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Washington, DC 20002

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 955

[Docket No. AMS–FV–07–0159; FV08–955–1 FR]

Vidalia Onions Grown in Georgia; Increased Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This rule increases the assessment rate established for the Vidalia Onion Committee (Committee) for the 2008 and subsequent fiscal periods from $0.10 to $0.13 per 40-pound container of Vidalia onions handled. The Committee locally administers the marketing order which regulates the handling of Vidalia onions grown in Georgia. Assessments upon Vidalia onion handlers are used by the Committee to fund reasonable and necessary expenses of the program. The fiscal period begins January 1 and ends December 31. The assessment rate will remain in effect indefinitely unless modified, suspended, or terminated.

DATES: *Effective Date:* June 4, 2008.

FOR FURTHER INFORMATION CONTACT: Doris Jamieson, Marketing Specialist, or Christian D. Nissen, Regional Manager, Southeast Marketing Field Office, Fruit and Vegetable Programs, AMS, USDA; *Telephone:* (863) 324–3375, *Fax:* (863) 325–8793, or *E-mail: Doris.Jamieson@usda.gov,* or *Christian.Nissen@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 Agreement and Order No. 955, both as amended (7 CFR part 955), regulating the handling of Vidalia onions grown in Georgia, hereinafter referred to as the ''order.'' The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

The Department of Agriculture (USDA) is issuing this rule in conformance with Executive Order 12866.

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. Under the marketing order now in effect, Vidalia onion handlers are subject to assessments. Funds to administer the order are derived from such assessments. It is intended that the assessment rate as issued herein will be applicable to all assessable Vidalia onions beginning on January 1, 2008, and continue until amended, suspended, or terminated. 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. Such 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 increases the assessment rate established for the Committee for the 2008 and subsequent fiscal periods from $0.10 to $0.13 per 40-pound container of Vidalia onions.

The Vidalia onion marketing order provides authority for the Committee, with the approval of USDA, to formulate an annual budget of expenses and collect assessments from handlers to administer the program. The members of the Committee are producers and handlers of Vidalia onions. They are familiar with the Committee's needs and with the costs for goods and services in their local area and are thus in a position to formulate an appropriate budget and assessment rate. The assessment rate is formulated and discussed in a public meeting. Thus, all directly affected persons have an opportunity to participate and provide input.

For the 2005 and subsequent fiscal periods, the Committee recommended, and USDA approved, an assessment rate that would continue in effect from fiscal period to fiscal period unless modified, suspended, or terminated by USDA upon recommendation and information submitted by the Committee or other information available to USDA.

The Committee met on December 13, 2007, and unanimously recommended 2008 expenditures of $712,000 and an assessment rate of $0.13 per 40-pound container of Vidalia onions. In comparison, last year's budgeted expenditures were $835,200. The assessment rate of $0.13 is $0.03 higher than the rate currently in effect.

Over the past few years, the Committee has been using funds from reserves rather than increasing assessments to cover their expanded marketing program. This has reduced the reserve fund. The increase in the assessment rate allows the Committee to fund its recommended level of promotion, while reducing the amount drawn from its authorized reserve fund.

The major expenditures recommended by the Committee for the 2008 fiscal year include $410,000 for marketing, $86,350 for salaries, $42,800 for compliance, and $37,200 for research. Budgeted expenses for these items in 2007 were $505,000, $82,000, $20,000, and $65,500, respectively.

The assessment rate recommended by the Committee was derived by considering available reserves, and dividing anticipated expenses by expected shipments of Vidalia onions. Vidalia onion shipments for the year are estimated at 4,300,000 40-pound containers, which should provide $559,000 in assessment income. Income derived from handler assessments, along

with interest income and funds from the Committee's authorized reserve, should be adequate to cover budgeted expenses. Funds in the reserve (currently $204,000) will be kept within the maximum permitted by the order (according to § 955.44, approximately three fiscal periods' expenses).

The assessment rate established in this rule will continue in effect indefinitely unless modified, suspended, or terminated by USDA upon recommendation and information submitted by the Committee or other available information.

Although this assessment rate will be in effect for an indefinite period, the Committee will continue to meet prior to or during each fiscal period to recommend a budget of expenses and consider recommendations for modification of the assessment rate. The dates and times of Committee meetings are available from the Committee or USDA. Committee meetings are open to the public and interested persons may express their views at these meetings. USDA will evaluate Committee recommendations and other available information to determine whether modification of the assessment rate is needed. Further rulemaking will be undertaken as necessary. The Committee's 2008 budget and those for subsequent fiscal periods will be reviewed and, as appropriate, approved by USDA.

Final Regulatory Flexibility Analysis

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Agricultural Marketing Service (AMS) has considered the economic impact of this rule 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 will 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 86 producers of Vidalia onions in the production area and approximately 65 handlers subject to regulation under the marketing order. Small agricultural producers are defined by the Small Business Administration (SBA) as those having annual receipts less than $750,000, and small agricultural service firms, which include handlers, are defined as those whose annual receipts are less than $6,500,000 (13 CFR 121.201).

Based on the Georgia Agricultural Statistical Service and Committee data, the average annual grower price for fresh Vidalia onions during the 2007 season was around $15 per 40-pound container. Total Vidalia onion shipments for the 2007 season were around 4,868,000 40-pound containers. Using available data, more than 90 percent of Vidalia onion handlers could be considered small businesses under the SBA definition. In addition, based on information from the Georgia Department of Agriculture, Committee data, and the National Agricultural Statistics Service, the majority of producers could be considered small entities. Thus, the majority of handlers and producers of Vidalia onions may be classified as small entitles.

This rule increases the assessment rate established for the Committee and collected from handlers for the 2008 and subsequent fiscal periods from $0.10 to $0.13 per 40-pound container of Vidalia onions. The Committee unanimously recommended 2008 expenditures of $712,000 and an assessment rate of $0.13 per 40-pound container. The assessment rate of $0.13 is $0.03 higher than the 2007 rate. The quantity of assessable Vidalia onions for the 2008 fiscal year is estimated at 4,300,000. Thus, the $0.13 rate should provide $559,000 in assessment income. Income derived from handler assessments, along with interest income and funds from the Committee's authorized reserve, should be adequate to cover budgeted expenses.

The major expenditures recommended by the Committee for the 2008 fiscal year include $410,000 for marketing, $86,350 for salaries, $42,800 for compliance, and $37,200 for research. Budgeted expenses for these items in 2007 were $505,000, $82,000, $20,000, and $65,500, respectively.

Over the past few years, the Committee has been using funds from reserves rather than increasing assessments to cover their expanded marketing program. This has reduced the reserve fund. The increase in the assessment rate allows the Committee to fund its recommended level of promotion, while reducing the amount drawn from its authorized reserve fund. Funds in the reserve (currently $204,000) will be kept within the maximum permitted by the order.

The Committee reviewed and unanimously recommended 2008 expenditures of $712,000 which included increases in administrative expenses, and compliance programs. Prior to arriving at this budget, the Committee considered information from various sources, including the Executive Committee and the Research Subcommittee. Alternative expenditure levels were discussed by the Committee based upon the relative value of various research and promotion projects to the Vidalia onion industry. The Committee also discussed keeping the current $0.10 per 40-pound bag or equivalent assessment rate. However, keeping the assessment rate at $0.10 per 40-pound bag would not allow the Committee to fund many of the proposed promotional projects. The assessment rate of $0.13 per 40-pound container of assessable Vidalia onions was then determined by considering available reserves, and dividing the total recommended budget by the quantity of assessable Vidalia onions, estimated at 4,300,000 40-pound containers for the 2008 fiscal year. This is approximately $138,000 below the anticipated expenses, which the Committee determined to be acceptable.

A review of historical information and preliminary information pertaining to the upcoming fiscal period indicates that the grower price for the 2008 season could range between $10.00 and $34.00 per 40-pound container of Vidalia onions. Therefore, the estimated assessment revenue for the 2008 fiscal period as a percentage of total grower revenue could range between .4 and 1 percent.

This action increases the assessment obligation imposed on handlers. While assessments impose some additional costs on handlers, the costs are minimal and uniform on all handlers. Some of the additional costs may be passed on to producers. However, these costs are offset by the benefits derived by the operation of the marketing order. In addition, the Committee's meeting was widely publicized throughout the Vidalia onion industry and all interested persons were invited to attend the meeting and participate in Committee deliberations on all issues. Like all Committee meetings, the December 13, 2007, meeting was a public meeting and all entities, both large and small, were able to express views on this issue.

This rule imposes no additional reporting or recordkeeping requirements on either small or large Vidalia onion handlers. 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.

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

A proposed rule concerning this action was published in the **Federal Register** on March 18, 2008 (73 FR 14400). Copies of the proposed rule were also mailed or sent via facsimile to all Vidalia onion handlers. Finally, the proposal was made available through the Internet by USDA and the Office of the Federal Register. A 30-day comment period ending April 17, 2008, was provided for interested persons to respond to the proposal. No comments were received.

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.

After consideration of all relevant material presented, including the information and recommendation submitted by the Committee and other available information, it is hereby found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it also found and determined that good cause exists for not postponing the effective date of this rule until 30 days after publication in the **Federal Register** because handlers are already receiving 2008 crop Vidalia onions from growers. In addition, the fiscal year began on January 1, 2008, and the marketing order requires that the rate of assessment for each fiscal period apply to all assessable Vidalia onions handled during such fiscal period. The Committee also needs to have sufficient funds to pay its expenses which are incurred on a continuous basis. Further, handlers are aware of this rule which was recommended at a public meeting. Also, a 30-day comment period was provided for in the proposed rule.

List of Subjects in 7 CFR Part 955

Onions, Marketing agreements, Reporting and recordkeeping requirements.

■ For the reasons set forth in the preamble, 7 CFR part 955 is amended as follows:

PART 955—VIDALIA ONIONS GROWN IN GEORGIA

■ 1. The authority citation for 7 CFR part 955 continues to read as follows:

Authority: 7 U.S.C. 601–674.

■ 2. Section 955.209 is revised to read as follows:

§ 955.209 Assessment rate.

On and after January 1, 2008, an assessment rate of $0.13 per 40-pound carton or equivalent is established for Vidalia onions.

Dated: May 29, 2008.

Lloyd C. Day,

Administrator, Agricultural Marketing Service.

[FR Doc. E8–12318 Filed 6–2–08; 8:45 am]

BILLING CODE 3410–02–P

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

[NRC–2001–0010]

RIN 3150–AG24

Licenses, Certifications, and Approvals for Nuclear Power Plants; Correction

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule: correcting amendment.

SUMMARY: On August 28, 2007 (72 FR 49352), the Nuclear Regulatory Commission (NRC) published a final rule revising the provisions applicable to the licensing and approval processes for nuclear power plants (i.e., early site permit, standard design approval, standard design certification, combined license, and manufacturing license). These amendments clarify the applicability of various requirements to each of the licensing processes by making necessary conforming amendments throughout the NRC's regulations to enhance the NRC's regulatory effectiveness and efficiency in implementing its licensing and approval processes. This document is necessary to include a paragraph that was inadvertently omitted in that final rule.

DATES: The correction is effective June 3, 2008, and is applicable to September 27, 2007.

FOR FURTHER INFORMATION CONTACT: Michael T. Lesar, Chief, Rulemaking, Directives, and Editing Branch, Division of Administrative Services, Office of Administrative Services, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone 301–415–7163, e-mail *Michael.Lesar@nrc.gov.*

SUPPLEMENTARY INFORMATION: This document corrects an inadvertent omission in the Code of Federal Regulations by adding 10 CFR 50.55a(f)(3)(iv)(B).

■ For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; and 5 U.S.C. 552 and 553, the NRC is adopting the following amendment to 10 CFR part 50.

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

■ 1. The authority citation for part 50 continues to read as follows:

Authority: Secs. 102, 103, 104, 105, 161, 182, 183, 186, 189, 68 Stat. 936, 937, 938, 948, 953, 954, 955, 956, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2132, 2133, 2134, 2135, 2201, 2232, 2233, 2236, 2239, 2282); secs. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846); sec. 1704, 112 Stat. 2750 (44 U.S.C. 3504 note); sec. 651(e), Pub. L. 109–58, 119 Stat. 806–810 (42 U.S.C. 2014, 2021, 2021b, 2111).

Section 50.7 also issued under Pub. L. 95–601, sec. 10, 92 Stat. 2951 as amended by Pub. L. 102–486, sec. 2902, 106 Stat. 3123 (42 U.S.C. 5841). Section 50.10 also issued under secs. 101, 185, 68 Stat. 955, as amended (42 U.S.C. 2131, 2235); sec. 102, Pub. L. 91–190, 83 Stat. 853 (42 U.S.C. 4332). Sections 50.13, 50.54(dd), and 50.103 also issued under sec. 108, 68 Stat. 939, as amended (42 U.S.C. 2138). Sections 50.23, 50.35, 50.55, and 50.56 also issued under sec. 185, 68 Stat. 955 (42 U.S.C. 2235). Sections 50.33a, 50.55a and appendix Q also issued under sec. 102, Pub. L. 91–190, 83 Stat. 853 (42 U.S.C. 4332). Sections 50.34 and 50.54 also issued under sec. 204, 88 Stat. 1245 (42 U.S.C. 5844). Sections 50.58, 50.91, and 50.92 also issued under Pub. L. 97–415, 96 Stat. 2073 (42 U.S.C. 2239). Section 50.78 also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Sections 50.80–50.81 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Appendix F also issued under sec. 187, 68 Stat. 955 (42 U.S.C. 2237).

■ 2. In § 50.55a, paragraph (f)(3)(iv)(B) is added to read as follows:

§ 50.55a Codes and standards.

* * * * *

(f) * * *

(3) * * *

(iv) * * *

(B) Pumps and valves, in facilities whose construction permit under this part or design certification or combined license under part 52 of this chapter is issued on or after November 22, 1999, which are classified as ASME Code Class 2 and 3 must be designed and be provided with access to enable the performance of inservice testing of the pumps and valves for assessing operational readiness set forth in

editions and addenda of the ASME OM Code (or the optional ASME Code cases listed in the NRC Regulatory Guide 1.192 that is incorporated by reference in paragraph (b) of this section) referenced in paragraph (b)(3) of this section at the time the construction permit, combined license, or design certification is issued.

* * * * *

Dated at Rockville, Maryland, this 28th day of May 2008.

For the Nuclear Regulatory Commission.

Annette L. Vietti-Cook,

Secretary of the Commission.

[FR Doc. E8–12345 Filed 6–2–08; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 27 and 29

[Docket No.: FAA–2006–25414; Amendment Nos. 27–44 and 29–51]

RIN 2120–AH87

Performance and Handling Qualities Requirements for Rotorcraft; Notice of Approval for Information Collection

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; Office of Management and Budget approval for information collection.

SUMMARY: This document announces the Office of Management and Budget's (OMB) approval of the information collection requirement for the final rule entitled Performance and Handling Qualities Requirements for Rotorcraft (Amendments 27–44 and 29–51), published February 29, 2008.

DATES: The FAA received OMB approval for the information collection requirements for Performance and Handling Qualities Requirements for Rotorcraft, effective March 25, 2008.

FOR FURTHER INFORMATION CONTACT: Jeff Trang, Rotorcraft Standards Staff, ASW–111, Federal Aviation Administration, Fort Worth, Texas 76193–0111; telephone (817) 222–5135; facsimile (817) 222–5961, e-mail *jeff.trang@faa.gov.*

SUPPLEMENTARY INFORMATION: On February 29, 2008, the FAA published the final rule, ''Performance and Handling Qualities Requirements for Rotorcraft'' (73 FR 10987). The rule provided new and revised airworthiness standards for normal and transport category rotorcraft due to technological advances in design and operational trends in normal and transport rotorcraft performance and handling qualities. The rule contained information collection requirements that had not yet been approved by OMB at the time of publication. In the **DATES** section of the rule, the FAA noted that affected parties did not need to comply with the information collection requirements until OMB approved the FAA's request to collect the information.

In accordance with the Paperwork Reduction Act of 1995, OMB approved the information collection request, without change, on March 25, 2008, and assigned OMB Control Number 2120–0726. This notice informs affected parties that effective March 25, 2008, the information collection requirements for Performance and Handling Qualities Requirements for Rotorcraft (Amendments 27–44 and 29–51) are approved. This information collection approval expires on March 31, 2011.

Authority for This Rulemaking

The FAA's authority to issue rules on 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 III, Section 44701, ''General requirements,'' Section 44702, ''Issuance of Certificates,'' and section 44704, ''Type certificates, production certificates, and airworthiness certificates.'' Under section 44701, the FAA is charged with prescribing regulations and minimum standards for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. Under section 44702, the FAA may issue various certificates including type certificates, production certificates, and airworthiness certificates. Under section 44704, the FAA shall issue type certificates for aircraft, aircraft engines, propellers, and specified appliances when we find that the product is properly designed and manufactured, performs properly, and meets the regulations and minimum prescribed standards. This regulation is within the scope of that authority because it promotes safety by updating the existing minimum prescribed standards used during the type certification process to reflect the enhanced performance and handling quality capabilities of rotorcraft.

Issued in Washington, DC, May 27, 2008.

Pamela Hamilton-Powell,

Director, Office of Rulemaking.

[FR Doc. E8–12363 Filed 6–2–08; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2008–0025; Airspace Docket No. 08–AGL–3]

Establishment of Class E Airspace; La Pointe, WI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: This action confirms the effective date of the direct final rule that establishes Class E airspace at La Pointe, WI, published in the **Federal Register** February 21, 2008, 73 FR 9452, Docket No. FAA–2008–0025, Airspace Docket No. 08–AGL–3.

DATES: *Effective Date:* 0901 UTC April 10, 2008. The Director of the Federal Register approves this incorporation by reference action under Title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

FOR FURTHER INFORMATION CONTACT: Gary A. Mallett, Central Service Center, Operations Systems Group, Federal Aviation Administration, Southwest Region, Ft. Worth, TX 76193–0530; telephone (817) 222–4949.

SUPPLEMENTARY INFORMATION:

History

The FAA published a direct final rule with request for comments in the **Federal Register** February 21, 2008, (73 FR 9452), Docket No. FAA–2008–0025, Airspace Docket No. 08–AGL–3. The FAA uses the direct final rule procedure for non-controversial rules where the FAA believes that there will be no adverse public comment. This direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment, or a written notice of intent to submit an adverse comment, was received within the comment period, the regulation would become effective on April 10, 2008.

No adverse comments were received; thus, this notice confirms that the direct final rule has become effective on this date.

Class E airspace areas extending upward from 700 feet or more above the surface of the earth are published in Paragraph 6005 of FAA Order 7400.9R, signed August 1, 2007, and effective September 15, 2007, which is incorporated by reference in 14 CFR 71.1.

The Class E airspace designations listed in this document will be published subsequently in the Order.

* * * * *

Issued in Fort Worth, TX, on May 20, 2008.

Joseph R. Yadouga,

Acting Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. E8–12026 Filed 6–2–08; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Federal Transit Administration

23 CFR Part 774

RIN 2125–AF14
RIN 2132–AA83

Parks, Recreation Areas, Wildlife and Waterfowl Refuges, and Historic Sites; Correction

AGENCIES: Federal Highway Administration (FHWA), Federal Transit Administration (FTA), Department of Transportation (DOT).

ACTION: Correcting amendment.

SUMMARY: This rule makes a technical correction to the final regulations, which were published in the **Federal Register** on Wednesday, March 12, 2008, that govern Section 4(f) approvals for the FHWA and the FTA. The amendment contained herein makes no substantive change to the FHWA or the FTA regulations, policies, or procedures. This rule clarifies an ambiguity in the language of the regulatory text caused by a global word change implemented in the Final Rule as a result of comments received in response to the Notice of Proposed Rulemaking.

DATES: This rule is effective July 3, 2008.

FOR FURTHER INFORMATION CONTACT: For FHWA, Diane Mobley, Office of the Chief Counsel, (202) 366–1366; or Lamar Smith, Office of Project Development and Environmental Review, (202) 366–8994. For FTA, Joseph Ossi, Office of Planning and Environment, (202) 366–1613; or Christopher VanWyk, Office of the Chief Counsel, (202) 366–1733. Both agencies are located at 1200 New Jersey Avenue, SE., Washington, DC 20590. Office hours for the FHWA are from 7:45 a.m. to 4:15 p.m., e.t., and for the FTA are from 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access

An electronic copy of this document may be downloaded by using a computer, modem and suitable communications software from the Government Printing Office's Electronic Bulletin Board Service at (202) 512–1661. Internet users may reach the Office of the Federal Register's home page at: *http://www.archives.gov* and the Government Printing Office's Web page at: *http://www.gpoaccess.gov/nara.*

Background

This rule makes a technical correction to the regulations that govern Section 4(f) approval procedures for the FHWA and the FTA found at 23 CFR part 774. In its final rule published in the **Federal Register** on March 12, 2008, at 73 FR 13368, the FHWA and FTA replaced the phrase ''feasible and prudent project alternative'' with the phrase ''feasible and prudent avoidance alternative'' to clarify that the statute requires a determination whether a feasible and prudent alternative exists that avoids using a Section 4(f) property. This phrase was globally replaced throughout the final rule. However, where this phrase was replaced in section 774.3(c), the new phraseology could be misinterpreted to require consideration of the already rejected, infeasible, or imprudent avoidance alternatives a second time. The preamble and regulatory text of the NPRM, and the preamble of the final rule, make clear that the intent of section 774.3(c) is to provide direction for how to analyze and select an alternative when it has been determined that no feasible and prudent avoidance alternatives exist and all viable alternatives use some Section 4(f) property. In order to correct the error caused by the global phrase change, and to clarify the intent of section 774.3(c) as noted in the preamble to the final rule, the FHWA and FTA have added the phrase ''from among the remaining alternatives that use Section 4(f) property'' to the regulatory text of section 774.3(c).

Rulemaking Analyses and Notice

Under the Administrative Procedure Act (5 U.S.C. 553(b)), an agency may waive the normal notice and comment requirements if it finds, for good cause, that they are impracticable, unnecessary, or contrary to the public interest. The FHWA and the FTA find that notice and comment for this rule is unnecessary and contrary to the public interest because it will have no substantive impact, is technical in nature, and relates only to management, organization, procedure, and practice. The FHWA and the FTA do not anticipate receiving meaningful comments on it. States, local governments, transit agencies, and their consultants rely upon the environmental regulations corrected by this action. These corrections will reduce confusion for these entities and should not be unnecessarily delayed. Accordingly, for the reasons listed above, the agencies find good cause under 5 U.S.C. 553(b)(3)(B) to waive notice and opportunity for comment.

Executive Order 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

The FHWA and the FTA have determined that this action is not a significant regulatory action within the meaning of Executive Order 12866 or significant within the meaning of U.S. Department of Transportation regulatory policies and procedures. It is anticipated that the economic impact of this rulemaking will be minimal. This rule only entails minor corrections that will not in any way alter the regulatory effect of 23 CFR part 774. Thus, this final rule will not adversely affect, in a material way, any sector of the economy. In addition, these changes will not interfere with any action taken or planned by another agency and will not materially alter the budgetary impact of any entitlements, grants, user fees, or loan programs.

Regulatory Flexibility Act

In compliance with the Regulatory Flexibility Act (Pub. L. 96–354, 5 U.S.C. 601–612) the FHWA and the FTA have evaluated the effects of this action on small entities and have determined that the action will not have a significant economic impact on a substantial number of small entities. This final rule will not make any substantive changes to our regulations or in the way that our regulations affect small entities; it merely corrects technical errors. For this reason, the FHWA and the FTA certify that this action will not have a significant economic impact on a substantial number of small entities.

Unfunded Mandates Reform Act of 1995

This rule does not impose unfunded mandates as defined by the Unfunded Mandates Reform Act of 1995 (Pub. L.

104–4, March 22, 1995, 109 Stat. 48). This rule does not impose any requirements on State, local, or tribal governments, or the private sector and, thus, will not require those entities to expend any funds.

Executive Order 13132 (Federalism)

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 13132, and the FHWA and the FTA have determined that this action does not have sufficient federalism implications to warrant the preparation of a federalism assessment. The FHWA and the FTA have also determined that this action does not preempt any State law or State regulation or affect the States' ability to discharge traditional State governmental functions.

Executive Order 12372 (Intergovernmental Review)

The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to these programs.

Paperwork Reduction Act

This action does not create any new information collection requirements for which a Paperwork Reduction Act submission to the Office of Management and Budget would be needed under the Paperwork Reduction Act of 1995, 44 U.S.C. 3501–3520.

National Environmental Policy Act

The FHWA and the FTA have analyzed this action for the purpose of the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4347) and have determined that this action will not have any effect on the quality of the environment.

Executive Order 13175 (Tribal Consultation)

The FHWA and FTA have analyzed this action under Executive Order 13175, dated November 6, 2000, and concluded that this rule will not have substantial direct effects on one or more Indian tribes; will not impose substantial direct compliance costs on Indian tribal government; and will not preempt tribal law. There are no requirements set forth in this rule that directly affect one or more Indian tribes. Therefore, a tribal summary impact statement is not required.

Executive Order 12988 (Civil Justice Reform)

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

Executive Order 13045 (Protection of Children)

Under Executive Order 13045, Protection of Children from Environmental Health and Safety Risks, this final rule is not economically significant and does not involve an environmental risk to health and safety that may disproportionally affect children.

Executive Order 12630 (Taking of Private Property)

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

Executive Order 13211 (Energy Effects)

This final rule has been analyzed under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. The FHWA and FTA have determined that it is not a significant energy action under that order because it is not a significant regulatory action under Executive Order 12866 and this final rule is not likely to have a significant adverse effect on the supply, distribution, or use of energy.

Regulation Identification Number

A regulation identification number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RINs contained in the heading of this document can be used to cross reference this action with the Unified Agenda.

List of Subjects in 23 CFR Part 774

Environmental protection, Grant programs—transportation, Highways and roads, Historic preservation, Public lands, Recreation areas, Reporting and recordkeeping requirements.

Issued on: May 27, 2008.

James D. Ray,

Acting Federal Highway Administrator.

James S. Simpson,

FTA Administrator.

■ In consideration of the foregoing, 23 CFR part 774 is amended as set forth below.

Federal Highway Administration

Title 23—Highways

PART 774—PARKS, RECREATION AREAS, WILDLIFE AND WATERFOWL REFUGES, AND HISTORIC SITES (SECTION 4(F))

■ 1. The authority citation for part 774 continues to read as follows:

Authority: 23 U.S.C. 103(c), 109(h), 138, 325, 326, 327 and 204(h)(2); 49 U.S.C. 303; Section 6009 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Pub. L. 109–59, Aug. 10, 2005, 119 Stat. 1144); 49 CFR 1.48 and 1.51.

■ 2. Amend § 774.3 by revising paragraph (c) introductory text to read as follows:

§ 774.3 Section 4(f) approvals.

* * * * *

(c) If the analysis in paragraph (a)(1) of this section concludes that there is no feasible and prudent avoidance alternative, then the Administration may approve, from among the remaining alternatives that use Section 4(f) property, only the alternative that:

* * * * *

[FR Doc. E8–12360 Filed 6–2–08; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[USCG–2008–0337]

Drawbridge Operation Regulation; Arthur Kill, Staten Island, NY and Elizabeth, NJ

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation from regulations; request for comments.

SUMMARY: The Commander, First Coast Guard District, has issued a new temporary deviation from the regulation governing the operation of the Arthur Kill (AK) Railroad Bridge across Arthur Kill at mile 11.6 between Staten Island, New York and Elizabeth, New Jersey. This deviation is necessary to test a new operating rule for the bridge that will help determine the most equitable and safe solution to facilitate the present and anticipated needs of navigation and rail traffic. This deviation requires the AK Railroad Bridge to remain in the open position but allows the bridge owner/operator to schedule bridge closure periods after consultation with the marine community.

DATES: This deviation is effective from 12:01 a.m. on June 1, 2008 through November 21, 2008. Comments must be received by September 19, 2008.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket USCG–2008–0337 and are available online at *http://www.regulations.gov.* They are also available for inspection or copying at two locations: the Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays, and the First Coast Guard District, Battery Park Building, One South Street, New York, NY 10004 between 8:30 a.m. and 4:30 p.m., Monday through Friday except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Gary Kassof, Bridge Branch, (212) 668–7165.

SUPPLEMENTARY INFORMATION: The Arthur Kill Railroad Bridge (AK RR) has a vertical clearance of 31 feet at mean high water and 35 feet at mean low water in the closed position. The owner of the bridge, New York City Economic Development Corporation (NYCEDC), began a bridge rehabilitation program approximately 10 years ago, as part of the region's Full Freight Access Initiative. Background about the AK RR and the bridge owner's rehabilitation efforts may be found at 72 FR 12981 (Mar. 20, 2007). The operating rule for this bridge found at 33 CFR 117.747 is no longer applicable or necessary as it pertains to the AK RR because the AK RR has been maintained in the open position for the past 20 years due to the cessation of all railroad train traffic over the bridge.

Initial Test Deviation

On March 20, 2007, we published a temporary deviation entitled ''Drawbridge Operation Regulations; Raritan River, Arthur Kill, and Their Tributaries, NJ'' in the **Federal Register** (72 FR 12981). The temporary deviation concerned a test operating schedule for the bridge needed to help determine a bridge operating schedule that would accommodate present and anticipated rail operations while continuing to provide for the present and anticipated needs of navigation. This deviation from the operating regulations was authorized under 33 CFR 117.35.

Revised Deviation

On June 8, 2007 we published a cancellation of the test deviation which had begun on April 9, 2007, and published a revised test schedule that was anticipated to better reflect actual rail and marine needs (72 FR 31725). The length of bridge closure periods has consistently been well under 30 minutes thereby minimizing the impact upon the marine community.

Deviation in Place Since November 2007

Since November 24, 2007, the bridge has operated under a further revised operating schedule which authorized four daily (Monday through Friday) unscheduled bridge closures. This schedule relied exclusively upon coordination of all bridge closures by the Coast Guard (Vessel Traffic Service—New York). This is no longer a function or service that the Coast Guard can sustain.

Temporary Deviation To Be Established

Therefore, a new bridge operation schedule expected to provide bridge closure opportunities that will meet present and future rail operations while satisfying the needs of navigation will be tested. This new schedule relies upon advance notification of bridge closure periods by the bridge owner or operator and coordination and communication among the various port partners.

Approximately 21 deep draft vessels, 16 coastal tankers, 240 tugs and 200 barges transit the AK RR weekly. Since the bridge remains in the open position except for the passage of trains most vessel passages are through an open lift span. The bridge closes approximately twenty five to thirty times weekly for the passage of trains. Coordination with port partners including pilots, tug and barge operators has been ongoing since the commencement of bridge rehabilitation and continues presently. A variety of factors, such as daily tide variations, the present and anticipated needs of navigation, and train scheduling, will be evaluated during this temporary test deviation.

The schedule considered in this notice would provide daily, unscheduled, bridge closures up to thirty minutes in duration.

This temporary deviation requires the AK RR to remain in the open position at all times except during periods when it is closed for the passage of rail traffic. Conrail, the bridge operator, has established a dedicated hot line at 973–690–2454 for coordination of anticipated bridge closures. Tide restrained, deep draft vessels shall call the hot line daily to advise of expected times of vessel transit through the AK RR. The bridge may not close for the passage of trains during any high tide period (2 hours before until ½ hour after predicted high tide at The Battery, New York) if deep draft, tide restrained vessels have advised Conrail of their intent to transit under the bridge. At least 90 minutes prior to a bridge closure the bridge owner or operator shall broadcast notice (minimum range of 15 miles) on channel 13/16, VHF–FM of its intent to close the bridge for up to thirty minutes. The Coast Guard shall be informed via call to VTS–NY at 718–354–4088. Each day one bridge closure of up to 45 minutes in duration is authorized to allow multiple train movements across the bridge. Vessels shall plan their transits around the announced closure period(s); however a request for up to a 30 minute delay in the bridge closure to allow navigation to meet tide or current requirements shall be granted if requested within 30 minutes after the initial bridge closure broadcast is made. Requests to delay the bridge closure received after the initial 30 minutes may be granted by the bridge operator. The bridge owner/operator shall repeat the bridge closure notice via marine radio at 15 minute intervals until 15 minutes prior to the intended closure at which time notice of bridge closure will be broadcast every five minutes and once again as bridge begins to close and appropriate sound signal given. In the event of bridge operational failure, the bridge owner or operator shall notify the Coast Guard Captain of the Port, New York immediately and shall ensure that a repair crew is on scene at the bridge no later than 45 minutes after the bridge fails to operate and that repair crew shall remain at the bridge until the bridge has been restored to normal operations or raised and locked in the fully open position.

This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: May 21, 2008.

Gary Kassof,

Bridge Program Manager, First Coast Guard District.

[FR Doc. E8–12396 Filed 6–2–08; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2008–0301]

RIN 1625–AA87

Security Zone; Liquefied Natural Gas Carriers, Massachusetts Bay, MA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary security zone around Liquefied Natural Gas Carriers (LNGCs) approaching, engaging, regasifying, disengaging, mooring or otherwise conducting operations at the deepwater port facility in Massachusetts Bay, the Northeast Gateway Deepwater Port. The zone temporarily closes all waters of Massachusetts Bay within a five hundred (500) meter radius of LNCG vessels in the vicinity of the position 42°23′ N, 070°36′ W. The security zone is necessary to protect LNGCs calling on the deepwater port from security threats or other subversive acts. Entry into this zone is prohibited during the closure period unless authorized by the Captain of the Port Boston, Massachusetts.

DATES: This rule is effective from May 16, 2008, through July 12, 2008.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket USCG–2008–0301 and are available online at *www.regulations.gov.* They are also available for inspection or copying two locations: the Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays, and the U.S. Coast Guard Sector Boston, 427 Commercial Street, Boston, MA 02109 between 7 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary rule, call Chief Eldridge McFadden at 617–223–3000. If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Regulatory Information

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing an NPRM. The logistics with respect to the pending arrival of LNGC vessels was not determined with sufficient time to draft and publish an NPRM. A more robust regulatory scheme to ensure the security of vessels operating in the area has been developed via separate rulemaking, and is available for review and comment at the website *www.regulations.gov* using a search term of USCG–2007–0087. The temporary security zones promulgated by this rule are needed for vessels scheduled to arrive prior to implementation of the final regulatory scheme proposed in the USCG–2007–0087 docket. Delaying the effective date of this rule is contrary to the public interest to the extent it would leave the Coast Guard without a regulatory enforcement tool to ensure the security of LNGCs scheduled to call on the deepwater port in the near future.

For these same reasons, under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**.

Background and Purpose

Excelerate Energy will be using LNGCs to bring liquefied natural gas to Massachusetts Bay to discharge its cargo. It will be discharging the cargo at the Northeast Gateway Deepwater Port (NEGDWP) located in the Atlantic Ocean, approximately 7 nautical miles south-southeast of the City of Gloucester, Massachusetts, in Federal waters. The NEGDWP operator plans to offload the LNGCs by regasifying the LNG on board the vessel. The regasified natural gas is then transferred through two submerged turret loading buoys, via a flexible riser leading to a seabed pipeline that ties into the Algonquin Gas Transmission Pipeline for transfer to shore.

In order to ensure security at and around LNGCs engaged in regasification and transfer operations at the NEGDWP deepwater port, the Coast Guard Captain of the Port, Boston is exercising its authority under the Ports and Waterway Safety Act (33 U.S.C. 1221, *et seq.*) to place a security zone within the vicinity of any LNGC vessel approaching, engaging, regasifying, disengaging, mooring or otherwise conducting operations at the deepwater port facility in Massachusetts Bay that would prohibit vessels from entering all waters within a 500-meter radius of the vessel.

Discussion of Rule

The Coast Guard is establishing a temporary security zone encompassing all waters within a 500-meter radius of any LNGC, which is carrying LNG while it is approaching, engaging, regasifying, disengaging, mooring, or otherwise conducting operations at the NEGDWP.

Regulatory Evaluation

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

The temporary security zones implemented by this rule will only be enforced while LNGCs call on the Northeast Gateway Deepwater port. Moreover, the zones implemented by this rule are co-extensive with safety zones in 33 CFR 165.T01–0372 (73 FR 28041, May 15, 2008) already in place around the deepwater port itself. Accordingly, the COTP anticipates little net impact on marine traffic and waterway users from the addition of the security zones created by this temporary rule.

Small Entities

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

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

This rule will affect the following entities, some of which may be small entities: The owners or operators of vessels intending to transit or anchor in a portion of Massachusetts Bay from May 16, 2008 through July 12, 2008. This security zone will not have a significant economic impact on a substantial number of small entities for the reason described under the Regulatory Evaluation section.

Assistance for Small Entities

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

Small businesses may send comments on the actions of Federal employees

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

Collection of Information

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

Federalism

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

Unfunded Mandates Reform Act

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

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

Energy Effects

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

Technical Standards

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

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

Environment

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

Authority: 33 U.S.C. 1226, 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add temporary § 165.T01–0301 to read as follows:

§ 165.T01–0301 Security Zone: Liquefied Natural Gas Carrier Transit and Anchorage Operations, Massachusetts Bay, MA.

(a) *Location.* The following area is a security zone:

All waters of Massachusetts Bay, from surface to bottom, within a five hundred (500) meter radius of any Liquefied Natural Gas Carrier engaged in regasification or transfer, or otherwise moored, anchored, or affixed to the Northeast Gateway Deepwater Port located in Massachusetts Bay at approximate position 42°23′ N, 70°36′ W.

(b) *Effective period.* This section is effective from May 16, 2008, through July 12, 2008.

(c) *Definitions.* As used in this section—

Authorized representative means a Coast Guard commissioned, warrant, or petty officer or a Federal, State, or local law enforcement officer designated by or assisting the Captain of the Port, Boston (COTP).

Deepwater port means any facility or structure meeting the definition of deepwater port in 33 CFR 148.5.

Support vessel means any vessel meeting the definition of support vessel in 33 CFR 148.5.

(d) *Regulations.* (1) In accordance with the general regulations in § 165.33

of this part, entry into or movement within the security zones is prohibited unless authorized by the COTP or his/her authorized representative. Support vessels assisting the Liquefied Natural Gas Carrier calling on the Northeast Gateway Deepwater Port are authorized to enter and move within the security zones of this section in the normal course of their operations.

(2) Vessel operators desiring to enter or operate within the security zone must contact the COTP or the COTP's designated representative to obtain permission by calling the Sector Boston Command Center at 617–223–5761 or via VHF–FM Channel 16. All persons and vessels granted permission to enter the security zone shall comply with the directions of the COTP or the COTP's authorized representative.

Dated: May 15, 2008.

Gail P. Kulisch,

Captain, U.S. Coast Guard, Captain of the Port, Boston.

[FR Doc. E8–12361 Filed 6–2–08; 8:45 am]

BILLING CODE 4910–15–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2007–1097; FRL–8572–6]

Approval and Promulgation of Air Quality Implementation Plans; MN; Maintenance Plan Update for Dakota County Lead Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving an update to the lead maintenance plan for Dakota County, Minnesota. This plan update demonstrates that Dakota County will maintain attainment of the lead National Ambient Air Quality Standard (NAAQS) through 2014. Minnesota has verified that the emission limits adopted to demonstrate modeled attainment continue to be met, that there are no new significant sources of lead or increases in background emissions, and that the state has in place a comprehensive program to identify sources of violations and address any violation through enforcement and implementation of a contingency plan.

DATES: This direct final rule will be effective August 4, 2008, unless EPA receives adverse comments by July 3, 2008. If adverse comments are received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R05–OAR–2007–1097, by one of the following methods:

1. *www.regulations.gov:* Follow the on-line instructions for submitting comments.
2. *E-mail: aburano.douglas@epa.gov.*
3. *Fax:* (312) 886–5824.
4. *Mail:* Doug Aburano, Acting Chief, Criteria Pollutant Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.
5. *Hand Delivery:* Doug Aburano, Acting Chief, Criteria Pollutant Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604. Such deliveries are only accepted during the Regional Office normal hours of operation, and special arrangements should be made for deliveries of boxed information. The Regional Office official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m. excluding Federal holidays.

Instructions: Direct your comments to Docket ID No. EPA–R05–OAR–2007–1097. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or e-mail. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through *www.regulations.gov* your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at the Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. This Facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. We recommend that you telephone Kathleen D'Agostino, Environmental Engineer, at (312) 886–1767 before visiting the Region 5 office.

FOR FURTHER INFORMATION CONTACT: Kathleen D'Agostino, Environmental Engineer, Criteria Pollutant Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–1767, *dagostino.kathleen@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA. This supplementary information section is arranged as follows:

I. What Is the Background of This Action?
II. What Has Minnesota Submitted?
III. What Is EPA's Analysis of the Submittal?
IV. What Action Is EPA Taking?
V. Statutory and Executive Order Reviews

I. What Is the Background of This Action?

On January 6, 1992, EPA designated Dakota County, Minnesota as nonattainment for the National Ambient Air Quality Standard (NAAQS) for lead. On June 22, 1993, the Minnesota Pollution Control Agency (MPCA) submitted a State Implementation Plan (SIP) revision containing an administrative order for the Gopher Smelting and Refining Company (now known as Gopher Resources Corporation) as well as air modeling and monitoring data demonstrating attainment of the NAAQS in the area. The State also requested that EPA redesignate the area to attainment and included a maintenance plan, as required by section 175A of the Clean Air Act (CAA), which demonstrated maintenance of the standard for a ten year period. As part of this maintenance plan, Minnesota included contingency measures to be implemented by the

Gopher facility within 30 days should a violation of the lead NAAQS occur. EPA approved the redesignation of Dakota County to attainment for lead on October 18, 1994 (59 FR 52431).

Under section 175A(b) of the CAA, 8 years after an area is redesignated to attainment, the state is required to submit a revision to the SIP demonstrating maintenance of the NAAQS for ten years after the expiration of the initial ten year period.

II. What Has Minnesota Submitted?

On November 18, 2002, the MPCA submitted a SIP revision for the Gopher Resources Corporation facility and an update to the lead maintenance plan for Dakota County. The maintenance plan revision was intended to meet the requirement of section 175A(b) of the CAA. However, among other things, the revisions to the SIP for Gopher Resources Corporation removed contingency measures from the maintenance plan.

On November 19, 2007, MPCA withdrew the SIP revision for the Gopher Resources Corporation facility, clarified that the contingency measures contained in the administrative order currently in the SIP remain in the maintenance plan, and requested that EPA act on the maintenance plan update.

III. What Is EPA's Analysis of the Submittal?

The SIP for the Dakota County lead area identified only one major source of lead emissions, the facility now known as Gopher Resources Corporation. There are no new sources of lead in or near the area which could be anticipated to jeopardize attainment in the area.

The administrative order issued to the facility now known as Gopher Resources remains in effect. This administrative order contains emissions limits and procedures which have been demonstrated, through modeling, to result in attainment of the NAAQS. In addition, since December 23, 1997, the facility has been complying with the requirements of the National Emission Standards for Hazardous Air Pollutants (NESHAP) for secondary lead smelting (40 CFR 63, subpart X). To the extent that the NESHAP requirements are more stringent than the requirements contained in the SIP, the area would be expected to experience improvements in air quality.

Because there are no new major sources of lead emissions in the area and Gopher Resources Corporation now must also comply with the NESHAP for secondary lead smelting, the modeling originally submitted with the attainment SIP for Dakota County could be considered to provide a conservative representation of the current air quality status of the area.

In the event of future growth in the area, any new lead source will be subject to MPCA permitting requirements. New facilities with the potential to emit lead of more than 0.5 tons per year must go through the MPCA's permitting process before construction can begin. In addition, MPCA has the authority to require any source, even one with a potential to emit less than 0.5 tons per year, to obtain a permit in order to ensure compliance with the lead NAAQS.

To verify the attainment status of the area, MPCA has committed to continue ambient lead monitoring for the area, in accordance with 40 CFR part 58. Should a violation of the lead NAAQS be monitored in the area, the administrative order requires the Gopher Resource Corporation facility to implement the specified contingency measures within 30 days, without further action from Minnesota or EPA.

EPA believes that the MPCA has adequately demonstrated that the lead NAAQS will continue to be maintained in Dakota County through the additional 10 year maintenance period, as required under section 175A(b) of the CAA.

IV. What Action Is EPA Taking?

EPA is approving Minnesota's plan for maintaining the lead NAAQS in the Dakota County area through 2012. We are publishing this action without prior proposal because we view this as a noncontroversial amendment and anticipate no adverse comments. However, in the proposed rules section of this **Federal Register** publication, we are publishing a separate document that will serve as the proposal to approve the state plan if relevant adverse written comments are filed. This rule will be effective August 4, 2008 without further notice unless we receive relevant adverse written comments by July 3, 2008. If we receive such comments, we will withdraw this action before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on the proposed action. The EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time. If we do not receive any comments, this action will be effective August 4, 2008.

V. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 4, 2008. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Lead.

Dated: May 12, 2008.

Bharat Mathur,

Acting Regional Administrator, Region 5.

■ For the reasons stated in the preamble, part 52, chapter I, of title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

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

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

Subpart Y—Minnesota

■ 2. In § 52.1220 the table in paragraph (e) is amended by adding an entry for ''Lead Maintenance Plan'' to read as follows:

§ 52.1220 Identification of plan.

* * * * *

(e) * * *

EPA-APPROVED MINNESOTA NONREGULATORY PROVISIONS

Name of nonregulatory SIP provision	Applicable geographic nonattainment area	State submittal date/ effective date	EPA approved date	Comments
*	*	*	*	*
Lead Maintenance Plan.	Dakota County	11/18/2002 and 11/19/2007.	8/4/2008, [Insert page number where the document begins].	Maintenance plan update.
*	*	*	*	*

* * * * *

[FR Doc. E8–12240 Filed 6–2–08; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 141

[EPA–HQ–OW–2006–0958; FRL–8573–7]

Expedited Approval of Alternative Test Procedures for the Analysis of Contaminants Under the Safe Drinking Water Act; Analysis and Sampling Procedures

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This action announces the Environmental Protection Agency's (EPA's) approval of alternative testing methods for use in measuring the levels of contaminants in drinking water and determining compliance with national primary drinking water regulations. The Safe Drinking Water Act (SDWA) authorizes EPA to approve the use of alternative testing methods through publication in the **Federal Register**. EPA is using this streamlined authority to make 99 additional methods available for analyzing drinking water samples required by regulation. This expedited approach provides public water systems, laboratories, and primary agencies with more timely access to new measurement techniques and greater flexibility in the selection of analytical methods, thereby reducing monitoring costs while maintaining public health protection.

DATES: This action is effective June 3, 2008.

FOR FURTHER INFORMATION CONTACT: Patricia Snyder Fair, Technical Support Center, Office of Ground Water and Drinking Water (MS 140), Environmental Protection Agency, 26 West Martin Luther King Drive, Cincinnati, OH 45268; telephone number: (513) 569–7937; e-mail address: *fair.pat@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does This Action Apply to Me?

Public water systems are the regulated entities required to measure contaminants in drinking water samples. In addition, EPA Regions as well as States and Tribal governments with authority to administer the regulatory program for public water systems under SDWA may also measure contaminants in water samples. When EPA sets a monitoring requirement in its national primary drinking water regulations for a given contaminant, the Agency also establishes in the regulations standardized test procedures for analysis of the contaminant. This action makes alternative testing methods available for particular drinking water contaminants beyond the testing methods currently established in the regulations. Starting today, public water systems required to test water samples have a choice of using either a test procedure already established in the existing regulations or an alternative test procedure that has been approved in this action (or that is approved in similar future actions). Categories and

entities that may ultimately be affected by this action include:

Category	Examples of potentially regulated entities	NAICS [1]
State, Local, & Tribal Governments.	States, local and tribal governments that analyze water samples on behalf of public water systems required to conduct such analysis; States, local and tribal governments that themselves operate community and non-transient non-community water systems required to monitor.	924110
Industry	Private operators of community and non-transient non-community water systems required to monitor.	221310
Municipalities	Municipal operators of community and non-transient non-community water systems required to monitor.	924110

[1] North American Industry Classification System.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. This table lists the types of entities that EPA is now aware could potentially be affected by this action. Other types of entities not listed in the table could also be impacted. To determine whether your facility is affected by this action, you should carefully examine the applicability language at 40 CFR 141.2 (definition of public water system). If you have questions regarding the applicability of this action to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

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

1. *Docket.* EPA has established a docket for this action under Docket ID No. EPA–HQ–OW–2006–0958. Publicly available docket materials are available either electronically through *http://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. Copyrighted materials are available only in hard copy. The EPA Docket Center 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.

2. *Electronic Access.* You may access this **Federal Register** document electronically through the EPA Internet under the **Federal Register** listings at *http://www.epa.gov/fedrgstr/.*

Abbreviations and Acronyms Used in This Action

APHA: American Public Health Association
ASDWA: Association of State Drinking Water Administrators
ATP: Alternate Test Procedure
AVICP-AES: Axially Viewed Inductively Coupled Plasma-Atomic Emission Spectrometry
CFR: *Code of Federal Regulations*
EPA: Environmental Protection Agency
FEM: Forum on Environmental Measurements
GWR: Ground Water Rule
HPLC: High-Performance Liquid Chromatography
ITS: Industrial Test Systems, Inc.
LT2ESWTR: Long Term 2 Enhanced Surface Water Treatment Rule
NEMI: National Environmental Method Index
SDWA: Safe Drinking Water Act
VCSB: Voluntary Consensus Standard Body

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II. Background

A. What Is the Purpose of This Action?

In this action, EPA is approving 99 analytical methods for determining contaminant concentrations in samples collected under SDWA. Regulated parties who are required to sample and monitor may do so by using either the testing methods already established in existing regulations or the alternative testing methods being approved in this action. The new methods are listed in Appendix A to Subpart C in 40 CFR 141 and on EPA's drinking water methods Web site at *http://www.epa.gov/safewater/methods/expedited.html.* A hard copy of the list of methods is also available by calling the Safe Drinking Water Hotline at (800) 426–4791.

B. What Is the Basis for This Action?

When EPA determines that an alternative analytical method is ''equally effective'' (i.e., as effective as a method that has already been promulgated in the regulations), SDWA allows EPA to approve the use of the alternative method through publication in the **Federal Register**. See section 1401(1) of SDWA. EPA is using this streamlined approval authority today to make 99 additional methods available for determining contaminant concentrations in samples collected under SDWA. EPA has determined that, for each contaminant or group of contaminants listed below, the additional testing methods being approved in this action are equally as effective as one or more of the testing methods already established in the regulations for those contaminants. Section 1401(1) states that the newly approved methods ''shall be treated as an alternative for public water systems to the quality control and testing procedures listed in the regulation.'' Accordingly, this action makes these additional (and optional) 99 analytical methods legally available for meeting monitoring requirements.

This action does not add regulatory language, but does, for informational purposes, add an appendix to the regulations at 40 CFR part 141 that lists the newly approved methods. Accordingly, while this action is not a rule, it is adding CFR text and therefore is being published in the ''Final Rules'' section of this **Federal Register**.

EPA described this expedited methods approval process in an April 10, 2007, **Federal Register** notice (72 FR 17902) (USEPA 2007a) and announced its intent to begin using the process. EPA also solicited public comments on some of the implementation aspects of the process. EPA received comments from seven States, two water systems, the Association of Public Health Laboratories, the Association of State Drinking Water Administrators (ASDWA), American Water Works Association, a commercial vendor, a manufacturing company, and an anonymous person. The comments were very supportive of the new approval process. A summary of the most significant public comments is

presented in Section II.C and D. The public docket for this action includes the Agency's complete response to comments (USEPA, 2008).

C. Solicited Comments

1. Location of the comprehensive list of methods approved under the expedited process. In the April 10, 2007, **Federal Register** notice (72 FR 17902) (USEPA 2007a), EPA suggested three potential places for listing all of the alternative methods that EPA has approved using this expedited process. Public comments supported the use of all three approaches (i.e., publishing as an appendix in the *Code of Federal Regulations* (CFR), posting on the EPA Web site, and making available from a designated Agency contact). The National Environmental Method Index (NEMI) was mentioned as an additional mechanism for making the list available.

EPA is providing the list in all of the suggested locations. First, this action adds Appendix A to Subpart C of Part 141 (titled ''Alternative Testing Methods Approved for Analyses Under the Safe Drinking Water Act'') to the CFR. The appendix provides the States with a reference they can cite in their regulations, as was requested by ASDWA and others. EPA intends to update the appendix each time additional methods are approved using the expedited process.

The EPA drinking water methods Web site contains a new page that focuses on the expedited methods approval process *http://www.epa.gov/safewater/methods/expedited.html.* The page contains a link that allows users to download a copy of the list of methods approved using this process. The revision date and reference to the CFR citation are included on the list. Hard copies of the list are also available from the Safe Drinking Water Hotline.

EPA will continue to provide the managers of NEMI with the information needed to incorporate newly approved methods into the NEMI database. EPA methods are available for download from the NEMI Web site (*http://www.nemi.gov*) and information is provided on the sources of any methods that must be purchased.

2. Type of information included with expedited approval decisions published in the **Federal Register**. Almost everyone who commented requested that EPA provide information beyond a listing of methods and the regulations to which the methods apply. A summary of the method, the method citation, and the source for obtaining the method were of greatest interest. EPA is including the method citation and source in the footnote section of the table that lists methods approved under the expedited process. This format ensures that the information is always available with the list. EPA plans to provide a summary of each new method as part of the discussion in the **Federal Register** that approves the method, unless the method is an updated version of a previously approved method (e.g., published in an earlier edition of *Standard Methods for the Analysis of Water and Wastewater*). In the latter case, the original method will have already been described. The approvals are effective on the date of publication in the **Federal Register**.

EPA intends to provide additional information concerning the method approval as part of the supporting material in the docket for each action that approves additional, alternative methods using the expedited process. A copy of each method being approved will be included in the docket for the action. Additional information will generally include:

- The Alternative Test Procedures (ATP) summary report for methods evaluated under the ATP process;
- EPA method development report for EPA methods (summary of experiments conducted during method development);
- A description of changes to the original method for modified methods; and
- Rationale for approval including:
- Summary of the performance characteristics that relate to approval;
- Detection limits and/or minimum reporting levels (MRLs) when they are a regulatory requirement; and
- Benefits provided by the new method.

In some cases, EPA may have already promulgated more than one analytical method for a particular contaminant. In considering a new method for approval, EPA may find that the new method has performance characteristics that fall within the range of more than one of the existing promulgated methods. In those cases, EPA may approve the new method under the expedited process by comparing its effectiveness to the group of existing promulgated methods rather than by reference to a single existing method.

3. Amending regulatory text to describe where the list of methods approved using the expedited process is found. Most commenters indicated it would be helpful if the methods tables in the regulations include a reference to the list of additional, alternative methods approved under the expedited process. The commenters provided mixed reactions to adding the same information at 40 CFR 141.27. EPA is considering adding the requested references to the CFR text as part of a future regulatory action.

Some commenters wanted EPA to publish a comprehensive list of all approved drinking water methods. A few suggested that EPA incorporate the alternative methods approved under the expedited method approval process into the regulations when the methods tables are updated.

EPA understands the desire to have all methods listed together. As a result, EPA is revising the drinking water methods Web site (*http://www.epa.gov/safewater/methods/methods.html*) to address this request. The user will be able to download comprehensive lists organized by regulation/monitoring requirement (e.g., Ground Water Rule, Unregulated Contaminant Monitoring Rule, Organic Contaminant Monitoring, etc.). Each list will include the drinking water methods authorized in the regulation and the alternative methods approved via the expedited process. The revision date and CFR citations will be included on each list. EPA believes that making the comprehensive lists available on the Internet provides more timely access to the information in the requested format than amending the methods tables in the regulations would provide.

4. Format of the table that lists methods approved using the expedited approval process. Most commenters indicated the table format presented in the April 10, 2007, **Federal Register** notice (72 FR 17902) (USEPA 2007a) is acceptable. One commenter suggested that the contaminants be listed alphabetically in the first column of the table in order to be consistent with the methods tables in the regulation, while also providing a listing of all methods for a single contaminant together. The commenter also requested that the table be completely updated each time new approvals are made instead of appending new approvals to the end of the table.

EPA is incorporating several of the suggestions into the final table format. The table is organized by contaminant in order to improve stakeholder access to the information. The table is divided into sections so that the format mimics the methods tables in 40 CFR 141 and 143. In future expedited method approval actions, EPA will also incorporate new methods into the table rather than appending them onto the end in order to maintain the format.

Appendix A to Subpart C of Part 141 contains the same type of information as was presented in the April 10, 2007, notice. Additional information regarding the newly approved,

alternative methods is included in the **Federal Register** preamble and in the docket as part of the background information concerning the approvals.

In the future, if EPA withdraws approval for a method that was approved via the expedited process, the Agency intends to update the table at Appendix A to Subpart C of Part 141 to reflect both the approval and withdrawal dates for the method in question.

5. State implementation of methods approved under the expedited process. States' approaches to allowing use of methods approved under the expedited process will vary. Some States will need to incorporate the expedited process into their regulations while other States may allow the use of the methods as soon as laboratories become certified to use them. Some State certification programs are able to adopt methods as soon as EPA approves them. This variability in implementation approaches means some States will be able to adopt methods approved under the expedited process more quickly than other States. Although this variability was mentioned in the comments, this situation is not unique to methods approved using the expedited process; it is also a factor for methods approved via rulemaking.

One approach that EPA is using to assist States is to add an appendix in the CFR that lists all alternative methods approved using the expedited process. States can cite this appendix (Appendix A to Subpart C in 40 CFR 141) when they update their regulations.

EPA is also making a copy of the appendix available on a Web page *http://www.epa.gov/safewater/methods/expedited.html.* Some States may be able to cite the URL as a source for alternative methods approved under the expedited process.

Some States requested early access to information about methods that are under consideration for approval in order to provide more time to adopt EPA-approved methods. EPA will consider this request as it implements the expedited process. Early sharing of information with States would give them additional time to prepare for adopting new analytical methods after they are published in the **Federal Register**.

State adoption of alternative methods approved under the expedited process is optional. States may choose to allow only a more limited set of methods to be used for compliance. States that choose to allow the alternative methods approved through this expedited process will be consistent with the requirement that States must have programs at least as stringent as the Federal drinking water program in order to have primary enforcement responsibility for the drinking water program.

When the regulation requires that the laboratory be certified to perform analyses of samples for a specific contaminant, then this requirement extends to the use of methods approved through the expedited process. This means the States that choose to allow these alternative methods will need to develop certification criteria, train auditors, and evaluate laboratory capabilities for using the newly approved methods. EPA expects that State certification programs will incorporate methods approved using the expedited process into their programs in the same manner as methods that are approved using rulemaking. If the method is an updated version or a slight modification of a previously approved method, then an abbreviated certification process may be applicable.

The approval of methods, whether under rulemaking or the expedited approach, presents similar challenges to the Agency and the States. The approval decisions must be conveyed to the appropriate persons within the States. EPA plans to disseminate information concerning future method approvals using several approaches. A copy of the **Federal Register** action will be sent to the State drinking water certification and program offices. The Safe Drinking Water Hotline will have information concerning the approvals and information will be posted on EPA's drinking water methods Web page.

Withdrawal of method approval is a rare event under the regulatory process and EPA expects its occurrence under the expedited process will also be very limited. Methods will generally be withdrawn using the same process as was used for their approval. Methods approved via the expedited process will generally be withdrawn using the expedited process; methods approved under rulemaking will be withdrawn using rulemaking. Soliciting public comment through a rule proposal and issuing a final rule after taking those comments into consideration provides the States with time to withdraw the methods from their programs. In order to provide a comparable timeframe under the expedited process, EPA plans to consult with the States prior to establishing effective dates for withdrawal of methods under the expedited process. It is important that the effective date provide time for the States to implement withdrawal, so that States will not be in a position of allowing methods that were disapproved by EPA. The appendix in the CFR will reflect both the approval and withdrawal dates for any method that is withdrawn using the expedited process. Citing both dates will eliminate any confusion as to when/whether a method approval is in effect.

D. Additional Comments

The April 10, 2007, **Federal Register** notice solicited comments on the process used by EPA to announce the approval of alternative methods to the methods listed in regulation. EPA also received comments that are indirectly related to the expedited method approval process. Brief discussions of the major topics are presented below. All of the comments and the Agency's response to comments (USEPA 2008) are available in the docket for this action.

1. EPA evaluation process. The expedited approval process allows EPA to approve methods more quickly and commenters support more timely approval of methods. However, shortening the approval process raised the question about whether EPA is changing the way that it evaluates methods prior to issuing approval decisions. Some commenters asked that EPA maintain its high standards for evaluating methods. Other commenters provided recommendations for changing the review process in order to both streamline and strengthen it.

The evaluation process is separate from the expedited approval process. EPA is open to improving our evaluation process and to making the process as transparent as possible. EPA appreciates the suggestions and will consider them with any future evaluation of potential improvements to the ATP program. EPA notes that some of the requested changes are already included in our current evaluation protocol. For example, minor modifications to existing methods generally do not require extensive data submissions in order to demonstrate acceptable method performance.

2. Prioritization of method evaluations. EPA recognizes that the ability to approve methods more quickly may result in an increase in the number of methods that are submitted to EPA for evaluation. It was suggested that EPA prioritize method reviews so that methods that provide the greatest benefit are evaluated first. EPA agrees with this approach and intends to give new methods that provide significant advantages over currently approved methods higher priority in the review process. Improvements may be in areas such as waste minimization, reduced analysis time, cost reduction, increased

method flexibility, introduction of an innovative technology, etc. Implementation of this approach means that new methods will not necessarily be reviewed/approved in the order in which they are submitted to the Agency.

3. Public comment as part of the method approval process. EPA understands the desire for the public to have an opportunity to comment on methods approved under the expedited approval process. However, introducing a comment period on these alternative methods is not consistent with the expedited process intended by Congress; as a result, EPA does not generally plan to solicit comment on these alternative method approval decisions.

The purpose of this alternative procedure is to identify and allow the use of methods that are equally as effective as methods already approved in prior regulations. As a result, the benchmark for these alternatives has already been provided through notice-and-comment rulemaking on the original method(s). In addition, this expedited approval process simply provides a broader set of compliance opportunities for water systems. Finally, EPA expects to use the expedited process only for those alternative methods that are clearly equally effective relative to methods already approved through regulation and that have performance that has been fully evaluated and well documented, as discussed below.

EPA methods undergo peer review prior to publication. The experimental results obtained during method development are usually summarized in a report that is included in the docket when the method is approved. The EPA method development research is often published in a peer reviewed journal. In addition, new chemical and radiochemical methods developed by EPA are evaluated according to Agency guidance adopted by the EPA Forum on Environmental Measurements (FEM). (USEPA 2005, 2006a) The method validation principles are based on current, international approaches and guidelines for intralaboratory (single laboratory) and interlaboratory (multiple laboratory) method validation studies. The Agency is developing similar guidance for validation of microbiological methods and that guidance will be adopted when it becomes available.

EPA plans to extend the use of the FEM guidance to methods that are reviewed under the ATP program. EPA encourages method developers to consult with the ATP coordinator during the development of their ATP study plans so that the experimental designs incorporate the appropriate tests. EPA intends to work with method developers during this consultation process to be sure that their ATP study plans address the principles outlined in the validation guidance. In addition, EPA plans to solicit external scientific review for ATP methods that involve new technology. The docket will contain the ATP study summary report and the external scientific review comments in order to document the basis for EPA's approval decision. If the method developer submits confidential business information as part of the ATP review process, the information will not be included in the docket.

Generally-accepted validation principles are usually followed for methods that are developed by Voluntary Consensus Standard Bodies (VCSBs), such as Standard Methods and ASTM, International. When a new method is adopted by a VCSB, EPA reviews the data generated during development and validation to verify the method is suitable for analyzing drinking water samples. EPA plans to use the expedited method approval process for methods that perform as well as the regulatory methods. The supporting data that EPA uses to make the approval determination will be placed in the docket so that the information is publically available.

In unique cases in which EPA believes public comment is warranted prior to approval, EPA may solicit comment through a notice and then issue its decision on approving the alternative method after taking the comments into consideration.

4. Methods recommended for approval. In the April 10, 2007, **Federal Register** notice (72 FR 17902) (USEPA 2007a), EPA included two examples of methods that were being considered for approval using the expedited approval process. Commenters supported the approval of these methods (i.e., EPA Method 200.5 and Standard Method 6610–04). They also recommended additional methods for consideration.

EPA has enough information to make approval determinations for many of the methods that were listed in the public comments. In those cases, EPA is approving them as part of this action. Additional approval decisions are pending submission of data that will allow EPA to further compare the new methods' performance to that obtained by the regulatory methods.

III. Summary of Approvals

EPA is approving 99 methods, 85 of which are identical to previously approved methods from earlier publications and 14 of which represent new or modified methods. EPA notes that the approval for all of these methods, including the 85 ''identical'' methods previously required a notice-and-comment rulemaking action.

A. Methods From Voluntary Consensus Standard Bodies (VCSB)

1. Standard Methods. EPA approved 73 methods in ''Standard Methods Online'' as part of a ''Methods Update Rule'' issued on March 12, 2007 (72 FR 11200) (USEPA 2007b). Identical versions of these methods are also published in the 21st edition of *Standard Methods for the Analysis of Water and Wastewater* (Walker and Wendelken 2007). EPA recognizes that some States and laboratories prefer the hardcopy version to the electronic version that was previously approved. Since the 21st edition versions of these methods are equally effective relative to the online versions, EPA is approving the 73 methods from the 21st edition in this action. The 21st edition (APHA 2006) can be purchased from American Public Health Association (APHA), 800 I Street, NW., Washington, DC 20001–3710.

