change, it failed to provide complete supporting documentation for the four elements listed above. Accordingly, the Department has determined that it would be inappropriate to expedite this action by combining the preliminary results of review with this notice of initiation, as permitted under 19 CFR 351.221(c)(3)(ii). Therefore, the Department is not issuing the preliminary results of its antidumping duty changed circumstances review at this time.

The Department will issue questionnaires requesting factual information for the review, and will publish in the **Federal Register** a notice of preliminary results of antidumping duty changed circumstances review, in accordance with 19 CFR 351.221(b)(2) and (4), and 19 CFR 351.221(c)(3)(i). The notice will set forth the factual and legal conclusions upon which our preliminary results are based and a description of any action proposed based on those results. Pursuant to 19 CFR 351.221(b)(4)(ii), interested parties will have an opportunity to comment on the preliminary results of review. In accordance with 19 CFR 351.216(e), the Department will issue the final results of its antidumping duty changed circumstances review not later than 270 days after the date on which the review is initiated.

During the course of this antidumping duty changed circumstances review, the cash deposit requirements for the subject merchandise exported and manufactured by India Steel will continue to be the rate established in the final results of the last administrative review for all other manufacturers and exporters not previously reviewed. *See Certain Forged Stainless Steel Flanges from India: Notice of Final Results and Partial Rescission of Antidumping Duty Administrative Review*, 72 FR 45221 (August 13, 2007). The cash deposit will be altered, if warranted, pursuant only to the final results of this review.

This notice of initiation is in accordance with section 751(b)(1) of the Act, 19 CFR 351.216(b) and (d), and 19 CFR 351.221(b)(1).

Dated: March 14, 2008.

Stephen J. Claeys,

Deputy Assistant Secretary for Import Administration.

[FR Doc. E8–5691 Filed 3–19–08; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

(A–570–848)

Freshwater Crawfish Tail Meat from the People's Republic of China: Notice of Court Decision Not in Harmony with Final Results of Administrative Review

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

SUMMARY: On March 5, 2008 the United States Court of International Trade (''CIT'') sustained the remand redetermination issued by the Department of Commerce (''the Department''), pursuant to the CIT's remand order, regarding the final results of the administrative review of the antidumping duty order on fresh water crawfish tail meat from the People's Republic of China. *See Crawfish Processors Alliance v. United States*, Slip Op. 08–27 (March 5, 2008) (''*Crawfish II*''). This case arises out of the Department's final results in the administrative review covering the period September 1, 1999 - August 31, 2000. *See Freshwater Crawfish Tail Meat from the People's Republic of China; Notice of Final Results of Antidumping Duty Administrative Review, and Final Partial Rescission of Antidumping Duty Administrative Review*, 67 FR 19546 (April 22, 2002) (''*Final Results*''). Consistent with the decision of the United States Court of Appeals for the Federal Circuit (''CAFC'') in *The Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) (''*Timken*''), the Department is notifying the public that *Crawfish II* is not in harmony with the Department's Final Results.

EFFECTIVE DATE: March 20, 2008.

FOR FURTHER INFORMATION CONTACT: Paul Walker, AD/CVD Operations, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Ave., NW, Washington, DC 20230; telephone: (202) 482–0413.

SUPPLEMENTARY INFORMATION: On April 22, 2002 the Department determined that Fujian Pelagic Fishery Group Co. (''Fujian'') and Pacific Coast Fisheries Corp. (''Pacific Coast'') are not affiliated parties pursuant to section 771(33) of the Tariff Act of 1930, as amended (''the Act''). *See Final Results* and accompanying Issues and Decision Memorandum at Comment 18. In *Crawfish I*, the CIT found that ''Fujian had not made an investment, whether in cash or in the form of a promissory note, in Pacific Coast and that Fujian did not exercise control over Pacific Coast.'' *See Crawfish Processors Alliance v. United States*, 343 F. Supp. 2d 1242, 1269 (Ct. Int'l Trade 2004) (''*Crawfish I*''). The CIT sustained the Department's determination that the two entities are not affiliated. *Id.* On appeal, the CAFC, holding that section 771(33)(E) of the Act ''does not require a transfer of cash or merchandise to prove ownership or control of an organization's shares,'' found that Fujian put forth sufficient evidence to demonstrate that it directly or indirectly owned and controlled at least 5% of Pacific Coast's shares. *See Crawfish Processors Alliance v. United States*, 477 F.3d 1375, 1384 (Fed. Cir. 2007). The CAFC determined that substantial evidence did not support the Department's determination that Fujian and Pacific Coast are not affiliated and reversed the decision of the CIT in *Crawfish I. Id.* Consequently, as mandated by the Federal Circuit, the CIT remanded the *Final Results* to the Department to recalculate the dumping margin treating Fujian and Pacific Coast as affiliated parties. *See Crawfish Processors Alliance v. United States*, Slip Op. 07–156 (October 30, 2007). Thus, pursuant to the CIT's remand instructions, the Department treated Fujian and Pacific Coast as affiliated parties pursuant to section 771(33)(E) of the Act, and recalculated Fujian's dumping margin from 174.04% to 60.83%.

The Department released the *Draft Results of Redetermination Pursuant to Court Remand* (''*Draft Redetermination*'') to the interested parties for comment on December 11, 2007. On December 18, 2007, in response to a request by Fujian, the Department granted parties an additional two days to submit comments on the *Draft Redetermination*. No party submitted comments by the December 20, 2007 deadline. On January 28, 2008 the Department filed its final results of

redetermination pursuant to Court remand with the CIT. *See Final Remand Results of Redetermination Pursuant to Court Remand*, Court No. 02–00376, (January 28, 2008) (''*Final Remand Redetermination*''). On March 5, 2008 the CIT sustained all aspects of the *Final Remand Redetermination. See Crawfish II.*

In its decision in *Timken*, 893 F.2d at 341, the CAFC held that, pursuant to section 516A(e) of the Act, the Department must publish a notice of a court decision that is not ''in harmony'' with a Department determination, and must suspend liquidation of entries pending a ''conclusive'' court decision. As a result of the Department's treatment of Fujian and Pacific Coast as affiliated parties, the CIT's decision in this case, on March 5, 2008, constitutes a final decision of the court that is not in harmony with the Department's *Final Results*. This notice is published in fulfillment of the publication requirements of *Timken*. Accordingly, the Department will continue the suspension of liquidation of the subject merchandise pending the expiration of the period of appeal or, if appealed, pending a final and conclusive court decision. In the event the CIT's ruling is not appealed or, if appealed, upheld by the CAFC, the Department will instruct U.S. Customs and Border Protection to revise the cash deposit rates covering the subject merchandise.

This notice is issued and published in accordance with section 516A(c)(1) of the Act.

Dated: March 14, 2008.

David M. Spooner,

Assistant Secretary for Import Administration.

[FR Doc. E8–5669 Filed 3–19–08; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No.: 071213835–7836–01]

RIN: 0648–ZB84

Availability of Draft Guidelines for the Marine Debris Program Grant Program

AGENCY: National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

ACTION: Request for Comments on Proposed Guidelines for NOAA's Marine Debris Program Grant Program.

SUMMARY: NOAA's Office of Response and Restoration, National Ocean Service, is issuing guidelines to implement the Marine Debris Program (MDP) grant program. The MDP was created by the Marine Debris Research, Prevention, and Reduction Act (33 U.S.C. 1951 *et seq.*) to coordinate, strengthen, and enhance the awareness of marine debris efforts within the agency and work with external partners to support research, prevention, and reduction activities related to the issue of marine debris. The NOAA MDP mission is to support a national and international effort focused on preventing, identifying and removing marine debris and to protect and protect our nation's natural resources, oceans, and coastal waterways from the impacts of marine debris. Within the Act, the MDP is directed to develop formal guidelines for the implementation of a grant program and is seeking comments on the proposed grant program guidelines through this document.

DATES: The agency must receive comments concerning this document on or before April 21, 2008.

ADDRESSES: Please send your comments by e-mail to: *NOAA.Marine Debris.FRNcomments@noaa.gov* or by mail to: Sarah E. Morison, NOAA Marine Debris Program Coordinator, Office of Response and Restoration, N/ORR, SSMC4, 10th floor, 1305 East-West Highway, Silver Spring, MD, 20910.

FOR FURTHER INFORMATION CONTACT: Sarah E. Morison, Tel: 301–713–2989 x120 or by e-mail at: *Sarah.Morison@NOAA.gov.*

SUPPLEMENTARY INFORMATION: NOAA's Marine Debris Program (MDP) serves as a centralized marine debris capability within NOAA in order to coordinate, strengthen, and increase the visibility of marine debris issues and efforts within the agency, its partners, and the public. The NOAA MDP mission is to support a national and international effort focused on preventing, identifying and removing marine debris and to protect and protect our nation's natural resources, oceans, and coastal waterways from the impacts of marine debris. Additionally, the MDP supports and works closely with various partners across the U.S. to fulfill the Program's mission. The proposed guidelines implementing the MDP's grant program are set forth below.

Electronic Access

Information on the MDP can be found on the World Wide Web at: *http://marinedebris.noaa.gov,*

The proposed guidelines implementing the MDP grant program are set forth below.

NOAA MARINE Debris Program Grant Program Guidelines

Section 1. Goals and Objectives

The Marine Debris Research, Prevention, and Reduction Act (the Act) (33 U.S.C. 1951 *et seq.*) establishes a marine debris program within the National Oceanic and Atmospheric Administration (NOAA) to reduce and prevent the occurrence and adverse impacts of marine debris on the marine environment and navigation, through activities such as:

- Mapping, identification, impact assessment, removal, and prevention;
- Reducing and preventing loss of fishing gear; and
- Outreach.

The Act also directs the Administrator to provide financial assistance in the form of grants to accomplish the Act's purpose of identifying, determining sources of, assessing, reducing, and preventing marine debris and its adverse impacts on the marine environment, living marine resources, and navigation safety.

The Act further directs the Administrator to issue guidelines for the implementation of the grant program, including development of criteria and priorities for grants, in consultation with the Interagency Marine Debris Coordinating Committee; regional fishery management councils established under the Magnuson-Stevens Fishery Conservation and Management Act; state, regional, and local governmental entities with marine debris experience; marine-dependent industries; and nongovernmental organizations involved in marine debris research, prevention, and removal activities.

The grant program's objective is to bring together groups, public and non-profit organizations, industry, academia, commercial organizations, corporations and businesses, youth conservation corps, students, landowners, and local governments, and state and Federal agencies to implement marine debris-related projects to support NOAA's mission, ''to understand and predict changes in Earth's environment and conserve and manage coastal and marine resources to meet our Nation's economic, social, and environmental needs.'' These diverse entities will be sought at the national, state, and local level to contribute funding, technical assistance, workforce support or other in-kind services to allow citizens to take responsibility for the improvement of important, living marine resources, their habitats and other uses of the ocean that are impacted by marine debris.

Section 2. Purpose of the Guidelines

These guidelines provide information for potential applicants to the NOAA Marine Debris Program's (MDP) grant program. In regard to MDP grants that may be awarded by NOAA through competitive solicitations, the guidelines explain the grant program goals and objectives, and the implementation of the competitive grant program.

In order to accomplish its comprehensive mission, the MDP anticipates using two different approaches in designing its grant program. First, the MDP will solicit recipients who will work directly on individual projects related to relevant marine debris issues. Second, the MDP will solicit diverse entities which will be funded to engage actively in establishing partnership arrangements with other organizations with the purpose of cooperatively implementing marine debris-related projects to benefit NOAA trust resources. The entities selected to establish these partnerships will assume the administrative responsibilities, such as awarding contracts and managing progress and financial reports, for making subawards to accomplish individual projects.

Section 3. Definition of Terms

Act—Marine Debris Research, Prevention, and Reduction Act (P.L. 109–449,33 U.S.C. 1951 *et seq.*)

Administrator—The Administrator of the National Oceanic and Atmospheric Administration.

Marine Debris—TBD, currently being written with USCG.

MDP—Marine Debris Program, within the NOAA National Ocean Service, Office of Response and Restoration.

NOAA—The National Oceanic and Atmospheric Administration, within the U.S. Department of Commerce.

State—Any State of the United States, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, and the U.S. Virgin Islands, as well as any other territory or possession of the United States, or separate sovereign in free association with the United States.

Section 4. Eligible Participants

In accordance with section 3(c)(4) of the Act, any state, local or tribal government whose activities affect research or regulation of marine debris and any institution of higher education; nonprofit organization, Regional Fishery Management Councils, or commercial organization, with expertise in a field related to marine debris, is, eligible to submit a marine debris proposal under this grant program. Individuals may also apply. Federal agencies are not eligible to apply for funding through any opportunity covered by these guidelines; however, they are encouraged to work in partnership with state agencies, municipalities, and community groups who may apply.

Section 5. Activities To Address Marine Debris

Generally, the MDP grant program is interested in funding projects that address one or more activities specified in the Act, including:

- Mapping, identification, impact assessment, removal and prevention of marine debris;
- Reducing and preventing the loss of fishing gear;
- Outreach and education; and
- Assisting in maintaining an up-to-date Federal marine debris information clearinghouse.

The MDP anticipates that proposed projects, either funded directly through NOAA or through entities selected to leverage funding through partnership arrangements with other organizations, should clearly demonstrate anticipated benefits to:

- Aquatic habitats, including but not limited to, salt marshes, seagrass beds, coral reefs, mangrove forests, or other sensitive aquatic habitats;
- Species, including marine mammals, commercial and non-commercial fishery resources; endangered and threatened marine species, seabirds, or other NOAA trust resources;
- Navigation safety; or
- Other aspects of the marine environment.

Research-focused projects should explicitly state the hypothesis or purpose of the research, the methods that will be used, and how the results may be used and analyzed to better understand or decrease the impacts or amount of marine debris in the environment. Research projects are not required to have an outreach component; however, they should include a method for sharing project results with other researchers and relevant parties.

Prevention-focused projects should have a component that is able to measure the success of the activity within a target audience or debris type.

Reduction-focused projects should emphasize reduction and prevention within local, state or regional plans. Removal of debris should result in benefits to the species and habitats listed in this section of these guidelines, and respond to a local, state or regional prioritization method. Projects that make debris less harmful while in the environment are also considered reduction-focused. Examples of this type of project are modifications to fishing gear so that, if lost, there is a mechanism for trapped animals to escape or a way to reduce the gear's fishing efficiency.

Outreach projects should be focused enough to achieve results within a target audience; be able to measure the attitudes and behaviors of the target audience before and after the project, convey the importance of marine debris issues, and have tangible products.

The Federal marine debris information clearinghouse, as of early 2008, has not yet been organized. Its status will be updated and provided in any funding opportunity announcement that lists maintaining the clearinghouse as a priority to focus project proposals.

The MDP anticipates that funding opportunities will note the priorities in the selection of applications in the competitive announcements. Such priorities may note that applications would be more likely to be successful if they demonstrated a clear need for the proposed action(s), assisted the nation in gaining a better understanding of, or addressing, marine debris, and have clear results within the priorities of the applicable funding opportunity. Monitoring or performance evaluation components to address the long-term success of the project are also encouraged. As is warranted, the MDP may develop other selection priorities for inclusion in the funding opportunities.

The MDP anticipates that non-research projects requesting funds predominantly for administration, salaries, and overhead may be discouraged in light of the fact that the majority of funds should be used for activities that would otherwise not be undertaken. Actual uses of the funds would depend on the type and focus of the project.

Section 6. Cost-Sharing Requirement

Section 3(c)(2)(A) of the Act (33 U.S.C. 1952(c)(2)(A)) states Federal funds may not exceed 50 percent of the total cost of a project under this Program. The competitive funding opportunities will set out how the match requirement may be met, such as through volunteer hours, and will vary depending on the entities selected for funding. Section 3(C)(2)(B) provides that a waiver of the match may be allowed if the Administrator determines the project meets the following two requirements:

(1) No reasonable means are available through which applicants can meet the matching requirement, and

(2) The probable benefit of such project outweighs the public interest in the matching requirement.

Any applicant interested in requesting a waiver should provide a detailed justification explaining the need for the waiver including attempts to obtain sources of matching funds, how the benefit of the project outweighs the public interest in providing match, and any other extenuating circumstances preventing the availability of match.

In addition, the Act provides, in section 3(c)(3)(A), that if authorized by the Administrator or the Attorney General, the non-Federal share of the cost of a project may include money or the value of any in-kind service performed under an administrative order on consent or judicial consent decree that will remove or prevent marine debris.

Section 7. Funding Mechanisms

The MDP grant program may use new or existing NOAA grant programs as vehicles to fund projects related to the purposes of the Act. The MDP anticipates that competitive funding opportunities will be announced entailing marine debris funding and including funding priorities for the year. Opportunities will be made public through a Notice of Funding Availability (NOFA) published in the **Federal Register** and posted on *http://www.grants.gov.* The availability of funding to be awarded through subgrants from NOAA grant recipients, including applicable selection priorities, will be announced through email, Web sites, and press releases.

Section 8. NOAA Funding Sources and Dispersal Mechanisms

The MDP grant program envisions funding projects through cooperative agreements and grants, as appropriate.

A cooperative agreement is a funding mechanism reflecting a relationship between NOAA and a recipient whenever: (1) The principal purpose of the relationship is to transfer funds, services or goods to the recipient for a public purpose, and (2) substantial involvement is anticipated between NOAA and the recipient during performance of the contemplated activity.

A grant is similar to a cooperative agreement, except that in the case of grants, substantial involvement between NOAA and the recipient is not anticipated during the performance of the contemplated activity. Financial assistance is the transfer of money, property, services or anything of value to a recipient in order to accomplish a public purpose of support or stimulation that is authorized by Federal statute.

Each year, the NOAA Marine Debris Program Director will determine the proportion of Program funds that will be allocated to direct project funding through grants and to organizations that will leverage NOAA dollars through partnership arrangements. The proportion of funding to be allocated to these organizations may depend upon the amount of funds available from partnering organizations to leverage NOAA dollars and the ability of partners to help NOAA fund a broad array of projects over a wide geographic distribution.

Section 9. NOAA Selection Guidelines

NOAA's Notice of Funding Availability (NOFA) and accompanying Federal Funding Opportunity (FFO) announcement will contain funding opportunity descriptions, award information, eligibility information, application and submission information, priority funding areas for the year, application review and selection criteria, award administration information, Administrative and National Environmental Policy Act requirements, agency contacts, and other information for potential applicants. In 2000, NOAA adopted five standard evaluation criteria for all its competitive grant programs, as follows:

- *Importance and Applicability of Proposal*—This criterion ascertains whether there is intrinsic value in the proposed work and/or relevance to NOAA, Federal, regional, state or local activities.
- *Technical/Scientific Merit*—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.
- *Overall Qualifications of Applicants*—This criterion ascertains whether the applicant possesses the necessary education, experience, training facilities, and administrative resources to accomplish the project.
- *Project Costs*—This criterion evaluates the budget to determine if it is realistic and commensurate with the project needs and time-frame.
- *Outreach, Education, and Community Involvement*—NOAA assesses whether the project provides a focused and effective education and outreach strategy regarding NOAA's mission.

Information on how these criteria are specifically applied in the context of the NOAA Marine Debris Program will be described each year in the NOFAs and FFOs for NOAA-funded project awards and for awards to organizations that will issue subawards to fund projects related to marine debris issues.

Section 10. Partnerships With Other Federal Agencies

Should other Federal agencies partner with NOAA to award funding, opportunities will be published in *http://www.grants.gov* and through such other vehicles as may be appropriate for the particular agency making the solicitation announcement. Examples would be the **Federal Register** or the particular agencies' Web sites. Application requirements may vary by partner agency and will be specified in the relevant solicitations.

Section 11. Environmental Compliance and Safety

It is the applicant's responsibility to obtain all necessary Federal, state, and local government permits and approvals for the proposed work. Applicants are expected to design their projects so that they minimize the potential for adverse impacts to the environment. NOAA must analyze the potential environmental impacts, as required by the National Environmental Policy Act (NEPA), for applications that seek NOAA funding and which are subject to NOAA control and discretion. Proposals should provide enough detail for NOAA to make a NEPA determination. Successful applications cannot be forwarded to the NOAA Grants Management Division with recommendations for funding until NOAA completes necessary NEPA documentation or determines it does not apply.

Consequently, as part of an applicant's package, and under the description of proposed activities, applicants will be required to provide detailed information on the activities to be conducted, such as site locations, species and habitat(s) to be affected, possible construction activities, and any environmental concerns that may exist (e.g., the use of and/or disposal of hazardous or toxic substances, introduction of non-indigenous species, impacts to endangered and threatened species, impacts to coral reef systems). For partnerships, where project-specific details may not be available at the time an award is made, partners must meet the same environmental compliance requirements on subsequent sub-awards.

In addition to providing specific information that will serve as the basis for any required impact analyses,

applicants may also be required to assist NOAA in the drafting of an environmental assessment if NOAA determines an assessment is necessary and that one does not already exist for the activities proposed in the application. Applicants will also be required to cooperate with NOAA in identifying and implementing feasible measures to reduce or avoid any identified adverse environmental impacts of their proposal. The selecting official may decide, at the time of proposal review, to recommend funding a project in phases to enable an applicant to provide information needed for an environmental assessment, feasibility analysis or similar activity if a NEPA determination cannot be made for all activities in a particular application. The selecting official may also impose special award conditions that limit the use of funds for activities that have outstanding environmental compliance requirements. Special award conditions may also be imposed, for example, to ensure that grantees consider and plan for the safety of volunteers, and provide appropriate credit for NOAA and other contributors.

Activities that address marine debris, particularly removal actions, can be dangerous and may require additional safety consideration. The applicant may be requested to submit safety information for activities being considered, to ensure full review and understanding. The selecting official may also impose special award conditions that limit the use of funds for activities that have outstanding safety issues.

Section 12. Funding Ranges

The funding opportunities, number of awards, and funding ranges to be made in future years will depend on the amount of funds appropriated to the MDP annually by Congress. Such information will be published in the NOFA and FFO for each funding opportunity.

Statutory Authority

Marine Debris Research, Prevention, and Reduction Act (33 U.S.C. 1951 *et seq.*)

Dated: March 7, 2008.

William Corso,

Deputy Assistant Administrator.

[FR Doc. E8–5442 Filed 3–19–08; 8:45 am]

BILLING CODE 3510–JE–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG45

New England Fishery Management Council; Public Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The New England Fishery Management Council's (Council) Vessel Monitoring System (VMS)/Enforcement Committee will meet to consider actions affecting New England fisheries in the exclusive economic zone (EEZ).

DATES: The meeting will be held on Thursday, April 3, 2008 at 9 a.m.

ADDRESSES:

Meeting address: The meeting will be held at the Starboard Galley Restaurant, 55 Water Street, Newburyport, MA; (978)462–1326.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Paul J. Howard, Executive Director, New England Fishery Management Council; telephone: (978)465–0492.

SUPPLEMENTARY INFORMATION: The items of discussion in the committee's agenda are as follows:

Agenda for Thursday, April 3, 2008

1. The VMS/Enforcement Committee will discuss the running clock; discussion points include a 24 hour limit, safety improvements, enforced with VMS, call-in, Interactive Voice Response, radioing U.S. Coast Guard, and others.

2. They will also discuss Sector monitoring and enforcement; how many landings there are (proposed and actual), percentage of vessels checked at the dock by Office of Law Enforcement/States (proposed and actual), weigh-master minimum requirements, enforcement of independent monitoring, changes required in enforcement priorities and practices, and others.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people withdisabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Paul J. Howard (see **ADDRESSES**) at least 5 days prior to the meeting date.

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

Dated: March 17, 2008.

Tracey L. Thompson,

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

[FR Doc. E8–5633 Filed 3–19–08; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XE04

New and Revised Conservation and Management Measures and Resolutions for Antarctic Marine Living Resources Under the Auspices of CCAMLR

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

ACTION: Final notice.

SUMMARY: NMFS notifies the public that the United States has accepted conservation and management measures and a resolution pertaining to fishing in Antarctic waters managed by the Commission for the Conservation of Antarctic Marine Living Resources (Commission or CCAMLR). The Commission adopted these measures at its twenty-sixth meeting in Hobart, Tasmania, October 22 to November 2, 2007. The measures have been agreed upon by the Member countries of CCAMLR, including the United States, in accordance with Article IX of the Convention for the Conservation of Antarctic Marine Living Resources (the Convention). The measures include: measures previously adopted by the Commission and remaining in force; measures adopted for the 2007/2008 fishing season to restrict overall catches, research catch and bycatch of certain species of finfish, squid, krill and crabs; restrict fishing in certain areas; restrict use of certain fishing gear; specify implementation and inspection obligations supporting the Catch Documentation Scheme of Contracting Parties; and promote compliance with

CCAMLR measures by non-Contracting Party vessels. The full text of all the measures adopted by CCAMLR can also be found on CCAMLR's website —*www.ccamlr.org*.

DATES: This final notice is effective on March 20, 2008.

FOR FURTHER INFORMATION CONTACT: Robert Gorrell, Office of Sustainable Fisheries, Room 13463, 1315 East-West Highway, SSMC3, NMFS, Silver Spring, MD 20910; tel: 301–713–2341; fax 301–713–1193; e-mail Robert.Gorrell@noaa.gov.

SUPPLEMENTARY INFORMATION:

Background

Pursuant to 50 CFR 300.111, NMFS and the U.S. Department of State (DOS) published in the **Federal Register** on December 21, 2007 (72 FR 72826) the full text of the new and revised conservation and management measures adopted by CCAMLR at its 2007 meeting. NMFS did not republish those conservation and management measures that were adopted at a previous CCAMLR meeting and that did not change.

NMFS invited the public to comment on these conservation measures and received two such comments.

Comment 1

One commenter suggested a cessation to the harvesting of krill in all oceans by all countries. The commenter stated that krill are the foundation forage for several important food chains, including finfish, cetaceans, and ultimately humans, and that if humans collectively weaken food chain foundations, humans do harm to their long-term commercial fish harvests and especially to the continued long-term prosperity of the oceans.

Response

NMFS recognizes the importance of krill in the ocean's food chains and has taken action in CCAMLR to support the adoption of a precautionary approach to setting catch limits on the large concentrations of krill in the CCAMLR Convention Area. The United States has agreed to a catch limit in CCAMLR that is well below the harvestable biomass. Total international harvests in the krill fishery in the past have been at a low percentage relative to the CCAMLR catch limits. Beyond working in international fora such as CCAMLR, the United States cannot control foreign harvests of krill in all oceans by all countries.

Comment 2

Another commenter, the Humane Society International (HIS) and the Humane Society of the United States (HSUS), supports immediate ratification and enactment of the protection measures agreed to at last November's CCAMLR meeting. This commenter also urged the United States and other member countries to begin to identify and address the following areas that the commenter believes are in need of improvement: (1) climate change; (2) ice strengthening of fishing vessels; (3) banning use of heavy gas oils in Antarctic waters; (4) trade controls in support of containing IUU fishing; (5) choosing an ecosystem-based management consistent framework for setting krill catch limits for small scale management units; and (6) International Whaling Commission/CCAMLR workshop on whale research. The HIS and HSUS elaborated on their suggestions and urgings for the United States in each of these six areas.

Response

Beyond the comment by the HIS and HSUS that they had no objection to the measures that were published in the preliminary notice by NMFS and DOS, they raised other issues that were outside the scope of the measures and resolution adopted at the 2007 CCAMLR meeting and presented in this notice. Nonetheless, those issues (e.g., climate change, trade measures, and krill harvesting for small scale management units) are being discussed and debated by member nations to CCAMLR including the United States, and by the CCAMLR Scientific Committee. Therefore, it is quite possible that these discussions could lead to conservation measures in the future that CCAMLR would adopt and that would address concerns voiced by HIS and HSUS.

After considering public comment under 50 CFR 300.111, NMFS notifies the public that the United States accepts the conservation measures adopted at CCAMLR's twenty-sixth meeting, and considers the measures in effect with respect to the United States. For the full text of the measures adopted, see 72 FR 72826, December 21, 2007. NMFS provides the following summary of these conservation measures and a resolution as a courtesy to the public.

Revised Measures

The Commission revised the following compliance measures: licensing and inspection obligations of Contracting Parties with regard to their flag vessels operating in the Convention Area were revised to require -- adequate communication equipment and trained operators on board; sufficient immersion survival suits for all on board; adequate arrangements to handle medical emergencies; reserves of food, fresh water, fuel and spare parts for critical equipment; and an approved Shipboard Oil Pollution Emergency Plan outlining marine pollution mitigation arrangements in the event of a fuel or waste spill 1,2,3 (CM 10–02); and automated satellite-linked Vessel Monitoring Systems (VMS) requirements to eliminate the exception for vessels participating in the krill fishery (CM 10–04).

The Commission revised general fisheries matters to require: notifications of intent to participate in a fishery for krill, *Euphausia superba*, including notification of intent to participate in a fishery for krill (CM 21–03); data reporting system for *Euphausia superba* fisheries (CM 23–06); and minimization of the incidental mortality of seabirds in the course of longline fishing or longline fishing research in the Convention Area1,2,3 by giving Spanish longline system vessel operators the choice of either using traditional weights under the current two mass/spacing regimes or using steel weights under a mass spacing regime and by specifying the mass and spacing of weights (CM 25–02).

The Commission revised fishery regulations for krill by: setting precautionary catch limits on *Euphausia superba* in Statistical Subareas 48.1, 48.2, 48.3, and 48.4 so that the total combined catch in these subareas is limited to 620,000 tonnes (trigger level) in any fishing season until the Commission has defined an allocation of the total catch limit of 3.47 million tones between smaller management units (CM 51–01); and setting precautionary catch limitation on Euphausia superba in Statistical Division 58.4.2 at 2.645 million tonnes total catch, which may be subdivided into 1.448 million tonnes west of 55 degrees E. and 1.080 million tonnes east of 55 degrees E., however, until the Commission has defined an allocation of this total catch limit between smaller management units, the total catch in Division 58.4.2 is limited to 260,000 tonnes west of 55 degrees E. and 192,000 tonnes east of 55 degrees E. in any fishing season (CM 51–03). The Commission carried over from last year the precautionary catch limit on *Euphausia superba* in Statistical Division 58.4.1 of 440,000 tonnes total catch, which is subdivided into 277,000 tonnes west of 115 degrees E. and 163,000 tonnes east of 115 degrees E.

CCAMLR Ecosystem Monitoring Program

The Commission rescinded the Seal Islands as CCAMR Ecosystem Monitoring Program Protected Sites.

Prohibitions on Directed Fishing

The Commission retained the continuing prohibitions for directed fishing for finfish in Statistical Subareas 48.1 and 48.2; for *Notothenia rossii* in Statistical Subareas 48.1, 48.2 and 48.3; for *Gobionotothen gibberifrons*, *Chaenocephalus aceratus*, *Pseudochaenicthys georgianus*, *Lepidonotothen squamifrons* and *Patagonotothen guntheri* in Statistical Subareas 48.3; for *Lepidonotothen squamifrons* in Statistical Division 58.4.4; for *Dissostichus* species in Statistical Division 58.4.4 outside areas of national jurisdiction; for *Dissostichus eleginoides* in Statistical Subarea 58.6; for *Dissostichus eleginoides* in Statistical Subarea 58.7; for *Dissostichus eleginoides* in Statistical Division 58.5.1 outside areas of national jurisdiction; for *Dissostichus eleginoides* in Statistical Division 58.5.2 east of 79°20'E and outside of the EEZ to the west of 79°20'E; for *Dissostichus* species in Statistical Subarea 88.2 north of 65° S; for *Dissostichus* species in Statistical Subarea 88.3; and for *Electrona carlsbergi* in Statistical Subarea 48.3.

The Commission adopted a new general measure (CM 32–09) that prohibited directed fishing for Dissostichus species in Statistical Subarea 48.5, except in accordance with specific conservation measures, during the 2007/2008 fishing season.

General Fisheries Matters and Fishery Regulations

The Commission adopted a new general measure (CM 31–02) for the closure of all fisheries[1,2,3]. This new conservation measure requires all vessels to remove their fishing gear from the water by the notified closure date and time, and upon receipt of such notification, no further longlines may be set within 24 hours of the notified closure date and time. All vessels should depart the closed fishery as soon as all fishing gear has been removed from the water, and if gear cannot be removed by the notified closure date then the Flag State, Secretariat, and Members must be notified.

The Commission adopted a new measure [1,2,3] (CM 22–06) that restricts bottom fishing in the Convention Area south of 60°S; and to the rest of the Convention Area with the exception of subareas and divisions where an established fishery was in place in 2006/2007 with a catch limit greater than zero. The purpose is to prevent significant adverse impacts on''vulnerable marine ecosystems'' (VME) (including seamounts, hydrothermal vents, cold water corals and sponge fields). Under this measure, until November 2008, bottom fishing activities shall be limited to those areas for which bottom fishing activities were approved by the Commission in the 2006/2007 fishing season. Contracting Parties whose vessels wish to engage in any bottom fishing activities, beginning 1 December 2008, must follow the procedures proscribed by the Commission to assess the impacts of bottom fishing on VMEs. The CCAMLR Scientific Committee will conduct an assessment to determine if the bottom fishing would contribute to having significant adverse impacts on VMEs and to ensure that individual bottom fishing activities are managed to prevent such impacts or are not authorized to proceed.

Where evidence of a VME is encountered in the course of bottom fishing operations, Contracting Parties are to report the encounter to the Secretariat so that appropriate conservation measures can be adopted relevant to the site. The Commission agreed to adopt initial conservation measures in 2008 to be applied when evidence of a VME is encountered in the course of fishing operations.

All Contracting Parties whose vessels participate in bottom fisheries must ensure that their vessels are: properly equipped; carry at least one CCAMLR-designated scientific observer; submit data pursuant to data collection plans for bottom fisheries to be developed by the Scientific Committee; and submit relevant data to CCAMLR and the Scientific Committee for review. The new bottom fishing measure also addresses data collection and sharing, including digital maps of VMEs in the Convention Area, and scientific research activities. Beginning in 2009 and biennially thereafter, the Commission agreed to examine the effectiveness of relevant conservation measures in protecting VMEs from significant adverse impacts, based upon advice from the Scientific Committee.

Bycatch

The Commission agreed to extend the existing bycatch limits in Statistical Division 58.5.2 into the 2007/2008 season. The Commission also agreed to extend the existing bycatch limits and move-on rules for exploratory fisheries into the 2007/2008 season.

The Commission adopted a new measure (CM 33–02) that there be no directed fishing for any species other than Dissostichus eleginoides and Champsocephalus gunnari in Statistical Division 58.5.2 in the 2007/2008 fishing season. The measure for Statistical Division 58.5.2 also limited bycatch of Channichthys rhinoceratus to 150 tonnes, bycatch of Lepidonotothen squamifrons to 80 tonnes, bycatch of Macrourus spp. to 360 tonnes, and the bycatch of skates and rays to 120 tonnes. The bycatch of any other fish species and for which there is no other catch limit in force, may not exceed 50 tonnes in Statistical Division 58.5.2. The measure also set minimum distances separating fishing locations or trawl paths if specified bycatch limits of certain species were exceeded.The Commission adopted a new measure1,2,3 (CM 33–03) that applies to new and exploratory fisheries in all areas containing small-scale research units (SSRUs) in the 2007/2008 season, except where specific bycatch limits apply. The catch limits for all bycatch species are:

TABLE 1: BYCATCH CATCH LIMITS FOR NEW AND EXPLORATORY FISHERIES IN 2007/2008

Statistical Subarea/ Division	Region	Dissostichus spp. catch limit (tonnes per region)	Bycatch catch limit		
			Skates and rays (tonnes per region)	Macrourus spp. (tonnes per region)	Other species (tonnes per SSRU)
48.6	North of 60°S	200	50	32	20
	South of 60°S	200	50	32	20
58.4.1	Whole division	600	50	96	20

TABLE 1: BYCATCH CATCH LIMITS FOR NEW AND EXPLORATORY FISHERIES IN 2007/2008—Continued

Statistical Subarea/ Division	Region	Dissostichus spp. catch limit (tonnes per region)	Bycatch catch limit		
			Skates and rays (tonnes per region)	Macrourus spp. (tonnes per region)	Other species (tonnes per SSRU)
58.4.2	Whole division	780	50	124	20
58.4.3	Whole division	250	50	26	20
58.4.3b	North of 60°S	150	50	80	20
88.1	Whole subarea	2,660	133	426	20
88.2	South of 60°S	547	50	88	20

Within these catch limits, the total catch of bycatch species in any SSRU or combination of SSRUs as defined in relevant conservation measures shall not exceed the following limits: skates and rays 5% of the catch limit of Dissostichus spp. or 50 tonnes whichever is greater; Macrourus spp. 16% of the catch limit for Dissostichus spp. or 20 tonnes, whichever is greater, and all other species combined 20 tonnes. Unless otherwise requested by scientific observers, vessels, where possible, should release skates and rays alive from the line by cutting snoods, and when practical removing the hooks. The measures would require a vessel to cease fishing and move on to other fishing grounds if harvests reached a certain target level.

New and Exploratory Fishing

The Commission adopted new general measures 1,2,3 (CM 41–01) for exploratory fisheries using trawl or longline methods, except for such fisheries where the Commission has given specific exemptions, for Dissostichus spp. in the Convention Area in the 2007/2008 season, which include: (1) fishing in any small-scale research unit (SSRU) must cease when the reported catch reaches the specified catch limit and that SSRU will be closed to fishing for the remainder of the season; (2) how the precise geographic positions of a haul in trawl fisheries will be determined; (3) how the precise geographic position of a haul/set in longline fisheries will be determined; (4) the vessel will be deemed to be fishing in any SSRU from the beginning of the setting process until the completion of the hauling of all lines; (5) catch and effort information for each species by SSRU must be reported using CCAMLR's Five-day Catch and Effort Reporting System; (6) the Secretarial will notify Contracting Parties participating in these fisheries when the total catch for Dissostichus eleginoides and Dissostichus mawsoni combined in any SSRU is likely to reach the specified catch limit, and of the closure of that SSRU when that limit is reached; (7) the total number and weight of Dissostichus eleginoides and Dissostichus mawsoni discarded must be reported; (8) each vessel must have one scientific observer appointed in accordance with the CCAMLR Scheme of International Scientific Observation, and where possible one additional scientific observer, on board throughout all fishing activities within the fishing season; (9) a Data Collection Plan, Research Plan, and Tagging Program, together with specific provisions for each exploratory fishery must be implemented; and (10) notification provisions for Members who are not going to participate in the fishery.

Dissostichus Species

The Commission set (new CM 41–02) a combined catch limit of 3,920 tonnes for the longline and pot fisheries for Dissostichus eleginoides in Statistical Subarea 48.3 in each of the fishing seasons 2007/2008 and 2008/2009. The catch limit is further subdivided: (1) Management Area A (West Shag Rocks area): 0 tonnes; (2) Management Area B (Shag Rocks area): 1,176 tonnes in each season; and (3) Management Area C (South Georgia area): 2,744 tonnes in each season. The Commission also set bycatch limits on other species.

The Commission authorized exploratory fisheries for Dissostichus spp. for the 2007/2008 fishing season as follows: (1) longline fishing in Statistical Subarea 48.6 by no more than one vessel per country at any time by Japan, Republic of Korea, New Zealand, and South Africa and the total catch for Dissostichus spp. is limited to 200 tonnes north of 60 degrees S. and 200 tonnes south of 60 degrees S. (new CM 41–04); (2) longline fishing in Statistical Division 58.4.1 by Australia (one vessel), Japan (one vessel), Republic of Korea (five vessels), Namibia (two vessels), New Zealand (three vessels), Spain (one vessel), Ukraine (one vessel), and Uruguay (one vessel) and the total catch for Dissostichus spp. is limited to 600 tonnes of which no more than 200 tonnes may be taken in any one of the eight SSRUs (new CM 41–11); (3) longline fishing in Statistical Division 58.4.2 by Australia (one vessel), Japan (one vessel); Republic of Korea (five vessels), Namibia (two vessels), New Zealand (two vessels), South Africa (one vessel), Spain (one vessel), Ukraine (one vessel), and Uruguay (one vessel) and the total catch for Dissostichus spp. is limited to 780 tonnes of which no more than 260 tonnes may be taken in any one of the five SSRUs (new CM 41–05); (4) longline fishing in Statistical Division 58.4.3a (the Elan Bank) outside areas under national jurisdiction to no more than one vessel per country at any time by Uruguay and the total catch for Dissostichus spp. is limited to 250 tonnes in areas outside of national jurisdiction (new CM 41–06); (5) longline fishing in Statistical Division 58.4.3b (the BANZARE Bank) outside areas of national jurisdiction is limited to no more than one vessel per country at any time by Australia, Japan, Republic of Korea, Namibia, Spain and Uruguay and the total catch for Dissostichus spp. is limited to 150 tonnes in SSRU A and 50 tonnes for the scientific research survey in SSRUs A and B (new CM 41–07); (6) fishing for Dissostichus eleginoides with trawls, pots, or longlines in Statistical Division 58.5.2 is limited to 2,500 tonnes west of 79 degrees 20 minutes E. (new CM 41–08); (7) longline fishing in Statistical Subarea 88.1 by Argentina (two vessels), Republic of Korea (five vessels), Namibia (one vessel), New Zealand (four vessels), Russia (two vessels), South Africa (one vessel), Spain (one vessel), United Kingdom (three vessels), and Uruguay (two vessels) and the total catch of Dissostichus spp. is limited to 2,700 tonnes of which 40 tonnes is set aside for research fishing and the remaining 2,660 tonnes is divided 313

tonnes total for SSRUs B,C, and G and 1,698 tonnes total for SSRUs H, I, and K, and 495 tonnes for SSRU J, and 154 tonnes for SSRU L (new CM 41–09); and (8) longline fishing in Statistical Subarea 88.2 by Argentina (two vessels), New Zealand (four vessels), Russia (two vessels), South Africa (one vessel), Spain (one vessel), United Kingdom (three vessels), and Uruguay (two vessels) and the total catch of Dissostichus spp. South of 65 degrees S. is limited to 567 tonnes of which 20 tonnes is set aside for research fishing and the remaining 547 tonnes is divided 206 tonnes total for SSRUs C, D, F, and G and 341 tonnes for SSRU E (new CM 41–10).

Icefish

The Commission adopted area specific conservation measures for Champsocephalus gunnari for the 2007/2008 season and set the overall catch limit for the C. gunnari trawl fishery in Statistical Subarea 48.3 at 2,462 tonnes (new CM 42–01). The use of bottom trawls in the directed fishery was prohibited and fishing for C. gunnari within 12 nautical miles of the coast of South Georgia during March 1 to May 31 was prohibited.

The Commission set the catch limit for the C. gunnari trawl fishery within defined areas of Division 58.5.2 for the 2007/2008 season at 220 tonnes and implemented a ten-day catch and effort reporting system for the fishery (new CM 42–02).

Crab

The Commission set the total allowable catch level for the pot fishery for crab in Statistical Subarea 48.3 for the 2007/2008 fishing season at 1,600 tonnes and continued to limit participation to one vessel per member country (new CM 52–01).

The Commission established an experimental harvest regime for vessels participating in the crab fishery in Statistical Subarea 48.3 in the 2007/2008 fishing season (new CM 52–02).

Squid

The Commission set the total allowable catch limit for the exploratory jig fishery for Martialia hyadesi in Statistical Subarea 48.3 for the 2007/2008 fishing season at 2,500 tonnes and required each vessel participating in this exploratory fishery to collect data in accordance with a specified Data Collection Plan (new CM 61–01).

Krill

The Commission carried forward the precautionary catch limits for krill in Statistical Area 58.4.1 at 440,000 tonnes as indicated above.

Resolution:

The Commission adopted Resolution 26/XXVI (International Polar Year/Census of Antarctic Marine Life) urging Contracting Parties to support and where possible contribute to the International Polar Year activities in the CCAMLR Convention Area, including the Census of Antarctic Marine Life.

[1] Except for waters adjacent to the Kerguelen Islands

[2] Except for waters adjacent to the Crozet Islands

[3] Except for waters adjacent to the Prince Edward Islands

For further information, see the CCAMLR web site at *www.ccamlr.org* under Publications for the Schedule of Conservation Measures in Force (2007/2008), or contactthe Commission at the CCAMLR Secretariat, P.O. Box 213, North Hobart, Tasmania 7002, Australia. Tel: (61) 3–6210–1111).

Authority: 16 U.S.C. 2431 *et seq.*

Dated: March 14, 2008.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs National Marine Fisheries Service.

[FR Doc. E8–5680 Filed 3–19–08; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF DEFENSE

Office of the Secretary

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 Defense Science Board (hereafter referred to as the Board).

The Board is a discretionary federal advisory committee established by the Secretary of Defense to provide the Department of Defense independent advice and recommendations on scientific, technical, manufacturing, acquisition process, and other matters of special interest to the Department of Defense.

The Board is not established to advise on individual DoD procurements, but instead shall be concerned with the pressing and complex technology problems facing the Department of Defense in such areas as research, engineering, and manufacturing, and will ensure the identification of new technologies and new applications of technology in those areas to strengthen national security. No matter shall be assigned to the Board for its consideration that would require any Board Member to participate personally and substantially in the conduct of any specific procurement or place him or her in the position of acting as a ''procurement official,'' as that term is defined pursuant to law.

The Board shall be composed of approximately 35 members and approximately six Senior Fellow members, who are eminent authorities in the fields of scientific, technical, manufacturing, acquisition process, and other matters of special interest to the Department of Defense.

The Board members shall be appointed by the Secretary of Defense, and their appointments will be renewed on an annual basis. Those members, who are not full-time federal officers or employees, shall serve as Special Government Employees under the authority of 5 U.S.C. 3109.

The Secretary of Defense, based upon the recommendation of the Under Secretary of Defense (Acquisition, Technology and Logistics), shall appoint the Board's Chairperson. The Under Secretary of Defense (Acquisition, Technology and Logistics) shall appoint the Vice Chairperson. The Board Chairman and Vice Chairman will be appointed for two-year terms and may be reappointed for additional terms.

Members may be appointed for terms ranging from one to four years. Such appointments will normally be staggered among the Board membership to ensure an orderly turnover in the Board's overall composition on a periodic basis. With the exception of travel and per diem for official travel, they shall normally serve without compensation, unless otherwise authorized by the appointing authority.

The Secretary of Defense may invite other distinguished Government officers to serve as non-voting Observers of the Board, and these appointments shall not count toward the Board's total membership.

The Under Secretary of Defense (Acquisition, Technology, and Logistics) may appoint consultants, with special expertise, to assist the Board on an ad hoc basis. All consultants shall serve as Special Government Employees under the authority of 5 U.S.C. 3109. In addition, the Under Secretary of Defense (Acquisition, Technology and Logistics)

may identify chairpersons from other advisory committees to serve on the Board. These individuals will sit as observers only and shall not vote on matters before the Board.

The Board 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 Board, and shall report all their recommendations and advice to the Board for full deliberation and discussion. Subcommittees or workgroups have no authority to make decisions on behalf of the chartered Board nor can they report directly to the Department of Defense or any federal officers or employees who are not Board members.

SUPPLEMENTARY INFORMATION: The Board shall meet at the call of the Board's Designated Federal Officer, in consultation with the Board'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 Defense Science Board membership about the Board's mission and functions. Written statements may be submitted at any time or in response to the stated agenda of planned meeting of the Defense Science Board.

All written statements shall be submitted to the Designated Federal Officer for the Defense Science Board, and this individual will ensure that the written statements are provided to the membership for their consideration. Contact information for the Defense Science Board's Designated Federal Officer can be obtained from the GSA's FACA Database—*https://www.fido.gov/facadatabase/public.asp*.

The Designated Federal Officer, pursuant to 41 CFR 102–3.150, will announce planned meetings of the Defense Science Board. 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, 703–601–6128.

Dated: March 14, 2008.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. E8–5634 Filed 3–19–08; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Revised Non-Foreign Overseas Per Diem Rates

AGENCY: DoD, Per Diem, Travel and Transportation Allowance Committee.

ACTION: Notice of Revised Non-Foreign Overseas Per Diem Rates.

SUMMARY: The Per Diem, Travel and Transportation Allowance Committee is publishing Civilian Personnel Per Diem Bulletin Number 257. This bulletin lists revisions in the per diem rates prescribed for U.S. Government employees for official travel in Alaska, Hawaii, Puerto Rico, the Northern Mariana Islands and Possessions of the United States. AEA changes announced in Bulletin Number 194 remain in effect. Bulletin Number 257 is being published in the **Federal Register** to assure that travelers are paid per diem at the most current rates.

EFFECTIVE DATE: April 1, 2008.

SUPPLEMENTARY INFORMATION: This document gives notice of revisions in per diem rates prescribed by the Per Diem Travel and Transportation Allowance Committee for non-foreign areas outside the continental United States. It supersedes Civilian Personnel Per Diem Bulletin Number 256. Distribution of Civilian Personnel Per Diem Bulletins by mail was discontinued. Per Diem Bulletins published periodically in the **Federal Register** now constitute the only notification of revisions in per diem rates to agencies and establishments outside the Department of Defense. For more information or questions about per diem rates, please contact your local travel office. The text of the Bulletin follows:

March 13, 2008.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, DoD.

BILLING CODE 5001–06–M

Maximum Per Diem Rates for official travel in Alaska, Hawaii, the Commonwealths of Puerto Rico and the Northern Mariana Islands and Possessions of the United States by Federal Government civilian employees.

THE ONLY CHANGES IN CIVILIAN BULLETIN 257 ARE UPDATES TO THE RATES FOR NOME AND TANANA, ALASKA.