Six methods were published in ''Standard Methods Online'' too late to be included in the March 12, 2007, Methods Update Rule. These methods are also included in the 21st edition of *Standard Methods for the Analysis of Water and Wastewater* (APHA 2006). Four of the methods are unchanged and the other two updated methods reflect minor editorial changes to the versions published in the 20th edition of Standard Methods which are approved at 40 CFR 141.23 and 143.4 (Fair 2008a). EPA is approving the following methods because they are equally effective relative to the currently approved versions:

SM (21st ed) (APHA 2006)	Standard methods online	Contaminant	Regulation
4500–P E	4500–P E–99 (APHA 1999)	Orthophosphate	40 CFR 141.23(k)(1).
4500–P F	4500–P F–99 (APHA 1999)	Orthophosphate	40 CFR 141.23(k)(1).

SM (21st ed) (APHA 2006)	Standard methods online	Contaminant	Regulation
4500–SO_4^{-2} C	4500–SO_4^{-2} C–97 (APHA 1997a)	Sulfate	40 CFR 143.4(b).
4500–SO_4^{-2} D	4500–SO_4^{-2} D–97 (APHA 1997a)	Sulfate	40 CFR 143.4(b).
4500–SO_4^{-2} E	4500–SO_4^{-2} E–97 (APHA 1997a)	Sulfate	40 CFR 143.4(b).
4500–SO_4^{-2} F	4500–SO_4^{-2} F–97 (APHA 1997a)	Sulfate	40 CFR 143.4(b).

The 21st edition can be obtained from APHA, 800 I Street, NW., Washington, DC 20001–3710 and the Online methods can be purchased at *http://www.standardmethods.org.*

The November 8, 2006, Ground Water Rule (GWR) (71 FR 65653) (USEPA 2006b) approved Colilert and Colisure media (Standard Method 9223 B, 20th Edition) for determining the presence of *E. coli.* Those two *E. coli* media, along with a third medium, Colilert-18 (all part of SM 9223B), were listed in Table IV–1 of the preamble as being approved in the rule. However, due to a publication oversight, the Colilert-18 methodology was omitted in the table at 40 CFR 141.402(c)(2). EPA is using this expedited approval action to correct the inconsistency between the preamble and rule language and clarify the status of Colilert-18 as an approved methodology. Colilert-18, as described in Standard Method 9223 B and published in the 20th edition of *Standard Methods for the Analysis of Water and Wastewater (APHA 1998),* is equally as effective as the previously promulgated Colilert and Colisure media in Standard Method 9223 B (page 65593 of the GWR preamble, USEPA 2006c) and is therefore approved in this action. Accordingly, EPA is adding the Colilert-18 methodology to the list of approved methods in Appendix A to Subpart C of Part 141.

Identical versions of Standard Method 9223 B are published in the 20th and 21st editions of *Standard Methods for the Analysis of Water and Wastewater* and in ''Standard Methods Online'' (Fair 2008a). Because the methods from all three sources are equally effective, EPA is approving the 21st edition and the 1997 online version of Method 9223 B for the Colilert, Colisure, and Colilert-18 methodologies. These newer versions are equally effective relative to the methods cited at 40 CFR 141.402(c)(2). The 21st edition of Standard Methods (APHA 2006) can be obtained from APHA, 800 I Street, NW., Washington, DC 20001–3710 and Standard Method 9223 B–97 (APHA 1997b) can be purchased at *http://www.standardmethods.org.*

EPA approved Standard Method 9230 B in the 20th edition of *Standard Methods for the Analysis of Water and Wastewater* as one of the methods for determining Enterococci under the GWR (71 FR 65653) (USEPA 2006b). The online version of this method (9230 B–04) is identical to the version published in the 20th edition (Fair 2008a). EPA is approving Standard Method 9230 B–04 (APHA 2004b) for Enterococci detection, because it is equally effective relative to the methods cited at 141.402(c)(2). The online method can be purchased at *http://www.standardmethods.org.*

The January 5, 2006, Long Term 2 Enhanced Surface Water Treatment Rule (LT2ESWTR) (71 FR 654) (USEPA 2006c) established source water monitoring requirements for *E. coli.* It approved the same methods for *E. coli* that are approved for ambient water monitoring under 40 CFR 136.3. The preamble in the LT2ESWTR proposal (68 FR 47640, August 11, 2003) (USEPA 2003a) listed the *E. coli* methods in the same format as they were presented in the proposed Guidelines Establishing Test Procedures for the Analysis of Pollutants; Analytical Methods for Biological Pollutants in Ambient Water (66 FR 45811, August 30, 2001) (USEPA 2001a). Two membrane filter methods (Standard Methods 9222 B and 9222 D) used in conjunction with Standard Method 9222 G to enumerate *E. coli* were listed in both proposals. When the final Guidelines Establishing Test Procedures for the Analysis of Pollutants; Analytical Methods for Biological Pollutants in Ambient Water (68 FR 43272, July 21, 2003) (USEPA 2003b) was published, the methods table at 40 CFR 136.3 was published in a different format from the proposal. Standard Method 9222 D/9222 G was listed as two step membrane filtration in the table of approved methods and footnote 19 in the table indicated other membrane filter procedures could be used prior to Standard Method 9222 G. Since Standard Method 9222 D is not explicitly listed in the final rule, there is some confusion as to whether Standard Method 9222 D is acceptable for the membrane filtration step. The July 21, 2003, preamble (USEPA 2003b) stated that the final rule was promulgating the test methods described in the proposed rule, and there was no reason presented to exclude Standard Method 9222 D published in the 20th edition of *Standard Methods for the Analysis of Water and Wastewater* (APHA 1998) as an approved method. Therefore, EPA is using this expedited method approval process to clarify that Standard Method 9222 D in combination with 9222 G is approved for enumerating *E. coli* under the LT2ESWTR. Standard Method 9222 D/9222 G is equally as effective as other promulgated methods for enumerating *E. coli* (USEPA 2001a). Accordingly, EPA is adding Standard Method 9222 D/9222 G published in the 20th edition of *Standard Methods for the Analysis of Water and Wastewater* (APHA 1998) to the list of approved methods in Appendix A to Subpart C of Part 141.

The April 10, 2007, **Federal Register** notice (72 FR 17902) (USEPA 2007a) listed Standard Method 6610–04 (APHA 2004a) as a potential candidate for approval under the expedited approval process. This new Standard Method uses high-performance liquid chromatography (HPLC) with post-column derivatization and fluorescence detection to determine carbamate pesticide concentrations in drinking water. After the addition of a surrogate compound and filtration, water samples are injected directly onto an HPLC and separated by use of a gradient and a C_{18} column. The 11 carbamate pesticides that are analyzed by this method are generally classified as phenyl and oxime carbamates and have an N-methyl group in common. After chromatographic separation, the compounds are hydrolyzed with 0.05N sodium hydroxide at 80 to 95 °C, yielding a methyl amine which is then reacted with o-phthalaldehyde and 2-mercaptoethanol to form a highly fluorescent isoindole that is detected instrumentally. The method is applicable to carbofuran and oxamyl, which are regulated in drinking water. The method uses the same chemistry and quality control criteria as EPA Method 531.2 (USEPA 2001b), which is approved for analyzing compliance samples for carbofuran and oxamyl (40 CFR 141.24(e)(1)). EPA is approving Standard Method 6610–04 (APHA 2004a) for the analysis of compliance samples for carbofuran and oxamyl, because it is equally effective relative to EPA Method 531.2 (Fair 2008a). EPA is also approving the identical version of Standard Method 6610 that is published

in the 21st edition of *Standard Methods for the Analysis of Water and Wastewater* (APHA 2006). EPA recognizes that this method may be used to determine concentrations of additional compounds for which there are no Federal monitoring requirements.

2. ASTM International. EPA compared new versions of six ASTM methods to the most recent versions of those methods cited in 40 CFR 141 and 143. The new versions included changes such as:

- More detailed quality control sections (D 512–04 B and D 1179–04 B);
- Additional choices in equipment or reagents (D 859–05, D 1179–04 B, and D 2036–06 A and B);
- More stringent reagent water specifications (D 512–04 B and D 859–05);
- Additional instructions for handling interferences (D 2036–06 A and B);
- Modifications to allow analysis of additional types of samples (D 5673–05); and
- Editorial changes in all methods (changes in references, reorganization, corrections of errors).

Data generated using the new methods are comparable to data obtained using the previous versions because the chemistry and sample-handling protocols are unchanged. The new versions are equally effective relative to the version cited in regulation. (Fair, 2008a) Thus, EPA is approving the use of these six ASTM methods:

ASTM method	Contaminant	Regulation
D512–04 B (ASTM International 2004a)	Chloride	40 CFR 143.4(b).
D859–05 (ASTM International 2005a)	Silica	40 CFR 141.23(k)(1).
D1179–04 B (ASTM International 2004b)	Fluoride	40 CFR 141.23(k)(1).
D2036–06 A (ASTM International 2006)	Cyanide	40 CFR 141.23(k)(1).
D2036–06 B (ASTM International 2006)	Cyanide	40 CFR 141.23(k)(1).
D5673–05 (ASTM International 2005b)	Uranium	40 CFR 141.25(a).

The ASTM methods are available from ASTM International, 100 Barr Harbor Drive, West Conshohocken, PA 19428–2959 or *http://www.astm.org.*

B. Methods Developed by EPA

1. EPA Method 200.5, Revision 4.2. EPA described this method as a candidate for approval under the expedited approval program in the April 10, 2007, **Federal Register** notice (72 FR 17902) (USEPA 2007a). Commenters were universally supportive of method approval.

EPA Method 200.5 (USEPA 2003c) uses axially viewed inductively coupled plasma-atomic emission spectrometry (AVICP–AES) to determine concentrations of 22 trace elements and contaminants in drinking water. The method involves the following steps:

- Sample digestion;
- Volume reduction to provide a 2X concentration; and
- Multi-elemental determinations by axially viewed inductively coupled plasma-atomic emission spectrometry (AVICP–AES) using sequential or simultaneous instruments. The instruments measure characteristic atomic-line emission spectra by optical spectrometry.

Approved methods for 19 of the EPA Method 200.5 analytes are listed at 40 CFR 141.23(k)(1) and 40 CFR 143.4. The performance characteristics of EPA Method 200.5, Revision 4.2 were compared to the characteristics of the methods listed at 40 CFR 141.23(k)(1) for antimony, arsenic, barium, beryllium, cadmium, calcium, chromium, copper, lead, magnesium, nickel, selenium, silica, and sodium. The performance characteristics of EPA Method 200.5, Revision 4.2 were compared to the characteristics of the methods listed at 40 CFR 143.4 for aluminum, iron, manganese, silver, and zinc (Fair 2008b). Since EPA Method 200.5 is equally effective relative to the methods already promulgated in the regulations, EPA is approving it for determining aluminum, antimony, arsenic, barium, beryllium, cadmium, calcium, chromium, copper, iron, lead, magnesium, manganese, nickel, selenium, silica, silver, sodium, and zinc concentrations in drinking water to comply with 40 CFR 141.23 and 143.4.

EPA Method 200.5, Revision 4.2 (USEPA 2003c) can be accessed and downloaded directly on-line at *http://www.epa.gov/nerlcwww/ordmeth.htm.*

C. Methods Developed by Vendors

1. *Method D99–003, Revision 3.0.* If approved by the State, 40 CFR 141.74(a)(2) allows the use of DPD colorimetric test kits to determine disinfectant residuals. Evaluation of the free chlorine test strip method, Method D99–003 (Industrial Test Systems, Inc. 2003), under the ATP program demonstrated performance characteristics similar to those obtained using DPD colorimetric test kits. As a result, the March 12, 2007, Methods Update Rule (72 FR 11200) (USEPA 2007b) added language at 40 CFR 141.74(a)(2) to allow the use of Method D99–003 developed by Industrial Test Systems, Inc. (ITS) to determine free chlorine residuals in drinking water, if approved by the State. This approval was specified for systems monitoring under the requirements of 40 CFR 141 Subpart H.

In a similar manner, 40 CFR 141.131(c)(2) allows the State to approve the use of DPD colorimetric test kits for monitoring requirements specified at 40 CFR 141.132(c)(1). The free chlorine test strip method is not listed. As noted, however, evaluation of the chlorine test strip method has demonstrated performance characteristics similar to those obtained using DPD colorimetric test kits. Accordingly, the chlorine test strip method is an equally effective methodology, and there is no technical reason to withhold approval under one rule while allowing its use under a separate regulation. Therefore, EPA is using this action to approve the use of Method D99–003 (ITS 2003) to meet free chlorine residual monitoring requirements specified at 40 CFR 141.132(c)(1), if approved by the State.

Method D99–003, Revision 3.0, titled ''Free Chlorine Species ($HOCl^-$ and OCl^-) by Test Strip,'' November 21, 2003, is available from Industrial Test Systems, Inc., 1875 Langston St., Rock Hill, SC 29730. The ATP report on this method is contained in the docket for the March 12, 2007, Methods Update Rule.

IV. Statutory and Executive Order Reviews

As noted above, under the terms of SDWA Section 1401(1), this streamlined method approval action is not a rule. Accordingly, the Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, does not apply because this action is not a rule for purposes of 5 U.S.C. 804(3). Similarly, this action is not subject to the Regulatory Flexibility Act because it is not subject to notice and comment

requirements under the Administrative Procedure Act or any other statute. In addition, because this approval action is not a rule but simply makes alternative (optional) testing methods available for monitoring under SDWA, EPA has concluded that other statutes and executive orders generally applicable to rulemaking do not apply to this approved action.

V. References

APHA. 1997a. Standard Method 4500–SO_4^{-2}–97. Sulfate. Approved by Standard Methods Committee 1997. Standard Methods Online. (Available at *http://www.standardmethods.org.*).

APHA. 1997b. Standard Method 9223 B–97. Enzyme Substrate Coliform Test. Approved by Standard Methods Committee 1997. Standard Methods Online. (Available at *http://www.standardmethods.org.*).

APHA. 1998. *Twentieth Edition of Standard Methods for the Examination of Water and Wastewater,* American Public Health Association, 800 I Street, NW, Washington, DC 20001–3710.

APHA. 1999. Standard Method 4500–P–99. Phosphorus. Approved by Standard Methods Committee 1999. Standard Methods Online. (Available at *http://www.standardmethods.org.*)

APHA. 2004a. Standard Method 6610–04. Carbamate Pesticides—High-Performance Liquid Chromatographic Method. Approved by Standard Methods Committee 2004. Standard Methods Online. (Available at *http://www.standardmethods.org.*)

APHA. 2004b. Standard Method 9230 B–04. Fecal Enterococcus/Streptococcus Groups—Multiple-Tube Technique. Approved by Standard Methods Committee 2004. Standard Methods Online. (Available at *http://www.standardmethods.org.*)

APHA. 2006. *Twenty-first Edition of Standard Methods for the Examination of Water and Wastewater,* American Public Health Association, 800 I Street, NW., Washington, DC 20001–3710.

ASTM International. 2004a. Method D 512–04 B. Standard Test Method for Chloride Ion in Water by Silver Nitrate Titration. ASTM International, 100 Barr Harbor Drive, West Conshohocken, PA 19428–2959. (*http://www.astm.org*)

ASTM International. 2004b. Method D 1179–04B. Standard Test Method for Fluoride Ion in Water by Ion Selective Electrode. ASTM International, 100 Barr Harbor Drive, West Conshohocken, PA 19428–2959. (*http://www.astm.org*)

ASTM International. 2005a. Method D 859–05. Standard Test Method for Silica in Water. ASTM International, 100 Barr Harbor Drive, West Conshohocken, PA 19428–2959. (*http://www.astm.org*)

ASTM International. 2005b. Method D 5673–05. Standard Test Method for Elements in Water by Inductively Coupled Plasma-Mass Spectrometry. ASTM International, 100 Barr Harbor Drive, West Conshohocken, PA 19428–2959. (*http://www.astm.org*)

ASTM International. 2006. Method D 2036–06. Standard Test Method for Cyanides in Water. ASTM International, 100 Barr Harbor Drive, West Conshohocken, PA 19428–2959. (*http://www.astm.org*)

Fair, P., 2008a. Memo to the record describing basis for approving methods from Standard Methods and ASTM International. April 2008.

Fair, P., 2008b. Memo to the record describing basis for approving EPA Method 200.5. April 2008.

Industrial Test Systems, Inc. 2003. Method D99–003. Free Chlorine Species (HOCl and OCl) by Test Strip, Revision 3.0, November 21, 2003. Industrial Test Systems, Inc., 1875 Langston St., Rock Hill, SC 29730.

USEPA. 2001a. Guidelines Establishing Test Procedures for the Analysis of Pollutants; Analytical Methods for Biological Pollutants in Ambient Water; Proposed Rule. 66 FR 45811. August 30, 2001.

USEPA. 2001b. EPA Method 531.2. Measurement of N-methylcarbamoyloximes and N-methylcarbamates in Water by Direct Aqueous Injection HPLC with Postcolumn Derivatization. Revision 1.0. EPA 815–B–01–002 (Available at *http://www.epa.gov/safewater/methods/sourcalt.html.*)

USEPA. 2003a. National Primary Drinking Water Regulations: Long Term 2 Enhanced Surface Water Treatment Rule; Proposed Rule. 68 FR 47640. August 11, 2003.

USEPA. 2003b. Guidelines Establishing Test Procedures for the Analysis of Pollutants; Analytical Methods for Biological Pollutants in Ambient Water; Final Rule. 68 FR 43272. July 21, 2003.

USEPA. 2003c. EPA Method 200.5. Determination of Trace Elements in Drinking Water by Axially Viewed Inductively Coupled Plasma-Atomic Emission Spectrometry. Revision 4.2. EPA/600/R–06/115. (Available at *http://www.epa.gov/nerlcwww/ordmeth.htm.*)

USEPA. 2005. Validation and Peer Review of U.S. Environmental Protection Agency Chemical Methods of Analysis, FEM Document Number 2005–01, October 2005.

USEPA. 2006a. Validation and Peer Review of U.S. Environmental Protection Agency Radiochemical Methods of Analysis, FEM Document Number 2006–01, August 2006.

USEPA. 2006b. National Primary Drinking Water Regulations: Ground Water Rule. 71 FR 65574. November 8, 2006.

USEPA. 2006c. National Primary Drinking Water Regulations: Long Term 2 Enhanced Surface Water Treatment Rule; Final Rule. 71 FR 654. January 5, 2006.

USEPA. 2007a. Expedited Approval of Test Procedures for the Analysis of Contaminants Under the Safe Drinking Water Act; Analysis and Sampling Procedures. 72 FR 17902. April 10, 2007.

USEPA. 2007b. Guidelines Establishing Test Procedures for the Analysis of Pollutants Under the Clean Water Act; National Primary Drinking Water Regulations; and National Secondary Drinking Water Regulations; Analysis and Sampling Procedures; Final Rule. 72 FR 11200. March 12, 2007.

USEPA. 2008. Response to Comments Document for Expedited Approval of Test Procedures for the Analysis of Contaminants Under the Safe Drinking Water Act; Analysis and Sampling Procedures (72 FR 17902. April 10, 2007). May 2008.

Walker, L. and Wendelken, S., 2007. Letter to S. Posavec, Standard Methods Manager, April 11, 2007.

List of Subjects in 40 CFR Part 141

Environmental protection, Chemicals, Indians-lands, Intergovernmental relations, Radiation protection, Reporting and recordkeeping requirements, Water supply.

Dated: May 20, 2008.

Benjamin H. Grumbles,

Assistant Administrator, Office of Water.

■ For the reasons stated in the preamble, 40 CFR part 141 is amended as follows:

PART 141—NATIONAL PRIMARY DRINKING WATER REGULATIONS

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

Authority: 42 U.S.C. 300f, 300g–1, 300j–4, and 300j–9.

■ 2. Subpart C is amended by adding Appendix A to read as follows:

Appendix A to Subpart C of Part 141—Alternative Testing Methods Approved for Analyses Under the Safe Drinking Water Act.

Only the editions stated in the following table are approved.

BILLING CODE 6560–50–P

Alternative testing methods for contaminants listed at 40 CFR 141.21(f)(3)		
Organism	Methodology	SM 21st Edition [1]
Total Coliforms	Total Coliform Fermentation Technique	9221 A, B
	Total Coliform Membrane Filter Technique	9222 A, B, C
	Presence-Absence (P-A) Coliform Test	9221 D
	ONPG-MUG Test	9223

Alternative testing methods for contaminants listed at 40 CFR 141.23 (k)(1)					
Contaminant	Methodology	EPA Method	SM 21st Edition [1]	SM Online [3]	ASTM [4]
Alkalinity	Titrimetric		2320 B		
Antimony	Atomic Absorption; Furnace		3113 B		
	Axially viewed inductively coupled plasma-atomic emission spectrometry (AVICP–AES)	200.5, Revision 4.2 [2]			
Arsenic	Atomic Absorption; Furnace		3113 B		
	Hydride Atomic Absorption		3114 B		
	Axially viewed inductively coupled plasma-atomic emission spectrometry (AVICP–AES)	200.5, Revision 4.2			

Barium	Inductively Coupled Plasma		3120 B		
	Atomic Absorption; Direct		3111 D		
	Atomic Absorption; Furnace		3113 B		
	Axially viewed inductively coupled plasma-atomic emission spectrometry (AVICP–AES)	200.5, Revision 4.2			
Beryllium	Inductively Coupled Plasma		3120 B		
	Atomic Absorption; Furnace		3113 B		
	Axially viewed inductively coupled plasma-atomic emission spectrometry (AVICP–AES)	200.5, Revision 4.2			
Cadmium	Atomic Absorption; Furnace		3113 B		
	Axially viewed inductively coupled plasma-atomic emission spectrometry (AVICP–AES)	200.5, Revision 4.2			
Calcium	EDTA titrimetric		3500-Ca B		
	Atomic Absorption; Direct Aspiration		3111 B		
	Inductively Coupled Plasma		3120 B		
	Axially viewed inductively coupled plasma-atomic emission spectrometry (AVICP–AES)	200.5, Revision 4.2			
Chromium	Inductively Coupled Plasma		3120 B		
	Atomic Absorption; Furnace		3113 B		
	Axially viewed inductively coupled plasma-atomic emission spectrometry (AVICP–AES)	200.5, Revision 4.2			
Copper	Atomic Absorption; Furnace		3113 B		
	Atomic Absorption; Direct Aspiration		3111 B		
	Inductively Coupled Plasma		3120 B		
	Axially viewed inductively coupled plasma-atomic emission spectrometry (AVICP–AES)	200.5, Revision 4.2			
Conductivity	Conductance		2510 B		
Cyanide	Manual Distillation followed by				D2036-06 A

	Spectrophotometric, Amenable		4500-CN^- G		D2036-06 B
	Spectrophotometric Manual		4500-CN^- E		D2036-06 A
	Selective Electrode		4500-CN^- F		
Fluoride	Ion Chromatography		4110 B		
	Manual Distillation; Colorimetric SPADNS		4500-F^- B, D		
	Manual Electrode		4500-F^- C		D1179-04 B
	Automated Alizarin		4500-F^- E		
Lead	Atomic Absorption; Furnace		3113 B		
	Axially viewed inductively coupled plasma-atomic emission spectrometry (AVICP–AES)	200.5, Revision 4.2			
Magnesium	Atomic Absorption		3111 B		
	Inductively Coupled Plasma		3120 B		
	Complexation Titrimetric Methods		3500-Mg B		
	Axially viewed inductively coupled plasma-atomic emission spectrometry (AVICP–AES)	200.5, Revision 4.2			
Mercury	Manual, Cold Vapor		3112 B		
Nickel	Inductively Coupled Plasma		3120 B		
	Atomic Absorption; Direct		3111 B		
	Atomic Absorption; Furnace		3113 B		
	Axially viewed inductively coupled plasma-atomic emission spectrometry (AVICP–AES)	200.5, Revision 4.2			
Nitrate	Ion Chromatography		4110 B		
	Automated Cadmium Reduction		4500-NO_3^- F		
	Manual Cadmium Reduction		4500-NO_3^- E		
	Ion Selective Electrode		4500-NO_3^- D		
Nitrite	Ion Chromatography		4110 B		
	Automated Cadmium Reduction		4500-NO_3^- F		
	Manual Cadmium Reduction		4500-NO_3^- E		

	Spectrophotometric		4500-NO_2^- B		
Orthophosphate	Ion Chromatography		4110 B		
	Colorimetric, ascorbic acid, single reagent		4500-P E	4500-P E-99	
	Colorimetric, Automated, Ascorbic Acid		4500-P F	4500-P F-99	
pH	Electrometric		4500-H^+ B		
Selenium	Hydride-Atomic Absorption		3114 B		
	Atomic Absorption; Furnace		3113 B		
	Axially viewed inductively coupled plasma-atomic emission spectrometry (AVICP–AES)	200.5, Revision 4.2			
Silica	Colorimetric				D859-05
	Molybdosilicate		4500-SiO_2 C		
	Heteropoly blue		4500-SiO_2 D		
	Automated for Molybdate-reactive Silica		4500-SiO_2 E		
	Axially viewed inductively coupled plasma-atomic emission spectrometry (AVICP–AES)	200.5, Revision 4.2			
	Inductively Coupled Plasma		3120 B		
Sodium	Atomic Absorption; Direct Aspiration		3111 B		
	Axially viewed inductively coupled plasma-atomic emission spectrometry (AVICP–AES)	200.5, Revision 4.2			
Temperature	Thermometric		2550		

Alternative testing methods for contaminants listed at 40 CFR 141.24 (e)(1)			
Contaminant	Methodology	SM 21st Edition [1]	SM Online [3]
Carbofuran	High-performance liquid chromatography (HPLC) with post-column derivatization and fluorescence detection	6610 B	6610 B-04
Oxamyl	High-performance liquid chromatography (HPLC) with post-column derivatization and fluorescence detection	6610 B	6610 B-04

Alternative testing methods for contaminants listed at 40 CFR 141.25(a)			
Contaminant	Methodology	SM 21st Edition [1]	ASTM [4]
Naturally Occurring:			
Gross alpha and beta	Evaporation	7110 B	
Gross alpha	Coprecipitation	7110 C	
Radium 226	Radon emanation	7500-Ra C	
	Radiochemical	7500-Ra B	
Radium 228	Radiochemical	7500-Ra D	
Uranium	Radiochemical	7500-U B	
	ICP-MS		D5673-05
	Alpha spectrometry	7500-U C	
Man-Made:			
Radioactive Cesium	Radiochemical	7500-Cs B	
	Gamma Ray Spectrometry	7120	
Radioactive Iodine	Radiochemical	7500-I B 7500-I C 7500-I D	
	Gamma Ray Spectrometry	7120	
Radioactive Strontium 89, 90	Radiochemical	7500-Sr B	
Tritium	Liquid Scintillation	7500-^{3}H B	
Gamma Emitters	Gamma Ray Spectrometry	7120 7500-Cs B 7500-I B	

Alternative testing methods for contaminants listed at 40 CFR 141.74(a)(1)		
Organism	Methodology	SM 21st Edition [1]

Total Coliform	Total Coliform Fermentation Technique	9221 A, B, C
	Total Coliform Membrane Filter Technique	9222 A, B, C
	ONPG-MUG Test	9223
Fecal Coliforms	Fecal Coliform Procedure	9221 E
	Fecal Coliform Filter Procedure	9222 D
Heterotrophic bacteria	Pour Plate Method	9215 B
Turbidity	Nephelometric Method	2130 B

Alternative testing methods for disinfectant residuals listed at 40 CFR 141.74(a)(2)		
Residual	Methodology	SM 21st Edition [1]
Free Chlorine	Amperometric Titration	4500-Cl D
	DPD Ferrous Titrimetric	4500-Cl F
	DPD Colorimetric	4500-Cl G
	Syringaldazine (FACTS)	4500-Cl H
Total Chlorine	Amperometric Titration	4500-Cl D
	Amperometric Titration (Low level measurement)	4500-Cl E
	DPD Ferrous Titrimetric	4500-Cl F
	DPD Colorimetric	4500-Cl G
	Iodometric Electrode	4500-Cl I
Chlorine Dioxide	Amperometric Titration	4500–ClO_2 C
	Amperometric Titration	4500–ClO_2 E
Ozone	Indigo Method	4500–O_3 B

Alternative testing methods for contaminants listed at 40 CFR 141.131(b)(1)		
Contaminant	Methodology	SM 21st Edition [1]
HAA5	LLE (diazomethane)/GC/ECD	6251 B

Chlorite – daily monitoring as prescribed in 40 CFR 141.132(b)(2)(i)(A)	Amperometric Titration	4500–ClO_2 E

Alternative testing methods for disinfectant residuals listed at 40 CFR 141.131(c)(1)		
Residual	Methodology	SM 21st Edition [1]
Free Chlorine	Amperometric Titration	4500-Cl D
	DPD Ferrous Titrimetric	4500-Cl F
	DPD Colorimetric	4500-Cl G
	Syringaldazine (FACTS)	4500-Cl H
Combined Chlorine	Amperometric Titration	4500-Cl D
	DPD Ferrous Titrimetric	4500-Cl F
	DPD Colorimetric	4500-Cl G
Total Chlorine	Amperometric Titration	4500-Cl D
	Low level Amperometric Titration	4500-Cl E
	DPD Ferrous Titrimetric	4500-Cl F
	DPD Colorimetric	4500-Cl G
	Iodometric Electrode	4500-Cl I
Chlorine Dioxide	Amperometric Method II	4500–ClO_2 E

Alternative testing methods for disinfectant residuals listed at 40 CFR 141.131(c)(2), if approved by the State		
Residual	Methodology	Method
Free Chlorine	Test Strips	Method D99-003 [5]

Alternative testing methods for parameters listed at 40 CFR 141.131(d)		
Parameter	Methodology	SM 21st Edition [1]

Total Organic Carbon (TOC)	High Temperature Combustion	5310 B
	Persulfate-Ultraviolet or Heated Persulfate Oxidation	5310 C
	Wet Oxidation	5310 D
Specific Ultraviolet Absorbance (SUVA)	Calculation using DOC and UV_{254} data	
Dissolved Organic Carbon (DOC)	High Temperature Combustion	5310 B
	Persulfate-Ultraviolet or Heated Persulfate Oxidation	5310 C
	Wet Oxidation	5310 D
Ultraviolet absorption at 254 nm (UV_{254})	Spectrophotometry	5910 B

Alternative testing methods for contaminants listed at 40 CFR 141.402(c)(2)				
Organism	Methodology	SM 20th Edition [6]	SM 21st Edition [1]	SM Online [3]
E. coli	Colilert		9223 B	9223 B-97
	Colisure		9223 B	9223 B-97
	Colilert-18	9223 B	9223 B	9223 B-97
Enterococci	Multiple-Tube Technique			9230 B-04

Alternative testing methods for contaminants listed at 40 CFR 141.704(b)		
Organism	Methodology	SM 20th Edition [6]
E. coli	Membrane Filtration, Two Step	9222 D/9222 G

Alternative testing methods for contaminants listed at 40 CFR 143.4(b)					
Contaminant	Methodology	EPA Method	ASTM [4]	SM 21st Edition [1]	SM Online [3]
Aluminum	Axially viewed inductively coupled plasma-atomic emission spectrometry (AVICP–AES)	200.5, Revision 4.2 [2]			
	Atomic Absorption; Direct			3111 D	

	Atomic Absorption; Furnace			3113 B	
	Inductively Coupled Plasma			3120 B	
Chloride	Silver Nitrate Titration		D 512-04 B	4500-Cl^- B	
	Ion Chromatography			4110 B	
	Potentiometric Titration			4500-Cl^- D	
Color	Visual Comparison			2120 B	
Foaming Agents	Methylene Blue Active Substances (MBAS)			5540 C	
Iron	Axially viewed inductively coupled plasma-atomic emission spectrometry (AVICP–AES)	200.5, Revision 4.2			
	Atomic Absorption; Direct			3111 B	
	Atomic Absorption; Furnace			3113 B	
	Inductively Coupled Plasma			3120 B	
Manganese	Axially viewed inductively coupled plasma-atomic emission spectrometry (AVICP–AES)	200.5, Revision 4.2			
	Atomic Absorption; Direct			3111 B	
	Atomic Absorption; Furnace			3113 B	
	Inductively Coupled Plasma			3120 B	
Odor	Threshold Odor Test			2150 B	
Silver	Axially viewed inductively coupled plasma-atomic emission spectrometry (AVICP–AES)	200.5, Revision 4.2			
	Atomic Absorption; Direct			3111 B	
	Atomic Absorption; Furnace			3113 B	
	Inductively Coupled Plasma			3120 B	
Sulfate	Ion Chromatography			4110 B	
	Gravimetric with ignition of residue			4500-SO_4^{-2} C	4500-SO_4^{-2} C-97
	Gravimetric with drying of residue			4500-SO_4^{-2} D	4500-SO_4^{-2} D-97
	Turbidimetric method			4500-SO_4^{-2} E	4500-SO_4^{-2} E-97

	Automated methylthymol blue method			4500-SO_4^{-2} F	4500-SO_4^{-2} F-97
Total Dissolved Solids	Total Dissolved Solids Dried at 180 deg C			2540 C	
Zinc	Axially viewed inductively coupled plasma-atomic emission spectrometry (AVICP–AES)	200.5, Revision 4.2			
	Atomic Absorption; Direct Aspiration			3111 B	
	Inductively Coupled Plasma			3120 B	

[1] Standard Methods for the Examination of Water and Wastewater, 21st edition (2005). Available from American Public Health Association, 800 I Street, NW., Washington, DC 20001-3710.

[2] EPA Method 200.5, Revision 4.2. "Determination of Trace Elements in Drinking Water by Axially Viewed Inductively Coupled Plasma-Atomic Emission Spectrometry." 2003. EPA/600/R-06/115. (Available at http://www.epa.gov/nerlcwww/ordmeth.htm.)

[3] Standard Methods Online are available at http://www.standardmethods.org. The year in which each method was approved by the Standard Methods Committee is designated by the last two digits in the method number. The methods listed are the only online versions that may be used.

[4] Available from ASTM International, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959 or http://astm.org. The methods listed are the only alternative versions that may be used.

[5] Method D99-003, Revision 3.0. "Free Chlorine Species ($HOCl^-$ and OCl^-) by Test Strip," November 21, 2003. Available from Industrial Test Systems, Inc., 1875 Langston St., Rock Hill, SC 29730.

[6] Standard Methods for the Examination of Water and Wastewater, 20th edition (1998). Available from American Public Health Association, 800 I Street, NW., Washington, DC 20001-3710.

[FR Doc. E8–12198 Filed 6–2–08; 8:45 am]
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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[EPA–R03–RCRA–2008–0256; FRL–8574–7]

Virginia: Final Authorization of State Hazardous Waste Management Program Revision; Withdrawal of Immediate Final Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Withdrawal of immediate final rule.

SUMMARY: EPA is withdrawing the immediate final rule for Virginia: Final Authorization of State Hazardous Waste Management Program revision published on April 3, 2008, which authorized changes to Virginia's hazardous waste program under the Resource Conservation and Recovery Act (RCRA). EPA stated in the immediate final rule that if EPA received written comments that oppose this authorization during the comment period, EPA would publish a notice of withdrawal in the **Federal Register** prior to the effective date of June 2, 2008. Since EPA did receive a comment that opposes this authorization, EPA is withdrawing the immediate final rule. EPA will address these comments in a subsequent final action based on the proposed rule also published on April 3, 2008 at 73 FR 18229.

DATES: As of June 3, 2008, EPA withdraws the immediate final rule published on April 3, 2008 at 73 FR 18172.

FOR FURTHER INFORMATION CONTACT: Thomas UyBarreta, Mailcode 3WC21, RCRA State Programs Branch, U.S. EPA Region III, 1650 Arch Street, Philadelphia, PA 19103–2029.

SUPPLEMENTARY INFORMATION: Because EPA received written comments that oppose this authorization, EPA is withdrawing the immediate final rule for Virginia: Final Authorization of State Hazardous Waste Management Program Revision published on April 3, 2008 at 73 FR 18172, which authorized changes to Virginia's hazardous waste program. EPA stated in the immediate final rule that if EPA received written comments that oppose this authorization during the comment period, EPA would publish a notice of withdrawal in the **Federal Register** prior to the effective date of June 2, 2008. Since EPA received comments that oppose this action, today EPA is withdrawing the immediate final rule. EPA will address the comments received during the comment period in a subsequent final action based on the proposed rule also published on April 3, 2008. EPA will not provide for additional public comment during the final action.

Dated: May 22, 2008.

William T. Wisniewski,

Acting Regional Administrator, Region III.

[FR Doc. E8–12377 Filed 6–2–08; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

49 CFR Part 195

[Docket ID PHMSA–RSPA–2003–15864]

RIN 2137–AD98

Pipeline Safety: Protecting Unusually Sensitive Areas From Rural Onshore Hazardous Liquid Gathering Lines and Low-Stress Lines

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), U.S. Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: PHMSA is amending its pipeline safety regulations to extend added protection to certain environmentally sensitive areas that could be damaged by failure of a rural onshore hazardous liquid gathering line or low-stress pipeline. Building on PHMSA's existing regulatory framework, the rule is intended to protect designated ''unusually sensitive areas'' (USAs)—locations requiring extra protection because of the presence of sole-source drinking water, endangered species, or other ecological resources. This rule defines ''regulated rural onshore hazardous liquid gathering lines'' and requires operators of these lines to comply with safety requirements that address the most common threats to the integrity of these pipelines: Corrosion and third-party damage. In accordance with the Pipeline Inspection, Protection, Enforcement and Safety (PIPES) Act of 2006, the rule also significantly narrows the regulatory exception for rural onshore low-stress hazardous liquid pipelines by extending all existing safety regulations, including integrity management requirements, to large-diameter low-stress pipelines within a defined ''buffer'' area around a USA. The final rule requires operators of these, and all other low-stress pipelines, to comply with annual reporting requirements, furnishing data needed for further rulemaking required by the PIPES Act.

EFFECTIVE DATE: July 3, 2008.

FOR FURTHER INFORMATION CONTACT: Lane Miller by phone at (405) 954–4969 or by e-mail at *Lane.Miller@dot.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

PHMSA published a Notice of Proposed Rulemaking (NPRM) (71 FR 52504; September 6, 2006) proposing to extend pipeline safety regulations to rural onshore hazardous liquid gathering lines and rural onshore hazardous liquid low-stress pipelines located in or within a quarter mile of previously-defined ''unusually sensitive areas'' (See § 195.6). Unusually sensitive areas (USAs) that are in non-populated areas need extra protection because they contain sole-source drinking water, endangered species, or other ecological resources that could be adversely affected by accidents or leaks from hazardous liquid pipelines. There is no universal definition of either gathering lines or low-stress pipelines. For purposes of safety regulation, PHMSA defines gathering lines by reference to diameter and function and low-stress pipelines by reference to the stress level at which they operate (see § 195.2).

With limited exceptions, pipelines operating at low-stress in rural areas and onshore gathering lines in rural areas have not been regulated under Federal safety regulations for hazardous liquid pipelines (49 CFR part 195). Section 195.2 defines a ''rural area'' as outside the limits of any incorporated or unincorporated city, town, village, or any other designated residential or commercial area, such as a subdivision, a business or shopping center, or community development. Low-stress pipelines in these areas have been regulated only if they cross commercially navigable waterways (§ 195.1(b)(i)(C)); in the case of rural gathering lines, only limited requirements (inspection and burial (§ 195.1(b)(4)) have applied and only to onshore gathering lines located in Gulf of Mexico inlets.

The proposed rule would have defined ''regulated rural onshore gathering lines'' and ''regulated rural onshore low-stress lines'' and would have required operators of such pipelines to comply with a threat-focused set of requirements in part 195. The safety requirements proposed to be applied addressed the most common threats to the integrity of these rural lines: Corrosion and third-party damage. The proposal was intended to provide additional integrity protection, to prevent significant adverse environmental consequences, and to

enhance public confidence in the safety of these rural pipelines.

Before PHMSA issued the NPRM, Congress adopted the Pipeline Inspection, Protection, Enforcement, and Safety Act of 2006 (PIPES Act), which the President signed into law on December 29, 2006 (Pub. L. 109–468). Section four of the PIPES Act (codified at 49 U.S.C. 60102) requires PHMSA to ''issue regulations subjecting low-stress hazardous liquid pipelines to the same standards and regulations as other hazardous liquid pipelines.'' The Act expressly provides that the new regulations may be phased in.

The threat-focused set of requirements PHMSA proposed in the NPRM, although drawn from part 195, would not have satisfied the ''same standards and regulations'' requirement in the PIPES Act. PHMSA concluded it would be inefficient to finalize that proposal without change and then later impose the rest of the Part 195 requirements. PHMSA noted that the rural low-stress pipelines covered by the NPRM are those where additional safety regulation is most important—larger-diameter pipelines that can have adverse impacts on unusually sensitive areas. PHMSA therefore concluded that the most appropriate means of implementing the PIPES Act mandate was to extend full regulation to the higher-risk, larger-diameter rural low-stress pipelines in this initial phase, followed by regulation of all smaller diameter low-stress pipelines and larger-diameter pipelines located outside of the defined ''buffer'' area.

PHMSA presented its plan for phased rulemaking to the Technical Hazardous Liquid Pipeline Safety Standards Committee (THLPSSC) in January 2007. For low-stress pipelines, PHMSA recommended that regulations be developed in two phases and explained that in phase one it would extend all of part 195 to those higher risk, rural low-stress pipelines addressed in the NPRM and in phase two would address those remaining unregulated rural low-stress pipelines. This phased approach will allow PHMSA to bring the higher-risk pipelines under immediate regulation while gathering more comprehensive data for later rulemaking concerning the lower-risk unregulated rural pipelines.

To implement phase one, PHMSA modified its NPRM via a supplemental notice of proposed rulemaking (SNPRM) that proposed to apply all part 195 requirements to any rural low-stress pipeline with a nominal diameter of 8⅝ inches or more and located in or within one-half mile of a USA. This buffer area was increased from one-quarter to one-half mile based upon comments from the NPRM. PHMSA published the SNPRM (72 FR 28008; May 18, 2007).

II. Rural Onshore Hazardous Liquid Gathering Lines

Proposed Changes

Congress gave DOT specific authority to define gathering lines for purposes of safety regulation, and to regulate a class of rural gathering lines called ''regulated gathering lines'' (49 U.S.C. 60101(a)(21) and 60101(b)). This authority directed DOT to consider functional and operational characteristics in defining gathering lines. Further direction was to consider such factors as location, length of line, operating pressure, throughput, and gas composition in deciding which rural lines warrant regulation. In its report on H.R. 1489, a bill that led to the Pipeline Safety Act of 1992, the House Committee on Energy and Commerce said ''DOT should find out whether any gathering lines present a risk to people or the environment, and if so how large a risk and what measures should be taken to mitigate the risk'' (See H.R. Report No. 102–247–Part 1, 102d Cong., 1st Sess., 23 (1991)). In PHMSA's view, Congress wanted to limit ''regulated gathering lines'' to lines posing a significant risk and to limit regulation by using a risk-based approach for areas where the consequences of a pipeline failure would be the greatest. DOT subsequently revised its regulations in part 195 to cover hazardous liquid gathering lines in non-rural areas.

The rural onshore hazardous liquid gathering lines PHMSA proposed to regulate in the September 6, 2006 NPRM are those that present the greatest risk to the environment. The NPRM proposed to add a new § 195.11(a) to define a ''regulated rural gathering line'' as a rural onshore gathering line with the following characteristics:

- A nominal diameter between 6⅝ inches and 8⅝ inches;
- Operates at a maximum operating pressure established under § 195.406 that corresponds to a stress level greater than 20 percent of the specified minimum yield strength (SMYS) or, if the stress level is unknown or the pipeline is not constructed with steel pipe, at a pressure of more than 125 pounds per square inch (psi) gage; and
- Is located in or within a quarter mile of an unusually sensitive area as defined in § 195.6.

In the NPRM, PHMSA further proposed that rural gathering lines meeting these criteria would have to comply with a focused set of requirements in part 195 that would address the principal risks posed by these rural pipelines.

The PIPES Act did not affect this proposal. The subsequent SNPRM did not change what had been proposed in the NPRM with respect to these rural gathering lines.

Comments on the NPRM

PHMSA received comments from 22 organizations in response to the NPRM for rural hazardous liquid gathering lines. These included two pipeline operators, one consultant providing services to pipeline operators, eleven trade associations and related organizations, and eight public interest groups involved in pipeline safety.

Scope

As described above, PHMSA proposed applying regulatory requirements to rural gathering lines located in or within a quarter mile of a USA using a risk-based approach on those areas where the consequences of a pipeline failure would be the greatest. A number of commenters suggested changes, discussed below, to the scope of the proposed rule. PHMSA has not made any changes in the final rule in response to these comments.

a. *Effect on production facilities.* Some commenters sought clarification about whether the proposed changes would affect production facilities. Several commenters, including several associations representing petroleum producers, suggested that a clearer definition of ''production facility'' is needed to confirm that crude oil producers are not subject to the regulations. The Western States Petroleum Association, supported by the American Petroleum Institute (API) and the California Independent Petroleum Association (CIPA), requested clarification on the applicability of the new requirements to flow lines.

Response

PHMSA does not have statutory authority to regulate production facilities. ''Production facility'' has long been defined in § 195.2, and PHMSA did not propose to change the definition in the NPRM. Therefore, revising the definition is beyond the scope of this rulemaking. Further, it is commonly understood within industry and by regulators that flow lines are part of production facilities. The regulations in part 195 do not apply to any portion of production facilities.

b. *Alternative bases.* Some commenters questioned the use of a USA as a basis for determining the scope of the proposed rule. The North Slope Borough (Alaska) Planning

Department suggested that part 195 requirements should apply to all North Slope pipelines. The Department also suggested that PHMSA revise the definition of a USA. In addition, the Ohio Oil and Gas Association (OOGA) requested clarification to ensure the proposed regulations do not include pipelines within a quarter mile of individual residential water wells absent other triggering features.

Response

The rule applies safety regulations to those portions of rural gathering lines (and rural low-stress pipelines as discussed further below) where leaks can cause the most significant damage. In regulating pipelines based on risk, PHMSA does not have a basis for extending regulation to other unregulated rural gathering lines. PHMSA does not have regulatory authority over all types of production operations conducted on the North Slope. This rule regulates rural gathering lines, which are not present on the North Slope based upon the current production operation designs. Therefore, the rural gathering line provisions in this final rule do not apply to the production operations on the North Slope.

The clarification requested by OOGA is unnecessary. PHMSA proposed to regulate rural onshore gathering lines based on their proximity to USAs. USAs are defined in § 195.6. Section 195.6(a) defines drinking water sources; individual residential wells are not included in this definition. Neither the NPRM nor the SNPRM proposed changes to the USA definition to include such wells. Any changes to the definition of a USA are beyond the scope of this rulemaking.

c. *Volume throughput.* The Alaska Department of Environmental Conservation (ADEC) suggested that PHMSA include volume throughput as a contributing factor, along with location and size, in classifying pipelines for purposes of establishing risk and determining the appropriate regulatory regime.

Response

PHMSA has decided to use operating stress level and size of a gathering line as opposed to volume throughput for the purposes of establishing the correlation of risk and consequence to a USA. Volume throughput can fluctuate considerably on a daily basis depending on the operation of a pipeline. Stress level and size does correlate to volume but stress level is an understood pipeline characteristic in the pipeline industry. Therefore, PHMSA did not include a throughput criterion.

d. *Drug and alcohol testing.* The Pipeline Testing Consortium, Inc. (PTC) commented that drug and alcohol testing is not listed as one of the applicable safety requirements.

Response

Drug and alcohol testing requirements are contained in 49 CFR part 199. Section 199.1 states that they apply to operators of all facilities subject to part 192, 193, or 195. Since the gathering lines that will become regulated under this final rule are now ''subject to'' part 195, no further change is needed to ensure the applicability of drug and alcohol testing requirements.

Buffer for Rural Onshore Gathering Lines

The NPRM proposed to define a regulated rural onshore gathering line as one meeting certain criteria and located in or within a quarter mile of a USA. A number of comments addressed the adequacy of the quarter mile buffer.

Industry commenters supported the use of the buffer, noting that analysis has shown that a quarter mile buffer will encompass most releases that could affect a USA, and that use of a buffer will pose less of a burden than a requirement for operators to determine, through comprehensive analysis, which pipeline segments could affect a USA. Taking a contrary position, Cook Inlet Regional Citizens Advisory Council (CIRCAC) noted that the buffer fails to address the potential for spilled hazardous liquids to move to environmentally-sensitive areas through water or watersheds from farther than a quarter mile away and would thus fail to include some pipelines that could affect a USA.

Response

PHMSA agrees that using a pre-defined buffer to determine which rural gathering lines will be regulated may except some rural gathering line segments that could affect USAs. Nevertheless, PHMSA's experience with oversight of ''could affect'' determinations for hazardous liquid pipelines under integrity management requirements has shown that these analyses are quite difficult and resource intensive.[1] Data available to PHMSA shows the largest spill on land traveled no more than two acres from the site of failure. This data, coupled with the relatively lower pressure and smaller diameter of gathering lines, leads us to conclude that a quarter mile buffer is adequate to encompass most pipelines that could affect a USA. We are using a buffer approach to focus on the pipelines that pose the most significant risk and to reduce the burden on these operators to determine which of their pipelines are subject to regulation. It would be unnecessarily burdensome to require all operators of these pipelines to perform complete ''could affect'' analyses when it is unlikely such analyses would result in much additional pipe becoming regulated.

Actions Required for Regulated Rural Gathering Lines

The NPRM proposed that regulated rural gathering lines comply with a set of requirements that focused on the most significant risks to these pipelines—corrosion and third-party damage. The NPRM further proposed that operators continuously monitor their pipelines to identify and remediate any changes in operating conditions that could necessitate cleaning the lines and accelerate their corrosion control program as needed. Several commenters questioned the proposed required actions or suggested that additional actions would be appropriate.

a. *Continuous monitoring.* API commented that the proposed requirement to continuously monitor regulated gathering lines for corrosion was unnecessary because the existing regulations adequately address corrosion and that it was unclear what additional monitoring is needed.

Response

We have clarified what we intended by the proposed requirement for ''continuous monitoring''. In the final rule we are requiring that operators identify operating conditions that might require cleaning the pipeline or using other measures, such as inhibitors, to prevent conditions that may lead to internal corrosion (*e.g.* , the build-up of solids). Gathering lines, by their nature, carry crude oil that typically contains contaminants or impurities such as basic sediment and water. These contaminants do not cause a problem where the oil is traveling at high velocities in the pipeline. Under this condition, these contaminants do not separate from the fluid stream and settle on the bottom of the pipe. If the velocity of the fluid stream slows down, these impurities can drop out of the oil which can potentially result in internal

[1] Part 195 uses the phrase ''could affect a high consequence area'' to identify pipelines subject to integrity management rules (§ 195.452). Section I.B. of Appendix C to part 195 lists various risk factors, such as topography and shutdown ability, an operator can use in deciding if a pipeline ''could affect a high consequence area.''

corrosion. PHMSA considers that monitoring operating conditions and running cleaning pigs as appropriate will decrease the likelihood of internal corrosion.

b. *Minimum standards for maintenance*. ADEC commented that the regulations should establish minimum standards for maintenance pigging frequency and other maintenance operations designed to prevent a spill. ADEC also suggested that the regulations should require monitoring and recording of corrosion rates through the use of weight-loss coupons or comparable technology.

Response

The requirement to monitor conditions and take additional actions to address potential internal corrosion as needed is new. It also addresses ADEC's concern about the minimum frequency of maintenance pigging and other activities to prevent a spill. PHMSA does not consider it practical to establish a one-size-fits-all minimum frequency for these activities, since the frequency at which they are needed varies considerably for different pipeline conditions. A requirement that operators monitor their conditions and implement actions as appropriate to prevent or mitigate internal corrosion is more appropriate than specified minimum frequencies for maintenance operations.

c. *Integrity management requirements*. CIRCAC noted that we did not propose any integrity management requirements for rural gathering lines.

Response

The integrity management requirements are not necessary for rural gathering lines. PHMSA's experience indicates that the most significant threats to these pipelines are third-party damage and corrosion. The requirements we are imposing on these pipelines address those threats. Imposing integrity management requirements would require operators to perform individual risk analyses. This analysis entails a foot by foot evaluation of threats to the pipeline taking into account the topography on both sides of the pipeline, the volume transported, the diameter of the pipeline, the type of pipe, and the pressure in the pipeline and the impact of the release. Our experience does not support the need to impose such a burden. Instead, we have considered the risk to these pipelines, identified the applicable threats and required the measures that best address these threats. These measures include developing a damage prevention program, complying with the corrosion control requirements of subpart H, and monitoring and mitigating conditions that could lead to internal corrosion.

Economic Impact

Several commenters, including a number of associations representing petroleum producers, noted that rural gathering lines are generally low revenue pipelines. They contended that some of the proposed compliance measures will be cost-prohibitive and will cause operators to abandon these pipelines.

Response

PHMSA does not intend to cause the unnecessary abandonment of pipelines providing valuable contributions to the U.S. energy supply. For gathering lines that will become regulated under this rule, the safety regulations imposed represent a minimal set of requirements that focus on the most significant threats to these pipelines. While they may impose some additional burden, PHMSA considers this threat-focused set of requirements necessary to assure adequate safety.

Reporting and Data Gathering

Cook Inlet Keeper commented that data collection requirements for rural gathering lines have been inadequate and supported the proposal that operators of these gathering lines follow the reporting requirements of subpart B.

Response

The final rule makes the reporting requirements of part 195, subpart B, applicable to those rural gathering lines meeting the definition of a regulated rural gathering line.

III. Rural Onshore Hazardous Liquid Low-Stress Pipelines

Proposed Changes

The NPRM proposed adding a new § 195.12(a) to define a ''regulated rural low-stress line'' as an onshore pipeline in a rural area meeting the following criteria:

- A nominal diameter of 8⅝ inches or more;
- Located in or within a quarter mile of a USA as defined in § 195.6; and
- Operating at a maximum pressure established under § 195.406 that corresponds to a stress level equal to or less than 20 percent of SMYS, or if the stress level is unknown or the pipeline is not constructed with steel pipe, a pressure equal to or less than 125 psi (861 kPa) gage.

For these rural low-stress pipelines PHMSA proposed to apply a threat-focused set of requirements in part 195. Most comments received regarding this proposal were addressed in the SNPRM and are not further discussed here.

As discussed above, section four of the PIPES Act requires PHMSA to ''issue regulations subjecting low-stress hazardous liquid pipelines to the same standards and regulations as other hazardous liquid pipelines''. To address this mandate PHMSA issued a SNPRM proposing to extend all part 195 requirements to rural low-stress pipelines meeting certain criteria. This is phase one of PHMSA's phased approach to implementing the mandate. Phase one addresses the larger-diameter, higher-risk, rural low-stress pipelines that could pose a greater threat to USAs. This phase will also help capture the data PHMSA needs before it can extend part 195 coverage to all other unregulated, rural low-stress pipelines in phase 2.

The SNPRM:

- Revised the proposed definition to include rural low-stress pipelines in or within a half mile of a USA,
- Applied to pipelines meeting the listed criteria of all requirements of part 195 rather than the threat-focused set of requirements proposed in the NPRM,
- Allowed operators to conduct ''could affect'' analyses of which pipeline segments could affect a USA in lieu of the buffer for application of the integrity management requirements of § 195.452, and
- Allowed operators of pipelines meeting specified criteria to notify PHMSA if they would incur an excessive economic burden in complying with the integrity management assessment requirement. PHMSA proposed to stay compliance with the integrity management assessment requirements while it reviewed the notification. Based on the outcome of the review, PHMSA proposed to grant the operator a special permit imposing alternative safety requirements in lieu of an assessment.

The SNPRM also proposed to extend subpart B reporting requirements to operators of all unregulated low-stress pipelines. PHMSA explained that this was necessary so that it would have accurate and complete data about these types of pipeline operations for phase two of its low-stress pipeline rulemaking.

Comments on the SNPRM and NPRM (to the Extent not Addressed in the SNPRM)

PHMSA received comments from ten organizations in response to the SNPRM. These included one pipeline operator, six trade associations and related organizations, and three public

interest groups involved in pipeline safety.

Buffer

a. *Buffer size.* Several trade associations challenged our proposal to increase from a quarter to a half mile the buffer used to determine which rural low-stress pipelines will be subject to regulation. The commenters noted that PHMSA stated in the SNPRM that it considered a quarter mile to be adequate but had increased the buffer for conservatism and to address concerns of public interest groups. The commenters further noted that none of these groups provided any technical basis for a particular buffer size and stated that they believe expanding the buffer to a half mile is unwarranted.

Response

As described above, the PIPES Act requires that all rural low-stress pipelines be subject to all the safety requirements in part 195. This requirement largely renders moot disagreements about the size of the buffer used here. In the final rule, as was proposed in the SNPRM, PHMSA has doubled the size of the buffer, to a half mile, for added conservatism. For phase one, we are approximating the could-affect analysis by using a buffer to provide a reasonable means of identifying most of the pipelines that could affect USAs. This increase in the buffer size from one-quarter to one-half mile increases the estimated amount of low-stress pipelines covered in this final rule from 694 miles to 803 miles.

b. *Buffer vs. analysis.* Cook Inlet Keeper again objected to the use of a buffer approach in lieu of detailed could-affect determinations. Cook Inlet Keeper further objected to the option for operators to use could-affect determinations to reduce the scope of pipeline covered by integrity management requirements in the absence of an analogous means to increase the scope of coverage where pipeline segments more than a half mile from a USA could have an effect in the event of a leak.

Response

For phase one, the buffer is the first step in applying part 195 requirements to all rural low-stress pipelines. For this phase, PHMSA considers it appropriate to increase the size of the buffer to be used for bringing rural low-stress pipelines under regulation as a response to the expressed concerns of the public interest groups and Congress. PHMSA also notes that this final rule allows operators to analyze their pipelines to determine which segments could affect USAs for purposes of application of integrity management requirements. This could-affect analysis could result in a larger or smaller area than the half mile buffer. As PHMSA has done with other integrity management inspections, these analyses will be scrutinized for adequate supporting technical justification and appropriate consideration of risk factors.

Reporting Requirements

a. *Lack of integrity management data.* The Independent Producers Association of America (IPAA), the Independent Petroleum Association of Mountain States (IPAMS), and API objected to the proposal to apply all the reporting requirements in subpart B to those rural low-stress pipelines that will be considered in the phase two rulemaking. These associations suggested PHMSA require only infrastructure information for these currently non-regulated pipelines until phase two is implemented, because operators are not required to implement integrity management requirements on these pipelines and would lack the associated data for annual and incident reports. Cook Inlet Keeper supported requiring operators of all low-stress pipelines to report their incidents and safety-related conditions but took no position on data related to integrity management.

Response

Parts J and K of the annual report form require reporting of data derived from integrity management assessments. PHMSA recognizes that operators will not have integrity management information on pipelines to which integrity management requirements are not applicable. We have modified the new § 195.48 so that operators of low-stress pipelines do not have to complete parts J and K of the annual report form, or to report mileage in high consequences areas,[2] unless they are also subject to integrity management requirements. However, all operators of low-stress pipelines must report incidents and safety-related conditions.

b. *Effective dates for reporting.* API noted the range of proposed dates for complying with the reporting requirements differed between proposed sections 195.12(b)(1), where it was stated as 6–12 months, and 195.48 where it was stated as 6–9 months. Cook Inlet Keeper supported the proposed implementation timeframes but made no choices for particular values within the ranges proposed.

Response

In the SNPRM, we solicited comments on a range of potential implementation timeframes for reporting requirements and received no comments on which time period was appropriate. PHMSA will require that reporting begin six months after the effective date of the final rule. This date was included in the range suggested in both sections cited by API, and PHMSA believes it affords operators reasonable time to make necessary changes in internal data collection and processing procedures.

Economic Burden

Several organizations noted that the increased burden to conduct integrity management assessments could cause operators of some pipelines associated with marginal and ''stripper'' wells to cease operation, causing loss of oil supply or use of more costly and more-risky truck transport. To address these comments, PHMSA proposed a procedure under which operators serving such wells could obtain relief from the integrity management assessment requirement. The SNPRM proposed to limit this procedure to operators of rural low-stress pipelines serving production facilities and operating at a flow rate lower than or equal to 14,000 barrels per day. The operator of such a pipeline could notify PHMSA of its intent to abandon the pipeline because of the economic burden associated with the integrity management assessment requirements. PHMSA would stay the integrity management assessment requirements pending review of such notification and, based on the analysis of the notification, could grant the operator a special permit to allow continued operation of the pipeline while also assuring safety through alternative safety requirements.

API and SemCrude (a pipeline operator) suggested that the economic burden notification provision be made available to all low-stress pipelines by eliminating the criterion that a pipeline must carry crude oil from a production facility. Independent Petroleum Association of New Mexico (IPANM) supported the proposed exemption from the inline inspection requirements for pipelines with less than 14,000 barrels per day flow rate because of the potential loss of energy supply if wells were abandoned. API and AOPL recommended that PHMSA prepare a guidance document describing the factors it intends to consider in its review of economic burden notifications. IPA, IPAMS, and Cook

[2] High consequence areas are defined in 49 CFR 195.450.

Inlet Keeper supported the proposed notification requirement, with Cook Inlet Keeper noting that it proposes ''a reasonable approach to ensure that PHMSA's rule will not result in loss of a critical energy supply.''

Response

PHMSA did not propose an exemption from compliance. Rather, in the SNPRM, PHMSA proposed to allow operators of pipelines meeting specified criteria to notify PHMSA that an integrity management assessment would be too economically burdensome and to have their particular circumstances considered. In these limited instances, after consultation with the Department of Energy (DOE), we intended to issue a special permit that would require other, less economically burdensome safety requirements in lieu of an assessment.

We have included this provision in the final rule. This provision is intended to address impacts on producing wells that are only marginally economical. Operation of these wells would be affected if the pipeline serving them is shut down because of an economic inability to comply with the assessment requirements. The result would be a loss to U.S. energy supply of oil from shutting these wells or an adverse impact on safety by a shift to another form of transportation (*e.g.* , trucks). As such, the concern is specifically limited to pipelines that carry crude oil from production facilities. We recognize that the final rule will impose further economic burden on those operators of rural low-stress pipelines that have not previously been subject to PHMSA's regulations and oversight. In most cases, this will not be a factor. As PHMSA explained in the SNPRM, we believe most of the rural low-stress pipelines that will be subject to the final rule are held by large operators, which are already complying with the requirements of part 195. In addition, in keeping with the PIPES Act, we consider the regulatory burden justified by the increased safety and environmental protection that will result from implementation of the final rule.

PHMSA believes that API and AOPL requested guidelines because the SNPRM did not include the types of information PHMSA wants operators to provide in the notification. Therefore, PHMSA has added in this final rule a list of the topics that must be addressed when notifying us of an economic burden in § 195.12(c)(2). PHMSA will consider the need for additional guidance as experience is gained in evaluating these notifications.

Scope

a. *USA as basis.* The North Slope Borough Planning Department recommended, as they did for rural gathering lines, that part 195 regulations apply to all the pipelines on the North Slope. The North Slope Borough Planning Department also recommended that PHMSA expand the USA definition.

Response

This rulemaking is the first phase that brings a portion of rural low-stress pipelines under regulation. As discussed above, PHMSA is acting in phases to meet the statutory mandate that all low-stress pipelines be made subject to safety regulations. Future phases will make all low-stress pipelines on the North Slope subject to regulation. No change in the USA definition is needed to accomplish this.

b. *Residential wells.* The OOGA sought assurance that the definition of regulated rural low-stress pipelines applies only to hazardous liquid pipelines. The OOGA also requested clarification that the proposed regulations are not meant to include pipelines within a quarter mile of individual residential water wells, absent other triggering features.

Response

The definition of regulated rural low-stress pipelines is included in part 195. Part 195 is applicable only to hazardous liquid pipelines. This definition therefore has no effect on other types of pipelines. OOGA's comment concerning residential wells applied to both gathering lines and low-stress pipelines and has been addressed in the gathering line discussion above.

c. *Potential for jurisdictional confusion.* The Oklahoma Independent Petroleum Association (OIPA) suggested that PHMSA provide additional clarification about which pipelines are subject to the SNPRM to prevent confusion within the regulated industry and among state regulatory agencies and to prevent the requirements from being inadvertently applied to gathering lines. Additionally, IPAA and IPAMS noted that some confusion may still exist in the SNPRM concerning applicability of some requirements to gathering systems. API suggested that to avoid confusion between rural gathering lines covered under § 195.11 and rural low-stress pipelines covered under § 195.12, we include a nominal diameter greater than 8⅝ inches as a criterion defining regulated rural low-stress pipelines.

Response

We do not think further clarification is needed in the final rule. We are not adopting API's recommendation to define a low-stress pipeline as a pipeline with a nominal diameter greater than 8⅝ inches. *Gathering line* is defined in § 195.2 to be a pipeline of 8⅝ inches or less nominal outside diameter that transports petroleum from a production facility. The key characteristic is coming from a ''production facility.'' A pipeline that comes from a production facility that is greater than 8⅝ inches in diameter is not a gathering line, but a pipeline in transportation. If this type of line operates at a pressure that is less than 20% SMYS, it would be subject to the requirements proposed for low-stress pipelines. There are also pipelines that are upstream of refining that do not come from a production facility and are pipelines in transportation. If these pipelines are greater than 8⅝ inches and operate at a pressure that is less than 20% SMYS, they also would be subject to the requirements proposed for rural low-stress pipelines.

IV. Comments Outside the Scope of This Rulemaking

Several commenters raised issues beyond the scope of the NPRM or SNPRM.

ADEC suggested we include in § 195.452, a specific requirement to periodically measure and record the wall thickness of each pipeline and establish in the regulations a minimum pipe wall ''fit for service'' standard. ADEC also suggested that the regulations should require evaluation of flow rates, water content, sediment, and upset conditions as part of the integrity assessment proposed in the NPRM.

API recommended that the repair criteria in § 195.452(h) be revised to relax the requirement to repair dents without metal loss. API states that dents operating at such low pressures pose a much lower risk of failure.