LOCALITY	MAXIMUM LODGING AMOUNT (A) +	M&IE RATE (B) =	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
ALASKA				
ADAK	120	79	199	07/01/2003
ANCHORAGE [INCL NAV RES]				
05/01 - 09/15	181	97	278	04/01/2007
09/16 - 04/30	99	89	188	04/01/2007
BARROW	159	95	254	05/01/2002
BETHEL	135	82	217	06/01/2007
BETTLES	135	62	197	10/01/2004
CLEAR AB	90	82	172	10/01/2006
COLD BAY	90	73	163	05/01/2002
COLD FOOT	165	70	235	10/01/2006
COPPER CENTER				
05/01 - 09/30	129	80	209	07/01/2007
10/01 - 04/30	89	76	165	07/01/2007
CORDOVA				
05/01 - 09/30	95	78	173	06/01/2007
10/01 - 04/30	85	77	162	06/01/2007
CRAIG	140	79	219	04/01/2007
DEADHORSE	95	67	162	05/01/2002
DELTA JUNCTION	90	77	167	02/01/2007
DENALI NATIONAL PARK				
06/01 - 08/31	117	73	190	04/01/2007
09/01 - 05/31	75	69	144	04/01/2007
DILLINGHAM	114	69	183	06/01/2004
DUTCH HARBOR-UNALASKA	121	84	205	04/01/2006
EARECKSON AIR STATION	90	77	167	06/01/2007
EIELSON AFB				
05/01 - 09/15	169	95	264	02/01/2007
09/16 - 04/30	75	86	161	02/01/2007
ELMENDORF AFB				
05/01 - 09/15	181	97	278	04/01/2007
09/16 - 04/30	99	89	188	04/01/2007
FAIRBANKS				
05/01 - 09/15	169	95	264	02/01/2007
09/16 - 04/30	75	86	161	02/01/2007
FOOTLOOSE	175	18	193	06/01/2002
FT. GREELY	90	77	167	02/01/2007
FT. RICHARDSON				
05/01 - 09/15	181	97	278	04/01/2007
09/16 - 04/30	99	89	188	04/01/2007
FT. WAINWRIGHT				
05/01 - 09/15	169	95	264	02/01/2007
09/16 - 04/30	75	86	161	02/01/2007
GLENNALLEN				

05/01 - 09/30	129	80	209	07/01/2007
10/01 - 04/30	89	76	165	07/01/2007
HAINES				
04/01 - 09/30	109	75	184	06/01/2007
10/01 - 03/31	89	73	162	06/01/2007
HEALY				
06/01 - 08/31	117	73	190	04/01/2007
09/01 - 05/31	75	69	144	04/01/2007
HOMER				
05/15 - 09/15	131	84	215	07/01/2007
09/16 - 05/14	79	78	157	07/01/2007
JUNEAU				
05/01 - 09/30	129	89	218	04/01/2006
10/01 - 04/30	79	84	163	04/01/2006
KAKTOVIK	165	86	251	05/01/2002
KAVIK CAMP	150	69	219	05/01/2002
KENAI-SOLDOTNA				
05/01 - 08/31	129	92	221	04/01/2006
09/01 - 04/30	79	87	166	04/01/2006
KENNICOTT	249	110	359	04/01/2007
KETCHIKAN				
05/01 - 09/30	135	85	220	06/01/2007
10/01 - 04/30	98	81	179	06/01/2007
KING SALMON				
05/01 - 10/01	225	91	316	05/01/2002
10/02 - 04/30	125	81	206	05/01/2002
KLAWOCK	140	79	219	04/01/2007
KODIAK				
05/01 - 09/30	123	91	214	04/01/2006
10/01 - 04/30	99	88	187	04/01/2006
KOTZEBUE				
05/15 - 09/30	179	90	269	06/01/2007
10/01 - 05/14	139	89	228	06/01/2007
KULIS AGS				
05/01 - 09/15	181	97	278	04/01/2007
09/16 - 04/30	99	89	188	04/01/2007
MCCARTHY	249	110	359	04/01/2007
MCGRATH	165	69	234	10/01/2006
MURPHY DOME				
05/01 - 09/15	169	95	264	02/01/2007
09/16 - 04/30	75	86	161	02/01/2007
NOME	130	96	226	04/01/2008
NUIQSUT	180	53	233	05/01/2002
PETERSBURG	95	69	164	06/01/2007
POINT HOPE	130	70	200	03/01/1999
POINT LAY	105	67	172	03/01/1999
PORT ALSWORTH	135	88	223	05/01/2002
PRUDHOE BAY	95	67	162	05/01/2002
SELDOVIA				
05/15 - 09/15	131	84	215	07/01/2007
09/16 - 05/14	79	78	157	07/01/2007
SEWARD				

05/01 - 09/30	199	85	284	06/01/2007
10/01 - 04/30	69	72	141	06/01/2007
SITKA-MT. EDGECUMBE				
05/01 - 09/30	119	83	202	02/01/2007
10/01 - 04/30	99	81	180	02/01/2007
SKAGWAY				
05/01 - 09/30	135	85	220	06/01/2007
10/01 - 04/30	98	81	179	06/01/2007
SLANA				
05/01 - 09/30	139	55	194	02/01/2005
10/01 - 04/30	99	55	154	02/01/2005
SPRUCE CAPE				
05/01 - 09/30	123	91	214	04/01/2006
10/01 - 04/30	99	88	187	04/01/2006
ST. GEORGE	129	55	184	06/01/2004
TALKEETNA	100	89	189	07/01/2002
TANANA	130	96	226	04/01/2008
TOGIAK	100	39	139	07/01/2002
TOK				
05/01 - 09/30	109	69	178	02/01/2007
10/01 - 04/30	90	67	157	02/01/2007
UMIAT	350	35	385	10/01/2006
VALDEZ				
05/01 - 10/01	149	87	236	04/01/2007
10/02 - 04/30	79	80	159	04/01/2007
WASILLA				
05/01 - 09/30	144	88	232	06/01/2007
10/01 - 04/30	86	83	169	06/01/2007
WRANGELL				
05/01 - 09/30	135	85	220	06/01/2007
10/01 - 04/30	98	81	179	06/01/2007
YAKUTAT	100	71	171	06/01/2007
[OTHER]	90	77	167	02/01/2007
AMERICAN SAMOA				
AMERICAN SAMOA	122	73	195	12/01/2005
GUAM				
GUAM (INCL ALL MIL INSTAL)	135	94	229	06/01/2007
HAWAII				
CAMP H M SMITH	177	112	289	06/01/2007
EASTPAC NAVAL COMP TELEAREA	177	112	289	06/01/2007
FT. DERUSSEY	177	112	289	06/01/2007
FT. SHAFTER	177	112	289	06/01/2007
HICKAM AFB	177	112	289	06/01/2007
HONOLULU	177	112	289	06/01/2007
ISLE OF HAWAII: HILO	112	104	216	06/01/2007
ISLE OF HAWAII: OTHER	180	104	284	06/01/2007
ISLE OF KAUAI	198	109	307	06/01/2007
ISLE OF MAUl	159	101	260	06/01/2007
ISLE OF OAHU	177	112	289	06/01/2007
KEKAHA PACIFIC MISSILE RANGE FAC	198	109	307	06/01/2007
KILAUEA MILITARY CAMP	112	104	216	06/01/2007
LANAI	295	139	434	06/01/2007
LUALUALEI NAVAL MAGAZINE	177	112	289	06/01/2007
MCB HAWAII	177	112	289	06/01/2007
MOLOKAI	178	99	277	06/01/2007

NAS BARBERS POINT	177	112	289	06/01/2007
PEARL HARBOR	177	112	289	06/01/2007
SCHOFIELD BARRACKS	177	112	289	06/01/2007
WHEELER ARMY AIRFIELD	177	112	289	06/01/2007
[OTHER]	112	93	205	12/01/2006
MIDWAY ISLANDS				
MIDWAY ISLANDS				
INCL ALL MILITARY	100	45	145	06/01/2006
NORTHERN MARIANA ISLANDS				
ROTA	129	91	220	05/01/2006
SAIPAN	121	98	219	06/01/2007
TINIAN	85	69	154	06/01/2007
[OTHER]	55	72	127	04/01/2000
PUERTO RICO				
AGUADILLA	75	64	139	11/01/2007
BAYAMON	195	82	277	10/01/2007
CAROLINA	195	82	277	10/01/2007
CEIBA				
05/01 - 11/30	155	57	212	08/01/2006
12/01 - 04/30	185	57	242	08/01/2006
FAJARDO [INCL ROOSEVELT RDS NAVS				
05/01 - 11/30	155	57	212	08/01/2006
12/01 - 04/30	185	57	242	08/01/2006
FT. BUCHANAN [INCL GSA SVC CTR, HUMACAO	195	82	277	10/01/2007
05/01 - 11/30	155	57	212	08/01/2006
12/01 - 04/30	185	57	242	08/01/2006
LUIS MUNOZ MARIN IAP AGS	195	82	277	10/01/2007
LUQUILLO				
05/01 - 11/30	155	57	212	08/01/2006
12/01 - 04/30	185	57	242	08/01/2006
MAYAGUEZ	109	77	186	11/01/2007
PONCE	139	83	222	11/01/2007
SABANA SECA [INCL ALL MILITARY]	195	82	277	10/01/2007
SAN JUAN & NAV RES STA	195	82	277	10/01/2007
[OTHER]	62	57	119	01/01/2000
VIRGIN ISLANDS (U.S.)				
ST. CROIX				
04/15 - 12/14	135	92	227	05/01/2006
12/15 - 04/14	187	97	284	05/01/2006
ST. JOHN				
04/15 - 12/14	163	98	261	05/01/2006
12/15 - 04/14	220	104	324	05/01/2006
ST. THOMAS				
04/15 - 12/14	240	105	345	05/01/2006
12/15 - 04/14	299	111	410	05/01/2006
WAKE ISLAND				
WAKE ISLAND	152	15	167	06/01/2006

[FR Doc. E8–5504 Filed 3–19–08; 8:45 am]
BILLING CODE 5001–06–C

DEPARTMENT OF DEFENSE

Department of Navy

Privacy Act of 1974; System of Records

AGENCY: Department of the Navy, DoD.

ACTION: Notice to delete a System of Records.

SUMMARY: The Department of the Navy is deleting a system of records in its existing inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: This proposed actions will be effective without further notice on April 21, 2008 unless comments are received which result in a contrary determination.

ADDRESSES: Send comments to the Department of the Navy, PA/FOIA Policy Branch, Chief of Naval Operations (DNS–36), 2000 Navy Pentagon, Washington, DC 20350–2000.

FOR FURTHER INFORMATION CONTACT: Mrs. Doris Lama at (202) 685–6545.

SUPPLEMENTARY INFORMATION: The Department of the Navy systems 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 Department of Navy 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 proposed deletion is 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 14, 2008.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

N07240–1

SYSTEM NAME:

Commercial Invoice Payments History System (February 22, 1993, 58 FR 10806).

REASON:

Records fall under T7801, myInvoice System (October 12, 2006, 71 FR 60121). All Navy records were destroyed after four years.

[FR Doc. E8–5635 Filed 3–19–08; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Navy

Privacy Act of 1974; System of Records

AGENCY: Department of the Navy, DoD.

ACTION: Notice to delete four Systems of Records.

SUMMARY: The Department of the Navy is deleting four systems of records in its existing inventory of record 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 21, 2008 unless comments are received which result in a contrary determination.

ADDRESSES: Send comments to the Department of the Navy, PA/FOIA Policy Branch, Chief of Naval Operations (DNS–36), 2000 Navy Pentagon, Washington, DC 20350–2000.

FOR FURTHER INFORMATION CONTACT: Mrs. Doris Lama at (202) 685–6545.

SUPPLEMENTARY INFORMATION: The Department of the Navy systems 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 Department of the Navy proposes to delete four systems of records notices from its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended. The proposed deletion is 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 14, 2008.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

N04410–2

Military/Civilian Dependents Hurricane Shelter List (February 22, 1993, 58 FR 10742).

REASON:

This information is now collected under N01754–4, Navy Family Accountability and Assessment System (NFAAS) (August 16, 2007, 72 FR 46045).

N10140–1

Ration Card Records (February 22, 1993, 58 FR 10812).

REASON:

Ration Cards are no longer issued for that area. All files have been destroyed, as our offices have been closed in that area.

N10140–2

Privately-Owned Tax-free Vehicle Record Cards, Tax-free Gasoline Record Cards (February 22, 1993, 58 FR 10812).

REASON:

Program discontinued when bases were closed in this area. All files have been destroyed.

N05300–6

Armed Forces Staff College Administrative Data System (February 22, 1993, 58 FR 10752).

REASON:

This college is now called the Joint Forces Staff College and it falls under the National Defense University.

Records fall under Army systems of records notice A0351 NDU, NDU National Defense University Student Data Files.

[FR Doc. E8–5636 Filed 3–19–08; 8:45 am]

BILLING CODE 5001–06–P

ELECTION ASSISTANCE COMMISSION

Information Collection Activity; Proposed Information Collection; Comment Request

AGENCY: U.S. Election Assistance Commission (EAC).

ACTION: Notice.

SUMMARY: In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, EAC announces the proposed extension of a public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology. The information collection tool is available on the EAC Web site (*http://www.eac.gov*).

DATES: Written comments must be submitted on or before May 19, 2008.

ADDRESSES: Written comments and recommendations on the proposed information collection should be sent to the U.S. Election Assistance Commission, 1225 New York Avenue, NW., Suite 1100, Washington, DC 20005, ATTN: Election Day Survey (or via the Internet at *http://www.electiondaysurvey@eac.gov*).

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the above address or call Mrs. Juliet Thompson-Hodgkins, Ms. Karen Lynn-Dyson, or Ms. Shelly Anderson at (202) 566–3100. The proposed data collection instrument is available on the EAC Web site (*http://www.eac.gov*).

SUPPLEMENTARY INFORMATION:

Title and OMB Number: 2008 Election Administration and Voting Survey; OMB Number Pending.

Needs and Uses: This proposed information collection activity is necessary to meet requirements of the Help America Vote Act (HAVA) of 2002 (42 U.S.C. 15301). Section 241 of HAVA requires the EAC to study and report on election activities, practices, policies, and procedures, including methods of voter registration, methods of conducting provisional voting, poll worker recruitment and training, and such other matters as the Commission determines are appropriate. In addition, HAVA transferred to the EAC the Federal Election Commission's responsibility of biennially administering a survey on the impact of the National Voter Registration Act (NVRA). The information the States are required to submit to the EAC for purposes of the NVRA report are found under Title 11 of the Code of Federal

Regulations (Chapter 1, part 8, subchapter C). HAVA 703(a) also amended the Uniformed and Overseas Citizens Absentee Voters Act by requiring that ''not later than 90 days after the date of each regularly scheduled general election for Federal office, each State and unit of local government which administered the election shall (through the State, in the case of a unit of local government) submit a report to the Election Assistance Commission (established under the Help America Vote Act of 2002) on the combined number of absentee ballots transmitted to absent uniformed services voters and overseas voters for the election and the combined number of such ballots which were returned by such voters and cast in the election, and shall make such a report available to the general public.'' In order to fulfill these requirements and to provide a complete report to Congress, the EAC is seeking information relating to the period from the Federal general election day + 1, 2006 through the November 2008 Federal general election.

Affected Public: State government.

Number of Respondents: 55.

Responses per Respondent: 1.

Estimated Burden Per Response: 147 hours.

Estimated Total Annual Burden Hours: 8,085 hours.

Frequency: Biennially.

To improve and facilitate the collection and analysis of the survey data, the EAC anticipates developing and providing to the States Excel-compatible templates along with data format sheets/data maps that explain each data element being requested. The template format will allow respondents to upload and save data in a format that is readily available to the States. The completed template can then be sent directly to the EAC's contractor via email. The following categories of information are requested on a state- and county-level (or township-, independent city-, borough-level, where applicable):

Voter Registration Applications (From the Period of Federal General Election Day + 1, 2006 Through Federal General Election Day, 2008)

(a) Total number of registered voters; (b) Number of active and inactive registered voters; (c) Number of persons who registered to vote on Election Day—only applicable to States with Election Day registration; (d) Number of voters who registered using online registration—only applicable to States that allow online registration: (e) Number of voter registration applications received from all sources; (f) Number of voter registration applications that were duplicates, invalid or rejected, new, changes of name, address, party, and not categorized; (g) Number of duplicate registration applications received from all sources; (h) Total number of removal/confinnation notices mailed to voters and the reason for removal; (i) Total number of voters removed from the registration list or moved to the inactive registration list.

Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)

(a) Total number of UOCAVA absentee ballots transmitted, returned, cast, and counted; (b) Total number of UOCAVA absentee ballots not counted and the reason for rejection; (c) Total number of Federal Write-in Absentee Ballots returned and cast by UOCAVA voters; (d) Number of UOCAVA ballots transmitted as part of the two-election cycle of automatic requests; (e) Number of UOCAVA ballots transmitted as part of the two-election cycle of automatic requests that were returned undeliverable and submitted for counting.

Election Administration

(a) Total number of precincts in the state/jurisdiction; (b) Number of polling places available for voting in the November 2008 Federal general election; (c) Number of poll workers used for election day; (d) Extent to which jurisdictions had enough poll workers available for the general election.

Election Day Activities

(a) Total number of persons who voted in the 2008 Federal general election; (b) The source of the participation number—poll books, ballots counted, vote history; (c) Total number of first-time voters who registered by mail and were required to provide identification in order to vote; (d) Number of voters who appeared on the permanent absentee voter registration list; (e) Number of absentee ballots requested, received, counted, and not counted; (f) Reasons for absentee ballot rejection; (g) Number of provisional ballots cast, counted, and rejected; (h) Reasons for provisional ballot rejection; (i) Use of electronic and printed poll books during the 2008 Federal general election; (j) Type and number of voting equipment used for the 2008 Federal general election; (k) Type of process in which voting equipment was used—precinct, absentee, early vote site, accessible to disabled voters, provisional voting; (l) Location in which votes were tallied—central location, precinct/polling place, or early vote site.

2008 Election Results

(a) Total number of votes cast—at polling places, via absentee ballot, at early vote centers, via provisional ballots.

Statutory Overview (2008 Federal General Election)

(a) Information on whether the state is exempt from the National Voter Registration Act (NVRA); (b) State definition of terms—over-vote, under-vote, blank ballot, void/spoiled ballot, provisional/challenged ballot; (c) State definition of inactive and active voter; (d) State provision for voter identification at registration, for in-person voting, and for mail-in or absentee voting; (e) information on legal citation for changes to election laws or procedures enacted or adopted since the previous Federal general election; (f) State definition of voter registration; (g) Process used for moving voters from active to inactive lists and from inactive to active; (h) State deadline for registration for the Federal general election; (i) Information of whether the state is an Election Day/Same Day Registration state; (j) Description of state voter registration database system—bottom-up or top-down; (k) State voter removal/confirmation notices processes; (l) Agency or department that is responsible for list maintenance; (m) Information on whether there are electronic links between the voter registrar's office and other state agencies; (n) State's use of National Change of Address (NCOA); (o) State's voting eligibility requirements as they relate to convicted felons; (p) Tabulation of votes cast at a place other than the voter's precinct; (q) Provision for voting absentee; (r) State tracking of the date of all ballots cast before election day; (s) Provision for mail-in voting in place of at-the-precinct voting; (t) Acceptance or rejection of provisional ballots of voters registered in a different precinct; (u) State process for capturing over-votes and under-votes.

Thomas R. Wilkey,

Executive Director, U.S. Election Assistance Commission.

[FR Doc. E8–5471 Filed 3–19–08; 8:45 am]

BILLING CODE 6820–KF–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC08–11–000; FERC Form No. 11]

Commission Information Collection Activities, Proposed Collection; Comment Request; Extension

March 13, 2008.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of proposed information collection and request for comments.

SUMMARY: In compliance with the requirements of section 3506(c)(2)(a) of the Paperwork Reduction Act of 1995 (Pub. L. No. 104–13), the Federal Energy Regulatory Commission (Commission) is soliciting public comment on the specific aspects of the information collection described below.

DATES: Comments on the collection of information are due May 19, 2008.

ADDRESSES: Copies of the proposed collection of information can be obtained from the Commission's Web site (*http://www.ferc.gov/docs-filing/elibrary.asp*) or from the Federal Energy Regulatory Commission, Attn: Michael Miller, Office of the Executive Director Officer, ED–34, 888 First Street, NE., Washington, DC 20426. Comments may be filed either in paper format or electronically. Those parties filing electronically do not need to make a paper filing. For paper filing, the original and 14 copies of such comments should be submitted to the Office of the Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426 and refer to Docket No. IC08–11–000.

Documents filed electronically via the Internet must be prepared in an acceptable filing format and in compliance with the Federal Energy Regulatory Commission's submission guidelines. Complete filing instructions and acceptable filing formats are available at (*http://www.ferc.gov/help/submission-guide/electronic-media.asp*). To file the document electronically, access the Commission's Web site and click on Documents & Filing, E-Filing (*http://www.ferc.gov/docs-filing/efiling.asp*), and then follow the instructions for each screen. First time users will have to establish a user name and password. The Commission will send an automatic acknowledgement to the sender's e-mail address upon receipt of comments.

All comments may be viewed, printed or downloaded remotely via the Internet through FERC's homepage using the eLibrary link. For user assistance, contact *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676 or for TTY, contact (202) 502–8659.

FOR FURTHER INFORMATION CONTACT: Michael Miller, the Commission's Information Collection Officer, may be reached by telephone at (202) 502–8415, by fax at (202) 273–0873, and by e-mail at *michael.miller@ferc.gov*.

SUPPLEMENTARY INFORMATION: The information collected under the requirements of FERC Form No. 11 ''Natural Gas Monthly Quarterly Statement of Monthly Data'' (OMB No. 1902–0032) is used by the Commission to implement the statutory provisions of Sections 10(a) and 16 of the Natural Gas Act (NGA) (15 U.S.C. 717–717w) and the Natural Gas Policy Act of 1978 (NGPA) (15 U.S.C. 3301–3432). The NGA and NGPA authorize the Commission to prescribe rules and regulations requiring natural gas pipeline companies whose gas was transported or stored for a fee, which exceeded 50 million dekatherms in each of the three previous calendar years to submit FERC Form No. 11. The Commission implements these filing requirements in the Code of Federal Regulations (CFR) under 18 CFR 260.3 and 385.2011.

Although the submission of the form is quarterly, the information is reported on a monthly basis. This permits the Commission to follow developing trends on a pipeline's system. Gas revenues and quantities of gas by rate schedule, transition cost from upstream pipelines, and reservation charges are reported. This information is used by the Commission to assess the reasonableness of the various revenues and cost of service items claimed in rate filings. It also provides the Commission with a view of the status pipeline activities, allows revenue comparisons between pipelines, and provides the financial status of the regulated pipelines.

Action: The Commission is requesting a one-year extension of the current expiration date, while it assesses its information needs with respect to the Form 11. There are no changes to the existing collection of data. This is a mandatory information collection requirement.

Burden Statement: Public reporting burden for this collection is estimated as:

Number of respondents annually (1)	Number of responses per respondent (2)	Average burden hours per response (3)	Total annual burden hours (1) × (2) × (3)
70	4	3	840

Estimated total cost to respondents is $51,040. (840 hours divided by 2080 hours [1] per year times $126,384 [2] equals $51,040.) The average estimated cost per respondent is $729.14.

The reporting burden includes the total time, effort, or financial resources expended to generate, maintain, retain, disclose, or provide the information including: (1) Reviewing instructions; (2) using technology and systems for the purpose of providing the information; (3) completing and reviewing the information; and (4) filing the information.

The cost estimate for respondents is based upon salaries for professional and clerical support, as well as direct and indirect overhead costs. Direct costs include all costs directly attributable to providing this information, such as administrative costs and the cost for information technology. Indirect or overhead costs are costs incurred by an organization in support of its mission. These costs apply to activities which benefit the whole organization rather than any one particular function or activity.

Comments are invited on: (1) The accuracy of the agency's burden estimate for the information collection, including the validity of the methodology and assumptions used to calculate the reporting burden; and (2) ways to enhance the quality, utility and clarity of the information to be collected.

Kimberly D. Bose,

Secretary.

[FR Doc. E8–5594 Filed 3–19–08; 8:45 am]

BILLING CODE 6717–01–P

[1] Number of hours an employee works each year.

[2] Average annual salary per employee.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 9988–015]

Augusta Canal Authority; Notice of Application Accepted for Filing; Soliciting Motions To Intervene, Protests, and Comments; and Soliciting Scoping Comments

March 13, 2008.

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

a. *Type of Application:* New major License.

b. *Project No.:* 9988–015.

c. *Date filed:* May 31, 2007.

d. *Applicant:* Augusta Canal Authority.

e. *Name of Project:* King Mill Hydroelectric Project.

f. *Location:* The King Mill Project is located on the Augusta Canal about 6 miles downstream of the Augusta Diversion Dam, adjacent to the Savannah River, Richmond County, Augusta, GA. The project does not affect federal lands.

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

h. *Applicant Contacts:* Mr. Dayton Sherrouse, Executive Director, Augusta Canal Authority, 1450 Green Street, Suite 400, Augusta, GA 30901; Telephone (706) 823–0440, Ext. 1.

i. *FERC Contact:* Sarah Florentino, Telephone (202) 502–6863, or e-mail *sarah.florentino@ferc.gov*. Additional information on Federal Energy Regulatory Commission (FERC) hydroelectric projects is available on FERC's Web site: *http://www.ferc.gov/industries/hydropower.asp*.

j. *Deadline for Filing Comments, Protests, and Motions to Intervene:* 60 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Comments, protests, and interventions may be filed electronically via the Internet in lieu of paper; see 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link. The Commission strongly encourages electronic filings. Please include the project number (P–9988–015) on any comments or motions filed.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person in the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Project:* The existing King Mill Hydroelectric Project consists of: (1) Intake works consisting of a 50-foot-long, 15-foot-high headgate and intake structure; (2) primary and secondary steel trash racks; (3) a 200-foot-long, 40-foot-wide, concrete-lined, open flume head race; (4) a 435-foot-long, 30-foot-wide brick and masonry powerhouse; (5) two vertical shaft turbine/generator units with an installed capacity of 2.25 megawatts; (6) a 435-foot-long, 30-foot-wide, concrete-lined, open tailrace section which returns flows to the Augusta Canal, and (7) appurtenant facilities. There is no dam or impoundment, as approximately 881 cfs of water is withdrawn from the Augusta Canal when operating at full capacity. Developed head is approximately 32 feet. The estimated generation is 14,366 MWh annually. Nearly all generated power is utilized by the Standard Textile Plant, located within the King Mill building, for textile production. No new facilities or changes in project operation are proposed.

l. *Scoping Process:* The Commission staff intends to prepare a single Environmental Assessment (EA) for the King Mill Hydroelectric Project in accordance with the National Environmental Policy Act. The EA will consider both site-specific and cumulative environmental impacts and reasonable alternatives to the proposed action.

Commission staff does not propose to conduct any on-site scoping meetings at this time. Instead, we are soliciting comments, recommendations, and information, on the Scoping Document (SD) issued on March 13, 2008.

m. *Locations of Applications:* A copy of the application and scoping document is available for inspection and reproduction at the Commission in the Public Reference Room, located at 888 First Street, NE., Room 2A, Washington, DC 20426, or by calling (202) 502–8371. This filing may also be viewed on the Commission's Web site at: *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, call toll-free 1–866–208–3676 or e-mail *FERCOnlineSupport@ferc.gov*. For TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item h above.

n. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

o. *Competing Development Application:* Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30 and 4.36.

p. *Notice of Intent:* A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

q. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, 385.214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

Comments, protests and interventions may be filed electronically via the Internet in lieu of paper; See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under ''e-filing'' link. The Commission strongly encourages electronic filing.

r. *Filing and Service of Responsive Documents:* Any filings must bear in all capital letters the title ''COMMENTS'', ''RECOMMENDATIONS FOR TERMS AND CONDITIONS'', ''PROTEST'', ''COMPETING APPLICATION'' OR ''MOTION TO INTERVENE'', as applicable, and the Project Number of

the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

s. *Agency Comments:* Federal, State, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Kimberly D. Bose,

Secretary.

[FR Doc. E8–5591 Filed 3–19–08; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP08–85–000]

Columbia Gas Transmission Corporation; Notice of Application

March 13, 2008.

Take notice that on February 29, 2008, Columbia Gas Transmission Corporation (Columbia), 1700 MacCorkle Avenue, SE., Charleston, West Virginia 25314, filed an application in Docket No. CP08–85–000, pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing it to construct and operate facilities located in Lincoln County, West Virginia. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659.

In the Appalachian Basin On-System Expansion Project, Columbia is seeking authorization to construct a new 9,470-horsepower compressor station and appurtenances. When completed, the facilities will allow Columbia to provide up to 100,000 Dth per day of additional firm transportation service, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Any questions regarding this Application should be directed to Fredric J. George, Lead Counsel, Columbia Gas Transmission Corporation, P.O. Box 1273, Charleston, West Virginia 25325–1273 at (304) 357–2359 or by fax at (304) 357–3206.

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding, or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the below listed comment date, file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 14 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenters will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

Motions to intervene, protests and comments may be filed electronically via the Internet in lieu of paper; see, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link. The Commission strongly encourages electronic filings.

Comment Date: April 3, 2008.

Kimberly D. Bose,

Secretary.

[FR Doc. E8–5592 Filed 3–19–08; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP08–88–000]

Texas Eastern Transmission, LP; Notice of Request Under Blanket Authorization

March 13, 2008

Take notice that on March 7, 2008, Texas Eastern Transmission, LP (Texas Eastern), Post Office Box 1642, Houston, Texas 77251–1642, filed in Docket No. CP08–88–000, an application pursuant to sections 157.205, 157.208, and 157.212 of the Commission's

Regulations under the Natural Gas Act (NGA) as amended, to construct, own, and operate a new receipt point to receive revaporized liquefied natural gas near Eunice, Evangeline Parish, Louisiana, under Texas Eastern's blanket certificate issued in Docket No. CP82–535–000,[1] all as more fully set forth in the application which is on file with the Commission and open to the public for inspection.

Texas Eastern states that it proposes to construct, own, and operate a new receipt point on Texas Eastern's 30-inch diameter Lines Nos. 14 and 18 to receive revaporized liquefied natural gas from the Sabine Pass LNG, L.P. LNG import terminal located in Cameron Parish, Louisiana, via Kinder Morgan Louisiana Pipeline (Kinder Morgan). The taps into Texas Eastern's mainline would be located in Evangeline Parish, Louisiana. This new receipt point would provide Texas Eastern with the ability to receive up to 500 MMcf of natural gas per day from Kinder Morgan into Texas Eastern's pipeline system. Texas Eastern also states that the addition of the receipt point would have no significant impact on Texas Eastern's peak day or annual deliveries and is not prohibited by Texas Eastern's FERC Gas Tariff. Texas Eastern further states that it would be reimbursed by Kinder Morgan for the estimated $2,109,396 total cost to construct and operate the proposed receipt point facilities.

Any questions concerning this application may be directed to Garth Johnson, General Manager, Certificates & Reporting, Texas Eastern Transmission, LP, P.O. Box 1642, Houston, Texas 77251–1642, via telephone at (713) 627–5415, or facsimile (713) 627–5947.

This filing is available for review at the Commission or may be viewed on the Commission's Web site at *http://www.ferc.gov,* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number filed to access the document. For assistance, please contact FERC Online Support at *FERC OnlineSupport@ferc.gov* or call toll-free at (866) 206–3676, or, for TTY, contact (202) 502–8659. Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link. The Commission strongly encourages intervenors to file electronically.

Any person or the Commission's staff may, within 60 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to section 157.205 of the regulations under the NGA (18 CFR 157.205), a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the allowed time for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the NGA.

Kimberly D. Bose,

Secretary.

[FR Doc. E8–5593 Filed 3–19–08; 8:45 am]

BILLING CODE 6717–01–P

[1] 21 FERC ¶ 62,199 (1982).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP08–66–000]

Petal Gas Storage, L.L.C.: Notice of Intent To Prepare an Environmental Assessment for the Proposed Petal No. 3 Compressor Station Expansion and New Caverns Project, and Request for Comments on Environmental Issues

March 13, 2008.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the potential environmental impacts of the Petal No. 3 Compressor Station Expansion and New Caverns Project, involving construction and operation of natural gas pipeline facilities by Petal Gas Storage, L.L.C. (Petal) in Forrest County, Mississippi. The EA will be used by the Commission in its decisionmaking process to determine whether the project is in the public convenience and necessity.

This notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies on the project. Your input will help determine which issues need to be evaluated in the EA. Please note that the scoping period will close on April 14, 2008. Details on how to submit comments are provided in the Public Participation section of this notice.

This notice is being sent to affected landowners; federal, state, and local government agencies; elected officials; Native American tribes; other interested parties; and local libraries and newspapers. State and local government representatives are asked to notify their constituents of this proposed project and to encourage them to comment on their areas of concern.

A fact sheet prepared by the FERC entitled ''An Interstate Natural Gas Facility On My Land? What Do I Need To Know?'' addresses a number of typically asked questions, including the use of eminent domain and how to participate in the Commission's proceedings. It is available for viewing on the FERC Internet Web site (*http://www.ferc.gov*).

Summary of the Proposed Project

Petal proposes to expand its gas storage operations at the existing Petal Storage Facility east of Hattiesburg, Mississippi. The expansion would include construction of two new salt dome storage caverns; three new compressor units, totaling 15,000 horsepower, at the existing Petal No. 3 Compressor Station; an additional compressor station control room; about 2,500 feet of 16-inch-diameter connecting pipeline; and about 5,100 to 6,200 feet of 24-inch-diameter freshwater and brine pipelines. The proposal would increase the overall capacity of Petal's storage operations by about 19 billion cubic feet (Bcf) of natural gas (10 Bcf working gas and 9 Bcf cushion gas).

The general location of the proposed facilities is shown in appendix 1.[1]

Land Requirements for Construction

Construction of the project would affect about 17.1 acres of land, including the pipeline construction rights-of-way, the cavern well sites, and access roads. The compressor station expansion would take place within the existing Petal No. 3 Compressor Station building. Following construction, about 3.2 acres of land would be permanently maintained for operation and maintenance of the proposed facilities. All construction would take place on land owned by Petal.

[1] The appendices referenced in this notice are not being printed in the **Federal Register**. Copies of all appendices are available on the Commission's Web site (*http://www.ferc.gov*) at the ''eLibrary'' link or from the Commission's Public Reference Room, 888 First Street, NE., Washington, DC 20426, or call (202) 502–8371. For instructions on connecting to eLibrary, refer to the ''Additional Information'' section of this notice. Copies of the appendices were sent to all those receiving this notice in the mail. Requests for detailed maps of the proposed facilities should be made directly to Petal.

The EA Process

We [2] are preparing this EA to comply with the National Environmental Policy Act of 1969 (NEPA), which requires the Commission to take into account the environmental impact that could result if it authorizes Petal's proposal. By this notice, we are also asking federal, state, and local agencies with jurisdiction and/or special expertise with respect to environmental issues to formally cooperate with us in the preparation of the EA. Agencies that would like to request cooperating status should follow the instructions for filing comments provided below.

NEPA also requires the FERC to discover and address concerns the public may have about proposals. This process is referred to as ''scoping.'' The main goal of the scoping process is to focus the analysis in the EA on important environmental issues. By this Notice, we are requesting public comments on the scope of the issues to address in the EA. All comments received are considered during the preparation of the EA.

The EA will discuss impacts that could occur as a result of the construction and operation of the proposed project under these general headings:

- Geology and soils
- Water resources and wetlands
- Land use
- Cultural resources
- Vegetation and wildlife (including threatened and endangered species)
- Air quality and noise
- Reliability and safety

We will also evaluate possible alternatives to the proposed project or portions of the project, where necessary, and make recommendations on how to lessen or avoid impacts on the various resource areas.

Our independent analysis of the issues will be presented in the EA. Depending on the comments received during the scoping process, the EA may be published and mailed to federal, state, and local agencies; public interest groups; interested individuals; affected landowners; local libraries and newspapers; and the Commission's official service list for this proceeding. A comment period will be allotted for review if the EA is published. We will consider all comments on the EA before we make our recommendations to the Commission.

To ensure your comments are considered, please carefully follow the instructions in the Public Participation section below.

Public Participation

You can make a difference by providing us with your specific comments or concerns about the project. By becoming a commentor, your concerns will be addressed in the EA and considered by the Commission. You should focus on the potential environmental effects of the proposal and measures to avoid or lessen environmental impact.

The more specific your comments, the more useful they will be. Please carefully follow these instructions to ensure that your comments are received in time and properly recorded:

- Send an original and two copies of your letter to: Kimberley D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First St., NE., Room 1A, Washington, DC 20426;
- Label one copy of the comments for the attention of Gas Branch 1, PJ–11.1;
- Reference Docket No. CP08–66–000; and
- Mail your comments so that they will be received in Washington, DC on or before April 14, 2008.

The Commission encourages electronic filing of comments. See Title 18 of the Code of Federal Regulations, Part 385.2001(a)(1)(iii) and the instructions on the Commission's Internet Web site at *http://www.ferc.gov* under the ''eFiling'' link and the link to the User's Guide. Prepare your submission in the same manner as you would if filing on paper and save it to a file on your hard drive. Before you can file comments you will need to create an account by clicking on ''Login to File'' and then ''New User Account.'' You will be asked to select the type of filing you are making. This filing is considered a ''Comment on Filing.'' In addition, there is a ''Quick Comment'' option available, which is an easy method for interested persons to submit text only comments on a project. The Quick-Comment User Guide can be viewed at *http://www.ferc.gov/docs-filing/efiling/quick-comment-guide.pdf.* Quick Comment does not require a FERC eRegistration account; however, you will be asked to provide a valid email address. All comments submitted under either eFiling or the Quick Comment option are placed in the public record for the specified docket.

Becoming an Intervenor

In addition to involvement in the scoping process, you may want to become an official party to the proceeding known as an ''intervenor.'' Intervenors play a more formal role in the Commission's process. Among other things, intervenors have the right to receive copies of case-related Commission documents and filings by other intervenors. Likewise, each intervenor must send one electronic copy (using the Commission's eFiling system) or 14 paper copies of its filings to the Secretary of the Commission and must send a copy of its filings to all other parties on the Commission's service list for this proceeding. If you want to become an intervenor, you must file a motion to intervene according to Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214) (see appendix 2) [3]. Only intervenors have the right to seek rehearing of the Commission's decision.

Affected landowners and parties with environmental concerns may be granted intervenor status upon showing good cause by stating that they have a clear and direct interest in this proceeding which would not be adequately represented by any other parties. You do not need intervenor status to have your environmental comments considered.

Environmental Mailing List

As described above, we may mail the EA for comment. If you are interested in receiving an EA for review and/or comment, please return the Environmental Mailing List Mailer (appendix 3). If you do not return the Environmental Mailing List Mailer, you will be taken off the mailing list. All individuals who provide written comments will remain on our environmental mailing list for this project.

Additional Information

Additional information about the project 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 excluding the last three digits in the Docket Number field. 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. The eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission now offers a free service called eSubscription

[2] ''We'', ''us'', and ''our'' refer to the environmental staff of the FERC's Office of Energy Projects.

[3] Interventions may also be filed electronically via the Internet in lieu of paper. See the previous discussion on filing comments electronically.

which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries and direct links to the documents. Go to *http://www.ferc.gov/esubscribenow.htm.*

Finally, public meetings or site visits will be posted on the Commission's calendar located at *http://www.ferc.gov/EventCalendar/EventsList.aspx* along with other related information.

Kimberly D. Bose,

Secretary.

[FR Doc. E8–5596 Filed 3–19–08; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 77–187]

Pacific Gas and Electric Company; Notice of Availability of Environmental Assessment

March 13, 2008.

In accordance with the National Environmental Policy Act of 1969, as amended, and the Federal Energy Regulatory Commission's regulations, 18 CFR part 380 (Order No. 486, 52 FR 47879), the Commission has reviewed an application, filed January 31, 2008, requesting approval to temporarily amend article 52 of the Potter Valley Project license. The project is located on the Eel River and the East Branch Russian River in Lake and Mendocino Counties, California.

Pacific Gas and Electric Company (licensee for the Potter Valley Project) requested approval to allow the diversion of additional water from the Eel River through the Potter Valley powerhouse for use by Potter Valley Irrigation District (PVID) for frost protection of commercial crops. The additional water would be provided to PVID between March 15 and April 14, 2008. The licensee would restore in Lake Pillsbury all additional water diverted for frost protection, starting on April 15, 2008, resulting in a water-neutral situation.

An environmental assessment (EA), prepared by Commission staff in the Office of Energy Projects, analyzed the probable environmental effects of the proposed amendment and has concluded that approval would not constitute a major federal action significantly affecting the quality of the human environment.

A copy of the EA is available for review at the Commission or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access documents. For assistance, contact FERC Online Support at *ferconlinesupport@ferc.gov* or toll-free at 1–866–208–3676, or for TTY, (202) 502–8659.

Kimberly D. Bose,

Secretary.

[FR Doc. E8–5595 Filed 3–19–08; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Sunshine Act Meeting Notice

March 13, 2008.

The following notice of meeting is published pursuant to section 3(a) of the government in the Sunshine Act (Pub. L. No. 94–409), 5 U.S.C. 552b:

AGENCY HOLDING MEETING: Federal Energy Regulatory Commission.

DATE AND TIME: March 20, 2008, 10 a.m.

PLACE: Room 2C, 888 First Street, NE., Washington, DC 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda. Note—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Kimberly D. Bose, Secretary, Telephone (202) 502–8400. For a recorded message listing items struck from or added to the meeting, call (202) 502–8627.

This is a list of matters to be considered by the Commission. It does not include a listing of all documents relevant to the items on the agenda. All public documents, however, may be viewed on line at the Commission's website at *http://www.ferc.gov* using the eLibrary link, or may be examined in the Commission's Public Reference Room.

931th—Meeting

Regular Meeting

March 20, 2008, 10 a.m.

Item No.	Docket No.	Company
ADMINISTRATIVE		
A–1	AD02–1–000	Agency Administrative Matters.
A–2	AD02–7–000	Customer Matters, Reliability, Security and Market Operations.
A–3	AD06–3–000	Energy Market Update.
ELECTRIC		
E–1	OMITTED.	
E–2	RM08–3–000	Mandatory Reliability Standard for Nuclear Plant Interface Coordination.
E–3	AD07–12–000	Reliability Standard Compliance and Enforcement in Regions with Regional Transmission Organizations or Independent System Operators.
E–4	RR06–1–012	North American Electric Reliability Council, North American Electric Reliability Corporation.
	RR07–1–002	Delegation Agreement Between the North American Electric Reliability Corporation and Texas Regional Entity, a division of ERCOT.
	RR07–2–002	Delegation Agreement Between the North American Electric Reliability Corporation and Midwest Reliability Organization.
	RR07–3–002	Delegation Agreement Between the North American Electric Reliability Corporation and Northeast Power Coordinating Council, Inc.
	RR07–4–002	Delegation Agreement Between the North American Electric Reliability Corporation and ReliabilityFirst Corporation.

Item No.	Docket No.	Company
	RR07–5–002	Delegation Agreement Between the North American Electric Reliability Corporation and SERC Reliability Corporation.
	RR07–6–002	Delegation Agreement Between the North American Electric Reliability Corporation and Southwest Power Pool, Inc.
	RR07–7–002	Delegation Agreement Between the North American Electric Reliability Corporation and Western Electricity Coordinating Council.
	RR07–8–002	Delegation Agreement Between the North American Electric Reliability Corporation and Florida Reliability Coordinating Council.
	RR08–2–000	North American Electric Reliability Corporation and Western Electricity Coordinating Council.
E–5	EL02–71–004	State of California, ex rel. Bill Lockyer, Attorney General of the State of California v. British Columbia Power Exchange Corporation, Coral Power, LLC, Dynegy Power Marketing, Inc., Enron Power Marketing, Inc., Mirant Americas Energy Marketing, LP, Reliant Energy Services, Inc., Williams Energy Marketing & Trading Company, All Other Public Utility Sellers of Energy and Ancillary Services to the California Energy Resources Scheduling Division of the California Department of Water Resources, and All Other Public Utility Sellers of Energy and Ancillary Services into Markets Operated by the California Power Exchange and California Independent System Operator.
E–6	ER04–157–014	Bangor Hydro-Electric Company, Central Maine Power Company, NSTAR Electric & Gas Corporation, New England Power Company, Northeast Utilities Service Company, The United Illuminating Company, Vermont Electric Power Company, Central Vermont Public Service Corp, Green Mountain Power Corporation.
	ER04–714–006	Florida Power & Light Company—New England Division.
E–7	ER08–394–000	Midwest Independent Transmission System Operator, Inc.
E–8	ER06–1474–002, ER06–1474–004	PJM Interconnection, L.L.C.
E–9	EL08–31–000, ER08–396–000	Westar Energy, Inc.
E–10	OMITTED.	
E–11	ER03–583–007, ER03–681–005, ER03–682–006.	Entergy Services, Inc. and EWO Marketing, L.P., Entergy Services, Inc. and Energy Power, Inc.
	ER03–744–005	Entergy Services, Inc. and Entergy Louisiana, Inc.
E–12	ER06–615–011, ER06–615–012, ER07–1257–000.	California Independent System Operator Corporation.
E–13	ER05–1410–006, EL05–148–006	PJM Interconnection, L.L.C.
E–14	ES08–24–000	Startrans IO, L.L.C.
E–15	RM01–8–008	Revised Public Utility Filing Requirements for Electric Quarterly Reports; Xcel Energy Services, Inc.
E–16	EL08–19–000	Public Service Electric and Gas Company.
E–17	EL08–17–000	Connecticut Municipal Electric Energy Cooperative and Richard Blumenthal Attorney General for the State of Connecticut v. Milford Power Company, LLC and ISO New England Inc.
E–18	OMITTED.	
E–19	EL07–95–000	Black Oak Energy, LLC v. New York Independent System Operator, Inc.
E–20	OMITTED.	
E–21	ER04–449–007, ER04–449–008, ER04–449–016.	New York Independent System Operator, Inc., New York Transmission Owners.
	ER07–543–000	Linden VFT, LLC.
E–22	ER06–278–000, ER06–278–001, ER06–278–002, ER06–278–003, ER06–278–004, ER06–278–005, ER06–278–006.	The Nevada Hydro Company, Inc.
E–23	EL00–95–000, EL00–95–045, EL00–95–187.	San Diego Gas & Electric Company v. Sellers of Energy and Ancillary Services into Markets Operated by the California Independent System Operator and the California Power Exchange.
	EL00–98–000, EL00–98–069, EL00–98–172.	Investigation of Practices of the California Independent System Operator Corporation and the California Power Exchange.
E–24	ER07–799–002, ER07–799–003, EL07–61–001, EL07–61–002.	Norwalk Power, LLC.
E–25	OMITTED.	
E–26	ER07–539–003, ER07–539–004, ER07–540–003, ER07–540–004.	Niagara Mohawk Power Corporation.
E–27	AD08–2–000	Interconnection Queuing Practices.
E–28	RR07–16–001	North American Electric Reliability Corporation.
MISCELLANEOUS		
M–1	RM07–1–000	Standards of Conduct for Transmission Providers.
M–2	RM07–9–000	Revisions to Forms, Statements, and Reporting Requirements for Natural Gas Pipelines.

Item No.	Docket No.	Company
GAS		
G–1	OR06–10–000	BP Pipelines (Alaska) Inc., ConocoPhillips Transportation Alaska, Inc., ExxonMobil Pipeline Company, Koch Alaska Pipeline Company, Unocal Pipeline Company.
G–2	OMITTED.	
G–3	RP08–110–000	Columbia Gas Transmission Corporation.
G–4	RP08–127–000	Columbia Gas Transmission Corporation.
G–5	RP08–124–000	Columbia Gulf Transmission Company.
G–6	OMITTED.	
G–7	RP00–445–021	Alliance Pipeline L.P.
G–8	RP04–42–000, RP04–42–002	Southern Natural Gas Company.
G–9	OMITTED.	
HYDRO		
H–1	DI07–1–001, P–2225–011	Public Utility District No. 1 of Pend Oreille County, Washington.
H–2	P–12751–001	Finavera Renewables Ocean Energy, Ltd.
H–3	P–2524–015	Grand River Dam Authority.
CERTIFICATES		
C–1	CP06–54–000	Broadwater Energy LLC
	CP06–55–000, CP06–56–000	Broadwater Pipeline LLC.
C–2	CP07–207–000, RP08–190–000	Colorado Interstate Gas Company.
C–3	OMITTED.	
C–4	CP07–457–000	Iroquois Gas Transmission System, L.P.

Kimberly D. Bose,

Secretary.

A free webcast of this event is available through *http://www.ferc.gov*. Anyone with Internet access who desires to view this event can do so by navigating to www.ferc.gov's Calendar of Events and locating this event in the Calendar. The event will contain a link to its webcast. The Capitol Connection provides technical support for the free webcasts. It also offers access to this event via television in the DC area and via phone bridge for a fee. If you have any questions, visit *http://www.CapitolConnection.org* or contact Danelle Springer or David Reininger at 703–993–3100.

Immediately following the conclusion of the Commission Meeting, a press briefing will be held in the Commission Meeting Room. Members of the public may view this briefing in the designated overflow room. This statement is intended to notify the public that the press briefings that follow Commission meetings may now be viewed remotely at Commission headquarters, but will not be telecast through the Capitol Connection service.

[FR Doc. E8–5582 Filed 3–19–08; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OW–2006–0771, FRL–8544–7]

Agency Information Collection Activities: Proposed Collection; Extension of Comment Period; Coalbed Methane Extraction Sector Questionnaire (New), EPA ICR Number 2291.01

AGENCY: Environmental Protection Agency (EPA).

ACTION: Extension of Comment Period.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), EPA announced on January 25, 2008, its plan to submit a proposed Information Collection Request (ICR) to the Office of Management and Budget (OMB) and solicited public comments on this request for a new collection on the coalbed methane extraction industry sector. In response to requests from several stakeholders, this action extends the public comment period for an additional 30 days.

DATES: EPA must receive your comments on or before April 24, 2008. Submit your comments, data and information for the Coalbed Methane Extraction Sector Questionnaire, Attention Docket ID No. EPA–HQ–OW–2006–0771, by one of the following methods:

(1) *www.regulations.gov*. Follow the on-line instructions for submitting comments.

(2) *E-mail: OW-Docket@epa.gov*, Attention Docket ID No. EPA–HQ–OW–2006–0771.

(3) *Mail:* Water Docket, Environmental Protection Agency, Mailcode: 4203M, 1200 Pennsylvania Ave., NW., Washington, DC 20460, Attention Docket ID No. EPA–HQ–OW–2006–0771. Please include a total of 3 copies.

(4) *Hand Delivery:* Water Docket, EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC, Attention Docket ID No. EPA–HQ–OW–2006–0771. Such deliveries are only accepted during the Docket's normal hours of operation and special arrangements should be made.

Instructions: Direct your comments to Docket ID No. EPA–HQ–OW–2006–0771. 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 through regulations.gov or e-mail that you consider to be CBI or otherwise protected. The federal 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 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 you send an e-mail comment directly to EPA without going through regulations.gov, your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. 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, and any form of encryption, and should be free of any defects or viruses.

Docket: All documents in the docket are listed in the index at *www.regulations.gov*. Although listed in the index, some information is not publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically at *www.regulations.gov* or in hard copy at the Water Docket in the EPA Docket Center, EPA/DC, EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the Water Docket is (202) 566–2426.

FOR FURTHER INFORMATION CONTACT: Mr. Carey A. Johnston at (202) 566–1014 or *johnston.carey@epa.gov*.

SUPPLEMENTARY INFORMATION: On January 25, 2008 (73 *FR* 4556), EPA solicited comment on the Agency's proposed Information Collection Request (ICR) for the coalbed methane (CBM) sector. EPA identified the CBM sector as a candidate for a detailed study in the final 2006 Effluent Guidelines Program Plan (71 *FR* 76656; December 21, 2006) and also identified that it would develop an industry questionnaire to support this detailed study and would seek Office of Management and Budget (OMB) approval under the Paperwork Reduction Act (PRA). EPA is conducting this review to determine if it would be appropriate to conduct a rulemaking to revise the effluent guidelines for the Oil and Gas Extraction Point Source Category (40 CFR part 435) to control pollutants discharged in CBM-produced water. EPA also noticed it will conduct an ICR in the preliminary 2008 Plan (72 *FR* 61343; October 30, 2007). For each industrial sector, EPA's planning process considers four factors: pollutants discharged, current and potential pollution prevention and control technology options, growth and economic affordability, and implementation and efficiency considerations of revising existing effluent guidelines or publishing new effluent guidelines. EPA will use this ICR to collect technical and economic information from a wide range of CBM operations to address these factors in greater detail (e.g., geographical and geologic differences in the characteristics of CBM-produced waters, environmental data, current regulatory controls, availability and affordability of treatment technology options). See final 2006 Plan (71 *FR* 76666). Response to the questionnaire is mandatory for recipients and EPA will administer the questionnaire using its authority under Section 308 of the CWA, 33 U.S.C. 1318.

The original comment deadline was March 25, 2008. Several stakeholders have requested an extension to the comment period in order to adequately understand this new information collection and provide comments (*see* EPA–HQ–OW–2006–0771–1074, 1075, *www.regulations.gov*). This action extends the comment period for 30 days.

Dated: March 14, 2008.

Ephraim S. King,

Director, Office of Science and Technology.

[FR Doc. E8–5661 Filed 3–19–08; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2007–1138; FRL–8544–5]

Agency Information Collection Activities; Submission to OMB for Review and Approval; Comment Request; Reporting and Recordkeeping Requirements for Importation of Nonroad Engines and Recreational Vehicles (Renewal), EPA ICR Number 1723.05, OMB Control Number 2060–0320

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that an Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval. This is a request to renew an existing approved collection. The ICR, which is abstracted below, describes the nature of the information collection and its estimated burden and cost.

DATES: Additional comments may be submitted on or before April 21, 2008.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–OAR–2007–1138, to (1) EPA online using *www.regulations.gov* (our preferred method), by email to *a-and-r-Docket@epa.gov*, or by mail to: EPA Docket Center, Environmental Protection Agency, Air and Radiation Docket and Information Center, 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: Ms. Lynn Sohacki, Certification and Compliance Division, Vehicle Programs Group, Environmental Protection Agency, 2000 Traverwood Dr., Ann Arbor, MI, 48105; *telephone number:* (734) 214–4851; *fax number:* (734) 214–4869; *e-mail address: sohacki.lynn@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 December 14, 2007 (72 *FR* 71135), EPA sought comments on this ICR pursuant to 5 CFR 1320.8(d). EPA received no comments. Any additional comments on this ICR should be submitted to EPA and OMB within 30 days of this notice.

EPA has established a public docket for this ICR under Docket ID No. EPA–HQ–OAR–2007–1138, which is available for online viewing at *www.regulations.gov*, or in person viewing at the Air and Radiation 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 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is 202–566–1744, and the telephone number for the Air and Radiation Docket is 202–566–1742.

Use EPA's electronic docket and comment system at *www.regulations.gov*, to submit or view public comments, access the index

listing of the contents of the docket, and to access those documents in the docket that are available electronically. Once in the system, select ''docket search,'' then key in the full docket ID name identified above. Please note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing at *www.regulations.gov* as EPA receives them and without change, unless the comment contains copyrighted material, confidential business information (CBI), or other information whose public disclosure is restricted by statute. For further information about the electronic docket, go to *www.regulations.gov*.

Title: Reporting and Recordkeeping Requirements for Importation of Nonroad Engines and Recreational Vehicles (Renewal).

ICR Numbers: EPA ICR No. 1723.05, OMB Control No. 2060–0320.

ICR Status: This ICR is scheduled to expire on May 31, 2008. Under OMB regulations, the Agency may continue to conduct or sponsor the collection of information while this submission is pending at OMB. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register** when approved, are listed in 40 CFR part 9, are displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers in certain EPA regulations is consolidated in 40 CFR part 9.

Abstract: Individuals and businesses importing on and off-road motor vehicles, motor vehicle engines, or nonroad engines, including nonroad engines incorporated into nonroad equipment or nonroad vehicles, report and keep records of vehicle and engine importations, request prior approval for vehicle and engine importations, or request final admission for vehicles and engines conditionally imported into the U.S. The collection of this information is mandatory in order to ensure compliance of nonroad vehicles and engines with Federal emissions requirements. Joint EPA and Customs regulations at 40 CFR 89.601 *et seq.*, 90.601 *et seq.*, 91.703 *et seq.*, 92.803 *et seq.*, 94.803 *et seq.*, 1068.301 *et seq.*, and 19 CFR 12.73 and 12.74 promulgated under the authority of Clean Air Act Sections 203 and 208 give authority for the collection of information. This authority was extended to nonroad engines and vehicles under section 213. The information is used by program personnel to help ensure that all Federal emission requirements concerning imported motor vehicles and nonroad engines are met.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 0.5 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements which have subsequently changed; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: Individual importers and companies who import, or import and manufacture, nonroad engines and recreational vehicles.

Estimated Number of Respondents: 4,801.

Frequency of Response: Upon importation.

Estimated Total Annual Hour Burden: 6,029.

Estimated Total Annual Cost: $372,541, which includes $36,002 annualized capital and O&M costs.

Changes in the Estimates: There is a decrease of 80,107 hours in the total estimated burden. This decrease is due to a more accurate estimate of the number of import declaration forms (Form 3520–1) received. The burden for nonroad CI use (Form 3520–8) has been reduced to a placeholder, as this program is not currently in use.

Dated: March 13, 2008.

Sara Hisel-McCoy,

Director, Collection Strategies Division.

[FR Doc. E8–5664 Filed 3–19–08; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Submitted for Review to the Office of Management and Budget; Comments Requested

March 11, 2008.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden, invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act of 1995, 44 U.S.C. Sections 3501–3520. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written Paperwork Reductions Act (PRA) comments should be submitted on or before April 21, 2008. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the FCC contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicholas A. Fraser, Office of Management and Budget, via e-mail to *Nicholas_A._Fraser@omb.eop.gov* or via fax at (202) 395–5167 and to the Federal Communications Commission via e-mail to *PRA@fcc.gov* or by U.S. mail to Leslie F. Smith, Federal Communications Commission, Room 1–C216, 445 12th Street, SW., Washington, DC 20554 at 202–418–0217.

FOR FURTHER INFORMATION CONTACT: For additional information contact Leslie F. Smith via e-mail at *PRA@fcc.gov* or call 202–418–0217. To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the Web page *http://www.reginfo.gov/public/do/*

PRAMain, (2) look for the section of the Web page called ''Currently Under Review,'' (3) click on the downward-pointing arrow in the ''Select Agency'' box below the ''Currently Under Review'' heading, (4) select ''Federal Communications Commission'' from the list of agencies presented in the ''Select Agency'' box, (5) click the ''Submit'' button to the right of the ''Select Agency'' box, (6) when the list of FCC ICRs currently under review appears, look for the title of the ICR (or its OMB control number, if there is one) and then click on the ICR Reference Number to view detailed information about this ICR.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0774.

Title: Universal Service Reporting, Disclosure, and Record Retention Requirements (47 CFR parts 36 and 54).

Form Number: N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit entities, not-for-profit institutions, and state, local, or tribal government.

Number of Respondents: 7,060,500 respondents; 7,631,034 responses.

Estimated Time per Response: 0.084–125 hours.

Frequency of Response: On occasion, quarterly, annually, and five-year reporting requirements; recordkeeping requirements; and third party disclosure requirements.

Obligation to Respond: Required to obtain or retain benefits.

Total Annual Burden: 1,279,455 hours.

Total Annual Cost: $0.00.

Privacy Act Impact Assessment: No impacts.

Nature of Extent of Confidentiality: This collection does not address information of a confidential nature.

Needs and Uses: The Telecommunication Act of 1996 (1996 Act) directed the Commission to initiate a rulemaking to reform the system of universal service so that universal service is preserved and advanced as markets move toward competition. To fulfill that mandate, on March 8, 1996, the Commission adopted a *Notice of Proposed Rulemaking (NPRM)* in CC Docket No. 96–45 to implement the congressional directives set out in section 254 of the Communications Act of 1934, as amended by the 1996 Act. Pursuant to section 254(a)(1), the *NPRM* also referred numerous issues related to universal service to a Federal-State Joint Board for recommended decision. On November 8, 1996, the Joint Board released a Recommended Decision in which it made recommendations to assist and counsel the Commission in the creation of an effective universal service support mechanism that would ensure that the goals of affordable, quality service and access to advanced services are met by means that enhance competition. On November 18, 1996, the Commission's Common Carrier Bureau released a *Public Notice* (DA 96–1891) seeking public comment on the issues addressed and recommendations made by the Joint Board in the Recommended Decision. In a *Report and Order* issued in CC Docket No. 96–45, released on May 8, 1997, and other proceedings, the Commission adopted rules that were designed to implement the universal service provisions of section 254.

On August 29, 2007, the Commission released the *Report and Order,* 2007 Comprehensive Review of the Universal Service Fund Management, Administration and Oversight, WC Docket Nos. 05–195, 02–60, 03–109 and CC Docket Nos. 96–45, 02–6, 97–21, FCC 07–150. In this order, the Commission took several further steps to safeguard the Universal Service Fund from waste, fraud, and abuse, including imposing document retention rules on all universal service programs and program contributors.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. E8–5408 Filed 3–19–08; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission for Extension Under Delegated Authority, Comments Requested

March 12, 2008.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act of 1995, 44 U.S.C. 3501–3520. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Persons wishing to comment on this information collection should submit comments May 19, 2008. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicholas A. Fraser, Office of Management and Budget (OMB), (202) 395–5887, or via fax at 202–395–5167, or via the Internet at *Nicholas_A._Fraser@omb.eop.gov* and to *Judith-B.Herman@fcc.gov,* Federal Communications Commission (FCC). To submit your comments by e-mail send them to: *PRA@fcc.gov.*

To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the Web page *http://www.reginfo.gov/public/do/PRAMain,* (2) look for the section of the web page called ''Currently Under Review'', (3) click the downward-pointing arrow in the ''Select Agency'' box below the ''Currently Under Review'' heading, (4) select ''Federal Communications Commission'' from the list of agencies presented in the ''Select Agency'' box, (5) click the ''Submit'' button to the right of the ''Select Agency'' box and (6) when the list of FCC ICRs currently under review appears, look for the title of this ICR (or its OMB Control Number, if there is one) and then click on the ICR Reference Number to view detailed information about this ICR.

FOR FURTHER INFORMATION CONTACT: For additional information, send an e-mail to Judith B. Herman at 202–418–0214.

SUPPLEMENTARY INFORMATION:

OMB Control No.: 3060–0065.

Title: Application for New or Modified Radio Station Authorization Under Part 5 of the FCC Rules—Experimental Radio Service.

Form No.: FCC Form 442.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit, not-for-profit institutions and state, local or tribal government.

Number of Respondents: 200 respondents; 280 responses.

Estimated Time per Response: 4 hours.

Frequency of Response: On occasion reporting requirement.

Obligation to Respond: Required to obtain or retain benefits.

Total Annual Burden: 1,120 hours.

Annual Cost Burden: $16,500.

Privacy Act Impact Assessment: N/A.

Nature and Extent of Confidentiality: Applicants may request that information be withheld from public inspection pursuant to 47 CFR 0.459 of the Commission's rules. The request must be justified pursuant to 47 CFR 0.457.

Needs and Uses: This collection will be submitted as an extension (no change in reporting requirements) after this 60 day comment period to Office of Management and Budget (OMB) in order to obtain the full three year clearance.

Mandatory electronic filing of applications for Experimental Radio licenses, including FCC Form 442, commenced on January 1, 2004. Applicants that required an FCC license to operate a new or modified experimental radio station must file FCC Form 442, as required by 47 CFR 5.55(a)–(c) and 47 CFR 5.59 of the Commission's rules. The FCC's information technician and engineers use the data supplied by applicants in the FCC Form 442 to determine: (1) If the applicant is eligible for an experimental license; (2) the purpose of the experiment; (3) compliance with the requirements of Part 5 of the Commission's rules; and (4) if the proposed operation will cause interference to existing operations. Thus, the FCC cannot grant an experimental license without the information contained on this form.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. E8–5764 Filed 3–19–08; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission for Extension Under Delegated Authority, Comments Requested

March 13, 2008.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and other Federal agencies to take this opportunity to (PRA) of 1995 (PRA), Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. Subject to the PRA, no person shall be subject to any penalty for failing to comply with a collection of information that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written PRA comments should be submitted on or before May 19, 2008. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: You may submit all PRA comments by e-mail or U.S. post mail. To submit your comments by e-mail, send them to *PRA@fcc.gov.* To submit your comments by U.S. mail, mark them to the attention of Cathy Williams, Federal Communications Commission, Room 1–C823, 445 12th Street, SW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection(s), contact Cathy Williams at (202) 418–2918 or send an e-mail to *PRA@fcc.gov.*

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0236.

Title: Section 74.703, Interference.

Form Number: Not applicable.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities, Not-for-profit institutions, State, local or tribal government.

Number of Respondents: 100.

Estimated Time per Response: 10 hours.

Frequency of Response: On occasion reporting requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this collection of information is contained in Section 154(i) of the Communications Act of 1934, as amended.

Total Annual Burden: 420 hours.

Total Annual Costs: $252,000.

Confidentiality: No need for confidentiality required.

Privacy Impact Assessment(s): No impact(s).

Needs and Uses: 47 CFR Section 74.703(f) states that a licensee of a digital low power TV (LPTV) or TV translator station operating on a channel from 52–69 is required to eliminate at its expense any condition of interference caused to the operation of or services provided by existing and future commercial or public safety wireless licensees in the 700 MHz bands. The offending digital LPTV or translator station must cease operations immediately upon notification by any primary wireless licensee, once it has been established that the digital low power TV or translator station is causing the interference.

47 CFR Section 74.703(g) states that an existing or future wireless licensee in the 700 MHz bands may notify (certified mail, return receipt requested), a digital low power TV or TV translator operating on the same channel or first adjacent channel of its intention to initiate or change wireless operations and the likelihood of interference from the low power TV or translator station within its licensed geographic service area. The notice should describe the facilities, associated service area and operations of the wireless licensee with sufficient detail to permit an evaluation of the likelihood of interference. Upon receipt of such notice, the digital LPTV or TV translator licensee must cease operation within 120 days unless: (1) It obtains the agreement of the wireless licensee to continue operations; (2) the commencement or modification of wireless service is delayed beyond that period (in which case the period will be extended); or (3) the Commission stays the effect of the interference notification, upon request.

47 CFR 74.703(h) requires in each instance where suspension of operation is required, the licensee shall submit a full report to the FCC in Washington, DC, after operation is resumed, containing details of the nature of the interference, the source of the interfering signals, and the remedial steps taken to eliminate the interference. (The Commission renumbered 47 CFR 74.703(f) to 47 CFR Section 74.703(h) with the R&O, In the Matter of Amendment of Parts 73 and 74 of the Commission's Rules to Establish Rules for Digital Low Power Television, Television Translator, and Television Booster Stations and to Amend Rules for Digital Class A Television Stations, MB Docket No. 03–185, FCC 04–220.

47 CFR Section 74.703(g) states that an existing or future wireless licensee in the 700 MHz bands may notify (certified mail, return receipt requested), a digital

low power TV or TV translator operating on the same channel or first adjacent channel of its intention to initiate or change wireless operations and the likelihood of interference from the low power TV or translator station within its licensed geographic service area. The notice should describe the facilities, associated service area and operations of the wireless licensee with sufficient detail to permit an evaluation of the likelihood of interference. Upon receipt of such notice, the digital LPTV or TV translator licensee must cease operation within 120 days unless: (1) It obtains the agreement of the wireless licensee to continue operations; (2) the commencement or modification of wireless service is delayed beyond that period (in which case the period will be extended); or (3) the Commission stays the effect of the interference notification, upon request.

47 CFR 74.703(h) requires in each instance where suspension of operation is required, the licensee shall submit a full report to the FCC in Washington, DC, after operation is resumed, containing details of the nature of the interference, the source of the interfering signals, and the remedial steps taken to eliminate the interference.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. E8–5770 Filed 3–19–08; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at *www.ffiec.gov/nic/*.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 14, 2008.

A. Federal Reserve Bank of Richmond (A. Linwood Gill, III, Vice President) 701 East Byrd Street, Richmond, Virginia 23261–4528:

1. Select Bancorp, Inc.; to become a bank holding company by acquiring 100 percent of the voting shares of Select Bank & Trust Company, both of Greenville, North Carolina.

B. Federal Reserve Bank of St. Louis (Glenda Wilson, Community Affairs Officer) 411 Locust Street, St. Louis, Missouri 63166–2034:

1. Cross County Bancshares, Inc., Wynne, Arkansas; to acquire additional voting shares of First Southern Bank, Batesville, Arkansas, for a total of up to 13.13 percent.

C. Federal Reserve Bank of Dallas (W. Arthur Tribble, Vice President) 2200 North Pearl Street, Dallas, Texas 75201–2272:

1. CTB Financial Corporation, Ruston, Louisiana; to acquire 100 percent of the voting shares of Community Trust Bank of Texas, Dallas, Texas, a *de novo* bank.

Board of Governors of the Federal Reserve System, March 17, 2008.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. E8–5630 Filed 3–19–08; 8:45 am]

BILLING CODE 6210–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Vision Health: Developing an Integrative Approach to Promotion and Protection, Request for Application (RFA) DP08–001

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the aforementioned meeting.

Time and Date: 12:30 p.m.–3:30 p.m., April 17, 2008 (Closed).

Place: Teleconference.

Status: The meeting will be closed to the public in accordance with provisions set forth in Section 552b(c)(4) and (6), Title 5 U.S.C., and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92–463.

Matters To Be Discussed: The meeting will include the review, discussion, and evaluation of ''Vision Health: Developing an Integrative Approach to Promotion and Protection, RFA DP08–001.''

Contact Person for More Information: Susan B. Stanton, D.D.S., Scientific Review Administrator, CDC, 1600 Clifton Road, NE., Mailstop D72, Atlanta, GA 30333, Telephone: (404) 639–4640.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both CDC and the Agency for Toxic Substances and Disease Registry.

Dated: March 13, 2008.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. E8–5628 Filed 3–19–08; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2008–N–0120]

Standards for Standardized Numerical Identifier, Validation, Track and Trace, and Authentication for Prescription Drugs; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; request for comments.

SUMMARY: The Food and Drug Administration (FDA) is seeking information and comments on issues related to standards for identification, validation, tracking and tracing, and authentication for prescription drug products. Particularly, we are requesting information and comments from drug manufacturers, distributors, pharmacies, other supply chain stakeholders, foreign regulators, standards organizations, and other Federal agencies and interested parties. This request is related to FDA's implementation of the Food and Drug

Administration Amendments Act of 2007 (FDAAA).

Elsewhere in this issue of the **Federal Register**, FDA is publishing a related document entitled ''Technologies for Prescription Drug Identification, Validation, Track and Trace, or Authentication; Request for Information.''

DATES: Submit written or electronic comments by May 19, 2008.

ADDRESSES: Submit written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Submit electronic comments to *http://www.Regulations.gov*.

FOR FURTHER INFORMATION CONTACT: Ilisa Bernstein, Office of Policy, Office of the Commissioner, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–3360, e-mail: *ilisa.bernstein@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

On September 27, 2007, FDAAA (Public Law 3580) was signed into law. Section 913 of this legislation created section 505D of the Federal Food, Drug, and Cosmetic Act (the act), which requires the Secretary of Health and Human Services (the Secretary) to develop standards and identify and validate effective technologies for the purpose of securing the drug supply chain against counterfeit, diverted, subpotent, substandard, adulterated, misbranded, or expired drugs. Section 913 directs the Secretary to consult with specific entities to prioritize and develop standards for identification, validation, authentication and tracking and tracing of prescription drugs. Section 913 of this legislation also directs the Secretary to develop a standardized numerical identifier which, to the extent practicable, shall be harmonized with international consensus standards for such an identifier, no later than 30 months after the date of the enactment of FDAAA. This standardized numerical identifier is to be applied to a prescription drug at the point of manufacturing and repackaging (in which case the numerical identifier shall be linked to the numerical identifier applied at the point of manufacturing) at the package or pallet level, sufficient to facilitate the identification, validation, authentication, and tracking and tracing of the prescription drug.

FDA has been engaged in an intense effort to address counterfeit drugs for several years. In 2004, FDA's Counterfeit Drug Task Force released a report (Task Force Report) outlining a framework for public and private sector actions that could further protect Americans from counterfeit drugs, including implementation of new track and trace technologies to meet and surpass goals of the Prescription Drug Marketing Act, the Federal pedigree law.

In 2006, FDA issued an update report after conducting a fact-finding effort to determine how much progress had been made toward e-pedigree and electronic track and trace. FDA found that although significant progress was made to set the stage for widespread use of e-pedigree in 2007, this goal likely would not be met. Currently, there is no widespread use of e-pedigree.

Currently, e-pedigree is not in widespread use across the supply chain.

Elsewhere in this issue of the **Federal Register**, FDA is publishing a related document entitled ''Technologies for Prescription Drug Identification, Validation, Track and Trace, or Authentication; Request for Information.'' This related document seeks information from technology vendors and others regarding available and emerging technologies for identification, validation, track and trace, and authentication of prescription drugs, as set forth in 505D(b)(3) of the act.

With this document, as a first step in developing standards under section 505D(b) of the act, we are seeking information from drug manufacturers, distributors, pharmacies, other supply chain stakeholders, foreign regulators, standards organizations, other Federal agencies, and other interested parties related to identification, validation, authentication, and tracking and tracing of prescription drugs. Consistent with the act, it is FDA's preference that such standards be the result of existing private and public sector collaborative standards processes. FDA intends to use the response to these comments to determine the state of standards development in these areas and determine how aggressively it may move forward. Recognizing the importance of uniform standards as well as the need to allow for updating over time, FDA would consider adopting such standards through a guidance process as quickly as possible.

II. Request for Comments

Please comment on the following questions regarding the development of standards related to section 505D of the act.

A. Standard Numerical Identifier

1. Characteristics

a. Should the standardized numerical identifier contain recognizable characteristics (e.g., National Drug Code number) or be random codes?

b. Should there be a common header for item/product segregation based on product type: biologic, solid oral dosage form, etc.? If so, please elaborate.

c. How can parties in the supply chain ensure that the numbers are unique and are not duplicated?

d. How much value would there be in having the numerical identifier in more than one place for the product (e.g., package and pallet level)?

e. Should the numerical identifier be machine readable, human readable, or both?

f. Should the numerical identifier include the lot number and/or batch number?

2. Standards

a. Do standards currently exist for a standardized numerical identifier of prescription drugs?

1. If so, please describe and comment on their application and use.

2. To what extent do these standards reflect stakeholder consensus?

3. Comment on whether any of these standards should be the standard adopted by FDA.

4. If yes, why? Compare this standard with other standards that exist.

5. If not, is there some aspect that could be changed to make it acceptable as the FDA standard?

6. Has this standard been adopted by other countries?

b. Are standards in development or planned for standardized numerical identifiers of prescription drugs in the supply chain? If so, who is developing these standards and what is the timeline for completion?

c. What are the elements, provisions, and particular considerations that should be included in a standardized numerical identifier of prescription drugs? Please be specific in your response and include examples, where possible.

d. Please comment on implementation of standardized numerical identifiers of prescription drugs in the U.S. supply chain.

e. Please comment on any technical or information technology concerns related to a standardized numerical identifier.

f. Comment on any ''lessons learned'' from foreign experience with standardized numerical identifiers.

3. Economic Impact

a. What are the usual practices and associated costs that now exist for applying bar codes and other technologies for standardized numerical identifiers on packages and pallets?

b. What are the associated costs for the application, use, and maintenance of standardized numerical identifiers?

c. What are the associated costs or processes for updating the standards as needed?

d. What are the benefits of using standardized numerical identifiers?

4. Harmonization With Other Countries

a. What standards or unique identification systems do other countries have in place, currently under development, or planned for the future? If they are under development, please include a timeline for completion.

b. Comment on any ''lessons learned'' from foreign experience with standardized numerical identifiers.

B. Standards for Validation

1. Do standards currently exist for validation of prescription drugs?

a. If so, please describe and comment on their application and use.

b. To what extent do these standards reflect stakeholder consensus?

c. Comment on whether any of these standards should be the standard adopted by FDA.

d. If yes, why? Compare this standard with other standards that exist.

e. If not, is there some aspect that could be changed to make it acceptable as the FDA standard?

f. Has this standard been adopted by other countries?

2. Are standards in development or planned for validation of prescription drugs in the supply chain?

If so, who is developing these standards and what is the timeline for completion?

3. What are the elements, provisions, and particular considerations that should be included in a validation standard for prescription drugs? Please be specific in your response and include examples, where possible.

4. Please comment on implementation of validation of prescription drugs in the U.S. supply chain.

5. Please comment on any technical or information technology concerns related to validation.

6. Comment on any ''lessons learned'' from foreign experience with validation.

C. Standards for Track and Trace

1. Do standards currently exist for track and trace of products in the supply chain, generally?

a. If so, please describe and comment on their application and use.

b. To what extent do these standards reflect stakeholder consensus?

c. Comment on whether any of these standards should be the standard adopted by FDA.

d. If yes, why? Compare this standard with other standards that exist.

e. If not, is there some aspect that could be changed to make it acceptable as the FDA standard?

f. Has this standard been adopted by other countries?

g. If standards are under development or planned for the future, please include a timeline for completion.

2. Do standards currently exist for track and trace of prescription drug products in the supply chain?

a. If so, please describe and comment on their application and use.

b. To what extent do these standards reflect stakeholders consensus?

c. Comment on whether any of these standards should be the standard adopted by FDA.

d. If yes, why? Compare this standard with other standards that exist.

e. If not, is there some aspect that could be changed to make it acceptable as the FDA standard?

f. Has this standard been adopted by other countries?

3. Are standards in development for track and trace of prescription drugs in the supply chain?

If so, who is developing these standards and what is the timeline for completion?

4. What are the elements, provisions, and particular considerations that should be included in a track and trace standard for prescription drugs? Please be specific in your response and include examples, where possible.

5. Please comment on implementation of track and trace for prescription drugs in the U.S. supply chain, including, but not limited to, feasibility, costs, timeline, interoperability, information technology, and data storage.

6. Discuss how the data generated from track and trace should be held, where it should be held, concerns related to data security, and means for access to ensure interoperability for data sharing. What elements should be included in such a standard for data exchange, storage, and interoperability?

7. Comment on any ''lessons learned'' from foreign experience with track and trace.

D. Standards for Authentication

1. Do standards currently exist for authentication of products in the supply chain, generally?

a. If so, please describe and comment on the application and use.

b. To what extent do these standards reflect stakeholders consensus?

c. Comment on whether any of these standards should be the standard adopted by FDA.

d. If yes, why? Compare this standard with other standards that exist.

e. If not, is there some aspect that could be changed to make it acceptable as the FDA standard?

f. Has this standard been adopted by other countries?

2. Do standards currently exist for authentication of prescription drug products in the supply chain?

a. If so, please describe and comment on the application and use.

b. To what extent do these standards reflect stakeholders consensus?

c. Comment on whether any of these standards should be the numerical identifier standard adopted by FDA.

d. If yes, why? Compare this standard with other standards that exist.

e. If not, is there some aspect that could be changed to make it acceptable as the FDA standard?

f. Has this standard been adopted by other countries?

3. Are standards in development for authentication of prescription drugs in the supply chain?

If so, who is developing these standards and what is the timeline for completion?

4. What are the elements, provisions, and particular considerations that should be included in an authentication standard for prescription drugs? Please be as specific as possible and include examples, where possible.

5. Please comment on implementation of authentication for prescription drugs in the U.S. supply chain, including, but not limited to, feasibility, costs, timeline, interoperability, information technology, and data storage.

6. Comment on any ''lessons learned'' from foreign experience with authentication.

E. Prioritization

Please comment on the priority for development and implementation of identification, validation, authentication, and tracking and tracing standards.

1. Should certain standards be developed and implemented before others?

2. Should certain standards be developed and implemented concurrently?

III. Comments

Interested persons may submit to the Division of Dockets Management (see **ADDRESSES**) written or electronic comments and information. Submit a single copy of electronic comments and information or two paper copies of any mailed comments and information, except that individuals may submit one paper copy. Comments and information are to be identified with the name of the technology and the docket number

found in brackets in the heading of this document. A copy of this notice and received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

Please note that on January 15, 2008, the FDA Division of Dockets Management Web site transitioned to the Federal Dockets Management System (FDMS). FDMS is a Government-wide, electronic docket management system. Electronic comments or submissions will be accepted by FDA through FDMS only.

Dated: March 13, 2008.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. E8–5597 Filed 3–19–08; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2008–N–0121]

Technologies for Prescription Drug Identification, Validation, Track and Trace, or Authentication; Request for Information

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; request for information.

SUMMARY: The Food and Drug Administration (FDA) is requesting comments and information regarding technologies used for the identification, validation, tracking and tracing, and authentication of prescription drugs. This request is related to FDA's implementation of the Food and Drug Administration Amendments Act of 2007 (FDAAA).

Elsewhere in this issue of the **Federal Register**, FDA is publishing a related document entitled ''Standards for Standardized Numerical Identifier, Validation, Track and Trace, and Authentication for Prescription Drugs; Request for Comments.''

DATES: Submit written or electronic comments and information by May 19, 2008.

ADDRESSES: Submit written comments and information to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Submit electronic comments and information to *http://www.Regulations.gov*.

FOR FURTHER INFORMATION CONTACT: Ilisa Bernstein, Office of Policy (HF–11), Food and Drug Administration, 5600 Fishers Lane, rm. 14C–03, Rockville, MD 20857, phone: 301–827–3360, FAX 301–594–6777, e-mail: *ilisa.bernstein@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

On September 27, 2007, FDAAA (Public Law 3580) was signed into law. Section 913 of this legislation requires the Secretary of Health and Human Services (the Secretary) to develop standards and identify and validate effective technologies for the purpose of securing the drug supply chain against counterfeit, diverted, subpotent, substandard, adulterated, misbranded, or expired drugs. Specifically, section 913 created section 505D(b) of the Federal Food, Drug, and Cosmetic Act (the act), which directs the development of standards for the identification, validation, authentication, and tracking and tracing of prescription drugs. Section 505D(b)(3) states that the standards developed under 505D ''shall address promising technologies, which may include—(A) radio-frequency identification; (B) nanotechnology; (C) encryption technologies; and (D) other track and trace or authentication technologies.''

FDA has previously identified counterfeit drugs as a threat to the safety of the public and the pharmaceutical supply chain.

1. In 2004, FDA's Counterfeit Drug Task Force issued a report (Task Force Report) on the threat of counterfeit medications and measures that can be taken by private and public stakeholders to make the U.S. drug supply chain more safe and secure. The 2004 Task Force Report stated, among other things, that:

- Widespread use of electronic track and trace technology would help secure the integrity of the drug supply chain by providing an accurate drug ''pedigree,'' which is a record of the chain of custody of the product as it moves through the supply chain from manufacturer to pharmacy;
- Radio Frequency Identification (RFID) is a promising technology as a means to achieve e-pedigree; and
- Widespread adoption and use of electronic track and trace technology would be feasible by 2007.

2. In 2006, the Task Force issued an update report which stated that the goal of widespread use of e-pedigree and track and trace technologies by 2007 would probably not be met. The voluntary approach taken did not provide enough incentives for the adoption and implementation of the technologies and e-pedigree.

As part of the efforts listed above, we received information about various technologies for the identification, track and trace, and authentication of prescription drugs, and we met with companies to learn more about these technologies. We are aware that significant progress has been made and new technologies are emerging for the identification, track and trace, and authentication of prescription drugs. In order to address the ''promising technologies'' related to standards development, as described in section 505D(b)(3) of the act, we are seeking information from technology vendors and others. Rather than meet individually with companies, for efficiency and to further our understanding and knowledge, we are requesting that information be submitted to the docket number listed above.

Elsewhere in this issue of the **Federal Register**, FDA is publishing a related document entitled ''Standards for Standardized Numerical Identifier, Validation, Track and Trace, and Authentication for Prescription Drugs; Request for Comments.'' Under section 505D(b)(1) and (b)(2) of the act, this related document seeks information from drug manufacturers, distributors, pharmacies, other supply chain stakeholders, foreign regulators, standards organizations, and other Federal agencies and interested parties on issues related to standards for identification, validation, tracking and tracing, and authentication for prescription drug products.

We are particularly interested in the following information regarding available and emerging technologies for identification, validation, track and trace, and authentication of prescription drugs:

1. What are the RFID technologies, encrypting technologies, and nanotechnologies that are relevant? What are other relevant technologies?

2. Please provide information related to:

- Strengths for identification, validation, track and trace, or authentication;
- Limitations for identification, validation, track and trace, or authentication;
- Costs of implementation and use;
- Benefits to the public health;
- Feasibility for widespread use;
- Utility for e-pedigree.

3. Is the technology interoperable with other technologies? If so, describe.

4. What standards are necessary for supply chain use of the specific technology? What is the status of development of such standards?

II. Comments

Interested persons may submit to the Division of Dockets Management (see **ADDRESSES**) written or electronic comments and information. Submit a single copy of electronic comments and information or two paper copies of any mailed comments and information, except that individuals may submit one paper copy. Comments and information are to be identified with the name of the technology and the docket number found in brackets in the heading of this document. A copy of this notice and received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

Please note that on January 15, 2008, the FDA Division of Dockets Management Web site transitioned to the Federal Dockets Management System (FDMS). FDMS is a Government-wide, electronic docket management system. Electronic comments or submissions will be accepted by FDA through FDMS only.

Dated: March 13, 2008.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. E8–5599 Filed 3–19–08; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Eye 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 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 Eye Institute Special Emphasis Panel, NEI Clinical Grant Applications.

Date: March 26, 2008.

Time: 2 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 5635 Fishers Lane, Bethesda, MD 20892. (Telephone Conference Call)

Contact Person: Houmam H. Araj, PhD, Scientific Review Administrator, Division of Extramural Research, National Eye Institute, NIH, 5635 Fishers Lane, Suite 1300, Bethesda, MD 20892–9602, 301–451–2020, *haraj@mail.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 Eye Institute Special Emphasis Panel, Secondary Data Analysis Grant Applications.

Date: March 28, 2008.

Time: 3 p.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 5635 Fishers Lane, Bethesda, MD 20892. (Telephone Conference Call)

Contact Person: Houmam H. Araj, PhD, Scientific Review Administrator, Division of Extramural Research, National Eye Institute, NIH, 5635 Fishers Lane, Suite 1300, Bethesda, MD 20892–9602, 301–451–2020, *haraj@mail.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 Eye Institute Special Emphasis Panel, NEI Epidemiology Grant Applications.

Date: April 1, 2008.

Time: 12 p.m. to 1 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health/NEI, 5635 Fishers Lane, Bethesda, MD 20892. (Telephone Conference Call)

Contact Person: Anne E. Schaffner, PhD, Scientific Review Administrator, Division of Extramural Research, National Eye Institute, 5635 Fishers Lane, Suite 1300, MSC 9300, Bethesda, MD 20892–9300, (301) 451–2020. *aes@nei.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 Eye Institute Special Emphasis Panel, NEI Genetics and Genomics Applications.

Date: April 10, 2008.

Time: 12:30 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health/NEI, 5635 Fishers Lane, Bethesda, MD 20892. (Telephone Conference Call)

Contact Person: Anne E. Schaffner, PhD, Scientific Review Administrator, Division of Extramural Research, National Eye Institute, 5635 Fishers Lane, Suite 1300, MSC 9300, Bethesda, MD 20892–9300, (301) 451–2020, *aes@nei.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. 93.867, Vision Research, National Institutes of Health, HHS)

Dated: March 13, 2008.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E8–5568 Filed 3–19–08; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Agency Information Collection Activities: Proposed Collection; Comment Request

In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 concerning opportunity for public comment on proposed collections of information, the Substance Abuse and Mental Health Services Administration will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the information collection plans, call the SAMHSA Reports Clearance Officer on (301) 443–7978.

Comments Are Invited On: (a) Whether the proposed collections of information are 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.

Proposed Project: The Coordinating Center to Support State Incentive Grants to Build Capacity for Alternatives to Restraint and Seclusion (OMB No. 0930–0271) Revision.

The Substance Abuse and Mental Health Services Administration's (SAMHSA) Center for Mental Health Services has funded a Data Collection and Analysis for the Alternatives to Restraint and Seclusion Grant Program. This contract is an evaluation of SAMHSA's State Incentive Grants to Build Capacity for Alternatives to Restraint and Seclusion. These grants are designed to promote the implementation and evaluation of best practice approaches to reducing the use of restraint and seclusion in mental health facilities. Grantees consist of 8 sites (state mental health agencies), all of which will be implementing

interventions in multiple facilities (a total of 21 facilities). These include facilities serving adults and those serving children and/or adolescents, with various subgroups such as forensic and sexual offender populations.

With input from multiple experts in the field of restraint and seclusion and alternatives to restraint and seclusion, the project created a common core of data collection instruments that will be used for this cross-site project. The facilities will complete three different instruments over a 3-year time period: (1) Facility/Program Characteristics Inventory (information about type of facilities, characteristics of persons served, staffing patterns, and unit specific data); (2) Inventory of Seclusion and Restraint Reduction Interventions; (3) Seclusion and Restraint Event Data Matrix (data about restraint and seclusion rates within facilities and units). Data will be submitted by the sites electronically via a secured Web site.

The Facility/Program Characteristics Inventory and Inventory of Seclusion and Restraint Reduction Intervention will be collected annually. The Seclusion and Restraint Event Data Matrix will be collected monthly.

The resulting data will help to identify the: (1) Number of programs adopting best practices involving alternative approaches to restraint and seclusion; and (2) program's impact of reducing restraint and seclusion use and adoption of alternative practices. The estimated maximal annual response burden to collect this information is as follows:

Instrument annual hours)	Number of respondents	Responses/ respondent	Burden/ response (hours)	Maximal burden
Facility/Program Characteristics Inventory	21	[a] 1	2	42
Inventory of Seclusion and Restraint Reduction Interventions	21	[b] 1	8	168
Seclusion and Restraint Event Data Matrix	21	[c] 29	8	4,872
Total	21			5,082

[a] The Facility/Program Characteristics Inventory will only be collected during for the first grant year (and not during grant years 2 and 3).
[b] For the Inventory of Seclusion and Restraint Interventions, one response per respondent will be collected during grant years 1 and 2. However, two responses per respondent will be collected during grant year 3.
[c] The Seclusion and Restraint Event Data Matrix will be collected during grant years 2 and 3. Twenty-nine responses per respondent will be collected for grant year 2. However, 18 responses per respondent will be collected during grant year 3.

Send comments to Summer King, SAMHSA Reports Clearance Officer, Room 7–1044, One Choke Cherry Road, Rockville, MD 20857 and e-mail her a copy at *summer.king@samhsa.hhs.gov*. Written comments should be received within 60 days of this notice.

Dated: March 12, 2008.

Elaine Parry,

Acting Director, Office of Program Services.

[FR Doc. E8–5570 Filed 3–19–08; 8:45 am]

BILLING CODE 4162–20–M

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2008–0002]

Notification of the Imposition of Conditions of Entry for Certain Vessel Arriving to the United States, Iran

AGENCY: Coast Guard, DHS.

ACTION: Notice.

SUMMARY: The Coast Guard announces that effective anti-terrorism measures are not in place in the ports of Iran and that it will impose conditions of entry on vessels arriving from that country.

DATES: The policy announced in this notice will become effective April 3, 2008.

ADDRESSES: This notice will be available for inspection and copying at the Docket Management Facility at the U.S. Department of Transportation, 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.

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice, call Mr. Michael Brown, International Port Security Evaluation Division, Coast Guard, telephone 202–372–1081. 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:

Background and Purpose

Section 70110 of the Maritime Transportation Security Act provides that the Secretary of Homeland Security may impose conditions of entry on vessels requesting entry into the United States arriving from ports that are not maintaining effective anti-terrorism measures. The Coast Guard has been delegated the authority by the Secretary to carry out the provisions of this section. The Docket contains previous notices imposing or removing conditions of entry on vessels arriving from certain countries and those conditions of entry and the countries they pertain to remain in effect unless modified by this notice.

The Coast Guard has determined that ports in Iran are not maintaining effective anti-terrorism measures. Inclusive to this determination is an assessment that Iran presents significant risk of introducing instruments of terror into international maritime commerce. Accordingly, effective April 3, 2008, the Coast Guard will impose the following conditions of entry on vessels that visited ports in Iran during their last five port calls. Vessels must:

- Implement measures per the ship's security plan equivalent to Security Level 2 while in a port in Iran;
- Ensure that each access point to the ship is guarded and that the guards have total visibility of the exterior (both landside and waterside) of the vessel while the vessel is in ports in Iran. Guards may be provided by the ship's crew, however additional crewmembers should be placed on the ship if necessary to ensure that limits on maximum hours of work are not exceeded and/or minimum hours of rest are met, or provided by outside security forces approved by the ship's master and Company Security Officer;
- Attempt to execute a Declaration of Security while in port in Iran;
- Log all security actions in the ship's log;
- Report actions taken to the cognizant U.S. Coast Guard Captain of the Port prior to arrival into U.S. waters; and
- Ensure that each access point to the ship is guarded by armed, private security guards and that they have total visibility of the exterior (both landside and waterside) of the vessel while in

U.S. ports. The number and position of the guards has to be acceptable to the cognizant Coast Guard Captain of the Port.

With this notice, the current list of countries not maintaining effective anti-terrorism measures is as follows: Cameroon, Equatorial Guinea, Guinea-Bissau, Indonesia, Iran, Liberia, Mauritania and Syria.

Dated: March 14, 2008.

Rear Admiral David Pekoske, USCG,

Assistant Commandant for Operations.

[FR Doc. 08–1060 Filed 3–18–08; 12:04 pm]

BILLING CODE 4910–15–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5203–N–01]

Section 3 Complaint Processing Functions

AGENCY: Office of the Assistant Secretary for Fair Housing and Equal Opportunity, HUD.

ACTION: Notice.

SUMMARY: This notice announces a change in the investigation of complaints filed pursuant to Section 3 of the Housing and Urban Development Act of 1968.

FOR FURTHER INFORMATION CONTACT: Staci Gilliam Hampton, Director, Economic Opportunity Division; Office of Fair Housing and Equal Opportunity; Department of Housing and Urban Development; 451 Seventh Street, SW., Washington, DC 20410–2000; telephone (202) 402–3468 (this is not a toll-free number). Hearing- and speech-impaired individuals may access this telephone number via TTY by calling the toll-free Federal Information Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION: On November 21, 2007, the Assistant Secretary for Fair Housing and Equal Opportunity (FHEO) transferred the responsibility for investigating complaints filed pursuant to Section 3 of the Housing and Urban Development Act of 1968 (Section 3) from FHEO in Washington, DC, to each of the ten FHEO region offices. (*See* the delegation of authority published in the **Federal Register** on December 17, 2007 at 72 FR 71429.) All Section 3 monitoring and enforcement responsibilities will remain in FHEO at HUD headquarters in Washington, DC.

General Information: All submissions of HUD Form 958, *Complaint Register Under Section 3 of the Housing and Urban Development Act of 1968,* shall be sent directly to the appropriate FHEO region office for complaint processing and investigation in accordance with the Section 3 regulations found at 24 CFR part 135. (Please note that a complainant need not submit a Form 958 in order to file a Section 3 complaint. So long as the complainant provides HUD with the information required under 24 CFR 135.76 and signs the submission, a form is not necessary.)

Section 3 matters not directly related to the investigation of complaints (including, but not limited to, compliance reviews in accordance with 24 CFR 135.74), shall be directed to the Director of the Economic Opportunity Division at the address and telephone number listed above.

A list of FHEO Region offices, contact information, and geographic jurisdictions is provided below:

Boston Regional Office of Fair Housing and Equal Opportunity

(Covers the following states: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont)

U.S. Department of Housing and Urban Development, Boston Regional Office of Fair Housing and Equal Opportunity, 10 Causeway Street, Room 308, Boston, MA 02222–1092

Telephone: 617–994–8300, 800–827–5005

Facsimile: 617–565–7313

TTY/TDD: 617–565–5453

E-mail: Complaints_Office_01@hud.gov

New York Regional Office of Fair Housing and Equal Opportunity

(Covers the following states: New York and New Jersey)

U.S. Department of Housing and Urban Development, New York Regional Office of Fair Housing and Equal Opportunity, 26 Federal Plaza, New York, NY 10278–0068

Telephone: 212–264–1290, 800–496–4294

Facsimile: 212–264–9829

TTY/TDD: 212–264–0927

E-mail: Complaints_Office_02@hud.gov

Philadelphia Regional Office of Fair Housing and Equal Opportunity

(Covers the following states: Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, and West Virginia)

U.S. Department of Housing and Urban Development, Philadelphia Regional Office of Fair Housing and Equal Opportunity, 100 Penn Square East, Philadelphia, PA 19107–3390

Telephone: 215–656–0662, 888–799–2085

Facsimile: 215–656–3449

TTY/TDD: 215–656–3450

E-mail: Complaints_Office_03@hud.gov

Atlanta Regional Office of Fair Housing and Equal Opportunity

(Covers the following states: Alabama, Puerto Rico, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee)

U.S. Department of Housing and Urban Development, Atlanta Regional Office of Fair Housing and Equal Opportunity, Five Points Plaza Bldg, 40 Marietta Street, Atlanta, GA 30303–3388

Telephone: 404–331–5140, 800–440–8091

Facsimile: 404–331–1021

TTY/TDD: 404–730–2654

E-mail: Complaints_Office_04@hud.gov

Chicago Regional Office of Fair Housing and Equal Opportunity

(Covers the following states: Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin)

U.S. Department of Housing and Urban Development, Chicago Regional Office of Fair Housing and Equal Opportunity, 77 West Jackson Boulevard, Room 2101, Chicago, IL 60604–3507

Telephone: 312–353–7776, 800–765–9372

Facsimile: 312–886–2837

TTY/TDD: 312–353–7143

E-mail: Complaints_Office_05@hud.gov

Fort Worth Regional Office of Fair Housing and Equal Opportunity

(Covers the following states: Arkansas, Louisiana, New Mexico, Oklahoma, and Texas)

U.S. Department of Housing and Urban Development, Forth Worth Regional Office of Fair Housing and Equal Opportunity, 801 Cherry Street, P.O. Box 2905, Fort Worth, TX 76113–2905

Telephone: 817–978–5900, 888–560–8913

Facsimile: 817–978–5876

TTY/TDD: 817–978–5595

E-mail: Complaints_Office_06@hud.gov

Kansas City Regional Office of Fair Housing and Equal Opportunity

(Covers the following states: Iowa, Kansas, Missouri, and Nebraska)

U.S. Department of Housing and Urban Development, Kansas City Regional Office of Fair Housing and Equal Opportunity, 400 State Avenue, Kansas City, KS 66101–2406

Telephone: 913–551–6958, 800–743–5323

Facsimile: 913–551–6856

TTY/TDD: 913–551–6972

E-mail: Complaints_Office_07@hud.gov

Denver Regional Office of Fair Housing and Equal Opportunity

(Covers the following states: Colorado, Montana, North Dakota, South Dakota, Utah and Wyoming)

U.S. Department of Housing and Urban Development, Denver Regional Office of Fair Housing and Equal Opportunity, 1670 Broadway, 22nd Floor, Denver, CO 80202

Telephone: 303–672–5437, 800–877–7353

Facsimile: 303–672–5026

TTY/TDD: 303–672–5248

E-mail: Complaints_Office_08@hud.gov

San Francisco Regional Office of Fair Housing and Equal Opportunity

(Covers the following states: Arizona, California, Hawaii and Nevada)

U.S. Department of Housing and Urban Development, San Francisco Regional Office of Fair Housing and Equal Opportunity, 600 Harrison Street, 3rd Floor, San Francisco, CA 94107

Telephone: 415–489–6536, 800–347–3739

Facsimile: 415–489–6560

TTY/TDD: 415–489–6564

E-mail: Complaints_Office_09@hud.gov

Seattle Regional Office of Fair Housing and Equal Opportunity

(Covers the following states: Alaska, Idaho, Oregon, and Washington)

U.S. Department of Housing and Urban Development, Seattle Regional Office of Fair Housing and Equal Opportunity, 909 First Avenue, Seattle, WA 98104–1000

Telephone: 206–220–5170, 800–877–0246

Facsimile: 206–220–5447

TTY/TDD: 206–220–5185

E-mail: Complaints_Office_10@hud.gov

Dated: March 13, 2008.

Kim Kendrick,

Assistant Secretary for Fair Housing and Equal Opportunity.

[FR Doc. E8–5620 Filed 3–19–08; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R2–ES–2008–N0023, 21012–11130000–C4]

Endangered and Threatened Wildlife and Plants; 5-Year Reviews of 28 Southwestern Species

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of reviews.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce 5-year reviews of 28 southwestern species listed under the Endangered Species Act of 1973 (Act). The purpose of reviews conducted under this section of the Act is to ensure that the classification of species as threatened or endangered on the List of Endangered and Threatened Wildlife and Plants is accurate. The 5-year review is an assessment of the best scientific and commercial data available at the time of the review.

DATES: To allow adequate time to conduct this review, information submitted for our consideration must be received on or before June 18, 2008. However, we will continue to accept new information about any listed species at any time.

ADDRESSES: Information submitted on these species should be sent to the Service at the addresses listed under ''Public Comments'' in the **SUPPLEMENTARY INFORMATION** section. Information received in response to this notice of review will be available for public inspection by appointment, during normal business hours, at the same addresses.

FOR FURTHER INFORMATION CONTACT: Contact the appropriate office named in ''Public Comments'' for species-specific information.

SUPPLEMENTARY INFORMATION:

Why is a 5-year review conducted?

Section 4(c)(2)(A) of the Act (16 U.S.C. 1531 *et seq.*) requires that we conduct a review of listed species at least once every 5 years. We are then, under section 4(c)(2)(B) and the provisions of subsections (a) and (b), to determine, on the basis of such a review, whether or not any species should be removed (delisted) from the List of Endangered and Threatened Wildlife and Plants (50 CFR 17.12), or reclassified from endangered to threatened (downlisted), or from threatened to endangered (uplisted).

The 5-year review is an assessment of the best scientific and commercial data available at the time of the review. Therefore, we are requesting submission of any new information (best scientific and commercial data) on the following 28 species since their original listings as either endangered (Arizona hedgehog cactus, Big Bend gambusia, Brady pincushion cactus, Clear Creek gambusia, Comal Springs dryopid beetle, Comal Springs riffle beetle, fountain darter, Kearney blue star, Leon Springs pupfish, Peck's Cave amphipod, San Marcos gambusia, Sonoran pronghorn, Socorro isopod, Socorro springsnail, south Texas ambrosia, southwestern willow flycatcher, Terlingua Creek cat's-eye, Texas ayenia, Texas blind salamander, Texas wild-rice, Tobusch fishhook cactus, Yaqui chub, and Yaqui topminnow) or threatened (beautiful shiner, Hinckley oak, San Marcos salamander, Sonora chub, and Yaqui catfish). If the present classification of any of these species is not consistent with the best scientific and commercial information available, the Service will recommend whether or not a change is warranted in the Federal classification of that species. Any change in Federal classification would require a separate rule-making process.

Our regulations at 50 CFR 424.21 require that we publish a notice in the **Federal Register** announcing those species currently under active review. This notice announces our active review of the 28 species listed in Table 1.

What information is considered in the review?

A 5-year review considers all new information available at the time of the review. These reviews will consider the best scientific and commercial data that has become available since the current listing determination or most recent status review of each species, such as:

A. Species biology, including but not limited to population trends, distribution, abundance, demographics, and genetics;

B. Habitat conditions, including but not limited to amount, distribution, and suitability;

C. Conservation measures that have been implemented to benefit the species;

D. Threat status and trends (see five factors under heading ''How do we determine whether a species is endangered or threatened?''); and

E. Other new information, data, or corrections, including but not limited to taxonomic or nomenclatural changes, identification of erroneous information contained in the List of Endangered and Threatened Wildlife and Plants, and improved analytical methods.

How are these species currently listed?

The List of Endangered and Threatened Wildlife and Plants (List) is found in 50 CFR 17.11 (wildlife) and 17.12 (plants). Amendments to the List through final rules are published in the **Federal Register**. The List is also available on our Internet site at *http://www.fws.gov/endangered/wildlife.html.* In Table 1 below, we provide a summary of the listing information for the species under active review.

TABLE 1.—SUMMARY OF THE LISTING INFORMATION

Common name	Scientific name	Status	Where listed	Final listing rule
Arizona hedgehog cactus	*Echinocereus triglochidiatus var. arizonicus*	E	AZ	44 FR 61556
Beautiful shiner	*Cyprinella formosa*	T	AZ, NM	49 FR 34490
Big Bend gambusia	*Gambusia gaigei*	E	TX	32 FR 4001
Brady pincushion cactus	*Pediocactus bradyi*	E	AZ	44 FR 61784
Clear Creek gambusia	*Gambusia heterochir*	E	TX	32 FR 4001
Comal Springs dryopid beetle	*Stygoparnus comalensis*	E	TX	62 FR 66295
Comal Springs riffle beetle	*Heterelmis comalensis*	E	TX	62 FR 66295
Fountain darter	*Etheostoma fonticola*	E	TX	35 FR 16047
Hinckley oak	*Quercus hinckleyi*	T	TX	53 FR 32824
Kearney blue star	*Amsonia kearneyana*	E	AZ	54 FR 2131
Leon Springs pupfish	*Cyprinodon bovinus*	E	TX	45 FR 54678
Peck's Cave amphipod	*Stygobromus (=Stygonectes) pecki*	E	TX	62 FR 66295
San Marcos gambusia	*Gambusia georgei*	E	TX	45 FR 47355
San Marcos salamander	*Eurycea nana*	T	TX	45 FR 47355
Sonora chub	*Gila ditaenia*	T	AZ	51 FR 16042
Sonoran pronghorn	*Antilocapra americana sonoriensis*	E	AZ	32 FR 4001
Socorro isopod	*Thermosphaeroma thermophilus*	E	NM	43 FR 12690
Socorro springsnail	*Pyrgulopsis neomexicana*	E	NM	56 FR 49646
South Texas ambrosia	*Ambrosia cheiranthifolia*	E	TX	59 FR 43648
Southwestern willow flycatcher	*Empidonax traillii extimus*	E	AZ, CA, CO, NV, NM, TX, UT	60 FR 10693
Terlingua Creek cat's-eye	*Cryptantha crassipes*	E	TX	56 FR 49634
Texas ayenia	*Ayenia limitaris*	E	TX	59 FR 43648
Texas blind salamander	*Typhlomolge rathbuni*	E	TX	32 FR 4001
Texas wild-rice	*Zizania texana*	E	TX	43 FR 17910
Tobusch fishhook cactus	*Ancistrocactus tobuschii*	E	TX	44 FR 64736
Yaqui catfish	*Ictalurus pricei*	T	AZ	49 FR 34490
Yaqui chub	*Gila purpurea*	E	AZ	49 FR 34490
Yaqui topminnow	*Poeciliopsis occidentalis sonoriensis*	E	AZ, NM	32 FR 4001

Definitions Related to This Notice

The following definitions are provided to assist those persons who contemplate submitting information regarding the species being reviewed:

A. *Species* includes any species or subspecies of fish, wildlife, or plant, and any distinct population segment of any species of vertebrate, which interbreeds when mature.

B. *Endangered* means any species that is in danger of extinction throughout all or a significant portion of its range.

C. *Threatened* means any species that is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.

How do we determine whether a species is endangered or threatened?

Section 4(a)(1) of the Act establishes that we determine whether a species is endangered or threatened based on one or more of the five following factors:

A. The present or threatened destruction, modification, or curtailment of its habitat or range;

B. Overutilization for commercial, recreational, scientific, or educational purposes;

C. Disease or predation;

D. The inadequacy of existing regulatory mechanisms; or

E. Other natural or manmade factors affecting its continued existence.

Section 4(a)(1) of the Act requires that our determination be made on the basis of the best scientific and commercial data available.

What could happen as a result of this review?

If we find that there is new information concerning any of the 28 species listed in Table 1 indicating a change in classification may be warranted, we may propose a new rule that could do one of the following: (a) Reclassify the species from endangered to threatened; (b) reclassify the species from threatened to endangered; or (c) remove the species from the List. If we determine that a change in classification is not warranted, then these species will remain on the List under their current status.

Public Comments

Information regarding the Brady pincushion cactus (*Pediocactus bradyi*), Arizona hedgehog cactus (*Echinocereus triglochidiatus var. arizonicus*), Kearney blue star (*Amsonia kearneyana*), southwestern willow flycatcher (*Empidonax traillii extimus*), and Sonora chub (*Gila ditaenia*) should be sent to the Field Supervisor, Attention 5-year Review, U.S. Fish and Wildlife Service, Arizona Ecological Services Field Office, 2321 West Royal Palm Road, Suite 103, Phoenix, AZ 85021. The office phone number is 602–242–0210.

Information regarding Sonoran pronghorn (*Antilocapra americana sonoriensis*) should be sent to the Refuge Manager, Attention 5-year Review, Cabeza Prieta National Wildlife Refuge, 1611 North Second Avenue, Ajo, Arizona 85321. The office phone number is 520/387–6483, and Web address is: *http://www.fws.gov/southwest/refuges/arizona/cabeza/index.html*.

Information regarding beautiful shiner (*Cyprinella formosa*), Yaqui catfish (*Ictalurus pricei*), Yaqui chub (*Gila purpurea*), and Yaqui topminnow (*Poeciliopsis occidentalis sonoriensis*) should be sent to the Refuge Manager, Attention 5-year Review, San Bernardino National Wildlife Refuge, P.O. Box 3509, Douglas, Arizona 85607. The office phone number is 520/364–2104, and Web address is: *http://www.fws.gov/southwest/refuges/arizona/sanbernardino.html*.

Information regarding the Texas blind salamander (*Typhlomolge rathbuni*), fountain darter (*Etheostoma fonticola*), Texas wild-rice (*Zizania texana*), San Marcos gambusia (*Gambusia georgei*),

San Marcos salamander (*Eurycea nana*), Peck's Cave amphipod (*Stygobromus (=Stygonectes) pecki*), Comal Springs dryopid beetle (*Stygoparnus comalensis*), Comal Springs riffle beetle (*Heterelmis comalensis*), Leon Springs pupfish (*Cyprinodon bovinus*), Tobusch fishhook cactus (*Ancistrocactus tobuschii*), Terlingua Creek cat's-eye (*Cryptantha crassipes*), Hinckley oak (*Quercus hinckleyi*), Big Bend gambusia (*Gambusia gaigei*), and Clear Creek gambusia (*Gambusia heterochir*) should be sent to the Field Supervisor, Attention 5-year Review, U.S. Fish and Wildlife Service, Austin Ecological Services Field Office, 10711 Burnet Road, Suite 200, Austin, Texas 78758. The office phone number is 512–490–0057.

Information regarding Socorro isopod (*Thermosphaeroma thermophilus*) and Socorro springsnail (*Pyrgulopsis neomexicana*) should be sent to the Field Supervisor, Attention 5-year Review, U.S. Fish and Wildlife Service, New Mexico Ecological Services Field Office, 2105 Osuna Road NE., Albuquerque, NM 87113. The office phone number is 505–346–2525.

Information regarding Texas ayenia (*Ayenia limitaris*) and south Texas ambrosia (*Ambrosia cheiranthifolia*) should be sent to the Field Supervisor, Attention 5-year Review, U.S. Fish and Wildlife Service c/o TAMU–CC, Ecological Services, 6300 Ocean Drive, Unit 5837, Corpus Christi, TX 78412. The office phone number is 361–994–9005.

Public Solicitation of New Information

We request any new information concerning the status of the 28 species listed in Table 1. See ''What information is considered in the review?'' heading for specific criteria. Information submitted should be supported by documentation such as maps, bibliographic references, methods used to gather and analyze the data, and/or copies of any pertinent publications, reports, or letters by knowledgeable sources. Before including your address, phone number, e-mail address, or other personal identifying information in your comments, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority: This document is published under the authority of the Endangered Species Act (16 U.S.C. 1531 *et seq.*).

Dated: January 23, 2008.