API and Bridger Pipeline LLC suggested that ''petroleum storage'' be added to the list of facilities in proposed § 195.1(b)(4) so that short (*i.e.*, less than one mile long) low-stress pipelines serving such facilities would be excluded from regulation. In support of its comment, API noted that the logic used in a 1997 rulemaking to establish the other exclusions contained in § 195.1(b)(4) applies equally well to pipelines serving petroleum storage facilities.

Response

Each of these comments addresses issues which were not proposed in the

NPRM or SNPRM, and thus were not subject to public comment. Therefore, we have not incorporated any of these changes into the final rule.

With respect to ADEC's comments, the NPRM included limited requirements for integrity assessment for rural low-stress pipelines as an alternative to the requirements of § 195.452. In the SNPRM, PHMSA proposed to substitute the full integrity assessment requirements of § 195.452. The integrity assessment requirements of § 195.452, imposed on low-stress pipelines by § 195.12(b)(2) of this final rule, will result in the same type of analysis as ADEC suggests without the need for modifying § 195.452.

API's and Bridger Pipeline's comment applies to a paragraph included in a revision of § 195.1 describing the overall applicability of part 195. The purpose of the revision in the NPRM was for clarity and proposed no substantive changes other than to add the pipelines addressed in this rulemaking. The proposed revision to § 195.1 was repeated in the SNPRM without change. We have not made any further changes to § 195.1, beyond those proposed, that would change the scope of part 195.

V. Advisory Committee

On July 24, 2007, PHMSA convened, via telephone conference, a meeting of the THLPSSC, which is a statutorily mandated advisory committee that advises PHMSA about the technical feasibility, reasonableness and cost-effectiveness of its proposed regulations.

The purpose of the meeting was to request the committee to vote on the proposed rules as presented in the NPRM for rural hazardous liquid gathering lines and in the SNPRM for rural low-stress hazardous liquid pipelines. PHMSA discussed some of the key comments received in response to the NPRM (a quarter mile buffer zone and ''continuous monitoring'' for operators with rural onshore gathering lines) and also to the SNPRM (half mile buffer zone and the notification process for operators with rural onshore low-stress pipelines). These comments have been previously discussed in this document.

Some members of the committee were concerned that the rulemaking does not cover all rural low-stress pipelines and does not meet the mandate from the PIPES Act to have regulations for low-stress pipelines in place a year from its enactment. The PIPES Act allows PHMSA to phase in the regulations for low-stress pipelines. PHMSA presented to the committee in January 2007 its plan to approach regulating rural low-stress pipelines in two phases. In this initial phase, PHMSA is implementing full regulation of the higher-risk, larger-diameter rural low-stress pipelines. PHMSA has not yet proposed adding requirements to rural low-stress pipelines not addressed in the SNPRM.

A few members of the committee expressed a concern that the proposed regulations did not require the operator of a rural low-stress pipeline to conduct an analysis of the pipeline to determine which pipeline segments ''could affect'' a USA. As discussed earlier, PHMSA concludes that the ''buffer'' approach that includes low-stress pipelines within a half mile of a USA captures the pipeline segments that could affect USAs. The buffer is intended to approximate the could-affect analyses based on the risk factors most common for these rural low-stress pipelines. We have given operators the option of using a could-affect analysis to determine the exact size of the could-affect area.

During the meeting, committee members addressed the API comment that the repair criteria in § 195.452(h) be revised to relax the requirement to repair dents without metal loss, stating that dents operating at such low pressures pose a much lower risk of failure. As discussed previously, this change to the regulations is beyond the scope of this rulemaking proceeding. PHMSA plans to review these criteria as we move into the phase two rulemaking for rural low-stress pipelines.

After careful consideration, the THLPSSC voted unanimously to find the NPRM, SNPRM, and supporting regulatory evaluations technically feasible, reasonable, practicable, and cost effective. A transcript of the teleconference is available in Docket ID PHMSA–RSPA–2003–15864.

VI. Final Rule

The final rule revises 49 CFR part 195 to bring the higher risk, large diameter rural onshore gathering lines and low-stress pipelines under its coverage. The final rule also revises the statement of the scope of part 195 for clarity and revises the instructions for sending notifications related to integrity management assessments to change the mailing address (due to DOT headquarters recent move) and to add an option to submit the notification via the Internet.

Section-by-Section Analysis

Section 195.1 Which pipelines are covered by this part?

Part 195 has been revised numerous times over the years. These changes have often included changes to the pipelines covered or excluded as described in § 195.1. As a result of these piecemeal changes, this section became somewhat confusing. We have revised this section to provide more clarity.

This section identifies the scope of hazardous liquid pipelines to which part 195 requirements apply. Section 195.1(b) includes a list of particular types of pipelines that are exempted from the requirements of part 195.

This rule also adds certain rural onshore gathering lines and low-stress pipelines to the list of pipelines for which part 195 is applicable. This requires a change to § 195.1 to add these pipelines to the scope. The pipelines added to the scope of part 195 are regulated rural gathering lines (defined in § 195.1(a)(4)(ii)), rural low-stress pipelines meeting specified criteria (§ 195.1(a)(5)(ii)). In addition, we have also added the reporting requirements for all rural low-stress pipelines (§ 195.1(a)(6)).

There are no other substantive changes.

Section 195.11 What is a regulated rural gathering line and what requirements apply?

This final rule adds this new section. This section defines the rural gathering lines newly subject to safety regulation (§ 195.11(a)). These are rural gathering lines from 6⅝ to 8⅝ inches in diameter that are located in or within a quarter mile of a USA as defined in § 195.6, and that operate at greater than 20 percent SMYS (or more than 125 psi (861 kPa) gage for non-steel pipe). USAs include areas requiring extra protection because of the presence of sole source drinking water, endangered species, or other ecological resources that could be damaged by oil leaks.

This section also defines the regulatory requirements applicable to regulated rural gathering lines (§ 195.11(b)) and timeframes for implementation. All new rural gathering lines meeting the criteria in paragraph (a) must be designed, installed, constructed, and tested in accordance with the requirements of part 195. The maximum operating pressure for regulated rural gathering lines must be established in accordance with the requirements of § 195.406. These pipelines must also be marked and must be addressed by a public education and a damage prevention program. Steel pipelines must be protected from corrosion in accordance with the requirements of subpart H. Operators must also develop and implement a program to continuously assess operating conditions (*e.g.*, flow rate) that could lead to internal corrosion, to clean their lines accordingly, and to begin or

modify the use of corrosion inhibitors as needed. Finally, operators must be able to demonstrate that personnel who perform activities on these pipelines are qualified for such tasks.

Section 195.12 What requirements apply to low-stress pipelines in rural areas?

This section is also newly added in this final rule. It applies to low-stress pipelines 8⅝ inches and greater in diameter that are located in, or within a half mile of, a USA as defined in § 195.6, and that operate at less than 20 percent of SMYS (or less than 125 psi (861 kPa) gage for non-steel pipe). Affected operators must comply with all requirements of part 195, as required by the PIPES Act. This section identifies the timeframes in which operators must comply with various portions of part 195 (§ 195.12(b)). The timeframes are based on PHMSA's judgment concerning how long it will take an operator to implement the requirements without imposing undue burden.

This section also includes a provision allowing operators of affected pipelines meeting certain criteria to notify PHMSA if they conclude that implementing the integrity management assessment requirements will pose such an economic burden that they would abandon their pipelines. This provision is limited to rural low-stress pipelines carrying crude oil from production facilities and where shutdown of the pipeline would cause loss of oil supply or a transition to truck transportation. PHMSA (with assistance from DOE, as appropriate) will review notifications and, if justified, may grant the operator a special permit to allow continued operation of the pipeline subject to alternative safety requirements.

This section does not apply to rural low-stress pipelines that cross a waterway used for commercial navigation because they are currently regulated under this part. This rule makes no change to the applicability of part 195 requirements to these pipelines.

Section 195.48 Scope

There has not previously been a scope section in subpart B, because all pipelines subject to part 195 were subject to all the requirements in subpart B. This section is added as part of this final rule to define the scope of pipelines now subject to subpart B reporting requirements. All pipelines that have previously been subject to part 195 must still meet all subpart B reporting requirements. In addition, all rural low-stress pipelines (including those not meeting the criteria in § 195.12(a)) must follow the reporting requirements beginning six months after the effective date of the final rule. Subpart B thus now applies to some pipelines (*i.e.*, rural low-stress pipelines not meeting the criteria of § 195.12(a)) that are not otherwise subject to part 195. This is a first step towards applying all the requirements of part 195 to all rural low-stress pipelines, as required by the PIPES Act, and is intended to generate information that will be necessary for future regulatory analysis. Rural low-stress pipelines not now subject to the other requirements of part 195 are not required to complete those portions of the annual report form that relate to integrity management requirements and inspections.

Section 195.452 Pipeline Integrity Management in High Consequence Areas

The substantive integrity management requirements in this section are not changed. The only change is to paragraph (m), which informs operators where and how to submit notifications that are required under this section. DOT headquarters has moved to a different location in Washington, DC, and the mailing address in this paragraph is changed accordingly. Paragraph (m) has also been modified to provide the option for operators to submit notifications via the Internet. PHMSA would prefer that operators use Internet submission.

VII. Regulatory Analyses and Notices

Executive Order 12866 and DOT Policies and Procedures

PHMSA considers the final rule a significant regulatory action under Section 3(f) of Executive Order 12866 (58 FR 51735; Oct. 4, 1993). The rulemaking is also significant under DOT regulatory policies and procedures (44 FR 11034: February 26, 1979). PHMSA has prepared a final Regulatory Evaluation, a copy of which has been placed in the docket.

Both rural onshore gathering lines and rural onshore low-stress pipelines will be affected by the regulatory changes included in the final rule. The following table presents the estimates of the mileage affected by the final rule.

TABLE.—SUMMARY OF AFFECTED MILEAGE

Category	Miles
Rural Gathering Lines	
Gathering line mileage affected	599
Rural Low-Stress Pipelines	
Low-stress mileage brought under part 195 safety requirements	803
Additional low-stress mileage for which annual, accident, and safety-related condition reports must be filed	3,921

The primary quantifiable benefits expected from the final rule are improved safety performance and reliability for the pipeline mileage brought under part 195. That is, the final rule is expected to reduce the number of incidents and the incident consequences (including deaths, injuries, property damage, product loss, environmental damage, and environmental spill cleanup activities). The final rule is expected to generate benefits from both the affected gathering lines and the affected low-stress pipelines.

Overall, the benefits of the final rule are expected to be approximately $4 million annually. This includes only a portion of the total benefits, since benefits from improved safety of gathering lines could not be quantified. The present value of the benefits that could be quantified for a 20-year period using a 3-percent discount rate is approximately $58 million, while the present value for a 20-year period using a 7-percent discount rate is approximately $41 million.

This final rule also may produce benefits by preventing disruptions in the fuel supply caused by pipeline failures. Any interruption in the fuel supply impacts the U.S. economy by putting upward pressure on the prices paid by businesses and consumers, as recent incidents on Alaskan low-stress pipelines feeding major petroleum trunk lines have illustrated. Supply disruptions also have national security implications, because they increase dependence on foreign sources of oil.

The operators of the pipelines affected by the regulatory changes included in the final rule are expected to incur costs attributable to those changes. Both the affected gathering lines and the affected low-stress pipelines are expected to incur costs attributable to the final rule.

With respect to rural gathering lines, the following activities required by the final rule are those most likely to give rise to new costs:

- Determine whether the pipelines are within a quarter mile of a USA.

- Implement corrosion control for steel pipes.
- Continuously identify operating conditions that could contribute to internal corrosion.
- Install and maintain pipeline line markers.
- Implement a damage prevention program.
- Implement a public education program.
- Establish a maximum operating pressure (MOP) for steel pipes.
- Report accidents and safety-related conditions and make annual reports.
- Meet design, construction, and testing requirements for steel gathering lines constructed, replaced, relocated, or otherwise changed.
- Meet drug and alcohol testing requirements.
- Demonstrate compliance with operator qualification requirements.

With respect to rural low-stress pipelines, the costs of the rule will be those associated with bringing the affected pipelines into compliance with part 195, which has the following eight subparts:

- Subpart A—General
- Subpart B—Annual, Accident, and Safety-Related Condition Reporting
- Subpart C—Design Requirements
- Subpart D—Construction
- Subpart E—Pressure Testing
- Subpart F—Operation and Maintenance
- Subpart G—Qualification of Pipeline Personnel
- Subpart H—Corrosion Control

In addition, the low-stress pipelines brought under part 195 would also need to comply with 49 CFR part 199, which deals with alcohol and drug testing.

Overall, the costs of the final rule are expected to be approximately $6 million in the first year, $3 million in the second through the sixth years, and $2 million in all subsequent years. The present value of this cost over 20 years using a 3-percent discount rate is approximately $39 million, while its present value over 20 years using a 7-percent discount rate is approximately $29 million.

Comparing the benefits and costs indicates the final rule is cost-beneficial. Net benefits (the excess of benefits over costs) for the final rule are approximately $20 million using a 3-percent discount rate and $13 million using a 7-percent discount rate. When considering these results, it should be kept in mind that many benefits associated with the final rule could not be quantified.

Regulatory Flexibility Act

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), PHMSA must consider whether its rulemaking actions would have a significant economic impact on a substantial number of small entities.

Based on consultations with the IPAA, which represents over 6,000 independent crude oil and natural gas producers throughout the U.S. and with the Small Business Administration, PHMSA expects a very few small operators to be affected by the rule. Rather, PHMSA expects that the rule will affect major petroleum pipeline companies with more than 1,500 employees.

Based on available information, PHMSA expects that major petroleum pipeline companies operate the gathering lines operating at more than 20% of SMYS (or alternatively at 125 psi (861 kPa) gage). In total, 35 major petroleum pipeline companies were estimated to operate these gathering lines. PHMSA's information also indicates that major petroleum pipeline companies are expected to operate the low-stress lines with a nominal diameter of 8⅝ inches or greater. The exact number of major petroleum pipeline companies operating these pipelines is unknown, although it is estimated to be between 30 and 40.

PHMSA notes that the requirement for all operators of low-stress pipelines to submit annual, accident, and safety-related condition reports will affect small operators. The costs associated with this reporting, however, will be minor (see the summary of the Paperwork Reduction Act analysis, which is presented below). Therefore, based on this information showing that the economic impact of this rule on small entities will be minor, I certify under section 605 of the Regulatory Flexibility Act that these regulations will not have a significant impact on a substantial number of small entities.

Executive Order 13175

PHMSA has analyzed this final rule according to the principles and criteria in Executive Order 13175, ''Consultation and Coordination with Indian Tribal Governments.'' Because this final rule will not significantly or uniquely affect the communities of the Indian tribal governments or impose substantial direct compliance costs, the funding and consultation requirements of Executive Order 13175 do not apply.

Paperwork Reduction Act

This final rule contains information collection requirements applicable to operators of hazardous liquid gathering lines and low-stress pipelines in rural areas. The information collection required by this rulemaking is already approved under OMB Control No. 2137–0047. With an estimated additional 35 operators subject to these requirements, this rulemaking will add an additional 873 burden hours in the first year of implementation and 453 burden hours in subsequent years. Renewal of the existing information collection with the additional burden is pending.

Operators of regulated rural onshore hazardous liquid gathering lines will be required to comply with 49 CFR part 195 information collection requirements for demonstration of operator qualification, public awareness, drug and alcohol testing, and annual, accident, and safety-related condition reporting. Operators of certain gathering lines in non-rural areas are currently subject to part 195. The number of gathering line operators subject to regulation may vary as lines are brought into and taken out of service and as changes occur in the boundaries of non-rural locations. The number may also vary as changes occur as new USAs are identified. The final rule is not expected to substantially increase the number of operators under PHMSA jurisdiction and will only marginally increase the burden hours for all information collections requirements.

The burden hours will remain the same for the operator qualification and drug and alcohol reporting requirements because regulated rural onshore gathering line operators may continue to use their existing cadre of personnel to address the requirements in this final rule, and this rule will not require operators to modify their existing programs. Regarding operator qualification, operators only need to demonstrate that they are complying with the operator qualification requirements. Therefore, no additional employees will be tested or be required to qualify to perform covered pipeline duties. There will be a slight increase in burden hours for operators adding gathering lines to their public awareness, damage prevention, and corrosion control programs, and subpart B reporting requirements. Most, if not all, of the operators of these pipelines already have to comply with these existing program requirements and only need to add these regulated rural onshore gathering lines to their existing programs. It should take each operator no more than an additional eight burden hours to include the gathering lines into its public awareness program, and four burden hours to modify its damage prevention program. The final rule will require operators to modify their corrosion control programs to establish comprehensive programs for continuously identifying operating

conditions that could contribute to internal corrosion; this should take each operator no more than an additional ten burden hours annually. Lastly, it will require no more than an additional eight hours for an operator to comply with the annual, accident, and safety-related condition reporting requirements in subpart B. These burden hour estimates are based on data for currently regulated pipelines.

Therefore, this final rule marginally increases the burden hours for regulated rural onshore gathering line operators. This rule adds 1,050 additional burden hours to affected regulated onshore rural gathering lines operators the first year, and 630 burden hours each subsequent year. The associated cost of these annual burden hours is $67,987.50 in the first year and $40,792.50 every year thereafter.

Operators of hazardous liquid low-stress lines will be required to comply with all information collection requirements in part 195. Further, operators of low-stress lines that will remain unregulated must comply with the reporting requirements in subpart B, *i.e.*, annual, accident, and safety-related condition reports. The operators of certain low-stress lines in non-rural areas are currently subject to part 195. Like gathering line operators, the number of low-stress pipeline operators subject to regulation also may vary as lines are brought into and taken out of service and as changes occur in the boundaries of non-rural locations. This final rule also may vary as changes occur as new USAs are identified. Except for the subpart B reporting requirements, this final rule is not expected to increase the number of operators under PHMSA jurisdiction complying with part 195.

The burden hours will remain the same for operator qualification and drug and alcohol reporting requirements because low-stress operators may continue to use their existing cadre of personnel to address the requirements in this final rule, and this rule will not require operators to modify their existing programs. Therefore, no additional employees will be tested or required to qualify to perform covered pipeline duties. There will be a slight increase in burden hours for operators adding rural low-stress lines to their integrity management, national pipeline mapping, public awareness, damage prevention, and corrosion control programs. Operators of these lines already have to comply with these existing program requirements and only need to add these rural low-stress pipelines to their existing programs. It should take each operator an additional 20 burden hours to include its rural low-stress pipelines into its existing integrity management program, and 20 burden hours for all operators to provide mapping information to PHMSA on the characteristics of its pipeline system. It should take each operator an additional eight burden hours to include the rural low-stress pipelines in its public awareness program, and four burden hours to modify its damage prevention program. The final rule will require operators to modify their corrosion control programs, which should take each operator no more than an additional ten burden hours annually. The increase associated with these information collection requirements is 2,170 burden hours the first year, and 1,330 hours each subsequent year. The associated cost of these annual burden hours is $140,507.50 in the first year and $86,117.50 in each subsequent year.

This final rule also requires all operators of regulated and unregulated low-stress pipelines to comply with the reporting requirements in subpart B for annual, accident, and safety-related condition reports. Operators of unregulated rural low-stress pipelines that currently are not required to follow part 195 will take an additional 892 burden hours to comply with these reporting requirements in the first year after implementation and 420 burden hours in each subsequent year. The total cost of the added burden hours in the first year is estimated to be $57,757 and $27,195 in each subsequent year. These calculations are based on 4,724 miles of previously unregulated rural low-stress pipeline. This mileage includes 803 miles of low-stress pipeline within a half mile of a USA that will be regulated under this rule and an estimated additional 3,921 miles of rural low-stress pipeline that would be subject only to subpart B reporting requirements. Most of the burden hours will be generated by operators previously unregulated. For those operators that currently have regulated pipelines under part 195, the burden hour increase will be minimal.

Except for the subpart B reporting requirements, this final rule is estimated to marginally increase the burden hours for rural low-stress operators. This rule adds 954 additional burden hours to affected rural low-stress pipeline operators the first year, and 458 burden hours each subsequent year. The associated cost of these annual burden hours is $61,771.50 in the first year and $23,655.50 every year thereafter.

In total, this final rule will slightly increase the paperwork burden for affected regulated rural onshore gathering line and rural low-stress pipeline operators. In the first year after implementation, this final rule is expected to add 984 burden hours, which is expected to cost $63,724. In subsequent years, the final rule is expected to add 476 burden hours, which is expected to cost $24,820.50

Unfunded Mandates Reform Act of 1995

This rulemaking does not impose unfunded mandates under the Unfunded Mandates Reform Act of 1995. It does not result in costs of $100 million or more to either State, local, or tribal governments, in the aggregate, or to the private sector, and is the least burdensome alternative that achieves the objective of the proposed rulemaking.

National Environmental Policy Act

PHMSA has analyzed this rulemaking for purposes of the National Environmental Policy Act (42 U.S.C. 4321, *et seq.*). PHMSA has determined that this rulemaking will not significantly affect the quality of the human environment. This rulemaking will require only limited physical modification or other work that would disturb pipeline rights-of-way resulting in negligible to minor negative environmental impact from activities such as identifying segments of pipelines meeting the regulatory definitions, inspection and testing, installing and maintaining line markers, implementing corrosion controls, pipeline cleaning, and establishing integrity assessment programs. Based on the comments from the THLPSSC and the testimony provided by operators during the 2006 Congressional hearings, PHMSA believes that many of these safety measures, such as implementing corrosion control and installing and maintaining line markers, have already been implemented on a large portion of the pipeline mileage that will become regulated under this final rule. Furthermore, by requiring activities such as accident reporting, implementing public education and damage prevention programs, and establishing operator qualification programs, it is likely that the number of spills from rural onshore hazardous liquid gathering and low-stress lines will be reduced. Reductions in hazardous liquid spills are a minor to moderate positive environmental impact offsetting the negligible negative environmental impacts. A final environmental assessment document is in the docket.

Executive Order 13132

PHMSA has analyzed this final rule according to the principles and criteria contained in Executive Order 13132 (''Federalism''). This rule does not (1) have substantial direct effects on the States, the relationship between the national government and the States, or the distribution of power and responsibilities among the various levels of government; (2) impose substantial direct compliance costs on State and local governments; or (3) preempt state law. Therefore, the consultation and funding requirements of Executive Order 13132 do not apply.

Executive Order 13211

This final rule is not a ''significant energy action'' under Executive Order 13211. It is not likely to have a significant adverse effect on the supply, distribution, or use of energy. Furthermore, this rulemaking has not been designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action.

List of Subjects in 49 CFR Part 195

Regulated rural gathering, Rural low-stress pipelines.

■ Accordingly, PHMSA amends 49 CFR part 195 as follows:

PART 195—TRANSPORTATION OF HAZARDOUS LIQUIDS BY PIPELINE

■ 1. The authority citation for part 195 continues to read as follows:

Authority: 49 U.S.C. 5103, 60102, 60104, 60108, 60109, 60118; and 49 CFR 1.53.

■ 2. Section 195.1 is revised to read as follows:

§ 195.1 Which pipelines are covered by this part?

(a) *Covered.* Except for the pipelines listed in paragraph (b) of this section, this part applies to pipeline facilities and the transportation of hazardous liquids or carbon dioxide associated with those facilities in or affecting interstate or foreign commerce, including pipeline facilities on the Outer Continental Shelf (OCS). This includes:

(1) Any pipeline that transports a highly volatile liquid (HVL);

(2) Transportation through any pipeline, other than a gathering line, that has a maximum operating pressure (MOP) greater than 20-percent of the specified minimum yield strength;

(3) Any pipeline segment that crosses a waterway currently used for commercial navigation;

(4) Transportation of petroleum in any of the following onshore gathering lines:

(i) A pipeline located in a non-rural area;

(ii) To the extent provided in § 195.11, a regulated rural gathering line defined in § 195.11; or

(iii) To the extent provided in § 195.413, a pipeline located in an inlet of the Gulf of Mexico.

(5) Transportation of a hazardous liquid or carbon dioxide through a low-stress pipeline or segment of pipeline that:

(i) Is in a non-rural area; or

(ii) Meets the criteria defined in § 195.12(a).

(6) For purposes of the reporting requirements in subpart B, a rural low-stress pipeline of any diameter.

(b) *Excepted.* This part does not apply to any of the following:

(1) Transportation of a hazardous liquid transported in a gaseous state;

(2) Transportation of a hazardous liquid through a pipeline by gravity;

(3) A pipeline subject to safety regulations of the U.S. Coast Guard;

(4) A low-stress pipeline that serves refining, manufacturing, or truck, rail, or vessel terminal facilities, if the pipeline is less than one mile long (measured outside facility grounds) and does not cross an offshore area or a waterway currently used for commercial navigation;

(5) Transportation of hazardous liquid or carbon dioxide in an offshore pipeline in State waters where the pipeline is located upstream from the outlet flange of the following farthest downstream facility: The facility where hydrocarbons or carbon dioxide are produced or the facility where produced hydrocarbons or carbon dioxide are first separated, dehydrated, or otherwise processed;

(6) Transportation of hazardous liquid or carbon dioxide in a pipeline on the OCS where the pipeline is located upstream of the point at which operating responsibility transfers from a producing operator to a transporting operator;

(7) A pipeline segment upstream (generally seaward) of the last valve on the last production facility on the OCS where a pipeline on the OCS is producer-operated and crosses into State waters without first connecting to a transporting operator's facility on the OCS. Safety equipment protecting PHMSA-regulated pipeline segments is not excluded. A producing operator of a segment falling within this exception may petition the Administrator, under § 190.9 of this chapter, for approval to operate under PHMSA regulations governing pipeline design, construction, operation, and maintenance;

(8) Transportation of a hazardous liquid or carbon dioxide through onshore production (including flow lines), refining, or manufacturing facilities or storage or in-plant piping systems associated with such facilities;

(9) Transportation of a hazardous liquid or carbon dioxide:

(i) By vessel, aircraft, tank truck, tank car, or other non-pipeline mode of transportation; or

(ii) Through facilities located on the grounds of a materials transportation terminal if the facilities are used exclusively to transfer hazardous liquid or carbon dioxide between non-pipeline modes of transportation or between a non-pipeline mode and a pipeline. These facilities do not include any device and associated piping that are necessary to control pressure in the pipeline under § 195.406(b); or

(10) Transportation of carbon dioxide downstream from the applicable following point:

(i) The inlet of a compressor used in the injection of carbon dioxide for oil recovery operations, or the point where recycled carbon dioxide enters the injection system, whichever is farther upstream; or

(ii) The connection of the first branch pipeline in the production field where the pipeline transports carbon dioxide to an injection well or to a header or manifold from which a pipeline branches to an injection well.

(c) *Breakout tanks.* Breakout tanks subject to this part must comply with requirements that apply specifically to breakout tanks and, to the extent applicable, with requirements that apply to pipeline systems and pipeline facilities. If a conflict exists between a requirement that applies specifically to breakout tanks and a requirement that applies to pipeline systems or pipeline facilities, the requirement that applies specifically to breakout tanks prevails. Anhydrous ammonia breakout tanks need not comply with §§ 195.132(b), 195.205(b), 195.242 (c) and (d), 195.264(b) and (e), 195.307, 195.428(c) and (d), and 195.432(b) and (c).

■ 3. Add §§ 195.11 and 195.12 to read as follows:

§ 195.11 What is a regulated rural gathering line and what requirements apply?

Each operator of a regulated rural gathering line, as defined in paragraph (a) of this section, must comply with the safety requirements described in paragraph (b) of this section.

(a) *Definition.* As used in this section, a regulated rural gathering line means an onshore gathering line in a rural area that meets all of the following criteria—

(1) Has a nominal diameter from 6⅝ inches (168 mm) to 8⅝ inches (219.1 mm);

(2) Is located in or within one-quarter mile (.40 km) of an unusually sensitive area as defined in § 195.6; and

(3) Operates at a maximum pressure established under § 195.406 corresponding to—

(i) A stress level greater than 20-percent of the specified minimum yield strength of the line pipe; or

(ii) If the stress level is unknown or the pipeline is not constructed with steel pipe, a pressure of more than 125 psi (861 kPa) gage.

(b) *Safety requirements.* Each operator must prepare, follow, and maintain written procedures to carry out the requirements of this section. Except for the requirements in paragraphs (b)(2), (b)(3), (b)(9) and (b)(10) of this section, the safety requirements apply to all materials of construction.

(1) Identify all segments of pipeline meeting the criteria in paragraph (a) of this section before April 3, 2009.

(2) For steel pipelines constructed, replaced, relocated, or otherwise changed after July 3, 2009, design, install, construct, initially inspect, and initially test the pipeline in compliance with this part, unless the pipeline is converted under § 195.5.

(3) For non-steel pipelines constructed after July 3, 2009, notify the Administrator according to § 195.8.

(4) Beginning no later than January 3, 2009, comply with the reporting requirements in subpart B of this part.

(5) Establish the maximum operating pressure of the pipeline according to § 195.406 before transportation begins, or if the pipeline exists on July 3, 2008, before July 3, 2009.

(6) Install line markers according to § 195.410 before transportation begins, or if the pipeline exists on July 3, 2008, before July 3, 2009. Continue to maintain line markers in compliance with § 195.410.

(7) Establish a continuing public education program in compliance with § 195.440 before transportation begins, or if the pipeline exists on July 3, 2008, before January 3, 2010. Continue to carry out such program in compliance with § 195.440.

(8) Establish a damage prevention program in compliance with § 195.442 before transportation begins, or if the pipeline exists on July 3, 2008, before July 3, 2009. Continue to carry out such program in compliance with § 195.442.

(9) For steel pipelines, comply with subpart H of this part, except corrosion control is not required for pipelines existing on July 3, 2008 before July 3, 2011.

(10) For steel pipelines, establish and follow a comprehensive and effective program to continuously identify operating conditions that could contribute to internal corrosion. The program must include measures to prevent and mitigate internal corrosion, such as cleaning the pipeline and using inhibitors. This program must be established before transportation begins or if the pipeline exists on July 3, 2008, before July 3, 2009.

(11) To comply with the Operator Qualification program requirements in subpart G of this part, have a written description of the processes used to carry out the requirements in § 195.505 to determine the qualification of persons performing operations and maintenance tasks. These processes must be established before transportation begins or if the pipeline exists on July 3, 2008, before July 3, 2009.

(c) *New unusually sensitive areas.* If, after July 3, 2008, a new unusually sensitive area is identified and a segment of pipeline becomes regulated as a result, except for the requirements of paragraphs (b)(9) and (b)(10) of this section, the operator must implement the requirements in paragraphs (b)(2) through (b)(11) of this section for the affected segment within 6 months of identification. For steel pipelines, comply with the deadlines in paragraph (b)(9) and (b)(10).

(d) *Record Retention.* An operator must maintain records demonstrating compliance with each requirement according to the following schedule.

(1) An operator must maintain the segment identification records required in paragraph (b)(1) of this section and the records required to comply with (b)(10) of this section, for the life of the pipe.

(2) An operator must maintain the records necessary to demonstrate compliance with each requirement in paragraphs (b)(2) through (b)(9), and (b)(11) of this section according to the record retention requirements of the referenced section or subpart.

§ 195.12 What requirements apply to low-stress pipelines in rural areas?

(a) *General.* This section does not apply to a rural low-stress pipeline regulated under this part as a low-stress pipeline that crosses a waterway currently used for commercial navigation. An operator of a rural low-stress pipeline meeting the following criteria must comply with the safety requirements described in paragraph (b) of this section. The pipeline:

(1) Has a nominal diameter of 8⅝ inches (219.1 mm) or more;

(2) Is located in or within a half mile (.80 km) of an unusually sensitive area (USA) as defined in § 195.6; and

(3) Operates at a maximum pressure established under § 195.406 corresponding to:

(i) A stress level equal to or less than 20-percent of the specified minimum yield strength of the line pipe; or

(ii) If the stress level is unknown or the pipeline is not constructed with steel pipe, a pressure equal to or less than 125 psi (861 kPa) gage.

(b) *Requirements.* An operator of a pipeline meeting the criteria in paragraph (a) of this section must comply with the following safety requirements and compliance deadlines.

(1) Identify all segments of pipeline meeting the criteria in paragraph (a) of this section before April 3, 2009.

(2) Beginning no later than January 3, 2009, comply with the reporting requirements of subpart B for the identified segments.

(3)(i) Establish a written program in compliance with § 195.452 before July 3, 2009, to assure the integrity of the low-stress pipeline segments. Continue to carry out such program in compliance with § 195.452.

(ii) To carry out the integrity management requirements in § 195.452, an operator may conduct a determination per § 195.452(a) in lieu of the half mile buffer.

(iii) Complete the baseline assessment of all segments in accordance with § 195.452(c) before July 3, 2015, and complete at least 50-percent of the assessments, beginning with the highest risk pipe, before January 3, 2012.

(4) Comply with all other safety requirements of this part, except subpart H, before July 3, 2009. Comply with subpart H before July 3, 2011.

(c) *Economic compliance burden.* (1) An operator may notify PHMSA in accordance with § 195.452(m) of a situation meeting the following criteria:

(i) The pipeline meets the criteria in paragraph (a) of this section;

(ii) The pipeline carries crude oil from a production facility;

(iii) The pipeline, when in operation, operates at a flow rate less than or equal to 14,000 barrels per day; and

(iv) The operator determines it would abandon or shut-down the pipeline as a result of the economic burden to comply with the assessment requirements in §§ 195.452(d) or 195.452(j).

(2) A notification submitted under this provision must include, at minimum, the following information about the pipeline: Its operating, maintenance and leak history; the estimated cost to comply with the integrity assessment requirements (with

a brief description of the basis for the estimate); the estimated amount of production from affected wells per year, whether wells will be shut in or alternate transportation used, and if alternate transportation will be used, the estimated cost to do so.

(3) When an operator notifies PHMSA in accordance with paragraph (c)(1) of this section, PHMSA will stay compliant with §§ 195.452(d) and 195.452(j)(3) until it has completed an analysis of the notification. PHMSA will consult the Department of Energy (DOE), as appropriate, to help analyze the potential energy impact of loss of the pipeline. Based on the analysis, PHMSA may grant the operator a special permit to allow continued operation of the pipeline subject to alternative safety requirements.

(d) *New unusually sensitive areas.* If, after July 3, 2008, an operator identifies a new unusually sensitive area and a segment of pipeline meets the criteria in paragraph (a) of this section, the operator must take the following actions:

(1) Except for paragraph (b)(2) of this section and the requirements of subpart H, comply with all other safety requirements of this part before July 3, 2009. Comply with subpart H before July 3, 2011.

(2) Establish the program required in paragraph (b)(2)(i) within 12 months following the date the area is identified. Continue to carry out such program in compliance with § 195.452; and

(3) Complete the baseline assessment required by paragraph (b)(2)(ii) of this section according to the schedule in § 195.452(d)(3).

(d) *Record Retention.* An operator must maintain records demonstrating compliance with each requirement according to the following schedule.

(1) An operator must maintain the segment identification records required in paragraph (b)(1) of this section for the life of the pipe.

(2) An operator must maintain the records necessary to demonstrate compliance with each requirement in paragraphs (b)(2) through (b)(4) of this section according to the record retention requirements of the referenced section or subpart.

■ 4. Add § 195.48 in subpart B to read as follows:

§ 195.48 Scope.

This subpart prescribes requirements for periodic reporting and for reporting of accidents and safety-related conditions. This subpart applies to all pipelines subject to this part and, beginning January 5, 2009, applies to all rural low-stress hazardous liquid pipelines. An operator of a rural low-stress pipeline not otherwise subject to this part is not required to complete Parts J and K of the hazardous liquid annual report form (PHMSA F 7000–1.1) required by § 195.49 or to provide the estimate of total miles that could affect high consequence areas in Part B of that form.

■ 5. Revise 195.452(m) to read as follows:

§ 195.452 Pipeline integrity management in high consequence areas.

* * * * *

(m) *How does an operator notify PHMSA?* An operator must provide any notification required by this section by:

(1) Entering the information directly on the Integrity Management Database Web site at *http://primis.phmsa.dot.gov/imdb/;*

(2) Sending the notification to the Information Resources Manager, Office of Pipeline Safety, Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue, SE., Washington, DC 20590; or

(3) Sending the notification to the Information Resources Manager by facsimile to (202) 366–7128.

Issued in Washington, DC on May 23, 2008.

Carl T. Johnson,

Administrator.

[FR Doc. E8–12099 Filed 6–2–08; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 070706269–8586–01]

RIN 0648–AV71

Fisheries of the Exclusive Economic Zone Off Alaska; Individual Fishing Quota Program; Alaska Individual Fishing Quota On-line Services; Recordkeeping and Reporting

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

ACTION: Final rule.

SUMMARY: NMFS issues a final rule to modify the Individual Fishing Quota (IFQ) Program for the fixed-gear commercial Pacific halibut fishery and sablefish fishery by revising regulations describing on-line access to IFQ account information specific to those fisheries. The action would improve the efficiency of the Pacific Halibut and Sablefish IFQ Program and is intended to promote the goals and objectives of Northern Pacific Halibut Act and the Magnuson-Stevens Fishery Conservation and Management Act.

DATES: Effective July 3, 2008.

ADDRESSES: Written comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in this final rule may be submitted to NMFS Alaska Region, P. O. Box 21668, Juneau, AK 99802 or the Alaska Region NMFS website at *http://www.alaskafisheries.noaa.gov* and by e-mail to *David_Rostker@omb.eop.gov*, or fax to 202–395–7285.

FOR FURTHER INFORMATION CONTACT: Patsy A. Bearden, 907–586–7008.

SUPPLEMENTARY INFORMATION: The groundfish fisheries in the exclusive economic zone (EEZ) off Alaska, which include sablefish, but not halibut, are managed under the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area and the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMPs). The North Pacific Fishery Management Council (Council) prepared the FMPs under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), 16 U.S.C. 1801 *et seq.* Regulations implementing the FMPs appear at 50 CFR part 679. General regulations governing U.S. fisheries also appear at 50 CFR part 600.

Management of the Pacific halibut fisheries in and off Alaska is governed by an international agreement, the ''Convention Between the United States of America and Canada for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea,'' which was signed at Ottawa, Canada, on March 2, 1953, and was amended by the ''Protocol Amending the Convention,'' signed at Washington, D.C., March 29, 1979. The Convention is implemented in the United States by the Northern Pacific Halibut Act of 1982 (Halibut Act).

The directed commercial Pacific halibut fishery in Alaska is managed under an Individual Fishing Quota (IFQ) Program, as is the fixed gear sablefish fishery. The IFQ Program is a limited-access management system. Both species are also a part of the annual apportionment under the Western Alaska Community Development Quota (CDQ) Program. These programs are codified at 50 CFR part 679.

Background

NMFS Alaska Region Restricted Access Management (RAM) Program allows persons active in the Halibut and Sablefish IFQ Program to access their IFQ accounts to obtain account and vessel balances, to get landing ''ledger'' reports, and to pay annual cost recovery fees. Persons active in the program include permit holders who actively fish and fish processors who are also known as Registered Buyers of halibut and sablefish.

In recent years, RAM increased on-line services for program participants. To enhance security and prevent unauthorized access to on-line accounts, RAM has shifted away from short personal identification numbers, such as ''1234'', in combination with permit numbers or permit-linked passwords to more secure user identification (userID) and personal passwords. Administratively, this shift was fully completed for Registered Buyers in 2005, who must submit a variety of reports. However, the regulations at section 679.5(l)(7)(i)(C)(*3*) continued to require that Registered Buyers use a personal identification number to submit IFQ Buyer Reports. Buyer Reports contain information relevant to the IFQ cost recovery program.

This action revises regulations to allow persons to access their IFQ Program accounts with more secure userIDs and passwords. Specifically, this rule changes the requirements for electronically submitting an IFQ Buyer Report. Paragraph 679.5(l)(7)(i)(C)(*3*)(*ii*) is redesignated as § 679.5(l)(7)(i)(C)(*3*)(*iii*) and revised to read ''*Non-electronic submittal:* Certification, including the printed name and signature of the individual submitting the IFQ Buyer Report on behalf of the Registered Buyer, and date of signature.'' New § 679.5(l)(7)(i)(C)(*3*)(*ii*) is added to read ''*Electronic submittal:* Certification, including the NMFS ID and password of the IFQ Registered Buyer''. In addition, a heading ''*IFQ retro-payments*'' is added to § 679.5(l)(7)(i)(C)(*3*)(*i*) for heading format consistency.

Classification

Pursuant to section 305(d) of the Magnuson-Stevens Act, NMFS has determined that this final rule is consistent with the FMPs and other provisions of the Magnuson-Stevens Act. NMFS has determined that this amendment is necessary for the conservation and management of the halibut fishery and is consistent with the Halibut Act and other applicable law.

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

This rule contains a collection-of-information requirement subject to the Paperwork Reduction Act (PRA) and which has been approved by the Office of Management and Budget (OMB) under Control Number 0648–0398. Public reporting burden for the IFQ Registered Buyer Ex-vessel Volume and Value Report is estimated to average two hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate, or any other aspect of this data collection, including suggestions for reducing the burden, to NMFS (see **ADDRESSES**) and by e-mail to *David_Rostker@omb.eop.gov*, or fax to 202–395–7285.

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB control number.

This action will not increase recordkeeping and reporting costs.

Pursuant to 5 U.S.C. 553(b)(B), the Assistant Administrator of Fisheries finds good cause to waive prior notice and opportunity for public comment. NOAA finds that prior notice and opportunity for public comment are unnecessary. The changes to the password instructions are minor changes that do not substantively change the regulatory requirements. Affected persons are presently providing passwords that this regulatory change will otherwise require. Prior notice and opportunity for public comment are not required for this rule by 5 U.S.C. 553, or any other law, so the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 et. seq. are inapplicable. Because this action makes only non-substantive changes to part 679, this rule is not subject to the 30-day delay in effective date requirement of 5 U.S.C. 553(d).

List of Subjects in 50 CFR Part 679

Alaska, Fisheries, Recordkeeping and reporting requirements.

Dated: May 28, 2008.

Samuel D. Rauch III

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

■ For the reasons set out in the preamble, 50 CFR part 679 is amended as follows:

PART 679—FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA

■ 1. The authority citation for part 679 continues to read as follows:

Authority: 16 U.S.C. 773 *et seq.*, 1801 *et seq.*, 3631 *et seq.*; Pub. L. 108–447.

■ 2. In § 679.5, paragraph (l)(7)(i)(C)(*3*) is revised to read as follows:

§ 679.5 Recordkeeping and reporting (R&R).

* * * * *

(l) * * *

(7) * * *

(i) * * *

(C) * * *

(*3*) *Value paid for price adjustments*—(*i*) *IFQ retro-payments.* The monthly total U.S. dollar amount of any IFQ retro-payments (correlated by IFQ species, landing month(s), and month of payment) made in the current year to IFQ permit holders for landings made during the previous calendar year;

(*ii*) *Electronic submittal.* Certification, including the NMFS ID and password of the IFQ Registered Buyer; or

(*iii*) *Non-electronic submittal.* Certification, including the printed name and signature of the individual submitting the IFQ Buyer Report on behalf of the Registered Buyer, and date of signature.

* * * * *

[FR Doc. E8–12340 Filed 6–2–08; 8:45 am]

BILLING CODE 3510–22–S

Proposed Rules

Federal Register
Vol. 73, No. 107
Tuesday, June 3, 2008

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

DEPARTMENT OF THE TREASURY

Office of Thrift Supervision

12 CFR Part 535

[Docket ID. OTS–2008–0004]

RIN 1550–AC17

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 706

RIN 3133–AD47

Unfair or Deceptive Acts or Practices; Correction

AGENCIES: Office of Thrift Supervision, Treasury (OTS); and National Credit Union Administration (NCUA).

ACTION: Proposed rule; correction.

SUMMARY: This document corrects the preamble to a proposed rule published in the **Federal Register** on May 19, 2008, regarding Unfair or Deceptive Acts or Practices. This correction revises cross-references in OTS's and the NCUA's Paperwork Reduction Act (PRA) analysis.

FOR FURTHER INFORMATION CONTACT:

OTS: Ira L. Mills, Paperwork Clearance Officer, (202) 906–6531, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552. Comments on the collection of information should be addressed 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.*

NCUA: Jeryl Fish, Paperwork Clearance Officer, or Tracy Sumpter, Computer Information Assistant, (703) 518–6440, National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314–3428. Comments on the collection of information should be addressed to: Jeryl Fish, Paperwork Clearance Officer, National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314–3428; send a facsimile to (703) 518–6319; or send an e-mail to *regcomments@ncua.gov.*

Correction

In proposed rule FR Doc. E8–10247, beginning on page 28904 in the issue of May 19, 2008, make the following correction to the **SUPPLEMENTARY INFORMATION** section. On page 28937 in the third column, first paragraph, revise the fifth sentence to read: ''The requirements are found in 12 CFR 535.13, 535.28, 535.32, 706.13, 706.28, and 706.32.''

Dated: May 28, 2008.

By the Office of Thrift Supervision,

Deborah Dakin,

Senior Deputy Chief Counsel.

By the National Credit Union Administration Board, on May 27, 2008.

Mary F. Rupp,

Secretary of the Board.

[FR Doc. E8–12359 Filed 6–2–08; 8:45 am]

BILLING CODE 6720–01–P (50%); 7535–01–P (50%)

DEPARTMENT OF JUSTICE

28 CFR Part 100

[Docket No. FBI 119]

CALEA Cost Recovery Regulations; Section 610 Review

AGENCY: Federal Bureau of Investigation, Justice.

ACTION: Notice of a section 610 review and request for comments.

SUMMARY: This document summarizes the results of a review of the CALEA Cost Recovery Regulations, under the criteria contained in section 610 of the Regulatory Flexibility Act (RFA).

DATES: Written comments must be postmarked, and electronic comments must be sent, on or before August 4, 2008.

ADDRESSES: To ensure proper handling of comments, please reference ''Docket No. FBI 119'' on all written and electronic correspondence. Written comments being sent via regular mail should be sent to CALEA Implementation Unit, Technical Programs Section, Engineering Research Facility, Building 27958A, Quantico, Virginia. Comments may also be sent electronically through *http://www.regulations.gov* using the electronic comment form provided on that site. An electronic copy of this document is also available at the *http://www.regulations.gov* Web site. FBI will accept attachments to electronic comments in Microsoft word, WordPerfect, Adobe PDF, or Excel file formats only. FBI will not accept any file formats other than those specifically listed here.

FOR FURTHER INFORMATION CONTACT: CALEA Implementation Unit, Technical Programs Section, Engineering Research Facility, Building 27958A, Quantico, Virginia, (703) 632–6897.

SUPPLEMENTARY INFORMATION:

I. Posting of Public Comments

Please note that all comments received are considered part of the public record and made available for public inspection online at *http://www.regulations.gov* and are maintained in the public docket regarding this matter. Such information includes personal identifying information (such as your name, address, etc.) voluntarily submitted by the commenter. If you want to submit personal identifying information (such as your name, address, etc.) as part of your comment, but do not want it to be posted online or made available in the public docket, you must include the phrase ''PERSONAL IDENTIFYING INFORMATION'' in the first paragraph of your comment. You must also place all the personal identifying information you do not want posted online or made available in the public docket in the first paragraph of your comment and identify what information you want redacted.

If you want to submit confidential business information as part of your comment, but do not want it to be posted online or made available in the public docket, you must include the phrase ''CONFIDENTIAL BUSINESS INFORMATION'' in the first paragraph of your comment. You must also prominently identify confidential business information to be redacted within the comment. If a comment has so much confidential business information that it cannot be effectively redacted, all or part of that comment may not be posted online or made available in the public docket.

Personal identifying information and confidential business information

identified and located as set forth above will be redacted and posted online and placed in the public docket file. If you wish to inspect the agency's public docket file in person by appointment, please see the **FOR FURTHER INFORMATION** paragraph.

II. Overview

The Communications Assistance for Law Enforcement Act (CALEA), codified at 47 U.S.C. 1001–1010, is an important statute. CALEA was enacted in 1994 to preserve the Government's ability, pursuant to court order or other lawful authorization, to intercept communications and related information involving advanced technologies, while protecting the privacy of communications and without impeding the introduction of new technologies, features, and services. CALEA requires telecommunications carriers to ensure that their telecommunications equipment is, among other things, capable of enabling the lawfully authorized interception of communications by the government.

The law under CALEA treats telecommunications equipment deployed on or before January 1, 1995 differently from equipment deployed after 1995. With regard to pre-1995 telecommunications equipment, CALEA provides that the carrier may request the Attorney General to provide reimbursement for certain costs associated with modifications necessary to render the equipment compliant with CALEA's surveillance assistance capability requirements. If the Attorney General chooses in his discretion not to make such reimbursement, then CALEA provides that the equipment shall be ''considered to be in compliance'' until it is modified, replaced or significantly upgraded. 47 U.S.C. 1008(d). Under certain limited circumstances, described further herein, the payment of costs associated with post-1995 equipment might also be authorized. *See* 47 U.S.C. 1008(b)(2)(A).

The FBI, as the authorized delegate of the Attorney General under CALEA, adopted the CALEA Cost Recovery Regulations which are published at 28 CFR 100.9, et seq. The regulations were adopted by a final rule and published in the **Federal Register** on March 20, 1997 (62 FR 13324). The FBI uses these regulations in appropriate cases to govern the submission of claims (and accompanying information) by telecommunications carriers under CALEA, and, as is further required by CALEA Section 109(c), to allocate appropriated funds ''in accordance with law enforcement priorities.'' *See* 47 U.S.C. 1008(c).

The CALEA Cost Recovery Regulations are accounting and procedural rules. The Regulations specify certain requirements for submission of cost recovery claims under CALEA. The Cost Recovery Regulations specify in detail the types of costs that could be authorized for reimbursement (28 CFR 100.11), how such costs should be documented (§ 100.16), and the process by which a claim could be evaluated or audited (§ § 100.18, 100.19).

In the FBI's experience, many of the costs eligible for reimbursement were paid through ''Nationwide Right-To-Use (RTU) Software License Agreements.'' Through this program, administered by the FBI, several major telecommunications equipment manufacturers contracted to produce CALEA-compliant software upgrades and make them available to telecommunications carriers without additional charge.

As discussed in this Notice, the FBI finds that the Cost Recovery Regulations probably do not have a ''significant impact on a substantial number of small entities.'' We have, however, undertaken the review herein pursuant to Section 610 to determine whether the Cost Recovery Regulations should be continued without change, amended, or rescinded (consistent with the objectives of CALEA) to minimize the impacts on small entities. The Cost Recovery provisions serve an important purpose by governing the submission of cost recovery claims under CALEA. Other methods of cost recovery have been utilized by the FBI under CALEA, as explained herein, but the procedures set forth in the Cost Recovery Regulations provide another valid method.

The CALEA Cost Recovery Regulations have been established in such a way as to protect the carrier against incurring any additional costs that will not be reimbursed. For example, prior to signing an agreement, all costs that the government is willing to reimburse are documented and their estimated amounts are agreed to. The CALEA Cost Recovery Regulations have no analogue under State laws. There is no state equivalent to the requirements of CALEA.

The FBI has not received any complaints or expressions of concern regarding the regulations from the public since the time the regulations were adopted by the FBI. The regulations do not conflict with or duplicate other Federal rules. The FBI therefore has determined that the CALEA Cost Recovery Regulations should be continued without change.

III. Section 610 Review of the CALEA Cost Recovery Regulations

A. Purpose of the Review

This review is being conducted under section 610 of the Regulatory Flexibility Act (RFA). The DOJ published in the **Federal Register** (64 FR 54794–01; October 8, 1999), its plan to review certain regulations, including CALEA Cost Recovery Regulations, under criteria contained in section 610 of the RFA 5 U.S.C. 601–612. After consideration, we believe that the CALEA Cost Recovery Regulations set forth procedural requirements only and that they likely do not have a ''significant economic impact upon a substantial number of small entities.'' Nevertheless, the FBI has conducted a review pursuant to the criteria under section 610.

The purpose of the review is to determine whether the CALEA Cost Recovery Regulations should be continued without change, amended, or rescinded (consistent with the objectives of CALEA) to minimize the impacts on small entities. In conducting this review, we considered the following factors: (1) The continued need for the regulations; (2) the nature of complaints or comments received from the public concerning the regulations; (3) the complexity of the regulations; (4) the extent to which the regulations overlap, duplicate, or conflict with other Federal rules, and, to the extent feasible, with State and local governmental rules; and (5) the length of time since the regulations have been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulations.

B. 1. Background Regarding CALEA

The Communications Assistance for Law Enforcement Act (CALEA), codified at 47 U.S.C. 1001–1010, is an important statute and sets forth requirements that are critically important to federal, state and local law enforcement agencies. It was enacted in 1994 to preserve the Government's ability, pursuant to court order or other lawful authorization, to intercept communications and related information involving advanced technologies, while protecting the privacy of communications and without impeding the introduction of new technologies, features, and services. CALEA generally requires telecommunications carriers to ensure that their telecommunications equipment is, among other things, capable of enabling the lawfully authorized interception of

communications by the government. *See* 47 U.S.C. 1002(a)(1)–(4).

CALEA divides telecommunications equipment generally into two classes. The first class includes equipment, facilities and services installed or deployed on or before January 1, 1995. The second class includes all other equipment, facilities and services installed or deployed after January 1, 1995. With regard to pre-1995 equipment, the law provides that the carrier may request the Attorney General to agree to pay reimbursement for certain costs associated with reasonable modifications necessary to ensure that it is compliant with CALEA's surveillance assistance capability requirements set forth in 47 U.S.C. 1002(a)(1)–(4). If the Attorney General chooses in his discretion not to make such reimbursement, then CALEA further provides that the equipment shall be ''considered to be in compliance'' until it is modified, replaced or significantly upgraded. 47 U.S.C. 1008(d). This provision essentially accords ''grand-father'' protection to pre-1995 equipment.

Post-1995 equipment is generally required to be fully compliant with CALEA without any such cost reimbursement. Under certain very limited circumstances, however, the reimbursement of such costs may be authorized if the Federal Communications Commission (FCC) makes a formal determination that compliance by a carrier is ''not reasonably achievable.'' *See* 47 U.S.C. 1008(b)(2)(A). The circumstances under which such determinations might be made by the FCC are quite limited. As the FCC has noted, this provision ''imposes a high burden of proof for telecommunications carriers to demonstrate that they made reasonable efforts to develop CALEA solutions and that none of them are reasonably achievable.'' *See* Communications Assistance for Law Enforcement Act and Broadband Access and Services, Second Report and Order, ET Docket No. 04–295, RM–10865, 21 FCC Rcd 5360 ¶ 30 (2006). Thus, while the law provides that some cost reimbursement could potentially be authorized under CALEA for post-1995 equipment; such circumstances would likely be rare.

B. 2. The CALEA Cost Recovery Regulations

In order to control any payment of costs under the provisions described above, CALEA further directs the Attorney General to ''establish regulations necessary to effectuate timely and cost-efficient payment to telecommunications carriers under this title.'' 47 U.S.C. 1008(e). CALEA contains specific directives for the Attorney General to follow in adopting these regulations. Sections 1008(e)(2)(A) through (C) of Title 47, United States Code provides:

(2) CONTENTS OF REGULATIONS—The Attorney General, after consultation with the Commission, shall prescribe regulations for purposes of determining reasonable costs under this title. Such regulations shall seek to minimize the cost to the Federal Government and shall—

(A) Permit recovery from the Federal Government of—

(i) The direct costs of developing the modifications described in subsection (a), of providing the capabilities requested under subsection (b)(2), or of providing the capacities requested under section 104(e), but only to the extent that such costs have not been recovered from any other governmental or non-governmental entity;

(ii) The costs of training personnel in the use of such capabilities or capacities; and

(iii) The direct costs of deploying or installing such capabilities or capacities;

(B) In the case of any modification that may be used for any purpose other than lawfully authorized electronic surveillance by a law enforcement agency of a government, permit recovery of only the incremental cost of making the modification suitable for such law enforcement purposes; and

(C) Maintain the confidentiality of trade secrets.

In addition, the regulations must include a requirement that claims for cost reimbursement will ''contain[] or [be] accompanied by such information as the Attorney General may require. * * *'' *Id.* § 1008(e)(3).

The FBI Director is the authorized delegate of the Attorney General under CALEA. 28 CFR 0.85(o). The FBI therefore adopted the ''CALEA Cost Recovery Regulations'' as required by the statute. The Cost Recovery Regulations were adopted by a final rule and published in the **Federal Register** on March 20, 1997 at 62 FR13324, and are now codified at 28 CFR 100.9, *et seq*. The FBI relies on these regulations in appropriate cases to govern the submission of claims and accompanying information by telecommunications carriers. Information accompanying such claims is used by the FBI in part to decide whether payment would be appropriate, after considering the nature and amount of the claim, the benefit to law enforcement, and other factors. The FBI allocates any funds appropriated under CALEA ''in accordance with law enforcement priorities'' as required by CALEA. 47 U.S.C. 1008(c).

The CALEA Cost Recovery Regulations, in general, consist of a set of special accounting rules pertaining to costs eligible for reimbursement under CALEA. These Regulations were adopted pursuant to the requirements of CALEA, and meet the requirements set forth in CALEA, 47 U.S.C. 1008(e)(2)(A)–(C). Each section of the Cost Recovery Regulations addresses a different procedural requirement for carriers seeking to submit a valid claim for reimbursement, including: Definitions, Allowable Costs, Reasonable Costs, Directly Assignable Costs, Directly Allocable Costs, Disallowed Costs, Cost Estimate Submission, Request for Payment, Audit, Adjustments to Agreement Estimate, Confidentiality of Trade Secrets/Proprietary Information, and Alternative Dispute Resolution.

As discussed above, CALEA provides for submissions of claims by carriers for cost reimbursement with regard to pre-1995 equipment, and to a much more limited extent, certain post-1995 equipment under circumstances where the FCC makes a determination that compliance is ''not reasonably achievable.'' If a carrier chooses to request reimbursement of eligible costs under CALEA, then it must submit a claim in accordance with the Regulations. Of course, a carrier is only required to comply with the Cost Recovery Regulations to the extent that it chooses to seek cost reimbursement. If, for whatever reason, an eligible carrier chooses not to seek any reimbursement, but rather to comply with CALEA and recover any costs through other means, then such a carrier would not need to submit a claim under the Regulations. A carrier submitting a claim must demonstrate in accordance with the Cost Recovery Regulations that the expenses were incurred and that they are potential eligible for reimbursement, among other things. The FBI then uses the information provided to evaluate various factors in order to determine whether or not to exercise its discretion to pay the claim.

In addition to payment of certain eligible costs in accordance with the Regulations as described above, the FBI is further authorized at its option to make certain payments of eligible costs under CALEA to telecommunications carriers and equipment manufacturers pursuant to ''firm fixed-price agreements.'' See Public Law 106–246, Div. B, Title II, July 13, 2000, 114 Stat. 542. The FBI made two agreements under the firm-fixed price option, after determining that the prices were reasonable, based on allowable costs, and supported by sufficient documentation.

C. FBI's Experience With the Cost Recovery Regulations

After CALEA was enacted in 1994, the FBI, over several years, successfully pursued a CALEA implementation strategy whereby it pursued agreements with major telecommunications equipment manufacturers to develop CALEA-compliant software upgrades for the majority of the types of telecommunications equipment already deployed throughout the United States. The agreements resulted in the manufacturing of the software upgrades, along with a ''Nationwide Right-To-Use (RTU) Software License'' granting any telecommunications carrier the right to install and use the software free of charge. These agreements ensured the ready availability of CALEA-compliant software upgrades for a significant amount of pre-1995 telecommunications equipment. The FBI made such agreements with AG Communications Systems, Lucent Technologies, Motorola, Nortel Networks, and Siemens AG. When considered in total, these agreements resulted in software upgrade solutions being made available for the vast majority (over 85 percent) of pre-1995 telecommunications equipment. Because the software is available free of charge, costs to telecommunications carriers were significantly reduced. Consequently, the need for carriers to seek reimbursement for costs associated with modifying pre-1995 equipment to comply with CALEA, and also to comply with the Cost Recovery Regulations, was likewise significantly reduced. The agreements did not entirely cover all potentially reimbursable costs associated with each carrier's compliance. In particular, some carriers incurred some costs in the installation of the free-of-charge software solutions on pre-1995 equipment.

In the FBI's experience to date, it has received and processed a total of 84 claims submitted in accordance with the CALEA Cost Recovery Regulations. Many of these claims were submitted seeking FBI approval for interim ''progress payments'' issued pursuant to the comprehensive RTU agreements described above. Only three claims were submitted by small entity carriers and these sought a total reimbursement of $24,000.

D. Economic Impact of the Cost Recovery Regulations on Small Entities

Section 610 of the RFA requires each agency to plan for the periodic review of any rules issued by the agency ''which have or will have a significant economic impact upon a substantial number of small entities.'' 5 U.S.C. 610(a). The FBI estimates that over 5,000 telecommunications carrier entities are engaged in providing communications services and would be subject to CALEA's requirements. We further estimate that about 90 percent of these companies would be considered small businesses under criteria established by the Small Business Administration (13 CFR 121.601). Both large and small carriers, if they were to submit claims for cost recovery under CALEA, must comply with the same Cost Recovery Regulations.

After considering all of the available facts, and its experience since publication of the 1997 final CALEA Cost Recovery Regulations, the FBI finds that the Cost Recovery Regulations likely do not have a ''significant economic impact upon a substantial number of small entities.'' Several reasons support this conclusion.

First, as described above, only a limited class of telecommunications equipment is even eligible for cost reimbursement under CALEA, and most of that equipment was installed before 1995. Since it has been over 10 years since CALEA's enactment, a significant portion of this equipment has already been upgraded or replaced. Second, and more significantly, however, the FBI's implementation strategy after CALEA's enactment greatly reduced the costs associated with CALEA compliance with regard to pre-1995 equipment. By contracting with major equipment manufacturers to produce CALEA-compliant software upgrades available free-of-charge to carriers, the costs incurred through compliance with CALEA were greatly reduced for a majority of carriers. This action necessarily reduced the potential number of claims for cost recovery, and hence, the number of entities potentially required to comply with the Cost Recovery Regulations. The fact that this reduction occurred is evidenced by the relatively low number of claims (84) that the FBI has processed under CALEA to date, and very few claims (3) having been submitted by small entities to date. It is very likely therefore that the Regulations have no effect at all on a substantial number of small entities.

Moreover, even in cases where a small entity does submit a claim, the Cost Recovery Regulations would not likely have any ''significant economic impact'' on that entity. As described above, the Regulations are procedural. They require an entity to support and document its monetary claim with records evidencing the accuracy of the claimed costs, and demonstrating that such costs are eligible for repayment under CALEA. In general, an entity providing this information would be required to reference and provide copies its own business records, and to summarize information that is readily available from its own business records. At most, it might be necessary for a carrier to seek the assistance of an employee or contractor with financial expertise in order to comply with the Regulations. This type financial accounting activity occasioned by compliance with the Cost Recovery Regulations is common in many businesses. This activity is very unlikely to create a ''significant economic impact'' on any small entity.

As stated above however, notwithstanding this conclusion the FBI has proceeded to consider the factors specified for review in Section 610(b) of the RFA.

D. 1. The Continued Need for for the Regulations

As discussed herein, the purpose of the CALEA Cost Recovery Regulations is to implement the requirements of CALEA related to costs. *See generally* 47 U.S.C. 1008. CALEA specifically required the Attorney General to establish regulations setting forth the procedures that telecommunications carriers must follow in order to request and be considered for reimbursement for the costs of modifications to pre-1995 equipment, and any other eligible costs. *Id.* at section 1008(e)(1). In addition, in order to facilitate CALEA's implementation, Congress authorized $500 million to be appropriated to reimburse the telecommunications industry for certain eligible costs associated with CALEA compliance.

The majority of the funds appropriated under CALEA, have been applied in the ''Nationwide Right-To-Use (RTU) Software License'' strategy described above, which covered a majority of the eligible of costs associated with upgrading pre-1995 telecommunications equipment in order to comply with CALEA's requirements. As stated herein, these arrangements allowed the FBI paid for the development of CALEA software solutions for certain high priority switching platforms, and allowed all carriers to receive CALEA-compliant software at no charge. The arrangements did not, however, cover certain additional, and potentially reimbursable, costs associated with each carrier's compliance. In particular, some carriers would still incur costs in the deployment and activation of the software solutions on pre-1995 equipment. The FBI continues to hold discussion with carriers to determine

whether it is appropriate to consider agreeing to reimbursement of these or other costs, subject to the level of remaining appropriated funds and the limitations specified in CALEA. Despite some reductions in the level of appropriated funding, these discussions create a continuing need for the CALEA Cost Recovery Regulations. In addition, as is also described above, the FBI might in its discretion, and within the very limited circumstances of an FCC decision that compliance by a particular entity is ''not reasonably achievable,'' agree to pay certain eligible other costs. Payments in these situations might also require the entity to submit a claim in accordance with the Cost Recovery Regulations. For these reasons, there is a continued need for the Regulations.

D. 2. The Nature of Complaints or Comments Received From the Public Concerning the Regulations

The FBI has processed 84 claims for reimbursement to date. Each of these claims was paid, and required only minor adjustments to the amount claimed. No complaints have been received by the FBI regarding the Cost Recovery Regulations. In those few cases where the FBI required additional information beyond the information initially submitted by the entity with the claim, the FBI's questions were answered satisfactorily and reimbursement was made.

There have been no instances since the adoption of the Regulations where an entity has expressed to the FBI any difficulties in its compliance with the Regulations. In fact, in many cases, carriers expressed satisfaction that they had received proper reimbursement for the costs they had incurred. In addition, some carriers found the Regulations to be useful, because the process allowed the entity to proceed with CALEA-related modifications while after receiving assurance from the FBI that eligible costs would be reimbursed. The Regulations thus serve as a helpful tool that provide carriers and other entities with guidance as to how to verify the eligibility of compliance costs for reimbursement before such costs are actually incurred.