Christopher T. Jones,

Acting Regional Director, Region 2.

[FR Doc. E8–5632 Filed 3–19–08; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Sporting Conservation Council

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of meeting.

SUMMARY: This notice announces a meeting of the Sporting Conservation Council (Council). The meeting agenda includes an update on implementation of the Executive Order on hunting heritage and wildlife conservation and plans for a 2008 Policy Session regarding the North American Conservation Model; State/Federal/Tribal Wildlife Management; Habitat Conservation and Management; Funding for Wildlife Conservation; and Perpetuating Hunter Traditions. This meeting is open to the public, and will include a session for the public to comment.

DATES: We will hold the meeting on April 8, 2008, from 2 p.m. to 4:30 p.m. From 2:30 p.m. to 3 p.m. on April 8, 2008, we will host a public comment session.

ADDRESSES: On April 8, 2008, the meeting will be held in the Majestic Ballroom on the Majestic Level of the Sheraton Denver Hotel at 1550 Court Place, Denver, CO 80202.

FOR FURTHER INFORMATION CONTACT: Phyllis T. Seitts, 9828 North 31st Avenue, Phoenix, AZ 85051–2517; 602–906–5603 (phone); or *Twinkle_Thompson-Seitts@blm.gov* (e-mail).

SUPPLEMENTARY INFORMATION: The Secretary of the Interior established the Council in February 2006 (71 FR 11220, March 6, 2006). The Council's mission is to provide advice and guidance to the Federal Government through the Department of the Interior on how to increase public awareness of: (1) The importance of wildlife resources, (2) the social and economic benefits of recreational hunting, and (3) wildlife conservation efforts that benefit recreational hunting and wildlife resources.

The Secretary of the Interior and the Secretary of Agriculture signed an amended charter for the Council in June 2006 and July 2006, respectively. The revised charter states that the Council will provide advice and guidance to the Federal Government through the Department of the Interior and the Department of Agriculture.

The Council will hold a meeting on the date shown in the **DATES** section at the address shown in the **ADDRESSES** section. The meeting will include a session for the public to comment.

Dated: March 13, 2008.

Phyllis T. Seitts,

Designated Federal Officer, Sporting Conservation Council.

[FR Doc. E8–5637 Filed 3–19–08; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Muscogee (Creek) Nation Liquor and Beverage Code

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice publishes the Liquor and Beverage Code (Code) of the Muscogee (Creek) Nation. The Code regulates and controls the possession, sale and consumption of liquor within the Muscogee Creek Nation Indian Country (Tribal Lands) as defined by Federal law. The Code allows for the possession and sale of alcoholic beverages within the Tribal Lands. The Code will increase the ability of the tribal government to control the distribution and possession of liquor within their jurisdiction and at the same time will provide an important source of revenue and strengthening of the tribal government and the delivery of tribal services.

DATES: *Effective Date:* This Act is effective as of March 20, 2008.

FOR FURTHER INFORMATION CONTACT: Charles Head, Tribal Government Services Officer, Eastern Oklahoma Regional Office, Bureau of Indian Affairs, 3100 West Peak Blvd., Muskogee, Oklahoma 74402 ; Telephone (918) 781–4600; Fax (918) 781–4604; or Elizabeth Colliflower, Office of Indian Services, 1849 C Street, NW., Mail Stop 4513–MIB, Washington, DC 20240; Telephone (202) 513–7627; Fax (202) 208–5113.

SUPPLEMENTARY INFORMATION: Pursuant to the Act of August 15, 1953; Public Law 83–277, 67 Stat. 586, 18 U.S.C. 1161, as interpreted by the Supreme Court in *Rice* v. *Rehner,* 463 U.S. 713 (1983), the Secretary of the Interior shall certify and publish in the **Federal Register** notice of adopted liquor

ordinances for the purpose of regulating liquor transactions in Indian Country. The National Council of the Muscogee (Creek) Nation adopted this amendment to Title 36 of the Muscogee (Creek) Nation Code Annotated on June 30, 2007.

This notice is published in accordance with the authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs. I certify that the National Council duly adopted amendment NCA 07–159 to the Muscogee (Creek) Nation Code Annotated on June 30, 2007.

Dated: March 14, 2008.

Carl J. Artman,

Assistant Secretary—Indian Affairs.

This amendment, NCA 07–159, to the Muscogee (Creek) Nation Code Annotated reads as follows:

NCA 07–159

CLASSIFICATION: #36. TAXATION AND REVENUE.

A LAW OF THE MUSCOGEE (CREEK) NATION AMENDING NCA 06–132 (A LAW OF THE MUSCOGEE (CREEK) NATION ENACTING A LIQUOR AND BEVERAGE CODE AND CODIFYING SAID LAW IN TITLE 36, ''TAXATION AND REVENUE,'' OF THE CODE OF LAWS OF THE MUSCOGEE (CREEK) NATION), AS AMENDED BY NCA 06–222.

Be it Enacted by the National Council of the Muscogee (Creek) Nation:

SECTION ONE. *AMENDMENT*. This amendment shall be codified in Title 36 of the Muscogee (Creek) Nation Code Annotated and shall read as follows:

Title 36. Taxation and Revenue

Chapter 7. Liquor and Beverage Code

Subchapter 1. General Provisions

Section 7–101. *Findings.* The National Council finds that:

A. It is the policy of the Nation to raise revenues through the collection of taxes for the sale and distribution of liquor and beer products within Muscogee (Creek) Nation Indian Country as defined by Federal law.

B. The Nation has a duty to provide for the health, safety, and welfare of its citizens.

C. As part of the Nation's responsibility to its citizens, the Nation must regulate and control the distribution, sale, and possession of alcoholic beverages on tribal lands located within Muscogee (Creek) Nation Indian Country as defined by Federal law.

D. Except as otherwise required by other applicable laws of the Muscogee (Creek) Nation or by any applicable Federal and State law, the provisions and requirements of this Chapter and any rules, regulations and licenses authorized hereunder shall apply to the sale and distribution of liquor and beer products on properties under the jurisdiction of the Nation.

Section 7–102. *Purpose.* The purpose of this Act is to regulate the sale and distribution of liquor and beer products on properties under the jurisdiction of the Muscogee (Creek) Nation and to generate an additional revenue base.

Section 7–103. *Short Title and Codification*. This Act shall be known and may be cited as the Muscogee (Creek) Nation Liquor and Beverage Code and shall be codified as Chapter 7 in Title 36, ''Taxation and Revenue,'' of the Code of Laws of the Muscogee (Creek) Nation.

Section 7–104. *Authority*. This Act is enacted pursuant to Article VI, § 7, of the Constitution of the Muscogee (Creek) Nation and the Congressional Act of August 15, 1953 (Pub. L. 83–277, 67 State. 588, 18 U.S.C. § 1161).

Section 7–105. *Definitions*. For purposes of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

A. ''Alcohol'' means a substance known as ethyl alcohol, hydrated oxide of ethyl, or spirit of wine, which is produced by the fermentation or distillation of grain, starch, molasses, sugar, or other substances including all dilutions and mixtures of this substance.

B. ''Beer'' means any beverage containing less than or equal to three and two-tenths percent (3.2%) of alcohol by weight and obtained by the alcoholic fermentation of an infusion of decoction of pure hops, pure extract of barley or other grain, malt, sugar, or similar products.

C. ''Beer Outlet'' means the Muscogee (Creek) Nation's licensed retail sale business selling beer within the Muscogee (Creek) Nation Indian Country as defined by Federal law, including all related and associated facilities under the control of the Operator. Moreover, where an Operator's business is carried on as part of the operation of an entertainment or recreational facility, the ''Beer Outlet'' shall be deemed to include the entertainment or recreational facility and its associated areas.

D. ''Commission'' means the Muscogee (Creek) Nation Tax Commission as established pursuant to MCNCA Title 36, § 1–103.

E. ''Commissioner'' means the Muscogee (Creek) Nation Tax Commissioner as established pursuant to MCNCA Title 36, § 1–104.A.

F. ''Liquor'' means the four varieties of liquor commonly referred to as alcohol, spirits, wine and beer in excess of three and two-tenths percent (3.2%) of alcohol, and all fermented, spirituous, vinous or malt liquors or any other intoxicating liquid, solid, semi-solid or other substance patented or not, containing alcohol, spirits, wine or beer, in excess of three and two-tenths percent (3.2%) of alcohol, and is intended for oral consumption.

G. ''Liquor Outlet'' means the Muscogee (Creek) Nation's licensed retail sale business selling liquor within the Muscogee Indian Country as defined by Federal law, including all related and associated facilities under the control of the Operator. Moreover, where an Operator's business is carried on as part of the operation of an entertainment or recreational facility, the ''Liquor Outlet'' shall be deemed to include the entertainment or recreational facility and its associated areas.

H. ''Nation'' means the Muscogee (Creek) Nation as established under the Muscogee (Creek) Nation Constitution of 1979. Chartered communities of the Muscogee (Creek) Nation are considered component, inseparable subdivisions of the Muscogee (Creek) Nation and may only benefit from the rights and privileges from the Muscogee (Creek) Nation under this Chapter.

I. ''National Council'' means the Muscogee (Creek) Nation National Council as constituted by Article VI of the Constitution of the Muscogee (Creek) Nation.

J. ''Operator'' means a person twenty-one (21) years of age or older who is properly licensed by the Commission to operate a Liquor and/or Beer Outlet.

K. ''Person'' means a natural person, a partnership, an association of persons, a corporation, a firm, a limited liability company, a sole proprietorship, a trust, a joint venture, a consortium, a commercial entity, a Muscogee (Creek) Nation tribal entity, a Muscogee (Creek) Nation chartered Indian community, or an Indian tribe.

L. ''Sale'' means any transfer, exchange, or barter, in any manner or by any means whatsoever, for a consideration and includes and means all sales made by any person, whether as principal, proprietor or as an agent, servant, or employee, association, partnership, or corporation of liquor or beer products.

M. ''Wholesaler'' means and includes any person doing any such acts or carrying on any such business or businesses that would require such

person to obtain a wholesaler's license or licenses hereunder.

N. ''Wholesale price'' means the established price for which liquor or beer are sold to the Muscogee (Creek) Nation or any Operator by the manufacturer or distributor or other reduction.

Section 7–106. *Severability.* In the event that any provision or provisions of this Act are determined by a court of competent jurisdiction to be invalid for any reason, the remaining provisions of the Act shall be deemed severable from the provision or provisions determined to be invalid and shall remain in full force and effect as though the invalid provisions had never been part of the Act.

Subchapter 2. Prohibition and Conformity With the Laws of the State of Oklahoma

Section 7–201. *General Prohibition.* It shall be unlawful to buy, sell, give away, consume, furnish, or possess any liquor or beer product containing alcohol for ingestion by human beings or to appear or be found in a place where liquor or beer products are sold and/or consumed, except as allowed for under this Act and the regulations promulgated hereunder.

Section 7–202. *Possession for Personal Use.* Possession of liquor or beer products for personal use by persons over the age of twenty-one (21) years shall, unless otherwise prohibited by Federal, State or Muscogee (Creek) Nation Law or Regulation, be lawful within the Muscogee (Creek) Nation Indian Country as defined by Federal law, so long as said liquor or beer product was lawfully purchased from an establishment duly licensed to sell said beverages, whether on or off the Muscogee (Creek) Nation Indian Country as defined by Federal law and consumed within a private residence or at a location or facility licensed for the public consumption of liquor or beer.

Section 7–203. *Conformity with the Laws of the State of Oklahoma.* Federal law prohibits the introduction, possession and sale of liquor in Indian Country (18 U.S.C. 1154 and other statutes), except when the same is in conformity both with laws of the State of Oklahoma and the Nation (18 U.S.C. 1161). As such, compliance with this Act shall be in addition to and not a substitute for compliance with the laws of the State of Oklahoma. Operators acting pursuant to this Act shall comply with the State of Oklahoma's liquor and beer laws to the extent required by 18 U.S.C. 1161. However, the Nation shall have the fullest jurisdiction allowed under the Federal laws over the sale of liquor and beer products, and related products or activities within Muscogee (Creek) Nation Indian County as defined by Federal law.

Subchapter 3. Licensing

Section 7–301. *Licensing of Liquor and Beer Outlets.* The Commission is empowered to do the following duties:

a. Administer this Act by exercising general control, management and supervision of all liquor and beer sales, places of sales and sale outlets, as well as exercising all powers necessary to accomplish the purposes of this Act; and,

b. Adopt and enforce rules and regulations in furtherance of the purposes of this Act and in the performance of its administrative functions.

Section 7–302. *National Council Approval of Liquor and/or Beer Outlet Locations.*

A. National Council Approval of Location. The National Council shall approve all Liquor and/or Beer Outlet locations located on Muscogee (Creek) Nation Indian Country as defined by Federal law by way of Tribal Resolution prior to the Commission issuing Licenses to said outlet locations.

B. National Council Location Review. The National Council may refuse to approve a Liquor and/or Beer Outlet Location located on the Muscogee (Creek) Nation Indian Country as defined by Federal law, pursuant to Section 7–302 of this Act, if the National Council has reasonable cause to believe that:

1. The proximity of the outlet has a detrimental effect upon a social or governmental institution established by the laws of the Muscogee (Creek) Nation; or

2. The outlet is within 50 feet of a residential area; or

3. There is any other reason as provided for and by Muscogee (Creek) Nation law or regulation.

Section 7–303. *Application for Liquor and/or Beer Outlet Licenses.*

A. Application. Any person twenty-one (21) years of age or older may apply to the Commission for a Liquor and/or Beer Outlet License.

B. Licensing Requirements. The person applying for said license must make a showing once a year and must satisfy the Commission that:

1. He/she is a person of good moral character;

2. He/she has never been convicted of violating any laws prohibiting the traffic in any spirituous, vinous, fermented or malt liquors, or of the gaming laws of the Nation, State of Oklahoma, any other Nation or any State of the United States;

3. He/she has never violated the laws commonly called the ''Prohibition laws,'' as defined hereunder or under any subsequent regulations; and,

4. He/she has not had any permit or license to sell alcohol, beer or liquor as provided for in § 7–105 hereof revoked by any governmental authority within the previous one (1) year.

C. *Processing Application.* The Commissioner shall receive and process applications and be the official representative of the Nation and the Commission in all matters related to the receipt of applications, liquor and beer excise tax collections and any other related matters. If the Commission or its authorized representative is satisfied that the applicant is suitable and a responsible person, the Commission or its authorized representative may issue a license for the sale of liquor and/or beer products.

D. *Application Fee.* Each application shall be accompanied by an application fee to be set by regulations of the Commission.

E. *Discretionary Licensing.* Nothing herein shall be deemed to create a duty or requirement to issue a license. Issuance of a license is discretionary based upon the Commission's determination of the best interests of the Nation. A license is a privilege, and not a property right, to sell liquor and/or beer products within the jurisdiction of the Muscogee (Creek) Nation at licensed locations, but not operate to confer on, vest in, or license any title, interest or estate in Muscogee (Creek) Nation real property.

Section 7–304. *Liquor and/or Beer Outlet Licenses.* Upon approval of an application, the Commission shall issue the applicant a liquor and/or beer license (''License'') which shall be valid for one (1) year from the date of issuance. The License shall entitle the Operator to establish and maintain only the type of outlet permitted on the license. This License shall not be transferable. The Operator must properly and publicly display the License in its place of business. The License shall be renewable at the discretion of the Commission; provided that the Operator submits an application form and application fee as provided for in Section 7–303. D. of this Act.

Section 7–305. *Other Business by Operator.* An Operator may conduct another business simultaneously with managing a Liquor and/or Beer Outlet; provided if such other business is in any manner affiliated or related to the Liquor and/or Beer Outlet and is not regulated by another entity of the Nation

it must be approved by the Commission prior to the initiation. Said other business may be conducted on same premise as a Liquor and/or Beer Outlet, but the Operator shall be required to maintain separate account books for the other business.

Section 7–306. *Revocation of Operator's License.*

A. Failure of an Operator to abide by the requirements of this Act and any additional regulations or requirements imposed by the Commission shall constitute grounds for revocation of the Operator's License as well as enforcement of the penalties provided for in Section 7–701 of this Act.

B. Upon determining that any person licensed by the Nation to sell liquor and/or beer is for any reason no longer qualified to hold such license or reasonably appears to have violated any terms of this license or Muscogee (Creek) Nation regulations, including failure to pay taxes when due and owing, or have been found by any forum of competent jurisdiction, including the Commission, to have violated the terms of the Nation's or the State of Oklahoma's license or of any provision of this Act, the Commissioner shall immediately serve written notice upon the Operator that he/she must show cause within ten (10) days as to why his/her license should not be revoked or restricted. The notice shall state the grounds relied upon for the proposed revocation or restriction.

C. If the Operator fails to respond to the notice within ten (10) days of service, the Commissioner may issue an Order revoking the License as the Commissioner deems appropriate, effective immediately. The Operator may within the ten (10)-day period file with the Commission a written response and request for hearing before the Commission.

D. At the hearing, the Operator may present evidence and argument directed at the issue of whether or not the asserted grounds for the proposed revocation or restriction are in fact true, and whether such grounds justify the revocation or modifications of the License. The Nation may present evidence as it deems appropriate.

E. The Commission, after considering all of the evidence and arguments, shall issue a written decision either upholding the License, revoking the License or imposing some lesser penalty (such as temporary suspension or fine), and such decision shall be final and conclusive with regard to the Commission.

F. The Commission's final decision may be appealed by the Operator to the Muscogee (Creek) Nation District Court. Any findings of fact of the Commission are conclusive upon the District Court. The purposes of the District Court review are not to substitute the Court's finding of facts or opinion for the Commission's, but to guarantee due process of law. If the District Court should rule for the appealing party, the District Court may order a new hearing giving such guidance for the conduct of such as it deems necessary for a fair hearing. In the event a party is unsuccessful before the District Court, they may exercise such appeal rights as available before the Muscogee (Creek) Nation Supreme Court. No damages or monies may be awarded against the Commission, its members nor the Nation, and its agents, officers and employees in such an action.

Section 7–307. *Discretionary Review.* The Commission may refuse to grant a License for the sale of liquor and/or beer products, if the Commission has reasonable cause to believe that the License required by this Act has been obtained by fraud or misrepresentation. The Commission upon proof that said License was so obtained shall upon hearing revoke the same, and all funds paid therefore shall be forfeited.

Subchapter 4. Liquor and Beer Sales and Transportation

Section 7–401. *Sales by Liquor and Beer Wholesalers and Transport of Liquor and Beer upon Muscogee (Creek) Nation Indian Country.*

A. *Right of Commission to Scrutinize Suppliers.* The Operator of any licensed outlet shall keep the Commission informed, in writing, of the identity of the suppliers and/or wholesalers who supply or are expected to supply liquor and/or beer products to the outlet(s). The Commission may, at its discretion, limit or prohibit the purchase of said products from a supplier or wholesaler for the following reasons: non-payment of Muscogee (Creek) Nation taxes, bad business practices, or sale of unhealthy supplies. A ten (10)-day notice of stopping purchases (''Stop Purchase Order'') shall be given by the Commission whenever purchases from a supplier or wholesaler are to be discontinued unless there is a health emergency, in which case the Stop Purchase Order may take effect immediately.

B. *Freedom of Information from Suppliers/Wholesalers.* Operators shall in their purchase of stock and in their business relations with suppliers and wholesalers cooperate with and assist in the free flow of information and data to the Commission from suppliers and wholesalers relating to the sales and business arrangements between suppliers and Operators. The Commission may, at its discretion, require the receipts from the suppliers of all invoices, bills of lading, billings or documentary receipts of sales to the Operators. All records shall be kept according to Section 7–402. G. of this Act.

Section 7–402. *Sales by Retail Operators; Wholesalers/Operators Records.*

A. *Commission Regulations.* The Commission shall adopt regulations that shall supplement this Act and facilitate their enforcement. These regulations shall include prohibitions on sales to minors, where liquor and/or beer may be consumed, persons not allowed to purchase liquor and/or beer, hours and days when outlets may be open for business and any other appropriate matters and controls.

B. *Sales to Minors.* No person shall give, sell or otherwise supply any liquor and/or beer to any person under the age of twenty-one (21) years of age either for his or her own use or for the use of any other person.

C. *Consumption of Liquor and/or Beer upon Licensed Premises.* No Operator shall permit any person to open or consume liquor and/or beer on his/her premises and in his/her control unless the Commission allows the consumption of liquor and/or beer and identifies where liquor and/or beer may be consumed on Muscogee (Creek) Indian Country as defined by Federal law.

D. Conduct on Licensed Premises.

1. No Operator shall be disorderly, boisterous or intoxicated on the licensed premises or any public premises adjacent thereto which are under his/her control, nor shall he/she permit disorderly, boisterous or intoxicated person to be thereon; nor shall he/she use or allow the use of profane or vulgar language thereon.

2. No Operator shall permit suggestive, lewd or obscene conduct or acts on his/her premises. For the purpose of this section, suggestive, lewd or obscene conduct or acts shall be those conduct or acts identified as such by Federal, State of Oklahoma and/or the laws of the Nation.

E. *Employment of Minors.* No person under the age of twenty-one (21) years of age shall be employed in any service in connection with the sale or handling of liquor or beer, either on a paid or voluntary basis.

F. *Operator's Premises Open to Commission Inspection.* The premises of all Operators, including vehicles used in connection with liquor and/or beer sales, shall be open during business

hours and at all reasonable times to inspection by the Commission.

G. *Wholesaler's/Operator's Records*. The originals or copies of all sales slips, invoices and other memoranda covering all purchases of liquor and/or beer by the Operator or Wholesaler shall be kept on file in the retail premises of the Operator or Wholesaler purchasing the sales at least five (5) years after each purchase and shall be filed separately and kept apart from all other records, and as nearly as possible, shall be filed in consecutive order and each month's records kept separate so as to render the same readily available for inspection and checking. All cancelled checks, bank statements, and books of accounting, covering and involving the purchase of liquor and/or beer and all memoranda, if any, showing payment of money for liquor and/or beer other than by check shall be likewise preserved for availability for inspection and checking.

H. *Records Confidential*. All records of the Commission showing the purchase of liquor by any individual or group shall be confidential and shall not be inspected except by members of the Commission or the Nation's Attorney General's Office.

Section 7–403. *Transportation Through Muscogee (Creek) Nation Indian Country Not Affected*. Nothing herein shall pertain to the otherwise lawful transportation of liquor and/or beer through the Muscogee (Creek) Nation Indian Country as defined by Federal law by persons remaining upon public roads and highways and where such beverages are not delivered, sold or offered for sale to anyone within the Muscogee (Creek) Nation Indian Country as defined by Federal law.

Subchapter 5. Taxation and Audits

Section 7–501. *Excise Tax Imposed Upon Distribution of Liquor and/or Beer and Use of Such Tax*.

A. *General Taxation Authority*. The Commission shall have the authority to assess and collect tax on the sale of liquor and/or beer products to the purchaser or consumer. This tax shall be collected and paid to the Commission upon all liquor and/or beer products sold within the jurisdiction of the Nation. The Nation does hereby establish such a rate of six percent (6%) and may establish differing rates for any given class of merchandise, which shall be paid prior to the time of retail sale and delivery thereof.

B. Added to Retail Price. An excise tax to be set by the Muscogee (Creek) Nation on the wholesale price shall be added to the retail selling price of liquor and/or beer products to be sold to the ultimate consumer or purchaser in the amount of six percent (6%). All taxes paid pursuant to this Act shall be conclusively presumed to be direct taxes on the retail consumer pre-collected for the purpose of convenience and facility.

C. Tax Stamp. Within seventy-two (72) hours after receipt of any liquor and/or beer products by any wholesaler or retailer subject to this Act, a Muscogee (Creek) Nation tax stamp shall be securely affixed thereto denoting the Muscogee (Creek) Nation tax thereon. Retailers or sellers of liquor and/or beer products within the Nation's jurisdiction may buy and sell or have in their possession only liquor and/or beer products which have the Muscogee (Creek) Nation tax stamp affixed to each package.

D. *Use of Tax Revenue*. Of the 6% excise tax imposed and levied hereunder, 1% shall be earmarked for expenditure on the establishment and maintenance of drug and alcohol prevention and treatment programs within the jurisdictional boundaries of the Muscogee (Creek) Nation, 1% shall be deposited in the Nation's Capital Improvements Fund Account; and the remaining 4% shall be transferred to the Muscogee (Creek) Nation Controller for deposit in to the General Fund and shall be available for appropriation by the National Council for essential government functions and/or services.

Section 7–502. *Audits and Inspections*.

A. Inspections. All of the books and other business records of the Outlet shall be available for inspection and audit by the Commission or its authorized representative during normal business hours and at all other reasonable times, as may be requested by the Commission.

B. Bond for Excise Tax. The excise tax together with reports on forms to be supplied by the Commission shall be remitted to the Commission on a monthly basis unless otherwise specified in writing by the Commission. The Operator shall furnish a satisfactory bond to the Commission in an amount to be specified by the Commission guaranteeing his or her payment of excise taxes.

Subchapter 6. Liability, Insurance and Sovereign Immunity

Section 7–601. *Liability for Bills*. The Muscogee (Creek) Nation and the Commission shall have no legal responsibility for any unpaid bills owed by a Liquor and/or Beer Outlet to a wholesaler, supplier, or any other person.

Section 7–602. *Muscogee (Creek) Nation Liability and Credit*.

A. Liability. Unless explicitly authorized by Muscogee (Creek) Nation statute or regulation, Operators are forbidden to represent or give the impression to any supplier or person with whom he or she does business that he or she is an official representative of the Nation or the Commission authorized to pledge Muscogee (Creek) Nation credit or financial responsibility for any of the expenses of his or her business operation. The Operator shall hold the Nation harmless from all claims and liability of whatever nature. The Commission shall revoke an Operator's outlet license(s) if said outlet(s) is not operated in a businesslike manner or if it does not remain financially solvent or does not pay its operating expenses and bills before they become delinquent.

B. Insurance. The Operator shall maintain at his or her own expense adequate insurance covering liability, fire, theft, vandalism and other insurable risks. The Commission may establish as a condition of any license, the required insurance limits and any additional coverage deemed advisable, proof of which shall be filed with the Commission.

Section 7–603. *Sovereign Immunity*. Nothing in this Act shall be construed as a waiver or a limitation of the sovereign immunity of the Muscogee (Creek) Nation or its agencies, nor their officers or employees. To the fullest extent possible, the Muscogee (Creek) Nation expressly retains its sovereign immunity for the purposes of enactment of this Act.

Subchapter 7. Enforcement

Section 7–701. *Violations and Penalties*. Any person who violates this Act or elicits, encourages, directs, or causes to be violated this Act, or Acts in support of this Act, or regulations of the Commission shall be guilty of an offense and subject to fine. Failure to have a current, valid or proper license shall not constitute a defense to an alleged violation of the licensing laws and/or regulations. The judicial system of the Muscogee (Creek) Nation shall have exclusive jurisdiction over said proceeding(s).

A. Any Indian person convicted of committing any violation of this Act shall be subject to punishment of up to one (1) year imprisonment and/or a fine not to exceed Five Thousand Dollars ($5,000).

B. Additionally, any person upon committing any violation of any provision of this Act may be subject to civil action for trespass and upon having been determined by the Muscogee (Creek) Nation District Court

to have committed said violation, shall be found to have trespassed upon the lands of the Nation and shall be assessed such damages as the Muscogee (Creek) Nation District Court system deems appropriate in the circumstances.

C. Any person suspected or having violated any provision of this Act shall, in addition to any other penalty imposed hereunder, be required to surrender any liquor and/or beer products in the person's possession to the officer making the complaint. The surrendered beverages, if previously unopened, shall only be returned upon a finding by the Muscogee (Creek) Nation District Court, after trial or proper judicial proceeding, that the individual committed no violation of this Act.

D. Any Operator who violates the provisions set forth herein shall forfeit all of the remaining stock in the outlet(s). The Commission shall be empowered to seize forfeited products.

E. Any stock, goods or other items subject to this Act that have not been registered, licensed or taxes paid shall be contraband and subject to immediate confiscation by the Commission or its employees or agents; provided that within fifteen (15) days of the seizure the Commission shall cause to be filed an action against such property alleging the reason for the seizure or confiscation and upon proof, the Muscogee (Creek) Nation District Court shall order the property forfeited and vested with the Nation.

SECTION TWO. *REPEALER*. Any and all previous liquor and beer Acts of the Muscogee (Creek) Nation are hereby repealed, any Acts in direct conflict with this Act are hereby impliedly repealed, and this Act shall have the full force and effect as Muscogee (Creek) Nation.

SECTION THREE. *EFFECTIVE DATE*. This Act shall become effective upon publication by the United States Department of the Interior's certification notice in the **Federal Register**.

[FR Doc. E8–5627 Filed 3–19–08; 8:45 am]

BILLING CODE 4310–4J–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AA–6681–B, AA–6681–C, AA–6681–D, AA–6681–E, AA–6681–A2; AK–964–1410–KC–P]

Alaska Native Claims Selection

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of decision approving lands for conveyance.

SUMMARY: As required by 43 CFR 2650.7(d), notice is hereby given that an appealable decision approving lands for conveyance pursuant to the Alaska Native Claims Settlement Act will be issued to Nelson Lagoon Corporation. The lands are in the vicinity of Nelson Lagoon, Alaska, and are located in:

U.S. Survey No. 499, Alaska.
Containing 5.51 acres.

Seward Meridian, Alaska

T. 49 S., R. 76 W.,
Secs. 19, 20, and 29;
Secs. 30, 31, and 32.
Containing 3,757.07 acres.

T. 50 S., R. 78 W.,
Secs. 1, 2, and 3;
Secs. 11, 12 and 13.
Containing 3,520.20 acres.

T. 47 S., R. 68 W., (unsurveyed)
Secs. 3 to 11, inclusive;
Secs. 14 to 18, inclusive;
Secs. 21, 22, and 23;
Secs. 27 and 34.
Containing approximately 11,056 acres.
Aggregating approximately 18,339 acres.

The subsurface estate in these lands will be conveyed to The Aleut Corporation when the surface estate is conveyed to Nelson Lagoon Corporation. Notice of the decision will also be published four times in the Anchorage Daily News.

DATES: The time limits for filing an appeal are:

1. Any party claiming a property interest which is adversely affected by the decision shall have until April 21, 2008 to file an appeal.

2. Parties receiving service of the decision by certified mail shall have 30 days from the date of receipt to file an appeal.

Parties who do not file an appeal in accordance with the requirements of 43 CFR part 4, subpart E, shall be deemed to have waived their rights.

ADDRESSES: A copy of the decision may be obtained from: Bureau of Land Management, Alaska State Office, 222 West Seventh Avenue, #13, Anchorage, Alaska 99513–7504.

FOR FURTHER INFORMATION CONTACT: The Bureau of Land Management by phone at 907–271–5960, or by e-mail at *ak.blm.conveyance@ak.blm.gov.* Persons who use a telecommunication device (TTD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8330, 24 hours a day, seven days a week, to contact the Bureau of Land Management.

Hillary Woods,

Land Law Examiner, Land Transfer Adjudication I.

[FR Doc. E8–5629 Filed 3–19–08; 8:45 am]

BILLING CODE 4310–$$–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR–030–1020–PG; HAG 08–0063]

Meeting Notice for the John Day/Snake Resource Advisory Council

AGENCY: Bureau of Land Management (BLM), Vale District.

SUMMARY: The John Day/Snake Resource Advisory Council (JDSRAC) meeting is scheduled for April 4, 2008, in Pendleton, Oregon.

The John Day/Snake Resource Advisory Council meeting is scheduled for April 4, 2008. The meeting will take place at the Oxford Suites, 2400 SW Court, Pendleton, OR from 8 a.m. to 4 p.m. The meeting may include such topics as Forest and Resource Management Planning, Salmon Recovery, Transportation Planning, and other matters as may reasonably come before the council.

The meeting is open to the public. Public comment is scheduled for 1 p.m. to 1:15 p.m. (Pacific Time) April 4, 2008. For a copy of the information to be distributed to the Council members, please submit a written request to the Vale District Office 10 days prior to the meeting.

FOR FURTHER INFORMATION CONTACT: Additional information concerning the John Day/Snake Resource Advisory Council may be obtained from Mark Wilkening, Public Affairs Officer, Vale District Office, 100 Oregon Street, Vale, Oregon 97918, (541) 473–6218 or e-mail *mark_wilkening@blm.gov*.

Dated: February 27, 2008.

David R. Henderson,

District Manager.

[FR Doc. E8–5638 Filed 3–19–08; 8:45 am]

BILLING CODE 4310–33–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

DEPARTMENT OF AGRICULTURE

Forest Service

Notice of Call for Nominations for Appointment of Primary and Alternate Representatives, Santa Rosa and San Jacinto Mountains National Monument Advisory Committee

AGENCIES: Bureau of Land Management, U.S. Department of the Interior; and Forest Service, U.S. Department of Agriculture.

ACTION: Notice of call for nominations for appointment or reappointment of

primary representatives, and appointment of alternate representatives to occupy various positions on the Santa Rosa and San Jacinto Mountains National Monument Advisory Committee.

SUMMARY: This notice constitutes an open call to the public to submit nomination applications for the following positions on the Santa Rosa and San Jacinto Mountains National Monument Advisory Committee:

Primary Representatives

- Representative of the City of Indian Wells; term will begin on date of appointment and expire July 21, 2009.
- Representative of the Winter Park Authority; term will begin on date of appointment and expire July 21, 2009.
- Representative of a local developer or builder organization; term will begin on date of appointment and expire March 16, 2010.
- Representative of the City of Rancho Mirage; term will begin December 16, 2008 and expire December 16, 2011.
- Representative of the City of Palm Desert; term will begin December 16, 2008 and expire December 16, 2011.
- Representative of the Agua Caliente Band of Cahuilla Indians; term will begin December 16, 2008 and expire December 16, 2011.
- Representative with expertise in natural science and research from a regional college or university; term will begin December 16, 2008 and expire December 16, 2011.
- Representative of the Pinyon Community Council; term will begin December 16, 2008 and expire December 16, 2011.

Alternate Representatives

- Alternate representative of the City of Indian Wells; term will begin on date of appointment and expire July 21, 2009.
- Alternate representative of the Winter Park Authority; term will begin on date of appointment and expire July 21, 2009.
- Alternate representative of the City of Cathedral City; term will begin on date of appointment and expire July 21, 2009.
- Alternate representative of the Coachella Valley Mountains Conservancy; term will begin on date of appointment and expire July 21, 2009.
- Alternate representative of the County of Riverside; term will begin on date of appointment and expire July 21, 2009.
- Alternate representative of the City of Palm Springs; term will begin on date of appointment and expire March 16, 2010.
- Alternate representative of a local developer or builder organization; term will begin on date of appointment and expire March 16, 2010.
- Alternate representative of the City of La Quinta; term will begin on date of appointment and expire March 16, 2010.
- Alternate representative of the California Department of Fish and Game or the California Department of Parks and Recreation; term will begin on date of appointment and expire March 16, 2010.
- Alternate representative of a local conservation organization; term will begin on date of appointment and expire March 16, 2010.
- Alternate representative of the City of Rancho Mirage; term will begin December 16, 2008 and expire December 16, 2011.
- Alternate representative of the City of Palm Desert; term will begin December 16, 2008 and expire December 16, 2011.
- Alternate representative of the Agua Caliente Band of Cahuilla Indians; term will begin December 16, 2008 and expire December 16, 2011.
- Alternate representative with expertise in natural science and research from a regional college or university; term will begin December 16, 2008 and expire December 16, 2011.
- Alternate representative of the Pinyon Community Council; term will begin December 16, 2008 and expire December 16, 2011.

DATES: Nomination applications must be submitted to the address listed below no later than 90 days after the date of publication of this notice in the **Federal Register**.

ADDRESSES: Santa Rosa and San Jacinto Mountains National Monument, c/o Bureau of Land Management, Palm Springs-South Coast Field Office, Attn: National Monument Manager, Advisory Committee Nomination Application, P.O. Box 581260, North Palm Springs, California 92258–1260.

FOR FURTHER INFORMATION CONTACT: Jim Foote, Monument Manager, Santa Rosa and San Jacinto Mountains National Monument, telephone (760) 251–4836; facsimile message (760) 251–4899; e-mail *jfoote@ca.blm.gov*.

SUPPLEMENTARY INFORMATION: In accordance with the Santa Rosa and San Jacinto Mountains National Monument Act of 2000 (Pub. L. 106–351), the Secretary of the Interior and the Secretary of Agriculture have jointly established an advisory committee for the Santa Rosa and San Jacinto Mountains National Monument under the provisions of the Federal Advisory Committee Act. The purpose of the National Monument Advisory Committee (MAC) is to advise the Secretaries with respect to preparation and implementation of the National Monument Management Plan.

The MAC holds public meetings several times throughout the year. The Designated Federal Official (DFO), or his/her designee, may convene additional meetings as necessary. All MAC members are volunteers serving without pay, but will be reimbursed for travel and per diem expenses at the current rates for government employees in accordance with 5 U.S.C. 5703, when appropriate. Members of the MAC may be reappointed upon expiration of the member's current term.

All applicants must be citizens of the United States. Members are appointed by the Secretary of the Interior with concurrence by the Secretary of Agriculture. Applicants must be qualified through education, training, knowledge, or experience to give informed advice regarding an industry, discipline, or interest to be represented.

There is no limit to the number of nomination applications which may be submitted for each open position. Current MAC appointees may submit an updated nomination application for reappointment. Any individual may nominate himself or herself for appointment. Completed nomination applications should include letters of reference and/or recommendations from the represented interests or organizations, and any other information explaining the nominee's qualifications (e.g., resume, curriculum vitae).

Nomination application packages are available at the Bureau of Land Management Palm Springs-South Coast Field Office, 690 West Garnet Avenue, North Palm Springs, California; through the Santa Rosa and San Jacinto Mountains National Monument Web page at *http://www.blm.gov/ca/st/en/fo/palmsprings/santarosa/mac_nominations.html*; via telephone request at (760) 251–4800, or facsimile message at (760) 251–4899; by written request from the Santa Rosa and San Jacinto Mountains National Monument Manager at the following address: Santa Rosa and San Jacinto Mountains National Monument, c/o Bureau of Land Management, Palm Springs-South Coast Field Office, Attn: National Monument Manager, Advisory Committee Nomination Application Request, P.O. Box 581260, North Palm Springs, California 92258–1260; or through an e-mail request at *jfoote@ca.blm.gov*.

Each application package includes forms from the U.S. Department of the Interior and U.S. Department of Agriculture. All submitted nomination applications become the property of the Department of the Interior, Bureau of Land Management, Santa Rosa and San Jacinto Mountains National Monument, and will not be returned. Nomination applications are good only for the current open public call for nominations.

Dated: January 10, 2008.

John R. Kalish,

Field Manager, Palm Springs-South Coast Field Office, California Desert District, Bureau of Land Management.

Dated: January 10, 2008.

Laurie Rosenthal,

District Ranger, San Jacinto Ranger District, San Bernardino National Forest, U.S. Forest Service.

[FR Doc. E8–5654 Filed 3–19–08; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY–923–1310–FI; WYW133637]

Wyoming: Notice of Proposed Reinstatement of Terminated Oil and Gas Lease

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Proposed Reinstatement of Terminated Oil and Gas Lease.

SUMMARY: Under the provisions of 30 U.S.C. 188(d) and (e), and 43 CFR 3108.2–3(a) and (b)(1), the Bureau of Land Management (BLM) received a petition for reinstatement from CBM Gas Company, L.L.C. and Pioneer Oil and Gas for competitive oil and gas lease WYW133637 for land in Johnson County, Wyoming. The petition was filed on time and was accompanied by all the rentals due since the date the lease terminated under the law.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management, Pamela J. Lewis, Chief, Branch of Fluid Minerals Adjudication, at (307) 775–6176.

SUPPLEMENTARY INFORMATION: The lessees have agreed to the amended lease terms for rentals and royalties at rates of $10.00 per acre, or fraction thereof, per year and 16⅔ percent, respectively. The lessees have paid the required $500 administrative fee and $163 to reimburse the Department for the cost of this **Federal Register** notice. The lessees have met all the requirements for reinstatement of the lease as set out in Sections 31(d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate lease WYW133637 effective October 1, 2007, under the original terms and conditions of the lease and the increased rental and royalty rates cited above. BLM has not issued a valid lease affecting the lands.

Pamela J. Lewis,

Chief, Branch of Fluid Minerals Adjudication.

[FR Doc. E8–5622 Filed 3–19–08; 8:45 am]

BILLING CODE 4310–22–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY–923–1310–FI; WYW137035]

Wyoming: Notice of Proposed Reinstatement of Terminated Oil and Gas Lease

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Proposed Reinstatement of Terminated Oil and Gas Lease.

SUMMARY: Under the provisions of 30 U.S.C. 188(d) and (e), and 43 CFR 3108.2–3(a) and (b)(1), the Bureau of Land Management (BLM) received a petition for reinstatement from CBM Gas Company, L.L.C. and Pioneer Oil and Gas for competitive oil and gas lease WYW137035 for land in Johnson County, Wyoming. The petition was filed on time and was accompanied by all the rentals due since the date the lease terminated under the law.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management, Pamela J. Lewis, Chief, Branch of Fluid Minerals Adjudication, at (307) 775–6176.

SUPPLEMENTARY INFORMATION: The lessees have agreed to the amended lease terms for rentals and royalties at rates of $5.00 per acre, or fraction thereof, per year and 16⅔ percent, respectively. The lessees have paid the required $500 administrative fee and $163 to reimburse the Department for the cost of this **Federal Register** notice. The lessees have met all the requirements for reinstatement of the lease as set out in Sections 31(d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate lease WYW137035 effective September 1, 2007, under the original terms and conditions of the lease and the increased rental and royalty rates cited above. BLM has not issued a valid lease affecting the lands.

Pamela J. Lewis,

Chief, Branch of Fluid Minerals Adjudication.

[FR Doc. E8–5623 Filed 3–19–08; 8:45 am]

BILLING CODE 4310–22–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–603]

In the Matter of: Certain DVD Players and Recorders and Certain Products Containing Same; Notice of a Corrected Limited Exclusion Order

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has issued a corrected limited exclusion order in the above-captioned investigation. The corrected order adds language, inadvertently left out of the previous order, noting that products of Dongguan GVG Digital Products Ltd. and GVG Digital Technology Holdings Ltd. (collectively, the ''GVG respondents'') that practice the method of claim 16 of the U.S. Patent No. 5,870,523 (''the '523 patent'') are excluded from entry.

FOR FURTHER INFORMATION CONTACT: Paul M. Bartkowski, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 708–5432. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205–2000. General information concerning the Commission may also be obtained by accessing its Internet server (*http://www.usitc.gov*). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov*. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: This investigation was instituted on May 8, 2007, based on a complaint filed by Toshiba Corporation of Tokyo, Japan and Toshiba America Consumer Products, L.L.C., of Wayne, New Jersey (collectively, ''Toshiba''). The

complaint, as supplemented, alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. **1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain DVD players and recorders and certain products containing the same by reason of infringement of claims 6 and 7 of U.S. Patent No. 5,587,991, claims 16 and 31 of the '523 patent, and claim 4 of U.S. Patent No. 5,956,306. The complaint named over a dozen respondents, including the GVG respondents.

Each respondent has been terminated from the investigation on the basis of settlement, consent order, or, in the case of the GVG respondents, default. Because the GVG respondents were found in default, and thus subject to a limited exclusion order under section 337(g)(1), 19 U.S.C. 1337(g)(1), the Commission requested briefing from interested parties on remedy, the public interest, and bonding on December 17, 2007.

On February 15, 2008, the Commission issued a limited exclusion order prohibiting the unlicensed entry of certain DVD players and recorders and products containing same by reason of infringement of claims 6 and 7 of U.S. Patent No. 5,587,991, claim 31 of the '523 patent, and claim 4 of U.S. Patent No. 5,956,306, and that are manufactured abroad by or on behalf of, or imported by or on behalf of, the GVG respondents. The Commission's order was delivered to the President and the United States Trade Representative on the day of its issuance.

Under section 337(g)(1), 19 U.S.C. 1337 (g)(1), in the case of a defaulting respondent, the Commission presumes facts alleged in the complaint to be true. Accordingly, method claim 16 of the '523 patent should have been included in the limited exclusion order. The inclusion of method claim 16 will not broaden the scope of products covered by the exclusion order. Rather, it will merely provide an additional basis for exclusion of the products already covered by the order.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and § 210.16(c) of the Commission's Rules of Practice and Procedure (19 CFR 210.16(c)).

By order of the Commission.

Issued: March 14, 2008.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. E8–5609 Filed 3–19–08; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Inv. No. 337–TA–596]

In the Matter of: Certain GPS Chips, Associated Software and Systems, and Products Containing Same; Notice of Commission Determination Not To Review ALJ Order No. 36 Granting in Part Complainant's Motion for Summary Determination That the Importation Requirements of 19 U.S.C. 1337 Have Been Met

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (''ID'') (Order No. 36) of the presiding administrative law judge (''ALJ'') granting in part complainant's motion for summary determination that the importation requirements of 19 U.S.C. 1337(a)(1)(B) have been met in the above-captioned investigation.

FOR FURTHER INFORMATION CONTACT: Eric Frahm, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone 202–205–3152. Copies of the ID and all other nonconfidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E. Street, SW., Washington, DC 20436, telephone 202–205–2000. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810. General information concerning the Commission may also be obtained by accessing its Internet server (*http://www.usitc.gov*). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at: *http://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION: On March 13, 2007, the Commission instituted an investigation under section 337 of the Tariff Act of 1930, 19 U.S.C. 1337, based on a complaint filed by SiRF Technology, Inc. of San Jose, California (''SiRF''), alleging a violation of section 337 in the importation, sale for importation, and sale within the United States after importation of certain GPS chips, associated software and systems, and products containing same by reason of infringement of certain claims of U.S. Patent Nos. 6,304,216; 7,043,363; 7,091,904 (''the '904 patent''); and 7,132,980. 72 FR 11378 (Mar. 13, 2007). The complainant named Global Locate, Inc. of San Jose, California (''Global Locate'') as respondent. The complaint and notice of investigation were later amended to include one additional claim of the '904 patent. Subsequently, the investigation was terminated with respect to the '904 patent and certain other asserted claims of the remaining patents. The complaint and notice of investigation were also amended to add Broadcom, Inc. as a respondent to the investigation.

On February 1, 2008, complainant SiRF moved for summary determination that the importation requirements of 19 U.S.C. 1337(a)(1)(B) have been met. On February 15, 2008, Global Locate opposed SiRF's motion, and the Commission investigative attorney supported SiRF's motion in part.

On February 26, 2008, the ALJ issued the subject ID granting complainant's motion in part. No party petitioned for review of the ID, and the Commission has determined not to review the ID.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in section 210.42(h) of the Commission's Rules of Practice and Procedure (19 CFR 210.42(h)).

By order of the Commission.

Issued: March 13, 2008.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. E8–5613 Filed 3–19–08; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–598]

In the Matter of Certain Unified Communications Systems, Products Used With Such Systems, and Components Thereof; Notice of Commission Decision To Review-In-Part a Final Initial Determination Finding a Violation of Section 337

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to review-in-part a final initial determination (''ID'') of the presiding administrative law judge (''ALJ'') finding a violation of section 337 in the above-captioned investigation.

FOR FURTHER INFORMATION CONTACT: Clint Gerdine, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 708–5468. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205–2000. General information concerning the Commission may also be obtained by accessing its Internet server at *http://www.usitc.gov*. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov*. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on March 26, 2007, based on a complaint filed by Microsoft Corporation (''Microsoft'') of Redmond, Washington. 72 FR 14138–9. The complaint, as amended and supplemented, alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain unified communications systems, products used with such systems, and components thereof by reason of infringement of certain claims of U.S. Patent Nos. 6,421,439 (''the '439 patent''); 6,430,289; 6,263,064 (''the '064 patent''); and 6,728,357. The complaint further alleges the existence of a domestic industry. The Commission's notice of investigation named Alcatel-Lucent (''ALE'') of Paris, France as the only respondent.

On April 20, 2007, Microsoft moved to amend the complaint to: (1) Substitute Alcatel Business Systems for Alcatel-Lucent as respondent in this investigation, and (2) add allegations of infringement of claims 8, 28, 38, and 48 of the '439 patent, and claim 20 of the '064 patent. Respondent and the Commission investigative attorney (''IA'') did not oppose the motion.

On May 17 and September 20, 2007, respectively, the Commission determined not to review IDs, issued by the presiding ALJ, granting Microsoft's motions to amend the complaint and to terminate the investigation in part based on Microsoft's withdrawal of certain claims. On October 23 and October 26, 2007, respectively, the Commission determined not to review IDs, issued by the presiding ALJ, granting Microsoft's motion to terminate the investigation in part based on Microsoft's withdrawal of certain claims and granting ALE's motion to amend the complaint.

On January 28, 2008, the ALJ issued his final ID and recommended determinations on remedy and bonding. The ALJ found a violation of section 337 based on his findings that the respondent's accused products infringe one or more of the asserted claims of the patents at issue. On February 11, 2008, all parties, including the IA, filed petitions for review of the final ID. On February 19, 2008, all parties filed responses to the petitions for review.

Upon considering the parties' filings, the Commission has determined to review-in-part the ID. Specifically, with respect to the '439 patent, the Commission has determined to review: (1) The ALJ's construction of the claim term ''current activity of subscribers on the computer network''; (2) the ALJ's determination that ALE's OXE system directly and indirectly infringes the '439 patent; (3) the ALJ's determination that ALE's OXO system does not infringe the '439 patent; (4) the ALJ's determination that claims 1 and 28 of the '439 patent are not invalid in view of U.S. Patent No. 6,041,114 (''the '114 patent'') or U.S. Patent No. 5,652,789 (''the '789 patent''); (5) the ALJ's determination that claim 38 of the '439 patent is invalid in view of the '114 patent; and (6) the ALJ's determination that claim 38 is not invalid in view of the '789 patent. The Commission has determined not to review the remainder of the ID, or ALJ Order No. 14 for which review was also sought.

On review, with respect to violation, the parties are requested to submit briefing limited to the following issues:

(1) The ALJ's finding that the ''current activity of the user on the computer network'' as found in the '439 patent ''can consist of both user-selected indicators based on user activity (e.g., 'conditional processing' as per the '439 specification) and the transfer of data between the computer and telephone networks while the user is engaged in a VoIP phone call'' (ID at 47), and the implications of this finding for the infringement and invalidity analyses;

(2) What is the exact demarcation between the '439 patent claim terms ''telephone network'' and ''computer network'' as it relates to claim construction, invalidity using the '114 and '789 patents, and the infringement analysis for a Voice-over-IP (VoIP) communication system;

(3) Whether the PBX and telecommute server of the '114 patent, functioning together, can be considered to disclose the ''network access port'' and ''controller'' limitations of claim 1 of the '439 patent to anticipate this claim;

(4) To what extent, if any, does anticipation of claims 1 and 28 of the '439 patent depend on a finding that the claim limitations are inherently disclosed by the '114 and '789 patents; and

(5) Please comment on Microsoft's argument that the ALJ, when construing the term ''current activity'' to mean ''either the status of the user or subscriber at the present time or the most recent status of a user or subscriber,'' did so in a manner inconsistent with Federal Circuit precedent. Complainant Microsoft's Contingent Petition for Review at 9. In addressing this argument, please address *Free Motion Fitness, Inc.* v. *Cybex Int'l, Inc.*, 423 F.3d 1343 (Fed. Cir. 2005) (''[u]nder *Phillips,* the rule that 'a court will give a claim term the full range of its ordinary meaning,' * * * does not mean that the term will presumptively receive its broadest dictionary definition or the aggregate of multiple dictionary definitions * * *'')) and *Impax Labs, Inc.* v. *Aventis Pharms, Inc.* 468 F.3d 1368, 1374 (Fed. Cir. 2006) (''claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term its broadest reasonable construction consistent with the specification'').

In addressing these issues, the parties are requested to make specific reference to the evidentiary record and to cite relevant authority.

In connection with the final disposition of this investigation, the Commission may issue an order that results in the exclusion of the subject articles from entry into the United States. Accordingly, the Commission is interested in receiving written submissions that address the form of remedy, if any, that should be ordered. If a party seeks exclusion of an article from entry into the United States for purposes other than entry for consumption, the party should so indicate and provide information establishing that activities involving other types of entry either are adversely affecting it or likely to do so. For background, *see In the Matter of Certain Devices for Connecting Computers via Telephone Lines,* Inv. No. 337–TA–360, USITC Pub. No. 2843 (December 1994) (Commission Opinion).

When the Commission contemplates some form of remedy, it must consider the effects of that remedy upon the public interest. The factors the

Commission will consider include the effect that an exclusion order and/or cease and desist orders would have on (1) The public health and welfare, (2) competitive conditions in the U.S. economy, (3) U.S. production of articles that are like or directly competitive with those that are subject to investigation, and (4) U.S. consumers. The Commission is therefore interested in receiving written submissions that address the aforementioned public interest factors in the context of this investigation.

When the Commission orders some form of remedy, the U.S. Trade Representative, as delegated by the President, has 60 days to approve or disapprove the Commission's action. *See* Presidential Memorandum of July 21, 2005, 70 FR 43251 (July 26, 2005). During this period, the subject articles would be entitled to enter the United States under bond, in an amount determined by the Commission and prescribed by the Secretary of the Treasury. The Commission is therefore interested in receiving submissions concerning the amount of the bond that should be imposed if a remedy is ordered.

Written Submissions: The written submissions mentioned above should be concise and thoroughly referenced to the record in this investigation. Also, parties to the investigation, interested government agencies, and any other interested parties are encouraged to file written submissions on the issues of remedy, the public interest, and bonding, and such submissions should address the recommended determination by the ALJ on remedy and bonding. The complainant and the Commission investigative attorney are also requested to submit proposed remedial orders for the Commission's consideration. Complainants are also requested to state the dates that the patents at issue expire and the HTSUS numbers under which the accused products are imported. All of the written submissions and proposed remedial orders must be filed no later than close of business on March 24, 2008. Reply submissions must be filed no later than the close of business on March 31. No further submissions on these issues will be permitted unless otherwise ordered by the Commission.

Persons filing written submissions must file the original document and 12 true copies thereof on or before the deadlines stated above with the Office of the Secretary. Any person desiring to submit a document to the Commission in confidence must request confidential treatment unless the information has already been granted such treatment during the proceedings. All such requests should be directed to the Secretary of the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 210.6. Documents for which confidential treatment by the Commission is sought will be treated accordingly. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in sections 210.42–46 of the Commission's Rules of Practice and Procedure, 19 CFR 210.42–46.

Issued: March 14, 2008.

By order of the Commission.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. E8–5608 Filed 3–19–08; 8:45 am]

BILLING CODE 7020–02–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 14, 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 Curtis Bay Site near Baltimore, Maryland 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 implement a cleanup action at the Curtis Bay Site selected by the United States Army Corps of Engineers. The Settlement Agreement also allocates financial responsibility for the cleanup between the United States and Debtors.

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 *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 *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 $10.00 ($.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. E8–5606 Filed 3–19–08; 8:45 am]

BILLING CODE 4410–CW–P

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

The United States Institute for Environmental Conflict Resolution; Agency Information Collection Activities: Proposed Collection; Comment Request: See List of Evaluation Related ICRs Planned for Submission to OMB in Section A

AGENCY: Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation, U.S. Institute for Environmental Conflict Resolution.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that the U.S. Institute for Environmental Conflict Resolution (the U.S. Institute), part of the Morris K. Udall Foundation, is planning to submit seven Information Collection Requests (ICRs) to the Office of Management and Budget (OMB). Six of the seven ICRs are for revisions to currently approved collections due to expire 06/30/2008 (OMB control numbers 3320–0003, 3320–0004, 3320–2005, 3320–0006, 3320–0007, and 3320–

0009). One ICR pertains to a new collection request. The seven ICRs are being consolidated under a single filing to provide a more coherent picture of information collection activities designed primarily to measure performance. The proposed collections are necessary to support program evaluation activities. The collection is expected neither to have a significant economic impact on respondents, nor to affect a substantial number of small entities.

Before submitting the ICRs to OMB for review and approval, the U.S. Institute is soliciting comments on specific aspects of the proposed information collection as described at the beginning of the section labeled **SUPPLEMENTARY INFORMATION**.

Supporting statements for the proposed paperwork collections can be downloaded from the Institute's Web site *http://www.ecr.gov/ecr.asp?link=557*. Paper copies can be obtained by contacting Patricia Orr, Program Manager for Evaluation, U.S. Institute for Environmental Conflict Resolution, 130 South Scott Avenue, Tucson, Arizona 85701, Fax: 520–670–5530, Phone: 520–901–8548, E-mail: *orr@ecr.gov*.

DATES: Comments must be submitted on or before May 19, 2008.

ADDRESSES: Submit your comments, referencing this **Federal Register** Notice, by e-mail to *orr@ecr.gov*, or by fax to 520–670–5530, or by mail to the attention of Patricia Orr, Program Manager for Evaluation, U.S. Institute for Environmental Conflict Resolution, 130 South Scott Avenue, Tucson, Arizona 85701.

SUPPLEMENTARY INFORMATION:

Overview

To comply with the Government Performance and Results Act (GPRA) (Pub. L. 103–62), the U.S. Institute for Environmental Conflict Resolution, as part of the Morris K. Udall Foundation, is required to produce, each year, an Annual Performance Budget and an Annual Performance and Accountability Report, linked directly to the goals and objectives outlined in the Institute's five-year Strategic Plan. The U.S. Institute's evaluation system is key to evaluating progress towards achieving its performance commitments. The U.S. Institute is committed to evaluating all of its projects, programs and services not only to measure and report on performance but also to use this information to learn from and improve its services. The refined evaluation system has been carefully designed to support efficient and economical generation, analysis and use of this much-needed information, with an emphasis on performance measurement, learning and improvement.

As part of the program evaluation system, the U.S. Institute intends to collect specific information from participants in, and users of, several of its programs and services. Specifically, seven programs and services are the subject of this Federal Notice: (1) Conflict assessment services; (2) ECR and collaborative problem solving mediation services; (3) ECR and collaborative problem solving facilitation services; (4) training services; (5) facilitated meeting services; (6) roster program services; and (7) program support and services. Evaluations will mainly involve administering questionnaires to process participants and professionals, as well as members and users of the National Roster. Responses by members of the public to the Institute's request for information (i.e., questionnaires) will be voluntary.

In 2003, the U.S. Environmental Protection Agency, Conflict Prevention and Resolution Center (CPRC) was granted the approval of the Office of Management and Budget (OMB) to act as a named administrator of the U.S. Institute's currently approved information collections for evaluation. The CPRC and the U.S. Institute will seek approval as part of this proposed collection to continue this evaluation partnership. The U.S. Institute will also request similar status for the Department of Interior, Office of Collaborative Action and Dispute Resolution (CADR). Given that other agencies have approached the U.S. Institute seeking (a) evaluation services and (b) assistance in establishing their own internal evaluation systems, the U.S. Institute will also request OMB approval to continue to administer the evaluation questionnaires on behalf of other agencies. The burden estimates in the ICRs take into consideration the multi-agency usage of the evaluation instruments.

Key Issues

The U.S. Institute would appreciate receiving comments that can be used to:

i. Evaluate whether the proposed collection of information is necessary for the proper performance of the U.S. Institute, including whether the information will have practical utility;

ii. Enhance the quality, utility, and clarity of the information to be collected;

iii. Minimize the burden of the information collection on those who are to respond, including suggestions concerning use of automated collection techniques or other forms of information technology (e.g., allowing electronic submission of responses).

Section A. Information on Individual ICRs:

1. Conflict Assessment Services

Type of Information Collection: Revision of a currently approved collection.

Title of Information Collection: Program Evaluation Instruments for Conflict Assessment Services.

OMB Number: 3320–0003.

Affected Public: Individuals or households, Business or other for-profit, Not-for-profit, Federal and State, Local or Tribal Government.

Frequency: One time.

Annual Number of Respondents: 455.

Total Annual Responses: 45.

Average Burden per Response: 6 minutes.

Total Annual Hours: 45.50.

Total Burden Cost: $2,047.50.

2. ECR and Collaborative Problem Solving Mediation Services

Type of Information Collection: Revision of a currently approved collection.

Title of Information Collection: Program Evaluation Instruments for ECR and Collaborative Problem Solving Mediation Services.

OMB Number: 3320–0004.

Affected Public: Individuals or households, Business or other for-profit, Not-for-profit, Federal and State, Local or Tribal Government.

Frequency: One time.

Annual Number of Respondents: 2,250.

Total Annual Responses: 2,250.

Average Burden per Response: 20 minutes.

Total Annual Hours: 761.50.

Total Burden Cost: $34,267.50.

3. ECR and Collaborative Problem Solving Facilitation Services

Type of Information Collection: New Collection.

Title of Information Collection: Program Evaluation Instruments for ECR and Collaborative Problem Solving Facilitation Services.

OMB Number: Proposed New Collection.

Affected Public: Individuals or households, Business or other for-profit, Not-for-profit, Federal and State, Local or Tribal Government.

Frequency: One time.

Annual Number of Respondents: 2,250.

Total Annual Responses: 2,250.

Average Burden per Response: 20 minutes.

Total Annual Hours: 761.50.

Total Burden Cost: $34,267.50.

4. Training Services
Type of Information Collection: Revision of a currently approved collection.
Title of Information Collection: Program Evaluation Instruments for Training Services.
OMB Number: 3320–0006.
Affected Public: Individuals or households, Business or other for-profit, Not-for-profit, Federal and State, Local or Tribal Government.
Frequency: One time.
Annual Number of Respondents: 1,950.
Total Annual Responses: 1,950.
Average Burden per Response: 6 minutes.
Total Annual Hours: 195.
Total Burden Cost: $8,775.
5. Facilitated Meeting Services
Type of Information Collection: Revision of a Currently Approved Collection.
Title of Information Collection: Program Evaluation Instruments for Facilitated Meeting Services.
OMB Number: 3320–0007.
Affected Public: Individuals or households, Business or other for-profit, Not-for-profit, Federal and State, Local or Tribal Government.
Frequency: One time.
Annual Number of Respondents: 3,150.
Total Annual Responses: 3,150.
Average Burden per Response: 6 minutes.
Total Annual Hours: 315.
Total Burden Cost: $14,175.
6. Roster Program Services
Type of Information Collection: Revision of a currently approved collection.
Title of Information Collection: Program Evaluation Instruments for Roster Program Services.
OMB Number: 3320–0005.
Affected Public: Business or other for-profit, not-for-profit, Federal and State, Local or Tribal Government.
Frequency: One time.
Annual Number of Respondents: 600.
Total Annual Responses: 600.
Average Burden per Response: 5 minutes.
Total Annual Hours: 50.
Total Burden Cost: $2,250.
7. Program Support Services
Type of Information Collection: Revision of a currently approved collection.
Title of Information Collection: Program Evaluation Instruments for Program Support Services.
OMB Number: 3320–0009.
Affected Public: Business or other for-profit, not-for-profit, Federal and State, Local or Tribal Government.
Frequency: One time.
Annual Number of Respondents: 60.
Total Annual Responses: 60.
Average Burden per Response: 6.
Total Annual Hours: 6.
Total Burden Cost: $270.

(Authority: 20 U.S.C. 5601–5609)

Dated: March 13, 2008.

Ellen Wheeler,

Executive Director, Morris K. Udall Foundation.

[FR Doc. E8–5631 Filed 3–19–08; 8:45 am]

BILLING CODE 6820–FN–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos.: 52–018 and 52–019]

Duke Energy Carolina, LLC (Duke); William States Lee III Combined License Application; Notice of Intent To Prepare an Environmental Impact Statement and Conduct Scoping Process

Duke Energy Carolinas, LLC (Duke) has submitted an application for a combined license (COL) for its William States Lee III Nuclear Station (Lee) Site to build Units 1 & 2, located in the eastern portion of Cherokee County in north central South Carolina, approximately 7.5 miles southeast of Gaffney, South Carolina. The application for the COL was submitted by letter dated December 12, 2007, pursuant to the requirements of Title 10 of the Code of Federal Regulations part 52 (10 CFR part 52). A notice of receipt and availability of the application, including the environmental report (ER), was published in the **Federal Register** on February 1, 2008 (73 FR 6218). A notice of acceptance for docketing of the application for the COL was published in the **Federal Register** on February 29, 2008 (73 FR 11156). A notice of hearing and opportunity to petition for leave to intervene will be published in the **Federal Register** at a later date. The purpose of this notice is to inform the public that the U.S. Nuclear Regulatory Commission (NRC) will be preparing an environmental impact statement (EIS) in support of the review of the COL application and to provide the public an opportunity to participate in the environmental scoping process, as defined in 10 CFR 51.29.

In addition, as outlined in 36 CFR 800.8(c), ''Coordination with the National Environmental Policy Act,'' the NRC staff intends to use the process and documentation required for the preparation of an EIS to comply with Section 106 of the National Historic Preservation Act, in lieu of the procedures set for in 36 CFR 800.3 through 800.6. In accordance with 10 CFR 51.45 and 51.50, Duke submitted the ER as part of the application. The ER was prepared pursuant to 10 CFR parts 51 and 52 and is available for public inspection at the NRC Public Document Room (PDR), located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland or from the Publicly Available Records component of the NRC's Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible at *http://www.nrc.gov/reading-rm/adams.html,* which provides access through the NRC's Electronic Reading Room (ERR) link. The ADAMS Accession Number for the application dated December 12, 2007 is ML073510876. The ADAMS Accession Number for supplemental information related to the ER, submitted by letter dated January 28, 2008, is ML080350324. Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS should contact the NRC's PDR Reference staff at 1–800–397–4209 or 301–415–4737 or by sending an e-mail to *pdr@nrc.gov.* The application may also be viewed on the Internet at *http://www.nrc.gov/reactors/new-licensing/col/lee.html.*

In addition, the Cherokee County Public Library, 300 E. Rutledge Avenue, Gaffney, SC 29340 has agreed to make the ER available for public inspection.

The following key reference documents related to the COL application and the NRC staff's review process are available through the NRC's Web site at *http://www.nrc.gov:*

a. 10 CFR part 51, Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions,

b. 10 CFR part 52, Licenses, Certifications, and Approvals for Nuclear Power Plants,

c. 10 CFR part 100, Reactor Site Criteria,

d. NUREG–1555, Standard Review Plans for Environmental Reviews for Nuclear Power Plants,

e. NUREG/BR–0298, Brochure on Nuclear Power Plant Licensing Process,

f. Fact Sheet on Nuclear Power Plant Licensing Process,

g. Regulatory Guide 4.2, Preparation of Environmental Reports for Nuclear Power Stations,

h. Regulatory Guide 1.206, Combined License Applications for Nuclear Power Plants, and

i. NRR Office Instruction LIC–203, Procedural Guidance for Preparing

Environmental Assessments and Considering Environmental Issues.

The regulations, NUREG-series documents, regulatory guides, and fact sheets can be found under Document Collections in the Electronic Reading Room on the NRC web page. Finally, Office Instruction LIC–203 can be found in ADAMS in two parts under Accession Numbers ML011710073 (main text) and ML011780314 (charts and figures).

This notice advises the public that the NRC intends to gather the information necessary to prepare an EIS in support of the review of the application for the COL at the Duke COL Site. Possible alternatives to the proposed action (issuance of the COL at the Duke COL Site) include no action and consideration of alternative sites.

The NRC is required by 10 CFR 51.20(b)(2) to prepare an EIS in connection with the issuance of a COL. This notice is being published in accordance with NEPA and NRC regulations found in 10 CFR Part 51. The NRC will first conduct a scoping process for the EIS and, as soon as practicable thereafter, will prepare a draft EIS for public comment. Participation in the scoping process by members of the public and local, State, Tribal, and Federal government agencies is encouraged. The scoping process for the EIS will be used to accomplish the following:

a. Define the proposed action which is to be the subject of the EIS;

b. Determine the scope of the EIS and identify the significant issues to be analyzed in depth;

c. Identify and eliminate from detailed study those issues that are peripheral or that are not significant;

d. Identify any environmental assessments and other EISs that are being or will be prepared that are related to, but are not part of the scope of the EIS being considered;

e. Identify other environmental review and consultation requirements related to the proposed action;

f. Identify parties consulting with the NRC under the National Historic Preservation Act, as set forth in 36 CFR 800.8(c)(1)(i);

g. Indicate the relationship between the timing of the preparation of the environmental analysis and the Commission's tentative planning and decision-making schedule;

h. Identify any cooperating agencies and as appropriate, allocate assignments for preparation and schedules for completing the EIS to the NRC and any cooperating agencies; and

i. Describe how the EIS will be prepared and include any contractor assistance to be used.

The NRC invites the following entities to participate in the scoping process:

a. The applicant, Duke Energy Carolinas, LLC;

b. Any Federal agency that has jurisdiction by law or special expertise with respect to any environmental impact involved or that is authorized to develop and enforce relevant environmental standards;

c. Affected State and local government agencies, including those authorized to develop and enforce relevant environmental standards;

d. Any affected Indian tribe;

e. Any person who requests or has requested an opportunity to participate in the scoping process; and

f. Any person who intends to petition for leave to intervene.

In accordance with 10 CFR 51.26, the scoping process for an EIS may include a public scoping meeting to help identify significant issues related to a proposed activity and to determine the scope of issues to be addressed in an EIS. The NRC will hold one public scoping meeting for the EIS regarding the Duke COL application. The scoping meeting is scheduled for Thursday, May 1, 2008, at the Gaffney High School Auditorium, 149 Twin Lake Road, Gaffney, South Carolina. The meeting will convene at 7 p.m. and will continue until 10 p.m. The meeting will be transcribed and will include: (1) An overview by the NRC staff of the NEPA environmental review process, the proposed scope of the EIS, the proposed review schedule, and (2) the opportunity for interested government agencies, organizations, and individuals to submit comments or suggestions on the environmental issues or the proposed scope of the EIS. Additionally, the NRC staff will host informal discussions from 5 p.m. to 7 p.m. before the start of the meeting at the Gaffney High School. No formal comments on the proposed scope of the EIS will be accepted during the informal discussions. To be considered, comments must be provided either at the transcribed public meeting or in writing, as discussed below. Persons may register to attend or present oral comments at the meeting on the scope of the NEPA review by contacting Ms. Linda M. Tello at 1–800–368–5642, extension 2907 or by email to the NRC at *Lee.COLAEIS@nrc.gov,* no later than April 18, 2008. Members of the public may also register to speak at the meeting within 15 minutes of the start of the meeting. Individual oral comments may be limited by the time available, depending on the number of persons who register. Members of the public who have not registered may also have an opportunity to speak, if time permits. Public comments will be considered in the scoping process for the EIS. Ms. Linda M. Tello will need to be contacted no later than April 18, 2008, if special equipment or accommodations are needed to attend or present information at the public meeting, so that the NRC staff can determine whether the request can be accommodated.

Members of the public may send written comments on the environmental scope of the Duke COL review to the Chief, Rulemaking, Directives, and Editing Branch, Division of Administrative Services, Office of Administration, Mailstop T–6D59, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001 and should cite the publication date and page number of this **Federal Register** notice. Comments may also be delivered to Room T–6D59, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland from 7:30 a.m. to 4:15 p.m., during Federal workdays.

To be considered in the scoping process, comments should be received by the end of the scoping comment period, which is May 20, 2008. Written comments should be postmarked by May 20, 2008. Electronic comments may be sent via the Internet to the NRC at *Lee.COLAEIS@nrc.gov.* Submissions should be sent no later than May 20, 2008, to be considered in the scoping process. Comments will be available in the scoping summary report electronically and accessible through the NRC's ERR link at *http://www.nrc.gov/reading-rm/adams.html.*

Participation in the scoping process for the EIS does not entitle participants to become parties to the proceeding to which the EIS relates.

At the conclusion of the scoping process, the NRC staff will prepare a concise summary of the determination and conclusions reached including the significant issues identified and will make it publicly available. The summary will also be available for inspection through the NRC's ERR link. The staff will then prepare and issue for comment the draft EIS which will be the subject of separate notices and a separate public meeting. A copy of the draft EIS will be available for public inspection at the above-mentioned address and one copy per request will be provided free of charge. After receipt and consideration of the comments, the NRC staff will prepare a final EIS (which will also be available for public inspection).

Information about the proposed EIS and the scoping process may be obtained from Ms. Linda M. Tello, Environmental Project Manager at (301) 415–2907 or by email at *LMT2@nrc.gov.*

Dated at Rockville, Maryland, this 14th day of March 2008.

For the Nuclear Regulatory Commission.

John R. Tappert,

Acting Deputy Director, Division of Site and Environmental Reviews, Office of New Reactors.

[FR Doc. E8–5644 Filed 3–19–08; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–271–LR; ASLBP No. 06–849–03–LR]

Entergy Nuclear Vermont Yankee, L.L.C., and Entergy Nuclear Operations, INC. (Vermont Yankee Nuclear Power Station); Notice of Reconstitution

Pursuant to 10 CFR 2.321(b), the Atomic Safety and Licensing Board in the above captioned *Entergy Nuclear Vermont Yankee, L.L.C., and Entergy Nuclear Operations, Inc.* proceeding is hereby reconstituted by appointing Administrative Judge William H. Reed in place of Administrative Judge Thomas S. Elleman, whose circumstances have rendered him unavailable to participate further in this proceeding (10 CFR 2.313(c)).

In accordance with 10 CFR 2.302, henceforth all correspondence, documents, and other material relating to any matter in this proceeding over which this Licensing Board has jurisdiction should be e-mailed to Administrative Judge Reed at *whrcville@embarqmail.com* and served on him as follows: Administrative Judge William H. Reed,1819 Edgewood Lane, Charlottesville, VA 22902.

Issued at Rockville, Maryland, this 14th day of March 2008.

E. Roy Hawkens,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. E8–5642 Filed 3–19–08; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 72–26]

Notice of Availability of Environmental Assessment and Final Finding of No Significant Impact for an Exemption to the Requirements of 10 CFR 72.70(c)(6) for the Diablo Canyon Independent Spent Fuel Storage Installation

AGENCY: Nuclear Regulatory Commission.

ACTION: Issuance of Environmental Assessment and Final Finding of No Significant Impact for Exemption.

FOR FURTHER INFORMATION CONTACT: James R. Hall, Senior Project Manager, Licensing Branch, Division of Spent Fuel Storage and Transportation, Mail Stop EBB–3D–02M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001. Telephone: (301) 492–3319; e-mail: *jrh@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an exemption, pursuant to 10 CFR 72.7, from the provisions of 10 CFR 72.70 to the Pacific Gas and Electric Company (PG&E, or the licensee). This regulation requires that each specific licensee under 10 CFR part 72 shall update periodically the final safety analysis report (FSAR) to assure that the information included in the report contains the latest information developed. 10 CFR 72.70(c)(6) requires that updates shall be filed every 24 months from the date of issuance of the license.

The NRC granted a license for the Diablo Canyon Independent Spent Fuel Storage Installation (ISFSI), to be located on the site of the Diablo Canyon Power Plant, to PG&E on March 22, 2004. The requested exemption would allow PG&E to submit an updated FSAR for the Diablo Canyon ISFSI no later than July 1, 2008, or no later than 30 days prior to the commencement of onsite dry-run testing activities, whichever occurs first. PG&E submitted the exemption request on January 22, 2008.

II. Environmental Assessment

Identification of Proposed Action

The licensee requested an exemption from the requirement in 10 CFR 72.70(c)(6), which states that each licensee shall submit an updated FSAR to the NRC every 24 months from the date of issuance of the license. The requested exemption would allow the licensee to delay the submittal of the updated FSAR for the Diablo Canyon ISFSI by up to approximately 100 days (no later than July 1, 2008, or 30 days prior to the commencement of onsite dry-run testing activities, whichever comes first).

The proposed action before the Commission is whether to grant this exemption pursuant to 10 CFR 72.7.

Need for the Proposed Action

The NRC granted a license to construct and operate the Diablo Canyon ISFSI to PG&E on March 22, 2004. PG&E has constructed the facility and plans to commence operation in the summer of 2008. The exemption would allow the licensee additional time to submit an updated FSAR beyond March 22, 2008, which is 24 months from the date of the last required update. In its justification for the exemption request, PG&E stated that it is currently completing certain design changes to the facility that will impact the information in the FSAR, and that these changes will be reflected in the FSAR update, after the required evaluations are finalized. Further, if the exemption is granted, the extra time provided will be sufficient to ensure that the updated FSAR will contain current and accurate information related to the ISFSI design, analysis and operation, in time for planned NRC inspection activities. In order to ensure that the information in the updated FSAR contains the latest information developed and is of the greatest value to its users, the licensee has requested the subject exemption.

Environmental Impacts of the Proposed Action

The NRC staff previously evaluated the environmental impacts resulting from the construction, operation and decommissioning of the Diablo Canyon ISFSI, and determined that such impacts would be acceptably small. The staff's conclusions are documented in the ''Environmental Assessment and Finding of No Significant Impact Related to the Construction and Operation of the Diablo Canyon Independent Spent Fuel Storage Installation,'' issued on October 24, 2003 (October 24, 2003 EA); and in the ''Supplement to the Environmental Assessment and Final Finding of No Significant Impact Related to the Construction and Operation of the Diablo Canyon Independent Spent Fuel Storage Installation,'' dated August 30, 2007 (Supplement). The proposed action under consideration would not change the staff's previous conclusions in the October 24, 2003 EA and the Supplement regarding environmental

impacts because the proposed exemption is an administrative action that will not affect the physical design or operation of the Diablo Canyon ISFSI. Therefore, there are no radiological or non-radiological impacts from a one-time delay in submitting the updated FSAR, and the staff finds that the proposed exemption will not have any significant environmental impact.

Environmental Impacts of the Alternative to the Proposed Action

As an alternative to the proposed action, the staff considered denial of the proposed action (i.e., the ''no-action'' alternative). Approval or denial of the exemption request would result in no change in the environmental impacts described in the October 24, 2003 EA and its Supplement. Therefore, the environmental impacts of the proposed action and the alternative action are similar.

Conclusion

The staff has reviewed the exemption request submitted by PG&E and has determined that allowing the licensee to delay the submittal of the updated Final Safety Analysis Report for the Diablo Canyon ISFSI by no more than approximately 100 days beyond the date required by 10 CFR 72.70(c)(6) is an administrative change, and would have no significant effect on the human environment.

Agencies and Persons Consulted

On March 10, 2008, Ms. Barbara Byron of the California Energy Commission was contacted regarding the environmental assessment for the proposed exemption and Ms. Byron had no comments. The NRC staff has determined that the proposed action is solely of a procedural nature and will not affect listed species or critical habitat. Therefore, no consultation is required under Section 7 of the Endangered Species Act. The NRC staff has also determined that the proposed action is not the type of activity that has the potential to cause effects on historic properties, assuming such historic properties were present at the Diablo Canyon ISFSI. Therefore, no consultation is required under Section 106 of the National Historic Preservation Act.

III. Finding of No Significant Impact

The environmental impacts of the proposed action have been reviewed in accordance with the requirements set forth in 10 CFR part 51. Based upon the foregoing environmental assessment, the NRC finds that the proposed action of granting the exemption from 10 CFR 72.70(c)(6), so that PG&E may delay the submittal of the updated FSAR for the Diablo Canyon ISFSI, will not have a significant effect on the quality of the human environment. Accordingly, pursuant to 10 CFR 50.31 and 51.119(a), the NRC has determined that a Final Finding of No Significant Impact is appropriate, and that an environmental impact statement for the proposed exemption is not necessary.

IV. Further Information

PG&E's application for exemption is available electronically at the NRC's Electronic Reading Room at *http://www.nrc.gov/reading-rm/adams.html.* From this site, you can access the NRC's Agencywide Document Access and Management System (ADAMS), which provides text and image files of NRC's public documents. The ADAMS Accession number for the exemption request is ML080290634.

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–1F21, 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 14th day of March, 2008.

For the Nuclear Regulatory Commission.

James R. Hall,

Senior Project Manager, Licensing Branch, Division of Spent Fuel Storage and Transportation, Office of Nuclear Material Safety and Safeguards.

[FR Doc. E8–5649 Filed 3–19–08; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–188]

Notice of Renewal of Facility License No. R–88; Kansas State University TRIGA Research Reactor

The U.S. Nuclear Regulatory Commission (the Commission) has issued renewed Facility License No. R–88 for the Kansas State University (the licensee), for operation of the Kansas State University TRIGA Research Reactor Facility located in Manhattan, Kansas.

The facility is a research reactor that has been operating at a power level not in excess of 250 kilowatts (thermal). The renewed Facility License No. R–88 allows operation at an increased power level not in excess of 1,250 kilowatts (thermal), and will expire twenty years from its effective date.

The renewed license complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I. Those findings are set forth in the license renewal. Opportunity for hearing was afforded in the notice of the proposed issuance of this renewal in the **Federal Register** on October 6, 2005 (70 FR 58487) and on August 2, 2006 (71 FR 43816). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

Continued operation of the reactor will not require alteration of buildings or structures, will not lead to significant changes in effluents released from the facility to the environment, will not increase the probability or consequences of accidents, and will not involve any unresolved issues concerning alternative uses of available resources. Based on the foregoing and on the Environmental Assessment, the Commission concludes that renewal of the license and power increase will not results in any significant environmental impacts.

The Commission has prepared a ''Safety Evaluation Report Related to the Renewal of the Facility License for the TRIGA Research Reactor at the Kansas State University'' for the renewal of Facility License No. R–88 and has, based on that evaluation, concluded that the facility can continue to be operated by the licensee without endangering the health and safety of the public.

The Commission also prepared an Environmental Assessment which was published in the **Federal Register** on February 26, 2008 (73 FR 10308) for the renewal of Facility License No. R–88 and has concluded that this action will not have a significant effect on the quality of the human environment.

For further details with respect to this action, see: (1) The application for amendment dated September 12, 2002, as supplemented on November 11, 2002, November 13, 2002, December 21, 2004, July 6, 2005, September 27, 2005, March 20, 2006, March 30, 2006, June 28, 2006, September 28, 2006, May 17, 2007, and June 4, 2007, September 12, 2007, October 11, 2007, and February 6, 2008; (2) Renewal of Facility License No. R–88; (3) the related Safety Evaluation Report; and (4) the Environmental Assessment dated February 20, 2008. Documents may be examined, and/or

copied for a fee, at the NRC's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the Agencywide Documents Access and Management System (ADAMS) Public Electronic Reading Room on the Internet at NRC Web site, *http://www.nrc.gov/reading-rm/adams.html.*

If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the PDR Reference staff at 1–800–397–4209, 301–415–4737 or by e-mail to *pdr@nrc.gov.*

Dated at Rockville, Maryland this 13th day of March, 2008.

For the Nuclear Regulatory Commission.

Daniel S. Collins,

Chief, Research and Test Reactors Branch A, Division of Policy and Rulemaking, Office of Nuclear Reactor Regulation.

[FR Doc. E8–5643 Filed 3–19–08; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF PERSONNEL MANAGEMENT

Privacy Act of 1974; Notice of Amended System of Records

ACTION: Notice to amend and republish system of records.

SUMMARY: Pursuant to the provisions of the Privacy Act of 1974 (5 U.S.C. 552a), the Office of Personnel Management (OPM) is giving notice that it proposes to republish an amended system of records, OPM/Central-1, due to changes in technology by Retirement Systems Modernization (RSM). This system of records is an integrated application that works from one central database that allows OPM designated employees and contractors to access the records on a need to know basis in accordance with OPM and Federal rules, regulations and safeguard procedures for personally identifiable information. RSM will enhance the system's functionality to enable Federal employees and retirees to access personal and benefits-related information. This notice proposes to amend and republish an existing internal system of records.

DATE: The changes will be effective April 21, 2008, without further notice unless comments are received that would result in a contrary determination.

ADDRESSES: Send written comments to Office of Personnel Management, ATTN: Marc Flaster, Chief, Support Group, Center for Retirement and Insurance Services, 1900 E Street, NW., Room 3313, Washington, DC 20415–7900.

FOR FURTHER INFORMATION CONTACT: Sharon Glick (412) 657–5013.

SUPPLEMENTARY INFORMATION: Notice to amend and republish system of records.

SUMMARY: Pursuant to the provisions of the Privacy Act of 1974 (5 U.S.C. 552a), the Office of Personnel Management (OPM) is giving notice that it proposes to republish an amended system of records, OPM/Central-1, due to changes in technology by Retirement Systems Modernization (RSM). RSM is a strategic initiative of OPM to improve quality and timeliness of services to individuals covered by the Civil Service Retirement System (CSRS) and the Federal Employees' Retirement System (FERS), the Federal Employees' Group Life Insurance Program (FEGLI), and the Federal Employees Health Benefits Program (FEHBP) by modernizing business practices and technology that support the programs. The RSM program will transform the retirement process, and health and life insurance elections, by devising more efficient and effective business systems to respond to increased customer demand for higher levels of customer service and online self-service tools. This system of records reflects the republishing of the SORN from October 1999, as amended May 2000, inclusion of the prefatory uses as published in 1996 and the addition of two new routine uses.

U.S. Office of Personnel Management.

Linda M. Springer,

Director.

SYSTEM NAME:

Civil Service Retirement and Insurance Records.

SYSTEM LOCATION:

Deputy Associate Director, Center for Retirement and Insurance Services, Office of Personnel Management (OPM), 1900 E Street, NW., Washington, DC 20415–0001. Certain records pertaining to State income tax withholdings from annuitant payments are located with State Taxing Offices. Certain information concerning enrollment/change in enrollment in a health plan under the Federal Employees Health Benefits Program (FEHBP) may be located at other agencies. Certain records pertaining to overpayments must be forwarded to the Department of the Treasury for collection activity. Certain records pertaining to enrollment in a Preauthorized Debit Program (PAD) for sending recurring remittances to OPM for service credit and voluntary contributions accounts are maintained with a lockbox bank, which operates the PAD program for OPM.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

a. Former Federal employees and members of Congress who performed service subject to the Civil Service Retirement System (CSRS) or Federal Employees' Retirement System (FERS).

b. Current Federal employees who have:

1. Performed Federal service subject to the CSRS or FERS other than with their present agency; or

2. Had data converted to the OPM Retirement Systems Modernization Program; or

3. Filed a designation of beneficiary for benefits payable under the CSRS; or

4. Requested OPM to review a claim for health benefits made under the FEHBP; or

5. Enrolled/changed enrollment in a plan under the FEHBP; or

6. Filed a service credit application in connection with former Federal service; or

7. Filed an application for disability retirement with OPM and are awaiting final decision, or whose disability retirement application has been disapproved by OPM.

c. Former Federal employees who died subject to or who retired under the CSRS or FERS, or their surviving spouses, and/or children who have received or are receiving CSRS or FERS benefits and/or benefits under the Federal Employees' Group Life Insurance (FEGLI) Program, or Federal Employees Health Benefits Program (FEHBP).

d. Former Federal employees who died subject to or who retired under a Federal Government retirement system other than CSRS or FERS, or their surviving spouses and/or children, who have received or are receiving benefits from FEGLI and/or FEHBP.

e. Applicants for Federal employment found unsuitable for employment on medical grounds.

f. Former spouses of Federal employees who have received or are receiving CSRS or FERS benefits, or who have filed a court order awarding future benefits.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system comprises those retirement service history records of employee's service in the Federal Government from their current employing agency if the employee has been converted to the Retirement Systems Modernization Program and/or an agency other than for the agency in which they may presently be employed.

Also included in the system are current personnel data pertaining to active United States Postal Service employees who, by virtue of the provisions set forth in 5 U.S.C. 2105(e), are not considered civil service employees. It also contains information concerning health benefit enrollment/change in enrollment, and information developed in support of claims for benefits made under the retirement, health benefits, and life insurance programs for Federal employees that OPM administers. Also included are medical records and supporting evidence on those individuals whose application for disability retirement has been rejected. Consent forms and other records related to the withholding of State income tax from annuitant payments, whether physically maintained by the State or OPM, are included in this system. Consent forms and other records related to enrollment in the Preauthorized Debit Program, whether physically maintained by the authorized lockbox bank or OPM, are included in the system.

THESE RECORDS CONTAIN THE FOLLOWING INFORMATION:

a. Documentation of Federal service subject to the CSRS or FERS.

b. Documentation of service credit and refund claims made under the CSRS or FERS.

c. Documentation of voluntary contributions made by eligible individuals.

d. Retirement and death claims files, including documents supporting the retirement application, health benefits, and life insurance eligibility, medical records supporting disability claims (after receipt by OPM), and designations of beneficiary.

e. Claim review files pertaining to requests made under the FEHBP reviewed by OPM.

f. Enrollment and change in enrollment information under the FEHBP.

g. Documentation of continuing coverage for life insurance and health benefits for annuitants and their survivors under a Federal Government retirement system other than the CSRS or FERS, or for compensationers and their survivors under the Office of Workers' Compensation programs.

h. The system also maintains a file of court orders submitted by former spouses of Federal employees. These court orders are submitted to support claims to apportion funds/benefits due to a Federal employee at some point in the future.

i. Records relating to overpayments made to annuitants, survivor annuitants, spouses and/or dependents. These records may be retained in OPM or provided to the Department of the Treasury, pursuant to the Debt Collection Act of 1996. There are two different systems applicable to overpayments. The OPM financial management system uses the Social Security Number (SSN) as part of the identifying information in the record. The Debt Collection Act of 1996 requires agencies to turn over all receivables more than 180 days past due to the Department of the Treasury for all further collection activity. The SSN is one of the required fields for transferring the record to the Department of the Treasury. OPM may obtain the SSN from case files or requests made to credit bureaus.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Includes the following with any revisions or amendments:

Section 3301 and chapters 83, 84, 87, 89 of title 5, United States Code, Pub. L. 83–598, 84–356, 86–724, and 94–455; and Executive Order 9397.

PURPOSE(S):

These records provide information and verification on which to base entitlement and computation of CSRS and FERS benefits, CSRS and FERS and survivors' benefits, FEHBP and enrollments, and FEGLI benefits, and to withhold State income taxes from annuitant payments. These records may also be used to compute CSRS and FERS benefit estimates. These records also serve to review rejection of applicants for Federal employment on medical suitability grounds. These records also may be used to locate individuals for personnel research. These records also provide information and verification concerning enrollment/change in enrollment in a plan under the FEHBP

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

a. For Law Enforcement Purposes—To disclose pertinent information to the appropriate Federal, State, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order, where OPM becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation.

b. For Certain Disclosures to Other Federal Agencies—To disclose information to a Federal agency, in response to its request in connection with the hiring or retention of an employee, the issuance of a security clearance, the conducting of a suitability or security investigation of an individual, the classifying of jobs, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

c. For Congressional Inquiry—To provide information to a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of that individual.

d. For Judicial/Administrative Proceedings—To disclose information to another Federal agency, to a court, or a party in litigation before a court or in an administrative proceeding being conducted by a Federal agency, when the Government is a party to the judicial or administrative proceeding. In those cases where the Government is not a party to the proceeding, records may be disclosed if a subpoena has been signed by a judge.

e. For National Archives and Records Administration—To disclose information to the National Archives and Records Administration for use in records management inspections.

f. Within OPM for Statistical/Analytical Studies—By OPM in the production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related workforce studies. While published studies do not contain individual identifiers, in some instances the selection of elements of data included in the study may be structured in such a way as to make the data individually identifiable by inference.

g. For Litigation—To disclose information to the Department of Justice, or in a proceeding before a court, adjudicative body, or other administrative body before which OPM is authorized to appear, when:

(1) OPM, or any component thereof; or

(2) Any employee of OPM in his or her official capacity; or

(3) Any employee of OPM in his or her individual capacity where the Department of Justice or OPM has agreed to represent the employee; or

(4) The United States, when OPM determines that litigation is likely to affect OPM or any of its components; is a party to litigation or has an interest in such litigation, and the use of such records by the Department of Justice or OPM is deemed by OPM to be relevant and necessary to the litigation provided, however, that the disclosure is compatible with the purpose for which records were collected.

h. For the Merit Systems Protection Board—To disclose information to officials of the Merit Systems Protection Board or the Office of the Special Counsel, when requested in connection with appeals, special studies of the civil service and other merit systems, review of OPM rules and regulations, investigations of alleged or possible prohibited personnel practices, and such other functions, e.g., as promulgated in 5 U.S.C. 1205 and 1206, or as may be authorized by law.

i. For the Equal Employment Opportunity Commission (EEOC)—To disclose information to the EEOC when requested in connection with investigations into alleged or possible discrimination practices in the Federal sector, compliance by Federal agencies with the Uniform Guidelines on Employee Selection Procedures or other functions vested in the Commission and to otherwise ensure compliance with the provisions of 5 U.S.C. 7201.

j. For the Federal Labor Relations Authority (FLRA)—To disclose information to the FLRA or its General Counsel when requested in connection with investigations of allegations of unfair labor practices or matters before the Federal Service Impasses Panel.

k. For Non-Federal Personnel—To disclose information to private organizations, contractors, grantees, volunteers, or other non-Federal personnel performing or working on a project, contract, service, grant, cooperative agreement, or job for, to the benefit of, or consistent with the interests of the Federal Government when OPM has determined that the use of that information is compatible with proper disclosure and will benefit Federal employees, annuitants or their dependents, survivors, and beneficiaries. To disclose information to contractors, grantees, or volunteers performing or working on a contract, service, grant, cooperative agreement, or job for the Federal Government.

l. To disclose, to the following recipients, information needed to adjudicate a claim for benefits under OPM's or the recipient's benefits program(s), or information needed to conduct an analytical study of benefits being paid under such programs: Office of Workers' Compensation Programs; Department of Veterans Affairs Pension Benefit Program; Social Security Administration's Old Age, Survivor and Disability Insurance and Medical Programs and Supplemental Security Income Program; Center for Medicare and Medicaid Services; Department of Defense; Railroad Retirement Board; military retired pay programs; Federal civilian employee retirement programs (other than the CSRS or FERS); or other national, State, county, municipal, or other publicly recognized charitable or social security administrative agencies;

m. To disclose to the Office of Federal Employees Group Life Insurance (OFEGLI) information necessary to verify the election, declination, or waiver of regular and/or optional life insurance coverage or eligibility for payment of a claim for life insurance.

n. To disclose to health insurance carriers contracting with OPM to provide a health benefits plan under the FEHB, SSN, and other information necessary to identify enrollment in a plan, to verify eligibility for payment of a claim for health benefits, or to carry out the coordination for benefits provisions of such contracts.

o. To disclose to any inquirer, if sufficient information is provided to assure positive identification of an individual on whom a department or agency maintains retirement or insurance records, the fact that an individual is or is not on the retirement rolls, and if so, the type of annuity (employment or survivor, but not retirement on disability) being paid, or if not, whether a refund has been paid.

p. When an individual to whom a record pertains dies, to disclose to any person possibly entitled in the order of precedence for lump-sum benefits, information in the individual's record that might properly be disclosed to the individual, and the name and relationship of any other person whose claim for benefits takes precedence or who is entitled to share the benefits payable. When a representative of the estate has not been appointed, the individual's next of kin may be recognized as the representative of the estate.

q. To disclose to the Internal Revenue Service, Department of the Treasury, information as required by the Internal Revenue Code of 1954, as amended.

r. To disclose to the Department of Treasury information necessary to issue benefit checks or savings bonds.

s. To disclose information to any person who is responsible for the care of the individual to whom a record pertains, and who is found by a court or OPM Contract Doctors to be incompetent or under other legal disability, information necessary to assure payment of benefits to which the individual is entitled.

t. To disclose to the Parent Locator Service of the Department of Health and Human Services, upon its request, the present address of an annuitant, or former employee, for enforcing child support obligations against such individual.

u. In connection with an examination ordered by the agency under:

(1) Medical examination procedures; or

(2) Agency-filed disability retirement procedures.

To disclose to the agency-appointed representative of an employee all notices, decisions, other written communications, or any pertinent medical evidence other than medical evidence that a prudent physician would hesitate to inform the individual of; such medical evidence will be disclosed only to a licensed physician, designated in writing for that purpose by the individual or his or her representative.

v. To disclose information to any source from which additional information is requested relevant to OPM determination on an individual's eligibility for or entitlement to coverage under the retirement, life insurance, and health benefits program, to the extent necessary to identify the individual and the type of information requested.

w. To disclose information to the Office of Management and Budget (OMB) at any stage of the legislative coordination and clearance process in connection with private relief legislation as set forth in OMB circular No. A–19.

x. To provide an official of another Federal agency information needed in the performance of official duties related to reconciling or reconstructing data files; compiling descriptive statistics; and making analytical studies to support the function for which the records were collected and maintained.

y. To disclose to a Federal agency, in response to its request, the address of any annuitant or applicant for refund of retirement deductions, if the agency requires that information to provide consideration in connection with the collection of a debt due the United States.

z. To disclose to an allottee, as defined in 5 CFR 831.1501, the name, address, and the amount withheld from an annuitant's benefits, pursuant to 5 CFR 831.1501 et seq. as an allotment to that allottee to implement the program of voluntary allotments authorized by 5 U.S.C. 8345(h) or 8465.

aa. To disclose to a State agency responsible for the collection of State income taxes the information required by an Agreement to Implement State Income Tax Withholdings from Civil Service Annuities entered pursuant to section 1705 of Pub. L. 97–35 or 5 U.S.C. 8469 to implement the program of voluntary State income tax withholding required by 5 U.S.C. 8345(k) or 8469.

bb. To disclose to the Social Security Administration the SSN of civil service annuitants to determine:

(1) Their vital status as shown in the Social Security Master Records;

(2) Whether recipients of the minimum annuity are receiving at least the Special Primary Insurance Amount benefit from the Social Security Administration; and

(3) Whether civil service retirees with post-1956 military service credit are receiving benefits from the Social Security Administration.

cc. To disclose information contained in the Retirement Annuity Master File; including the name, SSN, date of birth, sex, OPM's claim number, health benefit enrollment code, retirement date, retirement code (type of retirement), annuity rate, pay status of case, correspondence address, and ZIP code, of all Federal retirees and their survivors to Federal agencies and requesting States to help eliminate fraud and abuse in the benefit programs administered by the Federal agencies and States (and those States to local governments) and to collect debts and overpayments owed to the Federal Government, and to State Governments and their components.

dd. To disclose to a Federal agency, a person or an organization contracting with a Federal agency for rendering collection services within the purview of section 13 of the Debt Collection Act of 1982, in response to a written request from the head of the agency or his other designee, or from the debt collection contractor, the following data concerning an individual owing a debt to the Federal Government:

(1) The debtor's name, address, SSN, and other information necessary to establish the identity of the individual;

(2) the amount, status, and history of the claim; and

(3) the agency or program under which the claim arose.

ee. To disclose information contained in the Retirement Annuity Master File, upon written request, to State tax administration agencies, for the express purpose of ensuring compliance with State tax obligations by persons receiving benefits under the CSRS or the FERS and to prevent fraud and abuse, but only the following data elements: Name, correspondence address, date of birth, sex, SSN, annuity rate, commencing date of benefits, and retirement code (type of retirement).

ff. To disclose information to a State court or administrative agency in connection with a garnishment, attachment, or similar proceeding to enforce an alimony or child support obligation.

gg. To disclose to a former spouse when necessary to explain how that former spouse's benefit under 5 U.S.C. 8341(h), 8345(j), 8445, or 8467 was computed.

hh. To disclose to a Federal or State agency (or its agent) when necessary to locate individuals who are owed money or property either by a Federal agency, State or local agency, or by a financial institution or similar institution.

ii. To disclose to a health plan participating in the FEHBP and to an FEHBP enrollee or covered family member or an enrollee or covered family member's authorized representative, in connection with the review of a disputed claim for health benefits, from information maintained within this system of records, the decision of OPM regarding the disputed claim review.

jj. To disclose to a State or local government, or private individual or association engaged in volunteer work, identifying and address information and other pertinent facts, for the purpose of developing an application as representative payee for an annuitant or survivor annuitant who is mentally incompetent or under other legal disability.

kk. To disclose on request to a spouse or dependent child (or court-appointed guardian thereof) of a CSRS or FERS annuitant or an annuitant of any other Federal retirement system enrolled in the FEHBP whether the annuitant has changed from a self-and-family to a self-only health benefits enrollment.

ll. To the Defense Manpower Data Center, Department of Defense, and the U.S. Postal Service to conduct computer matching programs for the purpose of identifying and locating individuals who are receiving Federal salaries or benefit payments and are past due in their repayment of debts owed to the U.S. Government under certain programs administered by the OPM in order to collect the debts under the provisions of the Debt Collection Act of 1982 (Pub. L. 97–365) by voluntary repayment, or by administrative or salary offset procedures.

mm. To any other Federal agency for the purpose of effecting administrative or salary offset procedures against a person employed by that agency or receiving or eligible to receive some benefit payments from the agency when OPM as a creditor has a claim against that person.

nn. To disclose information concerning past due receivables to the U.S. Department of the Treasury, Financial Management Service, and to any other debt collection center designated by the Secretary of the Treasury, or any debt collection contractor for the purpose of collecting the receivable by cross servicing in accordance with 31 U.S.C. 3711(M).

oo. To disclose information concerning past due receivables to the Department of Justice for the purpose of litigating to enforce collection of a past due account or to obtain the Department of Justice's concurrence in a decision to compromise, suspend, or terminate collection action on an overpayment with the principal amount in excess of $100,000 or such higher amount as the Attorney General may, from time to time, prescribe in accordance with 31 U.S.C. 3711(a).

pp. To disclose information concerning past due receivables to the U.S. Department of the Treasury, Financial Management Service, or to any other debt collection center designated by the Secretary of the Treasury, or any other Federal agency for the purpose of collecting the receivable through offset under 31 U.S.C. 3716 (administrative offset), 31 U.S.C. 3720A (Tax refund offset), 5 U.S.C. 5514 (Salary offset), or offset under any other statutory or common law authority.

qq. To disclose information concerning overpayees in arrears to other Federal agencies for the purpose of implementing 31 U.S.C. 3720B, which prohibits persons who are past due on Federal debts from obtaining Federal financial assistance in the form of loans or loan insurance or guaranties.

rr. To disclose information concerning past due receivables to any employer of the debtor for the purpose of conducting administrative wage garnishment pursuant to 31 U.S.C. 3720D.

ss. To disclose information or publicly disseminate information concerning overpayees in arrears and the debt to the public for the purpose of publicly disseminating information regarding the identity of the debtor pursuant to 31 U.S.C. 3720B.

tt. To disclose information concerning past due receivables to State and local governments in an effort to collect monies owed the Federal government.

uu. To disclose information concerning past due receivables to the Internal Revenue Service for the purpose of: Effecting an administrative offset against the individual's income tax refund to recover monies owed the Federal government by the individual, or obtaining the mailing address of a taxpayer in order to locate the individual to collect or compromise a Federal receivable against the taxpayer in accordance with 31 U.S.C. 3711, 3717, 3728, and 3718 and 26 U.S.C. 6103(m)(2) and 6402.

vv. To disclose information concerning past due receivables to any person or for any debt collection purpose authorized by statue not specifically enumerated here.

ww. To provide an official of another Federal agency information needed in the performance of official duties related to retirement, federal employee health, and/or federal employee life insurance benefits counseling.

xx. To authorized agencies, entities, and persons when:

(1) OPM suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised;

(2) OPM has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by OPM or another agency or entity) that rely upon the compromised information; and

(3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with OPM's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

DISCLOSURES TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12): Disclosures may be made from this system to consumer reporting agencies as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)) Policies and practices for storing, retrieving, retaining and disposing of records in the system:

STORAGE:

These records are maintained on secured LAN drives, databases, mainframes, magnetic tapes, disks, microfiche, and in folders.

RETRIEVABILITY:

These records are retrieved by the name, SSN, date of birth and/or claim number of the individual to whom they pertain.

SAFEGUARDS:

Records are kept in lockable metal file cabinets or in a secured facility with access limited to those whose official duties require access. Systems storing electronic data undergo system certification & accreditation processes and follow other appropriate federal security standards. Transfer of data to and from this system of record occurs over secure connections using encryption when appropriate. Personnel screening is employed to prevent unauthorized disclosure.

RETENTION AND DISPOSAL:

All records on a claim for retirement, life insurance, health benefits, and tax withholdings are maintained permanently in paper and/or electronic imaged format. Medical suitability records are maintained for 18 months. Requests for review of health benefits claims are maintained up to 3 years. Disposal of manual records is by shredding or burning; magnetic tapes and discs are erased.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Associate Director, Center for Retirement and Insurance Services, Office of Personnel Management, 1900 E Street, NW., Washington, DC 20415–0001.

RECORDS ACCESS PROCEDURES:

Individuals wishing to access their own records online through Your Benefits Resource (YBR) must follow a two-step identification and authorization process. Individuals must provide personal identifiers and/or a system user id for identification followed by a system password and/or personal indicative data for authentication.

OPM AND OTHER AGENCY ACCESS PROCEDURES:

Designated OPM, agency, and shared service center employees may be granted a defined level of access to other participants' records in this system for the purpose of performing official duties related to retirement, federal employee health, and/or federal employee life insurance benefits counseling. Those granted access to other participants' records must furnish their user identifying information and authentication information to obtain access.

INDIVIDUAL ACCESS PROCEDURES:

Individuals wishing to request access to their records in this system should contact the system manager. Individuals must furnish the following information for their records to be located and identified:

a. Name, including all former names.

b. Date of birth.

c. SSN.

d. Name and address of office in which currently and/or formerly employed in the Federal service.

e. Annuity, service credit, or voluntary contributions account number, if assigned.

Individuals requesting access must also follow OPM's Privacy Act regulations on verification of identity and access to records (5 CFR part 297).

CONTESTING RECORD PROCEDURE:

Individuals wishing to request amendment of their records in this system that are originated by OPM should contact the system manager.

Individuals must furnish the following information for their records to be located and identified:

a. Name, including all former names.

b. Date of birth.

c. SSN.

d. Name and address of office in which currently and/or formerly employed in the Federal service.

e. Annuity, service credit, or voluntary contributions account number, if assigned.

Individuals requesting amendment of their records must also follow OPM's Privacy Act regulations regarding verification of identity and amendment of records (5 CFR part 297).

Individuals requesting amendment of records that were not originated by OPM must contact the agency that established the record in accordance with (5 CFR 831.102 and 841.106).

RECORD SOURCE CATEGORIES:

The information in this system is obtained from:

a. The individual to whom the information pertains.

b. Agency pay, leave, and allowance records.

c. National Personnel Records Center.

d. Federal civilian retirement systems other than the CSRS/FERS.

e. Military retired pay system records.

f. Office of Workers' Compensation Benefits Program.

g. Veteran's Administration Pension Benefits Program.

h. Social Security Old Age, Survivor, and Disability Insurance and Medicare Programs.

i. Health insurance carriers and plans participating in the FEHBP.

j. OFEGLI.

k. Official Personnel Folders.

l. The individual's co-workers and supervisors.

m. Physicians who have examined or treated the individual.

n. Former spouse of the individual.

o. State courts or support enforcement agencies.

p. Credit bureaus.

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BILLING CODE 6325–38–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–57498; File No. SR–CBOE–2008–27]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Clarify Its Description of an Existing Program Under Which It Makes Subsidy Payments to CBOE Members That Provide Certain Order Routing Functionalities to Other CBOE Members and/or Use Such Functionalities Themselves

March 14, 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 6, 2008, 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 and II below, which Items have been substantially prepared by CBOE. The Exchange filed the proposed rule change pursuant to Section 19(b)(3)(A)(i) of the Act,[3] and Rule 19b–4(f)(1) thereunder,[4] as constituting a stated policy, practice, or interpretation with respect to the meaning, administration, or enforcement of an existing rule, which renders the proposed rule change effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested parties.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

CBOE proposes to clarify subsidy arrangements with CBOE members that provide certain order routing functionalities to other CBOE members and/or use such functionalities themselves. This rule change does not provide for any modifications to the text of CBOE's rules. The proposed rule change is available on the Exchange's Web site (*http://www.cboe.com*), at the Exchange's Office of the Secretary, and at 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)(i).