Additionally, as described above, the FBI is also authorized to use an alternate procedure authorized in, whereby the FBI may agree to a to firm fixed-price arrangement with a carrier, manufacturer or other entity. *See* Public Law 106–246, Div. B, Title II, July 13, 2000, 114 Stat. 542. This alternative provides flexibility for cases where a firm-fixed price is appropriate, and has been used by the FBI in two arrangements.

The FBI also considered whether any changes that could be made to improve the cost-reimbursement process. Based on the flexibility inherent in the Regulations themselves and the firm-fixed price strategy, and also on the success of the Regulations to date, the FBI determined that no changes are necessary.

D. 3. The Complexity of the Regulations

The CALEA Cost Recovery Regulations are roughly similar in complexity to other existing cost-accounting regulations imposed by the Federal government, including for example, the Federal Acquisition Regulations. Based upon our review, the Regulations do not appear to be excessively complex. In the FBI's experience, all of the entities submitting claims in accordance with the Regulations have successfully complied with minimal assistance from the FBI.

D. 4. The Extent to Which the Regulations Overlap, Duplicate, or Conflict With Other Federal Rules and to the Extent Feasible With State and Local Government Rules

No other Federal or State regulations overlap, duplicate or conflict with the CALEA Cost Recovery Regulations. This is because the FBI, as the authorized delegate of the Attorney General, is the only Federal or State agency with the authority and responsibility for implementing the cost recovery provisions of CALEA. As described above, there is no analogue to CALEA under State law.

D. 5. The Length of Time Since the Regulations Have Been Evaluated or the Degree to Which Technology, Economic Conditions, or Other Factors Have Changed in the Area Affected by the Regulations

The Regulations were evaluated in some respect in 2000, when it was determined that it would be beneficial to add flexibility by providing the government with the discretion to make firm fixed-price agreements in certain cases. The FBI has re-evaluated the Regulations pursuant to this inquiry. Technology, economic conditions, and other factors have changed in the telecommunications area affected by the Regulations since the time when they were adopted. For example, the wide deployment by carriers of new technologies, such as broadband internet access and Voice-Over-Internet-Protocol, has led the FCC to adopt new rules for CALEA-compliance. *See In the Matter of Communications Assistance for Law Enforcement Act and Broadband Access and Services*, First Report and Order and Further Notice of Proposed Rulemaking, 20 FCC Rcd 14989 (2005). These changes however have no impact on the requirements for the Cost Recovery Regulations, since the Regulations are based on accounting concepts which are essentially neutral as to technology, economic conditions, or other factors. For example, the application of the definition of ''reasonable costs'' found in 28 CFR 100.12(a) (''A cost is reasonable if, in its nature and amount, it does not exceed that which would be incurred by a prudent person in the conduct of a competitive business.'') would be the same without regard to the technology utilized by the entity incurring the cost. This is the case for all of the Cost Recovery Regulations. For these reasons the FBI has determined that no changes are necessary at this time to the Cost Recovery Regulations.

E. Conclusion

For the reasons discussed herein, the FBI concludes that the CALEA Cost Recovery Regulations do not have a significant economic impact upon a substantial number of small entities. The FBI further concludes after consideration of the criteria set forth in the Regulatory Flexibility Act, Section 610(b), Title 5, United States Code, that the Regulations should be maintained in their current status, without changes.

Dated: April 10, 2008.

Marybeth Paglino,

Unit Chief, Federal Bureau of Investigation, CALEA Implementation Unit.

[FR Doc. E8–12399 Filed 6–2–08; 8:45 am]

BILLING CODE 4410–02–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2008–0121]

RIN 1625–AA11

''McCormick & Baxter'' Regulated Navigation Area, Willamette River, Portland, OR

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is establishing a Regulated Navigation Area on the Willamette River, Portland Oregon Captain of the Port Zone. This action is necessary to preserve the integrity of the engineered pilot cap placed over contaminated sediments as part of an Environmental Protection

Agency (EPA) Superfund cleanup action at the McCormick & Baxter Creosoting Company Superfund Site. This proposed rule is needed to prohibit activities that would cause disturbance of pilot cap material, which was placed to isolate and contain underlying contaminated sediment.

DATES: Comments and related material must reach the Coast Guard on or before July 3, 2008.

ADDRESSES: You may submit comments identified by Coast Guard Docket number USCG–2008–0121 to the Docket Management Facility at the U.S. Department of Transportation. To avoid duplication, please use only one of the following methods:

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

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

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

(4) *Fax:* 202–493–2251.

FOR FURTHER INFORMATION CONTACT: MST1 Lucia Mack, Waterways Division, Sector Portland, OR at 503–240–9301. If you have questions on viewing or submitting material to the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

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

Submitting Comments

If you submit a comment, please include the docket number for this rulemaking (USCG–2008–0121), indicate the specific section of this document to which each comment applies, and give the reason for each comment. We recommend that you include your name and mailing address, an e-mail address, or a phone number in the body of your document so that we can contact you if we have questions regarding your submission. You may submit your comments and material by electronic means, mail, fax, or delivery to the Docket Management Facility at the address under **ADDRESSES**; but please submit your comments and material by only one means. If you submit them by mail or delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit them by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this proposed rule in view of them.

Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov* at any time. Enter the docket number for this rulemaking (USCG–2008–0121) in the Search box, and click ''Go>>.'' You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Privacy Act

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

Public Meeting

We do not plan to hold a public meeting. But you may submit a request for one to the Docket Management Facility at the address under **ADDRESSES** explaining why one would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

Background and Purpose

The McCormick & Baxter Creosoting Company operated between 1944 and 1991, treating wood products with creosote, pentachlorohenol, and inorganic (arsenic, copper, chromium, and zinc) preservative solutions. Historically, process wastewaters were discharged directly to the Willamette River, and other process wastes were dumped in several areas of the Site. Significant concentrations of wood-treating chemicals have been found in soil and groundwater at the site and in river sediments adjacent to the Site. The EPA listed the Site on the National Priorities List (NPL) in June 1994 based on information collected by DEQ between September 1990 and September 1992. The EPA also designated the DEQ as the lead agency for implementing the selected remedy while funding for remedial design and construction was primarily provided by EPA. The DEQ implemented a number of interim removal measures between 1992 and 1994, including plant demolition, sludge and soil removals, and extraction of creosote from the groundwater aquifers. The Record of Decision (ROD) was issued by WPA and DEQ in April 1996 after considering public comments on the Proposed Cleanup Plan. The remedy addressed contaminated groundwater, soil and sediment. A component of the groundwater remedy, initiated in 1994, consisted of an automated creosote extraction and groundwater treatment system. However, due to poor product recovery and high operating costs, the automated system was discontinued in late 2000. Creosote is currently being recovered by passive and manual methods. Approximately 6,200 gallons have been recovered since 1991. A contingency groundwater remedy was implemented in the summer of 2003, with the construction of a combination steel sheet pile and soil Bentonite slurry wall surrounding 18 acres. The purpose of the barrier wall is to prevent migration of creosote to the Willamette River. Implementation of the soil remedy began in March 1999 with the removal of 33,000 tons of highly contaminated soil and debris. The soil remedy was completed in September 2005 following installation of a combination impermeable/earthen cap—the impermeable portion covering the area within the subsurface barrier wall. The sediment remedy was implemented in 2004 and primarily consisted of an armored sand cap placed over 23 acres of contaminated sediment. Construction occurred during the summers of 2004 and 2005. Sediment cap construction performed in 2005 followed construction work performed by the City of Portland to stabilize two high pressure sewer lines located within a one-acre portion of the sediment cap. In

addition to the sand layer, an oil adsorptive material known as organophyllic clay was used in two creosote seep areas. To protect the cap from erosion, the sand and organophyllic clay were armored with a combination of rock and articulated concrete blocks. Erosional forces evaluated in designing the cap armoring layer included hydraulic-induced stresses due to river currents associated with a 500-year flood, vessel-induced propeller velocities from a tractor tug and various sized recreational boats, wind waves associated with a 100-year wind storm and vessel wakes associated with various boats including a 100-ft fireboat traveling at 14 knots. These forces were evaluated for river level variations due to tidal action and flood currents. Additionally, numerical modeling was used to analyze wave transformation and capping of the riverbank with two feet of topsoil, turf reinforcement matting and herbaceous vegetation. Revegetation of the capped riverbank with native trees and shrubs took place in February 2006 after the soil had been stabilized with the native grasses planted in November 2004. The DEQ has requested the issuance of this RNA in order to prohibit activities that may damage the engineered sediment cap at the Site. Although the sediment cap is designed to withstand a variety of anticipated erosional forces, the cap is susceptible to damage, such as from propeller wash, deployment of barge spuds, deployment and dragging of anchors, and grounding of large vessels. If the engineered sediment cap were to be damaged by marine activities, the contaminated sediments which underlie the cap could be released to the river thereby posing an unacceptable threat to public health and the environment.

Discussion of Rule

This proposed rule would create a regulated navigation area (RNA) on all waters of the Willamette River encompassed by a line commencing at 45°34′33″ N, 122°44′17″ W to 45°34′32″ N, 122°44′18″ W thence to 45°34′35″ N, 122°44′24″ W thence to 45°34′35″ N, 122°44′27″ W thence to 45°34′35″ N, 122°44′36″ W thence to 45°34′35″ N, 122°44′37″ W thence to 45°34′38″ N, 122°44′42″ W to 45°34′39″ N, 122°44′43″ W thence to 45°34′44″ N, 122°44′51″ W thence to 45°34′45″ N, 122°44′53″ W thence to 45°34′47″ N, 122°44′51″ W thence to 45°34′45″ N, 122°44′46″ W to 45°34′45″ N, 122°44′45″ W thence to 45°34′47″ N, 122°44′43″ W thence to 45°34′46″ N, 122°44′42″ W thence to 45°34′48″ N, 122°44′40″ W thence to 45°34′48″ N, 122°44′38″ W and along the shoreline to 45°34′46″ N, 122°44′39″ W and then back to the point of origin. Vessels are prohibited from anchoring, spudding, dredging, laying cable, dragging, trawling, conducting salvage operations. Operation of commercial vessels of any size, operating recreational vessels greater than 30 feet in length, and operating other vessels in excess of no wake speed or the minimum speed needed to maintain steerage is prohibited.

Violations of the RNA regulations are punishable by civil penalties (not to exceed $35,500 per violation), criminal penalties (imprisonment for not more than 10 years and a fine of not more than $250,000) and in rem liability against the offending vessel.

Regulatory Evaluation

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

We expect the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation is unnecessary. The effect of this regulation will not be significant based on the fact there will be minimal if any effect on the navigable waterway around the proposed regulated area due to the regulated navigation area's proximity to the shore. The local maritime community will be informed of the regulated navigation area via marine informational Notice to Mariners.

Small Entities

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

The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule will not have a significant economic impact on a substantial number of small entities. This proposed rule will affect the following entities, some of which may be small entities: The owners or operators of vessels intending to transit or anchor in a portion of the Willamette River. This proposed rule will not have a significant economic impact on a substantial number of small entities because the regulated navigation area is limited in size leaving ample room for vessels to navigate around the area. Vessels engaged in commerce with the existing refueling pipeline located within the site should not be affected by this regulation in those activities but are advised to minimize potential impacts such as anchoring, wake scouring, and dragging in the vicinity of the pilot cap.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this proposed rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the proposed rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact MST1 Lucia Mack, Waterways Division, Sector Portland, at 503–240–9301. The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

Collection of Information

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

Federalism

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

Unfunded Mandates Reform Act

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

discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Indian Tribal Governments

This proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

Energy Effects

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

Technical Standards

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

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

Environment

We have analyzed this proposed rule under Commandant Instruction M16475.1D which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f) and have made a preliminary determination that this action is not likely to have a significant effect on the human environment. There are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. A preliminary ''Environmental Analysis Check List'' supporting this determination is available in the docket under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

List of Subjects in 33 CFR Part 165

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

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

2. Add § 165.1323 to read as follows:

§ 165.1323 Regulated Navigation Area: Willamette River Portland, Oregon Captain of the Port Zone.

(a) *Location.* The following is a regulated navigation area (RNA): All waters of the Willamette River encompassed by a line commencing at 45°34′33″ N, 122°44′17″ W to 45°34′32″ N, 122°44′18″ W thence to 45°34′35″ N, 122°44′24″ W thence to 45°34′35″ N, 122°44′27″ W thence to 45°34′35″ N, 122°44′36″ W thence to 45°34′35″ N, 122°44′37″ W thence to 45°34′38″ N, 122°44′42″ W to 45°34′39″ N, 122°44′43″ W thence to 45°34′44″ N, 122°44′51″ W thence to 45°34′45″ N, 122°44′53″ W thence to 45°34′47″ N, 122°44′51″ W thence to 45°34′45″ N, 122°44′46″ W to 45°34′45″ N, 122°44′45″ W thence to 45°34′47″ N, 122°44′43″ W thence to 45°34′46″ N, 122°44′42″ W thence to 45°34′48″ N, 122°44′40″ W thence to 45°34′48″ N, 122°44′38″ W and along the shoreline to 45°34′46″ N, 122°44′39″ W and back to the point of origin. All coordinates reference 1983 North American Datum (NAD 83).

(b) *Regulations.* (1) Anchoring, spudding, dredging, laying cable, dragging, trawling, conducting salvage operations, operating commercial vessels of any size, and operating recreational vessels greater than 30 feet in length are prohibited in the regulated area.

(2) All vessels transiting or accessing the regulated area shall do so at no wake speed or at the minimum speed necessary to maintain steerage.

Dated: May 6, 2008.

J.P. Currier,

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

[FR Doc. E8–12147 Filed 6–2–08; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

37 CFR Parts 1 and 41

[Docket No. PTO–C02008–0004]

RIN 0651–AC21

Revision of Patent Fees for Fiscal Year 2009

AGENCY: United States Patent and Trademark Office, Commerce.

ACTION: Proposed rule.

SUMMARY: The United States Patent and Trademark Office (Office) is proposing to adjust certain patent fee amounts for fiscal year 2009 to reflect fluctuations in the Consumer Price Index (CPI). The patent statute provides for the annual CPI adjustment of patent fees set by statute to recover the higher costs associated with doing business.

DATES: Written comments must be received on or before July 3, 2008. No public hearing will be held.

ADDRESSES: You may submit comments, identified by RIN number RIN 0651–AC21, by any of the following methods:

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

• *E-mail: Walter.Schlueter@uspto.gov.* Include RIN number RIN 0651–AC21 in the subject line of the message.

• *Fax:* (571) 273–6299, marked to the attention of Walter Schlueter.

• *Mail:* Director of the U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450, marked to the attention of Walter Schlueter.

Instructions: All submissions received must include the agency name and Regulatory Information Number (RIN) for this proposed rule making. For additional information on the rule making process, see the heading of the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Walter Schlueter by e-mail at *Walter.Schlueter@uspto.gov*, by telephone at (571) 272–6299, or by fax at (571) 273–6299.

SUPPLEMENTARY INFORMATION: The Office is proposing to adjust certain patent fees in accordance with the applicable provisions of title 35, United States Code, as amended by the Consolidated Appropriations Act (Pub. L. 108–447, 118 Stat. 2809 (2004)).

Background: Statutory Provisions: Patent fees are set by or under the authority provided in 35 U.S.C. 41, 119, 120, 132(b), 156, 157(a), 255, 302, 311, 376, section 532(a)(2) of the Uruguay Round Agreements Act (URAA) (Pub. L. 103–465, § 532(a)(2), 108 Stat. 4809, 4985 (1994)), and section 4506 of the American Inventors Protection Act of 1999 (AIPA) (Pub. L. 106–113, 113 Stat. 1501, 1501A–565 (1999)). For fees paid under 35 U.S.C. 41(a) and (b) and 132(b), independent inventors, small business concerns, and nonprofit organizations who meet the requirements of 35 U.S.C. 41(h)(1) are entitled to a fifty-percent reduction.

Section 41(d) of title 35, United States Code, authorizes the Director to establish fees for all other processing, services, or materials related to patents to recover the average cost of providing these services or materials, except for the fees for recording a document affecting title, for each photocopy, for each black and white copy of a patent, and for standard library service.

Section 41(f) of title 35, United States Code, provides that fees established under 35 U.S.C. 41(a) and (b) may be adjusted on October 1, 1992, and every year thereafter, to reflect fluctuations in the CPI over the previous twelve months.

Section 41(g) of title 35, United States Code, provides that new fee amounts established by the Director under 35 U.S.C. 41 may take effect thirty days after notice in the **Federal Register** and the *Official Gazette of the United States Patent and Trademark Office.*

The fiscal year 2005 Consolidated Appropriations Act (section 801 of Division B) provided that 35 U.S.C. 41(a), (b), and (d) shall be administered in a manner that revises patent application fees (35 U.S.C. 41(a)) and patent maintenance fees (35 U.S.C. 41(b)), and provides for a separate filing fee (35 U.S.C. 41(a)), search fee (35 U.S.C. 41(d)(1)), and examination fee (35 U.S.C. 41(a)(3)) during fiscal years 2005 and 2006. *See* Pub. L. 108–447, 118 Stat. 2809, 2924–30 (2004). The patent and trademark fee provisions of the fiscal year 2005 Consolidated Appropriations Act were extended through September 30, 2008, by subsequent legislation. *See* Pub. L. 110–161, 121 Stat. 1844 (2007), Pub. L. 110–149, 121 Stat. 1819 (2007), Pub. L. 110–137, 121 Stat. 1454 (2007), Pub. L. 110–116, 121 Stat. 1295 (2007), Pub. L. 110–92, 121 Stat. 989 (2007), Pub. L. 110–5, 121 Stat. 8 (2007), Pub. L. 109–383, 120 Stat. 2678 (2006), Pub. L. 109–369, 120 Stat. 2642 (2006), and Pub. L. 109–289, 120 Stat. 1257 (2006). The Office anticipates the introduction and enactment of legislation that would extend the patent and trademark fee provisions of the fiscal year 2005 Consolidated Appropriations Act through fiscal year 2009.

Fee Adjustment Level: The patent statutory fees established by 35 U.S.C. 41(a) and (b) are proposed to be adjusted to reflect fluctuations occurring during the twelve-month period from October 1, 2007, through September 30, 2008, correspondingly, in the Consumer Price Index for All Urban Consumers (CPI–U). The Office of Management and Budget has advised that in calculating these fluctuations, the Office should use CPI–U data as determined by the Secretary of Labor. In accordance with previous fee-setting methodology, the Office bases this fee adjustment on the Administration's projected CPI–U for the twelve-month period ending September 30, 2008, which is 4.0 percent. Based on this projected CPI–U, patent statutory fees are proposed to be adjusted by 4.0 percent. Before the final fee amounts are published, the fee amounts may be adjusted based on actual fluctuations in the CPI–U published by the Secretary of Labor.

The fee amounts were rounded by applying standard arithmetic rules so that the amounts rounded will be convenient to the user. Fees for other than a small entity of $100 or more were rounded to the nearest $10. Fees of less than $100 were rounded to an even number so that any comparable small entity fee will be a whole number.

General Procedures: Any fee amount that is paid on or after the effective date of the proposed fee adjustment would be subject to the new fees then in effect. The amount of the fee to be paid will be determined by the time of filing. The time of filing will be determined either according to the date of receipt in the Office (37 CFR 1.6) or the date reflected on a proper Certificate of Mailing or Transmission, where such a certificate is authorized under 37 CFR 1.8. Use of a Certificate of Mailing or Transmission is not authorized for items that are specifically excluded from the provisions of 37 CFR 1.8. Items for which a Certificate of Mailing or Transmission under 37 CFR 1.8 is not authorized include, for example, filing of national and international applications for patents. *See* 37 CFR 1.8(a)(2).

Patent-related correspondence delivered by the ''Express Mail Post Office to Addressee'' service of the United States Postal Service (USPS) is considered filed or received in the Office on the date of deposit with the USPS. *See* 37 CFR 1.10(a)(1). The date of deposit with the USPS is shown by the ''date-in'' on the ''Express Mail'' mailing label or other official USPS notation.

To ensure clarity in the implementation of the proposed new fees, a discussion of specific sections is set forth below.

Discussion of Specific Rules

37 CFR 1.16 National application filing, search, and examination fees: Section 1.16, paragraphs (a) through (e), (h) through (k), and (m) through (s), if revised as proposed, would adjust fees established therein to reflect fluctuations in the CPI.

37 CFR 1.17 Patent application and reexamination processing fees: Section 1.17, paragraphs (a)(2) through (a)(5), (l), and (m), if revised as proposed, would adjust fees established therein to reflect fluctuations in the CPI.

37 CFR 1.18 Patent post allowance (including issue) fees: Section 1.18, paragraphs (a) through (c), if revised as proposed, would adjust fees established therein to reflect fluctuations in the CPI.

37 CFR 1.20 Post issuance fees: Section 1.20, paragraphs (c)(3), (c)(4), and (d) through (g), if revised as proposed, would adjust fees established therein to reflect fluctuations in the CPI.

37 CFR 1.492 National stage fees: Section 1.492, paragraphs (a), (b)(3), (b)(4), (c)(2), (d) through (f), and (j), if revised as proposed, would adjust fees established therein to reflect fluctuations in the CPI.

37 CFR 41.20 Fees: Section 41.20, paragraphs (b)(1) through (b)(3), if revised as proposed, would adjust fees established therein to reflect fluctuations in the CPI.

Alternative Fee Amounts if Legislation Extending the Patent and Trademark Fee Provisions of the Fiscal Year 2005 Consolidated Appropriations Act is Not Enacted: If legislation that would extend the patent and trademark fee provisions of the fiscal year 2005 Consolidated Appropriations Act into fiscal year 2009 is not enacted, patent fees under 35 U.S.C. 41(a), (b), and (d) will become the patent fees in effect in the absence of the fiscal year 2005 Consolidated Appropriations Act. The Office is therefore also proposing to adjust the patent fees under 35 U.S.C. 41(a), (b), and (d) that would be in effect in the absence of the fiscal year 2005 Consolidated Appropriations Act for fiscal year 2009 to reflect fluctuations in the Consumer Price Index (CPI). The following table (Table 1) sets out the proposed fee amounts in the event that legislation extending the patent and trademark fee provisions of the fiscal year 2005 Consolidated Appropriations Act into fiscal year 2009 is not enacted.

TABLE 1

37 CFR sec.	Fee	Proposed fee amount (non-small entity)	Proposed fee amount (small entity)
1.16(a)	Basic filing fee—utility application	$840.00	$420.00
1.16(b)	Independent claims in excess of three	94.00	47.00
1.16(d)	Multiple dependent claim	320.00	160.00
1.16(f)	Basic filing fee—design application	370.00	185.00
1.16(g)	Basic filing fee—plant application	590.00	295.00
1.16(h)	Basic filing fee—reissue application	840.00	420.00
1.16(i)	Independent claims in excess of three—reissue	94.00	47.00
1.16(k)	Basic filing fee—provisional application	170.00	85.00
1.17(a)(2)	Extension for response within second month	460.00	230.00
1.17(a)(3)	Extension for response within third month	1,050.00	525.00
1.17(a)(4)	Extension for response within fourth month	1,640.00	820.00
1.17(a)(5)	Extension for response within fifth month	2,230.00	1,115.00
1.17(m)	Petition to revive—unintentionally abandoned application	1,470.00	735.00
1.18(a)	Issue fee—utility application	1,470.00	735.00
1.18(b)	Issue fee—design application	520.00	260.00
1.18(c)	Issue fee—plant application	710.00	355.00
1.20(e)	Maintenance fee—due at 3.5 years	1,010.00	505.00
1.20(f)	Maintenance fee—due at 7.5 years	2,300.00	1,150.00
1.20(g)	Maintenance fee—due at 11.5 years	3,550.00	1,775.00
1.492(a)(1)	IPEA—U.S.	800.00	400.00
1.492(a)(2)	ISA—U.S.	840.00	420.00
1.492(a)(3)	USPTO not ISA or IPEA	1,190.00	595.00
1.492(a)(5)	Filing with EPO or JPO search report	1,020.00	510.00
1.492(b)	Independent claims in excess of three	94.00	47.00
1.492(d)	Multiple dependent claim	320.00	160.00
41.20(b)(1)	Notice of appeal	360.00	180.00
41.20(b)(2)	Brief in support of an appeal	360.00	180.00
41.20(b)(3)	Request for oral hearing	320.00	160.00

Rulemaking Considerations

A. Initial Regulatory Flexibility Analysis

1. Description of the reasons that action by the agency is being considered: The Office is proposing to adjust the patent fees set under 35 U.S.C. 41(a) and (b) to ensure proper funding for effective Office operations. The patent fee CPI adjustment is a routine adjustment that has generally occurred on an annual basis to recover the higher costs of Office's operations that occur due to the increase in the price of products and services. The lack of proper funding for effective Office operations would result in a significant increase in patent pendency levels.

2. Succinct statement of the objectives of, and legal basis for, the proposed rules: The objective of the proposed change is to adjust patent fees set under 35 U.S.C. 41(a) and (b) to recover the higher costs of Office operations. Patent fees are set by or under the authority provided in 35 U.S.C. 41, 119, 120, 132(b), 156, 157(a), 255, 302, 311, 376, section 532(a)(2) of the URAA, and 4506 of the AIPA. 35 U.S.C. 41(f) provides that fees established under 35 U.S.C. 41(a) and (b) may be adjusted every year to reflect fluctuations in the CPI over the previous twelve months.

3. Description and estimate of the number of affected small entities: The Small Business Administration (SBA) small business size standards applicable to most analyses conducted to comply with the Regulatory Flexibility Act are set forth in 13 CFR 121.201. These regulations generally define small businesses as those with fewer than a maximum number of employees or less than a specified level of annual receipts for the entity's industrial sector or North American Industry Classification System (NAICS) code. The Office, however, has formally adopted an alternate size standard as the size standard for the purpose of conducting an analysis or making a certification under the Regulatory Flexibility Act for patent-related regulations. *See Business Size Standard for Purposes of United States Patent and Trademark Office Regulatory Flexibility Analysis for Patent-Related Regulations,* 71 FR 67109 (Nov. 20, 2006), 1313 *Off. Gaz. Pat. Office* 60 (Dec. 12, 2006). This alternate small business size standard is the previously established size standard that identifies the criteria entities must meet to be entitled to pay reduced patent fees. *See* 13 CFR 121.802. If patent applicants identify themselves on

the patent application as qualifying for reduced patent fees, the Office captures this data in the Patent Application Location and Monitoring (PALM) database system, which tracks information on each patent application submitted to the Office.

Unlike the SBA small business size standards set forth in 13 CFR 121.201, this size standard is not industry-specific. Specifically, the Office's definition of small business concern for Regulatory Flexibility Act purposes is a business or other concern that: (1) Meets the SBA's definition of a ''business concern or concern'' set forth in 13 CFR 121.105; and (2) meets the size standards set forth in 13 CFR 121.802 for the purpose of paying reduced patent fees, namely an entity: (a) Whose number of employees, including affiliates, does not exceed 500 persons; and (b) which has not assigned, granted, conveyed, or licensed (and is under no obligation to do so) any rights in the invention to any person who made it and could not be classified as an independent inventor, or to any concern which would not qualify as a non-profit organization or a small business concern under this definition. *See Business Size Standard for Purposes of United States Patent and Trademark Office Regulatory Flexibility Analysis for Patent-Related Regulations,* 71 FR at 67112, 1313 *Off. Gaz. Pat. Office* at 63.

The changes in this proposed rule will apply to any small entity that files a patent application, or has a pending patent application or unexpired patent. The changes in this proposed rule will specifically apply when an applicant or patentee pays an application filing or national stage entry fee, search fee, examination fee, excess or multiple dependent claim fee, application size fee, extension of time fee, notice of appeal fee, appeal brief fee, request for an oral hearing fee, disclaimer fee, petition to revive fee, issue fee, or patent maintenance fee. The following table (Table 2) indicates the applicable fee, the number of small entity payments of the fee received by the Office in fiscal year 2007 (number of small entities who paid the applicable fee in fiscal year 2007), the current small entity fee amount, the proposed small entity fee amount, and the net amount of the small entity fee adjustment.

TABLE 2

Fee	Fiscal year 2007 small entity payments	Current fee amount	Proposed fee amount	Fee adjustment
Basic filing fee—utility application—electronic filing	41,519	75.00	80.00	5.00
Basic filing fee—utility application (on or after December 8, 2004)	45,832	155.00	160.00	5.00
Basic filing fee—utility application (before December 8, 2004)	66	405.00	420.00	15.00
Basic filing fee—design application (on or after December 8, 2004)	12,846	105.00	110.00	5.00
Basic filing fee—design application (before December 8, 2004)	11	180.00	185.00	5.00
Basic filing fee—plant application (on or after December 8, 2004)	327	105.00	110.00	5.00
Basic filing fee—plant application (before December 8, 2004)	0	285.00	295.00	10.00
Basic filing fee—provisional application	83,712	105.00	110.00	5.00
Basic filing fee—reissue application (on or after December 8, 2004)	181	155.00	160.00	5.00
Basic filing fee—reissue application (before December 8, 2004)	1	405.00	420.00	15.00
Independent claims in excess of three	26,418	105.00	110.00	5.00
Claims in excess of 20	41,100	25.00	26.00	1.00
Multiple dependent claim	2,503	185.00	190.00	5.00
Search fee—utility application (on or after December 8, 2004)	86,469	255.00	265.00	10.00
Search fee—plant application (on or after December 8, 2004)	326	155.00	160.00	5.00
Search fee—reissue application (on or after December 8, 2004)	180	255.00	265.00	10.00
Examination fee—utility application (on or after December 8, 2004)	86,658	105.00	110.00	5.00
Examination fee—design application (on or after December 8, 2004)	12,615	65.00	70.00	5.00
Examination fee—plant application (on or after December 8, 2004)	327	80.00	85.00	5.00
Examination fee—reissue application (on or after December 8, 2004)	191	310.00	320.00	10.00
Application size fee greater than 100 pages	5,469	130.00	135.00	5.00
Extension for response within second month	17,339	230.00	235.00	5.00
Extension for response within third month	23,818	525.00	540.00	15.00
Extension for response within fourth month	2,277	820.00	845.00	25.00
Extension for response within fifth month	2,700	1,115.00	1,150.00	35.00
Petition to revive—unavoidably abandoned application	174	255.00	265.00	10.00
Petition to revive—unintentionally abandoned application	3,271	770.00	800.00	30.00
Issue fee—utility application	33,718	720.00	750.00	30.00
Issue fee—design application	10,398	410.00	425.00	15.00
Issue fee—plant application	298	565.00	590.00	25.00
Reexamination independent claims in excess of three	37	105.00	110.00	5.00
Reexamination claims in excess of 20	45	25.00	26.00	1.00
Statutory disclaimer	6,248	65.00	70.00	5.00
Maintenance fee—due at 3.5 years	32,577	465.00	485.00	20.00
Maintenance fee—due at 7.5 years	20,981	1,180.00	1,225.00	45.00
Maintenance fee—due at 11.5 years	8,130	1,955.00	2,035.00	80.00
Filing of PCT application—USPTO ISA—national stage	11,807	155.00	160.00	5.00
National stage search fee—search report to USPTO	8,440	205.00	215.00	10.00
National stage search fee—all other situations	1,029	255.00	265.00	10.00
National stage examination fee—all other situations	11,262	105.00	110.00	5.00
Independent claims in excess of three	3,272	105.00	110.00	5.00
Claims in excess of 20	5,913	25.00	26.00	1.00
Multiple dependent claim	1,178	185.00	190.00	5.00
Application size fee greater than 100 pages	573	130.00	135.00	5.00
Notice of appeal	5,978	255.00	265.00	10.00
Brief in support of an appeal	2,640	255.00	265.00	10.00
Request for oral hearing	233	515.00	535.00	20.00

The Office has also been advised that a number of small entity applicants and patentees do not claim small entity status for various reasons. *See Business Size Standard for Purposes of United States Patent and Trademark Office Regulatory Flexibility Analysis for Patent-Related Regulations,* 71 FR at 67110, 1313 *Off. Gaz. Pat. Office* at 61. Therefore, the Office is also considering all other entities paying patent fees as well. The following table (Table 3) indicates the applicable fee, the number of non-small entity payments of the fee received by the Office in fiscal year 2007 (number of non-small entities who paid the applicable fee in fiscal year 2007), the current non-small entity fee amount, the proposed non-small entity fee amount, and the net amount of the non-small entity fee adjustment.

TABLE 3

Fee	Fiscal year 2007 non-small entity payments	Current fee amount	Proposed fee amount	Fee adjustment
Basic filing fee—utility application (on or after December 8, 2004)	209,577	310.00	320.00	10.00
Basic filing fee—utility application (before December 8, 2004)	311	810.00	840.00	30.00
Basic filing fee—design application (on or after December 8, 2004)	13,400	210.00	220.00	10.00
Basic filing fee—design application (before December 8, 2004)	72	360.00	370.00	10.00
Basic filing fee—plant application (on or after December 8, 2004)	680	210.00	220.00	10.00
Basic filing fee—plant application (before December 8, 2004)	0	570.00	590.00	20.00
Basic filing fee—provisional application	47,925	210.00	220.00	10.00
Basic filing fee—reissue application (on or after December 8, 2004)	689	310.00	320.00	10.00
Basic filing fee—reissue application (before December 8, 2004)	1	810.00	840.00	30.00
Independent claims in excess of three	77,135	210.00	220.00	10.00
Claims in excess of 20	102,973	50.00	52.00	2.00
Multiple dependent claim	5,944	370.00	380.00	10.00
Search fee—utility application (on or after December 8, 2004)	209,135	510.00	530.00	20.00
Search fee—plant application (on or after December 8, 2004)	681	310.00	320.00	10.00
Search fee—reissue application (on or after December 8, 2004)	688	510.00	530.00	20.00
Examination fee—utility application (on or after December 8, 2004)	209,465	210.00	220.00	10.00
Examination fee—design application (on or after December 8, 2004)	13,261	130.00	140.00	10.00
Examination fee—plant application (on or after December 8, 2004)	681	160.00	170.00	10.00
Examination fee—reissue application (on or after December 8, 2004)	707	620.00	640.00	20.00
Application size fee greater than 100 pages	11,257	260.00	270.00	10.00
Extension for response within second month	42,308	460.00	470.00	10.00
Extension for response within third month	41,489	1,050.00	1,080.00	30.00
Extension for response within fourth month	3,105	1,640.00	1,690.00	50.00
Extension for response within fifth month	3,482	2,230.00	2,300.00	70.00
Petition to revive—unavoidably abandoned application	127	510.00	530.00	20.00
Petition to revive—unintentionally abandoned application	4,180	1,540.00	1,600.00	60.00
Issue fee—utility application	122,251	1,440.00	1,500.00	60.00
Issue fee—design application	12,433	820.00	850.00	30.00
Issue fee—plant application	673	1,130.00	1,180.00	50.00
Reexamination independent claims in excess of three	132	210.00	220.00	10.00
Reexamination claims in excess of 20	151	50.00	52.00	2.00
Statutory disclaimer	21,218	130.00	140.00	10.00
Maintenance fee—due at 3.5 years	125,653	930.00	970.00	40.00
Maintenance fee—due at 7.5 years	88,487	2,360.00	2,450.00	90.00
Maintenance fee—due at 11.5 years	42,193	3,910.00	4,070.00	160.00
Filing of PCT application—USPTO ISA—national stage	41,842	310.00	320.00	10.00
National stage search fee—search report to USPTO	38,457	410.00	430.00	20.00
National stage search fee—all other situations	2,429	510.00	530.00	20.00
National stage examination fee—all other situations	41,044	210.00	220.00	10.00
Independent claims in excess of three	9,367	210.00	220.00	10.00
Claims in excess of 20	14,983	50.00	52.00	2.00
Multiple dependent claim	3,998	370.00	380.00	10.00
Application size fee greater than 100 pages	2,102	260.00	270.00	10.00
Notice of appeal	21,646	510.00	530.00	20.00
Brief in support of an appeal	11,950	510.00	530.00	20.00
Request for oral hearing	736	1,030.00	1,070.00	40.00

4. Description of the projected reporting, recordkeeping and other compliance requirements of the proposed rules, including an estimate of the classes of small entities which will be subject to the requirement and the type of professional skills necessary for preparation of the report or record: This notice does not propose any reporting, recordkeeping and other compliance requirements. This notice proposes only to adjust patent fees (as discussed previously) to reflect changes in the CPI.

5. Description of any significant alternatives to the proposed rules which accomplish the stated objectives of applicable statutes and which minimize any significant economic impact of the proposed rules on small entities: The alternative of not adjusting patent fees would have a lesser economic impact on small entities, but would not accomplish the stated objectives of applicable statutes. The Office is proposing to adjust the patent fees to ensure proper funding for effective Office operations. The patent fee CPI adjustment is a routine adjustment that has generally occurred on an annual basis to recover the higher costs of

Office's operations that occur due to the increase in the price of products and services. The lack of proper funding for effective Office operations would result in a significant increase in patent pendency levels.

6. Identification, to the extent practicable, of all relevant Federal rules which may duplicate, overlap or conflict with the proposed rules: The Office is the sole agency of the United States Government responsible for administering the provisions of title 35, United States Code, pertaining to examination and granting patents. Therefore, no other federal, state, or local entity shares jurisdiction over the examination and granting patents.

Other countries, however, have their own patent laws, and an entity desiring a patent in a particular country must make an application for patent in that country, in accordance with the applicable law. Although the potential for overlap exists internationally, this cannot be avoided except by treaty (such as the Paris Convention for the Protection of Industrial Property, or the Patent Cooperation Treaty (PCT)).

Nevertheless, the Office believes that there are no other duplicative or overlapping rules.

B. Executive Order 13132 (Federalism)

This rulemaking does not contain policies with federalism implications sufficient to warrant preparation of a Federalism Assessment under Executive Order 13132 (Aug. 4, 1999).

C. Executive Order 12866 (Regulatory Planning and Review)

This rulemaking has been determined to be significant for purposes of Executive Order 12866 (Sept. 30, 1993), as amended by Executive Order 13258 (Feb. 26, 2002) and Executive Order 13422 (Jan. 18, 2007).

D. Executive Order 13175 (Tribal Consultation)

This rulemaking will not: (1) Have substantial direct effects on one or more Indian tribes; (2) impose substantial direct compliance costs on Indian tribal governments; or (3) preempt tribal law. Therefore, a tribal summary impact statement is not required under Executive Order 13175 (Nov. 6, 2000).

E. Executive Order 13211 (Energy Effects)

This rulemaking is not a significant energy action under Executive Order 13211 because this rulemaking is not likely to have a significant adverse effect on the supply, distribution, or use of energy. Therefore, a Statement of Energy Effects is not required under Executive Order 13211 (May 18, 2001).

F. Executive Order 12988 (Civil Justice Reform)

This rulemaking meets applicable standards to minimize litigation, eliminate ambiguity, and reduce burden as set forth in sections 3(a) and 3(b)(2) of Executive Order 12988 (Feb. 5, 1996).

G. Executive Order 13045 (Protection of Children)

This rulemaking is not an economically significant rule and does not concern an environmental risk to health or safety that may disproportionately affect children under Executive Order 13045 (Apr. 21, 1997).

H. Executive Order 12630 (Taking of Private Property)

This rulemaking will not effect a taking of private property or otherwise have taking implications under Executive Order 12630 (Mar. 15, 1988).

I. Congressional Review Act

Under the Congressional Review Act provisions of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 801 *et seq.*), prior to issuing any final rule, the United States Patent and Trademark Office will submit a report containing the final rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the Government Accountability Office. The changes proposed in this notice are not expected to result in an annual effect on the economy of 100 million dollars or more, a major increase in costs or prices, or significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets. Therefore, this rulemaking is not likely to result in a ''major rule'' as defined in 5 U.S.C. 804(2).

J. Unfunded Mandates Reform Act of 1995:

The changes proposed in this notice do not involve a Federal intergovernmental mandate that will result in the expenditure by State, local, and tribal governments, in the aggregate, of 100 million dollars (as adjusted) or more in any one year, or a Federal private sector mandate that will result in the expenditure by the private sector of 100 million dollars (as adjusted) or more in any one year, and will not significantly or uniquely affect small governments. Therefore, no actions are necessary under the provisions of the Unfunded Mandates Reform Act of 1995. *See* 2 U.S.C. 1501 *et seq.*

K. National Environmental Policy Act

This rulemaking will not have any effect on the quality of environment and is thus categorically excluded from review under the National Environmental Policy Act of 1969. *See* 42 U.S.C. 4321 *et seq.*

L. National Technology Transfer and Advancement Act

The requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) are inapplicable because this rulemaking does not contain provisions which involve the use of technical standards.

M. Paperwork Reduction Act

This proposed rule involves information collection requirements which are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). The collections of information involved in this proposed rule have been reviewed and approved by OMB under OMB control numbers 0651–0016, 0651–0021, 0651–0031, 0651–0032, and 0651–0033. The Office is not resubmitting information collection packages to OMB for its review and approval at this time because the changes proposed in this notice revise the fees for existing information collection requirements associated with the information collections under OMB control numbers 0651–0016, 0651–0021, 0651–0031, 0651–0032, and 0651–0033. The Office will submit fee revision changes for OMB control numbers 0651–0016, 0651–0021, 0651–0031, 0651–0032, and 0651–0033 to OMB for review if the changes proposed in this notice are adopted.

Comments are invited on: (1) Whether the collection of information is necessary for proper performance of the functions of the agency; (2) the accuracy of the agency's estimate of the burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information to respondents.

Interested persons are requested to send comments regarding these information collections, including suggestions for reducing this burden, to: (1) The Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10202, 725 17th Street, NW., Washington, DC

20503, Attention: Desk Officer for the Patent and Trademark Office; and (2) Robert A. Clarke, Director, Office of Patent Legal Administration, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313–1450.

Notwithstanding any other provision of law, no person is required to respond to nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB control number.

List of Subjects

37 CFR Part 1

Administrative practice and procedure, Courts, Freedom of Information, Inventions and patents, Reporting and recordkeeping requirements, Small businesses.

37 CFR Part 41

Administrative practice and procedure, Inventions and patents, Lawyers.

For the reasons set forth in the preamble, 37 CFR parts 1 and 41 are proposed to be amended as follows:

PART 1—RULES OF PRACTICE IN PATENT CASES

1. The authority citation for 37 CFR part 1 continues to read as follows:

Authority: 35 U.S.C. 2(b)(2).

2. Section 1.16 is amended by revising paragraphs (a) through (e), (h) through (k), and (m) through (s) to read as follows:

§ 1.16 National application filing, search, and examination fees.

(a) Basic fee for filing each application under 35 U.S.C. 111 for an original patent, except design, plant, or provisional applications:

(1) For an application filed on or after December 8, 2004:

By a small entity (§ 1.27(a)) if the application is submitted in compliance with the Office electronic filing system (§ 1.27(b)(2))	$80.00
By a small entity (§ 1.27(a))	160.00
By other than a small entity	320.00

(2) For an application filed before December 8, 2004:

By a small entity (§ 1.27(a))	$420.00
By other than a small entity	840.00

(b) Basic fee for filing each application for an original design patent:

(1) For an application filed on or after December 8, 2004:

By a small entity (§ 1.27(a))	$110.00
By other than a small entity	220.00

(2) For an application filed before December 8, 2004:

By a small entity (§ 1.27(a))	$185.00
By other than a small entity	370.00

(c) Basic fee for filing each application for an original plant patent:

(1) For an application filed on or after December 8, 2004:

By a small entity (§ 1.27(a))	$110.00
By other than a small entity	220.00

(2) For an application filed before December 8, 2004:

By a small entity (§ 1.27(a))	$295.00
By other than a small entity	590.00

(d) Basic fee for filing each provisional application:

By a small entity (§ 1.27(a))	$110.00
By other than a small entity	220.00

(e) Basic fee for filing each application for the reissue of a patent:

(1) For an application filed on or after December 8, 2004:

By a small entity (§ 1.27(a))	$160.00
By other than a small entity	320.00

(2) For an application filed before December 8, 2004:

By a small entity (§ 1.27(a))	$420.00
By other than a small entity	840.00

* * * * *

(h) In addition to the basic filing fee in an application, other than a provisional application, for filing or later presentation at any other time of each claim in independent form in excess of 3:

By a small entity (§ 1.27(a))	$110.00
By other than a small entity	220.00

(i) In addition to the basic filing fee in an application, other than a provisional application, for filing or later presentation at any other time of each claim (whether dependent or independent) in excess of 20 (note that § 1.75(c) indicates how multiple dependent claims are considered for fee calculation purposes):

By a small entity (§ 1.27(a))	$26.00
By other than a small entity	52.00

(j) In addition to the basic filing fee in an application, other than a provisional application, that contains, or is amended to contain, a multiple dependent claim, per application:

By a small entity (§ 1.27(a))	$190.00
By other than a small entity	380.00

(k) Search fee for each application filed under 35 U.S.C. 111 on or after December 8, 2004, for an original patent, except design, plant, or provisional applications:

By a small entity (§ 1.27(a))	$265.00
By other than a small entity	530.00

* * * * *

(m) Search fee for each application filed on or after December 8, 2004, for an original plant patent:

By a small entity (§ 1.27(a))	$160.00
By other than a small entity	320.00

(n) Search fee for each application filed on or after December 8, 2004, for the reissue of a patent:

By a small entity (§ 1.27(a))	$265.00
By other than a small entity	530.00

(o) Examination fee for each application filed under 35 U.S.C. 111 on or after December 8, 2004, for an original patent, except design, plant, or provisional applications:

By a small entity (§ 1.27(a))	$110.00
By other than a small entity	220.00

(p) Examination fee for each application filed on or after December 8, 2004, for an original design patent:

By a small entity (§ 1.27(a))	$70.00
By other than a small entity	140.00

(q) Examination fee for each application filed on or after December 8, 2004, for an original plant patent:

By a small entity (§ 1.27(a))	$85.00
By other than a small entity	170.00

(r) Examination fee for each application filed on or after December 8, 2004, for the reissue of a patent:

By a small entity (§ 1.27(a))	$320.00
By other than a small entity	640.00

(s) Application size fee for any application under 35 U.S.C. 111 filed on or after December 8, 2004, the specification and drawings of which exceed 100 sheets of paper, for each additional 50 sheets or fraction thereof:

By a small entity (§ 1.27(a))	$135.00
By other than a small entity	270.00

* * * * *

3. Section 1.17 is amended by revising paragraphs (a)(2) through (a)(5), (l), and (m) to read as follows:

§ 1.17 Patent application and reexamination processing fees.

(a) * * *

(2) For reply within second month:

By a small entity (§ 1.27(a))	$235.00
By other than a small entity	470.00

(3) For reply within third month:

By a small entity (§ 1.27(a))	$540.00
By other than a small entity	1,080.00

(4) For reply within fourth month:

By a small entity (§ 1.27(a))	$845.00
By other than a small entity	1,690.00

(5) For reply within fifth month:

By a small entity (§ 1.27(a))	$1,150.00
By other than a small entity	2,300.00

* * * * *

(l) For filing a petition for the revival of an unavoidably abandoned application under 35 U.S.C. 111, 133,

364, or 371, for the unavoidably delayed payment of the issue fee under 35 U.S.C. 151, or for the revival of an unavoidably terminated reexamination proceeding under 35 U.S.C. 133 (§ 1.137(a)):

By a small entity (§ 1.27(a)) $265.00
By other than a small entity 530.00

(m) For filing a petition for the revival of an unintentionally abandoned application, for the unintentionally delayed payment of the fee for issuing a patent, or for the revival of an unintentionally terminated reexamination proceeding under 35 U.S.C. 41(a)(7) (§ 1.137(b)):

By a small entity (§ 1.27(a)) $800.00
By other than a small entity 1,600.00

* * * * *

4. Section 1.18 is amended by revising paragraphs (a) through (c) to read as follows:

§ 1.18 Patent post allowance (including issue) fees.

(a) Issue fee for issuing each original patent, except a design or plant patent, or for issuing each reissue patent:

By a small entity (§ 1.27(a)) $750.00
By other than a small entity 1,500.00

(b) Issue fee for issuing an original design patent:

By a small entity (§ 1.27(a)) $425.00
By other than a small entity 850.00

(c) Issue fee for issuing an original plant patent:

By a small entity (§ 1.27(a)) $590.00
By other than a small entity 1,180.00

* * * * *

5. Section 1.20 is amended by revising paragraphs (c)(3), (c)(4), and (d) through (g) to read as follows:

§ 1.20 Post issuance fees.

* * * * *

(c) * * *

(3) For filing with a request for reexamination or later presentation at any other time of each claim in independent form in excess of 3 and also in excess of the number of claims in independent form in the patent under reexamination:

By a small entity (§ 1.27(a)) $110.00
By other than a small entity 220.00

(4) For filing with a request for reexamination or later presentation at any other time of each claim (whether dependent or independent) in excess of 20 and also in excess of the number of claims in the patent under reexamination (note that § 1.75(c) indicates how multiple dependent claims are considered for fee calculation purposes):

By a small entity (§ 1.27(a)) $26.00
By other than a small entity 52.00

* * * * *

(d) For filing each statutory disclaimer (§ 1.321):

By a small entity (§ 1.27(a)) $70.00
By other than a small entity 140.00

(e) For maintaining an original or reissue patent, except a design or plant patent, based on an application filed on or after December 12, 1980, in force beyond four years, the fee being due by three years and six months after the original grant:

By a small entity (§ 1.27(a)) $485.00
By other than a small entity 970.00

(f) For maintaining an original or reissue patent, except a design or plant patent, based on an application filed on or after December 12, 1980, in force beyond eight years, the fee being due by seven years and six months after the original grant:

By a small entity (§ 1.27(a)) $1,225.00
By other than a small entity 2,450.00

(g) For maintaining an original or reissue patent, except a design or plant patent, based on an application filed on or after December 12, 1980, in force beyond twelve years, the fee being due by eleven years and six months after the original grant:

By a small entity (§ 1.27(a)) $2,035.00
By other than a small entity 4,070.00

* * * * *

6. Section 1.492 is amended by revising paragraphs (a), (b)(3), (b)(4), (c)(2), (d) through (f) and (j) to read as follows:

§ 1.492 National stage fees.

* * * * *

(a) The basic national fee for an international application entering the national stage under 35 U.S.C. 371 if the basic national fee was not paid before December 8, 2004:

By a small entity (§ 1.27(a)) $160.00
By other than a small entity 320.00

(b) * * *

(3) If an international search report on the international application has been prepared by an International Searching Authority other than the United States International Searching Authority and is provided, or has been previously communicated by the International Bureau, to the Office:

By a small entity (§ 1.27(a)) $215.00
By other than a small entity 430.00

(4) In all situations not provided for in paragraphs (b)(1), (b)(2), or (b)(3) of this section:

By a small entity (§ 1.27(a)) $265.00
By other than a small entity 530.00

(c) * * *

(2) In all situations not provided for in paragraph (c)(1) of this section:

By a small entity (§ 1.27(a)) $110.00
By other than a small entity 220.00

(d) In addition to the basic national fee, for filing or on later presentation at any other time of each claim in independent form in excess of 3:

By a small entity (§ 1.27(a)) $110.00
By other than a small entity 220.00

(e) In addition to the basic national fee, for filing or on later presentation at any other time of each claim (whether dependent or independent) in excess of 20 (note that § 1.75(c) indicates how multiple dependent claims are considered for fee calculation purposes):

By a small entity (§ 1.27(a)) $26.00
By other than a small entity 52.00

(f) In addition to the basic national fee, if the application contains, or is amended to contain, a multiple dependent claim, per application:

By a small entity (§ 1.27(a)) $190.00
By other than a small entity 380.00

* * * * *

(j) Application size fee for any international application for which the basic national fee was not paid before December 8, 2004, the specification and drawings of which exceed 100 sheets of paper, for each additional 50 sheets or fraction thereof:

By a small entity (§ 1.27(a)) $135.00
By other than a small entity 270.00

PART 41—PRACTICE BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

7. The authority citation for 37 CFR part 41 continues to read as follows:

Authority: 35 U.S.C. 2(b)(2), 3(a)(2)(A), 21, 23, 32, 41, 134, 135.

8. Section 41.20 is amended by revising paragraph (b) to read as follows:

§ 41.20 Fees.

* * * * *

(b) Appeal fees.

(1) For filing a notice of appeal from the examiner to the Board:

By a small entity (§ 1.27(a) of this title) $265.00
By other than a small entity 530.00

(2) In addition to the fee for filing a notice of appeal, for filing a brief in support of an appeal:

By a small entity (§ 1.27(a) of this title) $265.00
By other than a small entity 530.00

(3) For filing a request for an oral hearing before the Board in an appeal under 35 U.S.C. 134:

By a small entity (§ 1.27(a)) $535.00
By other than a small entity 1,070.00

Dated: May 29, 2008.

Jon W. Dudas,

Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

[FR Doc. E8–12364 Filed 6–2–08; 8:45 am]

BILLING CODE 3510–16–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2007–1097; FRL–8572–7]

Approval and Promulgation of Air Quality Implementation Plans Minnesota; Maintenance Plan Update for Dakota County Lead Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing an update to the lead maintenance plan for Dakota County, Minnesota. This plan update demonstrates that Dakota County will maintain attainment of the National Ambient Air Quality Standard for lead through 2014. Minnesota has verified that the emission limits adopted to demonstrate modeled attainment continue to be met, that there are no new significant sources of lead or increases in background emissions, and that the state has in place a comprehensive program to identify sources of violations and address any violation through enforcement and implementation of a contingency plan.

DATES: Comments must be received on or before July 3, 2008.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R05–OAR–2007–1097, by one of the following methods:

1. *www.regulations.gov:* Follow the on-line instructions for submitting comments.
2. *E-mail: aburano.douglas@epa.gov.*
3. *Fax:* (312) 886–5824.
4. *Mail:* Doug Aburano, Acting Chief, Criteria Pollutant Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.
5. *Hand Delivery:* Doug Aburano, Acting Chief, Criteria Pollutant Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604. Such deliveries are only accepted during the Regional Office normal hours of operation, and special arrangements should be made for deliveries of boxed information. The Regional Office official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m. excluding Federal holidays.

Please see the direct final rule which is located in the Rules section of this **Federal Register** for detailed instructions on how to submit comments.

FOR FURTHER INFORMATION CONTACT: Kathleen D'Agostino, Environmental Engineer, Criteria Pollutant Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–1767, *dagostino.kathleen@epa.gov.*

SUPPLEMENTARY INFORMATION: In the Final Rules section of this **Federal Register**, EPA is approving the State's SIP submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this rule, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment. For additional information, see the direct final rule which is located in the Rules section of this **Federal Register**.

Dated: May 12, 2008.

Bharat Mathur,

Acting Regional Administrator, Region 5.

[FR Doc. E8–12242 Filed 6–2–08; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

Federal Motor Vehicle Safety Standards; Denial of Petition for Rulemaking

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Denial of petition for rulemaking.

SUMMARY: This document denies a petition for rulemaking from the Center for Auto Safety (CAS) asking that we initiate rulemaking to require that any vehicle integrated personal communication systems including cellular phones and text messaging systems be inoperative when the vehicle is in motion.

FOR FURTHER INFORMATION CONTACT: For non-legal issues, you may call Ms. Gayle Dalrymple of the NHTSA Office of Crash Avoidance Standards, at 202–366–5559.

For legal issues, you may call Ms. Dorothy Nakama of the NHTSA Office of Chief Counsel at 202–366–2992.

You may send mail to both of these officials at the National Highway Traffic Safety Administration, 1200 New Jersey Avenue, SE., Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

Petition for Rulemaking

The Center for Auto Safety (CAS) submitted a petition for rulemaking asking that we ''initiate rulemaking to prohibit the use of integrated cellular telephones and other interactive communication and data transmission devices that can be used for personal conversations and other interactive personal communication or messaging while a vehicle is in motion.'' CAS stated that the purpose of the petition was to ''make the driving environment safer by reducing the availability of devices that have been proven to be traffic hazards.'' CAS specifically petitioned NHTSA to undertake the following:

First, CAS petitioned NHTSA to issue a notice of proposed rulemaking (NPRM) to amend Federal Motor Vehicle Safety Standard (FMVSS) No. 102, *Transmission shift lever sequence, starter interlock, and transmission braking effect,* by adding a new provision that would state:

> Any vehicle integrated personal communication systems including cellular phones and text messaging shall be inoperative when the transmission shift lever is in a forward or reverse drive position.

Second, CAS petitioned NHTSA to issue an advance notice of proposed rulemaking (ANPRM) to consider ''subjecting other vehicle integrated telematic [1] systems that significantly

[1] At *AskOxford.com*, the online edition of the Oxford Dictionary of the English language, ''telematics'' is defined as ''the branch of information technology which deals with the long-distance transmission of computerized information.''

increase vehicle crash rates to be included in the scope of the above proposed amendment to FMVSS No. 102.''

Finally, CAS asked that NHTSA increase efforts to support state programs to limit cell phone use by drivers in moving vehicles in the same manner it supports state programs against drunk driving.

In its petition, CAS provided background concerning increasing use by the automotive industry of in-vehicle technologies with telematic options, which it stated results in distracted driving. CAS asserted that research shows that operating a motor vehicle while talking on a cell phone (hand-held or hands-free) ''increases the risk of an accident to three to four times the experience of attentive drivers.''

CAS cited a number of States that have enacted legislation designed to restrict cell phone use as a response to the problem of distracted driving caused by cell phones. It stated that the highest of these standards prohibits the use of any hand-held cell phone but permits drivers to use hands-free wireless devices.

CAS stated that even if States were to extend the regulations to hands-free cell phones, enforcing such regulations would be a problem, as it would be virtually impossible for a traffic officer to see a driver using a hands-free cell phone. The petitioner stated that the solution to stopping hands-free talking and driving in a vehicle with an integrated cell phone is ''through a Federal Motor Vehicle Safety Standard prohibiting the use of cell phone communications while the vehicle is in motion.''

CAS provided accounts of motor vehicle crashes resulting in deaths in which it asserted cell phone use was a crash causation factor. CAS concluded by urging the government ''to intervene on this dangerous practice, to ensure basic protection for those who use public roads and sidewalks.''

General Motors and Ford submitted comments opposing the CAS petition.[2]

Analysis and Decision

We begin by noting that NHTSA has issued the following policy statement concerning cell phone use while driving, which is included on the agency's Web site:

The primary responsibility of the driver is to operate a motor vehicle safely. The task of driving requires full attention and focus. Cell phone use can distract drivers from this task, risking harm to themselves and others. Therefore, the safest course of action is to refrain from using a cell phone while driving.

CAS's petition for rulemaking specifically requests that the agency address the issue of driver distraction related to the use of cell phones and other telematic devices by requiring such devices, when integrated into the vehicle, to be inoperative whenever the vehicle may be in motion. After carefully considering the available data and the petitioner's request, we have decided to deny the request.

By way of background, NHTSA and others recognize that driver distraction due to use of phones or other devices while driving can increase the crash risk.[3] As such, NHTSA has and will continue to address the issue.

Our initial work on this topic was published in 1997.[4] In 2000, NHTSA sponsored an Internet Forum, a Public Meeting, and Expert Working Groups aimed at providing an extensive resource of information on research findings, industry initiatives, public comments, and research needs on driver distraction.[5]

Both the 1997 study and the 2000 meetings provided information that helped identify the research goals NHTSA should pursue to help minimize the distraction safety problem. Since then, the focus of our research has been to:

1. Understand the magnitude and characteristics of the safety problem.
2. Develop measurement methods to quantify the impacts of device designs on driver performance.
3. Evaluate reducing distraction related crash risk through driver assistance technologies, such as collision warning systems.

We have worked with researchers in universities, private organizations, and industry to address these issues. As a result, we have gained insights about the risks of multitasking,[6] developed methods to quantify the effect of operating various devices while driving,[7] worked to better understand the importance of device interface design on driving performance,[8] and evaluated several countermeasures that can reduce the risk of distraction by warning drivers of imminent dangers.[9] In anticipation of the emergence of multiple, potentially distracting technologies, NHTSA has also undertaken a research program to evaluate the potential of a system that could monitor the level of distraction of drivers, control the information flow to the driver, and adjust the parameters on collision warning systems to increase their effectiveness.[10]

Additional NHTSA research on Intelligent Transportation Systems (ITS), such as the Integrated Vehicle Based Safety Systems (IVBSS) Initiative, may also lead to countermeasures for driver distraction. Significant human factors work is underway in IVBSS to design an integrated Driver-Vehicle Interface (DVI) that minimizes distraction and provides effective warnings to drivers.[11]

CAS's petition for rulemaking specifically asks us to address the problem of driver distraction related to use of cell phones and other telematic devices by requiring such devices, when integrated into the vehicle, to be inoperative when the transmission shift lever is in a forward or reverse drive position, i.e., whenever the vehicle may be in motion.

Federal motor safety standards are required to ''meet the need for motor vehicle safety.'' 49 U.S.C. 30111(a). However, CAS has not provided information or analysis showing that the rule it requests would result in safety benefits.

If integrated cell phones and other telematic devices were required to be inoperative, drivers could instead use portable devices such as their regular cell phones. Given the number of drivers who currently use cell phones, the agency believes this would be the likely result. The agency estimates that

[2] Docket # NHTSA 2007–28442.

[3] McCartt *et al.*, ''Cell Phones and Driving: Review of the Research.'' Traffic Injury Prevention No 7, 89–106, 2006.

[4] An Investigation of the Safety Implications of Wireless Communications in Vehicles, *http://www.nhtsa.dot.gov/people/injury/research/wireless/*.

[5] NHTSA Driver Distraction Internet Forum: Summary and Proceedings, *http://www-nrd.nhtsa.dot.gov/pdf/nrd-13/FinalInternetForumReport.pdf*.

[6] The Impact of Driver Inattention on Near-Crash/Crash Risk: An Analysis Using the 100-Car Naturalistic Driving Study Data, *http://www.nhtsa.gov/staticfiles/DOT/NHTSA/NRD/Multimedia/PDFs/Crash%20Avoidance/Driver%20Distraction/810594.pdf*.

[7] Driver Workload Metrics, 2006, *http://www.nhtsa.gov/staticfiles/DOT/NHTSA/NRD/Multimedia/PDFs/Crash%20Avoidance/Driver%20Distraction/Driver%20Workload%20Metrics%20Final%20Report.pdf*.

[8] Examination of the Distraction Effects of Wireless Phone Interfaces Using the National Advanced Driving Simulator, 2004, *http://www.nhtsa.gov/staticfiles/DOT/NHTSA/NRD/Multimedia/PDFs/VRTC/ca/capubs/Wireless1F_PrelimReport.pdf*.

[9] Driver distraction, warning algorithm parameters, and driver response to imminent rear-end collisions in a high-fidelity driving simulator, 2002, *http://www.nhtsa.gov/staticfiles/DOT/NHTSA/NRD/Multimedia/PDFs/Human%20Factors/Driver%20Assistance/DOT%20HS%20809%20448.pdf*.

[10] *http://www.volpe.dot.gov/hf/roadway/saveit/index.html*.

[11] *http://www.its.dot.gov/ivbss/*.

in 2005, six percent of drivers at any given moment were using hand-held cell phones.[12] The estimate is from the National Occupant Protection Use Survey (NOPUS), which is the only source of probability-based observed data on cell phone use by drivers in the United States.

For the above reasons, we conclude that there is no reason to believe that the rule requested by the petitioner would result in safety benefits. Accordingly, we are denying the petition.

We note that even putting aside the issue of drivers substituting portable devices for integrated devices, the information provided by CAS would not lead us to grant its petition.

In the rulemaking advocated by the petitioner, the agency would need to consider, among other things, the specific safety impacts associated with current integrated systems and reasonably foreseeable integrated systems. It would be necessary to consider reasonably foreseeable integrated systems given that the requested rule would prohibit all systems that can be used while the vehicle is in motion. CAS has not provided specific data or analysis along these lines.

We also note that in the rulemaking advocated by the petitioner, the agency would need to consider costs as well as benefits.

Given the lack of specific data and analysis and also considering the resources needed to conduct rulemaking, we would not initiate rulemaking in this area based on the information provided by CAS.

Finally, as noted earlier, CAS asked that NHTSA increase efforts to support state programs to limit cell phone use by drivers in moving vehicles in the same manner it supports state programs against drunk driving. This particular request is not amenable to being addressed by rulemaking.

States have recognized the need to discourage driver distractions such as cell phone use and texting and many State legislatures have taken action to restrict those practices.

While various legislative and educational approaches have been utilized, little evaluation has been completed and best practices have yet to be demonstrated. NHTSA has solicited potential options for a demonstration project in this area to begin in Fiscal Year 2008 or 2009.

Pursuant to Section 2003(d) of Public Law 109–59 (August 10, 2005), the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU), NHTSA will be conducting multiple demonstration programs to evaluate new and innovative means of combating traffic system problems caused by distracted, inattentive or fatigued drivers.

Authority: 49 U.S.C. 322, 30111, 30115, 30117 and 30166; delegation of authority at 49 CFR 1.50.

Issued on: May 27, 2008.

Stephen R. Kratzke,

Associate Administrator for Rulemaking.

[FR Doc.E8–12285 Filed 6–2–08; 8:45 am]

BILLING CODE 4910–59–P

[12] "Driver Cell Phone Use in 2005—Overall Results," Research Note DOT HS 809 967, National Center for Statistics and Analysis, NHTSA, December 2005.