[4] 17 CFR 240.19b–4(f)(1).

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, CBOE included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. CBOE has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, Proposed Rule Change

1. Purpose

CBOE proposes to clarify the description in SR–CBOE–2007–34 of a program under which CBOE enters into subsidy arrangements with CBOE members that provide certain order routing functionalities to other CBOE members and/or use such functionalities themselves.[5] Under the program, CBOE makes payments to participating CBOE members to subsidize their costs of providing routing services to route orders to CBOE. CBOE believes that clarifying its description of the program is desirable in view of questions that it has received about the program since SR–CBOE–2007–34 became effective. This rule change does not make any substantive modification to the program.[6]

SR–CBOE–2007–34 includes a description of the features that an order routing functionality must have to qualify for the program. One required feature is a preferencing feature such that CBOE is the default destination exchange for individually executed marketable orders if CBOE is at the national best bid or offer (''NBBO''), regardless of size or time, subject to the ability of any user to manually override CBOE as the default destination on an order-by-order basis.

SR–CBOE–2007–34 stated that CBOE's payment to participating CBOE members to subsidize their costs of providing routing services ''would be $0.05 per contract for orders routed to CBOE through a participating member's system.'' Questions that CBOE has received have shown that this statement should be clarified in two respects. First, CBOE makes payments under the program only with respect to executed contracts routed to CBOE through a participating member's system; no payment is made with respect to orders that are routed to CBOE but not executed. Second, CBOE does not make payments under the program with respect to executed contracts in single-listed options classes traded on CBOE, or with respect to complex orders or spread orders. Single-listed options classes and complex orders or spread orders are not subject to preferencing to a default destination exchange, and CBOE therefore does not take them into account in calculating subsidy payments.[7]

SR–CBOE–2007–34 also stated that a ''participating member would have to agree that it would not be entitled to receive any other revenue for the use of its system specifically with respect to orders routed to CBOE.'' Questions that CBOE has received have shown that this statement also should be clarified. CBOE never intended that members participating in the program would be precluded from receiving payment for order flow if they choose to do so.

CBOE stated in SR–CBOE–2007–34: That nothing about the subsidy program would relieve any CBOE member that is using an order routing functionality provided by another member or its own functionality from complying with its best execution obligations; that, just as with any customer order and any other routing functionality, a member has an obligation to consider the availability of price improvement at various markets and whether routing a customer order through a functionality that qualifies for the program would allow for access to such opportunities if readily available; and that a member needs to conduct best execution evaluations on a regular basis, at a minimum quarterly, that include its use of any router qualifying for the program. These statements all remain true with respect to the program.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to national securities exchanges and, in particular, the requirements of Section 6(b) of the Act [8] because it will assist members in understanding the terms of CBOE's order router subsidy program. Specifically, the Exchange believes the proposed rule change is consistent with

[5] *See* Securities Exchange Act Release No. 55629 (April 13, 2007), 72 FR 19992 (April 20, 2007) (SR–CBOE–2007–34).

[6] CBOE has administered the program consistent with the description of the program as clarified in this rule change since the inception of the program.

[7] Quotations are not disseminated through the Options Price Reporting Authority for complex orders or spread orders, and there is no NBBO for such orders.

[8] 15 U.S.C. 78f(b).

the objectives of Section 6(b)(4) of the Act[9] in that it is designed to provide for the equitable allocation of reasonable dues, fees, and other charges among CBOE members and other persons using its facilities.

B. Self-Regulatory Organization's Statement on Burden on Competition

CBOE does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of 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 neither solicited nor received comments on the proposal.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change constitutes a stated policy, practice, or interpretation with respect to the meaning, administration, or enforcement of an existing rule, it has become effective pursuant to Section 19(b)(3)(A)(i) of the Act[10] and Rule 19b 4(f)(1) thereunder.[11] 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–CBOE–2008–27 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–2008–27. 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 CBOE. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CBOE–2008–27 and should be submitted on or before April 10, 2008.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E8–5590 Filed 3–19–08; 8:45 am]

BILLING CODE 8011–01–P

[9] 15 U.S.C. 78f(b)(4).

[10] 15 U.S.C. 78s(b)(3)(A)(i).

[11] 17 CFR 240.19b–4(f)(1).

[12] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–57497; File No. SR–FINRA–2007–021]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Filing of Proposed Rule Change and Amendment No. 1 Relating to Amendments to the Code of Arbitration Procedure for Customer Disputes and the Code of Arbitration Procedure for Industry Disputes To Address Motions To Dismiss and To Amend the Eligibility Rule Related to Dismissals

March 14, 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 Financial Industry Regulatory Authority, Inc. (''FINRA'') (f/k/a National Association of Securities Dealers, Inc. (''NASD'')) filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') on November 2, 2007, and amended on February 13, 2008 (Amendment No. 1), the proposed rule change as described in Items I, II, and III below, which Items have been substantially prepared by FINRA Dispute Resolution. 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

FINRA Dispute Resolution is proposing to amend NASD Rules 12206 and 12504 of the Code of Arbitration Procedure for Customer Disputes (''Customer Code'') and NASD Rules 13206 and 13504 of the Code of Arbitration Procedure for Industry Disputes (''Industry Code'') by providing specific procedures that will govern motions to dismiss, and amending the provision of the eligibility rule related to dismissals. Below is the text of the proposed rule change. Proposed new language is in italics; proposed deletions are in brackets.

* * * * *

12206. Time Limits

(a) No change.

(b) Dismissal under Rule

Dismissal of a claim under this rule does not prohibit a party from pursuing the claim in court. By filing a motion to

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

dismiss a claim under this rule, the moving party agrees that if the panel dismisses a claim under this rule, the non-moving party may withdraw any remaining related claims without prejudice and may pursue all of the claims in court.

(1) Motions under this rule must be made in writing, and must be filed separately from the answer, and only after the answer is filed.

(2) Unless the parties agree or the panel determines otherwise, parties must serve motions under this rule at least 90 days before a scheduled hearing, and parties have 30 days to respond to the motion.

(3) Motions under this rule will be decided by the full panel.

(4) The panel may not grant a motion under this rule unless an in-person or telephonic prehearing conference on the motion is held or waived by the parties. Prehearing conferences to consider motions under this rule will be recorded as set forth in Rule 12606.

(5) If the panel grants a motion under this rule (in whole or part), the decision must be unanimous, and must be accompanied by a written explanation.

(6) If the panel denies a motion under this rule, a party may not re-file the denied motion, unless specifically permitted by panel order.

(7) If the party moves to dismiss on multiple grounds including eligibility, the panel must decide eligibility first.

- *If the panel grants the motion to dismiss the case on eligibility grounds on all claims, it shall not rule on any other grounds for the motion to dismiss.*
- *If the panel grants the motion to dismiss on eligibility grounds on some, but not all claims, and the party against whom the motion was granted elects to move the case to court, the panel shall not rule on any other ground for dismissal for 15 days from the date of service of the panel's decision to grant the motion to dismiss on eligibility grounds.*
- *If a panel dismisses any claim on eligibility grounds, the panel must record the dismissal on eligibility grounds on the face of its order and any subsequent award the panel may issue.*
- *If the panel denies the motion to dismiss on eligibility grounds, it shall rule on the other bases for the motion to dismiss the remaining claims in accordance with the procedures set forth in Rule 12504(a).*

(8) If the panel denies a motion under this rule, the panel must assess forum fees associated with hearings on the motion against the moving party.

(9) If the panel deems frivolous a motion filed under this rule, the panel must also award reasonable costs and attorneys' fees to any party that opposed the motion.

(10) The panel also may issue other sanctions under Rule 12212 if it determines that a party filed a motion under this rule in bad faith.

(c)–(d) No change.

* * * * *

Rule 12504. [Reserved] *Motions to Dismiss*

(a) *Motions to Dismiss Prior to Conclusion of Case in Chief*

(1) *Motions to dismiss a claim prior to the conclusion of a party's case in chief are discouraged in arbitration.*

(2) *Motions under this rule must be made in writing, and must be filed separately from the answer, and only after the answer is filed.*

(3) *Unless the parties agree or the panel determines otherwise, parties must serve motions under this rule at least 60 days before a scheduled hearing, and parties have 45 days to respond to the motion.*

(4) *Motions under this rule will be decided by the full panel.*

(5) *The panel may not grant a motion under this rule unless an in-person or telephonic prehearing conference on the motion is held or waived by the parties. Prehearing conferences to consider motions under this rule will be recorded as set forth in Rule 12606.*

(6) *The panel cannot act upon a motion to dismiss a party or claim under paragraph (a) of this rule, unless the panel determines that:*

(A) *the non-moving party previously released the claim(s) in dispute by a signed settlement agreement and/or written release; or*

(B) *the moving party was not associated with the account(s), security(ies), or conduct at issue.*

(7) *If the panel grants a motion under this rule (in whole or part), the decision must be unanimous, and must be accompanied by a written explanation.*

(8) *If the panel denies a motion under this rule, the moving party may not re-file the denied motion, unless specifically permitted by panel order.*

(9) *If the panel denies a motion under this rule, the panel must assess forum fees associated with hearings on the motion against the moving party.*

(10) *If the panel deems frivolous a motion filed under this rule, the panel must also award reasonable costs and attorneys' fees to any party that opposed the motion.*

(11) *The panel also may issue other sanctions under Rule 12212 if it determines that a party filed a motion under this rule in bad faith.*

(b) *Motions to Dismiss After Conclusion of Case in Chief*

A motion to dismiss made after the conclusion of a party's case in chief is not subject to the procedures set forth in subparagraph (a).

(c) Motions to Dismiss Based on Eligibility

A motion to dismiss based on eligibility filed under Rule 12206 will be governed by that rule.

(d) Motions to Dismiss Based on Failure to Comply with Code or Panel Order

A motion to dismiss based on failure to comply with any provision in the Code, or any order of the panel or single arbitrator filed under Rule 12212 will be governed by that rule.

(e) Motions to Dismiss Based on Discovery Abuse

A motion to dismiss based on discovery abuse filed under Rule 12511 will be governed by that rule.

* * * * *

13206. Time Limits

(a) No change.

(b) Dismissal under Rule

Dismissal of a claim under this rule does not prohibit a party from pursuing the claim in court. By filing a motion to dismiss a claim under this rule, the moving party agrees that if the panel dismisses a claim under this rule, the non-moving party may withdraw any remaining related claims without prejudice and may pursue all of the claims in court.

(1) Motions under this rule must be made in writing, and must be filed separately from the answer, and only after the answer is filed.

(2) Unless the parties agree or the panel determines otherwise, parties must serve motions under this rule at least 90 days before a scheduled hearing, and parties have 30 days to respond to the motion.

(3) Motions under this rule will be decided by the full panel.

(4) The panel may not grant a motion under this rule unless an in-person or telephonic prehearing conference on the motion is held or waived by the parties. Prehearing conferences to consider motions under this rule will be recorded as set forth in Rule 13606.

(5) If the panel grants a motion under this rule (in whole or part), the decision must be unanimous, and must be accompanied by a written explanation.

(6) If the panel denies a motion under this rule, a party may not re-file the denied motion, unless specifically permitted by panel order.

(7) If the party moves to dismiss on multiple grounds including eligibility, the panel must decide eligibility first.

- *If the panel grants the motion to dismiss the case on eligibility grounds*

on all claims, it shall not rule on any other grounds for the motion to dismiss.

• *If the panel grants the motion to dismiss on eligibility grounds on some, but not all claims, and the party against whom the motion was granted elects to move the case to court, the panel shall not rule on any other ground for dismissal for 15 days from the date of service of the panel's decision to grant the motion to dismiss on eligibility grounds.*

• *If a panel dismisses any claim on eligibility grounds, the panel must record the dismissal on eligibility grounds on the face of its order and any subsequent award the panel may issue.*

• *If the panel denies the motion to dismiss on eligibility grounds, it shall rule on the other bases for the motion to dismiss the remaining claims in accordance with the procedures set forth in Rule 13504(a).*

(8) If the panel denies a motion under this rule, the panel must assess forum fees associated with hearings on the motion against the moving party.

(9) If the panel deems frivolous a motion filed under this rule, the panel must also award reasonable costs and attorneys' fees to any party that opposed the motion.

(10) The panel also may issue other sanctions under Rule 13212 if it determines that a party filed a motion under this rule in bad faith.

(c)–(d) No change.

* * * * *

13504. [Reserved] *Motions to Dismiss*

(a) Motions to Dismiss Prior to Conclusion of Case in Chief

(1) Motions to dismiss a claim prior to the conclusion of a party's case in chief are discouraged in arbitration.

(2) Motions under this rule must be made in writing, and must be filed separately from the answer, and only after the answer is filed.

(3) Unless the parties agree or the panel determines otherwise, parties must serve motions under this rule at least 60 days before a scheduled hearing, and parties have 45 days to respond to the motion.

(4) Motions under this rule will be decided by the full panel.

(5) The panel may not grant a motion under this rule unless an in-person or telephonic prehearing conference on the motion is held or waived by the parties. Prehearing conferences to consider motions under this rule will be recorded as set forth in Rule 13606.

(6) The panel cannot act upon a motion to dismiss a party or claim under paragraph (a) of this rule, unless the panel determines that:

(A) the non-moving party previously released the claim(s) in dispute by a signed settlement agreement and/or written release; or

(B) the moving party was not associated with the account(s), security(ies), or conduct at issue.

(7) If the panel grants a motion under this rule (in whole or part), the decision must be unanimous, and must be accompanied by a written explanation.

(8) If the panel denies a motion under this rule, the moving party may not re-file the denied motion, unless specifically permitted by panel order.

(9) If the panel denies a motion under this rule, the panel must assess forum fees associated with hearings on the motion against the moving party.

(10) If the panel deems frivolous a motion filed under this rule, the panel must also award reasonable costs and attorneys' fees to any party that opposed the motion.

(11) The panel also may issue other sanctions under Rule 13212 if it determines that a party filed a motion under this rule in bad faith.

(b) Motions to Dismiss After Conclusion of Case in Chief

A motion to dismiss made after the conclusion of a party's case in chief is not subject to the procedures set forth in subparagraph (a).

(c) Motions to Dismiss Based on Eligibility

A motion to dismiss based on eligibility filed under Rule 13206 will be governed by that rule.

(d) Motions to Dismiss Based on Failure to Comply with Code or Panel Order

A motion to dismiss based on failure to comply with any provision in the Code, or any order of the panel or single arbitrator filed under Rule 13212 will be governed by that rule.

(e) Motions to Dismiss Based on Discovery Abuse

A motion to dismiss based on discovery abuse filed under Rule 13511 will be governed by that rule.

* * * * *

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

FINRA [3] proposes to provide specific procedures to govern motions to dismiss, and to amend the provision of the eligibility rule related to dismissals. The proposal is designed to ensure that parties would have their claims heard in arbitration, by significantly limiting the grounds for filing motions to dismiss prior to the conclusion of a party's case in chief and by imposing stringent sanctions against parties for engaging in abusive practices under the rule.

Background

The Code of Arbitration Procedure that was in use prior to April 16, 2007, did not address motion practice.[4] Because motions were becoming increasingly common in arbitration, FINRA proposed to include in its revision of the entire Code of Arbitration Procedure (Code Revision) some guidance for parties and arbitrators with respect to motions practice.

The Code Revision, as initially filed with the SEC in 2003, contained a rule that would have permitted a panel to grant a motion to decide claims before a hearing on the merits (a ''dispositive motion'') only under extraordinary circumstances. FINRA proposed this rule in an attempt to address concerns raised by investors' counsel, SEC staff and other constituent groups about abusive and duplicative filing of dispositive motions. Specifically, FINRA received complaints that parties (typically respondent [5] firms) were filing dispositive motions routinely and repetitively in an apparent effort to delay scheduled hearing sessions on the merits, increase investors' costs (typically claimants [6]), and intimidate less sophisticated parties.[7] In some

[3] Although some of the events referenced in this rule filing occurred prior to the formation of FINRA through consolidation of NASD and the member regulatory functions of NYSE Regulation, the rule filing refers to FINRA throughout for simplicity.

[4] The Customer and Industry Codes became effective on April 16, 2007, for claims filed on or after that date; the old Code continues to apply to pending cases until their conclusion.

[5] A respondent is a party against whom a statement of claim or third party claim has been filed.

[6] A claimant is a party that files the statement of claim and other documents that initiate an arbitration.

[7] For example, the Securities Arbitration Commentator published a study in Fall 2006 on motions to dismiss in customer cases, which concludes that, in the universe of cases that went

Continued

cases, if a party did not receive a favorable ruling on a dispositive motion filed at a particular stage in an arbitration proceeding, that party would re-file the same or a similar dispositive motion at a later time, which often served only to increase investors' costs and delay the hearing and the issuance of any award. Moreover, FINRA learned through various constituent and focus groups that some respondents' attorneys were being counseled by their law firms that an acceptable and useful tactic was to file multiple dispositive motions at various stages of an arbitration proceeding.

When the Code Revision was published for comment in the **Federal Register**, commenters opposed the dispositive motion rule for a variety of reasons. Therefore, FINRA removed the rule from the Code Revision and re-filed it separately.[8] The SEC then approved the Code Revision without the dispositive motion rule.[9]

Prior Dispositive Motion Proposal

As re-filed with the SEC, the dispositive motion proposal would have permitted a panel to grant a dispositive motion prior to an evidentiary hearing only under extraordinary circumstances. [10] The SEC published the proposal for public comment on August 31, 2006, and received over 60 comment letters,[11] the majority of which opposed the proposal. The comments and FINRA's response are discussed in Section 5 below.

Based on the comments, FINRA recognized that the proposal did not provide effective guidance on how dispositive motions would be handled in the forum. Because the comments indicated that various issues involving dispositive motions required more guidance, FINRA withdrew the dispositive motion proposal, and filed a new proposed rule change to provide specific procedures that would govern motions to dismiss. FINRA also proposes to amend the separate rule governing dismissals made on eligibility grounds.

Motions To Dismiss on Other Than Eligibility Grounds

FINRA filed the proposed rule change to provide specific procedures that would govern motions to dismiss. Generally, FINRA believes that parties have the right to a hearing in arbitration. In certain very limited circumstances, however, it would be unfair to require a party to proceed to a hearing. The proposal is designed to balance these competing interests. The proposal should ensure that parties [12] have their claims heard in arbitration, by significantly limiting the grounds for filing motions to dismiss prior to conclusion of a party's case in chief and by imposing stringent sanctions against parties for engaging in abusive practices under the rule. The proposal would permit parties to file a motion to dismiss at the conclusion of a party's case in chief, based on any theory of law.

The proposed rule change would govern motions to dismiss filed prior to the conclusion of a party's case in chief (under the Customer Code or Industry Code, as applicable), as discussed in further detail below.

Discourage Motions To Dismiss a Claim Prior to a Party's Case in Chief

The proposed rule change would clarify that motions to dismiss a claim prior to a party's case in chief are discouraged in arbitration. FINRA believes that parties have the right to a hearing in arbitration, and only in certain very limited circumstances should that right be challenged. This provision would not apply to motions filed on the basis of eligibility grounds, as discussed below.

Require That Motions To Dismiss Be Filed in Writing, Separately From the Answer, and After the Answer Is Filed

FINRA believes that requiring a party to file a motion to dismiss in writing separately from the answer and only after the answer is filed would deter parties from filing these motions routinely in lieu of an answer, and would prevent parties from combining a motion to dismiss with an answer. This provision should ensure that parties receive an answer that responds directly to the statement of claim.

Filing Deadlines

The proposed rule change would require parties to serve motions under this provision at least 60 days before a scheduled hearing and would provide 45 days to respond to a motion unless the parties agree or the panel determines otherwise. FINRA believes that requiring a motion to dismiss to be served at least 60 days before a scheduled hearing and providing 45 days for a party to respond to such a motion would prevent the moving party from filing a motion shortly before a hearing as a surprise tactic to force a delay in the arbitration process.

Require the Full Panel To Decide Motions To Dismiss

The proposal would require the full panel to decide motions to dismiss. Given the ramifications of granting a motion to dismiss, FINRA believes that each member of the panel should be required to hear the parties' arguments, so that each panel member may make an informed decision when ruling on the motion.

Require an Evidentiary Hearing

Under the proposal, the panel may not grant a motion to dismiss prior to the conclusion of a party's case in chief unless the panel holds an in-person or telephonic prehearing conference on the motion that is recorded in accordance with Rule 12606 or Rule 13206, unless such conference is waived by the parties. FINRA believes this requirement would ensure that the panel holds a hearing on the motion and that the panel has sufficient information to make a ruling.

Limited Grounds on Which a Motion May Be Granted

FINRA proposes to limit the grounds on which a panel may act upon a motion to dismiss prior to the conclusion of the party's case in chief. The proposal states that a panel may act upon a motion to dismiss only after the party rests its case in chief unless the panel determines that:

- The non-moving party previously released the claim(s) in dispute by a signed settlement agreement and/or written release; or
- the moving party was not associated with the account(s), security(ies), or conduct at issue.[13]

FINRA believes that limiting the grounds on which a motion to dismiss may be granted prior to the conclusion

to award, there were motions to dismiss in 28% of the cases in 2006 as compared to 10% in 2004. Securities Arbitration Commentator, Nov. 2006 (Vol. 2006, No. 5), at 3.

[8] See Securities Exchange Act Release No. 54360 (August 24, 2006); 71 FR 51879 (August 31, 2006) (SR–NASD–2006–088) (notice).

[9] See Securities Exchange Act Release No. 55158 (January 24, 2007); 72 FR 4574 (January 31, 2007) (SR–NASD–2003–158 and SR–NASD–2004–011) (approval order).

[10] See note 8.

[11] See Comments on File No. SR–NASD–2006–088, Notice of Filing of Proposed Rule Change Relating to Motions to Decide Claims Before a Hearing on the Merits, available at *http://www.sec.gov/comments/sr–nasd–2006–088/nasd2006088.shtml* (last visited October 5, 2007).

[12] For purposes of the proposal, a party could be an initial claimant, respondent, counterclaimant, cross claimant, or third party claimant and his or her motion to dismiss would be subject to Rules 12206 and 12504 of the Customer Code or Rules 13206 and 13504 of the Industry Code.

[13] A motion to dismiss on eligibility grounds would be governed by Rules 12206 and 13206 of the Customer and Industry Code, respectively; the amendments to those rules are discussed below.

of the party's case in chief would minimize the potential for abusive practices and ensure that most parties' claims would be heard in the forum.

Require a Unanimous, Explained, Written Decision To Grant a Motion To Dismiss

The proposal would require a unanimous decision by the panel to grant a motion to dismiss as well as a written explanation of the decision in the award. Under the proposal, each member of the panel must agree to grant a motion to dismiss. FINRA believes that because these decisions are an integral part of the arbitration process, all panel members should agree to dismiss a claim; otherwise the case should continue. Moreover, the provision that requires the panel to provide a written explanation of its decision would help parties understand the panel's rationale for its decision.

Require Permission From the Arbitrators To Re-File a Denied Motion To Dismiss

Under the proposal, a party would be prohibited from re-filing a denied motion to dismiss, unless specifically permitted by a panel order. FINRA believes this limitation would serve to expedite the arbitration process and minimize parties' costs.

Require Arbitrators To Award Fees Associated With Denied Motions To Dismiss and To Award Fees and Costs Associated With Frivolously Filed Motions To Dismiss

The proposal would also require that the panel assess forum fees associated with hearings on the motion to dismiss against the party filing the motion to dismiss, if the panel denies the motion. Further, if the panel deems frivolous a motion filed under this rule, the panel must award reasonable costs and attorneys' fees to a party that opposed the motion. FINRA believes that imposing monetary penalties would minimize abusive practices involving motions to dismiss and would deter parties from filing such motions frivolously.

Permit Sanctions for Motion To Dismiss Filed in Bad Faith

If the panel determines that a party filed a motion under this rule in bad faith, the panel also may issue sanctions under Rule 12212 or Rule 13212. FINRA believes that these stringent sanction requirements would provide panels with additional enforcement mechanisms to address abusive practices involving motions to dismiss if other deterrents prove ineffective.

When a moving party (governed by the Customer Code or Industry Code, as applicable) files a motion to dismiss at the conclusion of a party's case in chief, the provisions governing motions to dismiss filed prior to the conclusion of a party's case in chief discussed above would not apply. Thus, a moving party could file a motion to dismiss at the conclusion of a party's case in chief, based on any theory of law. The rule, however, would not preclude the panel under this scenario from issuing an explanation of its decision if it grants the motion, or awarding costs or fees to the party that opposed the motion if it denies the motion.

FINRA believes that permitting a moving party to file a motion to dismiss at the conclusion of a party's case in chief should balance the goal of ensuring that non-moving parties have their claims heard by a panel against the rights of moving parties to challenge a claim they believe lacks merit or has not been proved. Moreover, FINRA believes that arbitrators should be permitted to entertain and act upon a motion to dismiss at this stage of a hearing to minimize the moving parties' incurring unnecessary additional attorneys' fees and forum fees. If a claimant has presented its case in chief and clearly failed to present sufficient evidence to support a claim, then the moving party should not be forced to incur the additional expenses and costs associated with unnecessary hearings.

The proposal provides that motions to dismiss based on failure to comply with code or panel order under Rule 12212 or 13212, as applicable, would be governed by that rule. Further, the proposal provides that motions to dismiss based on discovery abuse filed under Rule 12511 or 13511, as applicable, would be governed by that rule.

Amendments to the Dismissal Provision of the Eligibility Rule

FINRA proposes to amend Rules 12206(b) and 13206(b) of the Customer and Industry Codes, respectively, to address motions to dismiss made on eligibility grounds. Under this proposal, a party may file a motion to dismiss on eligibility grounds at any stage of the proceeding (after the answer is filed), except that a party may not file this motion any later than 90 days before the scheduled hearing on the merits. FINRA is also proposing to amend the rule to address the *res judicata* defense claimants could encounter when they attempt to pursue in court a claim dismissed in arbitration, when the grounds for the dismissal are unclear.

The first issue FINRA addresses with the proposal is amending Rules 12206(b) and 13206(b) to establish procedures for motions to dismiss made on eligibility grounds. In light of the new motions to dismiss proposal, FINRA believes that similar changes should be incorporated into the existing eligibility rule to provide procedures and guidance for dealing with motions to dismiss made on eligibility grounds. The proposed changes to the eligibility rule contain most of the same provisions as those contained in the proposed motions to dismiss rule (discussed above), except for those criteria that are not applicable to eligibility motions, that is, the two other grounds on which a panel may grant a motion to dismiss before a party has presented its case in chief (*i.e.*, signed settlement and written release and factual impossibility).

In addition, the filing deadlines would be different from those in the motions to dismiss proposal. Under the proposed rule, a party may file a motion to dismiss on eligibility grounds at any stage of the proceeding (after the answer is filed), except that a party may not file this motion any later than 90 days before the scheduled hearing on the merits. FINRA believes that this requirement would encourage moving parties to determine in the early stages of the case whether to pursue their claims in court or to proceed with the arbitration. Further, FINRA believes that this requirement would prevent the moving party from filing this motion shortly before a hearing as a surprise tactic to force a delay in the arbitration process.

The proposal also would provide parties with 30 days to respond to an eligibility motion. If a panel grants a motion to dismiss a party's claim based on eligibility grounds, that party must re-file the claim in court to pursue its remedies, which could further delay resolution of the dispute. Therefore, FINRA is proposing the 30-day timeframe to respond to eligibility motions to expedite the process, so that the time between filing a claim and resolution of the dispute is shortened.

The second issue concerns potential problems in the implementation of the eligibility rule since it was last amended in 2005. Currently, the eligibility rule makes clear that dismissal of a claim on eligibility grounds in arbitration does not preclude a party from pursuing the claim in court; it provides that, by requesting dismissal of a claim under the rule, the requesting party is agreeing that the non-moving party may withdraw any remaining related claims

without prejudice and may pursue all of the claims in court.[14]

In certain situations, when a claim is dismissed under the eligibility rule, FINRA understands that claimants have had difficulty proceeding with their claims in court, because respondents have asserted a *res judicata* defense when the panel's grounds for dismissing the arbitration claim were unclear. For example, if a respondent files a motion to dismiss based on several grounds, including eligibility, and the panel issues an order dismissing a claim, but without citing reasons, the claimants would not know whether or not they are afforded the right to pursue the claim in court, as provided by the rule. If the claimants proceed to file the dismissed claim in court, the respondents may argue that the panel's decision on the claim is the final decision, and that claimants are barred from having the court decide the same claim again. In such a case, claimants would be required to prove that the dismissal was based on eligibility, not the other grounds for dismissal that the respondents raised. This would be difficult or impossible if the arbitrator or panel did not explain the reasons for the dismissal.

FINRA proposes to amend the eligibility rule to address this issue. The rule would be amended to provide that, when a party files a motion to dismiss on multiple grounds, including eligibility, the panel must consider the threshold issue of eligibility first. First, the rule would be amended to require that if the panel grants the motion to dismiss on eligibility grounds on all claims, it shall not rule on any other grounds for the motion to dismiss. Second, the rule would be amended to require that if the panel grants the motion to dismiss on eligibility grounds, on some, but not all claims, and the non-moving party elects to move the case to court, the panel shall not rule on any other ground for dismissal for 15 days from the date of service of the panel's decision to grant the motion to dismiss on eligibility grounds. Third, the rule would be amended to require that, when arbitrators dismiss any claim on eligibility grounds, that fact must be stated on the face of their order and any subsequent award the panel may issue. And fourth, if the panel denies the motion to dismiss on the basis of eligibility, it shall rule on the other bases for the motion to dismiss the remaining claims in accordance with the motions to dismiss rule. FINRA believes that the proposed amendments will close a loophole that has resulted from implementing the rule by eliminating the *res judicata* defense that claimants could face when they attempt to pursue claims in court that were dismissed in arbitration on eligibility grounds.

2. Statutory Basis

FINRA believes that the proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Act, which requires, among other things, that FINRA rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest. FINRA believes that the proposed rule change would enhance investor confidence in the fairness and neutrality of FINRA's arbitration forum by ensuring that non-moving parties have their claims heard in arbitration, while preserving the moving parties' rights to challenge the necessity of a hearing in certain limited circumstances. Further, the proposed changes to the eligibility rule would help prevent manipulative practices by closing a loophole in the rule, so that parties may pursue their claims in court without facing an unintended legal impediment, in the event their claims are dismissed in arbitration on eligibility grounds.

B. Self-Regulatory Organization's Statement on Burden on Competition

FINRA does not believe that the proposed rule change would result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended.

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 by FINRA. The SEC received 63 comments on the prior dispositive motion proposal that was published for comment on August 31, 2006.[15] In general, most commenters

[14] Rule 12206(b) of the Customer Code and Rule 13206(b) of the Industry Code.

[15] Comment letters were submitted by Paul R. Meyer, Esq., dated July 26, 2006 (''Meyer Letter''); Seth E. Lipner, Professor of Law, Zicklin School of Business, dated August 29, 2006 (''Lipner Letter''); Kevin Thomas Hoffman, Esq., dated September 8, 2006 (''Hoffman Letter''); Randall R. Heiner, Esq., dated September 12, 2006 (''Heiner Letter''); Joseph C. Korsak, Esq., dated September 13, 2006 (''Korsak Letter''); Philip M. Aidikoff, Esq., Aidikoff, Uhl Bakhtiari, dated September 13, 2006 (''Aidikoff Letter''); Barry D. Estell, Esq., dated September 13, 2006 (''Estell Letter''); Daniel A. Ball, Esq., Ball Associates, dated September 14, 2006 (''Ball Letter''); Stuart E. Finer, Esq., dated September 21, 2006 (''Finer Letter''); Barbara Black, Director, University of Cincinnati College of Law and Jill I. Gross, Director, Pace University School of Law, dated September 21, 2006 (''Black and Gross Letter''); Robert S. Banks, Jr., President, Public Investors Arbitration Bar Association, dated September 21, 2006 (''PIABA Letter''); Tim Canning, Esq., Law Offices of Timothy A. Canning, dated September 21, 2006 (''Canning Letter''); Gary Pieples, Director, Syracuse University Securities Arbitration and Consumer Clinic, dated September 22, 2006 (''Pieples Letter''); Scot D. Bernstein, Esq., dated September 24, 2006; Robert C. Port, Esq., Cohen Goldstein Port & Gottlieb, LLP, dated September 25, 2006 (''Port Letter''); William P. Torngren, Esq., dated September 25, 2006 (''Torngren Letter''); Laurence S. Schultz, Esq., Driggers Schultz and Herbst; dated September 25, 2006 (''Schultz Letter''); Al Van Kampen, Esq., Rohde & Van Kampen PLLC, dated September 25, 2006 (''Van Kampen Letter''); Allan J. Fedor, Esq., dated September 26, 2006 (''Fedor Letter''); A. Daniel Woska, Esq., Woska & Hayes, LLP, dated September 25, 2006 (''Woska Letter''); Cliff Palefsky, Co-Chair ADR Committee, National Employment Lawyers Association, dated September 26, 2006 (''Palefsky Letter''); Steven B. Caruso, Esq., Maddox Hargett Caruso, P.C., dated September 27, 2006 (''Caruso Letter''); Dale Ledbetter, Esq., Adorno & Yoss, dated September 27, 2006 (''Ledbetter Letter''); Noah H. Simpson, Esq., dated September 28, 2006 (''Simpson Letter I''); Stephen P. Meyer, Esq., PIABA, dated September 29, 2006 (''Meyer Letter''); Edward G. Turan, Chair, Arbitration and Litigation Committee, Securities Industry Association, dated September 29, 2006 (''SIA Letter''); Joseph Fogel, Esq., Fogel & Associates, dated September 30, 2006 (''Fogel Letter''); Henry Simpson, III, Simpson Woolley McConachie, L.L.P, dated October 2, 2006 (''Simpson Letter II''); Michael J. Willner, Esq., Miller Faucher and Cafferty LLP, dated October 3, 2006 (''Willner Letter''); T. Michael Kennedy, P.C., dated October 3, 2006 (''Kennedy Letter''); Richard A. Lewins, Burg Simpson Eldredge Hersh & Jardine P.C., dated October 3, 2006 (''Lewins Letter''); Val Hornstein, Esq., Hornstein Law Offices, dated October 3, 2006 (''Hornstein Letter''); Steve Buchwalter, Esq., Law Offices of Steve A. Buchwalter, P.C., dated October 3, 2006 (''Buchwalter Letter''); W. Scott Greco, Esq., Greco & Greco, P.C., dated October 3, 2006 (''Greco Letter''); Jeffrey B. Kaplan, Esq., dated October 3, 2006 (''Kaplan Letter''); Jan Graham, Esq., Graham Law Offices, dated October 3, 2006 (''Graham Letter''); Thomas C. Wagner, Esq., Van Deusen & Wagner, LLC, dated October 3, 2006 (''Wagner Letter''); Scott R. Shewan, Esq., Born, Pape & Shewan LLP, dated October 3, 2006 (''Shewan Letter''); Jeffrey S. Kruske, Esq., dated October 3, 2006 (''Kruske Letter''); Gail E. Boliver, Esq., Boliver Law Firm, dated October 3, 2006 (''Boliver Letter''); Sarah G. Anderson, dated October 3, 2006 (''Anderson Letter''); Rob Bleecher, Esq., Pecht & Associates, PC, dated October 4, 2006 (''Bleecher Letter''); Robert Goehring, Esq., dated October 4, 2006 (''Goehring Letter''); Herbert E. Pounds, Jr., Esq., dated October 4, 2006 (''Pounds Letter''); Leonard Steiner, Esq., Steiner & Libo, Professional Corporation, dated October 4, 2006 (''Steiner Letter''); Harry S. Miller, Esq., Burns & Levenson LLP, dated October 4, 2006 (''Miller Letter''); Jonathan W. Evans, Esq., Jonathan W. Evans & Associates, dated October 4, 2006 (''Evans Letter''); Henry Simpson, Esq., Simpson Woolley McConachie, LLP, dated October 4, 2006 (''Simpson Letter III''); Eliot Goldstein, Esq., Law Offices of Eliot Goldstein LLP, dated October 4, 2006 (''Goldstein Letter''); Kyle M. Kulzer, Esq., Alan L. Frank Law Associates, P.C., dated October 4, 2006 (''Kulzer Letter''); Adam S. Doner, Esq., dated October 4, 2006 (''Doner Letter''); Brian N. Smiley, Esq., Gard Smiley Bishop & Porter LLP, dated October 4, 2006 (''Smiley Letter''); Frederick W. Rosenberg JD, dated October 4, 2006 (''Rosenberg Letter''); Theodore M. Davis, Esq., dated October 5,

opposed the prior proposal and argued that it would, among other things, encourage, rather than discourage, the making of dispositive motions; have a chilling effect on the ability of investors to have all evidence judged and the credibility and veracity of witnesses weighed; and result in a loss of the major benefits of the arbitration process—cost effectiveness and expediency.

Some commenters who opposed the prior proposal argued that FINRA should adopt a rule that would prohibit all dispositive motions in arbitration. These commenters contended that the prior proposal would establish a procedure that would deprive investors of their fundamental right to a hearing in arbitration—a policy, they believe, is antithetical to the goals of arbitration.[16] Another group of commenters indicated that they would support a modified version of the prior proposal if it included some safeguards. Some of the safeguards suggested by these commenters included prohibiting a panel from deciding a claim before a hearing until all documents have been produced by the parties; requiring a panel to deny a dispositive motion if there are disputed facts; requiring a panel to award costs and attorneys' fees to the party defending a dispositive motion if it is denied; and requiring a written explanation from the panel if the dispositive motion is granted.[17]

Based on the concerns raised by the commenters, FINRA realized that the prior proposal did not convey its position on dispositive motions effectively; and did not provide guidance on how the dispositive motion rule and noncompliance with the rule should be handled in its arbitration forum. Because the comments indicated that these positions were unclear, FINRA withdrew the prior proposal and filed this new proposal to replace it.

2006 (''Davis Letter''); James D. Keeney, Esq., James D. Keeney, P.A., dated October 5, 2006 (''Keeney Letter''); Jorge A. Lopez, Esq., dated October 5, 2006 (''Lopez Letter''); Michael B. Lynch, Esq., Levin Papantonio Thomas Mitchell Echsner & Proctor P.A., dated October 5, 2006 (''Lynch Letter''); John Miller, Esq., dated October 10, 2006 (''Miller Letter''); Jenice L. Malecki, Esq., dated October 11, 2006 (''Malecki Letter''); Stuart Meissner, Esq., The Law Offices of Stuart D. Meissner LLC, dated October 13, 2006 (''Meissner Letter''); Howard Rosenfield, Esq., Law Offices of Howard M Rosenfield, dated December 12, 2006 (''Rosenfield Letter''); Richard P. Ryder, Esq., Securities Arbitration Commentator, dated June 16, 2007 (''Ryder Letter''); and Bryan Lantagne, Chair, North American Securities Administrators Association, Inc. Broker-Dealer Arbitration Project Group, dated July 19, 2006 (''NASAA Letter'')(submitted as comment on SR–NASD–2003–158).

[16] *See, e.g.*, Estell, Finer, and Woska Letters.

[17] *See, e.g.*, Ledbetter, Schultz and Torngren Letters.

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–FINRA–2007–021 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–FINRA–2007–021. 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 available publicly. All submissions should refer to the File Number SR–INRA–2007–021 and should be submitted on or before April 10, 2008.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[18]

Florence E. Harmon.

Deputy Secretary.

[FR Doc. E8–5571 Filed 3–19–08; 8:45 am]

BILLING CODE 8011–01–P

[18] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–57492; File No. SR–NASD–2007–021]

Self-Regulatory Organizations; National Association of Securities Dealers, Inc. (n/k/a Financial Industry Regulatory Authority, Inc.); Order Approving Proposed Rule Change To Amend the Definition of Public Arbitrator

March 13, 2008.

On March 12, 2007, the National Association of Securities Dealers, Inc. (''NASD''), through its wholly owned subsidiary, NASD Dispute Resolution, Inc. (n/k/a FINRA Dispute Resolution, Inc.) filed with the Securities and Exchange Commission (''Commission'') pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend the definition of ''public arbitrator'' in the NASD's Code of Arbitration Procedure for Customer Disputes (''Customer Code'') and Code of Arbitration Procedure for Industry Disputes (''Industry Code'').[3] The proposed rule change was published for comment in the **Federal Register** on July 17,

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] On July 26, 2007, the Commission approved a proposed rule change filed by NASD to amend NASD's Certificate of Incorporation to reflect its name change to Financial Industry Regulatory Authority Inc., or FINRA, in connection with the consolidation of the member firm regulatory functions of NASD and NYSE Regulation, Inc. *See* Securities Exchange Act Release No. 56146 (July 26, 2007). In connection with this name change, NASD Dispute Resolution became FINRA Dispute Resolution, Inc. (''FINRA Dispute Resolution'').

2007.[4] The Commission received 62 comments on the proposed rule change [5] and FINRA's response to the comments.[6]

I. Description of the Proposed Rule Change

FINRA Dispute Resolution, Inc. proposes to amend the Customer Code and the Industry Code to amend the definition of public arbitrator to add an annual revenue limitation. In discussing the proposed rule change, FINRA stated that it and its predecessor NASD had taken numerous steps in recent years to ensure the integrity and neutrality of the forum's arbitrator roster by addressing classification of arbitrators. For example, in August 2003, NASD proposed changes to Rules 10308 and 10312 of the Code of Arbitration Procedure (''Code'') to modify the definitions of public and non-public arbitrators to further prevent individuals with significant ties to the securities industry from serving as public arbitrators.[7] The 2003 proposal:

- Increased from three years to five years the period for transitioning from a non-public to public arbitrator after leaving the securities industry.
- Clarified that the term ''retired'' from the industry includes anyone who spent a substantial part of his or her career in the industry.
- Prohibited anyone who has been associated with the industry for at least 20 years from ever becoming a public arbitrator, regardless of how long ago the association ended.
- Excluded from the public arbitrator roster attorneys, accountants, or other professionals whose firms have derived 10 percent or more of their annual revenue in the previous two years from clients involved in securities-related activities.

The proposal was approved by the Commission on April 16, 2004, and became effective on July 19, 2004.[8]

On July 22, 2005, NASD proposed further amendments to Rule 10308 of the Code relating to arbitrator classification to prevent individuals with certain indirect ties to the securities industry from serving as public arbitrators. Specifically, NASD proposed to amend the definition of public arbitrator to exclude individuals who work for, or are officers or directors of, an entity that controls, is controlled by, or is under common control with, a broker-dealer, or who have a spouse or immediate family member who works for, or is an officer or director of, an entity that is in such a control relationship with a broker-dealer. NASD also proposed to amend Rule 10308 to clarify that individuals registered through broker-dealers may not be public arbitrators, even if they are also employed by a non-broker-dealer (such as a bank). This rule filing was approved by the Commission on October 16, 2006, and became effective on January 15, 2007.[9]

During the time that the changes discussed above were being made, NASD also had pending at the Commission a 2003 proposal to amend the Code to reorganize the rules into the

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[4] *See* Securities Exchange Act Release No. 56039 (July 10, 2007), 72 FR 39110 (July 17, 2007).

[5] Comment letters were submitted by Philip M. Aidikoff, Esq., Attorney, dated July 17, 2007 (''Aidikoff Letter''); Professor Seth E. Lipner, Zicklin School of Business, Baruch College, dated July 23, 2007 (''Lipner Letter''); Steven B. Caruso, Esq., President, Public Investors Arbitration Bar Association, dated July 23, 2007 (''PIABA Letter''), William S. Shepherd, Esq., Founder, Shepherd, Smith & Edwards, LLP, dated July 24, 2007 (''Shepherd Letter''); Richard Layne, dated July 25, 2007 (''Layne Letter''); Dale Ledbetter, Ledbetter Associates, dated July 25, 2007 (''Ledbetter Letter''); Jeffrey B. Kaplan, Esq., Dimond Kaplan Rothstein, P.A., dated July 25, 2007 (''Kaplan Letter''); Charles C. Mihalek, Esq., dated July 25, 2007 (''Mihalek Letter''); Daniel A. Ball, Esq., Ball Law Offices, dated July 25, 2007 (''Ball Letter''); Stuart D. Meissner, Esq., Law Offices of Stuart D. Meissner LLC, dated July 25, 2007 (''Meissner Letter''); Adam S. Doner, Esq., dated July 25, 2007 (''Doner Letter''); Jay H. Salamon, Esq., Hermann Cahn & Schneider LLP, dated July 25, 2007 (''Salamon Letter''); Robert W. Goehring, Esq., dated July 25, 2007 (''Goehring Letter''); Barry D. Estell, dated July 25, 2007 (''Estell Letter''); Steve A. Buchwalter, Esq., Law Offices of Steve A. Buchwalter, P.C., dated July 25, 2007 (''Buchwalter Letter''); Charles W. Austin, Jr., dated July 25, 2007 (''Austin Letter''); Les Greenberg, Esq., Law Offices of Les Greenberg, dated July 27, 2007 (''Greenberg Letter''); Jeffrey A. Feldman, Esq., Law Offices of Jeffrey A. Feldman, dated July 27, 2007 (''Feldman Letter''); Frederick W. Rosenberg, Esq., dated July 30, 2007 (''Rosenberg Letter''); W. Scott Greco, Esq., Greco & Greco, P.C., dated July 31, 2007 (''Greco Letter''); Bryan J. Lantagne, Esq., Director, Massachusetts Securities Division and Chair, NASAA Arbitration Working Group, dated August 2, 2007 (''NASAA Letter''); Peter J. Mougey, Esq., Beggs & Lane, dated August 3, 2007 (''Mougey Letter''); Andrew Stoltmann, Esq., Stoltman Law Offices, P.C., dated August 6, 2007 (''Stoltman Letter''); Robert C. Port, Esq., Cohen Goldstein Port & Gottlieb, LLP, dated August 6, 2007 (''Port Letter''); James D. Keeney, Esq., James D. Keeney, P.A., dated August 6, 2007 (''Keeney Letter''); Herb Pounds, Esq., Herbert E. Pounds, Jr., P.C., dated August 6, 2007 (''Pounds Letter''); John Miller, Esq., Swanson Midgley LLC, dated August 6, 2007 (''Miller Letter''); Janet K. DeCosta, Esq., dated August 6, 2007 (''DeCosta Letter''); Milton H. Fried, Jr., Esq., dated August 6, 2007 (''Fried Letter''); Laurence S. Schultz, Esq., Driggers, Schultz & Herbst, dated August 6, 2007 (''Schultz Letter''); Mark A. Tepper, Esq., President, Mark A. Tepper, P.A., dated August 6, 2007 (''Tepper Letter''); Leonard Steiner, dated August 6, 2007 (''Steiner Letter''); William P. Torngren, Esq., dated August 6, 2007 (''Torngren Letter''); Richard A. Lewins, Esq., Special Counsel, Burg Simpson Eldredge Hersh & Jardine P.C., dated August 7, 2007 (''Lewins Letter''); Jonathan W. Evans, Esq., Jonathan W. Evans & Associates, dated August 7, 2007 (''Evans Letter''); Kathleen H. Gorr, Esq., dated August 7, 2007 (''Gorr Letter''); Martin L. Feinberg, Esq., dated August 8, 2007 (''Feinberg Letter''); Dave Liebrader, Esq., dated August 8, 2007 (''Liebrader Letter''); Steven M. McCauley, Esq., dated August 8, 2007 (''McCauley Letter''); David Harrison, dated August 8, 2007 (''Harrison Letter''); Rob Bleecher, Esq., dated August 8, 2007 (''Bleecher Letter''); Thomas C. Wagner, Esq., Van Deusen & Wagner L.L.C., dated August 8, 2007 (''Wagner Letter''); Carl J. Carlson, Esq., Carlson & Dennett, P.S., dated August 8, 2007 (''Carlson Letter''); Robert S. Banks, Jr., Esq., The Banks Law Office, P.C., dated August 8, 2007 (''Banks Letter''); Jeffrey S. Kruske, Esq., Law Office of Jeffrey S. Kruske, P.A., dated August 8, 2007 (''Kruske Letter''); Mitchell S. Ostwald, Esq., The Law Offices of Mitchell S. Ostwald, dated August 8, 2007 (''Ostwald Letter''); Debra G. Speyer, Esq., Law Offices of Debra G. Speyer, dated August 8, 2007 (''Speyer Letter''); Dawn R. Meade, Esq., The Spencer Law Firm, dated August 9, 2007 (''Meade Letter''); Scott C. Ilgenfritz, Esq., dated August 8, 2007 (''Ilgenfritz Letter''); Eliot Goldstein, Esq., Partner, Law Offices of Eliot Goldstein, LLP, dated August 9, 2007 (''Goldstein Letter''); Howard Rosenfield, Esq., Law Offices of Howard Rosenfield, dated August 10, 2007 (''Rosenfield Letter''); Scott R. Shewan, Esq., Born, Pape & Shewan LLP, dated August 13, 2007 (''Shewan Letter''); Joseph Fogel, Esq., Fogel & Associates, dated August 14, 2007 (''Fogel Letter''); Donald M. Feferman, Esq., Donald M. Feferman, P.C., dated August 16, 2007 (''Feferman Letter''); Gail E. Boliver, Esq., Boliver Law Firm, dated August 19, 2007 (''Boliver Letter''); Stephen P. Meyer, Esq., Meyer & Ford, dated August 20, 2007 (''Meyer Letter''); Jan Graham, Esq., Graham Law Offices, dated August 20, 2007 (''Graham Letter''); John E. Sutherland, Esq., dated August 20, 2007 (''Sutherland Letter''); Ronald M. Amato, Esq., Shaheen, Novoselsky, Staat, Filipowski & Eccleston, P.C, dated August 21, 2007 (''Amato Letter''); James J. Eccleston, Esq., Shaheen, Novoselsky, Staat, Filipowski & Eccleston, P.C, dated August 21, 2007 (''Eccleston Letter''); J. L. Spray, Esq., Mattson, Ricketts, Davies, Stewart & Calkins, dated August 21, 2007 (''Spray Letter''); Randall R. Heiner, Esq., Heiner Law Offices, dated August 23, 2007 (''Heiner Letter'').

The public file for the proposal, which includes comment letters received on the proposal, is located at the Commission's Public Reference Room located at 100 F Street, NE., Washington, DC 20549. The comment letters are also available on the Commission's Internet Web site *(http://www.sec.gov/rules/sro.shtml).*

[6] *See* Letter from Mignon McLemore, Assistant Chief Counsel, FINRA Dispute Resolution, to Nancy M. Morris, Secretary, Commission, dated January 17, 2008 (''FINRA Response'').

[7] In July 2002, the Commission retained Professor Michael Perino to assess the adequacy of arbitrator disclosure requirements at the NASD and at the New York Stock Exchange (''NYSE''). Professor Perino's report (''Perino Report'') concluded that undisclosed conflicts of interest were not a significant problem in arbitrations sponsored by self-regulatory organizations (''SROs''), such as NASD and the NYSE. However, the Perino Report recommended several amendments to SRO arbitrator classification and disclosure rules that might ''provide additional assurance to investors that arbitrations are in fact neutral and fair.'' This proposal implemented the recommendations of the Perino Report and made several other related changes to the definitions of public and non-public arbitrators that were consistent with the Perino Report recommendations. The Perino Report is available at *http://www.sec.gov/pdf/arbconflict.pdf.*

[8] *See* Securities Exchange Act Release No. 49573 (April 16, 2004), 69 FR 21871 (April 22, 2004) (SR–NASD–2003–95) (approval order). The changes were announced in Notice to Members 04–49 (June 2004).

[9] *See* Securities Exchange Act Release No. 54607 (October 16, 2006), 71 FR 62026 (Oct. 20, 2006) (SR–NASD–2005–094) (approval order). The changes were announced in Notice to Members 06–64 (November 2006).

Customer Code, the Industry Code, and a separate code for mediation. The final provisions of this proposal were approved by the Commission on January 24, 2007, and became effective on April 16, 2007.[10] Several substantive changes to the Customer and Industry Codes affected the classification of arbitrators[11] and how they are selected for panels.[12]

Despite these changes to the arbitrator classification rules, some users of the forum continued to voice concerns about individuals serving as public arbitrators when they have business relationships with entities that derive income from broker-dealers. For example, an arbitrator classified as public might work for a very large law firm that derives less than 10% of its annual revenue from broker-dealer clients, but still receives a large dollar amount of such revenue. Concern focuses primarily on a law firm's defense of action (in arbitration or litigation) by customers of broker-dealers, and not on its representation of broker-dealers in underwriting or other activities. Some recommended that there be an annual dollar limitation of $50,000 on revenue from broker-dealers relating to customer disputes with a brokerage firm or associated person concerning an investment account.