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[FWS–R6–ES–2007–0014; 92210–1117–0000–FY08–B4]

RIN 1018–AT79

Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Salt Creek Tiger Beetle (Cicindela nevadica lincolniana)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; reopening of comment period and announcement of a public hearing.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce the reopening of the public comment period and the scheduling of a public hearing on our December 12, 2007 proposed rule (72 FR 70715) to designate critical habitat for the Salt Creek tiger beetle (*Cicindela nevadica lincolniana*) under the Endangered Species Act of 1973, as amended (Act). The December 12, 2007 **Federal Register** document also announced the availability of a draft economic analysis of the designation and a draft environmental assessment prepared in accordance with the National Environmental Policy Act of 1969. The reopened comment period will provide the public, other concerned governmental agencies, Tribes, and any other interested parties with an additional opportunity to submit written comments and information on this subspecies and associated habitat, the proposed critical habitat designation, draft economic analysis, and draft environmental assessment. Comments previously submitted need not be resubmitted as they have already been incorporated into the public record and will be fully considered in any final decision.

DATES: *Written Comments:* The original comment period on the Salt Creek tiger beetle proposed critical habitat rule closed on February 11, 2008. We are reopening the comment period and will accept information from all interested parties at the public hearing or until July 11, 2008.

Public Hearing: We announce a public open house, followed by a public hearing, to be held on July 1, 2008, at the Lower Platte South Natural Resources District, 3125 Portia Street, Lincoln, NE 68501–3581. The public open house, open to all who wish to discuss the proposed critical habitat with the Service, will be held from 4 to 6 p.m., central time. The public hearing, open to all who wish to provide formal, oral comments regarding the proposed rule, will be held from 6 to 8 p.m., central time.

ADDRESSES: If you wish to comment on the proposed rule, draft economic analysis, or draft environmental assessment, 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–R6–ES–2007–0014; Division of Policy and Directives Management; U.S. Fish and Wildlife Service; 4401 N. Fairfax Drive, Suite 222; Arlington, VA 22203.
- *Public Hearing:* A public hearing will be held (see **DATES**) at the Lower Platte South Natural Resources District, 3125 Portia Street, Lincoln, NE 68501–3581.

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: Mike LeValley, Field Supervisor, Nebraska Ecological Services Field Office, Federal Building, Second Floor, 203 West Second Street, Grand Island, NE 68801; telephone (308) 382–6468. 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

We intend that any final action resulting from the proposed rule will be as accurate and as effective as possible. Therefore, we request comments or

suggestions on this proposed rule. We particularly seek comments concerning:

(1) The reasons why we should or should not designate habitat as ''critical habitat'' under section 4 of the Act (16 U.S.C. 1531 *et seq.*), including whether the benefit of designation would outweigh any threats to the subspecies caused by designation such that the designation is not prudent;

(2) Specific information on:

- The amount and distribution of Salt Creek tiger beetle habitat;
- What areas occupied at the time of listing and that contain features essential for the conservation of the subspecies we should include in the designation and why; and
- What areas not occupied at the time of listing are essential to the conservation of the subspecies and why;

(3) Land use designations and current or planned activities in the subject areas and their possible impacts on proposed critical habitat;

(4) Any foreseeable economic, national security, or other relevant impacts resulting from the proposed designation and, in particular, any impacts on small entities;

(5) Whether we could improve or modify our approach to designating critical habitat in any way to provide for greater public participation and understanding, or to better accommodate public concerns and comments; and

(6) Economic data on the incremental costs of designating any particular area as Salt Creek tiger beetle critical habitat.

Previously submitted comments for this proposed rule need not be resubmitted. You may submit your comments and materials concerning this proposed rule by one of the methods listed in the **ADDRESSES** section. We will not consider comments sent by e-mail or fax or to an address not listed in the **ADDRESSES** section. If you submit a comment via *http://www.regulations.gov*, your entire comment—including any personal identifying information—will be posted on the website. If you submit a hardcopy comment that includes personal identifying information, 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. We will post all hardcopy comments on *http://www.regulations.gov.*

Background

On December 12, 2007, we published a proposed rule designating approximately 1,795 acres (727 hectares) of land in portions of Lancaster and Saunders Counties, Nebraska, as critical habitat. The draft economic analysis estimates that, over the 20-year period from 2008 to 2027, post-designation costs for Salt Creek tiger beetle conservation-related activities would range between $21.4 and $25.5 million in undiscounted 2007 dollars. In discounted terms, we estimate potential post-designation economic costs to be $19.9 to $22.9 million (using a 3 percent discount rate) and $18.5 to $20.6 million (using a 7 percent discount rate). In annualized terms, potential impacts are expected to range from $1.3 to $1.5 million (annualized at 3 percent) and $1.7 to $1.9 million (annualized at 7 percent).

Public Hearings

Section 4(b)(5)(E) of the Act requires a public hearing be held if any person requests it within 45 days of the publication of a proposed rule. In response to requests from the public, the Service will conduct a public hearing for this critical habitat proposal on the date and time and at the address identified in the **DATES** and **ADDRESSES** sections above.

Persons wishing to make an oral statement for the record are encouraged to provide a written copy of their statement and present it to us at the hearing. In the event there is a large attendance, the time allotted for oral statements may be limited. Oral and written statements receive equal consideration. There are no limits on the length of written comments submitted to us. If you have any questions concerning the public hearing, please contact the Nebraska Ecological Services Field Office (see **FOR FURTHER INFORMATION CONTACT**).

Persons needing reasonable accommodations in order to attend and participate in the public hearings should contact Bob Harms, Nebraska Ecological Services Field Office, at (308) 382–6468, extension 17, as soon as possible. In order to allow sufficient time to process requests, please call no later than one week before the hearing date. Information regarding this notice is available in alternative formats upon request.

Authority

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

Dated: May 21, 2008.

Lyle Laverty,

Assistant Secretary for Fish, Wildlife, and Parks.

[FR Doc. E8–12401 Filed 6–2–08; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 216

[Docket No. 080310408–8416–01]

RIN 0648–AW55

Marine Mammals; Subsistence Taking of Northern Fur Seals; Harvest Estimates

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

ACTION: Notice of availability; request for comments.

SUMMARY: Pursuant to regulations governing the subsistence taking of northern fur seals, this document summarizes the annual fur seal subsistence harvests on St. George and St. Paul Islands (the Pribilof Islands) for 2005 to 2007 and proposes annual estimates of fur seal subsistence needs for 2008 through 2010 on the Pribilof Islands, AK. NMFS solicits public comments on the proposed estimates.

DATES: Written comments must be received at the address or fax number by July 3, 2008.

ADDRESSES: Send comments to Kaja Brix, Assistant Regional Administrator, Protected Resource Division, Alaska Region, NMFS, Attn: Ellen Sebastian. You may submit comments, identified by ''RIN 0648 AW55'' by any of the following methods:

Electronic Submissions: Submit electronic public comments via the Federal eRulemaking Portal: *http://www.regulations.gov*;

Mail: Kaja Brix, Assistant Regional Administration, Protected Resource Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802;

Hand Delivery to the Federal Building: 709 West 9th Street, Room 420A, Juneau, AK;

Fax: 907 586 7557, Attention: Ellen Sebastian.

Instructions: All comments received are a part of the public record and will generally be posted to *http://www.regulations.gov* without change. Do not submit Confidential Business Information or otherwise sensitive or protected information. NMFS will accept anonymous comments. Attachments to electronic comments must be in Microsoft Word, Excel, WordPerfect, or Adobe portable document file (pdf) file formats to be accepted.

FOR FURTHER INFORMATION CONTACT: Michael Williams, (907) 271–5006; Kaja Brix, (907) 586–7835; or Tom Eagle, (301) 713–2322, ext. 105.

SUPPLEMENTARY INFORMATION:

Electronic Access

An Environmental Impact Statement is available on the Internet at the following address: *http://www.fakr.noaa.gov/protectedresources/seals/fur/eis/final0505.pdf*.

Background

The subsistence harvest from the depleted stock of northern fur seals (*Callorhinus ursinus*), on the Pribilof Islands, AK, is governed by regulations found in 50 CFR part 216, subpart F. The purpose of these regulations, published under the authority of the Fur Seal Act (FSA), 16 U.S.C. 1151, *et seq.*, and the Marine Mammal Protection Act (MMPA), 16 U.S.C. 1361, *et seq.*, is to limit the take of fur seals to a level providing for the subsistence needs of the Pribilof residents, while restricting taking by sex, age, and season for herd conservation. To further minimize negative effects on the Pribilof Islands' fur seal population, the harvest has been limited to a 47-day season (June 23 to August 8).

There are several factors and conditions that affect the subsistence harvest of northern fur seals. Beginning in 2000, the take ranges have been discussed with each tribal government as part of the co-management relationship and agreement. Accurately predicting the annual subsistence needs of the Pribilof communities has been one of practical and social difficulties; the process to meet the take range regulation has resulted in acceptance of the ranges first established in 1987. These levels provide a degree of flexibility the communities feel comfortable with regarding changes and unanticipated needs within the community and the environment.

The variability of the harvest occurs for many reasons. Weather conditions and availability of animals varies annually. The availability of wage earning jobs reduces the time available for community members to hunt and harvest subsistence resources. Thus, hunters may be unavailable to hunt in certain years or have more financial resources to hunt in subsequent years or seasons for other marine mammals. The current timing restriction on the northern fur seal hunt overlaps with the local halibut fishing season, and many of the hunters are also fishermen. In addition, crab fishery rationalization and a renewal of the crab harvest in the Pribilof region has provided local job opportunities that may extend into the spring hunting season for Steller sea lions. The level of Steller sea lion hunting success in the spring influences subsequent northern fur seal harvesting. Thus both Steller sea lions and northern fur seals combine to meet the subsistence needs of the local communities, with northern fur seals providing the more seasonal, but reliable source of the two species. Alaskan communities such as those of St. Paul and St. George Islands, rely on marine mammals as a major food source and cultural foundation of the communities. The harvest of juvenile male northern fur seals has occurred for well over 200 years and the biological implications are reasonably understood. Subsistence harvests under the current regulations are 10 percent or less than the commercial harvests during the past 50 years.

Pursuant to the regulations governing the taking of fur seals for subsistence purposes, NMFS must publish a summary of the fur seal harvest for the previous 3-year period and an estimate of the number of seals expected to be taken in the subsequent 3-year period to meet the subsistence needs of the Aleut residents of the Pribilof Islands.

Summary of Harvest Operations and Monitoring 2005 to 2007

The annual harvests were conducted in the established manner and employed the standard methods required under regulations at 50 CFR 216.72. NMFS personnel, a contract veterinarian, and tribal government staff monitored the harvest and communicated to further improve the efficiency of the annual harvest and full utilization of the animals taken. Annual northern fur seal harvest reports are received from the tribal governments of both islands and from a contract veterinarian for St. Paul.

The reported male northern fur seal subsistence harvests for St. Paul from 2005 to 2007 were 466, 396, and 272 respectively (Lestenkof *et al.*, 2006; Lestenkof and Zavadil, 2006; Lestenkof and Zavadil, 2007), and for St. George from 2005 to 2007 were 139, 212, and 206, respectively (Lestenkof *et al.*, 2006, Malavansky and Malavansky, 2006; Malavansky, 2007). The number of male northern fur seals harvested on St. Paul Island from 1986 to 2007 ranged from 272 to 1,710, and the number harvested on St. George Island from 1986 to 2007 ranged from 92 to 319 seals. The average number of male seals harvested during the past 10 years on St. Paul and St. George Islands, respectively, has been 690 seals (range: 269 to 1,297) and 181 seals (range: 121 to 256), (Table 1).

The accidental harvest of young female fur seals has occurred intermittently during the male harvest. The regulations call for termination of the annual harvest on August 8 of each year to reduce the probability of the accidental killing of females to the lowest level practical. Thirty-two females on St. Paul and four females on St. George have been accidentally killed, since 1987. The average accidental killing of females on St. Paul and St. George Islands during the last 10 years is 2 and less than l, respectively.

Under section 119 of the Marine Mammal Protection Act, cooperative agreements were signed with St. Paul in 2000 and with St. George in 2001 for the cooperative management of subsistence uses of northern fur seals and Steller sea lions. The processes defined in the cooperative agreements have facilitated a more collaborative working relationship between NMFS and tribal authorities. This has led to more coordinated efforts by the tribal governments of both islands to promote full utilization of inedible seal parts for traditional arts, crafts, and other uses permitted under regulations at 50 CFR 216.73. The result has been an expanded use of these materials by the Aleut residents and increased fulfillment of the non-wasteful harvest requirements.

TABLE 1. SUBSISTENCE HARVEST LEVELS FOR JUVENILE MALE NORTHERN FUR SEALS ON THE PRIBILOF ISLANDS, 1986–2007

Year	Expected Take Ranges		Actual Harvest Levels	
	St. Paul	St. George	St. Paul	St. George
1986	2,400–8,000	800–1,800	1,299	124
1987	1,600–2,400	533–1,800	1,704	92
1988	1,800–2,200	600–740	1,145	113

TABLE 1. SUBSISTENCE HARVEST LEVELS FOR JUVENILE MALE NORTHERN FUR SEALS ON THE PRIBILOF ISLANDS, 1986–2007—Continued

Year	Expected Take Ranges		Actual Harvest Levels	
	St. Paul	St. George	St. Paul	St. George
1989	1,600–1,800	533–600	1,340	181
1990	1,145–1,800	181–500	1,077	164
1991	1,145–1,800	181–500	1,644	281
1992	1,645–2,000	281–500	1,480	194
1993	1,645–2,000	281–500	1,518	319
1994	1,645–2,000	281–500	1,615	161
1995	1,645–2,000	281–500	1,263	259
1996	1,645–2,000	281–500	1,588	232
1997	1,645–2,000	300–500	1,153	227
1998	1,645–2,000	300–500	1,297	256
1999	1,645–2,000	300–500	1,000	193
2000	1,645–2,000	300–500	754	121
2001	1,645–2,000	300–500	595	184
2002	1,645–2,000	300–500	646	202
2003	1,645–2,000	300–500	522	132
2004	1,645–2,000	300–500	493	123
2005	1,645–2,000	300–500	466	139
2006	1,645–2,000	300–500	396	212
2007	1,645–2,000	300–500	269	206

Estimate of Subsistence Need for the Period 2008 to 2010

The projected subsistence harvest estimates are given as a range, the lower end of which may be exceeded if NMFS is given notice and the Assistant Administrator for Fisheries, NOAA, determines that the annual subsistence needs of the Pribilof Aleuts have not been satisfied. Conversely, the harvest can be terminated before the lower end of the range is reached if the annual subsistence needs of the Pribilof residents are determined to have been met or the harvest has been conducted in a wasteful manner.

For the 3-year period, 2008 to 2010, NMFS proposes no change to the past and current ranges of 1,645–2,000 for St. Paul Island and 300–500 for St. George Island. Retaining these levels will provide adequate flexibility and adaptive management of the subsistence harvest through the co-management process.

As described earlier in this document, if the Aleut residents of either island reach the lower end of this yearly harvest estimate and have unmet subsistence needs and no indication of waste, they may request an additional number of seals up to the upper limit of the respective harvest estimates. The residents of St. George and St. Paul Islands may substantiate any additional need for seals by submitting in writing the information upon which they base their decision that subsistence needs are unfulfilled. The regulations at 50 CFR 216.72(e)(1) and (3) require a suspension of the fur seal harvest for up to 48 hours once the lower end of the estimated harvest level is reached. The suspension is to last no more than 48 hours, followed either by a finding that the subsistence needs have been met or by a revised estimate of the number of seals necessary to satisfy the Aleuts' subsistence needs. The harvest may also be suspended if the harvest has been conducted in a wasteful manner. NMFS seeks public comments on the proposed estimates.

The harvest of fur seals is anticipated to be non-wasteful and in compliance with the regulations specified at 50 CFR 216.72 which detail the restrictions and harvest. NMFS will continue to monitor the harvest on St. Paul Island and St. George Islands during 2008 to 2010.

Classification

National Environmental Policy Act

NMFS prepared an Environmental Impact Statement (EIS) evaluating the impacts on the human environment of the subsistence harvest on northern fur seals. The Final EIS, which is available on the Internet (see Electronic Access) was subjected to public review (69 FR 53915, September 3, 2004), and the comments were incorporated into the final EIS.

Executive Order 12866 and Regulatory Flexibility Act

This proposed rule has been determined to be not significant rule under Executive Order (E.O.) 12866. The regulations are not likely to result in (1) an annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, state, or local government agencies, or geographic regions; or (3) a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets. The Chief Counsel for Regulation, Department of Commerce, certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed action would not have a significant economic impact on a substantial number of small entities. Because the harvest of northern fur seals on the Pribilof Islands, AK, is for subsistence purposes only, the estimate of subsistence need would not have an economic effect on any small entities. Therefore, a regulatory flexibility analysis was not prepared.

Paperwork Reduction Act

This proposed action does not require the collection of information.

Executive Order 13132–Federalism

This proposed action does not contain policies with federalism implications sufficient to warrant preparation of a federalism assessment under E.O. 13132 because this action does not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. Nonetheless, NMFS worked closely with local governments in the Pribilof Islands, and these estimates of subsistence needs were prepared by the local governments

in St. Paul and St. George, with assistance from NMFS officials.

Executive Order 13175–Native Consultation

Executive Order 13175 of November 6, 2000 (25 U.S.C. 450 Note), the executive Memorandum of April 29, 1994 (25 U.S.C. 450 note), and the American Indian Native Policy of the U.S. Department of Commerce (March 30, 1995) outline the responsibilities of the National Marine Fisheries Service in matters affecting tribal interests. Section 161 of Public Law 108–100 (188 Stat. 452) as amended by section 518 of Public Law 108–447 (118 Stat. 3267), extends the consultation requirements of E.O. 13175 to Alaska Native corporations. NMFS has contacted the tribal governments of St. Paul and St. George Islands and their respective local Native corporations (Tanadgusix and Tanaq) about setting the next three years harvest estimates and received their input.

Dated: May 27, 2008.

Samuel D. Rauch III,

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

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No.070718362–7488–01]

RIN 0648–AV14

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Shrimp Fishery of the Gulf of Mexico; Revisions to Allowable Bycatch Reduction Devices

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

ACTION: Proposed rule; request for comments.

SUMMARY: In accordance with the framework procedures for adjusting management measures of the Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico (FMP), NMFS proposes to decertify the expanded mesh bycatch reduction device (BRD), the ''Gulf fisheye'' BRD, and the ''fisheye'' BRD, as currently specified, for use in the Gulf of Mexico (Gulf) shrimp fishery. NMFS would also certify a new specification for the fisheye device to be used in the Gulf. The intended effect of this proposed rule is to improve bycatch reduction in the shrimp fishery and better meet the requirements of national standard 9.

DATES: Comments must be received no later than 4:30 p.m., eastern time, on July 3, 2008.

ADDRESSES: You may submit comments, identified by 0648–AV14, by any one of the following methods:

- Electronic Submissions: Submit all electronic public comments via the Federal e-Rulemaking Portal *http://www.regulations.gov*.
- Fax: 727–824–5308, Attn: Steve Branstetter.
- Mail: Steve Branstetter, Southeast Regional Office, NMFS, 263 13th Avenue South, St. Petersburg, FL 33701.

Instructions: All comments received are a part of the public record and will generally be posted to *http://www.regulations.gov* without change. All Personal Identifying Information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information.

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

Copies of an Initial Regulatory Flexibility Analysis (IRFA), and Regulatory Impact Review (RIR) completed in support of the proposed rule are available from the Southeast Regional Office, NMFS, 263 13th Avenue South, St. Petersburg, FL 33701; phone: 727–824–5305; fax: 727–824–5308.

FOR FURTHER INFORMATION CONTACT: Steve Branstetter, telephone: 727–824–5305, fax: 727–824–5308, e-mail: *Steve.Branstetter@noaa.gov*.

SUPPLEMENTARY INFORMATION: The fishery for shrimp in the exclusive economic zone (EEZ) of the Gulf is managed under the FMP prepared by the Gulf of Mexico Fishery Management Council (Council). The FMP is implemented under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

Background

Regulations implementing Amendment 9 to the FMP were published April 14, 1998 (63 FR 18139), and established a requirement, with limited exceptions, for the use of certified BRDs in shrimp trawls towed in the Gulf EEZ shoreward of the 100–fm (183–m) depth contour west of 85°30′W. longitude (western Gulf), the approximate longitude of Cape San Blas, FL. The rule established descriptions of BRD designs and configurations allowed for use in the western Gulf shrimp fishery.

To better address the requirements of national standard 9 of the Magnuson-Stevens Act, regulations implementing Amendment 10 to the FMP (69 FR 1538, January 9, 2004) required BRDs in shrimp trawls fished in the EEZ east of 85°30′ W. longitude (eastern Gulf).

In accordance with the BRD framework procedures of the FMP, NMFS recently modified the existing BRD certification criterion for the western Gulf (73 FR 8219, February 13, 2008) to be consistent with the criterion for the eastern Gulf. The new criterion specifies a BRD must demonstrate a 30–percent reduction in the weight of finfish bycatch to be certified for use in the Gulf shrimp fishery.

The ''fisheye'' BRD and ''Gulf fisheye'' BRD are the two dominant BRD designs currently used in the western Gulf. These two BRDs are actually the same device; the only difference between them is their configuration (where they are placed within the cod end of the trawl). The ''fisheye'' BRD must be placed along the top center of the cod end of a shrimp trawl no further forward than 11 ft (3.4 m) from the cod end tie-off rings. Subsequent tests of the fisheye device in slightly different configurations led to the certification of the ''Gulf fisheye'' BRD. In the ''Gulf fisheye'' configuration, the device may be placed 15 meshes on either side of top center, between 8.5 ft (2.6 m) and 12.5 ft (3.8 m) from the cod end tie-off rings, thus expanding the allowable placement of the device. These two configurations of the fisheye device are also certified for use in the eastern Gulf.

Because of the fisheye-type device's simplistic design and low cost in either configuration, it became the industry standard. The most commonly used configuration for the fisheye device in the Gulf shrimp fishery has the BRD placed 10.5 ft (3.2 m) to 12.5 ft (3.8 m) forward of the cod end tie-off rings. According to NMFS' Southeast Fishery Science Center (SEFSC) estimates, the fisheye device in this configuration is achieving a 14–percent reduction in finfish bycatch by weight. Thus, it does not meet the new 30–percent finfish bycatch reduction criterion, established in separate rulemaking.

However, placed farther back in the cod end, the fisheye device is more effective. When placed no farther

forward than 9 ft (2.7 m) (102–105 meshes) from the tie-off rings, the fisheye BRD achieves a 37–percent reduction in total finfish bycatch by weight. There is a 98–percent probability the true reduction rate of the fisheye BRD, in this more rearward configuration, would meet the 30–percent finfish reduction certification criterion.

Similarly, it appears the efficiency of the expanded mesh BRD, currently certified for use in the eastern Gulf, has decreased. During the original tests of the expanded mesh BRD in the mid–1990s, it achieved between a 30- and 35–percent reduction in total finfish bycatch. Recent tests of the expanded mesh BRD in the Gulf indicate it is only achieving about a 17–percent reduction in total finfish bycatch.

For both of the fisheye devices (the ''Gulf fisheye'' BRD and the ''fisheye'' BRD) and the expanded mesh BRD, the potential of the BRDs has not changed, but it appears fishing behavior, or some other factor, in the fleet has changed. There have been numerous technological changes to the overall construction of shrimp trawl gear in recent years, such as new, larger turtle excluder devices (TEDs) and longer nets. In addition, there have been changes in fishing practices to help increase shrimp retention, such as faster towing speeds and modified retrieval procedures. Although the exact reasons for the BRDs' change in efficiency are not known, in practice, the fisheye device, in its most common configuration, and the expanded mesh BRD do not appear to meet the 30–percent finfish reduction certification criterion.

This proposed rule would decertify the expanded mesh BRD, the ''Gulf fisheye'' BRD, and the ''fisheye'' BRD, as currently specified, for use in the Gulf shrimp fishery and certify a new specification of the fisheye device (revise the description and allowed placement of the ''fisheye'' BRD). The proposed rule would restrict placement of the fisheye device in the Gulf shrimp fishery to the top center of the cod end no farther forward than 9 ft (2.7 m) from the tie-off rings, and this new specification would simply be termed the fisheye BRD. Compared to the fisheye device in its current configurations, the fisheye BRD, in this more restricted configuration, will further reduce total finfish bycatch, including bycatch of juvenile red snapper.

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has determined that this proposed rule is consistent with the FMP, other provisions of the Magnuson-Stevens Act, and other applicable law, subject to further consideration after public comment.

This proposed rule has been determined to be significant for purposes of Executive Order 12866.

NMFS prepared an IRFA, as required by section 603 of the Regulatory Flexibility Act, for this proposed rule. The IRFA describes the economic impact this proposed rule, if adopted, would have on small entities. A description of the action, why it is being considered, and the legal basis for this action are contained at the beginning of this section in the preamble and in the **SUMMARY** section of the preamble. A copy of the full analysis is available from NMFS (see **ADDRESSES**). A summary of the IRFA follows.

The Magnuson-Stevens Act provides the statutory basis for the proposed rule. The proposed rule would revise the list of allowable BRDs used in the Gulf shrimp fishery. Specifically, NMFS proposes to decertify the expanded mesh BRD, the ''Gulf fisheye'' BRD, and the ''fisheye'' BRD, as currently specified, for use in the Gulf shrimp fishery. The ''fisheye'' BRD with a new, more restrictive specification would be certified for use in the Gulf. The allowable placement of the fisheye BRD would be restricted to no further forward than 9 ft (2.7 m) from the cod end tie-off rings. The purpose of this proposed rule is to further reduce total finfish bycatch, including juvenile red snapper, in the Gulf shrimp fishery to better address the requirements of national standard 9 and aid in the rebuilding of the Gulf's overfished red snapper stock.

No duplicative, overlapping or conflicting Federal rules have been identified.

As of March 26, 2007, a Federal Gulf shrimp moratorium permit is required to fish for shrimp in the Gulf EEZ and 1,928 permits have been issued. Of these permits, 16 are currently not attached to a particular vessel, which results in 1,912 vessels possessing a Federal Gulf shrimp moratorium permit at this time. Of these 1,912 vessels with moratorium permits, 1,599 vessels were active in the Gulf food shrimp fishery in either 2005 or 2006, as demonstrated by recorded landings in the Gulf shrimp fishery landings file for the years 2005 and 2006. This is the most recent period of finalized data for this fishery and will be used for this analysis. The 313 permitted vessels not active during the 2005 or 2006 seasons potentially could have fished during the 2007 season. However, because the status of their current or expected participation is unknown and information on recent performance characteristics are not available, they have not been included in the analysis of directly impacted vessels. Should these 313 vessels become active in the future, they could be directly impacted at that time. Over the past four years, participation in the fishery by permitted vessels has continually declined, particularly in 2006, and preliminary data suggests participation may have decreased further in 2007. This trend is expected to continue in the foreseeable future.

Of the 1,599 active permitted vessels, an estimated 478 vessels are presently using BRDs that would still be allowable under the proposed action. These vessels would not be required to switch to new BRDs or change the placement of their ''fisheye'' BRD. The other 1,121 active permitted vessels presently using BRDs that would not be allowable under the proposed action would have to change the location of their current BRDs or switch to other BRDs. Thus, it is estimated that 1,121 vessels would be directly impacted by the proposed action.

The average annual gross revenue per active permitted vessel in 2005–2006 was approximately $196,943 (2006 dollars). The maximum average annual gross revenue reported by an active permitted vessel during this period was $965,462. However, substantial differences in average annual revenues exist by vessel size. For the large vessel group (60 ft (18.3 m) in length or greater), the average annual revenue per vessel was approximately $221,017 in 2005–2006. For small active permitted vessels (less than 60 ft (18.3 m) in length), the average annual revenue per vessel was approximately $61,267 in 2005–2006. The distribution of annual revenues for small vessels is also considerably more heterogeneous than for large vessels reflecting the fact that the vast majority of large vessels operate on a full-time basis while, for small vessels, some operate on a full-time basis and others only on a part-time basis.

On average, small active permitted vessels are also smaller in regards to almost all of their physical and operational attributes as they use smaller crews, fewer and smaller nets, have less engine horsepower and fuel capacity, etc. Small vessels are also older on average. Almost all large vessels are steel-hulled. Steel hulls are also the most common hull-type among small vessels, though more than 50 percent of these vessels have fiberglass or wood hulls. More than two-thirds of

the large vessels have freezing capabilities while few small vessels have such equipment. Small vessels still rely on ice for refrigeration and storage. A few of the small vessels are so small that they rely on live wells for storage.

Both large and small active permitted Gulf shrimp vessels are highly dependent on Gulf food shrimp landings and revenues. In 2005–2006, the percentage of revenues arising from food shrimp landings was nearly 99 percent for large vessels and approximately 94 percent for small vessels.

Finally, according to previous projections, on average, both small and large Gulf shrimp vessels were experiencing significant economic losses, ranging from a -27 percent rate of return (net revenues/gross revenues) in the small vessel sector to a -36 percent rate of return in the large vessel sector (-33 percent on average for the fishery as a whole). Although more current estimates are not available, preliminary results indicate that the average active permitted Gulf shrimp vessel, whether large or small, was still earning an economic loss in 2006. Therefore, any additional financial burden could hasten additional exit from the fishery.

The Small Business Administration defines a small business in the commercial fishing industry as an entity that is independently owned and operated, is not dominant in its field of operation (including its affiliates), and has combined annual receipts not in excess of $4.0 million annually (NAICS codes 114111 and 114112, finfish and shellfish fishing). Based on the average annual revenues for the fishery provided above, all shrimp vessels expected to be directly impacted by the proposed action are determined, for the purpose of this analysis, to be small entities. This proposed rule is expected to directly affect 1,121 vessels, or 59 percent of all permitted vessels and 70 percent of active permitted vessels. Thus, NMFS determines that this action will affect a substantial number of small entities.

Adverse direct effects expected as a result of the proposed action would only accrue to certain vessels in the Gulf EEZ commercial shrimp fishery. The extent to which particular small entities' profits will be reduced by the proposed action is critically dependent on whether the 1,121 potentially impacted shrimp vessel owners decide to employ the predominantly used and produced fisheye BRD in the proposed allowable position, which would be the most expedient option and minimize immediate out-of-pocket expenses, or switch to the modified Jones-Davis BRD or the extended funnel BRD which have a significantly lower average shrimp loss. Two other BRDs would be available, specifically the Jones-Davis and composite panel BRDs. However, due to the lower average shrimp loss associated with the extended funnel and modified Jones-Davis BRDs, and the lower cost relative to the Jones-Davis BRD (but not the composite panel BRD), the extended funnel and modified Jones-Davis BRDs would be economically preferable. Therefore, this analysis assumes that these would be the BRDs of choice.

Approximately 6,400 replacement BRDs will be required under the proposed rule. NMFS has contracted for approximately 1,000 of the economically preferable BRDs to be produced for free distribution to vessels that would be forced to change their current BRDs as a result of the proposed rule. It is expected that one free BRD will be provided to each vessel to ensure that the benefits will be widely distributed. Since the small vessels that will potentially need to switch to new BRDs will likely only need to purchase three BRDs, as compared to six BRDs for large vessels, it is expected that the free BRDs will be provided only to large vessels. This analysis assumes that the shrimp industry will have approximately six months after publication of the final rule to meet the compliance requirements of the proposed rule. This should allow net shops sufficient time to produce the remaining 5,400 BRDs which are expected to be needed in the shrimp industry.

NMFS also anticipates that the effective date of this rule will occur during the off-season, which will allow vessel captains additional time to determine the best methods to use their new BRD according to their particular vessel's operations prior to the peak summer season. Thus, while it may take time for vessel captains to learn how to re-configure their gear so that the gear and gear modifications (BRDs and TEDs) operate in an optimal manner with respect to shrimp retention, the timing of the action should minimize the potential for any initially higher than expected shrimp losses as a result of vessel captains moving up the ''learning curve.''

Therefore, in general, the actual impacts of the proposed rule are expected to be approximated by the impacts associated with use of the extended funnel or modified Jones-Davis BRDs. This general conclusion assumes that vessel owners will make prudent use of the time they are given to test the gear and that the relatively high average shrimp loss associated with the fisheye BRD in the proposed allowable position will provide sufficient economic incentive to switch to a different BRD as soon as possible.

Regardless of the new BRD adopted, the estimated ten large vessels and one small vessel currently using the expanded mesh BRD would be expected to experience a substantial loss as a result of this proposed action. Even if these vessels switch to the extended funnel BRD or modified Jones-Davis BRD, these vessels are projected to experience an estimated annual loss of approximately $17,000 per vessel, or approximately 8 percent of their average annual gross revenues, as a result of higher costs associated with these relatively more expensive new BRDs and reduced revenues resulting from their higher average shrimp loss relative to the expanded mesh BRD. This loss would be expected to be sufficient to cause additional operational changes, since the losses would not likely be sustainable.

For the estimated 70 small and 626 large vessels currently using the ''fisheye'' BRD in the 9-(2.7–m) to 11–ft (3.4–m) position, the expected impacts of the proposed rule are considerably less burdensome, despite the increased operating costs due to the higher costs of the new BRDs, and potentially even beneficial. Specifically, for the 70 small vessels, a switch to the extended funnel BRD is projected to lead to slightly higher annual revenues, approximately $200, or 0.3 percent of their average annual gross revenues, because of the lower average shrimp loss from these alternative BRDs. A switch to the modified Jones-Davis BRD is projected to result in a slight annual loss of $400, or 0.6 percent of their average annual gross revenues. The effects of either switch would likely be imperceptible and, therefore, are expected to cause no change in these vessels' fishing operations.

For the 626 large vessels, a switch to the extended funnel BRD is projected to result in an annual gain of approximately $2,000, or approximately 1 percent of average annual revenues, again due to the higher average shrimp retention. Under a switch to the modified Jones-Davis BRD, the higher costs associated with purchasing this more expensive BRD are approximately equivalent to the increase in revenues resulting from its relatively lower average shrimp loss, thus resulting in no net change. As with the small vessels, all impacts would be expected to be imperceptible and cause no change in these vessels' fishing operations.

Additionally, any potential adverse impacts in the first year would be slightly mitigated by the provision of the one free BRD.

The estimated 27 small and 387 large vessels currently using the ''Gulf fisheye'' BRD are projected to experience greater losses than the vessels currently using the ''fisheye'' BRD in the 9-(2.7–m) to 11–ft (3.4–m) position. Specifically, for the 27 small vessels, a switch to the extended funnel BRD or modified Jones-Davis BRD is projected to result in an estimated annual loss of approximately $1,400, or approximately 2 percent of the vessel's average annual gross revenues. This loss would result from both an increase in operating costs, as these BRDs are relatively more expensive, and a decrease in annual revenues, since they also have a slightly higher average shrimp loss. For the 387 large vessels, a switch to the extended funnel BRD or modified Jones-Davis BRD is projected to result in an estimated annual loss of approximately $4,000, or approximately 2 percent of the vessel's average annual gross revenues. Again, this loss would be due to both an increase in operating costs and higher average shrimp loss. Under current economic conditions, such losses to both the small and large vessels could cause some vessels to alter their current operations in an effort to either reduce costs or increase revenues. Such changes might include, but not be limited to, reducing effort, the number of crew, or crew revenue shares, or switching to other fisheries. The impacts on the large vessels would be slightly mitigated in the first year by the provision of the one free BRD.

The only alternative considered to the proposed action is the status quo, or no action. Since the status quo would not change the existing list of allowable BRDs in the Gulf shrimp fishery, there would be no new impacts associated with this action. However, new information collected between 2001 and 2003 indicate that the expanded mesh BRD, the ''Gulf fisheye'' BRD, and the ''fisheye'' BRD in its standard configuration, as used in the Gulf shrimp fishery, do not meet the 30–percent finfish reduction criterion. According to NMFS' SEFSC estimates, the fisheye device in its most common configurations achieves between a 14- and 23–percent reduction in finfish bycatch by weight, and the expanded mesh BRD achieves a 17–percent reduction in finfish bycatch by weight.

Allowing for the provisional certification of BRDs achieving a 25–percent reduction in finfish bycatch by weight, which has been established via separate rulemaking, could significantly reduce the potential adverse economic impacts of this proposed action on small entities since it would allow for the temporary certification of the extended funnel BRD in the western Gulf. Relative to the other BRDs that meet the 30–percent finfish reduction criterion, the extended funnel BRD's average shrimp loss is considerably lower and, thus, so are the economic impacts potentially resulting from this action if shrimp vessel owners switch to this particular BRD. The period of time vessel owners are expected to be given should be sufficient to allow them to switch to this BRD or the modified Jones-Davis BRD, which will mitigate any adverse economic impacts from the proposed rule. Additional mitigation in the first year will accrue due to the distribution of the 1,000 free BRDs.

Copies of the RIR and IRFA are available from NMFS (see **ADDRESSES**).

List of Subjects in 50 CFR Part 622

Fisheries, Fishing, Puerto Rico, Reporting and recordkeeping requirements, Virgin Islands.

Dated: May 28, 2008.

Samuel D. Rauch III,

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

For the reasons set out in the preamble, 50 CFR part 622 is proposed to be amended as follows:

PART 622—FISHERIES OF THE CARIBBEAN, GULF, AND SOUTH ATLANTIC

1. The authority citation for part 622 continues to read as follows:

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

2. In § 622.41, paragraphs (g)(3)(i)(A),(B), and (E) are revised to read as follows:

§ 622.41 Species specific limitations.

(g) * * *

(3) * * *

(i) * * *

(A) Fisheye—see Appendix D for separate specifications in the Gulf and South Atlantic EEZ.

(B) Gulf fisheye—South Atlantic EEZ only.

(E) Expanded mesh—South Atlantic EEZ only.

3. In Appendix D to part 622, sections C and D are revised to read as follows:

APPENDIX D TO PART 622—SPECIFICATIONS FOR CERTIFIED BRDS

C. *Fisheye.*

1. *Description.* The fisheye BRD is a cone-shaped rigid frame constructed from aluminum or steel rod of at least ¼ inch (6.35–mm) diameter, which is inserted into the cod end to form an escape opening.

2. *Minimum Construction and Installation Requirements.* The fisheye has a minimum escape opening dimension of 5 inches (12.7 cm) and a minimum total escape opening area of 36 in^2 (91.4 cm^2). When the fisheye BRD is installed, no part of the lazy line attachment system (i.e., any mechanism, such as elephant ears or choker straps, used to attach the lazy line to the cod end) may overlap the fisheye escape opening when the fisheye is installed aft of the attachment point of the cod end retrieval system.

(a) In the Gulf EEZ, the fisheye BRD must be installed at the top center of the cod end of the trawl to create an opening in the trawl facing in the direction of the mouth of the trawl no further forward than 9 ft (2.7 m) from the cod end drawstring (tie-off rings).

(b) In the South Atlantic EEZ, the fisheye BRD must be installed at the top center of the cod end of the trawl to create an escape opening in the trawl facing the direction of the mouth of the trawl no further forward than 11 ft (3.4 m) from the cod end tie-off rings.

D. *Gulf fisheye.*

1. *Description.* The Gulf fisheye is a cone-shaped rigid frame constructed from aluminum or steel rod of at least ¼ inch (6.35–mm) diameter, which is inserted into the top center of the cod end, and is offset not more than 15 meshes perpendicular to the top center of the cod end to form an escape opening.

2. *Minimum Construction and Installation Requirements.* The Gulf fisheye has a minimum escape opening dimension of 5 inches (12.7 cm) and a minimum total escape opening area of 36 in^2 (91.4 cm^2). To be used in the South Atlantic EEZ, the Gulf fisheye BRD must be installed in the cod end of the trawl to create an escape opening in the trawl, facing in the direction of the mouth of the trawl, no less than 8.5 ft (2.59 m) and no further forward than 12.5 ft (3.81 m) from the cod end tie-off rings, and may be offset no more than 15 meshes perpendicular to the top center of the cod end. When the Gulf fisheye BRD is installed, no part of the lazy line attachment system (i.e., any mechanism, such as elephant ears or choker straps, used to attach the lazy line to the cod end) may overlap the fisheye escape opening when the fisheye is installed aft of the attachment point of the cod end retrieval system.

4. In addition to the amendments above, in 50 CFR part 622, remove the word ''codend,'' wherever it occurs, and add in its place the words ''cod end''.

[FR Doc. E8–12324 Filed 6–2–08; 8:45 am]

BILLING CODE 3510–22–S

Notices

Federal Register
Vol. 73, No. 107
Tuesday, June 3, 2008

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

DEPARTMENT OF AGRICULTURE

Forest Service

Information Collection; Qualified Products List for Foam Fire Suppressants

AGENCY: Forest Service, USDA.

ACTION: Notice; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Forest Service is seeking comments from all interested individuals and organizations on the extension (without revision) of a currently approved information collection, Qualified Products List for Foam Fire Suppressants.

DATES: Comments must be received in writing on or before August 4, 2008 to be assured of consideration. Comments received after that date will be considered to the extent practicable.

ADDRESSES: Comments concerning this notice should be addressed to Victoria Henderson, Branch Director, Equipment and Chemicals, Forest Service, USDA, National Interagency Fire Center, 3833 S. Development Avenue, Boise, Idaho 83705.

Comments also may be submitted via facsimile to 208–387–5971 or by e-mail to: *thenderson@fs.fed.us*.

The public may inspect comments received at the National Interagency Fire Center (NIFC), Jack Wilson Building, Boise, Idaho, Monday through Friday between 10 a.m. to 3 p.m. Visitors are encouraged to call ahead to 208–387–5348 to facilitate entry to the building.

FOR FURTHER INFORMATION CONTACT: Les Holsapple, Missoula Technology and Development Center (MTDC), 406–829–6761, or Cecilia Johnson, MTDC, 406–329–4819, or Tory Henderson, NIFC, 208–387–5348. Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339 twenty-four hours a day, every day of the year, including holidays.

SUPPLEMENTARY INFORMATION:

Title: Qualified Products List for Foam Fire Suppressants.

OMB Number: 0596–0183.

Expiration Date of Approval: 1/31/2009.

Type of Request: Extension without revision.

Abstract: The Forest Service's Missoula Technology and Development Center (MTDC) staff evaluates and approves commercially available wildland-fire foam products prior to use during fire management activities on lands managed by the Forest Service and Federal cooperators.

Missoula Technology and Development Center staff tests for safety, effectiveness, and efficiency. In conducting safety evaluations, the staff utilizes the ''List of Known and Suspected Carcinogens'' and the U.S. Environmental Protection Agency's ''List of Highly Hazardous Materials,'' as well as industry standard confidential disclosure and technical data sheets. Products deemed safe for use do not contain ingredients that create an enhanced risk (in typical use) to firefighters or the public, as well as aquatic (fish and clean water) and terrestrial environments (wildlife and plants). Additional risk analysis may be required.

Effectiveness tests for these products determine product ability to reduce fire spread and intensity even after the water carrier has evaporated away.

Efficiency evaluations are based on:

(1) The range of mix ratios of concentrate products and water appropriate for storage and handling in typical wildland fire operations, providing products that are storable and/or can be kept available on fire equipment; and

(2) Whether readily available equipment and facilities can mix and distribute the product.

Manufacturers submit the following information to MTDC:

(1) List of specific ingredients and quantity used in the formulation of the products,

(2) Identification of specific sources of supply for each ingredient, and

(3) Specific mixing requirements.

Testing begins once manufacturers (and/or their suppliers) have submitted information and payment for analysis and evaluation. If a risk analysis is necessary, the Agency requests a copy of the product labeling from the manufacturer. In such instances, a third party assesses specific levels of products or ingredients in typical application relative to human and environmental health.

This collection of information is necessary for testing and analyzing/evaluating purposes to ensure the safety, effectiveness, and efficiency of products prior to use. Without this information collection, the Agency's ability to solicit and award wildland-fire foam contracts would be compromised.

Estimate of Annual Burden: 2.8 hours.

Type of Respondents: Manufacturers (and their suppliers) of wildland fire foam products.

Estimated Annual Number of Respondents: 5.

Estimated Annual Number of Responses per Respondent: 2.

Estimated Total Annual Burden on Respondents: 28 hours.

Comment Is Invited

Comment is invited on: (1) Whether this collection of information is necessary for the stated purposes and the proper performance of the functions of the agency, including whether the information will have practical or scientific utility; (2) the accuracy of the agency's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

All comments received in response to this notice, including names and addresses when provided, will be a matter of public record. Comments will be summarized and included in the submission request toward Office of Management and Budget approval.

Dated: May 27, 2008.

Robin L. Thompson,

Associate Deputy Chief, State & Private Forestry.

[FR Doc. E8–12352 Filed 6–2–08; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF AGRICULTURE

Forest Service

Information Collection; Qualified Products List for Long-Term Retardant Fire Suppressants

AGENCY: Forest Service, USDA.

ACTION: Notice, request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Forest Service is seeking comments from all interested individuals and organizations on the extension (without revision) of a currently approved information collection, Qualified Products List for Long-Term Retardant Fire Suppressants.

DATES: Comments must be received in writing on or before August 4, 2008 to be assured of consideration. Comments received after that date will be considered to the extent practicable.

ADDRESSES: Comments concerning this notice should be addressed to Victoria Henderson, Branch Director, Equipment and Chemicals, Forest Service, USDA, National Interagency Fire Center, 3833 S. Development Avenue, Boise, Idaho 83705.

Comments also may be submitted via facsimile to 208–387–5971 or by e-mail to: *thenderson@fs.fed.us*.

The public may inspect comments received at the National Interagency Fire Center (NIFC), Jack Wilson Building, Boise, Idaho, Monday through Friday between 10 a.m. to 3 p.m. Visitors are encouraged to call ahead to 208–387–5348 to facilitate entry to the building.

FOR FURTHER INFORMATION CONTACT: Les Holsapple, Missoula Technology and Development Center (MTDC), 406–829–6761, or Cecilia Johnson, MTDC, 406–329–4819, or Tory Henderson, NIFC, 208–387–5348. Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339 twenty-four hours a day, every day of the year, including holidays.

SUPPLEMENTARY INFORMATION:

Title: Qualified Products List for Long-Term Retardant Fire Suppressants.

OMB Number: 0596–0184.

Expiration Date of Approval: 1/31/2009.

Type of Request: Extension without revision.

Abstract: The Forest Service's Missoula Technology and Development Center (MTDC) staff evaluates and approves commercially available long-term fire retardant products prior to use during fire management activities on lands managed by the Forest Service and Federal cooperators.

Missoula Technology and Development Center staff tests for safety, effectiveness, and efficiency. In conducting safety evaluations, the staff utilizes the ''List of Known and Suspected Carcinogens'' and the U.S. Environmental Protection Agency's ''List of Highly Hazardous Materials,'' as well as industry standard confidential disclosure and technical data sheets. Products deemed safe for use do not contain ingredients that create an enhanced risk (in typical use) to firefighters or the public, as well as aquatic (fish and clean water) and terrestrial environments (wildlife and plants). Additional risk analysis may be required.

Effectiveness tests for these products determine product ability to reduce fire spread and intensity even after the water carrier has evaporated away.

Efficiency evaluations are based on:

(1) The range of mix ratios of concentrate products and water appropriate for storage and handling in typical wildland fire operations, providing products that are storable and/or can be kept available on fire equipment; and

(2) Whether readily available equipment and facilities can mix and distribute the product.

Manufacturers submit the following information to MTDC:

(1) List of specific ingredients and quantity used in the formulation of the products,

(2) Identification of specific sources of supply for each ingredient, and

(3) Specific mixing requirements.

Testing begins once manufacturers (and/or their suppliers) have submitted information and payment for analysis and evaluation. If a risk analysis is necessary, the Agency requests a copy of the product labeling from the manufacturer. In such instances, a third party assesses specific levels of products or ingredients in typical application relative to human and environmental health.

This collection of information is necessary for testing and analyzing/evaluating purposes to ensure the safety, effectiveness, and efficiency of products prior to use. Without this information collection, the Agency's ability to solicit and award wildland-fire foam contracts would be compromised.

Estimate of Annual Burden: 3.6 hours.

Type of Respondents: Manufacturers (and their suppliers) of long-term fire retardant products.

Estimated Annual Number of Respondents: 3.

Estimated Annual Number of Responses per Respondent: 6.

Estimated Total Annual Burden on Respondents: 64.8 hours.

Comment Is Invited

Comment is invited on: (1) Whether this collection of information is necessary for the stated purposes and the proper performance of the functions of the Agency, including whether the information will have practical or scientific utility; (2) the accuracy of the Agency's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

All comments received in response to this notice, including names and addresses when provided, will be a matter of public record. Comments will be summarized and included in the submission request toward Office of Management and Budget approval.

Dated: May 27, 2008.

Robin L. Thompson,

Associate Deputy Chief, State & Private Forestry.

[FR Doc. E8–12355 Filed 6–2–08; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF COMMERCE

Foreign–Trade Zones Board

Order No. 1560

Grant of Authority for Subzone Status, SACMI USA, Ltd. (Packaging and Food Processing Equipment), Urbandale, Iowa

Pursuant to its authority under the Foreign–Trade Zones Act of June, 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign–Trade Zones Board (the Board) adopts the following Order:

Whereas, the Foreign–Trade Zones Act provides for '' the establishment of foreign–trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes,'' and authorizes the Foreign–Trade Zones Board to grant to qualified corporations the privilege of establishing foreign–trade zones in or adjacent to U.S. Customs and Border Protection ports of entry;

Whereas, the Board's regulations (15 CFR Part 400) provide for the establishment of special–purpose subzones when existing zone facilities

cannot serve the specific use involved, and when the activity results in a significant public benefit and is in the public interest;

Whereas, the Iowa Foreign–Trade Zone Corporation, grantee of FTZ 107, has made application to the Board for authority to establish a special–purpose subzone for the manufacture of packaging and food–processing equipment at the facility of SACMI USA, Ltd., located in Urbandale, Iowa (FTZ Docket 40–2007, filed 8–23–07);

Whereas, notice inviting public comment was given in the **Federal Register** (72 FR 49699, 8/29/07); and,

Whereas, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and the Board's regulations are satisfied, and that approval of the application is in the public interest;

Now, therefore, the Board hereby grants authority for subzone status for activity related to packaging and food–processing equipment manufacturing at the facility of SACMI USA, Ltd., located in Urbandale, Iowa (Subzone 107B), as described in the application and **Federal Register** notice, and subject to the FTZ Act and the Board's regulations, including Section 400.28.

Signed at Washington, DC, this 20th day of May 2008.

David M. Spooner,

Assistant Secretary of Commercefor Import Administration, Alternate Chairman, Foreign–Trade Zones Board.

Attest:

Pierre Duy,

Acting Executive Secretary.

[FR Doc. E8–12397 Filed 6–2–08; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

Foreign–Trade Zones Board

Order No. 1561

Grant of Authority for Subzone Status, SPAL USA, INC. (Vehicle Parts Distribution and Processing), Ankeny, Iowa

Pursuant to its authority under the Foreign–Trade Zones Act of June, 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign–Trade Zones Board (the Board) adopts the following Order:

Whereas, the Foreign–Trade Zones Act provides for '' the establishment of foreign–trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes,'' and authorized the Foreign–Trade Zones Board to grant to qualified corporations the privilege of establishing foreign–trade zones in or adjacent to U.S. Customs and Border Protection ports of entry;

Whereas, the Board's regulations (15 CFR Part 400) provide for the establishment of special–purpose subzones when existing zone facilities cannot serve the specific use involved, and when the activity results in a significant public benefit and is in the public interest;

Whereas, the Iowa Foreign–Trade Zone Corporation, grantee of Foreign–Trade Zone 107, has made application to the Board for authority to establish a special–purpose subzone for the vehicle parts distribution and processing (kitting) facility of SPAL USA, Inc., located in Ankeny, Iowa (FTZ Docket 42–2007, filed 8/23/07);

Whereas, notice inviting public comment was given in the **Federal Register** (72 FR 50326, 8/31/07); and,

Whereas, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and the Board's regulations are satisfied, and that approval of the application is in the public interest;

Now, therefore, the Board hereby grants authority for subzone status for activity related to the vehicle parts distribution and processing (kitting) facility of SPAL USA, Inc., located in Ankeny, Iowa (Subzone 107C), as described in the application and **Federal Register** notice, and subject to the FTZ Act and the Board's regulations, including Section 400.28.

Signed at Washington, DC, this 20th day of May 2008.

David M. Spooner,

Assistant Secretary of Commercefor Import Administration, Alternate Chairman, Foreign–Trade Zones Board.

Attest:

Pierre Duy,

Acting Executive Secretary.

[FR Doc. E8–12393 Filed 6–2–08; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

Foreign–Trade Zones Board

Order No. 1559

Reissuance of the Grant of Authority for Subzone 66C, Unifi, Inc., Yadkinville, North Carolina, (Docket 47–2007)

Pursuant to its authority under the Foreign–Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign–Trade Zones Board (the Board) adopts the following Order:

After consideration of the request with supporting documents (filed 9/18/2007) from the North Carolina Department of Commerce, grantee of FTZ 66, for the reissuance of the subzone grant of authority for the Unifi, Inc. facility in Yadkinville, North Carolina to the Piedmont Triad Partnership, Greensboro, North Carolina, grantee of Foreign–Trade Zone 230, which has joined in the request, the Board, finding that the requirements of the Foreign–Trade Zones Act, as amended, and the Board's regulations are satisfied, and that the proposal is in the public interest, approves the request and recognizes the Piedmont Triad Partnership as the new grantee of the Unifi, Inc. Subzone, which is hereby redesignated as Subzone 230B.

The approval is subject to the FTZ Act and the FTZ Board's regulations, including Section 400.28.

Signed at Washington, DC, this 20th day of May 2008

David M. Spooner,

Assistant Secretary of Commercefor Import Administration, Alternate Chairman, Foreign–Trade Zones Board.

Attest:

Pierre V. Duy,

Acting Executive Secretary.

[FR Doc. E8–12398 Filed 6–2–08; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Action Affecting Export Privileges; Winter Aircraft Products SA and Ana Belen Diaz Sanchez; Order Making Denial of Export Privileges Applicable to Related Person

In the Matter of:

Winter Aircraft Products SA
a/k/a Ruf S. Lopez SA, C/Ferrocarril 41, 1 DCHA,
28045 Madrid, Spain
Respondent

and

Ana Belen Diaz Sanchez,
(a/k/a ''Ana Vazquez''),
Avda Mediterraneo No. 9, 28007 Madrid, Spain
Related Person.

Pursuant to section 766.23 of the Export Administration Regulations (''EAR'' or ''Regulations''), the Bureau of Industry and Security (''BIS''), U.S. Department of Commerce, through its Office of Export Enforcement (''OEE''), has requested that I make the Denial Order that was imposed against Winter Aircraft Products SA (a/k/a Ruf S. Lopez SA) (''Winter Aircraft'') on May 24, 2007 (72 FR 29965) applicable to the

following entity, as a person related to Winter Aircraft:

Ana Belen Diaz Sanchez, (a/k/a ''Ana Vazquez''), Avda Mediterraneo No. 9, 28007 Madrid, Spain.

Section 766.23 of the Regulations provides that ''[i]n order to prevent evasion, certain types of orders under this part may be made applicable not only to the respondent, but also to other persons then or thereafter related to the respondent by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or business. Orders that may be made applicable to related persons include those that deny or affect export privileges * * *.'' 15 CFR 766.23(a).

On May 24, 2007, an Order pursuant to Part 766 of the Regulations imposing a ten-year denial of export privileges against Winter Aircraft Products SA, of Madrid Spain (a/k/a Ruf S. Lopez SA), Rufina Sanchez Lopez, Principal of Winter Aircraft, and Jose Alberto Diaz Sanchez, President of Winter Aircraft, were published in the **Federal Register** to conclude administrative charges pending against these parties. *See* 72 FR 29960, 29963, 29965 (June 6, 2005). Winter Aircraft was found to have taken actions with intent to evade the Regulations by acquiring aircraft parts, items subject to the Regulations and classified under Export Control Classification Number (''ECCN'') 9A991, from U.S. suppliers with intent to transship such items to Iran without the necessary license from the U.S. Government. The violations occurred from on or about on or about October 19, 2000, and on or about November 22, 2000.

The May 24, 2007 Order imposed against Winter Aircraft is an order that may be made applicable to related persons pursuant to section 766.23 upon evidence that indicates that the person is related to Winter Aircraft by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or business, and that it is necessary to add this entity to the Order imposed against Winter Aircraft in order to avoid evasion of that Order.

BIS has presented evidence that Ana Belen Diaz Sanchez, Avda Mediterraneo No. 9, 28007 Madrid, Spain (a/k/a ''Ana Vazquez''), is related to Winter Aircraft by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or business, and that it is necessary to add Ana Belen Diaz Sanchez to the Order imposed against Winter Aircraft in order to avoid evasion of that Order.

BIS notified Ana Belen Diaz Sanchez of its plans to take this action through letters dated January 23, 2008, and March 5, 2008, in accordance with sections 766.5(b) and 766.23 of the Regulations. Ana Belen Diaz Sanchez never responded to BIS.

It is my belief based on all the evidence presented in this matter that Ana Belen Diaz Sanchez's relationship with Winter Aircraft meets the requirements of Section 766.23 of the Regulations. Accordingly, I find that it is necessary to make the Order imposed against Winter Aircraft applicable to Ana Belen Diaz Sanchez in order to prevent the evasion of that Order.

It Is Now Therefore Ordered,

First, that having been provided notice and opportunity for comment as provided in section 766.23 of the Regulations, Ana Belen Diaz Sanchez, Avda Mediterraneo No. 9, 28007 Madrid, Spain (a/k/a ''Ana Vazquez'') (''Related Person''), has been determined to be related to Winter Aircraft, Products SA, a/k/a Ruf S. Lopez SA, C/Ferrocarril 41, 1 DCHA, 28045 Madrid, Spain (''Winter Aircraft''), by affiliation, ownership, control, or position of responsibility in the conduct of trade or related services, and it has been deemed necessary to make the Order denying the export privileges of Winter Aircraft applicable to this Related Person in order to prevent evasion of the Order.

Second, that the denial of export privileges described in the Order against Winter Aircraft, which was published in the **Federal Register** on May 24, 2007 at 72 FR 29965, shall be made applicable to the Related Person, as follows:

I. The Related Person, its successors or assigns, and when acting for or on behalf of the Related Person, its officers, representatives, agents, or employees (collectively, ''Denied Person'') may not participate, directly or indirectly, in any way in any transaction involving any commodity, software or technology (hereinafter collectively referred to as ''item'') exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations, including, but not limited to:

A. Applying for, obtaining, or using any license, License Exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations; or

C. Benefiting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations.

II. No person may, directly or indirectly, do any of the following:

A. Export or reexport to or on behalf of the Denied Person any item subject to the Regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by the Denied Person of the ownership, possession, or control of any item subject to the Regulations that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby the Denied Person acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from the Denied Person of any item subject to the Regulations that has been exported from the United States;

D. Obtain from the Denied Person in the United States any item subject to the Regulations with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the Regulations that has been or will be exported from the United States and which is owned, possessed or controlled by the Denied Person, or service any item, of whatever origin, that is owned, possessed or controlled by the Denied Person if such service involves the use of any item subject to the Regulations that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

Third, that in accordance with the provisions of section 766.23(c) of the Regulations, the Related Person may, at any time, make an appeal related to this Order by filing a full written statement in support of the appeal with the Office of the Administrative Law Judge, U.S. Coast Guard ALJ Docketing Center, 40 South Gay Street, Baltimore, Maryland 21202–4022.

Fourth, that this Order does not prohibit any export, reexport, or other transaction subject to the Regulations where the only items involved that are subject to the Regulations are the foreign-produced direct product of U.S.-origin technology.

Fifth, that this Order shall be published in the **Federal Register** and a copy provided to the Related Person.

This Order is effective upon publication in the **Federal Register**.

Entered this 19th day of May, 2008.

Darryl W. Jackson,

Assistant Secretary of Commerce for Export Enforcement.

[FR Doc. E8–12292 Filed 6–2–08; 8:45 am]

BILLING CODE 3510–DT–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Action Affecting Export Privileges; Winter Aircraft Products SA and Iberair Lines; Order Making Denial of Export Privileges Applicable to Related Person

In the Matter of:

Winter Aircraft Products SA
a/k/a Ruf S. Lopez SA
C/Ferrocarril 41
1 DCHA
28045 Madrid, Spain

Respondent

and

Iberair Lines
(a/k/a ''Desarrollos Ind. Iberair, SL'')
(a/k/a ''Desarrollos Empresariales Iberair L'')
Avda Mediterraneo No. 9
28007 Madrid, Spain

Related Person.

Pursuant to section 766.23 of the Export Administration Regulations (''EAR'' or ''Regulations''), the Bureau of Industry and Security (''BIS''), U.S. Department of Commerce, through its Office of Export Enforcement (''OEE''), has requested that I make the Denial Order that was imposed against Winter Aircraft Products SA (a/k/a Ruf S. Lopez SA) (''Winter Aircraft'') on May 24, 2007 (72 FR 29965) applicable to the following entity, as a person related to Winter Aircraft:

Iberair Lines
(a/k/a ''Desarrollos Ind. Iberair, SL''),
(a/k/a ''Desarrollos Empresariales Iberair L''),
Avda Mediterraneo No. 9,
28007 Madrid, Spain.

Section 766.23 of the Regulations provides that ''[i]n order to prevent evasion, certain types of orders under this part may be made applicable not only to the respondent, but also to other persons then or thereafter related to the respondent by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or business. Orders that may be made applicable to related persons include those that deny or affect export privileges . * * *'' 15 CFR 766.23(a).

On May 24, 2007, an Order pursuant to Part 766 of the Regulations imposing a ten-year denial of export privileges against Winter Aircraft Products SA, of Madrid Spain (a/k/a Ruf. Lopez SA), Rufina Sanchez Lopez, Principal of Winter Aircraft, and Jose Alberto Diaz Sanchez, President of Winter Aircraft, were published in the **Federal Register** to conclude administrative charges pending against these parties. *See* 72 FR 29960, 29963, 29965 (June 6, 2005). Winter Aircraft was found to have taken actions with intent to evade the Regulations by acquiring aircraft parts, items subject to the Regulations and classified under Export Control Classification Number (''ECCN'') 9A991, from U.S. suppliers with intent to transship such items to Iran without the necessary license from the U.S. Government. The violations occurred from on or about on or about October 19, 2000, and on or about November 22, 2000.

The May 24, 2007 Order imposed against Winter Aircraft is an order that may be made applicable to related persons pursuant to section 766.23 upon evidence that indicates that the person is related to Winter Aircraft by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or business, and that it is necessary to add this entity to the Order imposed against Winter Aircraft in order to avoid evasion of that Order.

BIS has presented evidence that Iberair Lines, Avda Mediterraneo No. 9, 28007 Madrid, Spain, also located at Calle Canarias No. 9, 28045 Madrid, Spain (a/k/a ''Desarrollos Ind. Iberair, SL'') (a/k/a ''Desarrollos Empresariales Iberair L'') (''Iberair Lines'') is related to Winter Aircraft by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or business, and that it is necessary to add Iberair Lines to the Order imposed against Winter Aircraft in order to avoid evasion of that Order.

BIS notified Iberair Lines of its plans to take this action through letters dated January 23, 2008, and March 5, 2008, in accordance with sections 766.5(b) and 766.23 of the Regulations. Iberair Lines submitted a letter to BIS dated March 14, 2008, opposing its addition to the Order.

It is my belief based on all the evidence presented in this matter that Iberair Lines' relationship with Winter Aircraft meets the requirements of section 766.23 of the Regulations. Accordingly, I find that it is necessary to make the Order imposed against Winter Aircraft applicable to Iberair Lines in order to prevent the evasion of that Order.

It Is Now Therefore Ordered,

First, that having been provided notice and opportunity for comment as provided in section 766.23 of the Regulations, Iberair Lines, Avda Mediterraneo No. 9, 28007 Madrid, Spain, also located at Calle Canarias No. 9, 28045 Madrid, Spain (a/k/a ''Desarrollos Ind. Iberair, SL'') (a/k/a ''Desarrollos Empresariales Iberair L'') (''Related Person''), has been determined to be related to Winter Aircraft, Products SA, a/k/a Ruf S. Lopez SA, C/Ferrocarril 41, 1 DCHA, 28045 Madrid, Spain (''Winter Aircraft''), by affiliation, ownership, control, or position of responsibility in the conduct of trade or related services, and it has been deemed necessary to make the Order denying the export privileges of Winter Aircraft applicable to this Related Person in order to prevent evasion of the Order.

Second, that the denial of export privileges described in the Order against Winter Aircraft, which was published in the **Federal Register** on May 24, 2007 at 72 FR 29965, shall be made applicable to the Related Person, as follows:

I. The Related Person, its successors or assigns, and when acting for or on behalf of the Related Person, its officers, representatives, agents, or employees (collectively, ''Denied Person'') may not participate, directly or indirectly, in any way in any transaction involving any commodity, software or technology (hereinafter collectively referred to as ''item'') exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations, including, but not limited to:

A. Applying for, obtaining, or using any license, License Exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations; or

C. Benefiting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations.

II. No person may, directly or indirectly, do any of the following:

A. Export or reexport to or on behalf of the Denied Person any item subject to the Regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by the Denied Person of the ownership, possession, or control of any item subject to the Regulations that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby the Denied Person acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from the Denied Person of any item subject to the Regulations that has been exported from the United States;

D. Obtain from the Denied Person in the United States any item subject to the Regulations with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the Regulations that has been or will be exported from the United States and which is owned, possessed or controlled by the Denied Person, or service any item, of whatever origin, that is owned, possessed or controlled by the Denied Person if such service involves the use of any item subject to the Regulations that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

Third, that in accordance with the provisions of section 766.23(c) of the Regulations, the Related Person may, at any time, make an appeal related to this Order by filing a full written statement in support of the appeal with the Office of the Administrative Law Judge, U.S. Coast Guard ALJ Docketing Center, 40 South Gay Street, Baltimore, Maryland 21202–4022.

Fourth, that this Order does not prohibit any export, reexport, or other transaction subject to the Regulations where the only items involved that are subject to the Regulations are the foreign-produced direct product of U.S.-origin technology.

Fifth, that this Order shall be published in the **Federal Register** and a copy provided to the Related Person.

This Order is effective upon publication in the **Federal Register**.

Entered this 19th day of May, 2008.

Darryl W. Jackson,

Assistant Secretary of Commerce for Export Enforcement.

[FR Doc. E8–12293 Filed 6–2–08; 8:45 am]

BILLING CODE 3510–DT–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Announcement of Meeting to Explore Feasibility of Establishing a NIST/Industry Consortium on Characterization and Modeling of the Surface/Interface of Polymeric Materials and Systems

AGENCY: National Institute of Standards and Technology, Commerce.

ACTION: Notice of Public Meeting.

SUMMARY: The National Institute of Standards and Technology (NIST) invites interested parties to attend a pre-consortium meeting on June 13, 2008 to be held on the NIST campus. The goal of the one-day meeting is to evaluate industry interest in creating a NIST/industry consortium focused on the characterization and modeling of the surface and interface of polymeric materials and composites.

DATES: The meeting will take place on Friday, June 13, 2008 from 9 a.m. to 12 p.m.

ADDRESSES: The meeting will be held in Building 226 room A368 on the NIST Gaithersburg campus, 100 Bureau Drive, Gaithersburg, MD 20899. Please note admittance instructions under the **SUPPLEMENTARY INFORMATION** section of this notice.

FOR FURTHER INFORMATION CONTACT: Aaron M. Forster, Chris A. Michaels, or Lipiin Sung; National Institute of Standards and Technology, 100 Bureau Drive, Stop 8615, Gaithersburg, MD 20899–8615, USA; Telephone: (301) 975–8701; Fax (301) 990–6891; E-mail: *aaron.forster@nist.gov, chris.michaels@nist.gov, lipiin.sung@nist.gov.*

SUPPLEMENTARY INFORMATION: The National Institute of Standards and Technology (NIST) invites interested parties to attend a pre-consortium meeting on June 13, 2008 to be held on the NIST campus. The goal of the one-day meeting is to evaluate industry interest in creating a NIST/industry consortium focused on the characterization and modeling of the surface and interface of polymeric materials and composites. The goals of such a consortium would include the development of measurement science to evaluate performance and optical properties of polymeric materials utilizing techniques to measure surface mechanical properties, scratch and mar resistance, and fracture at interfaces. The consortium would be administered by NIST. Consortium research and development would be conducted by NIST staff members along with at least one technical representative from each participating member company. Membership fees for participation in the consortium will be Twenty-five Thousand ($25,000) per year. The initial term of the consortium is intended to be three years.

All visitors to the NIST site are required to pre-register to be admitted. Anyone wishing to attend this meeting must register by close of business Thursday, June 12, 2008, in order to attend. Please submit your name, time of arrival, e-mail address and phone number to Aaron Forster and he will provide you with instructions for admittance. Non-U.S. citizens must also submit their country of citizenship, title, employer/sponsor, and address. Aaron Forster's e-mail address is *aaron.forster@nist.gov* and his phone number is (301) 975–8701.

Dated: May 23, 2008.

Richard F. Kayser,

Chief Scientist.

[FR Doc. E8–12362 Filed 6–2–08; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Notice of Prospective Grant of Exclusive Patent License

AGENCY: National Institute of Standards and Technology, Commerce.

ACTION: Notice of Prospective Grant of Exclusive Patent License.

SUMMARY: This is a notice in accordance with 35 U.S.C. 209(c)(1) and 37 CFR 404.7(a)(1)(i) that the National Institute of Standards and Technology (''NIST''), U.S. Department of Commerce, is contemplating the grant of an exclusive license in the United States of America, its territories, possessions and commonwealths, to NIST's interest in the invention embodied in U.S. Patent No. 6,168,755 (Application No. 09/321/113), titled ''High Nitrogen Stainless Steel,'' NIST Docket No. 98–025 to Carpenter Technology Corporation Inc., having a place of business at 101 West Bern Street, Reading, PA 19601. The grant of the license would be for the field of use: Biomedical Applications.

FOR FURTHER INFORMATION CONTACT: J. Terry Lynch, National Institute of Standards and Technology, Office of Technology Partnerships, 100 Bureau Drive, Stop 2200, Gaithersburg, MD 20899, Phone 301–975–2691.

SUPPLEMENTARY INFORMATION: The prospective exclusive license will be royalty bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective exclusive license may be granted unless, within thirty days from the date of this published Notice, NIST receives written evidence and argument which establish that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7. The availability of the invention for licensing was published in the **Federal Register** on February 16, 2000.

U.S. Patent No. 6,168,755 is owned by the U.S. government, as represented by the Secretary of Commerce. The patent involves a high nitrogen stainless steel alloy and alloy powder comprising chromium (Cr), molybdenum (Mo), manganese (Mn), nickel (Ni), nitrogen (N) and iron (Fe). The composition of the stainless steel alloy and powder comprises between about 27 and about 30% by weight Cr, between about 1.5 and about 4.0% by weight Mo, Mn present and is present in an amount up to 15% by weight, at least about 8% by weight Ni, and about 0.8 to about 0.97% by weight N with the balance being iron. It has been discovered that forming an alloy of this chemistry using nitrogen gas atomization process, followed by a consolidation process, the alloy is less likely to form detrimental ferrite, stable nitride and sigma (.sigma.) phases, without the need for further processing, such as solution treating and quenching. This allows for the formation of stainless steel articles having a thicker cross-section with reduced processing cost.

Dated: May 28, 2008.

Richard F. Kayser,

Chief Scientist.

[FR Doc. E8–12400 Filed 6–2–08; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Notice of Indirect Cost Rates for the Damage Assessment, Remediation, and Restoration Program for Fiscal Year 2006

SUMMARY: The National Oceanic and Atmospheric Administration's (NOAA's) Damage Assessment, Remediation, and Restoration Program (DARRP) is announcing new indirect cost rates on the recovery of indirect costs for its component organizations involved in natural resource damage assessment and restoration activities for fiscal year (FY) 2006. The indirect cost rates for this fiscal year and dates of implementation are provided in this notice. More information on these rates and the DARRP policy can be found at the DARRP Web site at *http://www.darrp.noaa.gov*.

FOR FURTHER INFORMATION CONTACT: For further information, contact LaTonya Burgess at 301–713–4248, ext. 211, by fax at 301–713–4389, or e-mail at *LaTonya.Burgess@noaa.gov*.

SUPPLEMENTARY INFORMATION: The mission of the DARRP is to restore natural resource injuries caused by releases of hazardous substances or oil under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) (42 U.S.C. 9601 *et seq.*), the Oil Pollution Act of 1990 (OPA) (33 U.S.C. 2701 *et seq.*), and support restoration of physical injuries to National Marine Sanctuary resources under the National Marine Sanctuaries Act (NMSA) (16 U.S.C. 1431 *et seq.*). The DARRP consists of three component organizations: the Office of Response and Restoration (ORR) within the National Ocean Service; the Restoration Center within the National Marine Fisheries Service; and the Office of the General Counsel for Natural Resources (GCNR). The DARRP conducts Natural Resource Damage Assessments (NRDAs) as a basis for recovering damages from responsible parties, and uses the funds recovered to restore injured natural resources.

Consistent with Federal accounting requirements, the DARRP is required to account for and report the full costs of its programs and activities. Further, the DARRP is authorized by law to recover reasonable costs of damage assessment and restoration activities under CERCLA, OPA, and the NMSA. Within the constraints of these legal provisions and their regulatory applications, the DARRP has the discretion to develop indirect cost rates for its component organizations and formulate policies on the recovery of indirect cost rates subject to its requirements.

The DARRP's Indirect Cost Effort

In December 1998, the DARRP hired the public accounting firm Rubino & McGeehin, Chartered (R&M) to: Evaluate cost accounting system and allocation practices; recommend the appropriate indirect cost allocation methodology; and determine the indirect cost rates for the three organizations that comprise the DARRP. A **Federal Register** notice on R&M's effort, their assessment of the DARRP's cost accounting system and practice, and their determination regarding the most appropriate indirect cost methodology and rates for FYs 1993 through 1999 was published on December 7, 2000 (65 FR 76611). The notice and report by R&M can also be found on the DARRP Web site at *http://www.darrp.noaa.gov*.

R&M continued its assessment of DARRP's indirect cost rate system and structure for FYs 2000 and 2001. A second federal notice specifying the DARRP indirect rates for FYs 2000 and 2001 was published on December 2, 2002 (67 FR 71537).

In October 2002, DARRP hired the accounting firm of Cotton and Company LLP (Cotton) to review and certify DARRP costs incurred on cases for purposes of cost recovery and to develop indirect rates for FY 2002 and subsequent years. As in the prior years, Cotton concluded that the cost accounting system and allocation practices of the DARRP component organizations are consistent with Federal accounting requirements. Consistent with R&M's previous analyses, Cotton also determined that the most appropriate indirect allocation method continues to be the Direct Labor Cost Base for all three DARRP component organizations. The Direct Labor Cost Base is computed by allocating total indirect cost over the sum of direct labor dollars plus the application of NOAA's leave surcharge and benefits rates to direct labor. Direct labor costs for contractors from I.M. Systems Group (IMSG) were included in the direct labor base because Cotton determined that these costs have the same relationship to the indirect cost pool as NOAA direct labor costs. IMSG provided on-site support to the DARRP in the areas of injury assessment, natural resource economics, restoration planning and implementation, and policy analysis. IMSG continues to provide on-site support to the DARRP. A third federal notice specifying the DARRP indirect rates for FY 2002 was published on October 6, 2003 (68 FR 57672), a fourth notice for the FY 2003 indirect cost rates appeared on May 20, 2005 (70 FR 29280), and a fifth notice for the FY 2004 indirect cost rates was published on March 16, 2006 (71 FR 13356). The last notice for the FY 2005 indirect cost rates was published on February 9, 2007 (72 FR 6221). Cotton's reports on these indirect rates can also be found on the DARRP Web site at *http://www.darrp.noaa.gov*.

Cotton reaffirmed that the Direct Labor Cost Base is the most appropriate indirect allocation method for the development of the FY 2006 indirect cost rates.

The DARRP's Indirect Cost Rates and Policies

The DARRP will apply the indirect cost rates for FY 2006 as recommended by Cotton for each of the DARRP component organizations as provided in the following table:

DARP Component Organization	FY 2006 Indirect Rate (%)
Office of Response and Restoration (ORR)	130.99
Restoration Center (RC)	128.04
General Counsel for Natural Resources (GCNR)	122.01

These rates are based on the Direct Labor Cost Base allocation methodology.

The FY 2006 rates will be applied to all damage assessment and restoration case costs incurred between October 1, 2005 and September 30, 2006. DARRP will use the FY 2006 indirect cost rates for future fiscal years until subsequent year-specific rates can be developed.

For cases that have settled and for cost claims paid prior to the effective date of the fiscal year in question, the DARRP will not re-open any resolved matters for the purpose of applying the revised rates in this policy for these fiscal years. For cases not settled and cost claims not paid prior to the effective date of the fiscal year in question, costs will be recalculated using the revised rates in this policy for these fiscal years. Where a responsible party has agreed to pay costs using previous year's indirect rates, but has not yet made the payment because the settlement documents are not finalized, the costs will not be recalculated.

The DARRP indirect cost rate policies and procedures published in the **Federal Register** on December 7, 2000 (65 FR 76611), on December 2, 2002 (67 FR. 71537), October 6, 2003 (68 FR 57672), May 20, 2005 (70 Fed. Reg. 29280), March 16, 2006 (71 FR 13356), and February 9, 2007 (72 FR 6221) remain in effect except as updated by this notice. To summarize, the DARRP indirect rates for the last five fiscal years (beginning October 1 and ending September 30) are:

DARRP Component Organization	FY 02 (%)	FY 03 (%)	FY 04 (%)	FY 05 (%)	FY 06 (%)
Damage Assessment Center	254.17	261.96	213.03	.....	.....
Office of Response and Restoration	.....	.....	.....	180.42	130.99
Restoration Center	218.36	223.74	181.46	166.70	128.04
General Counsel for Natural Resources	251.75	206.47	165.39	169.59	122.01

Dated: May 22, 2008.

David Westerholm,

Director, Office of Response and Restoration, National Ocean Service, National Oceanic and Atmospheric Administration.

[FR Doc. E8–12303 Filed 6–2–08; 8:45 am]

BILLING CODE 3510–JE–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XI19

Notice of Public Meeting for the Joint Subcommittee on Aquaculture

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

ACTION: Notice of public meeting for the Joint Subcommittee on Aquaculture of the Committee on Science National Science and Technology Council.

SUMMARY: This notice announces the schedule and proposed agenda for a meeting of the Joint Subcommittee on Aquaculture (JSA) of the Committee on Science of the National Science and Technology Council. The JSA serves as the Federal interagency coordinating body to increase the overall effectiveness and productivity of Federal research, technology transfer, and assistance programs in support of a globally competitive, technologically advanced, and environmentally sound aquaculture industry in the United States. The meeting provides an opportunity for the subcommittee to discuss ongoing and planned activities in support of aquaculture development in the United States. The meeting will also provide an opportunity for the public to ask questions and comment on JSA activities. The meeting is open to the public and participants are encouraged to register in advance. Participants must present valid photo identification to enter the building. More information is available at *http://aquaculture.noaa.gov*.

DATES: The meeting is scheduled for Thursday, July 10, 2008, from 8:30 a.m. until 12:30 pm. e.s.t.

ADDRESSES: NOAA Headquarters Building #4, 1305 East-West Hwy., Room 1W611, Silver Spring, Maryland, 20910.

FOR FURTHER INFORMATION CONTACT: Gary Jensen, United States Department of Agriculture, Cooperative State Research, Education and Extension Service, 800 9th Street, Room 3409, Washington, DC (202) 401–6802, *gjensen@csrees.usda.gov*.

SUPPLEMENTARY INFORMATION: The Joint Subcommittee on Aquaculture was created by the National Aquaculture Act of 1980 (Public Law 96–362, 94 Stat. 1198, 16 U.S.C. 2801, *et seq.*) and is chaired by the Secretary of Agriculture (designee) with vice-chairs from the Department of Commerce and Department of the Interior. The purpose of the coordinating group is to increase the overall effectiveness and productivity of Federal aquaculture research, transfer, and assistance programs. In fulfilling this purpose the coordinating group:

(1) Reviews the national needs for aquaculture research, transfer, and assistance;

(2) Assesses the effectiveness and adequacy of Federal efforts to meet those national needs;

(3) Undertakes planning, coordination, and communication among Federal agencies engaged in the science, engineering, and technology of aquaculture;

(4) Collects, compiles, and disseminates information on aquaculture;

(5) Encourages joint programs among Federal agencies in areas of mutual interest; and;

(6) Recommends specific actions on issues, problems, plans, and programs in aquaculture.

The JSA addresses issues of national scope and importance and may form national task forces, working groups or special projects to facilitate a coordinated, systematic approach to addressing critical issues and needs. The JSA reports to the Committee on Science of the National Science and Technology Council.

The agenda for this meeting is as follows:

Thursday, July 10, 2008—8:30 a.m. to 12:30 p.m. EST

Agenda

I. Overview of Joint Subcommittee on Aquaculture Activities

II. Reports from JSA Task Forces and Working Groups

a. Working Group on Aquaculture Drugs, Vaccines and Pesticides

b. National Aquatic Animal Health Task Force on Aquaculture

c. National Aquaculture Research and Technology Task Force

III. Reports on other Federal Interagency Initiatives

IV. Questions and comments on JSA activities

This meeting will be open to the public. Participants must have a valid photo ID to gain entrance to the building. Registration information and directions are available online at: *http://aquaculture.noaa.gov*.

Dated: May 28, 2008.

Samuel D. Rauch III,

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

[FR Doc. E8–12320 Filed 6–2–08; 8:45 am]

BILLING CODE 3510–22–S

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2003–0078; FRL–8574–8]

Agency Information Collection Activities: Proposed Collection; Comment Request; Reporting Under EPA's Landfill Methane Outreach Program—EPA ICR No. 1849.03

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), this document announces that EPA is planning to submit a request to reinstate a previously approved Information Collection Request (ICR) to the Office of Management and Budget (OMB). The previously approved ICR expired on 07/31/2007.

DATES: Comments must be submitted on or before August 4, 2008.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OAR–2003–0078 by one of the following methods: *http://www.regulations.gov*: Follow the online instructions for submitting comments. E-mail: *a-and-r-Docket@epa.gov*. Fax Number: 202–566–9744. Phone Number: 202–566–1742. Mail: Docket ID No. EPA–HQ–OAR–2003–0078, Environmental Protection Agency, Mailcode: 2822T, 1200 Pennsylvania Ave., NW., Washington, DC 20460. Hand Delivery: EPA Docket Center, 1301 Constitution Ave., NW., Room 3334, Washington, DC 20460 (Attention Docket ID No. EPA–HQ–OAR–2003–0078). Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–HQ–OAR–2003–0078. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *http://www.regulations.gov*, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *http://www.regulations.gov* or e-mail. The *http://www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through *http://www.regulations.gov* your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm*.

FOR FURTHER INFORMATION CONTACT: Victoria Ludwig, Climate Change Division, Office of Atmospheric Programs, 6207J, Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; telephone number: (202) 343–9291; fax number: (202) 343–2202; e-mail address *ludwig.victoria@epa.gov*.

SUPPLEMENTARY INFORMATION:

How Can I Access the Docket and/or Submit Comments?

EPA has established a public docket for this ICR under Docket ID No. EPA–HQ–OAR–2003–0078, which is available for online viewing at *http://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 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 *http://www.regulations.gov* to obtain a copy of the previously approved Information Collection Request EPA ICR No. 1849.03, submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the public docket that are available electronically. Once in the system, select ''search,'' then key in the docket ID number identified in this document.

What Information Is EPA Particularly Interested in?

Pursuant to section 3506(c)(2)(A) of the PRA, EPA specifically solicits

comments and information to enable it to:

(i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(ii) Evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) Enhance the quality, utility, and clarity of the information to be collected; and

(iv) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses. In particular, EPA is requesting comments from very small businesses (those that employ less than 25) on examples of specific additional efforts that EPA could make to reduce the paperwork burden for very small businesses affected by this collection.

What Should I Consider When I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

(1) Explain your views as clearly as possible and provide specific examples.

(2) Describe any assumptions that you used.

(3) Provide copies of any technical information and/or data you used that support your views.

(4) If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.

(5) Offer alternative ways to improve the collection activity.

(6) Make sure to submit your comments by the deadline identified under **DATES**.

(7) To ensure proper receipt by EPA, be sure to identify the docket ID number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

What Information Collection Activity or ICR Does This Apply to?

Affected entities: Entities potentially affected by this action are those private companies and municipalities that own or operate landfills; State agencies; manufacturers and suppliers of equipment/knowledge to capture and utilize landfill gas; utility companies; end users of energy from the landfill; and other landfill gas energy stakeholders.

Title: Reporting Under EPA's Landfill Methane Outreach Program.

ICR numbers: EPA ICR No. 1849.03, OMB Control No. 2060–0446.

ICR status: This ICR expired on 07/31/2007. The EPA is reinstating a previously approved ICR. 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, and 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: The Landfill Methane Outreach Program (LMOP), created by EPA as part of the Climate Change Action Plan, is a voluntary program designed to encourage and facilitate the development of environmentally and economically sound landfill gas (LFG) energy projects across the United States in order to reduce methane emissions from landfills. LMOP does this by educating local governments and communities about the benefits of LFG recovery and use; building partnerships between state agencies, industry, energy service providers, local communities, and other stakeholders interested in developing this valuable resource in their community; and providing tools to evaluate LFG energy (LFGE) potential. LMOP signs voluntary Memoranda of Understanding (MOU) with these organizations to enlist their support in promoting cost-effective LFG utilization. The information collection includes completion and submission of the MOU, and annual completion and submission of information forms that include basic information on landfill methane projects with which the organizations are involved. The information collection also includes a one-time effort to update the LMOP Landfill and Landfill Gas Energy Project Database. The information collection is to be utilized to maintain up-to-date data and information about LMOP Partners and landfill methane projects with which they are involved. The data will also be used by the public to assess LFGE project development opportunities in the United States. In addition, the information collection will assist LMOP in evaluating the reduction of methane emissions from landfills. Responses to the information collection are voluntary.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 4.7 hours for each respondent. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements which have subsequently changed; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

The ICR provides a detailed explanation of the Agency's estimate, which is only briefly summarized in this notice. The LMOP information collection is expected to involve an average of 832 existing Partners and an additional 114 new Partners per year. In order to meet the needs of public requests for data and to assess the potential of future LFGE opportunities, there is a planned one-time information collection for 1,000 additional landfill owners and operators. The average annual burden (rounded to one decimal place) and cost per respondent is estimated to be 4.7 hours and $273. The total annual reporting and recordkeeping burden averaged over three years is 5,885 hours and $344,827. This includes an estimated burden cost of $343,485 and an estimated cost of $1,342 for maintenance and operational costs.

Are There Changes in the Estimates From the Last Approval?

There is an increase of 1,257 hours in the total estimated annual respondent burden compared with that identified in the ICR previously approved by OMB. This increase reflects a large growth in the number of LMOP Partners since the last renewal. Since the last ICR renewal, LMOP no longer collects information annually from Energy, State, and non-developer Industry Partners, the information forms have been simplified into pre-populated spreadsheets, and other collection efficiencies have been implemented such as the option to submit MOUs electronically. As a result of these changes, the average number of

hours per Partner has decreased, but the total hourly burden for LMOP Partners still increased because of an increase in the number of Partners. For perspective on the magnitude of Partner growth, there were 365 Partners at the end of 2003 when the ICR was last renewed, whereas there were 675 Partners as of July 2007. This indicates an 85% increase in Partners since the last renewal. The remainder of the increase in total hourly burden comes from a planned initiative to collect critical landfill data from 1,000 additional landfill owners and operators. These data are necessary in order to better respond to public data requests and evaluate the potential of future LFGE opportunities. This type of data collection has not occurred before during LMOP's history. This change is the result of a program change.

What Is the Next Step in the Process for This ICR?

EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval pursuant to 5 CFR 1320.12. At that time, EPA will issue another **Federal Register** notice pursuant to 5 CFR 1320.5(a)(1)(iv) to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB. If you have any questions about this ICR or the approval process, please contact the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

Dated: May 6, 2008.

Dina Kruger,

Director, Climate Change Division.

[FR Doc. E8–12371 Filed 6–2–08; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–8575–1; Docket ID No. EPA–HQ–ORD–2008–0111]

Draft Toxicological Review of Cerium Oxide and Cerium Compounds: In Support of the Summary Information in the Integrated Risk Information System (IRIS)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Listening Session.

SUMMARY: EPA is announcing a listening session to be held on June 25, 2008, during the public comment period for the draft document entitled, ''Toxicological Review of Cerium Oxide and Cerium Compounds: In Support of Summary Information on the Integrated Risk Information System (IRIS)''. This listening session is a new step in EPA's revised process, announced on April 10, 2008, for development of human health assessments for inclusion on IRIS. The purpose of the listening session is to allow all interested parties to present scientific and technical comments on draft IRIS health assessments to EPA and other interested parties during the public comment period and prior to the external peer review meeting. EPA welcomes the scientific and technical comments that will be provided to the Agency by the listening session participants. The comments will be considered by the Agency as it revises the draft assessment in response to the independent external peer review and public comments. All electronic or hard copies of presentations made at the meeting will become part of the official and public record.

The EPA's draft assessment and peer review charge are available via the Internet on the National Center for Environmental Assessment's (NCEA) home page under the Recent Additions and the Data and Publications menus at *http://www.epa.gov/ncea.*

DATES: The listening session on the draft IRIS health assessment for cerium oxide and cerium compounds will be held on June 25, 2008, beginning at 9 a.m. and ending at 4 p.m., Eastern Daylight Time. If you wish to make a presentation at the listening session, you should register by June 20, 2008, and indicate that you wish to make oral comments at the session including the length of your presentation. At the time of your registration, please indicate if you require audio-visual aid (*e.g.* lap top and slide projector). In general, each presentation should be no more than 30 minutes. If, however, there are more requests for presentations than the allotted time will allow, then the time limit for each presentation will be adjusted accordingly. Participants may also register at the beginning of the listening session to make comments. The order of the presentations will follow the order of registration. A copy of the agenda for the listening session will be available at the meeting.

The public comment period for review of this draft assessment was announced previously in the **Federal Register** (FR) (73 FR 24982–24983) on May 6, 2008. As stated in that FR notice, the public comment period began on May 5, 2008, and ends June 30, 2008. Any technical comments submitted during the public comment period should be in writing and must be received by EPA by June 30, 2008, according to the procedures outlined below. Only those public comments submitted using the procedures identified in the May 6 FR notice by the June 30 deadline can be assured of being provided to the independent peer review panel prior to the peer review meeting to be held on July 8, 2008. The logistics for the peer review meeting were announced in the May 6, 2008, FR notice.

Listening session participants who wish to have their comments available to the external peer reviewers should also submit written comments during the public comment period using the detailed and established procedures included in the aforementioned FR notice (May 6, 2008). Comments submitted to the docket prior to the end of the public comment period will be submitted to the external peer reviewers and considered by EPA in the disposition of public comments. Comments received in the docket after the public comment period closes must still be submitted to the docket but will not be submitted to the external peer reviewers.

ADDRESSES: The listening session on the draft cerium assessment will be held at the EPA offices at Two Potomac Yard (North Building), 7th Floor, Room 7100, 2733 South Crystal Drive, Arlington, Virginia 22202. To attend the listening session, please register by June 20, 2008, via e-mail at *ross.christine@epa.gov* (subject line: cerium oxide listening session), by phone: 703–347–3389, or by faxing a registration request to 703–347–8689 (please reference the ''Cerium Oxide Listening Session'' and include your name, title, affiliation, full address and contact information). Please note that to gain entrance to this EPA building to attend the meeting, attendees must have photo identification with them and must register at the guard's desk in the lobby. The guard will retain your photo identification and will provide you with a visitor's badge. At the guard's desk, attendees should give the name Christine Ross and the telephone number 703–347–3389, to the guard on duty. The guard will contact Ms. Ross, who will meet you in the reception area to escort you to the meeting room. Upon your exit from the building please return your visitor's badge and you will receive the photo identification that you provided.

A teleconference line will also be available for participants. The teleconference number is 866–299–3188 and the access code is 1068186199, followed by the pound sign (#). The teleconference line will be activated at

8:45 a.m., and you will be asked to identify yourself and your affiliation at the beginning of the call.

Information on Services for Individuals with Disabilities: For information on access or services for individuals with disabilities, please contact Christine Ross at 703–347–3389 or *ross.christine@epa.gov.* To request accommodation of a disability, please contact Christine Ross, preferably at least 10 days prior to the meeting, to give EPA as much time as possible to process your request.

FOR FURTHER INFORMATION CONTACT: For information on the public listening sessions, please contact Christine Ross, IRIS Staff, National Center for Environmental Assessment, (8601P), U.S. EPA, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; telephone: 703–347–3389; facsimile: 703–347–8689; or e-mail: *ross.christine@epa.gov.* If you have questions about the draft cerium assessment, contact Martin Gehlhaus, IRIS Staff, National Center for Environmental Assessment, (8601P), U.S. EPA, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; telephone: 703–347–8579; facsimile: 703–347–8689; or e-mail: *gehlhaus.martin@epa.gov.*

SUPPLEMENTARY INFORMATION: This listening session is a new step in EPA's revised process, announced on April 10, 2008, for development of human health assessments for inclusion on IRIS. The new process is posted on the NCEA home page under the Recent Additions menu at *http://www.epa.gov/ncea.* Two listening sessions are scheduled under the new IRIS process. The first is during the public review of the draft assessment that includes only qualitative discussion. The second session is during the public review of the externally peer-reviewed draft assessment; if feasible, this draft will include both qualitative and quantitative elements (i.e., a ''complete draft''). All IRIS assessments that are at the document development stage will follow the revised process, which includes the two listening sessions. However, when EPA initiated the new IRIS process, its draft assessment for Cerium Oxide and Cerium Compounds had already been released for public review and comment, so EPA will only hold one listening session during the public review and comment period of the externally peer-reviewed draft.

Dated: May 28, 2008.

Peter W. Preuss,

Director, National Center for Environmental Assessment.

[FR Doc. E8–12382 Filed 6–2–08; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–R05–OAR–2007–0520; FRL–8574–9]

Adequacy Status of the Indiana and Ohio Portions of the Cincinnati-Hamilton, Ohio/Kentucky/Indiana, Submitted 8-Hour Ozone Attainment Demonstration for Transportation Conformity Purposes; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of adequacy; correction.

SUMMARY: This document corrects an error in the table posted in the April 23, 2008, notice of adequacy of the motor vehicle emissions budgets (MVEB) for the Indiana and Ohio portions of the Cincinnati-Hamilton OH/KY/IN area. The MVEBs were submitted by Indiana as part of the 8-hour ozone attainment demonstration for the area. The MVEB table in that notice conflicts with the actual MVEBs. EPA, therefore, is correcting the erroneous table.

DATES: *Effective Date:* This correction is effective on June 3, 2008.

FOR FURTHER INFORMATION CONTACT: Anthony Maietta, Life Scientist, Criteria Pollutant Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353–8777, *maietta.anthony@epa.gov*.

SUPPLEMENTARY INFORMATION: EPA published a notice of adequacy on April 23, 2008, (73 FR 21932) which finds the 2008 MVEBs for volatile organic compounds (VOC) and oxides of nitrogen (NO_X) for the Indiana and Ohio portions of the Cincinnati-Hamilton OH/KY/IN area to be adequate for transportation conformity purposes. In this notice, EPA erroneously identified the 2008 MVEBs as 72.16 tons per day (tpd) for VOC and 18.99 tpd for NO_X.

The table in that notice conflicts with the actual MVEBs. The actual 2008 MVEBs are 46.00 tpd for VOC and 91.36 tpd for NO_X. Therefore, the table is being corrected to refer to the correct budget amounts.

Correction

In the notice of adequacy published in the **Federal Register** on April 23, 2008, (73 FR 21932), on page 21932, in second column, the table:

	2008 MVEB (tpd)
VOC	72.16
NO_X	18.99

is corrected to read:

	2008 MVEB (tpd)
VOC	46.00
NO_X	91.36

Dated: May 20, 2008.

Richard C. Karl,

Acting Regional Administrator, Region 5.

[FR Doc. E8–12373 Filed 6–2–08; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL RESERVE SYSTEM

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Board of Governors of the Federal Reserve System.

SUMMARY: *Background.* On June 15, 1984, the Office of Management and Budget (OMB) delegated to the Board of Governors of the Federal Reserve System (Board) its approval authority under the Paperwork Reduction Act (PRA), as per 5 CFR 1320.16, to approve of and assign OMB control numbers to collection of information requests and requirements conducted or sponsored by the Board under conditions set forth in 5 CFR 1320 Appendix A.1. Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. Copies of the Paperwork Reduction Act Submission, supporting statements and approved collection of information instruments are placed into OMB's public docket files. The Federal Reserve may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

Request for Comment on Information Collection Proposals

The following information collections, which are being handled under this delegated authority, have received initial Board approval and are hereby published for comment. At the end of the comment period, the proposed information collections, along with an analysis of comments and

recommendations received, will be submitted to the Board for final approval under OMB delegated authority. Comments are invited on the following:

a. Whether the proposed collection of information is necessary for the proper performance of the Federal Reserve's functions; including whether the information has practical utility;

b. The accuracy of the Federal Reserve's estimate of the burden of the proposed information collection, including the validity of the methodology and assumptions used;

c. Ways to enhance the quality, utility, and clarity of the information to be collected; and

d. Ways to minimize the burden of information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Comments must be submitted on or before August 4, 2008.

ADDRESSES: You may submit comments, identified by *FR H–6; FR 2030, FR 2030a, FR 2056, FR 2086a, FR 2087, and FR 2083; or FR Y–6, FR Y–7, and FR Y–10*, by any of the following methods:

- *Agency Web Site: http://www.federalreserve.gov*. Follow the instructions for submitting comments at *http://www.federalreserve.gov/generalinfo/foia/ProposedRegs.cfm*.
- *Federal eRulemaking Portal: http://www.regulations.gov*. Follow the instructions for submitting comments.
- *E-mail: regs.comments@federalreserve.gov*. Include docket number in the subject line of the message.
- *Fax:* 202–452–3819 or 202–452–3102.
- *Mail:* Jennifer J. Johnson, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, NW., Washington, DC 20551.

All public comments are available from the Board's Web site at *http://www.federalreserve.gov/generalinfo/foia/ProposedRegs.cfm* as submitted, unless modified for technical reasons. Accordingly, your comments will not be edited to remove any identifying or contact information. Public comments may also be viewed electronically or in paper form in Room MP–500 of the Board's Martin Building (20th and C Streets, NW.) between 9 a.m. and 5 p.m. on weekdays.

Additionally, commenters should send a copy of their comments to the OMB Desk Officer by mail to the Office of Information and Regulatory Affairs, U.S. Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street, NW., Washington, DC 20503 or by fax to 202–395–6974.

FOR FURTHER INFORMATION CONTACT: A copy of the PRA OMB submission including the proposed reporting form and instructions, supporting statement, and other documentation will be placed into OMB's public docket files, once approved. These documents will also be made available on the Federal Reserve Board's public Web site at: *http://www.federalreserve.gov/boarddocs/reportforms/review.cfm* or may be requested from the agency clearance officer, whose name appears below.

Michelle Shore, Federal Reserve Board Clearance Officer (202–452–3829), Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, DC 20551. Telecommunications Device for the Deaf (TDD) users may contact (202–263–4869), Board of Governors of the Federal Reserve System, Washington, DC 20551.

Proposal To Approve Under OMB Delegated Authority the Extension for Three Years, Without Revision, of the Following Reports

Report title: Notifications Related to Community Development and Public Welfare Investments of State Member Banks.

Agency form number: FR H–6.

OMB control number: 7100–0278.

Frequency: Event-generated.

Reporters: State Member Banks.

Annual reporting hours: 86.

Estimated average hours per response: Investment notice, 2 hours; Application (Prior Approval) 5 hours; and Extension of divestiture period, 5 hours.

Number of respondents: Investment notice, 38; Application (Prior Approval) 1; and Extension of divestiture period, 1.

General description of report: This information collection is required to obtain a benefit (12 U.S.C. 338a, and 12 CFR 208.22). Individual respondent data generally are not regarded as confidential, but information that is proprietary or concerns examination ratings would be considered confidential.

Abstract: Regulation H requires state member banks that want to make community development or public welfare investments to comply with the Regulation H notification requirements: (1) If the investment does not require prior Board approval, a written notice must be sent to the appropriate Federal Reserve Bank; (2) if certain criteria are not met, a request for approval must be sent to the appropriate Federal Reserve Bank; and, (3) if the Board orders divestiture but the bank cannot divest within the established time limit, a request or requests for extension of the divestiture period must be submitted to the appropriate Federal Reserve Bank.

Proposal To Approve Under OMB Delegated Authority the Extension for Three Years, With Revision, of the Following Reports

1. *Report title:* Report of Changes in Organizational Structure, Supplement to the Report of Changes in Organizational Structure, Annual Report of Bank Holding Companies, and Annual Report of Foreign Banking Organizations.

Agency form numbers: FR Y–10, FR Y–10E, FR Y–6, and FR Y–7.

OMB control number: 7100–0297.

Frequency: Event-generated, annual.

Reporters: Bank holding companies (BHCs), foreign banking organizations (FBOs), member banks, Edge and agreement corporations.

Annual reporting hours: FR Y–10, 26,712 hours; FR Y–10E, 1,384 hours; FR Y–6, 27,069 hours; FR Y–7, 900 hours.

Estimated average hours per response: FR Y–10, 1.00 to 1.25 hours; FR Y–10E, 0.50 hours; FR Y–6, 5.25 hours; FR Y–7, 3.50 hours.

Number of respondents: FR Y–10, 5,952; FR Y–10E, 2,768; FR Y–6, 5,156; FR Y–7, 257.

General description of report: These information collections are mandatory under the Federal Reserve Act, the BHC Act, and the International Banking Act (12 U.S.C. 248 (a)(1), 321, 601, 602, 611a, 615, 625, 1843(k), 1844(c)(1)(A), 3106(a), and 3108(a)), and Regulations K and Y (12 CFR 211.13(c), 225.5(b), and 225.87). Individual respondent data are not considered confidential. However, respondents may request confidential treatment for any information that they believe is subject to an exemption from disclosure under the FOIA, 5 U.S.C. 552(b).

Abstract: The FR Y–10 is an event-generated information collection submitted by FBOs; top-tier BHCs; state member banks unaffiliated with a BHC; Edge and agreement corporations that are not controlled by a member bank, a domestic BHC, or an FBO; and nationally chartered banks that are not controlled by a BHC (with regard to their foreign investments only), to capture changes in their regulated investments and activities. The Federal Reserve uses the data to monitor structure information on subsidiaries and regulated investments of these entities engaged in banking and nonbanking activities. The FR Y–10E is a free-form supplement that may be used to collect additional structural

information deemed to be critical and needed in an expedited manner.

The FR Y–6 is an annual information collection submitted by top-tier BHCs and nonqualifying FBOs. It collects financial data, an organization chart, verification of domestic branch data, and information about shareholders. The Federal Reserve uses the data to monitor holding company operations and determine holding company compliance with the provisions of the Bank Holding Company Act (BHC Act) and Regulation Y (12 CFR 225).

The FR Y–7 is an annual information collection submitted by qualifying FBOs to update their financial and organizational information with the Federal Reserve. The Federal Reserve uses information to assess an FBO's ability to be a continuing source of strength to its U.S. operations and to determine compliance with U.S. laws and regulations.

Current Actions: The following revisions would be effective December 31, 2008.

Tax Identification Number (Tax ID) (FR Y–10)

The Federal Reserve proposes to collect the Tax ID for all reportable banking and nonbanking entities located in the United States. The Federal Reserve would use the Tax ID to identify lenders for the Shared National Credit modernization project. Also, the Federal Reserve would use the Tax ID to link to entities' data stored on the Financial Crimes Enforcement Network (FinCEN)'s [1] BSA Direct System (such as Suspicious Activity Reports [2] and Currency Transaction Reports [3]) to monitor Bank Secrecy Act (BSA) and anti-money laundering compliance. Finally, the Federal Reserve would use the Tax ID to match market and regulatory data for market discipline research.

Obtaining Tax ID data from a public source is ineffective since the quality of these data is low. There would be a one-time information collection to populate the Tax ID data, as of December 31, 2008. Respondents would submit this information no later than March 31, 2009, initially and then thirty days after a change going forward. The Federal Reserve would provide a means for institutions to provide their initial data in a format easier for respondents to submit than individual FR Y–10 reports.

[1] FinCEN is a part of the U.S. Treasury Department.

[2] Federal Reserve reporting form FR 2230; OMB No. 7100–0212.

[3] FinCEN reporting form 104; OMB No. 1506–0004.

Information Regarding Individuals (FR Y–6 and FR Y–7)

The FR Y–6 and FR Y–7 reporting forms collect details on individual shareholders and insiders of reporters. Reporters occasionally submit more information than is required (for example, personal home addresses, social security numbers, and extraneous commercial and financial information), and some of the details provided can be highly sensitive. Reporters rarely request confidential treatment for this information, even where it appears that the information could and should be withheld from disclosure under the Freedom of Information Act (FOIA), 5 U.S.C. 552.

Reporters ultimately should take appropriate measures to safeguard the confidentiality of information they provide to the Federal Reserve, including details regarding individuals. In this context, it is incumbent upon reporters to request confidential treatment for information that may be subject to withholding under one or more of the FOIA exemptions from disclosure, in accordance with the Board's Rules Regarding Availability of Information (the Board's Rules), 12 CFR Part 261. The Federal Reserve expects reporters to ensure that they have the legal authority to provide information regarding individuals to the Federal Reserve and, on behalf of each individual, to consent or object to public release of the information. The method of obtaining an individual's consent and the adequacy of an individual's consent are legal issues to be resolved by the reporter. The Federal Reserve presumes legally adequate consent exists unless the reporter expressly represents otherwise.

The Federal Reserve seeks to avoid releases of sensitive personally identifying information regarding individuals. The extraneous information provided by some reporters at times includes these types of information. Copies of the FR Y–6 and FR Y–7 filings are frequently requested by members of the public.

The Federal Reserve proposes to modify the FR Y–6 and FR Y–7 reporting forms to highlight for reporters issues surrounding the submission of information on individuals. Accordingly, the Federal Reserve proposes to add language to this effect to the reporting instructions and cover page of the FR Y–6 and FR Y–7. Under these modifications, the Federal Reserve will assume, in the absence of a request for confidential treatment submitted in accordance with the Board's Rules, that the reporter *and* individual consent to public release of all details in the report concerning that individual.

2. *Report title:* Application for Membership in the Federal Reserve System.

Agency form number: FR 2083, 2083A, 2083B, and 2083C.

OMB control number: 7100–0046.

Frequency: On occasion.

Reporters: Newly organized banks that seek to become state member banks, or existing banks or savings institutions that seek to convert to state member bank status.

Annual reporting hours: 260 hours.

Estimated average hours per response: 4 hours.

Number of respondents: 65.

General description of report: This information collection is authorized by section 9 of the Federal Reserve Act (12 U.S.C. 321, 322, and 333) and is required to obtain or retain a benefit. Most individual respondent data are not considered confidential. Applicants may, however, request that parts of their membership applications be kept confidential, but in such cases the Applicant must justify its request by demonstrating how an exemption under the Freedom of Information Act (FOIA) is satisfied. The confidentiality status of the information submitted will be judged on a case-by-case basis.

Abstract: The application for membership is a required one-time submission that collects the information necessary for the Federal Reserve to evaluate the statutory criteria for admission of a new or existing state bank into membership in the Federal Reserve System. The application collects managerial, financial, and structural data.

Current Actions: The current cover page would be revised as follows:

- The reference to draft and final applications would be deleted as the Federal Reserve no longer accepts complete draft applications for review,
- Four check boxes would be added to facilitate treatment of the submitted filing under the FOIA,
- The personal information requested of the contact person(s) would be revised to require an available e-mail address, and
- Several other technical edits would be made to reflect current application and reporting form references and practices.

The Federal Reserve proposes to replace the Confidentiality section in its entirety with language developed by the Board's Legal Division. The new section would state that an Applicant may rely upon more than two types of FOIA exemptions to prevent applications information from being disclosed to the

public and more clearly explains how information related to an individual associated with a proposal should be presented to the Federal Reserve. As a complement to those changes, a new filing certification section would be added that requires an Applicant to confirm the nature of the information being submitted in the application and recognize how the submitted information may be treated under the FOIA. The Board's Legal Division believes that receiving the certification at the time of submission would facilitate the disclosure of relevant information to the public and reduce the processing delays that result from uncertainties about what information is eligible for disclosure under the FOIA. Two sections (Related Applications and Preliminary Charter Approval) would be deleted as the guidance in those sections has been incorporated into other sections of the instructions.[4]

Section I (De Novo Bank) of the FR 2083 application form would be revised to state that the Federal Reserve need not receive a copy of the electronic version of the Interagency Charter and Federal Deposit Insurance Application (ICFDA) that is prepared for and submitted to other banking agencies. This proposed revision is made in recognition of the fact that the Federal Reserve expects in 2009 to be able to accept all applications electronically. Such membership applications would include the ICFDA materials.

The Federal Reserve proposes to clarify certain information requests in Section II (Currently Operating Bank). The clarifications would assist an Applicant in better explaining the contemplated financial and managerial changes and structure that may result from the membership proposal. These clarifications include the following: In current question 7, the request for certain authority(ies) would help identify the need for other related applications earlier in the applications review process and therefore facilitate more timely review and action on the proposed transaction. The Federal Reserve proposes one minor clarification to Section III (Non-Operating Bank) to emphasize that an Applicant needs to disclose both financial and managerial changes resulting from a membership proposal.

The FR 2083A would be revised to reflect the possible negative adjustment to a bank's total face amount of capital and surplus data that might be necessary to calculate the appropriate level of Federal Reserve Bank stock to be purchased. Footnote 1 would be expanded to explain the possible adjustment. Several technical edits would be made to the FR 2083B and the FR 2083C.[5]

3. *Report title:* Applications for Subscription to, Adjustment in the Holding of, and Cancellation of Federal Reserve Bank Stock.

Agency form number: FR 2030, FR 2030a, FR 2056, FR 2086, FR 2086a, FR 2087.

OMB control number: 7100–0042.

Frequency: On occasion.

Reporters: National, state member, and nonmember banks.

Annual reporting hours: FR 2030, 15 hours; FR 2030a, 26 hours; FR 2056, 864 hours; FR 2086, 1 hour; FR 2086a, 18 hours; FR 2087, 2 hours.

Estimated average hours per response: .5 hours.

Number of respondents: FR 2030, 30; FR 2030a, 52; FR 2056, 1,728; FR 2086, 2; FR 2086a, 36; FR 2087, 4.

General description of report: These information collections are mandatory.

- FR 2030 and FR 2030a: (12 U.S.C. 222, 282, 248(a) and 321).
- FR 2056: (12 U.S.C. 287, 248(a) and (i)).
- FR 2086: (12 U.S.C. 287, 248(a) and (i)).
- FR 2086a: (12 U.S.C. 321, 287, 248(a)).
- FR 2087: (12 U.S.C. 288, 248(a) and (i)).

Most individual respondent data are not considered confidential. Applicants may, however, request that parts of their membership applications be kept confidential, but in such cases the Applicant must justify its request by demonstrating how an exemption under the Freedom of Information Act (FOIA) is satisfied. The confidentiality status of the information submitted will be judged on a case-by-case basis.

Abstract: These application forms are required by the Federal Reserve Act and Regulation I. These forms must be used by a new or existing member bank (including a national bank) to request the issuance, and adjustment in, or cancellation of Federal Reserve Bank stock. The forms must contain certain certifications by the applicants, as well as certain other financial and shareholder data that is needed by the Federal Reserve to process the request.

Current actions: The Federal Reserve proposes no revisions to the FR 2086 and 2087. The revisions proposed to the remaining four application forms (the FR 2030, 2030a, 2056, and 2086a) are intended to facilitate the processing of each application form by the appropriate Reserve Bank and the calculation of the appropriate Federal Reserve Bank stock to be purchased or adjusted. Additional signature lines would be added to all four application forms to ensure that they are signed by at least one individual listed with the appropriate Reserve Bank (as having the authority to submit accounting- and other reporting-related materials on behalf of the bank) in the event that the senior officials required to authorize the purchase or adjustment, under the Federal Reserve Act, are not listed.

On the FR 2056, the Federal Reserve proposes to clarify the appropriate components of capital and surplus used in the Federal Reserve Bank stock calculation and to more clearly explain the possible negative capital adjustment within those calculations. In addition, the references in the accompanying worksheet would fully correspond to the Consolidated Reports of Condition and Income (FFIEC 031 and 041; OMB No. 7100–0036) data items filed by commercial banks. The references to Sinking Fund preferred stocks would be deleted as these instruments are generally no longer issued and may no longer qualify as regulatory capital.

Board of Governors of the Federal Reserve System, May 29, 2008.

Jennifer J. Johnson,

Secretary of the Board.

[FR Doc. E8–12295 Filed 6–2–08; 8:45 am]

BILLING CODE 6210–01–P

[4] In this regard, an Applicant no longer has to wait for preliminary charter approval before filing a membership application, but the timing of other related applications is less certain. The instructions now encourage an Applicant to contact the appropriate Reserve Bank to determine when all such related applications should be filed.

[5] The title of Cashier has been added to two signature lines in the FR 2083B for consistency with the other stock application forms and the reference to Regulation H in the FR 2083C has been changed to Regulation I for accuracy purposes.

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisition of Shares of Bank or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the office of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices

of the Board of Governors. Comments must be received not later than June 18, 2008.

A. Federal Reserve Bank of Atlanta (Steve Foley, Vice President) 1000 Peachtree Street, N.E., Atlanta, Georgia 30309:

1. Charles R. Vawter and Janet J. Vawter, both of Sylacauga, Alabama, to acquire voting shares of Guardian Bancshares, Inc., and thereby indirectly acquire voting shares of Alabama Trust Bank, N.A., both of Sylacauga, Alabama.

2. Oliver H. Allen, Debbie Allen Armstrong, Timothy W. Allen, Bill Hamilton, Mary–Harmon Armstrong, Olivia C. Armstrong, Katlyn B. Allen, Robert K. Allen, Sr., Peggy H. Allen, Robert K. Allen, Jr., and William Keith Allen, Sr., all of Sylacauga, Alabama, to collectively acquire voting shares of Guardian Bancshares, Inc., and thereby indirectly acquire voting shares of Alabama Trust Bank, N.A., both of Sylacauga, Alabama.

Board of Governors of the Federal Reserve System, May 29, 2008.

Jennifer J. Johnson,

Secretary of the Board.

[FR Doc. E8–12299 Filed 6–2–08; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The 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 Web site 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 June 27, 2008.

A. Federal Reserve Bank of Atlanta (Steve Foley, Vice President) 1000 Peachtree Street, N.E., Atlanta, Georgia 30309:

1. RMB Holdings, LLC, Birmingham, Alabama, to become a bank holding company by acquiring up to 25 percent of the outstanding shares of Americus Financial Services, Inc., and thereby indirectly acquire voting shares of Red Mountain Bank, N.A., both of Birmingham, Alabama.

2. ATB Management, LLC, Birmingham, Alabama, to acquire up to 25 percent of the voting shares of Americus Financial Services, Inc., and thereby indirectly acquire voting shares of Red Mountain Bank, N.A., both of Birmingham, Alabama.

B. Federal Reserve Bank of Chicago (Burl Thornton, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. C–B–G, Inc., West Liberty, Iowa, to acquire up to 50.01 percent of the voting shares of Washington Bancorp, and thereby indirectly acquire voting shares of Federation Bank, both of Washington, Iowa.

Board of Governors of the Federal Reserve System, May 29, 2008.

Jennifer J. Johnson,

Secretary of the Board.

[FR Doc. E8–12298 Filed 6–2–08; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL TRADE COMMISSION

SES Performance Review Board

AGENCY: Federal Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given of the appointment of members to the Federal Trade Commission's Performance Review Board.

FOR FURTHER INFORMATION CONTACT: Karen Leydon, Director of Human Resources, 600 Pennsylvania Avenue NW., Washington, DC 20580, (202) 326-2633.

SUPPLEMENTARY INFORMATION: Publication of the Performance Review Board (PRB) membership is required by 5 U.S.C. 4314 (c)(4). The PRB reviews and evaluates the initial appraisal of a senior executive's performance by the supervisor, and makes recommendations regarding performance ratings, performance awards, and pay-for-performance pay adjustments to the FTC Chairman.

The following individuals have been designated to serve on the FTC's Performance Review Board:

Charles H. Schneider, Executive Director, Chairman;
Jeffrey Schmidt, Director, Bureau of Competition;
Lydia B. Parnes, Director, Bureau of Consumer Protection;
Pauline Ippolito, Deputy Director, Bureau of Economics;
William Blumenthal, General Counsel.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. E8–12310 Filed 6–2–08; 8:45 am]

BILLING CODE 6750–01–P

GENERAL SERVICES ADMINISTRATION

Multiple Award Schedule Advisory Panel; Notification of Public Advisory Panel Meetings

AGENCY: U.S. General Services Administration (GSA).

ACTION: Notice.

SUMMARY: The U.S. General Services Administration (GSA) Multiple Award Schedule Advisory Panel (MAS Panel), a Federal Advisory Committee, will hold public meetings on the following dates: Monday, June 16, 2008; Tuesday, June 17 2008; Monday, July 21, 2008; and Monday, August 18, 2008. GSA utilizes the Schedules program to establish long-term Governmentwide contracts with responsible firms to provide Federal, State, and local government customers with access to a wide variety of supplies (products) and services.

The MAS Panel was established to develop advice and recommendations on MAS program pricing policies, provisions, and procedures in the context of current commercial pricing practices. For the next 3 to 4 meeting dates, the Panel plans to focus on three areas: (1) STAKEHOLDER EXPECTATIONS—what are our stakeholder expectations of the MAS program; what should be the purpose of the MAS program; and is it structured to serve our stakeholder needs; (2) ROLES AND RESPONSIBILITIES—what should be the role and responsibilities of the GSA contracting officer and that of the ordering agency contracting

officer; the need to eliminate duplication at the task order level those pricing determinations made by the GSA contracting officer; and, the management and oversight responsibilities, such as training and assuring consistency in policy; and (3) FAIR AND REASONABLE PRICE DETERMINATIONS—what are the stakeholder expectations for schedule prices; should the GSA contracting officer or the ordering agency contracting officer make the fair and reasonable price determination; the presumption that the schedule contract negations result in fair and reasonable prices; and orders issued in compliance with FAR 8.4 ordering procedures result in best value.

To that end, the Panel would like to hear from the many stakeholders of the MAS program. The MAS program stakeholders include, but not limited to, ordering agency contracting officers, customer agency contracting officer, GSA contracting officers, schedule contract holders, Congress, program managers, General Accountability Office, and agency Inspector General Offices. The panel is particularly interested in stakeholder views as to how the issues discussed above may relate differently to the purchase of goods, services, or goods and services that are configured to propose an integrated solution to an agency's needs.

I. STAKEHOLDER EXPECTATIONS

Discussions and presentations on STAKEHOLDER EXPECTATIONS will take place on Monday, June 16, 2008, and Tuesday, June 17, 2008. The meeting start time for each day is 9:00 a.m., and they will adjourn no later than 5:00 p.m.

Monday, June 16, 2008 Location & Address: The meeting will be held at the American Institute of Architects (AIA) Building, 2nd Floor, 1725 New York Avenue, NW., Washington, DC. The building is located at the corner of 18th Street and New York Avenue, NW. Entrance to the building is on either 18th Street, or New York Avenue. The AIA is within walking distance from the Farragut North Metro stop.

Tuesday, June 17, 2008 Location & Address: The meeting will be held at the Jury's Washington Hotel, Westbury Room, 1500 New Hampshire Avenue, NW., Washington, DC. The hotel is within walking distance from the Dupont Circle Metro stop.

II. ROLES AND RESPONSIBILITIES

Discussions and presentations on ROLES AND RESPONSIBILITIES will take place on Monday, July 21, 2008.

Monday, July 21, 2008 Location and Address: The meeting will be held at the American Institute of Architects (AIA) Building, 2nd Floor, 1725 New York Avenue, NW., Washington, DC. The building is located at the corner of 18th Street and New York Avenue, NW. Entrance to the building is on either 18th Street, or New York Avenue. The meeting start time is 9:00 a.m., and it will adjourn no later than 5:00 p.m. The AIA is within walking distance from the Farragut North Metro stop.

III. FAIR AND REASONABLE PRICE DETERMINATIONS

Discussions and presentations on FAIR AND REASONABLE PRICE DETERMINATIONS will take place on Monday, August 18, 2008.

Monday, August 18, 2008 Location and Address: The meeting will be held at the American Institute of Architects (AIA) Building, 2nd Floor, 1725 New York Avenue, NW., Washington, DC. The building is at the corner of 18th Street and New York Avenue, NW. Entrance to the building is on either 18th Street, or New York Avenue. The meeting start time is 9:00 a.m., and it will adjourn no later than 5:00 p.m. The AIA is within walking distance from the Farragut North Metro stop.

For presentations before the Panel, the following guidance is provided:

Oral comments: Requests to present oral comments at this meeting must be in writing (email or fax) and received by the Designated Federal Official, Pat Brooks, at the below address ten (10) business days prior to the meeting date. Each individual or group requesting an oral presentation will be limited to a total time of five minutes. Speakers should bring at least 50 copies of their comments for distribution to the reviewers and public at the meeting.

Written Comments: Written comments must be received ten (10) business days prior to the meeting date so that the comments may be provided to the Panel for their consideration prior to the meeting. Comments should be supplied to Ms. Brooks at the address/contact information noted below in the following format: one hard copy with original signature and one electronic copy via email in Microsoft Word.

Subsequent meeting dates, locations, and times will be published at least 15 days prior to the meeting date.

FOR FURTHER INFORMATION CONTACT: Information on the Panel meetings, agendas, and other information can be obtained at *www.gsa.gov/masadvisorypanel* or you may contact Ms. Pat Brooks, Designated Federal Officer, Multiple Award Schedule Advisory Panel, U.S. General Services Administration, 2011 Crystal Drive, Suite 911, Arlington, VA 22205; telephone 703 605–3406, Fax 703 605–3454; or via email at *mas.advisorypanel@gsa.gov*.

AVAILABILITY OF MATERIALS: All meeting materials, including meeting agendas, handouts, public comments, and meeting minutes will be posted on the MAS Panel Web site at *www.gsa.gov/masadvisorypanel* or *www.gsa.gov/masap*.

MEETING ACCESS: Individuals requiring special accommodations at any of these meetings should contact Ms. Brooks at least ten (10) business days prior to the meeting date so that appropriate arrangements can be made.

Dated: May 28, 2008.

David A. Drabkin,

Acting Chief Acquisition Officer, Office of the Chief Acquisition Officer, General Services Administration.

[FR Doc. E8–12316 Filed 6–2–08; 8:45 am]

BILLING CODE 6820–EP–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier: OS–0990–New]

Agency Information Collection Request; 60-Day Public Comment Request

AGENCY: Office of the Secretary, HHS.

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

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, e-mail your request, including your address, phone number, OMB number, and OS document identifier, to *Sherette.funncoleman@hhs.gov*, or call the Reports Clearance Office on (202) 690–6162. Written comments and recommendations for the proposed information collections must be directed

to the OS Paperwork Clearance Officer at the above email address within 60 days.

Proposed Project: Trends in U.S. Public Awareness of Racial and Ethnic Health Disparities (1999–2008)—New-Office of Minority Health (OMH).

Abstract: The proposed survey seeks to collect data for one of OMH's annual performance measures, approved by OMB in February 2007, following Office of Management and Budget (OMB)'s examination of OMH using the Program Assessment Rating Tool (PART). This measure is to ''increase awareness of racial/ethnic health status and health care disparities in the general population.'' Findings from this data collection will enable OMH to track progress on this measure over time as mandated by OMB PART requirements.

The lack of general awareness and understanding about the nature and extent of racial and ethnic health disparities in the U.S. and the impact that such disparities are having on the overall health of the Nation have been cited as a major barrier to the provision of programmatic, budgetary, and policy attention to these issues. Therefore, one of the long-term, annual measures agreed upon was to ''increase awareness of racial/ethnic health status and health care disparities in the general population.''

Additionally, OMH can use the findings about progress made in raising awareness to identify collaborative partners in the federal government, at the state and local levels, among businesses and non-profits, and among the faith community, in order to reach a wider audience. Further, these results can be used by program decision-makers and policy-makers, within and outside of HHS, who are interested in capturing progress made in the last eight years after exposing the U.S. population to information which confirms the existence, and societal effects, of racial and ethnic health disparities.

ESTIMATED ANNUALIZED BURDEN TABLE

Type of respondent	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden hours
General Population	4,100	1	14/60	957
Physician	360	1	14/60	84
Total				1,041

Terry Nicolosi,

Office of the Secretary, Paperwork Reduction Act Reports Clearance Officer.

[FR Doc. E8–12290 Filed 6–2–08; 8:45 am]

BILLING CODE 4150–29–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Notice of Availability of Draft Guidances To Assist in Preparation for an Influenza Pandemic

AGENCY: Office of the Secretary, Health and Human Services.

ACTION: Notice of Availability.

SUMMARY: The Department of Health and Human Services (HHS) is seeking public comment on three draft guidances: Interim Guidance on the Use and Purchase of Facemasks and Respirators by Individuals and Families for Pandemic Influenza Preparedness; Proposed Guidance on Antiviral Drug Use during an Influenza Pandemic; and Proposed Considerations for Antiviral Drug Stockpiling by Employers In Preparation for an Influenza Pandemic. The draft Guidances are now available on the HHS Web site *http://aspe.hhs.gov/panflu/antiviral-n-masks.htm*

DATES: Submit comments on or before July 3, 2008.

ADDRESSES: *Instructions for Submitting Comments:* Electronic responses are preferred. Comments on the Facemask and Respirator guidance may be addressed to *Panflucomments1@hhs.gov.* Comments on the Antiviral Use guidance may be addressed to *Panflucomments2@hhs.gov.* Comments on the Employer Antiviral Stockpiling guidance may be addressed to *Panflucomments3@hhs.gov.* Written responses should be addressed to U.S. Department of Health and Human Services, Room 434E, 200 Independence Avenue, SW., Washington, DC 20201, Attention: Pandemic Influenza Masks Comments, Attention: Pandemic Influenza Antiviral Comments, or Attention: Pandemic Influenza Employer Antiviral Comments, respectively. A copy of this Notice and the full text of the draft Guidances are available on the HHS Web site at *http://aspe.hhs.gov/panflu/antiviral-n-masks.htm* and the PandemicFlu.Gov Web site at *http://www.pandemicflu.gov.* Please follow instructions for submitting responses.

The submission of comments in response to this notice should not exceed 25 pages for each guidance, not including appendices and supplemental documents. Any information you submit will be made public. Consequently, please do not send any proprietary, commercial, financial, business confidential, trade secret, or personal information that you do not wish to be made public.

Public Access: Responses to this notice will be available to the public in the HHS Public Reading Room, 200 Independence Avenue, SW., Washington, DC 20201. Please call (202) 690–7453 between 9 a.m. and 5 p.m. to arrange access.

FOR FURTHER INFORMATION CONTACT: Ms. Julie Schafer, Office of the Assistant Secretary for Preparedness and Response, (202) 205–2882.

SUPPLEMENTARY INFORMATION: Influenza viruses have threatened the health of animal and human populations for centuries. A pandemic occurs when a novel strain of influenza virus emerges that has the ability to infect and be easily passed between humans. Because humans have little immunity to the new virus, many people may become ill and a worldwide epidemic, or pandemic, can ensue. Three human influenza pandemics occurred in the 20th century. In the United States (US) each pandemic led to illness in approximately 30 percent of the population and death in between 2 in 100 and 2 in 1000 of those infected. It is projected that based on this historical experience and given the current U.S. population, a pandemic today, absent effective control measures, could result in the deaths of 200,000 to 2 million people in the U.S. alone.

The U.S. Government (USG) has developed a comprehensive strategy to prepare for and respond to an influenza pandemic, including developing and

acquiring vaccine and antivirals to prevent and treat illness, planning for use of measures to reduce the spread of the disease by asking ill persons to stay home, voluntary quarantine of household members who live with an ill person, closure of child care facilities and dismissal of students from schools, decreasing the frequency and duration of close contact among people to slow transmission of infection (social distancing), recommending hygiene measures, and advising the use of personal protective equipment in certain situations. HHS has developed a number of guidances to assist government agencies, businesses, community organizations, and the public in their preparedness efforts, utilizing these strategies. The three guidance documents available for public comment are part of this series and should be reviewed as part of an overall approach to pandemic preparedness.

With this notice, the USG requests comment from the public and interested stakeholders on three draft guidances: Interim Guidance on the Use and Purchase of Facemasks and Respirators by Individuals and Families for Pandemic Influenza Preparedness; Proposed Guidance on Antiviral Drug Use during an Influenza Pandemic; and Proposed Considerations for Antiviral Drug Stockpiling by Employers In Preparation for an Influenza Pandemic. The text of these draft guidances is available in HTML and PDF formats through the HHS Web site at *http://aspe.hhs.gov/panflu/antiviral-n-masks.htm* and the PandemicFlu.Gov Web site at *http://www.pandemicflu.gov*. For those who may not have Internet access, a hard copy can be requested from the point of contact, Ms. Julie Schafer, Office of the Assistant Secretary for Preparedness and Response, (202) 205–2882.

Dated: May 23, 2008.

W. Craig Vanderwagen,

Assistant Secretary for Preparedness and Response.

[FR Doc. E8–12357 Filed 6–2–08; 8:45 am]

BILLING CODE 4151–04–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Surgeon General's Conference on the Prevention of Preterm Birth

AGENCY: Department of Health and Human Services, Office of the Secretary.

ACTION: Notice.

SUMMARY: The Surgeon General's Office, in conjunction with the National Institutes of Health, is hosting a conference titled: Surgeon General's Conference on the Prevention of Preterm Birth. The conference is open to the public.

DATES: The conference will be held on June 17, 2008 from 8 a.m. until 6 p.m.

ADDRESSES: Bethesda North Marriott Hotel and Conference Center, 5701 Marinelli Road, Rockville, Maryland 20852; (301) 822–9200.

FOR FURTHER INFORMATION CONTACT: Dr. Michele Kiely, Office of the Surgeon General, Department of Health and Human Services, Room 18–66, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857; 301–443–0448, *Michele.Kiely@hhs.gov*.

SUPPLEMENTARY INFORMATION: Preterm birth (PTB) remains one of the most complicated research and public health problems in obstetrics and pediatrics. Nearly 12 percent of all babies in the United States are born preterm, and this rate continues to rise.

To underscore the importance of the problem, the United States Congress passed Public Law 109–450, the Prematurity Research Expansion and Education for Mothers Who Deliver Infants Early Act (PREEMIE Act). The Secretary of Health and Human Services, acting through the Surgeon General of the U.S. Public Health Service, shall convene a conference to address the growing epidemic of preterm birth.

The purpose of the conference will be to:

1. Increase awareness of preterm birth as a serious, common, and costly public health problem;

2. Review the findings and reports issued by the Interagency Coordinating Council, key stakeholders, and any other relevant entities; and,

3. Establish an agenda for activities in both the public and private sectors to address the identification of, treatments for, causes of, and risk factors for preterm labor and delivery.