In response to these recommendations, FINRA proposed to amend the definition of public arbitrator in Rule 12100(u) of the Customer Code and Rule 13100(u) of the Industry Code to add a provision that would prevent an attorney, accountant, or other professional from being classified as a public arbitrator, if the person's firm derived $50,000 or more in annual revenue in the past two years from professional services rendered to any persons or entities listed in Rule 12100(p)(1) of the Customer Code or Rule 13100(p)(1) of the Industry Code relating to any customer disputes concerning an investment account or transaction, including but not limited to, law firm fees, accounting firm fees, and consulting fees.[13]

FINRA stated that the proposed amendment, in conjunction with the existing 10 percent revenue limitation,[14] would further improve its public arbitrator roster by ensuring that arbitrators whose firms receive a significant amount of compensation from any persons or entities associated with or engaged in the securities, commodities, or futures business are removed from the public roster.[15]

II. Summary of Comments and FINRA's Response

The Commission received 62 comment letters.[16] Many of the commenters raised common issues and shared the same views on these issues, regardless of whether they supported or opposed the proposal overall. In particular, a majority of the commenters argued that arbitrators should not be classified as public arbitrators under the rule if they are attorneys, accountants or other professionals whose firms receive any compensation or revenue from the securities industry.[17] FINRA responded that the proposed $50,000 annual revenue limitation would reasonably narrow the definition of public arbitrator, removing from the public arbitrator pool those arbitrators whose firms derive substantial revenue from providing professional services to members of the securities industry involving customer disputes, while simultaneously maintaining the integrity of the public arbitrator roster.[18]

Many commenters also argued that the proposed $50,000 annual revenue limitation should not be limited to professional services related to customer disputes concerning an investment account or transaction and instead should include all professional services rendered by the arbitrator's firm to a firm or associated person.[19] FINRA responded that the annual revenue limitation should be restricted to the provision of those services, such as defense work in a customer dispute, that are closely related to matters that arbitrators would be deciding in an arbitration proceeding and, therefore, might affect the arbitrator's impartiality.[20] Moreover, FINRA stated that expanding the proposed annual revenue limitation to include all services could result in the removal of experienced, competent public arbitrators from their roster.[21]

Several commenters expressed doubt regarding FINRA's ability to monitor and enforce the $50,000 annual revenue limitation.[22] FINRA responded that because arbitrators must continually update their disclosure reports and, when selected to serve on a case, must complete a checklist and take an oath confirming that the arbitrator's disclosures are true and complete, the procedures are sufficient.[23]

One commenter suggested that a ''cooling off'' period be implemented after the annual revenue limitation no longer applies and before a person can serve as a public arbitrator.[24] The commenter noted that this concept is applied to individuals who have been out of the securities industry for fewer than five years by assigning them to the non-public arbitrator pool.[25] FINRA responded that there is a distinction between individuals who work in the securities industry and individuals whose firms receive revenue for providing services to members of the

[10] *See* Securities Exchange Act Release No. 51856 (June 15, 2005), 70 FR 36442 (June 23, 2005) (SR–NASD–2003–158) (notice); Securities Exchange Act Release No. 51857 (June 15, 2005), 70 FR 36430 (June 23, 2005) (SR–NASD–2004–011) (notice); and Securities Exchange Act Release No. 51855 (June 15, 2005), 70 FR 36440 (June 23, 2005) (SR–NASD–2004–013) (notice). The changes were announced in Notice to Members 07–07 (February 2007).

[11] FINRA believes the new codes have improved the arbitrator selection process by creating and maintaining a new roster of arbitrators who are qualified to serve as chairpersons. The chair roster consists of more experienced arbitrators available on FINRA's public arbitrator roster for all investor cases and for certain intra-industry cases. For other industry cases, the Customer Code and Industry Code also create a chair roster of experienced non-public arbitrators. *See* Rules 12400(b) and (c) of the Customer Code and Rules 13400(b) and (c) of the Industry Code.

[12] The Customer Code and Industry Code also change how arbitrator lists are generated and how arbitrators are selected for a panel. *See* Rules 12403 and 12404 of the Customer Code and Rules 13403 and 13404 of the Industry Code.

[13] Rule 12100(p) defines ''non-public arbitrator.'' Paragraph (1) of the rule states, in relevant part, that the term ''non-public arbitrator'' means a person who is otherwise qualified to serve as an arbitrator and is or, within the past five years, was: (A) associated with, including registered through, a broker or a dealer (including a government securities broker or dealer or a municipal securities dealer); (B) registered under the Commodity Exchange Act; (C) a member of a commodities exchange or a registered futures association; or (D) associated with a person or firm registered under the Commodity Exchange Act. Rule 13100(p) is the same as Rule 12100(p).

[14] *See supra* note 4. Under the July 2004 amendments, a public arbitrator cannot be ''an attorney, accountant, or other professional whose firm derived 10 percent or more of its annual revenue in the past 2 years from any persons or entities listed in Rules 12100(p)(1) and 13100(p)(1) of the new Codes.''

[15] FINRA will survey its public arbitrators to determine which arbitrators will be removed from the roster for appointment to new cases upon the effective date of the proposed rule.

[16] *See supra*, note 5.

[17] *See* Speyer, Goehring, Doner, Ledbetter, Aidikoff, Meissner, Boliver, Meyer, Lewins, Harrison, McCauley, Torngren, Ball, Feinberg, Tepper, Sutherland, Fogel, Bleecher, Steiner, Miller, Mihalek, Kaplan, Lipner, Shepherd, Layne, Salamon, Buchwalter, Feldman, Shewan, and Mougey Letters.

[18] *See* FINRA Response.

[19] *See* NASAA, PIABA, Meade, Ilgenfritz, Liebrader, Gorr, Pounds, Keeney, Fried, Estell, Heiner, DeCosta, Schultz, Evans, Wagner, Ostwald, Kruske, Carlson, Port, Stotman, Graham, Feferman, and Rosenfield Letters.

[20] *See* FINRA Response.

[21] *See id*.

[22] *See* PIABA, Speyer, Liebrader, Heiner, Goldtein, Schultz, Evans, Wagner, Ostwald, Feinberg, Tepper, Graham, Feferman, and Feldman Letters.

[23] *See* FINRA Response.

[24] *See* Feinberg Letter.

[25] *See id*.

industry.[26] In the case of individuals who worked in the industry, FINRA indicated that a five-year ''cooling off'' period is appropriate, as such individuals might maintain close relationships with staff at their former firms.[27] FINRA stated that the potential for such bias is less likely to exist for individuals whose firms receive a *de minimis* amount of annual revenue for providing services to members of the securities industry and, therefore, that a similar ''cooling off'' period should not be required.[28]

Finally, numerous commenters argued that the requirement that a non-public arbitrator be a member of a three-person panel involving a customer dispute should be eliminated.[29] FINRA indicated that these comments are outside the scope of the rule filing because it is not amending the provisions of the Codes that address this issue.

III. Discussion

After careful review, and consideration of commenters' views and the FINRA Response, 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 association.[30] In particular, the Commission finds that the proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Act, which requires, among other things, that rules of a national securities association be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest. The Commission believes that the proposed rule change meets this standard by removing from the pool of public arbitrators those individuals whose firms receive a significant amount of compensation for service on matters closely related to those that arbitrators consider during arbitration proceedings.

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[31] that the proposed rule change (SR–NASD–2007–021) be, and hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[32]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E8–5572 Filed 3–19–08; 8:45 am]

BILLING CODE 8011–01–P

[26] *See* FINRA Response.

[27] *See id.* (*citing* Rule 12100(p)(1) of the Customer Code and Rule 13100(p)(1) of the Industry Code).

[28] *See id.*

[29] *See* NASAA, Pounds, Fried, Estell, Goldstein, Banks, Harrison, McCauley, Torngren, Feinberg, Sutherland, Spray and Salamon Letters.

[30] In approving this proposed rule change, the Commission notes that it has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[31] 15 U.S.C. 78s(b)(2).

[32] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

AGENCY: Small Business Administration.

ACTION: Notice of Reporting Requirements Submitted for OMB Review.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made such a submission.

DATES: Submit comments on or before April 21, 2008. If you intend to comment but cannot prepare comments promptly, please advise the OMB Reviewer and the Agency Clearance Officer before the deadline.

COPIES: Request for clearance (OMB 83–1), supporting statement, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer.

ADDRESSES: Address all comments concerning this notice to: Agency Clearance Officer, Jacqueline White, Small Business Administration, 409 3rd Street, SW., 5th Floor, Washington, DC 20416; and OMB Reviewer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Jacqueline White, Agency Clearance Officer, (202) 205–7044.

SUPPLEMENTARY INFORMATION: *Title:* Surety Bond Guarantee Assistance.

OMB Control Number: 3245–0007.

Form No's: 990, 991, 994, 994B, 994F and 994H.

Frequency: On Occasion.

Description of Respondents: Surety Bond Companies.

Responses: 31,113.

Annual Burden: 2,012.

Title: Settlement Sheet.

OMB Control Number: 3245–0201.

Form No's: 1050.

Frequency: On Occasion.

Description of Respondents: Lenders requesting SBA to provide the Agency with breakdown of payments.

Responses: 36,000.

Annual Burden: 27,000.

Title: Lenders Transcript of Account.

OMB Control Number: 3245–0136.

Form No: 1149.

Frequency: On Occasion.

Description of Respondents: SBA Lenders.

Responses: 3,600.

Annual Burden: 3,600.

Title: Quarterly Reports file by Grantees of the Drug Free Workplace Program.

OMB Control Number: 3245–0353.

Form No: N/A.

Frequency: On Occasion.

Description of Respondents: Eligible Intermediaries who have received a Drug Free Workplace Program grant.

Responses: 52.

Annual Burden: 1,344.

Title: High-Tech Immigrant Entrepreneurship in the U.S.

OMB Control Number: New Collection.

Form No: N/A.

Frequency: On Occasion.

Description of Respondents: Small Businesses and Entrepreneurs.

Responses: 1,000.

Annual Burden: 167.

Jacqueline White,

Chief, Administrative Information Branch.

[FR Doc. E8–5616 Filed 3–19–08; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration # 11167 and # 11168]

Tennessee Disaster Number TN–00018

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 3.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the State of Tennessee (FEMA–1745–DR), dated 02/07/2008.

Incident: Severe Storms, Tornadoes, Straight-Line Winds, and Flooding.

Incident Period: 02/05/2008 through 02/06/2008.

Effective Date: 03/10/2008.

Physical Loan Application Deadline Date: 04/07/2008.

EIDL Loan Application Deadline Date: 11/07/2008.

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: The notice of the Presidential disaster declaration for the State of Tennessee, dated 02/07/2008 is hereby amended to include the following areas as adversely affected by the disaster:

Primary Counties:
Mcnairy, Tipton, Wayne.
Contiguous Counties:
Arkansas: Mississippi.
Tennessee: Lauderdale.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Herbert L. Mitchell,

Associate Administrator for Disaster Assistance.

[FR Doc. E8–5615 Filed 3–19–08; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

[Public Notice 6141]

Bureau of Educational and Cultural Affairs (ECA)

Request for Grant Proposals: Youth Exchange and Study (YES) Abroad Program.

Announcement Type: New Cooperative Agreement.

Funding Opportunity Number: ECA/PE/C/PY–08–11.

Catalog of Federal Domestic Assistance Number: 00.000.

Application Deadline: May 15, 2008.

Executive Summary

The Office of Citizen Exchanges of the Bureau of Educational and Cultural Affairs announces an open competition for cooperative agreements to support exchange programs and relationship building between American high school students and those who have just graduated, and host communities in selected countries with significant Muslim populations. Through these cooperative agreements the Bureau will fund a pilot exchange program for recipients to recruit and select American students, and enroll them in secondary schools for an academic semester or year of study in a foreign country currently participating in the Youth Exchange and Study (YES) program, incorporating themes for enhancement activities that promote respect for diversity, civil society, and mutual understanding. We expect that most students will be placed in host families, but will consider alternative housing arrangements, such as dormitories. Alternative arrangements must include daily adult resident supervision that ensures the security of participants and be combined with brief home stays. In either case, the student must be ensured his or her own bed. The exchange programs will take place between January 2009 and June 2010, and we anticipate that recruitment and planning will take place during the summer/early fall of 2008. We anticipate funding approximately four cooperative agreements for a total of fifty students and $1,000,000. The YES Abroad program builds on a tradition established by the YES program that has brought high school students from countries with significant Muslim populations to the United States each year since 2003. For more information about the YES program please refer to the Web site: *http://www.exchanges.state.gov/education/citizens/students/programs/yes.htm.*

I. Funding Opportunity Description

Authority

Overall cooperative agreement making authority for this program is contained in the Mutual Educational and Cultural Exchange Act of 1961, Public Law 87–256, as amended, also known as the Fulbright-Hays Act. The purpose of the Act is ''to enable the Government of the United States to increase mutual understanding between the people of the United States and the people of other countries * * *; to strengthen the ties which unite us with other nations by demonstrating the educational and cultural interests, developments, and achievements of the people of the United States and other nations * * * and thus to assist in the development of friendly, sympathetic and peaceful relations between the United States and the other countries of the world.'' The funding authority for the program above is provided through legislation. Funding will be provided from the FY 2007 Supplemental Appropriation (Pub. L. 110–28) carried over into FY 2008 for obligation.

Purpose

The Youth Exchange and Study (YES) Abroad program is designed to foster a global community of shared interests and values developed through better mutual understanding via first-hand participation of high school students or those who have just graduated from the United States, aged 15–19, in academic semester and year-long exchanges to selected pilot countries with significant Muslim populations. The program seeks to support students with leadership potential, and to develop their leadership skills during the international exchange and after.

The overarching goals of the program are to:

1. Promote better understanding by American youth about selected countries and their society, people, institutions, values and culture;
2. Foster lasting personal ties;
3. Enhance foreign audiences' understanding of American culture;
4. Expose program participants to leadership development opportunities and enhancement activities;
5. Increase the capacity of the exchange infrastructure in participating countries to engage youth in activities that advance mutual understanding, respect for diversity, and civil society.

Note: In a Cooperative Agreement, the Bureau program office (ECA/PE/C/PY—the Youth Programs Division) and through it, U.S. Embassies abroad, are substantially involved in the program activities outlined above and beyond routine grant monitoring. ECA program office and U.S. Embassy activities and responsibilities for this program are as follows:

- The recipient will be responsible for overall development and implementation of all aspects of its proposed program in consultation with ECA and the host country's U.S. Embassy.
- ECA will determine the priority or target countries for hosting of program participants, in consultation with the U.S. Embassies.
- Recipients will be responsible for using a standardized screening process in the selection of host families and for consulting about their proposed placement locations (neighborhoods, regions) with the Public Affairs Section (PAS) of U.S. Embassy.
- The ECA program office will review proposed school and host family placement or alternate housing arrangement plans per criteria set forward in the POGI for each program participant before final arrangements are made.

General Responsibilities

Applicants may enter into consortia or sub-cooperative agreement arrangements with other foreign or U.S. domestic organizations to cover all facets of programming in the United States and the host country. Sub-cooperative agreement arrangements with partners that have responsibility for critical components of the program (for example, recruitment or placement)

must have a recent record of work with the primary recipient. Applicants and their partners should outline their project team's capacity for doing projects of this nature, focusing on four areas of competency: (1) Provision of program support to American students, (2) age-appropriate leadership and cultural programming, (3) alumni tracking and programming, and (4) experience working with individuals from the proposed host countries. Responsibilities are listed below:

- To recruit and select a diverse group of American high school students and those who have just graduated and place them in overseas schools that are accredited by the respective Ministry of Education or other internationally recognized accrediting body for at least one academic semester or one full year.
- To provide pre-departure, mid-program, and re-entry orientations to prepare student participants.
- To provide program materials and orientations to host families and schools.
- To provide for all student foreign and domestic travel.
- To provide students with qualified, screened, and well-motivated host families. With justification, proposals may include reasonable living allowances to cover costs associated with hosting a student.
- To provide students with monthly stipends (pocket money) based on each host country's local economy.
- To provide participants with intensive language training required in the host country for at least the first three months of the exchange, and for the duration of the program, if needed, to ensure the social and academic success of every student.
- To provide students with a local representative on whom the student may call for resolution of any cultural, academic, or other adjustment issues. This person must be an English-speaker that is either an American or a host country national with significant experience living in the U.S. Students should also be provided with an English speaking emergency contact available at any time.
- To provide day-to-day monitoring of the program and support of the students, preventing and dealing with any participant issues that may arise. The Public Affairs Section (PAS) of the U.S. Embassy and the ECA Program Office representative should be informed of health, safety and other serious issues as soon as they arise.
- To expose students to local culture through enhancement activities that will enable them to attain a broad view of the society and culture.
- To expose students to opportunities for volunteerism and community service.
- To encourage students to share their culture, lifestyle and traditions with local citizens throughout their stay and especially during International Education Week.
- To provide students with leadership training and opportunities that will foster leadership skills and development.
- To provide activities that will increase and enhance students' appreciation of the importance of tolerance and respect for the views, beliefs, and practices of a diverse world.
- To provide enhancement activities including, but not limited to, language training and integrated projects with Youth Exchange and Study (YES) inbound program alumni who have returned from the U.S. to their home countries. Applicants will work with ECA to develop strategies to identify and work with these alumni.
- To develop alumni databases and create alumni programs giving opportunities for returning students to incorporate their knowledge and skills into service in their home communities.

Eligible Countries

The eligible countries at the time of publication of this RFGP are: Bahrain, Egypt, Ghana, India, Indonesia, Malaysia, Mali, Morocco, Oman, Tanzania, Thailand, or Turkey. *The Bureau reserves the right to amend or modify this list of eligible countries should conditions change in the host country or if other countries are identified as priorities after publication of this RFGP.* Should an applicant have questions in regards to a country on this list, please see Section IV.1 for contact information.

Applicants may submit proposals to send students to one or more of these countries. An applicant must propose no fewer than five (5) students per country. It is acknowledged that outbound American participants are not governed by the same protections of the J–1 visa regulations governing exchange students coming to the U.S.; therefore for the safety and security of the American participants, it is a requirement that an applicant must provide similar protections and oversight traditionally afforded to inbound students under the U.S. J–1 visa regulations. In their proposals applicants must describe in detail their plans for screening, selection, placement, orientation and monitoring procedures that will ensure this requirement's implementation. See section IV.3d.1 for further details. Proposals should provide implementation plans *by country* for school enrollment, host family screening and placement, cultural enrichment activities, and student support.

II. Award Information

Type of Award: New Cooperative Agreement.

Fiscal Year Funds: FY–2007 Supplemental Funds carried over into FY–2008 for obligation.

Approximate Total Funding: $1,000,000.

Approximate Number of Awards: 4.

Approximate Average Award: $250,000.

Floor of Award Range: $100,000.

Ceiling of Award Range: $500,000.

Anticipated Award Date: May 30, 2008.

Anticipated Project Completion Date: 09/31/2011.

III. Eligibility Information

III.1. Eligible applicants: Applications may be submitted by public and private non-profit organizations meeting the provisions described in Internal Revenue Code section 26 U.S.C. 501(c)(3).

III.2. Cost Sharing or Matching Funds: There is no minimum or maximum percentage required for this competition. However, the Bureau encourages applicants to provide maximum levels of cost sharing and funding in support of its programs. When cost sharing is offered, it is understood and agreed that the applicant must provide the amount of cost sharing as stipulated in its proposal and later included in an approved cooperative agreement. Cost sharing may be in the form of allowable direct or indirect costs. For accountability, you must maintain written records to support all costs which are claimed as your contribution, as well as costs to be paid by the Federal government. Such records are subject to audit. The basis for determining the value of cash and in-kind contributions must be in accordance with OMB Circular A–110, (Revised), Subpart C.23—Cost Sharing and Matching. In the event you do not provide the minimum amount of cost sharing as stipulated in the approved budget, ECA's contribution will be reduced in like proportion.

III.3. Other Eligibility Requirements:

(a) Bureau cooperative agreement guidelines require that organizations with less than four years experience in conducting international exchanges be limited to $60,000 in Bureau funding. ECA anticipates awarding cooperative agreements of no less than $100,000 to

support program and administrative costs required to implement this exchange program. Therefore, organizations with less than four years experience in conducting international exchanges are ineligible to apply under this competition. The Bureau encourages applicants to provide maximum levels of cost sharing and funding in support of its programs.

(b) Technical Eligibility: Proposals must offer full-time enrollment for one semester or academic year in a school accredited by the host country Ministry of Education or other internationally recognized accrediting body in the host country. Your proposal will be declared technically ineligible and given no further consideration in the review process if this criterion is not met.

IV. Application and Submission Information

Note: Please read the complete announcement before sending inquiries or submitting proposals. Once the RFGP deadline has passed, Bureau staff may not discuss this competition with applicants until the proposal review process has been completed.

IV.1. Contact Information to Request an Application Package:

Please contact the Youth Programs Division, ECA/PE/C/PY, Room 224, U.S. Department of State, SA–44, 301 4th Street, SW., Washington, DC 20547, (T) 202–453–8170, *OROURKEMM@state.gov* to request a Solicitation Package. Please refer to the Funding Opportunity Number ECA/PE/C/PY–08–11 located at the top of this announcement when making your request.

Alternatively, an electronic application package may be obtained from grants.gov. Please see section IV.3f for further information.

The Solicitation Package contains the Proposal Submission Instruction (PSI) document which consists of required application forms, and standard guidelines for proposal preparation. It also contains the Project Objectives, Goals and Implementation (POGI) document, which provides specific information, award criteria and budget instructions tailored to this competition.

Please specify Kevin Baker and refer to the Funding Opportunity Number ECA/PE/C/PY–08–11 located at the top of this announcement on all other inquiries and correspondence.

IV.2. To Download a Solicitation Package Via Internet:

The entire Solicitation Package may be downloaded from the Bureau's Web site at *http://exchanges.state.gov/education/rfgps/menu.htm*, or from the Grants.gov Web site at *http://www.grants.gov*. Please read all information before downloading.

IV.3. Content and Form of Submission:

Applicants must follow all instructions in the Solicitation Package. The application should be submitted per the instructions under IV.3f. ''Application Deadline and Methods of Submission'' section below.

IV.3a. Your organization is required to have a Dun and Bradstreet Data Universal Numbering System (DUNS) number to apply for a grant or cooperative agreement from the U.S. Government. This number is a nine-digit identification number, which uniquely identifies business entities. Obtaining a DUNS number is easy and there is no charge. To obtain a DUNS number, access *http://www.dunandbradstreet.com* or call 1–866–705–5711. Please ensure that your DUNS number is included in the appropriate box of the SF–424 which is part of the formal application package.

IV.3b. All proposals must contain an executive summary, proposal narrative and budget. Please Refer to the Solicitation Package. It contains the mandatory Proposal Submission Instructions (PSI) document and the Project Objectives, Goals and Implementation (POGI) document for additional formatting and technical requirements.

IV.3c. You must have nonprofit status with the IRS at the time of application. If your organization is a private nonprofit which has not received a grant or cooperative agreement from ECA in the past three years, or if your organization received nonprofit status from the IRS within the past four years, you must submit the necessary documentation to verify nonprofit status as directed in the PSI document. Failure to do so will cause your proposal to be declared technically ineligible.

IV.3d. Please take into consideration the following information when preparing your proposal narrative:

IV.3d.1. Adherence to All Regulations Governing the J Visa

While the students will not travel on J–1 visas, which are for foreign exchange visitors to the United States, the Bureau of Educational and Cultural Affairs places critically important emphasis on the security and proper administration of the Exchange Visitor (J visa) Programs and recipients and sponsors responsibilities to all regulations governing the J visa. Therefore, proposals should demonstrate the applicant's plan to meet all similar requirements as those governing the administration of Exchange Visitor Programs for students coming to the U.S. as set forth in 22 CFR 62, for American participants traveling abroad, including screening and selection of program participants and host families, provision of pre-arrival information and orientation to participants, monitoring of participants, proper maintenance and security of forms, record-keeping, reporting and other requirements.

Please refer to Solicitation Package for further information.

A copy of the complete regulations governing the administration of Exchange Visitor (J) programs is available at *http://exchanges.state.gov* or from: United States Department of State, Office of Exchange Coordination and Designation, ECA/EC/ECD—SA–44, 301 4th Street, SW., Room 734, Washington, DC 20547, Telephone: (202) 203–5029, FAX: (202) 453–8640.

IV.3d.2. Diversity, Freedom and Democracy Guidelines

Pursuant to the Bureau's authorizing legislation, programs must maintain a non-political character and should be balanced and representative of the diversity of American political, social, and cultural life. ''Diversity'' should be interpreted in the broadest sense and encompass differences including, but not limited to ethnicity, race, gender, religion, geographic location, socio-economic status, and disabilities. Applicants are strongly encouraged to adhere to the advancement of this principle both in program administration and in program content. Please refer to the review criteria under the 'Support for Diversity' section for specific suggestions on incorporating diversity into your proposal. Public Law 104–319 provides that ''in carrying out programs of educational and cultural exchange in countries whose people do not fully enjoy freedom and democracy,'' the Bureau ''shall take appropriate steps to provide opportunities for participation in such programs to human rights and democracy leaders of such countries.'' Public Law 106–113 requires that the governments of the countries described above do not have inappropriate influence in the selection process. Proposals should reflect advancement of these goals in their program contents, to the full extent deemed feasible.

IV.3d.3. Program Monitoring and Evaluation

Proposals must include a plan to monitor and evaluate the project's success, both as the activities unfold and at the end of the program. The Bureau recommends that your proposal

include a draft survey questionnaire or other technique plus a description of a methodology to use to link outcomes to original project objectives. The Bureau expects that the recipient will track participants or partners and be able to respond to key evaluation questions, including satisfaction with the program, learning as a result of the program, changes in behavior as a result of the program, and effects of the program on institutions (institutions in which participants work or partner institutions). The evaluation plan should include indicators that measure gains in mutual understanding as well as substantive knowledge.

Successful monitoring and evaluation depend heavily on setting clear goals and outcomes at the outset of a program. Your evaluation plan should include a description of your project's objectives, your anticipated project outcomes, and how and when you intend to measure these outcomes (performance indicators). The more that outcomes are ''smart'' (specific, measurable, attainable, results-oriented, and placed in a reasonable time frame), the easier it will be to conduct the evaluation. You should also show how your project objectives link to the goals of the program described in this RFGP.

Your monitoring and evaluation plan should clearly distinguish between program *outputs* and *outcomes*. Outputs are products and services delivered, often stated as an amount. Output information is important to show the scope or size of project activities, but it cannot substitute for information about progress towards outcomes or the results achieved. Examples of outputs include the number of people trained or the number of seminars conducted. *Outcomes*, in contrast, represent specific results a project is intended to achieve and is usually measured as an extent of change. Findings on outputs and outcomes should both be reported, but the focus should be on outcomes.

We encourage you to assess the following four levels of outcomes, as they relate to the program goals set out in the RFGP (listed here in increasing order of importance):

Participant satisfaction with the program and exchange experience.

Participant learning, such as increased knowledge, aptitude, skills, and changed understanding and attitude. Learning includes both substantive (subject-specific) learning and mutual understanding.

Participant behavior, concrete actions to apply knowledge in work or community; greater participation and responsibility in civic organizations; interpretation and explanation of experiences and new knowledge gained; continued contacts between participants, community members, and others.

Institutional changes, such as increased collaboration and partnerships, policy reforms, new programming, and organizational improvements.

Please note: Consideration should be given to the appropriate timing of data collection for each level of outcome. For example, satisfaction is usually captured as a short-term outcome, whereas behavior and institutional changes are normally considered longer-term outcomes.

Overall, the quality of your monitoring and evaluation plan will be judged on how well it (1) specifies intended outcomes; (2) gives clear descriptions of how each outcome will be measured; (3) identifies when particular outcomes will be measured; and (4) provides a clear description of the data collection strategies for each outcome (*i.e.,* surveys, interviews, or focus groups). (Please note that evaluation plans that deal only with the first level of outcomes [satisfaction] will be deemed less competitive under the present evaluation criteria.)

Recipients will be required to provide reports analyzing their evaluation findings to the Bureau in their regular program reports. All data collected, including survey responses and contact information, must be maintained for a minimum of three years and provided to the Bureau upon request.

IV.3e. Please take the following information into consideration when preparing your budget:

IV.3e.1. Applicants must submit a comprehensive budget for the entire program.

There must be a summary budget as well as breakdowns reflecting both administrative and program budgets by country. Applicants may provide separate sub-budgets for each program component, phase, location, or activity to provide clarification.

IV.3e.2. Allowable costs for the program are described in detail in the POGI.

Please refer to the Solicitation Package for complete budget guidelines and formatting instructions.

IV.3F. Application Deadline and Methods of Submission:

Application Deadline Date: May 15, 2008.

Reference Number: ECA/PE/C/PY–08–11.

Methods of Submission:

Applications may be submitted in one of two ways:

(1) In hard-copy, via a nationally recognized overnight delivery service (i.e., DHL, Federal Express, UPS, Airborne Express, or U.S. Postal Service Express Overnight Mail, etc.), or

(2) Electronically through *http://www.grants.gov.*

Along with the Project Title, all applicants must enter the above Reference Number in Box 11 on the SF–424 contained in the mandatory Proposal Submission Instructions (PSI) of the solicitation document.

IV.3f.1. Submitting Printed Applications

Applications must be shipped no later than the above deadline. Delivery services used by applicants must have in-place, centralized shipping identification and tracking systems that may be accessed via the Internet and delivery people who are identifiable by commonly recognized uniforms and delivery vehicles. Proposals shipped on or before the above deadline but received at ECA more than seven days after the deadline will be ineligible for further consideration under this competition. Proposals shipped after the established deadlines are ineligible for consideration under this competition. ECA will *not* notify you upon receipt of application. It is each applicant's responsibility to ensure that each package is marked with a legible tracking number and to monitor/confirm delivery to ECA via the Internet. Delivery of proposal packages *may not* be made via local courier service or in person for this competition. Faxed documents will not be accepted at any time. Only proposals submitted as stated above will be considered.

Important note: When preparing your submission please make sure to include one extra copy of the completed SF–424 form and place it in an envelope addressed to ''ECA/EX/PM''.

The original and 6 copies of the application should be sent to: U.S. Department of State, Bureau of Educational and Cultural Affairs, SA–44, Ref.: ECA/PE/C/PY–08–11, Program Management, ECA/EX/PM, Room 534, 301 4th Street, SW., Washington, DC 20547.

Applicants submitting hard-copy applications must also electronically submit by e-mail to the program office the ''Executive Summary'' and ''Proposal Narrative'' sections of the proposal in Microsoft Word format, as well as the ''Budget'' and ''Budget Narrative'' section in Microsoft Excel format. The Bureau will provide these files electronically to the appropriate Public Affairs Section(s) at the U.S. embassies for their review.

IV.3f.2. Submitting Electronic Applications

Applicants have the option of submitting proposals electronically through Grants.gov (*http://www.grants.gov*). Complete solicitation packages are available at Grants.gov in the ''Find'' portion of the system. Please follow the instructions available in the 'Get Started' portion of the site (*http://www.grants.gov/GetStarted*). Several of the steps in the Grants.gov registration process could take several weeks. Therefore, applicants should check with appropriate staff within their organizations immediately after reviewing this RFGP to confirm or determine their registration status with Grants.gov. Once registered, the amount of time it can take to upload an application will vary depending on a variety of factors including the size of the application and the speed of your internet connection. Therefore, we strongly recommend that you not wait until the application deadline to begin the submission process through Grants.gov.

Direct all questions regarding Grants.gov registration and submission to: Grants.gov Customer Support, Contact Center Phone: 800–518–4726, Business Hours: Monday—Friday, 7 a.m.–9 p.m. EST; E-mail: *support@grants.gov*.

Applicants have until midnight (12 a.m.), Washington, DC time of the closing date to ensure that their entire application has been uploaded to the Grants.gov site. There are no exceptions to the above deadline. Applications uploaded to the site after midnight of the application deadline date will be automatically rejected by the grants.gov system, and will be technically ineligible.

Applicants will receive a confirmation e-mail from grants.gov upon the successful submission of an application. ECA will *not* notify you upon receipt of electronic applications. It is the responsibility of all applicants submitting proposals via the Grants.gov web portal to ensure that proposals have been received by Grants.gov in their entirety, and ECA bears no responsibility for data errors resulting from transmission or conversion processes.

IV.3g. Intergovernmental Review of Applications:

Executive Order 12372 does not apply to this program.

V. Application Review Information

V.1. Review Process

The Bureau will review all proposals for technical eligibility. Proposals will be deemed ineligible if they do not fully adhere to the guidelines stated herein and in the Solicitation Package. All eligible proposals will be reviewed by the program office, as well as the Public Diplomacy section overseas, where appropriate. Eligible proposals will be subject to compliance with Federal and Bureau regulations and guidelines and forwarded to Bureau grant and cooperative agreement panels for advisory review. Proposals may also be reviewed by the Office of the Legal Adviser or by other Department elements. Final funding decisions are at the discretion of the Department of State's Assistant Secretary for Educational and Cultural Affairs. Final technical authority for assistance awards for cooperative agreements resides with the Bureau's Grants Officer.

Review Criteria

Eligible proposals will be subject to compliance with Federal and Bureau regulations and guidelines and forwarded to Bureau grant and cooperative agreement panels for advisory review. Proposals may also be reviewed by the Office of the Legal Adviser or by other Department elements. Final funding decisions are at the discretion of the Department of State's Assistant Secretary for Educational and Cultural Affairs. Final technical authority for assistance awards (grants or cooperative agreements) resides with the Bureau's Grants Officer. The Bureau reserves the right to reduce, revise, or increase proposal budgets in accordance with the needs of the program and availability of funds.

The submission will be reviewed with the following review criteria in mind:

1. *Quality of the program idea and planning:* Proposals should exhibit originality, substance, precision, and relevance to the Bureau's mission. Detailed agenda and relevant work plan should demonstrate substantive undertakings and logistical capacity, and should adhere to the program overview and guidelines described above. Objectives should be reasonable, feasible, and flexible. Proposals should clearly demonstrate how the institution will meet the program's objectives and plan.

2. *Institutional Capacity and Track Record:* Proposed personnel and institutional resources should be adequate and appropriate to achieve the program or project's goals. In-country organizations must demonstrate their capacity to fully support and ensure the safety and well-being of the American participants throughout the duration of their stay. Proposals should demonstrate an institutional record of successful exchange programs, including responsible fiscal management and full compliance with all reporting requirements for past Bureau grants and cooperative agreements as determined by the Bureau's Office of Contracts. The Bureau will consider the past performance of prior recipients and the demonstrated potential of new applicants.

3. *Support of Diversity:* Proposals should demonstrate the recipient's commitment to promoting the awareness and understanding of diversity. The applicant should include an assessment of how the proposal serves to promote diversity in such areas as the selection of participants, schools, host families, and exchange program elements.

4. *Follow-on Activities:* Proposals should provide a plan for continued follow-on activity (without Bureau support) which insures that Bureau supported programs are not isolated events.

5. *Project Evaluation:* Proposals should include a plan to evaluate the activity's success, both as the activities unfold and at the end of the program. The Bureau recommends that the proposal include a draft survey questionnaire or other technique plus description of a methodology to use to link outcomes to original project objectives. Award-receiving organizations/institutions will be expected to submit intermediate reports after each project component is concluded or quarterly, whichever is less frequent.

6. *Cost-effectiveness and Cost-sharing:* The overhead and administrative components of the proposal, including salaries and honoraria, should be kept as low as possible. All other items should be necessary and appropriate. Proposals should maximize cost-sharing through other private sector support as well as institutional direct funding contributions.

7. *Value to U.S.-Partner Country Relations:* Proposed programs should receive positive assessments by the Bureau's geographic area desk and overseas officers of program need, potential impact, and significance in the partner country(ies).

VI. Award Administration Information

VI.1a. Award Notices

Final awards cannot be made until funds have been appropriated by Congress, allocated and committed through internal Bureau procedures. Successful applicants will receive an Assistance Award Document (AAD)

from the Bureau's Grants Office. The AAD and the original cooperative agreement proposal with subsequent modifications (if applicable) shall be the only binding authorizing document between the recipient and the U.S. Government. The AAD will be signed by an authorized Grants Officer, and mailed to the recipient's responsible officer identified in the application.

Unsuccessful applicants will receive notification of the results of the application review from the ECA program office coordinating this competition.

VI.2. Administrative and National Policy Requirements

Terms and Conditions for the Administration of ECA agreements include the following:

Office of Management and Budget Circular A–122, ''Cost Principles for Nonprofit Organizations.''

Office of Management and Budget Circular A–21, ''Cost Principles for Educational Institutions.''

OMB Circular A–87, ''Cost Principles for State, Local and Indian Governments.''

OMB Circular No. A–110 (Revised), Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and other Nonprofit Organizations.

OMB Circular No. A–102, Uniform Administrative Requirements for Grants-in-Aid to State and Local Governments.

OMB Circular No. A–133, Audits of States, Local Government, and Non-profit Organizations.

Please reference the following Web sites for additional information: *http://www.whitehouse.gov/omb/grants. http://exchanges.state.gov/education/grantsdiv/terms.htm#articleI.*

VI.3. Reporting Requirements

You must provide ECA with a hard copy original plus one copy of the following reports.

Mandatory

1. Quarterly program and financial reports.

2. Monthly school and housing placement reports of the students should be provided in the Excel spreadsheet format provided by ECA.

3. A final program and financial report no more than 90 days after the expiration of the award.

Recipients will be required to provide reports analyzing their evaluation findings to the Bureau in their regular program reports. (Please refer to IV. Application and Submission Instructions (IV.3.d.3) above for Program Monitoring and Evaluation information.)

All data collected, including survey responses and contact information, must be maintained for a minimum of three years and provided to the Bureau upon request.

All reports must be sent to the ECA Grants Officer and ECA Program Officer listed in the final assistance award document.

VII. Agency Contacts

For questions about this announcement, contact: Kevin Baker (T) 202–453–8153 or Astrida Levensteins (T) 202–453–8149 Youth Programs Division, Ref. ECA/PE/C/PY–08–11, U.S. Department of State, SA–44, 301 4th Street, SW., Room 220, Washington, DC 20547, (F) 202–453–8169, exchanges.state.gov

All correspondence with the Bureau concerning this RFGP should reference the above title and number ECA/PE/C/PY–08–11. Please read the complete announcement before sending inquiries or submitting proposals. Once the RFGP deadline has passed, Bureau staff may not discuss this competition with applicants until the proposal review process has been completed.

VIII. Other Information

Notice

The terms and conditions published in this RFGP are binding and may not be modified by any Bureau representative. Explanatory information provided by the Bureau that contradicts published language will not be binding. Issuance of the RFGP does not constitute an award commitment on the part of the Government. The Bureau reserves the right to reduce, revise, or increase proposal budgets in accordance with the needs of the program and the availability of funds. Awards made will be subject to periodic reporting and evaluation requirements per section VI.3 above.

Dated: March 11, 2008.

C. Miller Crouch,

Acting Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. E8–5688 Filed 3–19–08; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice 6142]

Bureau of Educational and Cultural Affairs (ECA) Request for Grant Proposals: Faith and Community: A Dialogue

Announcement Type: New Grant.

Funding Opportunity Number: ECA/PE/C/NEA–AF–08–24.

Catalog of Federal Domestic Assistance Number:

Application Deadline: May 12, 2008.

Executive Summary

The Office of Citizen Exchanges of the Bureau of Educational and Cultural Affairs, U.S. Department of State, announces an open competition for multiple grants to support international exchange projects under the rubric ''Faith and Community: A Dialogue.'' Public and private non-profit organizations or consortia of such organizations meeting the provisions described in Internal Revenue Code section 26 U.S.C. 501(c)(3) may submit proposals to develop and implement multi-phased exchanges that bring clerics, scholars of religion, educators, and community leaders/activists from countries with significant Muslim populations to the United States to interact with their counterparts and support reciprocal visits by American clerics, scholars of religion, educators, and community leaders/activists representing the diversity of the American population.

Authority

Overall grant-making authority for this program is contained in the Mutual Educational and Cultural Exchange Act of 1961, Public Law 87–256, as amended, also known as the Fulbright-Hays Act. The purpose of the Act is ''to enable the Government of the United States to increase mutual understanding between the people of the United States and the people of other countries * * *; to strengthen the ties which unite us with other nations by demonstrating the educational and cultural interests, developments, and achievements of the people of the United States and other nations * * * and thus to assist in the development of friendly, sympathetic and peaceful relations between the United States and the other countries of the world.'' The funding authority for this program is provided through legislation.

Overview

The Office of Citizen Exchanges awards grants to American public and private nonprofit organizations to

develop and implement multi-phased exchanges of professionals, community leaders, scholars and academics, public policy advocates, non-governmental organization activists, and others for periods of 18–24 months. These exchanges deal with issues of crucial importance to the United States and to other countries, they incorporate experiential learning as well as theoretical knowledge for all participants, and they promote focused problem-solving among counterparts based on gained experience and knowledge. A primary goal of this initiative is the establishment of international linkages among individuals and institutions that will lead to the dissemination of ideas and the implementation of cooperative projects. In addition to providing a context for professional development and collaborative problem-solving, projects funded under this initiative should include focused interaction with local citizens in all program communities to familiarize American and foreign participants with one another's cultural, social, political, and economic realities.

The initiative ''*Faith and Community: A Dialogue*'' will support international exchanges of professionals who are leaders in their faith communities. Participants may be clerics, scholars of religion, educators, and community leaders/activists who are recognized for their ability to influence their own societies—in the United States and in eligible partner countries—through sermons, scholarly writing, community leadership, and/or educational activities. The objectives of the exchange are (1) to enhance the non-American participants' understanding of the role that religion—particularly Islam—plays in American communities; (2) to develop a common language for American and non-American participants—members of diverse faith communities—to examine issues of relevance to their respective societies and to develop effective approaches and collaborative projects to address those issues; (3) to offer an understanding of Islamic practice within a multi-cultural, multi-faith, democratic context, one that explicitly differentiates between that which is religious and that which is secular; and (4) to broaden the understanding of American scholars, clerics, and laypersons of Islam and of its place in diverse, non-American societies.

We solicit projects that focus on a particular challenge common to faith and community groups in the proposed participating countries. Possible issues include: civil discourse and mutual respect in a multi-faith context; the role of law in resolving conflicts and preserving freedom of expression within and among minority/majority, faith-based and secular communities; the role of faith communities in providing community services; educating for respect and co-existence; the role of law in protecting religious and non-religious expression in diverse societies; or similar themes of relevance to communities in participating countries. In all cases, the proposing institution must demonstrate that it has, or can mobilize, American participants with intellectual expertise and an interest in international dialogue on the selected theme, and it must demonstrate that institutions or individuals it identifies as partners in the program are, indeed, committed to participating. Proposals should also explain how the American organization will identify counterpart experts in participating countries.

The proposal should identify the overall objective of the exchange project and describe an exchange that will take place over 18 to 24 months with several reciprocal exchange visits. The proposal should explain how each component of the exchange will build on previous components to accomplish the overall project objective.

A typical program might begin with the travel of one or two American scholars/project organizers to designated partner countries to deepen their familiarity with the particular issues faced by counterpart institutions and communities in those countries, identify individuals who might serve as advisers or be selected as participants in the project and to gain the interest/commitment of those individuals to participate in the exchange. Subsequently, approximately 12–14 non-American scholars and clerics might come to the United States for a period of three to four weeks for a program structured to exchange expertise, identify specific issues worthy of further exploration, and identify projects to be developed/implemented during subsequent phases of the exchange. In the U.S., activities should include interaction with American Muslim scholars and leaders, as well as with non-Muslim religious leaders and secular institutions related to the theme of the project. They should offer an opportunity for American interlocutors to speak about the challenges they face and for international participants to offer similar perspectives. They should examine issues through workshops, discussions, and dialogue, and they should expose participants to a range of real-life American community experiences, including the possibility of community service or outreach. Finally, a group of American scholars and clerics should travel to the home countries of the non-American participants, meet with counterparts, further refine project plans and, jointly with their counterparts, present seminars, conduct workshops, engaging in community service or public outreach and press (if appropriate), to expand the network of individuals directly affected by the exchange. Similar exchange activities would be organized for the following year.

Throughout the proposed exchange, each phase of the project should be designed to build clearly on the accomplishments of the previous component and to lead toward overall program objectives. For example, if the goal of the project is to open, develop and expand the impact of inter-faith dialogue, the proposal should indicate how activities in the second year will be organized to include broader groups of people. If the project goal is to identify topics for joint action and to work together to implement that action—be it the production of texts or a joint community service activity—the proposal should indicate how the participants selected for each exchange component will build on the work of predecessors and undertake the proposed activity. In all components of the exchange program, traveling participants should be encouraged to interact with local citizens beyond the people actively participating in the exchange itself. In addition, ECA encourages all proposals to identify how program outcomes will be sustained / expanded after project completion.

Geographic Focus

This initiative is worldwide in scope, with primary focus each year on specific regions or countries with significant Muslim populations. To assure balance with already existing exchange programs in this initiative, we are soliciting proposals focused for the following countries / regions in FY08: (1) Morocco, Algeria, Tunisia, Saudi Arabia, Kuwait, Qatar, Bahrain, the United Arab Emirates, Oman, and Yemen; (2) Senegal, Mauritania, Niger, Nigeria, Mali, Guinea, Burkina Faso, Chad; and (3) China; (4) Indonesia.

Specific criteria for proposals focused on each of these countries are noted in the appropriate sections below. To be competitive, proposals must incorporate an understanding of these issues and outline a feasible strategy for addressing them.

(1) Morocco, Algeria, Tunisia, Saudi Arabia, Kuwait, Qatar, Bahrain, the United Arab Emirates, Oman, and Yemen

Proposals for exchange programs focused on a topic as culturally and politically sensitive as interfaith dialogue in these countries must be developed in close consultation and collaboration with the Public Affairs Section of the relevant American Embassy. Proposals must demonstrate that the U.S. implementing institution has the capacity and track-record to work with the Mission to establish and maintain contact with institutions responsible for religious affairs in the participating countries, to include the Ministry of Foreign Affairs, Ministry of Religious Affairs, and, if appropriate, the Ministry of Education. To initiate the program, proposing organizations are encouraged to consider, for example, an exchange of internationally recognized scholars of religion as a way of laying the groundwork for a ministry-sponsored conference. This preliminary engagement at the official level should precede contact with individuals or groups involved in grass-roots scholarship or local community activism. All proposals should be multi-country, and should involve at least two (2) of the countries listed above. The ability to conduct a successful program with clear and relevant objectives should guide the country selection and/or groupings of participants.

Applicants should also consult with the ECA officer responsible for exchanges with North Africa, Thomas Johnston, tel. 202–453–8162; e-mail: *JohnstonTJ@state.gov*.

(2) Senegal, Mauritania, Niger, Nigeria, Mali, Guinea, Burkina Faso, Chad

Proposals for these countries should focus on the issue of how religion influences personal and group identities, how identity shapes approaches to community outreach and activism, and how religious groups provide community services, particularly in countries and regions of widely diverse populations. These eight countries comprise 215 million people, predominantly Muslims. French is the official language in many of these countries, they are very diverse ethnically and linguistically, and the most populous country, Nigeria, is anglophone. We seek proposals that will clarify the influence of religion in the midst of such diversity, and will bring together American and African partners in planning and providing community services. Proposed program objectives should encourage different religious groups to respect diverse opinions and identities and interact constructively, without violence. Both single-country and multi-country project proposals are welcome. The proposed program should not only introduce religious leaders in the United States and West Africa to each other and build mutual understanding among them through personal interactions, but should also encourage them to design at least one follow-on project in community services to be jointly conducted. Projects might address needs involving health, conflict management, special education, poverty, orphans, or others where religious communities can be helpful, and should allow partners in this grant program to learn from, and assist, each other. ECA encourages proposed programs to lay the groundwork for sustained contact and joint action after the grant period is completed. Grant applicants should consult with the Public Affairs Section of the relevant overseas U.S. Embassy to test their ideas and get advice on local conditions and possible partners.

Applicants should also consult with the ECA officer responsible for exchanges with Africa, Curtis Huff, tel. 202–453–8159; e-mail: *HuffCE@state.gov*.

(3) China

For proposed projects in China, ECA is especially interested in programs that discuss how religious beliefs define ethnic minorities and how religious practices interact with the sense of belonging to a distinct community. Most likely to prove feasible are projects that target a combination of academics from the National Minorities University, officials from the State Administration for Religious Affairs, and scholars and religious leaders from western China. *Note carefully:* In addition to the majority Han Chinese, the Government of the People's Republic of China recognizes 55 other ''nationalities,'' or ethnic groups, numbering approximately 105 million people. These groups live outside the central and costal regions in the northwest, north, northeast, south, and southwest areas. Each of the 55 ''nationalities'' has unique, defining characteristics, such as language, culture, or religion, shared by the members of the group and not shared with other ''nationalities'' or with the Han Chinese. Proposed programs for China must demonstrate how the proposed project will accomplish its stated objective, while understanding and respecting these distinctions. Proposals must also demonstrate a significant and established relationship with a host institution within China and must present a detailed, coherent strategy to ensure a substantial program for Chinese participants in the U.S. portion of the program. Exchange projects focused on Muslim audiences in China are particularly sensitive and are subject to Chinese government intervention. Close consultation and cooperation with the Public Affairs Section of the American Embassy is essential in developing the program and should be envisioned at all stages in implementing proposed programs that result in an award.

Applicants should consult with the ECA officer responsible for this exchange with China, Howard (Clint) Wright, tel. (202) 453–8164; e-mail: *WrightHC@state.gov*.

(4) Indonesia

For Indonesia, ECA seeks proposals that explore the links between religious educational institutions and their communities. Specifically, project objectives should focus on building effective partnerships between community leaders and activists and the administrators of private, secondary-level religious boarding schools (Pesantren). Programs should enable the participants to:

- Acquire an understanding of important elements of civil society. This includes concepts such as volunteerism, the idea that American citizens are responsible for acting at the grassroots level to deal with social and educational problems, and an awareness of respect for the rule of law in the United States.
- Understand the importance of education in creating conditions for a free market economy. This includes awareness of private enterprise and an appreciation of the role of the entrepreneur in economic growth.
- Develop an appreciation for American culture, an understanding of the diversity of American society, and increased tolerance and respect for others with differing views and beliefs.
- Gain leadership capacity that will enable participants to initiate and support activities in their home countries that focus on development and community service.

Applicants should consult with the ECA officer responsible for exchanges with Indonesia, Raymond Harvey, tel. 202–453–8163; e-mail: *HarveyRH@state.gov*.

All Regions

For all regions, exchange proposals focusing on two or more countries in a region and those focusing on single-country exchanges are equally welcome. The Office of Citizen Exchanges

encourages applicants to be creative in planning project implementation. As noted above for each region, exchanges should go beyond general scholarly comparison to address the concrete issues faith groups confront in defining themselves, in relating to their own communities, and in reaching out to broader communities that may or may not share their faith. Proposed programs may focus on inter-faith dialogue and include activities encouraging respect for and among diverse groups and communities, or they may focus primarily on specific issues faith communities face in dealing with concrete challenges of life in multi-lingual, multi-ethnic, multi-communal societies. The program may include activities designed to exchange information and knowledge and share expertise, but it should also include experiential learning by exposing participants to real-life issues confronted in the participating countries. ECA strongly encourages the project objectives to include a tangible product such as a web dialogue, publication, study guide, educational outreach material, etc. to be used in local communities. Proposals should identify any partner organizations and/or individuals overseas or in the United States with which/whom they are proposing to collaborate, demonstrate the commitment of that individual or group to participate, and justify the collaboration on the basis of the proposed partner's experience, accomplishments, etc.

Selection of Participants

Applications should include a description of a focused, merit-based process for selecting exchange participants. Applicants should plan to consult with the Public Affairs Sections of U.S. Embassies in selecting participants, with the Embassy retaining the right to nominate participants, to advise the grantee regarding participants recommended by other entities, and to issue visas.

Public Affairs Section Involvement

Although project administration and implementation are the responsibility of the grantee institution, the grantee is expected to inform the PAS in participating countries of its operations and procedures and to coordinate with PAS officers in the development of project activities. The PAS should be consulted regarding country priorities, political and cultural sensitivities, security issues, and logistic and programmatic issues, in addition to its role in participant selection as outlined in the previous section.

In addition, the Public Affairs Sections (PAS) of the U.S. Embassies often play an important role in project implementation. The PAS will initially evaluate project proposals, and, once a grant is awarded, it may, in consultation with the grantee organization, coordinate planning with the grantee organization and in-country partners, facilitate in-country activities, nominate participants and vet grantee nominations, observe in-country activities, and debrief participants. The PAS will also evaluate project impact. The Office of Citizen Exchanges is responsible for producing and signing DS–2019 Forms. These forms will be provided to the foreign participants by the U.S. Embassies as part of the process of obtaining the necessary J–1 visas for entry to the United States. Grantee organizations must submit data on proposed participants to ECA electronically.

II. Award Information

Type of Award: Grant Agreement.
Fiscal Year Funds: 2008.
Approximate Total Funding: $2.53 million.
Approximate Number of Awards: Six.
Anticipated Award Date: July 2008.
Anticipated Project Completion Date: Summer 2010.

III. Eligibility Information

III.1. Eligible applicants: Applications may be submitted by public and private non-profit organizations meeting the provisions described in Internal Revenue Code section 26 U.S.C. 501(c)(3).

III.2. Cost Sharing or Matching Funds: There is no minimum or maximum percentage required for this competition. However, the Bureau encourages applicants to provide the highest possible level of in-cash or in-kind cost sharing and funding in support of its programs, and those that provide cost sharing that represents 20% or more of the total cost of the exchange will receive priority consideration. When cost sharing is offered, it is understood and agreed that the applicant must provide the amount of cost sharing as stipulated in its proposal and later included in an approved grant agreement. Cost sharing may be in the form of allowable direct or indirect costs. For accountability, you must maintain written records to support all costs that are claimed as your contribution, as well as costs to be paid by the Federal government. Such records are subject to audit. The basis for determining the value of cash and in-kind contributions must be in accordance with OMB Circular A–110, (Revised), Subpart C.23—Cost Sharing and Matching. In the event you do not provide the minimum amount of cost sharing as stipulated in the approved budget, ECA's contribution will be reduced in like proportion.

III.3. Other Eligibility Requirements:

(a) Bureau grant guidelines require that organizations with less than four years experience in conducting international exchanges be limited to $60,000 in Bureau funding. ECA anticipates awarding, in the course of this competition, grants ranging from $350,000 to $500,000 to support program and administrative costs required to implement this exchange program. Therefore, organizations with less than four years experience in conducting international exchanges are ineligible to receive an award under this competition.

(b) Technical Eligibility: Proposals must comply with the requirements included in this Request for Grant Proposals in order to be considered technically eligible for consideration in the review process.

IV. Application and Submission Information

Note: Please read the complete announcement, either at *http://www.exchanges.state.gov/education/rfgps* or in the **Federal Register** before sending inquiries or submitting proposals. Once the RFGP deadline has passed, Bureau staff may not discuss this competition with applicants until the proposal review process has been completed.

IV.1. Obtaining an Application Package:

The Application Package comprises this Request for Grant Proposals and a Proposal Submission Instruction (PSI) document, consisting of required application forms and standard guidelines for proposal preparation. The Solicitation Package may be downloaded from: *http://exchanges.state.gov/education/rfgps/menu.htm*. Please read all information before downloading. Alternatively, an electronic application package may be obtained from grants.gov. Please see section IV.3f for further information.