The Office of the Surgeon General, in partnership with public and private organizations, identified selected experts and community leaders from the research, public health, and medical communities committed to preventing preterm birth. Six (6) workgroups will be charged with reviewing the available published literature in advance of the conference, including recommendations from the Institute of Medicine report on Preterm Birth and emerging literature concerning activities needed to help prevent preterm birth. The workgroups will focus on specific key areas with the goal of establishing a national agenda and action plan for both the public and private sectors to address the identification of, treatments for, causes of, and risk factors for preterm labor and delivery. Each workgroup will be challenged to determine what action steps need to be taken to translate what we know into what needs to be done. The workgroups will also outline plans for future research to obtain answers to unresolved questions.

The work groups will focus on the key areas of (1) Biomedical Research, (2) Epidemiological Research, (3) Psychosocial and Behavioral Contributors to Preterm Birth, (4) Professional Education and Training, (5) Public Communication and Outreach, and (6) Quality of Care and Health Services.

On Tuesday, June 17, the work groups will present a statement of their collective assessment and a proposed national agenda to a general audience. Information useful in developing future strategies to address this public health concern will be presented in the final session of the conference.

Advance information about the conference and registration materials can be found at *http://www.surgeongeneral.gov/* under *Features*. Click on Surgeon General's Conference on Preventing Preterm Birth, June 16–17, 2008. Public attendance is limited to June 17, 2008 on a space-available basis. Pre-registration at the conference Web site is recommended. If space is available on the date of the conference, registration will be available at the door beginning at 7 a.m. Members of the public will have an opportunity to provide comments at the conference. Public comments will be limited to three minutes per speaker. Materials will be made available at the Web site several weeks before the meeting. Any members of the public who wish to share their views with the work groups before sessions begin can do so at the Web site prior to close of business on June 9, 2008. Additionally, the event will be live video/Webcast and can be viewed during the conference at *http://videocast.nih.gov*.

Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the designated contact person.

Dated: May 28, 2008.

Steven K. Galson,

RADM, USPHS, Acting Surgeon General.

[FR Doc. E8–12341 Filed 6–2–08; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Meeting of the President's Council on Bioethics

AGENCY: Department of Health and Human Services, Office of Public Health and Science, The President's Council on Bioethics.

ACTION: Notice.

SUMMARY: The President's Council on Bioethics (Edmund D. Pellegrino, MD, Chairman) will hold its thirty-third meeting, at which it will discuss its projected White Paper on newborn screening and hear and discuss presentations on the ethics of health care reform. Subjects discussed at past Council meetings (although not on the agenda for the June 2008 meeting) include: therapeutic and reproductive cloning, assisted reproduction, reproductive genetics, neuroscience, aging retardation, organ transplantation, personalized medicine, and lifespan extension. Publications issued by the Council to date include: *Human Cloning and Human Dignity: An Ethical Inquiry* (July 2002); *Beyond Therapy: Biotechnology and the Pursuit of Happiness* (October 2003); *Being Human: Readings from the President's Council on Bioethics* (December 2003); *Monitoring Stem Cell Research* (January 2004), *Reproduction and Responsibility: The Regulation of New Biotechnologies* (March 2004), *Alternative Sources of Human Pluripotent Stem Cells: A White Paper* (May 2005), *Taking Care: Ethical Caregiving in Our Aging Society* (September 2005), and *Human Dignity and Bioethics: Essays Commissioned by the President's Council on Bioethics* (March 2008). Reports on controversies in the determination of death and on organ donation, procurement, allocation, and transplantation are forthcoming.

DATES: The meeting will take place Thursday, June 26, 2008, from 9 a.m. to 5 p.m. (CT); and Friday, June 27, 2008, from 9 a.m. to 11:15 a.m. (CT).

ADDRESSES: Courtyard Marriott Magnificent Mile, 165 East Ontario Street, Chicago, IL 60611. Phone 312–573–0800.

FOR FURTHER INFORMATION CONTACT: Ms. Diane M. Gianelli, Director of Communications, The President's Council on Bioethics, 1425 New York Avenue, NW., Suite C100, Washington, DC 20005. Telephone: 202/296–4669; e-mail: *info@bioethics.gov*; Web site: *http://www.bioethics.gov*.

SUPPLEMENTARY INFORMATION: The meeting agenda will be posted at *http://www.bioethics.gov*. The Council encourages public input, either in person or in writing. At this meeting, interested members of the public may address the Council, beginning at 11 a.m. (CT), on Friday, June 27. Comments are limited to no more than five minutes per speaker or organization. As a courtesy, please inform Ms. Diane M. Gianelli, Director of Communications, in advance of your intention to make a public statement, and give your name and affiliation. To submit a written statement, mail or e-mail it to Ms. Gianelli at one of her contact addresses given above.

Dated: May 22, 2008.

F. Daniel Davis,

Executive Director, The President's Council on Bioethics.

[FR Doc. E8–12344 Filed 6–2–08; 8:45 am]

BILLING CODE 4154–06–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2008–N–0313]

Agency Information Collection Activities; Proposed Collection; Comment Request; Requests for Inspection Under the Inspection by Accredited Persons Program

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act of 1995 (the PRA), Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the eligibility criteria and the process to be followed by establishments when requesting FDA's approval to have an accredited third party conduct a quality systems regulation inspection of their establishment instead of FDA, under the new inspections by the Accredited Persons Program.

DATES: Submit written or electronic comments on the collection of information by August 4, 2008.

ADDRESSES: Submit electronic comments on the collection of information to *http://www.regulations.gov*. Submit written comments on the collection of information to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, M20852. All comments should be identified with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Denver Presley, Jr., Office of the Chief Information Officer (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301 827–1472.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Requests for Inspection Under the Inspection by Accredited Persons Program—21 U.S.C. 374(g) (OMB Control Number 0910–0569)—Extension

Section 201 of the Medical Device User Fee and Modernization Act of 2002, (Public Law 107–250), amended section 704 of the Federal Food, Drug,

and Cosmetic Act by adding subsection (g) (21 U.S.C. 374 (g)). This amendment authorized FDA to establish a voluntary third party inspection program applicable to manufacturers of class II or class III medical devices who meet certain eligibility criteria. On September 15, 2005, FDA issued a guidance entitled, ''Requests for Inspection by an Accredited Person under the Inspection by Accredited Persons Program Authorized by Section 201 of the Medical Device User Fee and Modernization Act 2002,'' *http://www.fda.gov/cdrh/comp/guidance/1532.html*. This guidance describes the eligibility criteria and the process for establishments to follow when requesting FDA's approval to have an accredited person (AP) conduct a quality system regulation inspection of their establishment under the new inspection by the Accredited Persons Program (AP program) instead of FDA. The AP program applies to manufacturers who currently market their medical devices in the United States and who also market or plan to market their devices in foreign countries. Such manufacturers may need current inspections of their establishments to operate in global commerce.

In order to meet the eligibility criteria for requesting FDA approval to have an AP conduct a quality system regulations inspection of their establishment instead of FDA, applicants must submit a request with certain information. The following information must be submitted, which shows that the applicant:

(1) ''Manufactures, prepares, propagates, compounds, or processes'' class II or class III medical devices,

(2) Markets at least one of the devices in the United States,

(3) Markets or intends to market at least one of the devices in one or more foreign countries when one or both of the following two conditions are met:

(a) One of the foreign countries certifies, accredits, or otherwise recognizes the selected AP applicant as a person authorized to conduct inspections of device establishments, or

(b) A statement that the law of a country where the applicant markets or intends to market the device recognizes an inspection conducted by FDA or an AP.

(4) Provided the most recent inspection performed by FDA, or by an AP under the AP program and inspection was classified by FDA as either ''No Action Indicated'' or ''Voluntary Action Indicated'' and,

(5) Provided notice advising FDA of their intent to use an AP, and identifying the AP applicant selected.

FDA estimates the burden of this collection of information as follows:

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN[1]

21 U.S.C. Section:	No. of Respondents	Annual Frequency per Response	Total Annual Responses	Hours per Response	Total Hours
374(g)	100	1	100	15	1,500

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

There are approximately 8,000 foreign and 10,000 domestic manufacturers of medical devices. Approximately 5,000 of these firms only manufacture class I devices and are, therefore, not eligible for the AP program. In addition, 40 percent of the domestic firms do not export devices and therefore are not eligible to participate in the AP program. Further, 10 to 15 percent of the firms are not eligible due to the results of their previous inspection. FDA estimates there are 4,000 domestic manufacturers and 4,000 foreign manufacturers that are eligible for inclusion under the AP program. Based on communications with industry, FDA estimates that on an annual basis approximately 100 of these manufacturers may submit a request to use an AP in any given year.

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 only through FDMS at *http://www.regulations.gov*.

Dated: May 27, 2008.

Jeffrey Shuren,

Associate Commissioner for Policy and Planning.

[FR Doc. E8–12297 Filed 6–2–08; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2008–N–0312]

Agency Information Collection Activities; Proposed Collection; Comment Request; Extralabel Drug Use in Animals

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act of 1995 (the PRA), Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the reporting requirements associated with extralabel drug use in animals.

DATES: Submit written or electronic comments on the collection of information by August 4, 2008.

ADDRESSES: Submit electronic comments on the collection of information to *http://www.regulations.gov*. Submit written comments on the collection of information to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. All comments should be identified with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Denver Presley, Jr., Office of the Chief Information Officer (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–1472.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR

1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Extralabel Drug Use in Animals—21 CFR Part 530 (OMB Control Number 0910–0325—Extension)

Under part 530 (21 CFR Part 530), a veterinarian is permitted to prescribe the extralabel use of approved new animal drugs. Section 530.22 (b) of the implementing regulations permits FDA, if it finds there is a reasonable probability that the extralabel use of an animal drug may present a risk to the public health, to: (1) Establish a safe level for a residue from the extralabel use of the drug, and (2) require the development of an analytical method for the detection of residues above that established safe level. To date, FDA has not established a safe level for a residue from the extralabel use of any new animal drug and therefore has not required the development of analytical methodology. However, the agency believes that there may be instances when analytical methodology will be required. Thus, FDA is estimating the reporting burden based on two methods being required annually. The requirement to establish an analytical method may be fulfilled by any interested person. The agency believes that the sponsor of the drug will be willing to develop the method in most cases. Alternatively, FDA, the sponsor, and perhaps a third party may cooperatively arrange for method development. The respondents may be sponsors of new animal drugs, State, or Federal government, or individuals.

FDA estimates the burden of this collection of information as follows:

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN[1]

21 CFR Section	No. of Respondents	Annual Frequency per Response	Total Annual Responses	Hours per Response	Total Hours
530.22(b)	2	1	2	4,160	8,320

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

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 only through FDMS at *http://www.regulations.gov*.

Dated: May 27, 2008.

Jeffrey Shuren,

Associate Commissioner for Policy and Planning.

[FR Doc. E8–12302 Filed 6–2–08; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2008–N–0129]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Food Canning Establishment Registration, Process Filing, and Recordkeeping for Acidified Foods and Thermally Processed Low-Acid Foods in Hermetically Sealed Containers

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by July 3, 2008.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, FAX: 202–395–6974, or e-mailed to *baguilar@omb.eop.gov*. All comments should be identified with the OMB control number 0910–0037. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Jonna Capezzuto, Office of the Chief Information Officer (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–4659.

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Food Canning Establishment Registration, Process Filing, and Recordkeeping for Acidified Foods and Thermally Processed Low-Acid Foods in Hermetically Sealed Containers—(OMB Control Number 0910–0037)—Extension

Under the Federal Food, Drug, and Cosmetic Act (the act), FDA is authorized to prevent the interstate

distribution of food products that may be injurious to health or that are otherwise adulterated, as defined in section 402 of the act (21 U.S.C. 342). Under the authority granted to FDA by section 404 of the act (21 U.S.C. 344), FDA regulations require registration of food processing establishments, filing of process or other data, and maintenance of processing and production records for acidified foods and thermally processed low-acid foods in hermetically sealed containers. These requirements are intended to ensure safe manufacturing, processing, and packing procedures and to permit FDA to verify that these procedures are being followed. Improperly processed low-acid foods present life-threatening hazards if contaminated with foodborne microorganisms, especially *Clostridium botulinum*. The spores of *C. botulinum* must be destroyed or inhibited to avoid production of the deadly toxin that causes botulism.

This is accomplished with good manufacturing procedures, which must include the use of adequate heat processes or other means of preservation.

To protect the public health, FDA regulations require that each firm that manufactures, processes, or packs acidified foods or thermally processed low-acid foods in hermetically sealed containers for introduction into interstate commerce register the establishment with FDA using Form FDA 2541 (§§ 108.25(c)(1) and 108.35(c)(2) (21 CFR 108.25(c)(1) and 108.35(c)(2))). In addition to registering the plant, each firm is required to provide data on the processes used to produce these foods, using Form FDA 2541a for all methods except aseptic processing, or Form FDA 2541c for aseptic processing of low-acid foods in hermetically sealed containers (§§ 108.25(c)(2) and 108.35(c)(2)). Plant registration and process filing may be accomplished simultaneously. Process data must be filed prior to packing any new product, and operating processes and procedures must be posted near the processing equipment or made available to the operator (§ 113.87(a) (21 CFR 113.87(a))).

Regulations in parts 108, 113, and 114 (21 CFR parts 108, 113, and 114) require firms to maintain records showing adherence to the substantive requirements of the regulations. These records must be made available to FDA on request. Firms are also required to document corrective actions when process controls and procedures do not fall within specified limits (§§ 113.89, 114.89, and 114.100(c)); to report any instance of potential health-endangering spoilage, process deviation, or contamination with microorganisms where any lot of the food has entered distribution in commerce (§§ 108.25(d) and 108.35(d) and 108.35(e)); and to develop and keep on file plans for recalling products that may endanger the public health (§§ 108.25(e) and 108.35(f)). To permit lots to be traced after distribution, acidified foods and thermally processed low-acid foods in hermetically sealed containers must be marked with an identifying code (§§ 113.60(c) (thermally processed foods) and 114.80(b) (acidified foods)).

In the **Federal Register** of March 4, 2008 (73 FR 11649), FDA published a 60-day notice requesting public comment on the information collection provisions. No comments were received.

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN[1]

Form No.	21 CFR Section	No. of Respondents	Annual Frequency per Response	Total Annual Responses	Hours per Response	Total Hours
Form FDA 2541 (Registration)	108.25 and 108.35	515	1	515	.17	88
Form FDA 2541a (Process Filing)	108.25 and 108.35	1,489	8.62	12,835	.333	4,274
Form FDA 2541c (Process Filing)	108.35	84	7.77	653	.75	490
Total						4,852

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

TABLE 2.—ESTIMATED ANNUAL RECORDKEEPING BURDEN[1]

21 CFR Part	No. of Recordkeepers	Annual Frequency of Recordkeeping	Total Annual Records	Hours per Recordkeeper	Total Hours
113 and 114	7,454	1	7,454	250	1,863,500

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

FDA based its estimate on registrations and process filings received over the past 3 years. FDA has changed its estimate of the number of recordkeepers in table 2 of this document, reducing the figure from 8,950 to 7,454. The agency reexamined the figure and excluded firms that were inactive or out of business, yet still registered. Thus, the lower figure is a more accurate estimate of the number of recordkeepers. The reporting burden for §§ 108.25(d) and 108.35(d) and 108.35(e) is minimal because notification of spoilage, process deviation or contamination of product in distribution occurs less than once a year. Most firms discover these problems before the product is distributed and, therefore, are not required to report the occurrence. To avoid double-counting, estimates for §§ 108.25(g) and 108.35(h) have not been included because they merely cross-reference recordkeeping requirements contained in parts 113 and 114.

Dated: May 27, 2008.

Jeffrey Shuren,

Associate Commissioner for Policy and Planning.

[FR Doc. E8–12337 Filed 6–2–08; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2008–N–0314]

Agency Information Collection Activities; Proposed Collection; Comment Request; Recall Regulations

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act of 1995 (the PRA), Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on FDA's recall regulations and provides guidance to manufacturers on recall responsibilities.

DATES: Submit written or electronic comments on the collection of information by August 4, 2008.

ADDRESSES: Submit electronic comments on the collection of information to *http://www.regulations.gov*. Submit written comments on the collection of information to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. All comments should be identified with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Elizabeth Berbakos, Office of the Chief Information Officer (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–1482.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

FDA Recall Regulations—21 CFR Part 7 (OMB Control Number 0910–0249)—Extension

Section 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 371) and 21 CFR part 7, subpart C, set forth the recall regulations (guidelines) and provides guidance to manufacturers on recall responsibilities. The guidelines apply to all FDA regulated products (i.e., food, including animal feed; drugs, including animal drugs; medical devices, including in vitro diagnostic products; cosmetics; and biological products intended for human use). These responsibilities include development of a recall strategy that requires time by the firm to determine the actions or procedures required to manage the recall (21 CFR 7.42); providing FDA with complete details of the recall including reason(s) for the removal or correction, risk evaluation, quantity produced, distribution information, firm's recall strategy, a copy of any recall communication(s), and a contact official (21 CFR 7.46); notifying direct accounts of the recall, providing guidance regarding further distribution, giving instructions as to what to do with the product, providing recipients with a ready means of reporting to the recalling firm (21 CFR 7.49); submitting periodic status reports so that FDA may assess the progress of the recall. Status report information may be determined by, among other things evaluation return reply cards, effectiveness checks and product returns (21 CFR 7.53); and providing the opportunity for a firm to request in writing that FDA terminate the recall (21 CFR 7.55).

A search of the FDA database was performed to determine the number of recalls that took place during fiscal year 2007. The resulting number of recalls from this database search (2,166) is used in estimating the current annual reporting burden for this report. FDA estimates the total annual industry burden to collect and provide the previous information to 216,600 burden hours.

The following table is a summary of the estimated annual burden hours for recalling firms (manufacturers, processors, and distributors) to comply with the voluntary reporting requirements of FDA's recall regulations.

Recognizing that there may be a vast difference in the information collection and reporting time involved in different recalls of FDA's regulated products, FDA estimates on average the burden of collection for recall information to be as follows:

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN[1]

21 CFR Section	No. of Respondents	Annual Frequency per Response	Total Annual Responses	Hours Per Response	Total Hours
Recall Strategy 7.42	2,166	1	2,166	20	43,320
Firm Initiated Recall and Recall Communications 7.46 and 7.49	2,166	1	2,166	30	64,980

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN[1]—Continued

21 CFR Section	No. of Respondents	Annual Frequency per Response	Total Annual Responses	Hours Per Response	Total Hours
Recall Status Reports and Follow-up 7.53	2,166	4	8,664	10	86,640
Termination of a Recall 7.55(b)	2,166	1	2,166	10	21,660
Total					216,600

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

The annual reporting burdens are explained as follows:

I. Reporting

A. Recall Strategy

Request firms develop a recall strategy including provision for public warnings and effectiveness checks. Under this portion of the collection of information, the agency estimates it will receive 2,166 responses annually.

B. Firm Initiated Recall and Recall Communications

Request firms voluntarily remove or correct foods and drugs (human or animal), cosmetics, medical devices, and biologicals to immediately notify the appropriate FDA district office of such actions. The firm is to provide complete details of the recall reason, risk evaluation, quantity produced, distribution information, firms' recall strategy and a contact official as well as requires firms to notify their direct accounts of the recall and to provide recipients with a ready means of reporting to the recalling firm. Under these portions of the collection of information, the agency estimates it will receive 2,166 responses annually for each.

C. Recall Status Reports

Request that recalling firms provide periodic status reports so the FDA can ascertain the progress of the recall. This collection of information will generate approximately 8,664 responses annually.

D. Termination of a Recall

Provide the firms an opportunity to request in writing that FDA end the recall. The agency estimates it will receive 2,166 responses annually.

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 only through FDMS at *http://www.regulations.gov*.

Dated: May 27, 2008.

Jeffrey Shuren,

Associate Commissioner for Policy and Planning.

[FR Doc. E8–12339 Filed 6–2–08; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2007–E–0335] (formerly Docket No. 2007E–0133) and [Docket No. FDA–2007–E–0227] (formerly Docket No. 2007E–0148)

Determination of Regulatory Review Period for Purposes of Patent Extension; TYZEKA; Correction

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting a notice that appeared in the **Federal Register** of May 15, 2008 (73 FR 28119), announcing FDA's determination of the regulatory review period for TYZEKA. The document published with an incorrect docket number. This document corrects that error.

FOR FURTHER INFORMATION CONTACT: Joyce Strong, Office of Policy, Planning and Preparedness (HF–27), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–7630.

SUPPLEMENTARY INFORMATION: In FR Doc. E8–10857, published on May 15, 2008 (73 FR 28119), the following correction is made:

On page 28119, in the third column, in the Docket No. heading, ''Docket No. FDA–2007–E–0035'' is corrected to read ''Docket No. FDA–2007–E–0335''.

Dated: May 27, 2008.

Jeffrey Shuren,

Associate Commissioner for Policy and Planning.

[FR Doc. E8–12300 Filed 6–2–08; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2007–E–0458 (formerly Docket No. 2007E–0144) and Docket No. FDA–2007–E–0460 (formerly Docket No. 2007E–0176)]

Determination of Regulatory Review Period for Purposes of Patent Extension; VEREGEN

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined the regulatory review period for VEREGEN and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of applications to the Director of Patents and Trademarks, Department of Commerce, for the extension of patents which claim that human drug product.

ADDRESSES: Submit written comments and petitions 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: Beverly Friedman, Office of Regulatory Policy, Food and Drug Administration, 10903 New Hampshire Ave., Bldg 51, rm. 6222, Silver Spring, MD 20993–0002, 301–796–3602.

SUPPLEMENTARY INFORMATION: The Drug Price Competition and Patent Term Restoration Act of 1984 (Public Law 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Public Law 100–670) generally provide that a

patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For human drug products, the testing phase begins when the exemption to permit the clinical investigations of the human drug product becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human drug product and continues until FDA grants permission to market the drug product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Director of Patents and Trademarks may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA approved for marketing the human drug product VEREGEN (kunecatechins). VEREGEN is indicated for the topical treatment of external genital and perianal warts in immunocompetent patients 18 years and older. Subsequent to this approval, the Patent and Trademark Office received patent term restoration applications for VEREGEN (U.S. Patent Nos. 5,795,911 and 5,968,973) from Mitsui Norin Co., Ltd., and Cancer Institute (Hospital), Chinese Academy of Medical Sciences, and the Patent and Trademark Office requested FDA's assistance in determining these patents' eligibility for patent term restoration. In a letter dated July 24, 2007, FDA advised the Patent and Trademark Office that this human drug product had undergone a regulatory review period and that the approval of VEREGEN represented the first permitted commercial marketing or use of the product. Shortly thereafter, the Patent and Trademark Office requested that FDA determine the product's regulatory review period.

FDA has determined that the applicable regulatory review period for VEREGEN is 3,002 days. Of this time, 2,605 days occurred during the testing phase of the regulatory review period, while 397 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 355(i)) became effective*: August 14, 1998. The applicant claims August 13, 1998, as the date the investigational new drug application (IND) became effective. However, FDA records indicate that the IND effective date was August 14, 1998, which was 30 days after FDA receipt of the IND.

2. *The date the application was initially submitted with respect to the human drug product under section 505(b) of the act*: September 30, 2005. The applicant claims September 23, 2005, as the date the new drug application (NDA) for VEREGEN (NDA 21–902) was initially submitted. However, FDA records indicate that NDA 21–902 was submitted on September 30, 2005.

3. *The date the application was approved*: October 31, 2006. FDA has verified the applicant's claim that NDA 21–902 was approved on October 31, 2006.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the U.S. Patent and Trademark Office applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 1,300 days of patent term extension.

Anyone with knowledge that any of the dates as published are incorrect may submit to the Division of Dockets Management (see **ADDRESSES**) written or electronic comments and ask for a redetermination by August 4, 2008. Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period by December 1, 2008. To meet its burden, the petition must contain sufficient facts to merit an FDA investigation. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Comments and petitions should be submitted to the Division of Dockets Management. Three copies of any mailed information are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Comments and petitions 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: April 28, 2008.

Jane A. Axelrad,

Associate Director for Policy, Center for Drug Evaluation and Research.

[FR Doc. E8–12296 Filed 6–2–08; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Food Labeling Workshop; Public Workshop

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public workshop.

SUMMARY: The Food and Drug Administration (FDA), Office of Regulatory Affairs, Southwest Regional Small Business Representative (SWR SBR) Program, in collaboration with The University of Arkansas (UA), is announcing a public workshop entitled ''Food Labeling Workshop.'' This public workshop is intended to provide information about FDA food labeling regulations and other related subjects to the regulated industry, particularly small businesses and startups.

Date and Time: This public workshop will be held on August 12, 2008, from 8 a.m. to 5 p.m., and on August 13, from 8 a.m. to 4 p.m.

Location: The public workshop will be held at the Continuing Education Center, 2 East Center St., Fayetteville, AR (located downtown).

Contact: David Arvelo, Small Business Representative, Food and Drug Administration, Southwest Regional Office, 4040 North Central Expressway, suite 900, Dallas, TX 75204, 214–253–4952, FAX: 214–253–4970, or email: *david.arvelo@fda.hhs.gov*.

For information on accommodation options, contact Steven C. Seideman, 2650 North Young Ave., Institute of Food Science & Engineering, University of Arkansas, Fayetteville, AR 72704, 479–575–4221, FAX: 479–575–2165, or email: *seideman@uark.edu*.

Registration: You are encouraged to register by July 29, 2008. The University of Arkansas requires a $150 registration fee to cover the cost of facilities, materials, and breaks. Seats are limited;

please submit your registration as soon as possible. Course space will be filled in order of receipt of registration. Those accepted into the course will receive confirmation. Registration will close after the course is filled. Registration at the site is not guaranteed but may be possible on a space available basis on the day of the public workshop, beginning at 8 a.m. The cost of registration at the site is $200, payable to: ''The University of Arkansas.'' If you need special accommodations due to a disability, please contact Steven C. Seideman (see Contact) at least 7 days in advance.

Registration Form Instructions: To register, please complete the following form and submit along with a check or money order for $150, payable to the ''The University of Arkansas.'' Mail to: Institute of Food Science & Engineering, University of Arkansas, 2650 North Young Ave., Fayetteville, AR 72704.

Name:

Affiliation:

Mailing Address:

City/State/Zip Code:

Phone:

Fax:

E-mail:

Special Accommodations Required:

Transcripts: Transcripts of the public workshop will not be available due to the format of this workshop. Course handouts may be requested at cost through the Freedom of Information Office (HFI–35), Food and Drug Administration, 5600 Fishers Lane, rm. 12A–16, Rockville, MD 20857, approximately 15 working days after the public workshop at a cost of 10 cents per page.

SUPPLEMENTARY INFORMATION: This public workshop is being held in response to the large volume of food labeling inquiries from small food manufacturers and startups originating from the area covered by the FDA Dallas District Office. The SWR SBR presents these workshops to help achieve objectives set forth in section 406 of the Food and Drug Administration Modernization Act of 1997 (21 U.S.C. 393(f)), which include working closely with stakeholders and maximizing the availability and clarity of information to stakeholders and the public. This is consistent with the purposes of the SBR Program, which are in part to respond to industry inquiries, develop educational materials, and sponsor workshops and conferences to provide firms, particularly small businesses, with firsthand working knowledge of FDA's requirements and compliance policies. This workshop is also consistent with the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), as an outreach activity by a government agency to small businesses.

The goal of this public workshop is to present information that will enable manufacturers and regulated industry to better comply with labeling requirements, especially in light of growing concerns about obesity and food allergens. Information presented will be based on agency position as articulated through regulations guidance. Topics to be discussed at the workshop include: (1) Mandatory label elements, (2) nutrition labeling requirements, (3) health and nutrition claims, (4) the Food Allergen Labeling and Consumer Protection Act of 2004, and (5) special labeling issues such as exemptions. FDA expects that participation in this public workshop will provide regulated industry with greater understanding of the regulatory and policy perspectives on food labeling and increase voluntary compliance.

Dated: May 27, 2008.

Jeffrey Shuren,

Associate Commissioner for Policy and Planning.

[FR Doc. E8–12301 Filed 6–2–08; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2008–N–0306]

Preparation for International Cooperation on Cosmetics Regulations Meetings in Washington, DC; Public Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of meeting.

SUMMARY: The Food and Drug Administration (FDA) is announcing a public meeting entitled ''International Cooperation on Cosmetics Regulations (ICCR)—Preparation for ICCR Meetings in Washington, DC'' to provide information and receive comments on the International Cooperation on Cosmetics Regulations (ICCR) as well as the upcoming meetings in Washington, DC. The topics to be discussed are the topics for discussion at the forthcoming ICCR steering committee meeting. The purpose of the meeting is to solicit public input prior to the next steering committee and expert working group meetings in Washington, DC, the week of July 28, 2008, at which the action items from the first ICCR meeting are to be discussed.

DATES: The meeting will be held on June 19, 2008, from 3 p.m. to 4:30 p.m. Send

registration information and requests to make a presentation by June 16, 2008.

ADDRESSES: The meeting will be held at 5600 Fishers Lane, 3rd fl., Chesapeake Conference Room, Rockville, MD 20857. For security reasons, all attendees must preregister 3 days prior to the meeting and are asked to arrive no later than 2:50 p.m. because attendees will be escorted from the front entrance of 5600 Fishers Lane to the Chesapeake Conference Room.

Comment Submissions: Submit written comments to the Divsion 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: Tammie Bell, Office of International Programs, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, FAX: 301–827–0003, e-mail: *Tammie.Bell2@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

The purpose of the multilateral framework on the ICCR is to pave the way for the removal of regulatory obstacles to international trade while maintaining the highest level of global consumer protection.

ICCR is a voluntary international group of cosmetics regulatory authorities from the United States, Japan, the European Union, and Canada. These regulatory authority members will enter into constructive dialogue with their relevant cosmetics' industry trade associations. Currently, the ICCR members are Health Canada; the European Commission Directorate General for Enterprise and Industry; the Ministry of Health, Labor, and Welfare of Japan; and the U.S. Food and Drug Administration. All decisions made by the members of ICCR will be made by consensus and will be compatible with the laws, policies, rules, regulations, and directives of the respective administrations and governments. Members will implement and/or promote actions or documents within their own jurisdictions and seek convergence of regulatory policies and practices. Successful implementation will require input from stakeholders.

II. Registration and Requests for Oral Presentations

Send registration information (including name, title, firm name, address, telephone, and fax number), written material and requests to make oral presentations, to the contact person (*Tammie.Bell2@fda.hhs.gov*) (see **DATES**).

If you need special accommodations due to a disability, please contact Tammie Bell at least 7 days in advance.

Interested persons may present data, information, or views orally or in writing, on issues pending at the public meeting. Oral presentations from the public will be scheduled between approximately 4 p.m. and 4:30 p.m. Time allotted for oral presentations may be limited to 10 minutes. Those desiring to make oral presentations should notify the contact person (*Tammie.Bell2@fda.hhs.gov*) (see **DATES**) and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses, phone number, fax, and e-mail of proposed participants, and an indication of the approximate time requested to make their presentation.

III. Transcripts

Please be advised that as soon as a transcript is available, it will be accessible at *http://www.fda.gov/ohrms/dockets/ac/acmenu.htm*. It may be viewed at the Division of Dockets Management (see **ADDRESSES**). A transcript will also be available in either hardcopy or on CD–ROM, after submission of a Freedom of Information request. Written requests are to be sent to Division of Freedom of Information (HFI–35), Office of Management Programs, Food and Drug Administration, 5600 Fishers Lane, rm. 6–30, Rockville, MD 20857.

IV. Comments

Interested persons may submit written or electronic comments to the Division of Dockets Management (see **ADDRESSES**). Submit a single copy of electronic comments or two paper copies of any mailed comments, except that individuals may submit one paper copy. Comments are to be identified with the docket number found in brackets in the heading of this document. 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 only through FDMS at *http://www.regulations.gov*.

V. Electronic Access

The agenda for the public meeting will be made available via the internet at *http://www.cfsan.fda.gov/~lrd/vidtel.html*

Dated: May 28, 2008.

Jeffrey Shuren,

Associate Commissioner for Policy and Planning.

[FR Doc. E8–12338 Filed 6–2–08; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health, Public Health Service, HHS.

ACTION: Notice.

SUMMARY: The inventions listed below are owned by an agency of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

ADDRESSES: Licensing information and copies of the U.S. patent applications listed below may be obtained by writing to the indicated licensing contact at the Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, Maryland 20852–3804; telephone: 301/496–7057; fax: 301/402–0220. A signed Confidential Disclosure Agreement will be required to receive copies of the patent applications.

Immunotoxins With Deletions in Domain II That Remove Immunogenic Epitopes With Minimal Loss of Cytotoxic Activity

Description of Technology: Anti-CD22 immunotoxins consist of a disulfide-linked FV (V_H/V_L) antibody fragment recombinantly linked to a toxic moiety capable of killing cells. In particular, a 38-kDa active fragment of Pseudomonas exotoxin A (PE38) containing three specific domains (domain Ib, domain II and domain III) has been used successfully in these immunotoxins. These immunotoxins have been shown to have activity against various forms of cancer, such as hairy cell leukemia and chronic lymphocytic leukemia, and are

currently being evaluated in clinical trials.

This technology involves the development of a less immunogenic form of anti-CD22 immunotoxins. Specifically, the inventors have removed all of domain Ib and the majority of domain II from the PE38 portion of the immunotoxin. The resulting construct maintains a similar cytotoxicity to the larger immunotoxin, but with lowered immunogenicity.

Application: Treatment of cancers associated with the increased expression of CD22, such as leukemia and lymphoma.

Advantages: Less immunogenic immunotoxin results in improved cytotoxicity; Targeted therapy decreases non-specific killing of non-cancerous cells.

Inventors: Ira Pastan (NCI) *et al.*

Patent Status: U.S. Provisional Application No. 60/969,929 filed 09 Sep 2007 (HHS Reference No. E–292–2007/0–US–01).

Licensing Contact: David A. Lambertson, PhD; 301–435–4632; *lambertsond@mail.nih.gov*.

The Combination of Anti-CD22 Immunotoxins With Standard Chemotherapeutic Agents on a Human Burkitt Lymphoma Cell Line

Description of Technology: The treatment of hematological malignancies has been a major public health challenge because patients frequently do not respond to conventional therapies with long-term complete remission. However, current therapies are associated with multiple toxicities, suggesting that new therapies are needed.

In the past several years immunotoxins have been developed as an alternative approach to treat different malignancies. Since hematological malignancies are readily accessible via the blood stream, immunotoxins represent a viable therapeutic approach. Furthermore, immunotoxins have the potential for decreased nonspecific toxicity, suggesting these agents could lead to improved cancer therapies.

This technology relates to new combination therapies using an immunotoxin and chemotherapeutic agent. Specifically, the anti-CD22 immunotoxin HA22 has been used in combination with 4 different chemotherapeutic agents: Taxol, cisplatin, etopside and doxorubicin. The combinations were shown to have a synergistic effect when examined in both *in vitro* cell models and *in vivo* animal models. As a result, it may be possible for this combination therapy to overcome previous shortcomings seen with chemotherapy treatment alone.

Application: Treatment of cancers associated with the increased expression of CD22, such as leukemia and lymphoma.

Advantages: Uses a combination of agents previously shown to be effective in killing cancer cells; Combination of immunotoxins and chemotherapeutics showed a synergistic effect, suggesting the combination offers distinct advantages of the use of either agent alone.

Inventors: Ira Pastan (NCI) *et al.*

Patent Status: PCT Application No. PCT/US2008/002747 filed 28 Feb 2008 (HHS Reference No. E–132–2007/2–PCT–01).

Licensing Contact: David A. Lambertson, PhD; 301–435–4632; *lambertsond@mail.nih.gov*.

Dated: May 23, 2008.

Steven M. Ferguson,

Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institutes of Health.

[FR Doc. E8–12291 Filed 6–2–08; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Urologic Research Development.

Date: June 24, 2008.

Time: 8:30 a.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott, 5151 Pooks Hill Road, Bethesda, MD 20814.

Contact Person: Thomas A. Tatham, PhD, Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 760, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–3993, *tathamt@mail.nih.gov*.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Hepatitis C Ancillary Study.

Date: June 26, 2008.

Time: 2 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: D. G. Patel, PhD, Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 756, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–7682, *pateldg@niddk.nih.gov*.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; The NIDDK Hepatitis B Clinical Research Network.

Date: July 10–11, 2008.

Time: 6 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Xiaodu Guo, MD, PhD, Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 761, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–4719, *guox@extra.niddk.nih.gov*.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Molecular Therapy Core Centers.

Date: July 22, 2008.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott Suites, 6711 Democracy Boulevard, Bethesda, MD 20817.

Contact Person: Atul Sahai, PhD, Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 759, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–2242, *sahaia@niddk.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: May 27, 2008.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E8–12284 Filed 6–2–08; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel, Immunogenetics of Human Diabetes.

Date: July 16, 2008.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892.

Contact Person: D.G. Patel, PhD, Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 756, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–7682, *pateldg@niddk.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel, HALT–PKD Clinical Trials.

Date: July 22, 2008.

Time: 2 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892. (Telephone Conference Call)

Contact Person: D.G. Patel, PhD, Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 756, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–7682, *pateldg@niddk.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel, Translational Research.

Date: July 23, 2008.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott Suites, 6711 Democracy Boulevard, Bethesda, MD 20817.

Contact Person: Michele L. Barnard, PhD, Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 753, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–8898, *barnardm@extra.niddk.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: May 16, 2008.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E8–12286 Filed 6–2–08; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Prospective Grant of Exclusive License: Geldanamycin Derivative and Method of Treating Viral Infections

AGENCY: National Institutes of Health, Public Health Service, HHS.

ACTION: Notice.

SUMMARY: This is notice, in accordance with 35 U.S.C. 209(c)(1) and 37 CFR Part 404.7(a)(1)(i), that the National Institutes of Health, Department of Health and Human Services, is contemplating the grant of an exclusive patent license to practice the invention embodied in U.S. Patent No. 6,890,917, issued May 10, 2005, entitled ''Geldanamycin Derivative and Method of Treating Cancer Using Same'' [E–050–2000/0–US–15] and foreign equivalents. The patent rights in these inventions have been assigned to the United States of America.

The prospective exclusive license territory may be worldwide, and the field of use may be limited to the use of the manufacture, use, distribution and sale of 17–DMAG, an analog of geldanamycin, as a therapeutic to inhibit the influenza virus, respiratory syncytial virus (RSV) and dengue virus.

DATES: Only written comments and/or applications for a license which are received by the NIH Office of Technology Transfer on or before August 4, 2008, will be considered.

ADDRESSES: Requests for copies of the patent application, inquiries, comments, and other materials relating to the contemplated exclusive license should be directed to: Adaku Madu, J.D., Technology Licensing Specialist, Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, MD 20852–3804; Telephone: (301) 435–5560; Facsimile: (301) 402–0220; E-mail: *madua@mail.nih.gov.*

SUPPLEMENTARY INFORMATION: This technology relates to novel cytotoxic compounds derived from 17-aminoalkylamino-substituted geldanamycin and pharmaceutical compositions thereof. In particular, this invention refers to 17-(dimehtylamino) propylamino-geldanamycin, 17-(dimethylamino) ethylamino-geldanamycin, and the hydrochloride salt of 17-(dimethylamino) ethylamino-geldanamycin (DMAG and analogs). These compounds are Hsp90 inhibitors. Hsp90 inhibition downregulates B-Raf, decreases cell proliferation and reduces activation of the MEK/ERK pathways in some cells. Hsp90 plays an essential role in maintaining stability and activity in its client proteins. Hsp90 inhibitors interfere with diverse signaling pathways by destabilizing and attenuating activity of such proteins, and thus exhibit antitumor activity. Specifically, 17–DMAG shows cytotoxicity against a number of human colon and lung cell lines, specific melanoma, renal and breast lines, and potentially against various viral infections. In addition, these compounds appear to have favorable pharmaceutical properties including oral activity and improved water-solubility.

The prospective exclusive license will be royalty bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR Part 404.7. The prospective exclusive license may be granted unless within sixty (60) days from the date of this published notice, the NIH receives written evidence and argument that establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR Part 404.7.

Applications for a license in the field of use filed in response to this notice will be treated as objections to the grant of the contemplated exclusive license. Comments and objections submitted to this notice will not be made available for public inspection and, to the extent permitted by law, will not be released under the Freedom of Information Act, 5 U.S.C. 552.

Dated: May 23, 2008.

Steven M. Ferguson,

Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institutes of Health.

[FR Doc. E8–12289 Filed 6–2–08; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Current List of Laboratories Which Meet Minimum Standards To Engage in Urine Drug Testing for Federal Agencies

AGENCY: Substance Abuse and Mental Health Services Administration, HHS.

ACTION: Notice.

SUMMARY: The Department of Health and Human Services (HHS) notifies Federal agencies of the laboratories currently certified to meet the standards of Subpart C of the Mandatory Guidelines for Federal Workplace Drug Testing Programs (Mandatory Guidelines). The Mandatory Guidelines were first published in the **Federal Register** on April 11, 1988 (53 FR 11970), and subsequently revised in the **Federal Register** on June 9, 1994 (59 FR 29908), on September 30, 1997 (62 FR 51118), and on April 13, 2004 (69 FR 19644).

A notice listing all currently certified laboratories is published in the **Federal Register** during the first week of each month. If any laboratory's certification is suspended or revoked, the laboratory will be omitted from subsequent lists until such time as it is restored to full certification under the Mandatory Guidelines.

If any laboratory has withdrawn from the HHS National Laboratory Certification Program (NLCP) during the past month, it will be listed at the end, and will be omitted from the monthly listing thereafter.

This notice is also available on the Internet at *http://www.workplace.samhsa.gov* and *http://www.drugfreeworkplace.gov*.

FOR FURTHER INFORMATION CONTACT: Mrs. Giselle Hersh, Division of Workplace Programs, SAMHSA/CSAP, Room 2–1042, One Choke Cherry Road, Rockville, Maryland 20857; 240–276–2600 (voice), 240–276–2610 (fax).

SUPPLEMENTARY INFORMATION: The Mandatory Guidelines were developed in accordance with Executive Order 12564 and section 503 of Public Law 100–71. Subpart C of the Mandatory Guidelines, ''Certification of Laboratories Engaged in Urine Drug Testing for Federal Agencies,'' sets strict standards that laboratories must meet in order to conduct drug and specimen validity tests on urine specimens for Federal agencies. To become certified, an applicant laboratory must undergo three rounds of performance testing plus an on-site inspection. To maintain that certification, a laboratory must participate in a quarterly performance testing program plus undergo periodic, on-site inspections.

Laboratories which claim to be in the applicant stage of certification are not to be considered as meeting the minimum requirements described in the HHS Mandatory Guidelines. A laboratory must have its letter of certification from HHS/SAMHSA (formerly: HHS/NIDA) which attests that it has met minimum standards.

In accordance with Subpart C of the Mandatory Guidelines dated April 13, 2004 (69 FR 19644), the following laboratories meet the minimum standards to conduct drug and specimen validity tests on urine specimens:

ACL Laboratories, 8901 W. Lincoln Ave., West Allis, WI 53227, 414–328–7840/800–877–7016 (Formerly: Bayshore Clinical Laboratory).

ACM Medical Laboratory, Inc., 160 Elmgrove Park, Rochester, NY 14624, 585–429–2264.

Advanced Toxicology Network, 3560 Air Center Cove, Suite 101, Memphis, TN 38118, 901–794–5770/888–290–1150.

Aegis Sciences Corporation, 345 Hill Ave., Nashville, TN 37210, 615–255–2400 (Formerly: Aegis Analytical Laboratories, Inc.).

Baptist Medical Center—Toxicology Laboratory, 9601 I–630, Exit 7, Little Rock, AR 72205–7299, 501–202–2783 (Formerly: Forensic Toxicology Laboratory Baptist Medical Center).

Clinical Reference Lab, 8433 Quivira Road, Lenexa, KS 66215–2802, 800–445–6917.

Diagnostic Services, Inc., dba DSI, 12700 Westlinks Drive, Fort Myers, FL 33913, 239–561–8200/800–735–5416.

Doctors Laboratory, Inc., 2906 Julia Drive, Valdosta, GA 31602, 229–671–2281.

DrugScan, Inc., P.O. Box 2969, 1119 Mearns Road, Warminster, PA 18974, 215–674–9310.

DynaLIFE Dx,* 10150–102 St., Suite 200, Edmonton, Alberta, Canada T5J 5E2, 780–451–3702/800–661–9876 (Formerly: Dynacare Kasper Medical Laboratories).

ElSohly Laboratories, Inc., 5 Industrial Park Drive, Oxford, MS 38655, 662–236–2609.

Gamma-Dynacare Medical Laboratories,* A Division of the Gamma-Dynacare Laboratory Partnership, 245 Pall Mall Street, London, ONT, Canada N6A 1P4, 519–679–1630.

Kroll Laboratory Specialists, Inc., 1111 Newton St., Gretna, LA 70053, 504–361–8989/800–433–3823 (Formerly: Laboratory Specialists, Inc.).

Kroll Laboratory Specialists, Inc., 450 Southlake Blvd., Richmond, VA 23236, 804–378–9130 (Formerly: Scientific Testing Laboratories, Inc.; Kroll Scientific Testing Laboratories, Inc.).

Laboratory Corporation of America Holdings, 7207 N. Gessner Road, Houston, TX 77040, 713–856–8288/800–800–2387.

Laboratory Corporation of America Holdings, 69 First Ave., Raritan, NJ 08869, 908–526–2400/800–437–4986 (Formerly: Roche Biomedical Laboratories, Inc.).

Laboratory Corporation of America Holdings, 1904 Alexander Drive, Research Triangle Park, NC 27709, 919–572–6900/800–833–3984, (Formerly: LabCorp Occupational Testing Services, Inc., CompuChem Laboratories, Inc.; CompuChem Laboratories, Inc., A Subsidiary of Roche Biomedical Laboratory; Roche CompuChem Laboratories, Inc., A Member of the Roche Group).

Laboratory Corporation of America Holdings, 13112 Evening Creek Drive, Suite 100, San Diego, CA 92128, 858–668–3710/800–882–7272 (Formerly: Poisonlab, Inc.).

Laboratory Corporation of America Holdings, 550 17th Ave., Suite 300, Seattle, WA 98122, 206–923–7020/800–898–0180 (Formerly: DrugProof, Division of Dynacare/Laboratory of Pathology, LLC; Laboratory of Pathology of Seattle, Inc.; DrugProof, Division of Laboratory of Pathology of Seattle, Inc.).

Laboratory Corporation of America Holdings, 1120 Main Street, Southaven, MS 38671, 866–827–8042/800–233–6339 (Formerly: LabCorp Occupational Testing Services, Inc.; MedExpress/National Laboratory Center).

LabOne, Inc. d/b/a Quest Diagnostics, 10101 Renner Blvd., Lenexa, KS 66219, 913–888–3927/800–873–8845 (Formerly: Quest Diagnostics Incorporated; LabOne, Inc.; Center for Laboratory Services, a Division of LabOne, Inc.).

MAXXAM Analytics Inc.,* 6740 Campobello Road, Mississauga, ON, Canada L5N 2L8, 905–817–5700 (Formerly: NOVAMANN (Ontario), Inc.).

MedTox Laboratories, Inc., 402 W. County Road D, St. Paul, MN 55112, 651–636–7466/800–832–3244.

MetroLab-Legacy Laboratory Services, 1225 NE. 2nd Ave., Portland, OR 97232, 503–413–5295/800–950–5295.

Minneapolis Veterans Affairs Medical Center, Forensic Toxicology

Laboratory, 1 Veterans Drive, Minneapolis, MN 55417, 612–725–2088.

National Toxicology Laboratories, Inc., 1100 California Ave., Bakersfield, CA 93304, 661–322–4250/800–350–3515.

One Source Toxicology Laboratory, Inc., 1213 Genoa-Red Bluff, Pasadena, TX 77504, 888–747–3774 (Formerly: University of Texas Medical Branch, Clinical Chemistry Division; UTMB Pathology-Toxicology Laboratory).

Oregon Medical Laboratories, 123 International Way, Springfield, OR 97477, 541–341–8092.

Pacific Toxicology Laboratories, 9348 DeSoto Ave., Chatsworth, CA 91311, 800–328–6942 (Formerly: Centinela Hospital Airport Toxicology Laboratory).

Pathology Associates Medical Laboratories, 110 West Cliff Dr., Spokane, WA 99204, 509–755–8991/800–541–7891x7.

Phamatech, Inc., 10151 Barnes Canyon Road, San Diego, CA 92121, 858–643–5555.

Quest Diagnostics Incorporated, 3175 Presidential Dr., Atlanta, GA 30340, 770–452–1590/800–729–6432 (Formerly: SmithKline Beecham Clinical Laboratories; SmithKline Bio-Science Laboratories).

Quest Diagnostics Incorporated, 400 Egypt Road, Norristown, PA 19403, 610–631–4600/877–642–2216 (Formerly: SmithKline Beecham Clinical Laboratories; SmithKline Bio-Science Laboratories).

Quest Diagnostics Incorporated, 7600 Tyrone Ave., Van Nuys, CA 91405, 866–370–6699/818–989–2521 (Formerly: SmithKline Beecham Clinical Laboratories).

S.E.D. Medical Laboratories, 5601 Office Blvd., Albuquerque, NM 87109, 505–727–6300/800–999–5227.

South Bend Medical Foundation, Inc., 530 N. Lafayette Blvd., South Bend, IN 46601, 574–234–4176 x276.

Southwest Laboratories, 4645 E. Cotton Center Boulevard, Suite 177, Phoenix, AZ 85040, 602–438–8507/800–279–0027.

Sparrow Health System, Toxicology Testing Center, St. Lawrence Campus, 1210 W. Saginaw, Lansing, MI 48915, 517–364–7400 (Formerly: St. Lawrence Hospital & Healthcare System).

St. Anthony Hospital Toxicology Laboratory, 1000 N. Lee St., Oklahoma City, OK 73101, 405–272–7052.

Toxicology & Drug Monitoring Laboratory, University of Missouri Hospital & Clinics, 301 Business Loop 70 West, Suite 208, Columbia, MO 65203, 573–882–1273.

Toxicology Testing Service, Inc., 5426 NW. 79th Ave., Miami, FL 33166, 305–593–2260.

U.S. Army Forensic Toxicology Drug Testing Laboratory, 2490 Wilson St., Fort George G. Meade, MD 20755–5235, 301–677–7085.

* The Standards Council of Canada (SCC) voted to end its Laboratory Accreditation Program for Substance Abuse (LAPSA) effective May 12, 1998. Laboratories certified through that program were accredited to conduct forensic urine drug testing as required by U.S. Department of Transportation (DOT) regulations. As of that date, the certification of those accredited Canadian laboratories will continue under DOT authority. The responsibility for conducting quarterly performance testing plus periodic on-site inspections of those LAPSA-accredited laboratories was transferred to the U.S. HHS, with the HHS' NLCP contractor continuing to have an active role in the performance testing and laboratory inspection processes. Other Canadian laboratories wishing to be considered for the NLCP may apply directly to the NLCP contractor just as U.S. laboratories do.

Upon finding a Canadian laboratory to be qualified, HHS will recommend that DOT certify the laboratory (**Federal Register**, July 16, 1996) as meeting the minimum standards of the Mandatory Guidelines published in the **Federal Register** on April 13, 2004 (69 FR 19644). After receiving DOT certification, the laboratory will be included in the monthly list of HHS-certified laboratories and participate in the NLCP certification maintenance program.

Elaine Parry,

Acting Director, Office of Program Services, SAMHSA.

[FR Doc. E8–12309 Filed 6–2–08; 8:45 am]

BILLING CODE 4160–20–P

DEPARTMENT OF HOMELAND SECURITY

National Protection and Programs Directorate; Submission for Review: Protected Critical Infrastructure Information (PCII) Program Survey 1670–NEW

AGENCY: National Protection and Programs Directorate, Office of Infrastructure Protection, DHS.

ACTION: 30-Day Notice and request for comments.

SUMMARY: The Department of Homeland Security (DHS) invites the general public and other federal agencies the opportunity to comment on new information collection request 1670–NEW, Protected Critical Infrastructure Information (PCII) Program Survey. As required by the Paperwork Reduction Act of 1995, (Pub. L. 104–13, 44 U.S.C. chapter 35) as amended by the Clinger-Cohen Act (Pub. L. 104–106), DHS is soliciting comments for this collection. The information collection was previously published in the **Federal Register** on March 28, 2008 at 73 FR 16696 allowing for a 60-day public comment period. No comments were received on this existing information collection. The purpose of this notice is to allow an additional 30 days for public comments.

DATES: Comments are encouraged and will be accepted until July 3, 2008. This process is conducted in accordance with 5 CFR 1320.1.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management Budget, 725 17th Street, NW., Washington, DC 20503, *Attention:* Desk Officer for National Protection and Programs Directorate, DHS or sent via electronic mail to *oira_submission@omb.eop.gov* or faxed to (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: A copy of this ICR, with applicable supporting documentation, may be obtained by contacting the Office of Information and Regulatory Affairs, Office of Management Budget, 725 17th Street, NW., Washington, DC 20503, *Attention:* Desk Officer for National Protection and Programs Directorate, DHS or via electronic mail to *oira_submission@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: The Office of Management and Budget is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or

other forms of information technology, e.g., permitting electronic submissions of responses.

Analysis

Agency: Department of Homeland Security, National Protection and Programs Directorate, Infrastructure Protection.

Title: Protected Critical Infrastructure Information (PCII) Program Survey.

OMB Number: 1670–NEW.

Frequency: Once.

Affected Public: Federal, State, local, and tribal government employees and associated government contractors.

Number of Respondents: 400 per year.

Estimated Time per Respondent: 8 minutes.

Total Burden Hours: 53 hours.

Total Burden Cost (capital/startup): None.

Total Burden Cost (operating/maintaining): None.

Description: The Protected Critical Infrastructure Information (PCII) Program Office (PO) uses the PCII program customer survey to determine levels of customers' satisfaction with PCII Officer and Authorized User training. The survey supports data-based decision-making because it evaluates quantitative and qualitative data to identify improvements and identify significant issues based on customers' experience. Obtaining current fact-based actionable data about training allows the program to recalibrate its resources to address new or emerging issues.

Dated: May 27, 2008.

Matt Coose,

Acting Chief Information Officer, National Protection and Programs Directorate, Department of Homeland Security.

[FR Doc. E8–12264 Filed 6–2–08; 8:45 am]

BILLING CODE 4410–10–P

DEPARTMENT OF HOMELAND SECURITY

National Protection and Programs Directorate; Submission for Review: CIKR Asset Protection Technical Assistance Program (CAPTAP) Survey, 1670–NEW

AGENCY: National Protection and Programs Directorate, Office of Infrastructure Protection, Partnership and Outreach Division, Partnership Programs and Information Sharing Office, DHS.

ACTION: 30-Day Notice and request for comments.

SUMMARY: The Department of Homeland Security (DHS) invites the general public and other federal agencies the opportunity to comment on new information collection request 1670–NEW, CIKR Asset Protection Technical Assistance Program (CAPTAP) Survey. As required by the Paperwork Reduction Act of 1995, (Pub. L. 104–13, 44 U.S.C. chapter 35) as amended by the Clinger-Cohen Act (Pub. L. 104–106), DHS is soliciting comments for this collection. The information collection was previously published in the **Federal Register** on March 28, 2008 at 73 FR 16695 allowing for a 60-day public comment period. No comments were received on this existing information collection. The purpose of this notice is to allow an additional 30 days for public comments.

DATES: Comments are encouraged and will be accepted until July 3, 2008. This process is conducted in accordance with 5 CFR 1320.1.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management Budget, 725 17th Street, NW., Washington, DC 20503, Attention: Desk Officer for National Protection and Programs Directorate, DHS or sent via electronic mail to *oira_submission@omb.eop.gov* or faxed to (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: A copy of this ICR, with applicable supporting documentation, may be obtained by contacting the Office of Information and Regulatory Affairs, Office of Management Budget, 725 17th Street, NW., Washington, DC 20503, Attention: Desk Officer for National Protection and Programs Directorate, DHS or via electronic mail to *oira_submission@omb.eop.gov*.

SUPPLEMENTARY INFORMATION: The Office of Management and Budget is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
3. Enhance the quality, utility, and clarity of the information to be collected; and
4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

Analysis

Agency: Department of Homeland Security, National Protection and Programs Directorate, Infrastructure Protection.

Title: CIKR Asset Protection Technical Assistance Program (CAPTAP) Survey.

OMB Number: 1670–NEW.

Frequency: Once.

Affected Public: State employees.

Number of Respondents: 250 per year.

Estimated Time per Respondent: 10 minutes.

Total Burden Hours: 42 hours.

Total Burden Cost (capital/startup): $1,000.00.

Total Burden Cost (operating/maintaining): $1,250.00.

Description: The Constellation/Automated Critical Asset Management System (C/ACAMS) Program Management Office (PMO) uses the CAPTAP customer survey to determine levels of customers' satisfaction with the CAPTAP training and experience with the C/ACAMS tool. The survey supports data-based decision-making because it evaluates quantitative and qualitative data to identify improvements and identify significant issues based on customers' experience. Obtaining current fact-based actionable data about training and tool features allows the program to recalibrate its resources to address new or emerging issues.

Dated: May 27, 2008.

Matt Coose,

Acting Chief Information Officer, National Protection and Programs Directorate, Department of Homeland Security.

[FR Doc. E8–12271 Filed 6–2–08; 8:45 am]

BILLING CODE 4410–10–P

DEPARTMENT OF HOMELAND SECURITY

National Protection and Programs Directorate; Submission for Review: Integrated Common Analytical Viewer: GIS System Survey 1670–NEW

AGENCY: National Protection and Programs Directorate, Office of Infrastructure Protection, DHS.

ACTION: 30-Day Notice and request for comments.

SUMMARY: The Department of Homeland Security (DHS) invites the general public and other federal agencies the opportunity to comment on new information collection request 1670–NEW, Integrated Common Analytical

Viewer: GIS System Survey. As required by the Paperwork Reduction Act of 1995, (Pub. L. 104–13, 44 U.S.C. chapter 35) as amended by the Clinger-Cohen Act (Pub. L. 104–106), DHS is soliciting comments for this collection. The information collection was previously published in the **Federal Register** on March 28, 2008 at 73 FR 16696 allowing for a 60-day public comment period. No comments were received on this existing information collection. The purpose of this notice is to allow an additional 30 days for public comments.

DATES: Comments are encouraged and will be accepted until July 3, 2008. This process is conducted in accordance with 5 CFR 1320.1.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management Budget, 725 17th Street, NW., Washington, DC 20503, Attention: Desk Officer for National Protection and Programs Directorate, DHS or sent via electronic mail to *oira_submission@omb.eop.gov* or faxed to (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: A copy of this ICR, with applicable supporting documentation, may be obtained by contacting the Office of Information and Regulatory Affairs, Office of Management Budget, 725 17th Street, NW., Washington, DC 20503, Attention: Desk Officer for National Protection and Programs Directorate, DHS or via electronic mail to *oira_submission@omb.eop.gov*.

SUPPLEMENTARY INFORMATION: The Office of Management and Budget is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
3. Enhance the quality, utility, and clarity of the information to be collected; and
4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

Analysis

Agency: Department of Homeland Security, National Protection and Programs Directorate, Infrastructure Protection.

Title: Integrated Common Analytical Viewer: GIS System Survey.

OMB Number: 1670–NEW.

Frequency: Once.

Affected Public: Federal, State, and local government employees and associated government contractors.

Number of Respondents: 200 per year.

Estimated Time per Respondent: 10 minutes.

Total Burden Hours: 42 hours.

Total Burden Cost (capital/startup): $1,000.00.

Total Burden Cost (operating/maintaining): $1,250.00 annually (This is a shared cost which will diminish as other surveys use the system.)

Description: The Integrated Common Analytical Viewer (iCAV) Program Management Office (PMO) uses the iCAV customer survey to determine levels of customers' satisfaction with the iCAV training experience. The survey supports data-based decision-making because it evaluates quantitative and qualitative data to identify improvements and identify significant issues based on customers' experience. Obtaining current fact-based actionable data about training and tool features allows the program to recalibrate its resources to address new or emerging issues.

Dated: May 27, 2008.

Matt Coose,

Acting Chief Information Officer, National Protection and Programs Directorate, Department of Homeland Security.

[FR Doc. E8–12277 Filed 6–2–08; 8:45 am]

BILLING CODE 4410–10–P

DEPARTMENT OF HOMELAND SECURITY

Transportation Security Administration

Intent To Request Approval From the Office of Management and Budget (OMB) of One Public Collection of Information; Law Enforcement Officer Flying Armed Training

AGENCY: Transportation Security Administration (TSA), Federal Air Marshal Service (FAMS), DHS.

ACTION: Notice.

SUMMARY: TSA invites public comment on a new information collection requirement abstracted below that will be submitted to OMB for approval in compliance with the Paperwork Reduction Act. The collection involves the Federal Air Marshal Service (FAMS) maintenance of a database of all Federal, State and local law enforcement agencies that have received the Law Enforcement Officer (LEO) Flying Armed Training course.

DATES: Send your comments by August 4, 2008.

ADDRESSES: Comments may be mailed or delivered to Joanna Johnson, Communications Branch, Business Management Office, Operational Process and Technology, TSA–32, Transportation Security Administration, 601 South 12th Street, Arlington, VA 22202–4220.

FOR FURTHER INFORMATION CONTACT: Joanna Johnson at the above address, or by telephone (571) 227–3651 or facsimile (703) 603–0822.

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.), an agency may not conduct or sponsor, and a person is not required to respond to a collection of information, unless it displays a valid OMB control number. Therefore, in preparation for submission to renew clearance of the following information collection, TSA is soliciting comments to—

(1) Evaluate whether the proposed information requirement is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Purpose of Data Collection

TSA is requesting the collection of this information to comply with 49 CFR 1544.219, which requires Federal LEOs or full-time municipal, county or state LEOs who are direct employees of government agencies, to complete the LEOs Flying Armed training course in order to fly armed. The course is a non-tactical overview of the conditions under which an officer may fly armed and the required conduct and duties of the LEO while flying armed. This collection would permit TSA to collect identifying information from law enforcement agencies requesting the LEO Flying Armed training course.

Description of Data Collection

Information will be gathered from law enforcement agencies who have requested the LEO Flying Armed training course. The information would be gathered to confirm that the agencies are eligible for this program (*i.e.* that they are active law enforcement agencies whose officers have an operational need to fly armed). Federal, State, and local law enforcement agencies will be required to contact the TSA/FAMS via phone or e-mail and provide the full name of the agency's designated point of contact, agency name, and agency address, to obtain the LEO Flying Armed training course. The FAMS will maintain a record of law enforcement agencies and their point of contact that have received the training materials. If an issue arises during the screening and verification process regarding the authenticity of an agency that requests training materials, no training materials will be supplied until that issue has either been confirmed or resolved and a record of such will be maintained.

Upon completion of the training, the LEO will present his or her credentials at the airport in order to fly armed. The TSA agent on site will contact the TSA's Transportation Security Operations Center (TSOC), for verification that the LEO is eligible to fly armed based upon completion of the training. To verify the LEO's identity, the TSOC representative will direct the TSA agent to ask the LEO a series of questions that will be used to verify the LEO's identity.

Issued in Arlington, Virginia, on May 28, 2008.

Fran Lozito,

Director, Business Management Office, Operational Process and Technology.

[FR Doc. E8–12287 Filed 6–2–08; 8:45 am]

BILLING CODE 9110–05–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5113–N–04]

Notice of HUD–Held Multifamily and Healthcare Loan Sale (MHLS 2008–2)

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice of sale of mortgage loans.

SUMMARY: This notice announces HUD's intention to sell certain unsubsidized multifamily and healthcare mortgage loans, without Federal Housing Administration (FHA) insurance, in a competitive, sealed bid sale (MHLS 2008–2). This notice also describes generally the bidding process for the sale and certain persons who are ineligible to bid.

DATES: The Bidder's Information Package (BIP) will be made available to qualified bidders on or about May 23, 2008. Bids for the loans must be submitted on the bid date, which is currently scheduled for June 25, 2008. HUD anticipates that awards will be made on or before June 27, 2008. Closings are expected to take place between July 7, 2008, and July 11, 2008.

ADDRESSES: To become a qualified bidder and receive the BIP, prospective bidders must complete, execute, and submit a Confidentiality Agreement and a Qualification Statement acceptable to HUD. Both documents will be available on the HUD Web site at *http://www.hud.gov/offices/hsg/comp/asset/mfam/mhls.cfm*. The executed documents must be mailed and faxed to Corporate Finance Services LLC (CFS) and/or Cushman & Wakefield Sale Coordinator, Fax: 1–703–847–2783.

FOR FURTHER INFORMATION CONTACT: John Lucey, Deputy Director, Asset Sales Office, Room 3136, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000; telephone 202–708–2625, extension 3927. Hearing- or speech-impaired individuals may call 202–708–4594 (TTY). These are not toll-free numbers.

SUPPLEMENTARY INFORMATION: HUD announces its intention to sell in MHLS 2008–2 certain unsubsidized mortgage loans (Mortgage Loans) secured by multifamily and healthcare properties located throughout the United States. The Mortgage Loans are comprised primarily of non-performing mortgage loans. A final listing of the Mortgage Loans will be included in the BIP. The Mortgage Loans will be sold without FHA insurance and with servicing released. HUD will offer qualified bidders an opportunity to bid competitively on the Mortgage Loans.

The Mortgage Loans will be stratified for bidding purposes into several mortgage loan pools. Each pool will contain Mortgage Loans that generally have similar performance, property type, geographic location, lien position and other characteristics. Qualified bidders may submit bids on one or more pools of Mortgage Loans or may bid on individual loans. A mortgagor who is a qualified bidder may submit an individual bid on its own Mortgage Loan. Interested Mortgagors should review the Qualification Statement to determine whether they may also be eligible to qualify to submit bids on one or more pools of Mortgage Loans or on individual loans in MHLS 2008–2.