IV.2. To receive a hard copy of the Application Package via U.S. Postal Service, contact Thomas Johnston, Office of Citizen Exchanges, ECA/PE/C/NEA–AF, Room 216, U.S. Department of State, SA–44, 301 4th Street, SW., Washington, DC 20547, Telephone: (202) 453–8162; E-mail: *JohnstonTJ@state.gov*. Please refer to Funding Opportunity Number ECA/PE/C/NEA–AF–08–24 on all inquiries and correspondence.

IV.3. Content and Form of Submission: Applicants must follow all instructions in the Solicitation Package. The original and ten copies of the application should be submitted per the instructions under IV.3f. ''Application Deadline and Methods of Submission'' section.

IV.3a. You are required to have a Dun and Bradstreet Data Universal Numbering System (DUNS) number to apply for a grant or cooperative agreement from the U.S. Government. This number is a nine-digit identification number, which uniquely identifies business entities. Obtaining a DUNS number is easy and there is no charge. To obtain a DUNS number, access *http://www.dunandbradstreet.com* or call 1–866–705–5711. Please ensure that your DUNS number is included in the appropriate box of the SF–424 which is part of the formal application package.

IV.3b. All proposals must contain an executive summary, a proposal narrative (not to exceed 20 double-spaced pages), and a budget. Please refer to the Application Package, containing the mandatory PSI document, for additional formatting and technical requirements.

IV.3c. You must have nonprofit status with the IRS at the time of application. If your organization is a private nonprofit that has not received a grant or cooperative agreement from ECA in the past three years, or if your organization received nonprofit status from the IRS within the past four years, you must submit the necessary documentation to verify nonprofit status as directed in the PSI document. Failure to do so will cause your proposal to be declared technically ineligible.

IV.3d. Please take into consideration the following information when preparing your proposal narrative:

IV.3d.1. Adherence To All Regulations Governing The J Visa: The Office of Citizen Exchanges of the Bureau of Educational and Cultural Affairs is the official program sponsor of the exchange program covered by this RFGP, and an employee of the Bureau will be the ''Responsible Officer'' for the program under the terms of 22 CFR 62, which covers the administration of the Exchange Visitor Program (J visa program). Under the terms of 22 CFR 62, organizations receiving grants under this RFGP will be third parties ''cooperating with or assisting the sponsor in the conduct of the sponsor's program.'' The actions of grantee program organizations shall be ''imputed to the sponsor in evaluating the sponsor's compliance with'' 22 CFR 62. Therefore, the Bureau expects that any organization receiving a grant under this competition will render all assistance necessary to enable the Bureau to fully comply with 22 CFR 62 *et seq.*

The Bureau of Educational and Cultural Affairs places great emphasis on the secure and proper administration of Exchange Visitor (J visa) Programs and adherence by grantee program organizations and program participants to all regulations governing the J visa program status. Therefore, proposals should *explicitly state in writing* that the applicant is prepared to assist the Bureau in meeting all requirements governing the administration of Exchange Visitor Programs as set forth in 22 CFR 62. If your organization has experience as a designated Exchange Visitor Program Sponsor, the applicant should discuss their record of compliance with 22 CFR 62 *et seq.,* including the oversight of their Responsible Officers and Alternate Responsible Officers, screening and selection of program participants, provision of pre-arrival information and orientation to participants, monitoring of participants, proper maintenance and security of forms, recordkeeping, reporting and other requirements.

A copy of the complete regulations governing the administration of Exchange Visitor (J) programs is available at *http://exchanges.state.gov*, or from: United States Department of State, Office of Exchange Coordination and Designation, ECA/EC/ECD–SA–44, Room 734, 301 4th Street, SW., Washington, DC 20547, Telephone: (202) 203–5029, FAX: (202) 453–8640.

IV.3d.2. Diversity, Freedom and Democracy Guidelines: Pursuant to the Bureau's authorizing legislation, programs must maintain a non-political character and should be balanced and representative of the diversity of American political, social, and cultural life. ''Diversity'' should be interpreted in the broadest sense and encompass differences including, but not limited to ethnicity, race, gender, religion, geographic location, socio-economic status, and disabilities. Applicants are strongly encouraged to adhere to the advancement of this principle both in program administration and in program content. Please refer to the review criteria under the ''Support for Diversity'' section for specific suggestions on incorporating diversity into your proposal. Public Law 104–319 provides that ''in carrying out programs of educational and cultural exchange in countries whose people do not fully enjoy freedom and democracy,'' the Bureau ''shall take appropriate steps to provide opportunities for participation in such programs to human rights and democracy leaders of such countries.'' Public Law 106–113 requires that the governments of the countries described above do not have inappropriate influence in the selection process. Proposals should reflect advancement of these goals in their program contents, to the full extent deemed feasible.

IV.3d.3. Program Monitoring and Evaluation: Proposals must include a plan to monitor and evaluate the project's success, both as the activities unfold and at the end of the program. The Bureau recommends that your proposal include a draft survey questionnaire or other technique plus a description of a methodology to use to link outcomes to original project objectives. The Bureau expects that the grantee will track participants or partners and be able to respond to key evaluation questions, including satisfaction with the program, learning as a result of the program, changes in behavior as a result of the program, and effects of the program on institutions (institutions in which participants work or partner institutions). The evaluation plan should include indicators that measure gains in mutual understanding as well as substantive knowledge.

Successful monitoring and evaluation depend heavily on setting clear goals and outcomes at the outset of a program. Your evaluation plan should include a description of your project's objectives, your anticipated project outcomes, and how and when you intend to measure these outcomes (performance indicators). The more that outcomes are ''smart'' (specific, measurable, attainable, results-oriented, and placed in a reasonable time frame), the easier it will be to conduct the evaluation. You should also show how your project objectives link to the goals of the program described in this RFGP.

Your monitoring and evaluation plan should clearly distinguish between program *outputs* and *outcomes. Outputs* are products and services delivered, often stated as an amount. Output information is important to show the scope or size of project activities, but it cannot substitute for information about progress towards outcomes or the results achieved. Examples of outputs include the number of people trained or the number of seminars conducted. *Outcomes* represent specific results a project is intended to achieve and are usually measured as an extent of change. Findings on outputs and outcomes should both be reported, but the focus should be on outcomes.

We encourage you to assess the following four levels of outcomes, as they relate to the program goals set out

in the RFGP (listed here in increasing order of importance):

1. Participant satisfaction with the program and exchange experience.

2. Participant learning, such as increased knowledge, aptitude, skills, and changed understanding and attitude. Learning includes both substantive (subject-specific) learning and mutual understanding.

3. Participant behavior, concrete actions to apply knowledge in work or community; greater participation and responsibility in civic organizations; interpretation and explanation of experiences and new knowledge gained; continued contacts between participants, community members, and others.

4. Institutional changes, such as increased collaboration and partnerships, policy reforms, new programming, and organizational improvements.

Please note: Consideration should be given to the appropriate timing of data collection for each level of outcome. For example, satisfaction is usually captured as a short-term outcome, whereas behavior and institutional changes are normally considered longer-term outcomes.

Overall, the quality of your monitoring and evaluation plan will be judged on how well it (1) specifies intended outcomes; (2) gives clear descriptions of how each outcome will be measured; (3) identifies when particular outcomes will be measured; and (4) provides a clear description of the data collection strategies for each outcome (i.e., surveys, interviews, or focus groups). (Please note that evaluation plans that deal only with the first level of outcomes [satisfaction] will be deemed less competitive under the present evaluation criteria.)

Grantees will be required to provide reports analyzing their evaluation findings to the Bureau in their regular program reports. All data collected, including survey responses and contact information, must be maintained for a minimum of three years and provided to the Bureau upon request.

IV.3e. Please take into consideration the following information when preparing your budget:

IV.3e.1. Applicants must submit a comprehensive budget for the entire project, including travel. There must be a summary budget as well as breakdowns reflecting both administrative and program budgets. Applicants may provide separate sub-budgets for each program component, phase, location, or activity to provide clarification. Budgets that limit administrative costs to approximately 25% of the funding sought from ECA will be given priority consideration.

IV.3e.2. Allowable costs for the program include the following:

(1) Direct program expenses.

(2) Administrative costs.

(3) Allowable indirect costs.

Please refer to the Solicitation Package for complete budget guidelines and formatting instructions.

IV.3f. Application Deadline and Methods of Submission:

Application Deadline Date: May 12, 2008.

Reference Number: ECA/PE/C/NEA–AF–08–24.

Methods of Submission

Applications may be submitted in one of two ways:

(1) In hard-copy, via a nationally recognized overnight delivery service (i.e., DHL, Federal Express, UPS, Airborne Express, or U.S. Postal Service Express Overnight Mail, etc.), or

(2) Electronically through *http://www.grants.gov*.

Along with the Project Title, all applicants must enter the above Reference Number in Box 11 on the SF–424 contained in the mandatory Proposal Submission Instructions (PSI) of the solicitation document.

IV.3f.1 Submitting Printed Applications

Applications must be shipped no later than the above deadline. Delivery services used by applicants must have in-place, centralized shipping identification and tracking systems that may be accessed via the Internet and delivery people who are identifiable by commonly recognized uniforms and delivery vehicles. Proposals shipped on or before the above deadline but received at ECA more than seven days after the deadline will be ineligible for further consideration under this competition. Proposals shipped after the established deadlines are ineligible for consideration under this competition. ECA will *not* notify you upon receipt of application. It is each applicant's responsibility to ensure that each package is marked with a legible tracking number and to monitor/confirm delivery to ECA via the Internet. Delivery of proposal packages *may not* be made via local courier service or in person for this competition. Faxed documents will not be accepted at any time. Only proposals submitted as stated above will be considered.

Important note: When preparing your submission please make sure to include one extra copy of the completed SF–424 form and place it in an envelope addressed to ''ECA/EX/PM''.

The original and ten (10) copies of the application should be sent to: U.S. Department of State, SA–44, Bureau of Educational and Cultural Affairs, Ref.: ECA/PE/C/NEA–AF–08–24, Program Management, ECA/EX/PM, Room 534, 301 4th Street, SW., Washington, DC 20547.

Applicants submitting hard-copy applications must also submit the ''Executive Summary'' and ''Proposal Narrative'' sections of the proposal in text (.txt) format on a PC-formatted disk. The Bureau will provide these files electronically to the appropriate Public Affairs Section(s) at the U.S. embassy(ies) for its (their) review.

IV.3f.2—Submitting Electronic Applications.

Applicants have the option of submitting proposals electronically through Grants.gov (*http://www.grants.gov*). Complete solicitation packages are available at Grants.gov in the ''Find'' portion of the system. Please follow the instructions available in the 'Get Started' portion of the site (*http://www.grants.gov/GetStarted*).

Several of the steps in the Grants.gov registration process could take several weeks. Therefore, applicants should check with appropriate staff within their organizations immediately after reviewing this RFGP to confirm or determine their registration status with Grants.gov.

Once registered, the amount of time it can take to upload an application will vary depending on a variety of factors including the size of the application and the speed of your internet connection. Therefore, we strongly recommend that you not wait until the application deadline to begin the submission process through Grants.gov.

Direct all questions regarding Grants.gov registration and submission to: Grants.gov Customer Support, Contact Center Phone: 800–518–4726, Business Hours: Monday–Friday, 7 a.m.–9 p.m. Eastern Time, e-mail: *support@grants.gov*.

Applicants have until midnight (12 a.m.), Washington, DC time of the closing date to ensure that their entire application has been uploaded to the Grants.gov site. There are no exceptions to the above deadline. Applications uploaded to the site after midnight of the application deadline date will be automatically rejected by the grants.gov system, and will be technically ineligible.

Applicants will receive a confirmation e-mail from grants.gov upon the successful submission of an application. ECA will not notify you upon receipt of electronic applications.

It is the responsibility of all applicants submitting proposals via the Grants.gov Web portal to ensure that proposals have been received by Grants.gov in their entirety, and ECA bears no responsibility for data errors resulting from transmission or conversion processes.

IV.3g. Intergovernmental Review of Applications: Executive Order 12372 does not apply to this program.

V. Application Review Information

V.1. Review Process

The Bureau will review all proposals for technical eligibility. Proposals will be deemed ineligible if they do not fully adhere to the guidelines stated herein and in the Solicitation Package. All eligible proposals will be reviewed by the program office, as well as the Public Diplomacy section overseas, where appropriate. Eligible proposals will be subject to compliance with Federal and Bureau regulations and guidelines and forwarded to Bureau grant panels for advisory review. Proposals may also be reviewed by the Office of the Legal Adviser or by other Department elements. Final funding decisions are at the discretion of the Department of State's Assistant Secretary for Educational and Cultural Affairs. Final technical authority for grant awards resides with the Bureau's Grants Officer.

Review Criteria

Technically eligible applications will be competitively reviewed according to the criteria stated below.

Quality of the Program Idea: Proposals should be substantive, well thought out, focused on issues of demonstrable relevance to all proposed participants, and responsive to the exchange suggestions and guidelines provided above.

Implementation Plan and Ability to Achieve Objectives: A detailed project implementation plan should establish a clear and logical connection between the interest, the expertise, and the logistic capacity of the applicant and the objectives to be achieved. The plan should discuss in concrete terms how the institution proposes to achieve the objectives. Institutional resources—including personnel—assigned to the project should be adequate and appropriate to achieve project objectives. The substance of workshops and site visits should be included as an attachment, and the responsibilities of U.S. participants and in-country partners should be clearly delineated.

Institutional Capacity: Proposals should include an institutional record of successful exchange programs, with reference to responsible fiscal management and full compliance with reporting requirements. The Bureau will consider the demonstrated potential of new applicants and will evaluate the performance record of prior recipients of Bureau grants as reported by the Bureau grant staff.

Post-Grant Activities: Applicants should provide a plan for sustained follow-on activity (building on the linkages developed under the grant and the activities initially funded by the grant) after grant funds have been expended. This will ensure that Bureau-supported projects sustainable and are not isolated events. Funds for all post-grant activities must be in the form of contributions from the applicant or sources outside the Bureau. Costs for these activities should not appear in the proposal budget but should be outlined in the narrative.

Project Evaluation/Monitoring: Proposals should include a detailed plan to monitor and evaluate the project. Competitive evaluation plans will describe how the applicant organization will measure results, defined in both qualitative and quantitative terms, and will include draft data collection instruments (surveys, questionnaires, etc.) in Tab E. Successful applicants will be expected to submit a report after each project component is concluded or semi-annually, whichever is less frequent.

Cost Effectiveness and Cost Sharing: Administrative costs should be kept low. Proposal budgets should provide evidence of any cost sharing offered, comprised of cash or in-kind contributions. Cost sharing may be derived from diverse sources, including private sector contributions and/or direct institutional support.

Support of Diversity: Proposals should demonstrate support for the Bureau's policy on diversity. Features relevant to this policy should be cited in program implementation (selection of participants, program venue, and program evaluation), program content, and program administration.

VI. Award Administration Information

VI.1a. Award Notices:

Final awards cannot be made until funds have been appropriated by Congress, allocated, and committed through internal Bureau procedures. Successful applicants will receive an Assistance Award Document (AAD) from the Bureau's Grants Office. The AAD and the original grant proposal with subsequent modifications (if applicable) shall be the only binding authorizing document between the recipient and the U.S. Government. The AAD will be signed by an authorized Grants Officer and mailed to the recipient's responsible officer, identified in the application.

Unsuccessful applicants will receive notification of the results of the application review from the ECA program office coordinating this competition.

VI.2. Administrative and National Policy Requirements:

Terms and Conditions for the Administration of ECA agreements include the following:

Office of Management and Budget Circular A–122, ''Cost Principles for Nonprofit Organizations.''

Office of Management and Budget Circular A–21, ''Cost Principles for Educational Institutions.''

OMB Circular A–87, ''Cost Principles for State, Local and Indian Governments.''

OMB Circular No. A–110 (Revised), Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and other Nonprofit Organizations.

OMB Circular No. A–102, Uniform Administrative Requirements for Grants-in-Aid to State and Local Governments.

OMB Circular No. A–133, Audits of States, Local Government, and Non-profit Organizations.

Please reference the following Web sites for additional information: *http://www.whitehouse.gov/omb/grants*, *http://exchanges.state.gov/education/grantsdiv/terms.htm#articleI*.

VI.3. Reporting Requirements: You must provide ECA with a hard copy original plus one copy of the following reports:

1. Semi-annual program and financial reports, which include a description of program activities implemented in the course of the six-month period and an accounting of expenditures.

2. A final program and financial report no more than 90 days after the expiration date of the award.

3. Grantees will be required to provide reports analyzing their evaluation findings to the Bureau in their regular program reports. (Please refer to IV. Application and Submission Instructions (IV.3.d.3) above for Program Monitoring and Evaluation information.

All data collected, including survey responses and contact information, must be maintained for a minimum of three years and provided to the Bureau upon request.

All reports must be sent to the ECA Grants Officer and ECA Program Officer listed in the final assistance award document.

Organizations awarded grants will be required to maintain specific data on program participants and activities in an electronically accessible database format that can be shared with the Bureau as required. As a minimum, the data must include the following:

(1) Name, address, contact information and biographic sketch of all persons who travel internationally on funds provided by the grant.

(2) Itineraries of international and domestic travel, providing dates of travel and cities in which any exchange experiences take place. Final schedules for in-country and U.S. activities must be received by the ECA Program Officer at least three work days prior to the official opening of the activity.

VII. Agency Contacts

For questions about this announcement, contact: Thomas Johnston, Office of Citizen Exchanges, ECA/PE/C/NEA–AF, Room 216, U.S. Department of State, SA–44, 301 4th Street, SW., Washington, DC 20547, Telephone: (202) 453–8162; E-mail: *JohnstonTJ@state.gov.*

Correspondence with the Bureau concerning this RFGP should reference the title and number ECA/PE/C/NEA–AF–08–24.

Please read the complete announcement before sending inquiries or submitting proposals. Once the RFGP deadline has passed, Bureau staff may not discuss this competition with applicants until the proposal review process has been completed.

VIII. Other Information

Notice

The terms and conditions published in this RFGP are binding and may not be modified by any Bureau representative. Explanatory information provided by the Bureau that contradicts published language will not be binding. Issuance of the RFGP does not constitute an award commitment on the part of the Government. The Bureau reserves the right to reduce, revise, or increase proposal budgets in accordance with the needs of the program and the availability of funds. Awards made will be subject to periodic reporting and evaluation requirements per section VI.3 above.

Dated: March 12, 2008.

C. Miller Crouch,

Acting Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. E8–5672 Filed 3–19–08; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice 6139]

Determination and Waiver of Section 690(a) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (Div. J, Pub. L. 110–161) Relating to Assistance for Egypt

Pursuant to the authority vested in me as Deputy Secretary of State by the laws of the United States, including section 690 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (Div. J, Pub. L. 110–161)(SFOAA) and Department of State Delegation of Authority No. 245, I hereby determine it is in the national security interest of the United States to waive the restriction in section 690(a) of the SFOAA, and I hereby waive such restriction.

This determination shall be reported to the Congress and published in the **Federal Register**.

Dated: February 29, 2008.

John D. Negroponte,

Deputy Secretary of State, Department of State.

[FR Doc. E8–5692 Filed 3–19–08; 8:45 am]

BILLING CODE 4710–31–P

DEPARTMENT OF STATE

[Public Notice 6140]

Title: STATE–42 Munitions Control Records

SUMMARY: Notice is hereby given that the Department of State proposes to alter an existing system of records, STATE–42, pursuant to the provisions of the Privacy Act of 1974, as amended (5 U.S.C.(r)), and Office of Management and Budget Circular No. A–130, Appendix I. The Department's report was filed with the Office of Management and Budget on 1 February 2008.

It is proposed that the current system will retain the name ''Munitions Control Records.'' It is also proposed that due to the expanded scope of the current system, the altered system description will include revisions and/or additions to the following sections: System Location; Categories of Individuals covered by the System; Authority for Maintenance of the System; and Routine Uses of Records Maintained in the System, Including Categories of Users and Purposes of such Uses. Changes to the existing system description are proposed in order to reflect more accurately the Directorate of Defense Trade Controls, Bureau of Political-Military Affairs' recordkeeping system, the Authority establishing its existence and responsibilities, and the uses and users of the system.

Any persons interested in commenting on the altered system of records may do so by submitting comments in writing to Margaret P. Grafeld, Director; Office of Information Programs and Services; A/ISS/IPS; Department of State, SA–2; Washington, DC 20522–8001. This system of records will be effective 40 days from the date of publication, unless we receive comments that will result in a contrary determination.

The altered system description, ''Munitions Control Records, State-42,'' will read as set forth below.

Dated: January 31, 2008.

Raj Chellaraj,

Assistant Secretary for the Bureau of Administration, Department of State.

STATE–42

SYSTEM NAME:

Munitions Control Records.

SECURITY CLASSIFICATION:

Unclassified and classified.

SYSTEM LOCATION:

Department of State, Annex 1; Room 1200; 2401 E Street, NW.; Washington, DC 20522.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Exporters of defense articles and defense services with or without Department of State authorization; applicants for export licenses; registered exporters; brokers for sales of defense articles or defense services who completed registration statements or submitted requests for approval of a brokering activity; and debarred parties.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

22 U.S.C. 2651A (Organization of Department of State); 5 U.S.C. 301 (Departmental Regulations); 22 U.S.C. 2778 (Arms Export Control Act).

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence, registration statements when a principal executive officer or owner is the same as the applicant, and checks for registration fees sent to the Department of State (Department) when an individual or business registers as a manufacturer, exporter and/or broker of defense articles or defense services; copies of letters to individuals and businesses from the Department pertaining to their registration, including notices of suspension and debarment; Proposed Charging Letters and Orders and Consent Agreements pertaining to the

Department's administrative cases; **Federal Register** Notices of statutory debarment; correspondence, memoranda, federal court documents, telegrams, other government agency reports, and e-mail messages between the Department and other federal agencies regarding law enforcement and intelligence information about defense trade activities pertaining to the subject of the record.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

The information in this system is used primarily by the Directorate of Defense Trade Controls when making determinations regarding:

(a) Individuals and businesses that have been authorized to export or retransfer a defense article, defense service or related technical data;

(b) Which commodities, quantities, and dollar values were authorized for export and the extent of any export violations;

(c) Administrative charges imposed on an individual or business for violating the export regulations;

(d) The periodic publication of names, dates of conviction, and months and years of birth of those on the Debarred Parties List in the **Federal Register** pursuant to the authorities granted in 22 U.S.C. 2778(g)(1) as implemented in 22 CFR 127.7(c). Statutory Debarment is based solely upon the outcome of a criminal proceeding, conducted by a court of the United States that established guilt beyond a reasonable doubt in accordance with due process. Federal court documents serve as the source of information for names, dates of conviction, months and years of birth of debarred parties.

(e) The removal of export privileges.

The principal users of this information outside the Department of State are the Department of Homeland Security and the Department of Justice for their investigations of violations of the Arms Export Control Act. This information may also be released to other federal intelligence and law enforcement agencies pursuant to statutory intelligence and law enforcement responsibilities. The information in this system may also be used to send required reports to Congress about certain defense trade transactions. See also the Department of State Prefatory Statement of Routine Uses published in the **Federal Register**.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Electronic media, hard copy.

RETRIEVABILITY:

Individual name, company name, DDTC Registration Code, DDTC Case Number.

SAFEGUARDS:

All employees of the Department of State have undergone a thorough personnel security background investigation. Access to the Department of State building and the annexes is controlled by security guards, and admission is limited to those individuals possessing a valid identification card or individuals under proper escort. All records containing personal information are maintained in secured filing cabinets or in restricted areas, access to which is limited to authorized personnel. Access to electronic files is password-protected and under the direct supervision of the system manager. The system manager has the capability of printing audit trails of access from the computer media, thereby permitting regular and ad hoc monitoring of computer usage.

RETENTION AND DISPOSAL:

These records will be maintained until they become inactive, at which time they will be destroyed or retired in accordance with published record disposition schedules of the Department of State and as approved by the National Archives and Records Administration. More specific information may be obtained by writing to the Director, Office of Information Programs and Services, A/ISS/IPS, SA–2, Department of State, Washington, DC 20522–8001.

SYSTEM MANAGER AND ADDRESS:

Managing Director, Directorate of Defense Trade Controls, Bureau of Political-Military Affairs, SA–1, 12th Floor, 2401 E Street NW., Washington DC 20522. *http://www.pmddtc.state.gov/.*

NOTIFICATION PROCEDURE:

Individuals who have reason to believe that the Directorate of Defense Trade Controls might have records pertaining to them should write to the Director, Office of Information Programs and Services, A/ISS/IPS, SA–2, Department of State, Washington, DC 20522–8001. The individual must specify that he or she wishes the records of the Directorate of Defense Trade Controls to be checked. At a minimum, the individual should include: name; date and place of birth; current mailing address and zip code; signature; a brief description of the circumstances that caused the creation of the record (including the city and/or country and the approximate dates) which gives the individual cause to believe that the Directorate of Defense Trade Controls has records pertaining to him or her.

RECORD ACCESS AND AMENDMENT PROCEDURES:

Individuals who wish to gain access to or to amend records pertaining to themselves should write to the Director, Office of Information Programs and Services (address above).

RECORD SOURCE CATEGORIES:

These records contain information that is primarily obtained from the individual, from the organization the individual represents, federal court documents and intelligence and law enforcement agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Portions of certain records contained within this system of records are exempted from 5 U.S.C. 552a (c)(3),(d),(e)(1),(3)(4)(G),(H) and (I), and (f). See 22 CFR 171.36.

[FR Doc. E8–5684 Filed 3–19–08; 8:45 am]

BILLING CODE 4710–24–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Request Approval From the Office of Management and Budget of a New Information Collection Activity, Request for Comments; National Flight Attendant Duty/Rest/Fatigue Survey

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: The FAA invites public comments about our intention to request the Office of Management and Budget (OMB) to approve a new information collection. This project involves the random and representative sampling of Flight Attendants currently employed by U.S. air carriers. The goal of this effort is to identify the type of fatigue that flight attendants experience, the frequency with which they experience fatigue, and the consequences fatigue may have on the safety of U.S. air carriers.

DATES: Please submit comments by May 19, 2008.

FOR FURTHER INFORMATION CONTACT: Carla Mauney on (202) 267–9895, or by e-mail at: *Carla.Mauney@faa.gov.*

SUPPLEMENTARY INFORMATION:

Federal Aviation Administration (FAA)

Title: National Flight Attendant Duty/Rest/Fatigue Survey.

Type of Request: New collection.

OMB Control Number: 2120–XXXX.

Form(s): There are no FAA forms associated with this collection.

Affected Public: A total of 12,000 respondents.

Frequency: The information is collected annually.

Estimated Average Burden per Response: Approximately 1 hour per response.

Estimated Annual Burden Hours: An estimated 12,000 hours annually.

Abstract: This project involves the random and representative sampling of Flight Attendants currently employed by U.S. air carriers. The goal of this effort is to identify the type of fatigue that flight attendants experience, the frequency with which they experience fatigue, and the consequences fatigue may have on the safety of U.S. air carriers. The results obtained from this survey are intended to provide information to FAA policy makers regarding flight attendant rest and duty time.

ADDRESSES: Send comments to the FAA at the following address: Ms. Carla Mauney, Room 712, Federal Aviation Administration, IT Enterprises Business Services Division, AES–200, 800 Independence Ave., SW., Washington, DC 20591.

Comments Are Invited On: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimates of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Issued in Washington, DC, on March 13, 2008.

Carla Mauney,

FAA Information Collection Clearance Officer, IT Enterprises Business Services Division, AES–200.

[FR Doc. E8–5576 Filed 3–19–08; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2008–0049]

Agency Information Collection Activities; Revision of a Currently Approved Information Collection: Designation of Agents, Motor Carriers, Brokers and Freight Forwarders

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice and request for information.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FMCSA announces its plan to submit the Information Collection Request (ICR) described below to the Office of Management and Budget (OMB) for review and approval. The FMCSA requests approval to revise an existing information collection (IC) entitled ''Designation of Agents, Motor Carriers, Brokers and Freight Forwarders,'' which is used to provide registered motor carriers, property brokers, and freight forwarders a means of meeting process agent requirements. On December 26, 2007, FMCSA published a **Federal Register** notice allowing for a 60-day comment period on the ICR. No comments were received on the ICR.

DATES: Please send your comments by April 21, 2008. OMB must receive your comments by this date in order to act quickly on the ICR.

ADDRESSES: All comments should reference DOT Docket No. FMCSA–2008–0049. You may submit comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 Seventeenth Street, NW., Washington, DC 20503, *Attention: DOT/FMCSA Desk Officer.*

FOR FURTHER INFORMATION CONTACT: Ms. Loretta G. Bitner, Commercial Enforcement (MC–ECC), Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue, SE., Washington, DC 20590. Telephone: 202–385–2400. Office hours are from 8 a.m. to 4:30 p.m. EST, Monday through Friday, except Federal Holidays.

SUPPLEMENTARY INFORMATION:

Title: Designation of Agents, Motor Carriers, Brokers and Freight Forwarders.

OMB Control Number: 2126–0015.

Type of Request: Revision of a currently-approved information collection.

Respondents: Motor carriers, freight forwarders and brokers.

Estimated Number of Respondents: 89,000.

Estimated Time per Response: 10 minutes.

Expiration Date: April 30, 2008.

Frequency of Response: The Form BOC–3 must be filed by all for-hire motor carriers and freight forwarders when the transportation entity first registers with the FMCSA. All brokers are required to file the Form BOC–3 as necessary and make a designation for each State in which it has an office or in which contracts will be written. Subsequent filings are made only if the motor carrier, broker or freight forwarder changes process agents.

Estimated Total Annual Burden: 14,833 hours [89,000 Form BOC–3 filings per year × 10 minutes/60 minutes to complete form = 14,833 hours].

Background: The Secretary of Transportation (Secretary) is authorized to register for-hire motor carriers of regulated commodities under the provisions of 49 U.S.C. 13902; freight forwarders under the provisions of 49 U.S.C. 13903; and property brokers under provisions of 49 U.S.C. 13904. These entities may conduct transportation services only if they are registered pursuant to 49 U.S.C. 13901. The Secretary has delegated authority pertaining to these registration requirements to the FMCSA.

Registered motor carriers (including private carriers) and freight forwarders must designate: (1) An agent on whom service of notices in proceedings before the Secretary may be made (49 U.S.C. 13303); and (2) for every State in which they are authorized to operate and every State traversed in the United States during such operations, agents on whom process issued by a court may be served in actions brought against the registered transportation entity (49 U.S.C. 13304). Every broker shall make a designation for each State in which its offices are located or in which contracts will be written. Regulations governing the designation of process agents are found at 49 CFR part 366, entitled ''Designation of Process Agent.'' This designation is filed with the FMCSA on Form BOC–3, ''Designation of Agent for Service of Process.''

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the FMCSA to perform its functions; (2) the accuracy of the estimated burden; (3) ways for the FMCSA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized without

reducing the quality of the collected information.

Issued On: March 12, 2008.

Terry Shelton,

Associate Administrator for Research and Information Technology.

[FR Doc. E8–5640 Filed 3–19–08; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2008–0036]

Commercial Driver's License (CDL) Standards; Rotel North American Tours, LLC; Application for Exemption and Request for Comments

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of application for exemption; request for comments.

SUMMARY: FMCSA announces that Rotel North American Tours, LLC (Rotel) has applied for exemption from the Agency's requirement that drivers of certain commercial motor vehicles (CMVs) possess a valid commercial driver's license (CDL). Rotel has requested this exemption for 22 German bus drivers who would transport German tourists in the United States by means of Rotel's specially equipped passenger-carrying CMVs. Rotel hires the bus drivers to conduct the tours in addition to operating the CMVs. Rotel previously was able to conduct these operations without exemption because its drivers had been able to obtain (and renew) non-resident CDLs from certain States. However, because of the recent emphasis upon security in the U.S., Rotel reports that no State currently issues non-resident CDLs. Rotel believes these drivers possess the knowledge and skills necessary to ensure a level of safety that is equivalent to, or greater than, the level of safety that would be obtained by complying with the U.S. requirement for a CDL. FMCSA requests public comment on the Rotel application for exemption.

DATES: Comments must be received on or before April 21, 2008.

ADDRESSES: You may submit comments identified by Federal Docket Management System Number FMCSA–2008–0036 by any of the following methods:

- *Web site: http://www.regulations.gov.* Follow the instructions for submitting comments on the Federal electronic docket site.
- *Fax:* 1–202–493–2251.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590–0001.
- *Hand Delivery:* Ground Floor, Room W12–140, DOT Building, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m. e.t., Monday through Friday, except Federal holidays.

Instructions: All submissions must include the Agency name and docket number. For detailed instructions on submitting comments and additional information on the exemption process, see the Public Participation heading below. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov* at any time or to the ground floor, room W12–140, DOT Building, New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m. e.t., Monday through Friday, except Federal holidays.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19476) or you may visit *http://www.regulations.gov.*

Public participation: The *http://www.regulations.gov* Web site is generally available 24 hours each day, 365 days each year. You can get electronic submission and retrieval help and guidelines under the ''help'' section of the *http://www.regulations.gov* Web site and also at the DOT's *http://docketsinfo.dot.gov* Web site. If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments online.

FOR FURTHER INFORMATION CONTACT: Mr. Robert F. Schultz, Jr., FMCSA Driver and Carrier Operations Division, Office of Bus and Truck Standards and Operations. Telephone: 202–366–4325. E-mail: *MCPSD@dot.gov.*

SUPPLEMENTARY INFORMATION:

Background

Section 4007 of the Transportation Equity Act for the 21st Century (Pub. L. 105–178, 112 Stat. 107, June 9, 1998) amended 49 U.S.C. 31315 and 31136(e) to provide authority to grant exemptions from motor carrier safety regulations. Under its regulations, FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including the results of any safety analyses that have been conducted. The Agency must also provide an opportunity for public comment on the request.

The Agency reviews the safety analyses and the public comments and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved by the current regulation (49 CFR 381.305(a)). The decision of the Agency must be published in the **Federal Register** (49 CFR 381.315(b)) with the reason for denying or, in the alternative, the specific person or class of persons receiving the exemption, and the regulatory provision or provisions from which exemption is being granted. The notice must also specify the effective period of the exemption (up to 2 years), and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.300(b)).

Request for Exemption

Rotel, headquartered in Terre Haute, Indiana, is engaged in conducting bus tours of the United States for Europeans. It currently has 22 bus drivers and 11 customized buses dedicated to these operations. The buses qualify as passenger commercial motor vehicles (CMVs) as defined in section 383.5 of the Federal Motor Carrier Safety Regulations (FMCSRs) (49 CFR 350 *et. seq.*); therefore, the operators of the buses must possess a valid commercial driver's license (CDL) (49 CFR 383.110) with passenger endorsement (49 CFR 383.93).

Rotel drivers operate the buses and deliver oral commentary during the trip. Rotel prefers to use native German drivers to conduct the tours. It tried to use non-native Germans who were fluent in German, but states that the quality of its service was affected adversely.

Rotel's drivers hold German CDLs, but these are not recognized in the U.S. Until recently, the German drivers could obtain (and renew) a non-resident CDL in one of several States of the U.S. However, because of the recent heightening of security in the U.S., no State currently issues or renews non-resident CDLs. Therefore, Rotel's drivers

cannot obtain or renew non-resident CDLs.

Rotel requests FMCSA to allow its 22 bus drivers to operate these 11 buses without a CDL for a period of two years. It believes these drivers possess the knowledge and skills to ensure a level of safety that is equivalent to, or greater than, the level of safety that would be obtained by complying with the U.S. requirement for a CDL. A copy of Rotel's application for exemption is available for review in the docket for this notice.

Request for Comments

In accordance with 49 U.S.C. 31315(b)(4) and 31136(e), FMCSA requests public comment on Rotel's application for exemption from the FMCSRs. The Agency will consider all comments received by close of business on April 21, 2008. Comments will be available for examination in the docket at the location listed under the **ADDRESSES** section of this notice. The Agency will consider to the extent practicable comments received in the public docket after the closing date of the comment period.

Issued on: March 13, 2008.

Larry W. Minor,

Associate Administrator for Policy and Program Development.

[FR Doc. E8–5639 Filed 3–19–08; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

Office of Hazardous Materials Safety; Notice of Application for Special Permits

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: List of Applications for Special Permits.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, special permits from the Department of Transportation's Hazardous Material Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Safety has received the application described herein. Each mode of transportation for which a particular special permit is requested is indicated by a number in the ''Nature of Application'' portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo aircraft only, 5—Passenger-carrying aircraft.

DATES: Comments must be received on or before April 21, 2008.

ADDRESS COMMENTS TO: Record Center, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the special permit number.

FOR FURTHER INFORMATION CONTACT: Copies of the applications are available for inspection in the Records Center, East Building, PHH–30, 1200 New Jersey Avenue SE., Washington, DC or at *http://dms.dot.gov.*

This notice of receipt of applications for special permit is published in accordance with Part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR l.53(b)).

Issued in Washington, DC, on March 11, 2008.

Delmer F. Billings,

Director, Office of Hazardous Materials, Special Permits and Approvals.

NEW SPECIAL PERMITS

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of special permits thereof
14649–N		Olin Corporation, Winchester Division East Alton, IL.	49 CFR 173.62(b), 172.101 column (8C), 173.60(b)(8), 172.300 and 172.400.	To authorize the transportation in commerce of certain Division 1.4 ammunition in bulk packaging by motor vehicle for the purpose of relocating a military packing operation. (mode 1)
14650–N		Air Transport International, L.L.C., Little Rock, AR.	49 CFR 172.101; 171.11; 172.204(c)(3); 173.27; 175.30(a)(1); 175.320(b).	To authorize the transportation in commerce of certain Division 1.1, 1.2, 1.3 and 1.4 explosives which are forbidden or exceed quantities presently authorized. (mode 4)
14651–N		Air Products and Chemicals, Inc., Allentown, PA.	49 CFR 173.40	To authorize the transportation in commerce of certain manifolded DOT specification 3A and FAA cylinders containing a materials toxic by inhalation in Hazard Zone B. (mode 1)
14652–N		Magnum Mud Equipment Co., Inc., Houma, LA.	49 CFR 171.14(d)(4)	To authorize the transportation in commerce of certain Class 3 (flammable liquid) hazardous materials in IM101 portable tanks beyond the January 1, 2010 date currently authorized. (mode 1)
14656–N		PurePak Technology Corporation, Chandler, AZ.	49 CFR 173.158(f)(3)	To authorize the transportation in commerce of nitric acid of less than 70% concentration in an alternative packaging configuration. (modes 1, 2, 3)
14657–N		University of Missouri Research Reactor, Columbia, MO.	49 CFR 1 73.416(c)	To authorize the transportation in commerce of certain radioactive materials in DOT 6M containers beyond October 1, 2008. (mode 1)
14658–N		Union Carbide Corporation, Midland, MI.	49 CFR 172.200, 172.300, 172.400, 172.500.	To authorize the transportation of combustible liquid in certain DOT 51 and UN31A containers with a capacity of 120 gallons not subject to the requirements for shipping papers, marking, labeling and placarding. (modes 1, 2, 3)

NEW SPECIAL PERMITS—Continued

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of special permits thereof
14659–N		ESM Group Inc., Amherst, NY	49 CFR 173.242(b) and (c)	To authorize the transportation in commerce of calcium carbide (UN1402), Division 4.1, PG I in non-DOT specification bulk containers by motor vehicle. (mode 1)
14660–N		Determan Brownie, Inc., Minneapolis, MN.	49 CFR 172.200; 173.242(b); 173.243(b).	To authorize the transportation in commerce of residual amounts of Class 3 hazardous materials and non-DOT specification packaging (meter provers). (mode 1)
14661–N		FIBA Technologies, Inc., Millbury, MA.	49 CFR 180.209(a); 180.209(b).	To authorize the ultrasonic testing of DOT–3A, DOT–3AA 3AX, 3AA and 3T specification cylinders for use in transporting Division 2.1, 2.2 or 2.3 material. (modes 1, 2, 3)
14663–N		Department of Energy, Washington, DC.	49 CFR 173.416(c)	To authorize the transportation in commerce of certain radioactive materials in DOT 6M containers beyond October 1, 2008. (mode 1)
14664–N		Century Arms, Inc., Fairfax, VT.	49 CFR	To authorize the transportation in commerce of certain Division 1.4 explosives as Consumer commodity, ORM–D. (modes 1, 2, 4, 5)
14668–N		Lincoln Composites, Lincoln, NE.	49 CFR 173.302a	To authorize the manufacture, marking, sale and use of a non-DOT specification fully wrapped fiber reinforced composite gas cylinders with a non-load sharing plastic liner that meets the ISO 11119–3 standard except for the design water capacity and service pressure. (modes 1, 2, 3, 4, 5)

[FR Doc. E8–5473 Filed 3–19–08; 8:45 am]

BILLING CODE 4909–60–M

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34554 (Sub–No. 9]

Union Pacific Railroad Company—Temporary Trackage Rights Exemption—BNSF Railway Company

AGENCY: Surface Transportation Board.

ACTION: Partial Revocation of Exemption.

SUMMARY: The Board, under 49 U.S.C. 10502, revokes the class exemption as it pertains to the modified trackage rights described in STB Finance Docket No. 34554 (Sub–No. 8) [1] to permit the trackage rights to expire on or about December 31, 2008, in accordance with the agreement of the parties,[2] subject to the employee protective conditions set forth in *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979).

DATES: This exemption is effective on April 19, 2008. Petitions to stay must be filed by March 31, 2008. Petitions to reopen must be filed by April 9, 2008.

ADDRESSES: An original and 10 copies of all pleadings referring to STB Finance Docket No. 34554 (Sub–No. 9) must be filed with the Surface Transportation Board, 395 E Street, SW., Washington, DC 20423–0001. In addition, a copy of all pleadings must be served on petitioner's representative: Gabriel S. Meyer, 1400 Douglas Street, STOP 1580, Omaha, NE 68179.

FOR FURTHER INFORMATION CONTACT: Melissa Ziembicki, (202) 245–0386. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1–800–877–8339.]

SUPPLEMENTARY INFORMATION: Additional information is contained in the Board's decision. To purchase a copy of the full decision, write to, e-mail, or call: ASAP Document Solutions, 9332 Annapolis Rd., Suite 103, Lanham, MD 20706; e-mail: *asapdc@verizon.net*; telephone: (202) 306–4004. [Assistance for the hearing impaired is available through FIRS at 1–800–877–8339.]

Board decisions and notices are available on our Web site at *http://www.stb.dot.gov*.

Decided: March 12, 2008.

[1] On December 21, 2007, Union Pacific Railway Company (UP) concurrently filed a verified notice of exemption under the Board's class exemption procedures at 49 CFR 1180.2(d)(7). The notice covered the agreement by BNSF Railway Company (BNSF) to extend the expiration date of the local trackage rights granted to UP over BNSF's line of railroad between BNSF milepost 579.3 near Mill Creek, OK, and BNSF milepost 631.1 near Joe Junction, TX, a distance of approximately 51 miles. UP submits that the trackage rights are only temporary rights, but, because they are ''local'' rather than ''overhead'' rights, they do not qualify for the Board's class exemption for temporary trackage rights under 49 CFR 1180.2(d)(8). *See Union Pacific Railroad Company—Temporary Trackage Rights Exemption—BNSF Railway Company*, STB Finance Docket No. 34554 (Sub–No. 8) (STB served Jan. 4, 2008).

[2] The trackage rights were originally granted in *Union Pacific Railroad Company—Temporary Trackage Rights Exemption—The Burlington Northern and Santa Fe Railway Company*, STB Finance Docket No. 34554 (STB served Oct. 7, 2004). Subsequently, the parties filed notices of exemption several times based on their agreements to extend expiration dates of the same trackage rights. *See* STB Finance Docket No. 34554 (Sub–No. 2) (served February 11, 2005); STB Finance Docket No. 34554 (Sub–No. 4) (served March 3, 2006); and STB Finance Docket No. 34554 (Sub–No. 6) (served January 12, 2007). Because the original and subsequent trackage rights notices were filed under the class exemption at 49 CFR 1180.2(d)(7), under which trackage rights normally remain effective indefinitely, in each instance the Board granted partial revocation of the class exemption to permit the authorized trackage rights to expire. *See* STB Finance Docket No. 34554 (Sub–No. 1) (decision served November 24, 2004); STB Finance Docket No. 34554 (Sub–No. 3) (decision served March 25, 2005); STB Finance Docket No. 34554 (Sub–No. 5) (decision served March 23, 2006); and STB Finance Docket No. 34554 (Sub–No. 7) (decision served March 13, 2007). At the time of the extension authorized in STB Finance Docket No. 34554 (Sub–No. 6), the parties anticipated that the authority to allow the rights to expire would be exercised by December 31, 2007. However, the parties filed on December 21, 2007 in STB Finance Docket No. 34554 (Sub–No. 8) their most recent notice of exemption so that the trackage rights could be extended to December 31, 2008, and in STB Finance Docket No. 34554 (Sub–No. 9) their latest petition to partially revoke the class exemption to permit expiration, which we are addressing here.

By the Board, Chairman Nottingham, Vice Chairman Mulvey, and Commissioner Buttrey.

Anne K. Quinlan,

Acting Secretary.

[FR Doc. E8–5544 Filed 3–19–08; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

March 13, 2008.

The Department of Treasury will submit the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13 on or after the date of publication of this notice. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 11000, 1750 Pennsylvania Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before April 21, 2008 to be assured of consideration.

Alcohol and Tobacco Tax and Trade Bureau (TTB)

OMB Number: 1513-XXXX.

Type of Review: New Collection.

Title: Records to support tax free and tax overpayment sales of firearms and ammunition.

Forms: TTB F 5600.33, 5600.34, 5600.35, 5600.36, 5600.37.

Description: Industry Members are required to maintain certain records in accordance with regulations. TTB offers forms that ensure that all of the information required by regulations is accounted for, when completed. The information collected on the forms serve as a record to justify the sales to exempt users, exportation, or use for further manufacture of articles.

Respondents: Businesses or other for-profit institutions.

Estimated Total Burden Hours: 52,500 hours.

OMB Number: 1513–0034.

Type of Review: Revision.

Title: Schedule of Tobacco Products, Cigarette Papers or Tubes Withdrawn from the Market.

Form: TTB F 5200.7.

Description: TTB F 5200.7 is used by persons who intend to withdraw tobacco products from the market for which the taxes has already been paid or determined. The form describes the products that are to be withdrawn to determine the amount of tax to be claimed later as a tax credit or refund. The form notifies TTB when withdrawal or destruction is to take place, and TTB may elect to supervise withdrawal or destruction.

Respondents: Business and other for profits.

Estimated Total Burden Hours: 900 hours.

OMB Number: 1513–0062.

Type of Review: Revision.

Title: Usual and Customary Business Records Relating to Denatured Spirits TTB REC 5150/1.

Description: Denatured Spirits are used for non-beverage industrial purposes in the manufacture of personal household products. The manufacturer maintains and TTB inspects records to ensure spirits accountability. By ensuring that spirits have not been diverted to beverage use, TTB protects tax revenue and public safety. These are normal business records that the manufacturer already keeps.

Respondents: Business and other for profits.

Estimated Total Burden Hours: 1 hour.

OMB Number: 1513–0017.

Type of Review: Revision.

Title: Drawback on Beer Exported.

Form: TTB F 5130.6.

Description: When tax-paid beer is removed from a brewery and ultimately exported, the brewer exporting the beer is eligible for a drawback (refund) of Federal taxes paid. By completing this form and submitting documentation of exportation, the brewer may receive a refund of Federal taxes paid.

Respondents: Business and other for profits.

Estimated Total Burden Hours: 5,000 hours.

Clearance Officer: Frank Foote, (202) 927–9347, Alcohol and Tobacco Tax and Trade Bureau, Room 200 East, 1310 G. Street, NW., Washington, DC 20005.

OMB Reviewer: Alexander T. Hunt, (202) 395–7316, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

Robert Dahl,

Treasury PRA Clearance Officer.

[FR Doc. E8–5617 Filed 3–19–08; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF THE TREASURY

Office of Thrift Supervision

Proposed Agency Information Collection Activities; Comment Request—Lending and Investment

AGENCY: Office of Thrift Supervision (OTS), Treasury.

ACTION: Notice and request for comment.

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 comment on proposed and continuing information collections, as required by the Paperwork Reduction Act of 1995, 44 U.S.C. 3507. The Office of Thrift Supervision within the Department of the Treasury will submit the proposed information collection requirement described below to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. Today, OTS is soliciting public comments on its proposal to extend this information collection.

DATES: Submit written comments on or before May 19, 2008.

ADDRESSES: Send comments, referring to the collection by title of the proposal or by OMB approval number, to Information Collection Comments, Chief Counsel's Office, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552; send a facsimile transmission to (202) 906–6518; or send an e-mail to *infocollection.comments@ots.treas.gov*. OTS will post comments and the related index on the OTS Internet Site at *http://www.ots.treas.gov*. In addition, interested persons may inspect comments at the Public Reading Room, 1700 G Street, and NW., by appointment. To make an appointment, call (202) 906–5922, send an e-mail to *public.info@ots.treas.gov*, or send a facsimile transmission to (202) 906–7755.

FOR FURTHER INFORMATION CONTACT: You can request additional information about this proposed information collection from William J. Magrini, (202) 906–5744, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552.

SUPPLEMENTARY INFORMATION: OTS may not conduct or sponsor an information collection, and respondents are not required to respond to an information collection, unless the information collection displays a currently valid OMB control number. As part of the

approval process, we invite comments on the following information collection.

Comments should address one or more of the following points:

a. Whether the proposed collection of information is necessary for the proper performance of the functions of OTS;

b. The accuracy of OTS's estimate of the burden of the proposed information collection;

c. Ways to enhance the quality, utility, and clarity of the information to be collected;

d. Ways to minimize the burden of the information collection on respondents, including through the use of information technology.

We will summarize the comments that we receive and include them in the OTS request for OMB approval. All comments will become a matter of public record. In this notice, OTS is soliciting comments concerning the following information collection.

Title of Proposal: Lending and Investment.

OMB Number: 1550–0078.

Form Numbers: N/A.

Regulation requirement: 12 CFR Parts 560, 562, 563, and 590.

Description: OTS uses the information during the examination process to ensure that savings associations are complying with applicable rules and regulations as well as engaging in safe and sound lending practices.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses or other for-profit:

Estimated Number of Respondents: 830.

Estimated Number of Responses: 783,230.

Estimated Frequency of Response: On occasion.

Estimated Total Burden: 296,100 hours.

Clearance Officer: Ira L. Mills, (202) 906–6531, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552.

Dated: March 14, 2008.

Deborah Dakin,

Senior Deputy Chief Counsel, Regulations and Legislation Division.

[FR Doc. E8–5624 Filed 3–19–08; 8:45 am]

BILLING CODE 6720–01–P

DEPARTMENT OF VETERANS AFFAIRS

Advisory Committee on Former Prisoners of War; Notice of Meeting

The Department of Veterans Affairs gives notice under Public Law 92–463 (Federal Advisory Committee Act) that the Advisory Committee on Former Prisoners of War has scheduled a meeting for April 14–16, 2008, in Room 230 at the Department of Veterans Affairs, 810 Vermont Avenue, Washington, DC. The meeting will be held from 9 a.m. to 4 p.m. each day. The meeting is open to the public.

The purpose of the Committee is to advise the Secretary of Veterans Affairs on the administration of benefits under title 38, United States Code, for veterans who are former prisoners of war, and to make recommendations on the needs of such veterans for compensation, health care, and rehabilitation.

The agenda for April 14 will include remarks by VA officials, a review of committee reports, an update of activities since the last meeting, and a period for former prisoners of war and/or the public to address the Committee. On April 15, the Committee will hear presentations from representatives of the Robert E. Mitchell Center for Prisoner of War Studies and the Employee Education System, Veterans Heath Administration. The day will conclude with new business and general discussion. On April 16, the Committee's medical and administrative work groups will meet to discuss their activities and then will report back to the Committee in the afternoon.

Additionally, the Committee will review issues discussed throughout the meeting to compile a report to be sent to the Secretary.

Members of the public may submit written statements for review by the Committee in advance of the meeting to Mr. Bradley G. Mayes, Director, Compensation and Pension Service, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420. Submitted materials must be received not later than March 31, 2008.

Dated: March 14,2008.

By Direction of the Secretary:

E. Philip Riggin,

Committee Management Officer.

[FR Doc. E8–5580 Filed 3–19–08; 8:45 am]

BILLING CODE 8320–01–M

Corrections

Federal Register

Vol. 73, No. 55

Thursday, March 20, 2008

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–810]

Stainless Steel Bar from India: Notice of Preliminary Results and Partial Rescission of Antidumping Duty Administrative Review

Correction

In notice document E8–4245 beginning on page 12382 in the issue of Friday, March 7, 2008, make the following correction:

On page 12387 in the second column, in the **DATED** heading, ''September 28, 2008.'' should read ''February 28, 2008''.

[FR Doc. Z8–4245 Filed 3–19–08; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2008–0059; Airspace Docket No. 08–ANE–90]

Establishment of Class E Airspace; Fort Kent, ME

Correction

In rule document 08–734 beginning on page 9451 in the issue of Thursday, February 21, 2008, make the following correction:

On page 9452, in the first column, under ''**Rule**'' heading, in the seventh line, ''011'' should read ''001''.

[FR Doc. Z8–734 Filed 3–19–08; 8:45 am]

BILLING CODE 1505–01–D

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The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

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COMMERCE DEPARTMENT

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HEALTH AND HUMAN SERVICES DEPARTMENT

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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. 2745/P.L. 110–196

To extend agricultural programs beyond March 15, 2008, to suspend permanent price support authorities beyond that date, and for other purposes. (Mar. 14, 2008; 122 Stat. 653)

S.J. Res. 25/P.L. 110–197

Providing for the appointment of John W. McCarter as a citizen regent of the Board of Regents of the Smithsonian Institution. (Mar. 14, 2008; 122 Stat. 655)

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