The Bidding Process

The BIP will describe in detail the procedure for bidding in MHLS 2008–2. The BIP will also include a standardized nonnegotiable loan sale agreement (Loan Sale Agreement). As part of its bid, each bidder must submit a deposit equal to the greater of $100,000 or 10% of the bid price. In the event the bidder's aggregate bid is less than $100,000.00, the minimum deposit shall be not less than fifty percent (50%) of the bidder's aggregate bid. HUD will evaluate the bids submitted and determine the successful bids in its sole and absolute discretion. If a bidder is successful, the bidder's deposit will be non-refundable and will be applied toward the purchase price. Deposits will be returned to unsuccessful bidders. Closings are scheduled to occur between July 7, 2008, and July 11, 2008.

These are the essential terms of sale. The Loan Sale Agreement, which will be included in the BIP, will contain additional terms and details. To ensure a competitive bidding process, the terms of the bidding process and the Loan Sale Agreement are not subject to negotiation.

Due Diligence Review

The BIP will describe the due diligence process for reviewing loan files in MHLS 2008–2. Qualified bidders will be able to access loan information remotely via a high-speed Internet connection. Further information on performing due diligence review of the Mortgage Loans will be provided in the BIP.

Mortgage Loan Sale Policy

HUD reserves the right to add Mortgage Loans to or delete Mortgage Loans from MHLS 2008–2 at any time prior to the Award Date. HUD also reserves the right to reject any and all bids, in whole or in part, without prejudice to HUD's right to include any Mortgage Loans in a later sale. Mortgage Loans will not be withdrawn after the Award Date except as is specifically provided in the Loan Sale Agreement.

This is a sale of unsubsidized mortgage loans. Pursuant to section 204(a) of the Departments of the Department of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act of 1997, 12 U.S. C. 1715z–11a(a).

Mortgage Loan Sale Procedure

HUD selected a competitive sale as the method to sell the Mortgage Loans. This method of sale optimizes HUD's

return on the sale of these Mortgage Loans, affords the greatest opportunity for all qualified bidders to bid on the Mortgage Loans, and provides the quickest and most efficient vehicle for HUD to dispose of the Mortgage Loans.

Bidder Eligibility

In order to bid in the sale, a prospective bidder must complete, execute and submit both a Confidentiality Agreement and a Qualification Statement acceptable to HUD. The following individuals and entities are ineligible to bid on any of the Mortgage Loans included in MHLS 2008–2:

(1) Any employee of HUD, a member of such employee's household, or an entity owned or controlled by any such employee or member of such an employee's household;

(2) Any individual or entity that is debarred, suspended, or excluded from doing business with HUD pursuant to Title 24 of the Code of Federal Regulations, Part 24;

(3) Any contractor, subcontractor and/or consultant or advisor (including any agent, employee, partner, director, principal or affiliate of any of the foregoing) who performed services for or on behalf of HUD in connection with MHLS 2008–2;

(4) Any individual who was a principal, partner, director, agent or employee of any entity or individual described in subparagraph 3 above, at any time during which the entity or individual performed services for or on behalf of HUD in connection with MHLS 2008–2;

(5) Any individual or entity that uses the services, directly or indirectly, of any person or entity ineligible under subparagraphs 1 through 4 above to assist in preparing any of its bids on the Mortgage Loans;

(6) Any individual or entity which employs or uses the services of an employee of HUD (other than in such employee's official capacity) who is involved in MHLS 2008–2;

(7) Any mortgagor (or affiliate of a mortgagor) that failed to submit to HUD on or before June 18, 2008, audited financial statements for fiscal years 2000 through 2007 for a project securing a Mortgage Loan;

(8) Any individual or entity and any Related Party (as such term is defined in the Qualification Statement) of such individual or entity that is a mortgagor in any of HUD's multifamily housing programs and that is in default under such mortgage loan or is in violation of any regulatory or business agreements with HUD, unless such default or violation is cured on or before June 18, 2008;

(9) Any entity or individual that serviced or held any Mortgage Loan at any time during the 2-year period prior to May 1, 2008, is ineligible to bid on such Mortgage Loan or on the pool containing such Mortgage Loan, but may bid on loan pools that do not contain Mortgage Loans that they have serviced or held at any time during the 2-year period prior to May 1, 2008; and

(10) Also ineligible to bid on any Mortgage Loan are: (a) Any affiliate or principal of any entity or individual described in the preceding sentence (paragraph 9); (b) any employee or subcontractor of such entity or individual during that 2-year period; or (c) any entity or individual that employs or uses the services of any other entity or individual described in this paragraph in preparing its bid on such Mortgage Loan.

Prospective bidders should carefully review the Qualification Statement to determine whether they are eligible to submit bids on the Mortgage Loans in MHLS 2008–2.

Freedom of Information Act Requests

HUD reserves the right, in its sole and absolute discretion, to disclose information regarding MHLS 2008–2, including, but not limited to, the identity of any successful bidder and its bid price or bid percentage for any pool of loans or individual loan, upon the closing of the sale of all the Mortgage Loans. Even if HUD elects not to publicly disclose any information relating to MHLS 2008–2, HUD will have the right to disclose any information that HUD is obligated to disclose pursuant to the Freedom of Information Act and all regulations promulgated thereunder.

Scope of Notice

This notice applies to MHLS 2008–2 and does not establish HUD's policy for the sale of other mortgage loans.

Dated: May 27, 2008.

Brian D. Montgomery,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. E8–12294 Filed 6–2–08; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R9–IA–2008–N0128; 96300–1671–0000–P5]

Issuance of Permits

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of issuance of permits for marine mammals.

SUMMARY: The following permits were issued.

ADDRESSES: Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents to: U.S. Fish and Wildlife Service, Division of Management Authority, 4401 North Fairfax Drive, Room 212, Arlington, Virginia 22203; fax 703/358–2281.

FOR FURTHER INFORMATION CONTACT: Division of Management Authority, telephone 703/358–2104.

SUPPLEMENTARY INFORMATION: Notice is hereby given that on the dates below, as authorized by the provisions of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), and/or the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the Fish and Wildlife Service issued the requested permits subject to certain conditions set forth therein. For each permit for an endangered species, the Service found that (1) The application was filed in good faith, (2) the granted permit would not operate to the disadvantage of the endangered species, and (3) the granted permit would be consistent with the purposes and policy set forth in Section 2 of the Endangered Species Act of 1973, as amended.

Permit Number	Applicant	Receipt of application **Federal Register** notice	Permit issuance date
Endangered Marine Mammals and Marine Mammals			
056326	Graham A.J. Worthy, University of Central Florida.	73 FR 10282; February 26, 2008	May 9, 2008.
177877	James R. Jones	73 FR 18808; April 7, 2008	May 8, 2008.

Permit Number	Applicant	Receipt of application **Federal Register** notice	Permit issuance date
177878	Steven P. Neuberger	73 FR 18808; April 7, 2008	May 8, 2008.
177879	Dwane D. Drury	73 FR 18808; April 7, 2008	May 8, 2008.
177988	Randy S. Ulmer	73 FR 18809; April 7, 2008	May 8, 2008.

Dated: May 9, 2008.

Lisa J. Lierheimer,

Senior Permit Biologist, Branch of Permits, Division of Management Authority.

[FR Doc. E8–12317 Filed 6–2–08; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Lake Champlain Sea Lamprey Control Alternatives Workgroup

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of meeting.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce a meeting of the Lake Champlain Sea Lamprey Control Alternatives Workgroup (Workgroup). The Workgroup's purpose is to provide, in an advisory capacity, recommendations and advice on research and implementation of sea lamprey control techniques alternative to lampricide that are technically feasible, cost effective, and environmentally safe. The primary objective of the meeting will be to discuss potential research initiatives that may enhance alternative sea lamprey control techniques. The meeting is open to the public.

DATES: The Workgroup will meet on Wednesday June 18, 2008, from 5:30 to 8:30 p.m., with an alternate date of Monday, June 23, 2008, from 5:30 to 8:30 p.m., should the meeting need to be cancelled due to inclement weather. Any member of the public who wants to find out whether the meeting has been postponed may contact Stefi Flanders of the Service at 802–872–0629 extension 10 (telephone); or *Stefi_Flanders@fws.gov* (electronic mail) during regular business hours on the primary meeting date.

ADDRESSES: The meeting will be held at the Ticonderoga Community Center, 123 Champlain Avenue, Ticonderoga, New York; telephone 518–585–6677.

FOR FURTHER INFORMATION CONTACT: Dave Tilton, Designated Federal Officer, Lake Champlain Sea Lamprey Control Alternatives Workgroup, Lake Champlain Fish and Wildlife Resources Office, U.S. Fish and Wildlife Service, 11 Lincoln Street, Essex Junction, Vermont 05452 (U.S. mail); 802–872–0629 (telephone); or *Dave_Tilton@fws.gov* (electronic mail).

SUPPLEMENTARY INFORMATION: We publish this notice under section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App.). The Workgroup's specific responsibilities are to provide advice regarding the implementation of sea lamprey control methods alternative to lampricides, to recommend priorities for research to be conducted by cooperating organizations and demonstration projects to be developed and funded by State and Federal agencies, and to assist Federal and State agencies with the coordination of alternative sea lamprey control research to advance the state of the science in Lake Champlain and the Great Lakes.

Dated: April 29, 2008.

Thomas J. Healy,

Acting Regional Director, U.S. Fish and Wildlife Service, Hadley, Massachusetts 01035.

[FR Doc. E8–12375 Filed 6–2–08; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R9–IA–2008–N0138; 96300–1671–0000–P5]

Receipt of Applications for Permit

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of applications for permit.

SUMMARY: The public is invited to comment on the following applications to conduct certain activities with endangered species.

DATES: Written data, comments or requests must be received by July 3, 2008.

ADDRESSES: Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents within 30 days of the date of publication of this notice to: U.S. Fish and Wildlife Service, Division of Management Authority, 4401 North Fairfax Drive, Room 212, Arlington, Virginia 22203; fax 703/358–2281.

FOR FURTHER INFORMATION CONTACT: Division of Management Authority, telephone 703/358–2104.

SUPPLEMENTARY INFORMATION:

Endangered Species

The public is invited to comment on the following applications for a permit to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*). Written data, comments, or requests for copies of these complete applications should be submitted to the Director (address above).

Applicant: Conservators' Center, Inc., Mebane, NC, PRT–181813

The applicant requests a permit to export two captive-born tigers, *Panthera tigris* (no subspecies), to the Baghdad Zoo, Iraq, for the purpose of enhancement of the survival of the species. This notification covers activities to be conducted by the applicant over a one-year period.

Applicant: Wendall A. Neal, Brandon, MS, PRT–181020

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus pygargus*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

Dated: May 23, 2008.

Lisa J. Lierheimer,

Senior Permit Biologist, Branch of Permits, Division of Management Authority.

[FR Doc. E8–12319 Filed 6–2–08; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Geological Survey

USGS–CCSP Committee for Synthesis and Assessment Product 3.4: Abrupt Climate Change

AGENCY: U.S. Geological Survey.

Committee Name: USGS–CCSP Committee for Synthesis and

Assessment Product 3.4: Abrupt Climate Change.

ACTION: Notice of Meeting.

SUMMARY: The USGS-CCSP Committee for Synthesis and Assessment Product 3.4 (SAP 3.4): Abrupt Climate Change, will meet at the Memorial Union Building, Oregon State University in Corvallis, Oregon on June 19, 2008 between 8:30 a.m. and 3 p.m. Pacific Daylight Time.

Agenda: The goal of the meeting is to discuss the comments received during the public comment period for SAP 3.4, and to propose responses to those comments. The meeting is open to the public during the times listed below. Pre-registration is required to attend. Contact the Designated Federal Officer (DFO) at the address below by June 13, 2008 to pre-register and to receive a copy of the meeting agenda. Public involvement with the meeting is encouraged. Prepared statements may be presented orally to the Committee between 8:30 a.m. and 9 a.m. Public statements will be limited to 3 minutes per person. For scheduling reasons, intent to make a public statement must be established at the time of pre-registration. A written copy of the oral statement must be left with the Committee's DFO at the meeting as a matter of public record. Open discussions will accompany each formal session of the meeting. Short public comments/questions will be allowed if time permits. Seating will be available on a first come, first served basis. Please check the SAP 3.4 Web page at *http://www.usgs.gov/global_change/sap_3.4/default.asp* for any last minute changes to the meeting time, date, location or agenda.

Meeting Dates and Time: Thursday June 19, 2008: 8:30 a.m.–3 p.m. Pacific Daylight Time.

Meeting Address: Memorial Union Building (Council Room), Oregon State University, 2501 SW Jefferson Way, Corvallis, Oregon 97331, (541) 737–2650.

For Further Information and to Pre-Register Contact: John McGeehin (DFO), U.S. Geological Survey, 12201 Sunrise Valley Drive, M.S. 926A, Reston, VA 20192, (703) 648–5349, *mcgeehin@usgs.gov.*

Suzette M. Kimball,

Associate Director for Geology, U.S. Geological Survey.

[FR Doc. E8–12379 Filed 6–2–08; 8:45 am]

BILLING CODE 4311–AM–P

DEPARTMENT OF THE INTERIOR

National Park Service

National Register of Historic Places; Notification of Pending Nominations and Related Actions

Nominations for the following properties being considered for listing or related actions in the National Register were received by the National Park Service before May 17, 2008. Pursuant to § 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded by United States Postal Service, to the National Register of Historic Places, National Park Service, 1849 C St. NW., 2280, Washington, DC 20240; by all other carriers, National Register of Historic Places, National Park Service, 1201 Eye St., NW., 8th floor, Washington, DC 20005; or by fax, 202–371–6447. Written or faxed comments should be submitted by June 18, 2008.

J. Paul Loether,

Chief, National Register of Historic Places/National Historic Landmarks Program.

ALABAMA

Elmore County

Lanark Plantation, 3050 Lanark Rd., Millbrook, 08000543

FLORIDA

Alachua County

Engineering Industries Building, (University of Florida Campus MPS), Stadium Rd and Gale Lemerand Dr (North-South Dr), Gainesville, 08000547

Hub, The, (University of Florida Campus MPS), Stadium Rd between Buckman Dr and Fletcher Dr, Gainesville, 08000551

Yulee-Mallory-Reid Dormitory Complex, (University of Florida Campus MPS), 13th St and Inner Rd., SW, Gainesville, 08000552

INDIANA

Boone County

Brock, Pryor Farmstead, (Eagle Township and Pike Township, Indiana MPS), 8602 C.R. Rd 500 S, Zionsville, 08000569

Daviess County

Wilson, Dr Nelson, House, 103 E National Highway, Washington, 08000566

Fulton County

Rochester Downtown Historic District, Roughly bounded along Main St and the Courthouse Square, Rochester, 08000556

Marion County

North Irvington Gardens Historic District, (Historic Residential Suburbs in the United States, 1830–1960 MPS), Roughly bounded by 11th, 10th, Pleasant Run Golf Course, Arlington Ave, Pleasant Run Pkwy N Drive, Ritter Ave, Indianapolis, 08000557

Washington Park Historic District, Bounded by Pennsylvania St, Washington Blvd, New Jersey, west side of Central Ave between 40th and 43rd St, Indianapolis, 08000565

Marshall County

Tippecanoe Twp. District No. 3 and Cemetery, (Indiana's Public Common and High Schools MPS), State Rd 10 at Birch Rd, Tippecanoe, 08000567

Morgan County

Crawford-Gilpin House, 339 S. Ohio St, Martinsville, 08000558

Porter County

Skinner, DeForest, House, 208 Washington St, Valparaiso, 08000568

MASSACHUSETTS

Berkshire County Springside Park, 874 North St, Pittsfield, 08000553

MISSOURI

Clay County

Armour Theatre Building, 400–410 Armour Rd, North Kansas City, 08000560

Jackson County

Chatham Hotel, 3701 Broadway, Kansas City, 08000564

NEW JERSEY

Cape May County

Battery 223, Beach at Cape May State Park, Lower Township, 08000555

Hudson County

United Synagogue of Hoboken, 115–117 Park Ave, Hoboken, 08000563

Salem County

Salem County Insane Asylum, 900 Route 45, Mannington Township, 08000562

Somerset County

Old Stone Arch Bridge, Railroad Ave, approximately 194 feet east of South Main St, Bound Brook Borough, Middlesex, 08000550

Warren County

Lander–Stewart mansion and Stites building, 102–104 S. Main St, Phillipsburg Town, 08000561

OREGON

Benton County

Camp Arboretum Sign Shop, 8592–8399 NW Peavy Arboretum, Corvallis, 08000544

Oregon State University Historic District, Monroe and Orchard Ave., 30th St., Washington Wy., Jefferson Ave., 11th St., Corvallis, 08000546

Multnomah County

Campbell Court Hotel, (Downtown Portland, Oregon MPS) 1115 SW 11th Ave, Portland, 08000559

Washington County

Doriot–Rider Log House, 14850 132nd Terr, SW, Tigard, 08000554

PENNSYLVANIA

Philadelphia County

Archway Corporation Loft Building, 2116–2130 Arch St, Philadelphia, 08000571

RHODE ISLAND

Newport County

Smith-Gardiner-Norman Farm Historic District, 583 Third Beach Rd, Middletown, 08000570

WISCONSIN

Kenosha County

Kenosha North Pierhead Light, (Light Stations of the United States MPS), North pier at Kenosha harbor entry, 0.1 mile east of Simmons Island Park, Kenosha, 08000545

[FR Doc. E8–12384 Filed 6–2–08; 8:45 am]

BILLING CODE 4310–70–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 731–TA–986–987 (Review)]

Ferrovanadium From China and South Africa

AGENCY: United States International Trade Commission.

ACTION: Scheduling of full five-year reviews concerning the antidumping duty orders on ferrovanadium from China and South Africa.

SUMMARY: The Commission hereby gives notice of the scheduling of full reviews pursuant to section 751(c)(5) of the Tariff Act of 1930 (19 U.S.C. 1675(c)(5)) (the Act) to determine whether revocation of the antidumping duty orders on ferrovanadium from China and South Africa would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time. For further information concerning the conduct of these reviews and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

DATES: *Effective Date:* May 22, 2008.

FOR FURTHER INFORMATION CONTACT: Edward Petronzio (202–205–3176), Office of Investigations, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 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 these reviews may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background. On March 7, 2008, the Commission determined that circumstances warranted conducting full reviews pursuant to section 751(c)(5) of the Act (73 FR 14484, March 18, 2008). A record of the Commissioners' votes, the Commission's statement on adequacy, and any individual Commissioner's statements are available from the Office of the Secretary and at the Commission's Web site.

Participation in the reviews and public service list. Persons, including industrial users of the subject merchandise and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in these reviews as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11 of the Commission's rules, by 45 days after publication of this notice. A party that filed a notice of appearance following publication of the Commission's notice of institution of the reviews need not file an additional notice of appearance. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the reviews.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list. Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in these reviews available to authorized applicants under the APO issued in the reviews, provided that the application is made by 45 days after publication of this notice. Authorized applicants must represent interested parties, as defined by 19 U.S.C. 1677(9), who are parties to the reviews. A party granted access to BPI following publication of the Commission's notice of institution of the reviews need not reapply for such access. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Staff report. The prehearing staff report in the reviews will be placed in the nonpublic record on September 3, 2008, and a public version will be issued thereafter, pursuant to section 207.64 of the Commission's rules.

Hearing. The Commission will hold a hearing in connection with the reviews beginning at 9:30 a.m. on September 23, 2008, at the U.S. International Trade Commission Building. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission on or before September 17, 2008. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the hearing. All parties and nonparties desiring to appear at the hearing and make oral presentations should attend a prehearing conference to be held at 9:30 a.m. on September 19, 2008, at the U.S. International Trade Commission Building. Oral testimony and written materials to be submitted at the public hearing are governed by sections 201.6(b)(2), 201.13(f), 207.24, and 207.66 of the Commission's rules. Parties must submit any request to present a portion of their hearing testimony *in camera* no later than 7 business days prior to the date of the hearing.

Written submissions. Each party to the reviews may submit a prehearing brief to the Commission. Prehearing briefs must conform with the provisions of section 207.65 of the Commission's rules; the deadline for filing is September 12, 2008. Parties may also file written testimony in connection with their presentation at the hearing, as provided in section 207.24 of the Commission's rules, and posthearing briefs, which must conform with the provisions of section 207.67 of the Commission's rules. The deadline for filing posthearing briefs is October 6, 2008; witness testimony must be filed no later than three days before the hearing. In addition, any person who has not entered an appearance as a party to the reviews may submit a written statement of information pertinent to the subject of the reviews on or before October 6. On October 27, 2008, the Commission will make available to parties all information on which they have not had an opportunity to comment. Parties may submit final comments on this information on or before October 29, 2008, but such final comments must not contain new factual information and must otherwise comply with section 207.68 of the Commission's rules. All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's rules do not authorize filing of

submissions with the Secretary by facsimile or electronic means, except to the extent permitted by section 201.8 of the Commission's rules, as amended, 67 FR 68036 (November 8, 2002). Even where electronic filing of a document is permitted, certain documents must also be filed in paper form, as specified in II (C) of the Commission's Handbook on Electronic Filing Procedures, 67 FR 68168, 68173 (November 8, 2002).

Additional written submissions to the Commission, including requests pursuant to section 201.12 of the Commission's rules, shall not be accepted unless good cause is shown for accepting such submissions, or unless the submission is pursuant to a specific request by a Commissioner or Commission staff.

In accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the reviews must be served on all other parties to the reviews (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: These reviews are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

By order of the Commission.

Issued: May 29, 2008.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. E8–12311 Filed 6–2–08; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–455 and 731–TA–1149–1150 (Preliminary)]

Certain Circular Welded Carbon Quality Steel Line Pipe from China and Korea

Determinations

On the basis of the record [1] developed in the subject investigations, the United States International Trade Commission (Commission) determines, pursuant to sections 703(a) and 733(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a) and 19 U.S.C. 1673b(a)) (the Act), that there is a reasonable indication that an industry in the United States is materially injured,[2] or threatened with material injury [3] by reason of imports from China and Korea of circular welded carbon quality steel line pipe, provided for in subheading 7306.19 of the Harmonized Tariff Schedule of the United States, that are alleged to be subsidized by the Government of China and sold in the United States at less than fair value (LTFV).

Pursuant to section 207.18 of the Commission's rules, the Commission also gives notice of the commencement of the final phase of its investigations. The Commission will issue a final phase notice of scheduling, which will be published in the **Federal Register** as provided in section 207.21 of the Commission's rules, upon notice from the Department of Commerce (Commerce) of affirmative preliminary determinations in these investigations under sections 703(b) and 733(b) of the Act, or, if the preliminary determinations are negative, upon notice of affirmative final determinations in those investigations under sections 705(a) and 735(a) of the Act. Parties that filed entries of appearance in the preliminary phase of the investigations need not enter a separate appearance for the final phase of the investigations. Industrial users, and, if the merchandise under investigation is sold at the retail level, representative consumer organizations have the right to appear as parties in Commission antidumping and countervailing duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigations.

Background

On April 3, 2008, a petition was filed with the Commission and Commerce by Maverick Tube Corp. (Houston, TX), Tex-Tube Co. (Houston, TX), U.S. Steel Corp. (Pittsburgh, PA), and the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL–CIO–CLC (Pittsburgh, PA), alleging that an industry in the United States is materially injured or threatened with material injury by reason of subsidized imports of certain circular welded carbon quality steel line pipe from China and LTFV imports of circular welded carbon quality steel line pipe from China and Korea. Accordingly, effective April 3, 2008, the Commission instituted countervailing duty investigation No. 701–TA–455 (Preliminary) and antidumping duty investigation Nos. 731–TA–1149–1150 (Preliminary).

Notice of the institution of the Commission's investigations and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of April 14, 2008 (73 FR 20064). The conference was held in Washington, DC, on April 24, 2008, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determinations in these investigations to the Secretary of Commerce on May 19, 2008. The views of the Commission are contained in USITC Publication 4003 (May 2008), entitled *Certain Circular Welded Carbon Quality Steel Line Pipe From China and Korea: Investigation Nos. 701–TA–455 and 731–TA–1149–1150 (Preliminary).*

Issued: May 28, 2008.

By order of the Commission.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. E8–12308 Filed 6–2–08; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–62,639; TA–W–62,639A]

Bombardier Transportation, Propulsion Division, Including On-Site Leased Workers From Adecco, Pittsburgh, PA; Bombardier Transportation, Total Transit Systems Division, Including On-Site Leased Workers From Adecco, Pittsburgh, PA; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273), and Section 246 of the Trade Act of 1974 (26 U.S.C. 2813), as amended, the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance and Alternative Trade Adjustment

[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[2] Commissioner Charlotte R. Lane, Commissioner Irving A. Williamson, and Commissioner Dean A. Pinkert determine that there is a reasonable indication that an industry in the United States is materially injured by reason of imports of certain circular welded carbon quality steel line pipe from China and Korea.

[3] Chairman Daniel R. Pearson, Vice Chairman Shara L. Aranoff, and Commissioner Deanna Tanner Okun determine that there is a reasonable indication that an industry in the United States is threatened with material injury by reason of imports of certain circular welded carbon quality steel line pipe from China and Korea.

Assistance on March 27, 2008, applicable to workers of Bombardier Transportation, Propulsion Division, Pittsburgh, Pennsylvania and Bombardier Transportation, Total Transit Systems Division, Pittsburgh, Pennsylvania. The notice was published in the **Federal Register** on April 11, 2008 (73 FR 19899).

At the request of a petitioner, the Department reviewed the certification for workers of the subject firm. The workers are engaged in the production of propulsion equipment and automated transit systems.

New information shows that leased workers of Adecco were employed on-site at the Propulsion Division, Pittsburgh, Pennsylvania and the Total Transit Systems Division, Pittsburgh, Pennsylvania locations of Bombardier Transportation. The Department has determined that these workers were sufficiently under the control of the subject firm to be considered leased workers.

Based on these findings, the Department is amending this certification to include leased workers of Adecco working on-site at the Propulsion Division, Pittsburgh, Pennsylvania and the Total Transit Systems Division, Pittsburgh, Pennsylvania locations of the subject firm.

The intent of the Department's certification is to include all workers employed at Bombardier Transportation, Propulsion Division, Pittsburgh, Pennsylvania and Bombardier Transportation, Total Transit Systems Division, Pittsburgh, Pennsylvania who were adversely affected by increased imports.

The amended notice applicable to TA–W–62,639 and TA–W–62,639A are hereby issued as follows:

All workers of Bombardier Transportation, Propulsion Division, including on-site leased workers from Adecco, Pittsburgh, Pennsylvania (TA–W–62,639) and Bombardier Transportation, Total Transit Systems Division, including on-site leased workers from Adecco, Pittsburgh, Pennsylvania (TA–W–62,639A), who became totally or partially separated from employment on or after December 31, 2006, through March 27, 2010, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974, and are also eligible to apply for alternative trade adjustment assistance under Section 246 of the Trade Act of 1974.

Signed at Washington, DC, this 22nd day of May 2008.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E8–12329 Filed 6–2–08; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–61,698; TA–W–61,698A]

Dan River, Inc., 1325 Avenue of the Americas, New York, NY; Including an Employee in Support of Dan River, Inc., 1325 Avenue of the Americas, New York, NY Operating Out of Randolph, NJ; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273), and Section 246 of the Trade Act of 1974 (26 U.S.C. 2813), as amended, the Department of Labor issued a Certification Regarding Eligibility to Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance on July 13, 2007, applicable to workers of Dan River, Inc., 1325 Avenue of the Americas, New York, New York. The notice will be published soon in the **Federal Register**.

At the request of the State agency, the Department reviewed the certification for workers of the subject firm.

New information shows that a worker separation (Mr. Jeffrey Connors) has occurred involving an employee in support of and under the control of the New York, New York facility of Dan River, Inc., 1325 Avenue of the Americas, New York, New York operating out of Randolph, New Jersey.

Based on these findings, the Department is amending this certification to include an employee in support of 1325 Avenue of the Americas, New York, New York facility operating out of Randolph, New Jersey.

The intent of the Department's certification is to include all workers of Dan River, Inc., 1325 Avenue of the Americas, New York, New York who were adversely affected by a shift in production to Mexico.

The amended notice applicable to TA–W–61,698 is hereby issued as follows:

''All workers of Dan River, Inc., 1325 Avenue of the Americas, New York, New York (TA–W–61,698), including an employee in support of Dan River, Inc., 1325 Avenue of the Americas, New York, New York operating out of Randolph, New Jersey (TA–W–61,698A), who became totally or partially separated from employment on or after November 6, 2006, through July 13, 2009, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974, and are also eligible to apply for alternative trade adjustment assistance under Section 246 of the Trade Act of 1974.''

Signed at Washington, DC, this 27th day of May 2008.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E8–12327 Filed 6–2–08; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–63,107]

Littelfuse, Inc., Automotive Business Unit, Including On-Site Temporary Workers From Aerotek, Des Plaines, IL; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273), and section 246 of the Trade Act of 1974 (26 U.S.C. 2813), as amended, the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance on April 16, 2008, applicable to workers of Littelfuse, Inc., Automotive Business Unit, Des Plaines, Illinois. The notice was published in the **Federal Register** on May 2, 2008 (73 FR 24318).

At the request of a company official, the Department reviewed the certification for workers of the subject firm. The workers are engaged in the production of automotive circuit protection devices.

New information shows that temporary workers of AeroTek were employed on-site at the Des Plaines, Illinois location of Littelfuse, Inc., Automotive Business Unit. The Department has determined that these workers were sufficiently under the control of the subject firm to be considered temporary workers.

Based on these findings, the Department is amending this certification to include temporary workers of AeroTek working on-site at the Des Plaines, Illinois location of the subject firm.

The intent of the Department's certification is to include all workers employed at Littlefuse, Inc., Automotive Business Unit, Des Plaines, Illinois who were adversely affected by a shift in production of automotive circuit protection devices to Mexico.

The amended notice applicable to TA–W–63,107 is hereby issued as follows:

''All workers of Littelfuse, Inc., Automotive Business Unit, including on-site temporary workers from AeroTek, Des Plaines, Illinois, who became totally or partially separated from employment on or after March 28, 2007, through April 16, 2010, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974, and are also eligible to apply for alternative trade adjustment assistance under Section 246 of the Trade Act of 1974.''

Signed at Washington, DC this 23rd day of May 2008.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E8–12331 Filed 6–2–08; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–61,885A]

Littelfuse, Inc., Including On-Site Temporary Workers From Aerotek and Labor Solutions, Elk Grove, IL; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273), and Section 246 of the Trade Act of 1974 (26 U.S.C. 2813), as amended, the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance on August 6, 2007, applicable to workers of Littelfuse, Inc., Elk Grove, Illinois. The notice was published in the **Federal Register** on August 27, 2007 (72 FR 49024).

At the request of a company official, the Department reviewed the certification for workers of the subject firm. The workers perform warehousing and distribution in support of a trade certified affiliate.

New information shows that temporary workers of AeroTek and Labor Solutions were employed on-site at the Elk Grove, Illinois, location of Littelfuse, Inc. The Department has determined that these workers were sufficiently under the control of the subject firm to be considered temporary workers.

Based on these findings, the Department is amending this certification to include temporary workers of AeroTek and Labor Solutions working on-site at the Elk Grove, Illinois, location of the subject firm.

The intent of the Department's certification is to include all workers at Littlefuse, Inc., Elk Grove, Illinois, who were adversely affected by increased imports following a shift in production to a foreign country.

The amended notice applicable to TA–W–61,885A is hereby issued as follows:

''All workers of Littelfuse, Inc., including on-site temporary workers from AeroTek and Labor Solutions, Elk Grove, Illinois, who became totally or partially separated from employment on or after July 20, 2006, through August 6, 2009, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974, and are also eligible to apply for alternative trade adjustment assistance under Section 246 of the Trade Act of 1974.''

Signed at Washington, DC, this 23rd day of May 2008.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E8–12328 Filed 6–2–08; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–63,079; TA–W–63,079A]

Redman Homes, Inc., Division of Champion Homes, Silverton, Oregon, Including Employees of Redman Homes, Inc., Division of Champion Homes, Silverton, Oregon Operating at Various Locations in the State of Washington; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Certification of Eligibility To Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance on April 29, 2008, applicable to workers of Redman Homes, Inc., division of Champion Homes, Silverton, Oregon. The notice was published in the **Federal Register** on May 15, 2008 (73 FR 28167).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. The workers produced modular homes.

New information shows that worker separations have occurred involving employees of the Silverton, Oregon location of the subject firm operating at various locations in the state of Washington. These employees were engaged in the building of modular homes.

Based on these findings, the Department is amending this certification to include employees of the Silverton, Oregon location of Redman Homes, Inc., division of Champion Homes operating at various locations in the state of Washington.

The intent of the Department's certification is to include all workers of Redman Homes, Inc., division of Champion Homes who were adversely affected by a shift in production to Canada.

The amended notice applicable to TA–W–63,079 is hereby issued as follows:

''All workers of Redman Homes, Inc., division of Champion Homes, Silverton, Oregon (TA–W–63,079), including employees of Redman Homes, Inc., division of Champion Homes, Silverton, Oregon, including workers operating at various locations in the state of Washington (TA–W–63,079A), who became totally or partially separated from employment on or after March 26, 2007, through April 29, 2010, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974, and are also eligible to apply for alternative trade adjustment assistance under Section 246 of the Trade Act of 1974.''

Signed at Washington, DC, this 22nd day of May 2008.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E8–12330 Filed 6–2–08; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, as amended (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for a trade adjustment assistance for workers (TA–W) number and alternative trade adjustment assistance (ATAA) by TA–W number issued during the period of *May 19 through May 23, 2008.*

In order for an affirmative determination to be made for workers of a primary firm and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of section 222(a) of the Act must be met.

I. Section (a)(2)(A) all of the following must be satisfied:

A. A significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm, have become totally or partially separated, or are threatened to become totally or partially separated;

B. The sales or production, or both, of such firm or subdivision have decreased absolutely; and

C. Increased imports of articles like or directly competitive with articles produced by such firm or subdivision have contributed importantly to such workers' separation or threat of separation and to the decline in sales or production of such firm or subdivision; or

II. Section (a)(2)(B) both of the following must be satisfied:

A. A significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm, have become totally or partially separated, or are threatened to become totally or partially separated;

B. There has been a shift in production by such workers' firm or subdivision to a foreign country of articles like or directly competitive with articles which are produced by such firm or subdivision; and

C. One of the following must be satisfied:

1. The country to which the workers' firm has shifted production of the articles is a party to a free trade agreement with the United States;

2. The country to which the workers' firm has shifted production of the articles to a beneficiary country under the Andean Trade Preference Act, African Growth and Opportunity Act, or the Caribbean Basin Economic Recovery Act; or

3. There has been or is likely to be an increase in imports of articles that are like or directly competitive with articles which are or were produced by such firm or subdivision.

Also, in order for an affirmative determination to be made for secondarily affected workers of a firm and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of section 222(b) of the Act must be met.

(1) Significant number or proportion of the workers in the workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) The workers' firm (or subdivision) is a supplier or downstream producer to a firm (or subdivision) that employed a group of workers who received a certification of eligibility to apply for trade adjustment assistance benefits and such supply or production is related to the article that was the basis for such certification; and

(3) Either—

(A) The workers' firm is a supplier and the component parts it supplied for the firm (or subdivision) described in paragraph (2) accounted for at least 20 percent of the production or sales of the workers' firm; or

(B) A loss or business by the workers' firm with the firm (or subdivision) described in paragraph (2) contributed importantly to the workers' separation or threat of separation.

In order for the Division of Trade Adjustment Assistance to issue a certification of eligibility to apply for Alternative Trade Adjustment Assistance (ATAA) for older workers, the group eligibility requirements of section 246(a)(3)(A)(ii) of the Trade Act must be met.

1. Whether a significant number of workers in the workers' firm are 50 years of age or older.

2. Whether the workers in the workers' firm possess skills that are not easily transferable.

3. The competitive conditions within the workers' industry (i.e., conditions within the industry are adverse).

Affirmative Determinations for Worker Adjustment Assistance

The following certifications have been issued. The date following the company name and location of each determination references the impact date for all workers of such determination.

The following certifications have been issued. The requirements of section 222(a)(2)(A) (increased imports) of the Trade Act have been met.

None

The following certifications have been issued. The requirements of section 222(a)(2)(B) (shift in production) of the Trade Act have been met.

TA–W–63,058; Mizuno Automotive USA, Inc., A Subsidiary of Mizuno Tekkosho Co., LLC, Morristown, TN: March 24, 2007.

The following certifications have been issued. The requirements of section 222(b) (supplier to a firm whose workers are certified eligible to apply for TAA) of the Trade Act have been met.

None.

The following certifications have been issued. The requirements of section 222(b) (downstream producer for a firm whose workers are certified eligible to apply for TAA based on increased imports from or a shift in production to Mexico or Canada) of the Trade Act have been met.

None.

Affirmative Determinations for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

The following certifications have been issued. The date following the company name and location of each determination references the impact date for all workers of such determination.

The following certifications have been issued. The requirements of section 222(a)(2)(A) (increased imports) and section 246(a)(3)(A)(ii) of the Trade Act have been met.

TA–W–63,092; Sun Chemical, Performance Pigments Division, Cincinnati, OH: January 7, 2008.

TA–W–63,175; R. Klein Jewelry Company, Inc., Rockville Centre, NY: April 9, 2007.

TA–W–63,176; Masonite International Corporation, Mobile, AL: April 29, 2008.

TA–W–63,217; Indian Industries, dba Escalade Sports, Youth Archery Operations and Child Life Play Systems, Evansville, IN: April 16, 2007.

TA–W–63,289; Lakewood Engineering and Manufacturing Co., On-Site Leased Workers From Altas Employment Services, Chicago, IL: April 29, 2007.

TA–W–63,099; WestPoint Home, Former Corporate Employees, West Point, GA: February 22, 2008.

TA–W–63,099A; WestPoint Home, Clemson Centre, Clemson, SC: February 22, 2008.

TA–W–63,099B; WestPoint Home, Wagram Division Office, Wagram, NC: February 22, 2008.

TA–W–63,099C; WestPoint Home, Elkin/Chatham, Elkin, NC: February 22, 2008.

TA–W–62,554; MI Windows and Doors, Inc., J.T. Walker, Including Willstaff Worldwide, Millen, GA: December 10, 2006.

TA–W–62,905; King Systems Corporation, Plastic Technology Div., Noblesville, IN: February 21, 2007.

TA–W–62,974; Leggett and Platt, Inc., Winchester, KY: February 15, 2007.

TA–W–62,974A; Leggett and Platt, Inc., Ferndale, MI: February 15, 2007.

TA–W–63,153; General Electric Company, Chicago Plant Operations, Cicero Calrod Plant, Cicero, IL: April 1, 2007.

TA–W–63,157; MEMC Electronic Materials, St. Peters, MO: April 4, 2007.

TA–W–63,185; Spectrum Yarns, Inc., Kings Mountain Plant Carolina Plant, Kings Mountain, NC: December 13, 2007.

TA–W–63,326; Dellway Sports, Inc., New York, NY: April 17, 2007.

TA–W–63,355; E and L Garment Company, San Francisco, CA: May 8, 2007.

The following certifications have been issued. The requirements of section 222(a)(2)(B) (shift in production) and section 246(a)(3)(A)(ii) of the Trade Act have been met.

TA–W–63,081; Russell Corporation, Cross Creek Apparel, Mount Airy, NC: April 20, 2008.

TA–W–63,196; L.A. Glo, Inc., Los Angeles, CA: April 14, 2007.

TA–W–63,328; The F.B. Leopold Company, Inc., A Subsidiary of ITT Corp., Fiberglass Resin Products, Zelienople, PA: May 5, 2007.

TA–W–61,698; Dan River, Inc., 1325 Avenue of The Americas, New York, New York: November 6, 2006.

TA–W–63,365; Pentair Filtration, Inc., Sheboygan, WI: May 9, 2007.

TA–W–63,398; Chromalox, Inc., Orfordville, WI: May 14, 2007.

TA–W–62,969; Tyco Electronics–Mid, Communications, Computer and Consumer Electronics Division, Rochester, NY: February 28, 2007.

TA–W–63,038; Union Special Corporation, A Subsidiary of Juki Corporation, Huntley, IL: March 19, 2007.

TA–W–63,105; The Bradenton Herald, Ad Production Department, Bradenton, FL: March 25, 2007.

TA–W–63,121; Fairchild Semiconductor Corp., Wafer Sort Department, South Portland, ME: April 2, 2007.

TA–W–63,123; Gerber Plumbing Fixtures LLC, Kokomo Sanitary Pottery Division, Globe Union Industrial Corp., Kokomo, IN: March 2, 2008.

TA–W–63,171; Wesley Mancini, Ltd., Charlotte, NC: April 9, 2007.

TA–W–63,178; Pre-Press/PMG, North Logan, UT: April 8, 2007.

TA–W–63,332; Milwaukee Electric Tool Corporation, Corporation Headquarters, Brookfield, WI: May 6, 2007.

The following certifications have been issued. The requirements of section 222(b) (supplier to a firm whose workers are certified eligible to apply for TAA) and section 246(a)(3)(A)(ii) of the Trade Act have been met.

TA–W–63,347; R.L. Stowe Mills, Inc., Corporate Office, Belmont, NC: May 8, 2007.

TA–W–63,347A; R.L. Stowe Mills, Inc., Corporate Office, Chattanooga, TN: May 8, 2007.

The following certifications have been issued. The requirements of section 222(b) (downstream producer for a firm whose workers are certified eligible to apply for TAA based on increased imports from or a shift in production to Mexico or Canada) and section 246(a)(3)(A)(ii) of the Trade Act have been met.

None

Negative Determinations for Alternative Trade Adjustment Assistance

In the following cases, it has been determined that the requirements of 246(a)(3)(A)(ii) have not been met for the reasons specified.

The Department has determined that criterion (1) of section 246 has not been met. The firm does not have a significant number of workers 50 years of age or older.

TA–W–63,058; Mizuno Automotive USA, Inc., A Subsidiary of Mizuno Tekkosho Co., LLC, Morristown, TN.

The Department has determined that criterion (2) of section 246 has not been met. Workers at the firm possess skills that are easily transferable.

None

The Department has determined that criterion (3) of Section 246 has not been met. Competition conditions within the workers' industry are not adverse.

None

Negative Determinations for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

In the following cases, the investigation revealed that the eligibility criteria for worker adjustment assistance have not been met for the reasons specified.

Because the workers of the firm are not eligible to apply for TAA, the workers cannot be certified eligible for ATAA.

The investigation revealed that criteria (a)(2)(A)(I.A.) and (a)(2)(B)(II.A.) (employment decline) have not been met.

TA–W–63,237; Ven Ply, Inc., High Point, NC.

TA–W–63,321; Valley Mills, Inc., Valley Head, AL.

TA–W–63,410; Comau, Inc., Warren, MI.

The investigation revealed that criteria (a)(2)(A)(I.B.) (Sales or production, or both, did not decline) and (a)(2)(B)(II.B.) (shift in production to a foreign country) have not been met.

TA–W–63,214; Action Mold and Machining, Inc., Grand Rapids, MI.

The investigation revealed that criteria (a)(2)(A)(I.C.) (increased imports) and (a)(2)(B)(II.B.) (shift in production to a foreign country) have not been met.

TA–W–63,047; Boise Wood Products, White City Lumber Mill, White City, OR.

TA–W–63,216; Sartorius Stedim Systems, Inc., A Subsidiary Of Sartorius Stedim North America, Inc., Bethlehem, PA.

TA–W–63,266; Lester Enterprises, Inc., dba LHP Corporation, Hartwell, GA.

TA–W–63,278; Wheeling Pittsburgh Steel Corporation, Allenport, PA.

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA–W–62,941; PMI/Diversco, Working On-Site at Genco, Pendergrass, GA.

TA–W–63,104; Paris Accessories, Inc., Allentown, PA.

TA–W–63,104A; Paris Accessories, Inc., New Smithville, PA.

TA–W–63,125; Currier Trucking Corporation, Gorham, NH.

TA–W–63,229; Krohne, Inc., Peabody, MA.

TA–W–63,287; Paulstra CRC, Sales Office, Novi, MI.

TA–W–63,298; HD Supply, Inc., Monroe, NC.

TA–W–63,353; Western Union Financial Services, Inc., Dallas, TX.

The investigation revealed that criteria of section 222(b)(2) has not been met. The workers' firm (or subdivision) is not a supplier to or a downstream producer for a firm whose workers were certified eligible to apply for TAA.

None

I hereby certify that the aforementioned determinations were issued during the period of *May 19 through May 23, 2008*. Copies of these determinations are available for inspection in Room C–5311, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 during normal business hours or will be mailed to persons who write to the above address.

Dated: May 28, 2008.

Linda G. Poole.

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E8–12326 Filed 6–2–08; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–63,260]

Baer Bronze of Georgia, Rome, GA; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, as amended, an investigation was initiated on April 29, 2008 in response to a worker petition

filed by a company official on behalf of workers at Baer Bronze of Georgia, Rome, Georgia.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 27th day of May 2008.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E8–12332 Filed 6–2–08; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–63,283]

Kimball Office, Jasper, IN; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, as amended, an investigation was initiated on April 30, 2008 in response to a petition filed by a company official on behalf of workers of Kimball Office, Jasper, Indiana.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 22nd day of May 2008.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E8–12333 Filed 6–2–08; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–63,285]

Office Furniture Group Shared Services Jasper, IN; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on April 30, 2008, in response to a petition filed by a company official on behalf of workers of Office Furniture Group Shared Services, Jasper, Indiana.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 22nd day of May 2008.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E8–12325 Filed 6–2–08; 8:45 am]

BILLING CODE 4510–FN–P

NUCLEAR REGULATORY COMMISSION

Biweekly Notice; Applications and Amendments to Facility Operating Licenses Involving No Significant Hazards Considerations

I. Background

Pursuant to section 189a.(2) of the Atomic Energy Act of 1954, as amended (the Act), the U.S. Nuclear Regulatory Commission (the Commission or NRC staff) is publishing this regular biweekly notice. The Act requires the Commission publish notice of any amendments issued, or proposed to be issued, and grants the Commission the authority to issue and make immediately effective any amendment to an operating license upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This biweekly notice includes all notices of amendments issued, or proposed to be issued, from May 8, 2008, to May 21, 2008. The last biweekly notice was published on May 20, 2008 (73 FR 13021).

Notice of Consideration of Issuance of Amendments to Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of 60 days after the date of publication of this notice. The Commission may issue the license amendment before expiration of the 60-day period provided that its final determination is that the amendment involves no significant hazards consideration. In addition, the Commission may issue the amendment prior to the expiration of the 30-day comment period should circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility. Should the Commission take action prior to the expiration of either the comment period or the notice period, it will publish in the **Federal Register** a notice of issuance. Should the Commission make a final No Significant Hazards Consideration Determination, any hearing will take place after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rulemaking, Directives and Editing Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D22, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the Commission's Public Document Room (PDR), located at One White Flint North, Public File Area O1F21, 11555 Rockville Pike (first floor), Rockville, Maryland. The filing of requests for a hearing and petitions for leave to intervene is discussed below.

Within 60 days after the date of publication of this notice, person(s) may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request via electronic submission through the NRC E-Filing system for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Rules of Practice for Domestic Licensing Proceedings'' in 10 CFR part

2. Interested person(s) should consult a current copy of 10 CFR 2.309, which is available at the Commission's PDR, located at One White Flint North, Public File Area 01F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible from the Agencywide Documents Access and Management System's (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, *http://www.nrc.gov/reading-rm/doc-collections/cfr/*. If a request for a hearing or petition for leave to intervene is filed within 60 days the Commission or a presiding officer designated by the Commission or by the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the Chief Administrative Judge of the Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.309, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements: (1) The name, address, and telephone number of the requestor or petitioner; (2) the nature of the requestor's/petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the requestor's/petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the requestor's/petitioner's interest. The petition must also set forth the specific contentions which the petitioner/requestor seeks to have litigated at the proceeding.

Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner/requestor shall provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner/requestor intends to rely in proving the contention at the hearing. The petitioner/requestor must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner/requestor intends to rely to establish those facts or expert opinion. The petition must include sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner/requestor to relief. A petitioner/requestor who fails to satisfy these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing.

If a hearing is requested, and the Commission has not made a final determination on the issue of no significant hazards consideration, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for hearing or a petition for leave to intervene must be filed in accordance with the NRC E-Filing rule, which the NRC promulgated in August 28, 2007 (72 FR 49139). The E-Filing process requires participants to submit and serve documents over the Internet or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek a waiver in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least five (5) days prior to the filing deadline, the petitioner/requestor must contact the Office of the Secretary by e-mail at *hearingdocket@nrc.gov*, or by calling (301) 415–1677, to request (1) a digital ID certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any proceeding in which it is participating; and/or (2) creation of an electronic docket for the proceeding (even in instances in which the petitioner/requestor (or its counsel or representative) already holds an NRC-issued digital ID certificate). Each petitioner/requestor will need to download the Workplace Forms Viewer(™ to access the Electronic Information Exchange (EIE), a component of the E-Filing system. The Workplace Forms Viewer ™ is free and is available at *http://www.nrc.gov/site-help/e-submittals/install-viewer.html*. Information about applying for a digital ID certificate is available on NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals/apply-certificates.html*.

Once a petitioner/requestor has obtained a digital ID certificate, had a docket created, and downloaded the EIE viewer, it can then submit a request for hearing or petition for leave to intervene. Submissions should be in Portable Document Format (PDF) in accordance with NRC guidance available on the NRC public Web site at *http://www.nrc.gov/site-help/e-submittals.html*. A filing is considered complete at the time the filer submits its documents through EIE. To be timely, an electronic filing must be submitted to the EIE system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an e-mail notice confirming receipt of the document. The EIE system also distributes an e-mail notice that provides access to the document to the NRC Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the documents on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing request/petition to intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically may seek assistance through the ''Contact Us'' link located on the NRC Web site at *http://www.nrc.gov/site-help/e-submittals.html* or by calling the NRC technical help line, which is available between 8:30 a.m. and 4:15 p.m., Eastern Time, Monday through Friday. The help line number is (800) 397–4209 or locally, (301) 415–4737.

Participants who believe that they have a good cause for not submitting documents electronically must file a motion, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office

of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852, Attention: Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service.

Non-timely requests and/or petitions and contentions will not be entertained absent a determination by the Commission, the presiding officer, or the Atomic Safety and Licensing Board that the petition and/or request should be granted and/or the contentions should be admitted, based on a balancing of the factors specified in 10 CFR 2.309(c)(1)(i)–(viii). To be timely, filings must be submitted no later than 11:59 p.m. Eastern Time on the due date.

Documents submitted in adjudicatory proceedings will appear in NRC's electronic hearing docket which is available to the public at *http://ehd.nrc.gov/EHD_Proceeding/home.asp*, unless excluded pursuant to an order of the Commission, an Atomic Safety and Licensing Board, or a Presiding Officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

For further details with respect to this amendment action, see the application for amendment which is available for public inspection at the Commission's PDR, located at One White Flint North, Public File Area 01F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible from the ADAMS Public Electronic Reading Room on the Internet at the 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*.

AmerGen Energy Company, LLC, et al., Docket No. 50–219, Oyster Creek Nuclear Generating Station (Oyster Creek), Ocean County, New Jersey

Date of amendment request: November 2, 2007.

Description of amendment request: The proposed amendment would modify the Technical Specification (TS) definitions, TS 3.5.B, ''Secondary Containment,'' and TS 3.17, ''Control Room Heating, Ventilating, and Air-Conditioning System,'' to eliminate the requirement for secondary containment to be operable during handling of irradiated fuel.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change is [based on a reanalysis of] a postulated fuel handling accident inside the Reactor Building occurring during fuel loading and refueling activities. The proposed change does not involve a change to structures, components, or systems that would affect the probability of an accident previously evaluated in the Oyster Creek Updated Final Safety Analysis Report (UFSAR). Oyster Creek Alternative Source Term (AST) methodology has been previously reviewed and approved by the NRC. [The] AST [methodology] is used to evaluate the dose consequences of the postulated fuel handling accident. The postulated fuel handling accident has been analyzed without credit for Secondary Containment integrity and Standby Gas Treatment system operation. The resultant radiological consequences are within the acceptance criteria set forth in [Title 10 of *The Code of Federal Regulations*] 10 CFR [Section] 50.67 and [Regulatory Guide] RG 1.183. Therefore, the proposed changes do not significantly increase the consequences of an accident previously evaluated.

This amendment does not alter methodology or equipment used directly in fuel handling operations. The Secondary Containment structure and the Standby Gas Treatment system, and any component thereof, are not accident initiators. Actual fuel handling operations are not affected by the proposed changes. Therefore, the probability of a fuel handling accident is not affected with the proposed amendment. No other accident initiator is affected by the proposed changes.

Therefore, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed amendment will not create the possibility for a new or different type of accident from any accident previously evaluated. Equipment important to safety will continue to operate as designed. Component integrity is not challenged. The changes do not result in any event previously deemed incredible being made credible. The changes do not result in more adverse conditions or result in any increase in the challenges to safety systems. The systems affected by the changes are used to mitigate the consequences of an accident that has already occurred. The proposed Technical Specification changes do not [reduce] the mitigative function of these systems.

Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

Safety margins and analytical [assumptions] have been evaluated and have been found acceptable. The analyzed event has been carefully selected and margin has been retained to ensure that the analysis adequately bounds the postulated event scenario. The dose consequences due to the postulated event comply with the requirements of 10 CFR 50.67 and the guidance of RG 1.183.

The proposed amendment is associated with the implementation of a new licensing basis for the Oyster Creek Fuel Handling Accident. The change from the original source term to a new source term taken from RG 1.183 has been previously approved by the NRC for Oyster Creek. The results of the accident analysis, revised in support of the proposed license amendment, are subject to revised acceptance criteria. The analysis has been performed using conservative methodologies, as specified in RG 1.183. Safety margins have been evaluated and analytical conservatism has been utilized to ensure that the analysis adequately bounds the postulated limiting event scenario. The dose consequences of this design basis accident remain within the acceptance criteria presented in 10 CFR 50.67, ''Accident source term'', and RG 1.183. The proposed changes continue to ensure that the doses at the exclusion area boundary (EAB) and low population zone (LPZ), as well as the Control Room, are within corresponding regulatory limits.

Therefore, the proposed changes do not involve a significant reduction in any margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, and with the changes noted above, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Thomas S. O'Neill, Associate General Counsel,

Exelon Generation Company, LLC, 4300 Winfield Road, Warrenville, IL 60555.

NRC Branch Chief: Harold K. Chernoff.

Dominion Energy Kewaunee, Inc. Docket No. 50–305, Kewaunee Power Station (KPS), Kewaunee County, Wisconsin

Date of amendment request: April 4, 2008.

Description of amendment request: The proposed amendment would remove the operability and surveillance requirements for the heaters contained in the shield building ventilation (SBV) system and in the auxiliary building special ventilation (ABSV) system, and reduce the operating time required to demonstrate SBV system operability.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No

The SBV or ABSV system heaters are not accident initiators. Their original purpose was to improve the effectiveness of the system's charcoal adsorbers by decreasing the air stream humidity before entering the adsorber section of the filter unit. However, the currently required testing methodology for the ABSV and SBV verifies charcoal adsorber iodine removal efficiency is greater than assumed in the KPS radiological accident analysis of record (AOR), with a safety factor of 2, without crediting the heaters.

The proposed amendment would not change any of the previously evaluated accidents in the updated safety analysis report (USAR). The current radiological accident analysis of record (AOR) bounds operation of the plant without consideration of the shield building ventilation (SBV) or auxiliary building special ventilation (ABSV) heaters. In addition, the current testing requirements are adequate to validate that the charcoal adsorber remains capable of performing at its assumed efficiency without crediting humidity control. The proposed change does not increase the likelihood of a malfunction of an SSC. The result of this change will be the eventual removal of un-needed equipment. Since the equipment is not needed and the removal will make the system less complex, the probability of a malfunction of the SBV system or the ABSV system is not significantly increased.

In addition, removal of the post-accident electrical load associated with the heaters reduces electrical load on the emergency diesel generators, which provides additional margin regarding the capability of emergency power.

In addition, elimination of the heaters from the ABSV reduces post-accident heat load in the SV area, which in turn reduces the potential for heat related equipment failures in the area.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No

The SBV and ABSV systems are accident response systems and as such do not cause or initiate accidents. The proposed change does not functionally change the design or operation of the SBV system or that of the ABSV system. Deletion of heater requirements from the TS is based on the heaters not being needed for mitigation of any accident condition and does not significantly affect the operation of these systems. These systems will continue to meet the functional requirements in the current radiological accident analysis of record for Kewaunee and maintain calculated dose consequences within acceptable limits. Because the SBV and ABSV systems are not accident initiators, this proposed change will not create the possibility of a new or different kind of accident.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No

The removal of the ABSV and SBCV heaters will result in a reduction in the efficiency of the charcoal adsorber due to the removal of the humidity reduction affect. However, these changes are bounded within the assumptions of the AOR. Specifically, the currently required testing methodology for the ABSV and SBV verifies charcoal adsorber iodine removal efficiency is greater than assumed in the KPS radiological accident analysis of record (AOR), with a safety factor of 2, without crediting the heaters. The removal of these heaters does not alter the safety margins contained in the radiological accident analysis. The KPS current radiological accident analysis was performed in accordance with NRC Regulatory Guide 1.183, ''Alternative Radiological Source Terms for Evaluating Design Basis Accident at Nuclear Power Reactors.'' Surveillance requirement acceptance criteria for the SBV and the ABSV filters are based on 95% RH and 30C, consistent with Generic Letter 99–02 guidance for systems without humidity control. Removal of the SBV and ABSV heaters does not alter the safety margins contained in the current radiological accident analyses or the surveillance testing criteria. The charcoal adsorber sample laboratory testing protocol accurately demonstrates the required performance of the adsorbers in the SBV and ABSV systems following a design basis accident. These testing standards ensure adequate margin exists and that the charcoal will perform its design basis function. The offsite and control room dose analyses are not affected by this change, and offsite and control room doses will remain within the limits of 10 CFR 50.67 and Regulatory Guide 1.183.

The current surveillance test acceptance criteria for the ABSV and SBV systems currently provide a safety factor of 2 when compared to the assumptions for charcoal filter performance in the current radiological accident analysis. This safety factor will not be adversely affected by the proposed change.

Furthermore, removal of the TS requirement will allow the heaters to be permanently de-energized. This will result in an increase in the margin between the post-accident calculated load and the load limitations on both emergency diesel generators and between the ambient temperature limitations of certain safety related equipment and the calculated maximum post-accident ambient temperature for this equipment.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Lillian M. Cuoco, Senior Counsel, Dominion Resources Services, Inc., 120 Tredegar Street, Richmond, VA 23219.

NRC Branch Chief: Lois James.

Exelon Generation Company, LLC, Docket Nos. STN 50–454 and STN 50–455, Byron Station, Unit Nos. 1 and 2, Ogle County, Illinois

Docket Nos. STN 50–456 and STN 50–457, Braidwood Station, Units 1 and 2, Will County, Illinois

Date of amendment request: February 21, 2008.

Description of amendment request: The proposed amendment would revise the current licensing basis associated with the application of the alternative source term (AST) methodology, previously approved by the Nuclear Regulatory Commission (NRC) staff. Specifically, the proposed amendment would remove credit in the AST analyses for the control room ventilation system recirculation filters, which function as prefilters.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The AST methodology, as previously reviewed and approved for use at Braidwood and Byron Stations by the NRC, follows the guidance provided in RG 1.183 and satisfies the dose limits in 10 CFR 50.67. However, it was recently identified that a misapplication of a Control Room Ventilation (VC) System prefilter efficiency was incorporated into the previously approved AST analyses. As a result, it was necessary to revise the Braidwood Station and Byron Station AST calculations to remove credit for the prefilter. To offset the increase in dose associated with the removal of the prefilter credit, the assumed control room unfiltered air inleakage value was also reduced from 1000 cubic feet per minute (cfm) to 500 cfm. The implementation of the revised AST assumptions has been evaluated in revisions to the analyses of the following DBAs at the Braidwood Station and Byron Station.

- Loss-of-Coolant Accident (LOCA).
- Locked Rotor Accident (LRA).
- Control Rod Ejection Accident (CREA).

The proposed changes to the assumptions used in the AST analyses do not affect any of the parameters or conditions that could contribute to the initiation of any accidents. The proposed changes to the AST analyses do not require any physical changes to the plant. Application of the proposed changes to the AST analyses does not result in changes to the functions and operation of various filtration systems as described in the Updated Final Safety Analysis Report (UFSAR). The proposed change to the AST assumptions will not alter the capability of any structure, system, or component (SSC) to perform its design function. Therefore, the proposed changes being evaluated do not alter existing accident initiators. Since DBA initiators are not being altered by the proposed change to the AST methodology assumptions, the probability of an accident previously evaluated is not affected.

The revised AST analyses did result in an increase in the calculated control room dose; however, there was no change in the offsite dose. The results of the revised AST analyses have demonstrated that the 10 CFR 50.67 limits are still satisfied. Since the resulting control room dose continues to comply with the regulatory limits associated with the AST methodology, the changes do not constitute a significant change. Therefore, it is concluded that the proposed change does not involve a significant increase in the consequences of an accident previously evaluated.

Based on the above discussion, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change is to the assumptions used in the AST analyses and will not change the design function or operation of any SSCs. Revision of the AST analyses assumptions will not result in a credible new failure mechanism, malfunction, or accident initiator not considered in the design and licensing bases. The proposed changes do not require any physical changes to any SSCs involved in the mitigation of any accidents. In addition, no precursors of a new or different kind of accident are created. New equipment or personnel failure modes that might initiate a new type of accident are not created as a result of the proposed changes.

Based on the above discussion, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed change involves revising the Braidwood and Byron Stations' AST calculations to remove credit for the VC System prefilters and reduce the assumed control room air inleakage value. The safety margins and analytical conservatisms associated with the revised AST assumptions were evaluated and found acceptable. The results of the revised DBA analyses, performed in support of the proposed changes, are subject to specific acceptance criteria as specified in RG 1.183 and 10 CFR 50.67.

The AST calculations for the LOCA, LRA, and CREA were revised and updated control room doses determined based on the revised assumptions. The revised calculations indicate an increase in control room dose when compared to the doses documented in the current licensing basis for Braidwood and Byron Stations; however, the revised dose consequences for the applicable DBAs remain within the acceptance criteria presented in RG 1.183. The revised control room doses were compared to the regulatory limits specified in 10 CFR 50.67 and have been demonstrated to remain within the specified limits. Since the resulting control room doses continue to meet the regulatory limits the proposed changes do not constitute a significant reduction in a margin of safety.

While the proposed changes do result in an increased control room dose, there is no change in the offsite dose. This proposed change in the analysis assumptions affects only the control room dose and does not affect the calculated offsite doses. Therefore, the proposed changes continue to ensure that the doses at the exclusion area boundary (EAB) and low population zone boundary (LPZ) are within the specified regulatory limits and do not result in a significant reduction in a margin of safety.

Therefore, based on the above discussion, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Mr. Bradley J. Fewell, Associate General Counsel, Exelon Generation Company, LLC, 4300 Winfield Road, Warrenville, IL 60555.

NRC Branch Chief: Russell Gibbs.

Exelon Generation Company, LLC, Docket Nos. STN 50–456 and STN 50–457, Braidwood Station, Units 1 and 2, Will County, Illinois

Exelon Generation Company, LLC, Docket Nos. STN 50–454 and STN 50–455, Byron Station, Unit Nos. 1 and 2, Ogle County, Illinois

AmerGen Energy Company, LLC, Docket No. 50–461, Clinton Power Station, Unit No. 1, DeWitt County, Illinois

Exelon Generation Company, LLC, Docket Nos. 50–237 and 50–249, Dresden Nuclear Power Station, Units 2 and 3, Grundy County, Illinois

Exelon Generation Company, LLC, Docket Nos. 50–373 and 50–374, LaSalle County Station, Units 1 and 2, LaSalle County, Illinois

Exelon Generation Company, LLC, Docket No. 50–352 and No. 50–353, Limerick Generating Station, Unit 1 and 2, Montgomery County, Pennsylvania

AmerGen Energy Company, LLC, et. al., Docket No. 50–219, Oyster Creek Nuclear Generating Station, Ocean County, New Jersey

Exelon Generation Company, LLC, and PSEG Nuclear LLC, Docket Nos. 50–277 and 50–278, Peach Bottom Atomic Power Station, Units 2 and 3,York and Lancaster Counties, Pennsylvania

Exelon Generation Company, LLC, Docket Nos. 50–254 and 50–265, Quad Cities Nuclear Power Station, Units 1 and 2, Rock Island County, Illinois

AmerGen Energy Company, LLC, Docket No. 50–289, Three Mile Island Nuclear Station, Unit 1 (TMI–1), Dauphin County, Pennsylvania

Date of amendment request: April 21, 2008.

Description of amendment request: The proposed amendment removes references to and limits imposed by Nuclear Regulatory Commission Generic Letter (GL) 82–12, ''Nuclear Power Plant Staff Working Hours,'' from the subject plants' technical specifications (TS). The guidelines have been superseded by the requirements of Title 10 of the *Code of Federal Regulations*, Part 26 (10 CFR 26), Subpart I, ''Managing Fatigue.''

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Do the proposed changes involve a significant increase in the probability or

consequences of an accident previously evaluated?

Response: No.

The removal of references to GL 82–12 will not remove the requirement to control work hours and manage fatigue. Removal of TS references to GL 82–12 will be performed concurrently with the implementation of the more conservative 10 CFR 26, Subpart I, requirements. The proposed changes do not impact the physical configuration or function of plant structures, systems, or components (SSCs) or the manner in which SSCs are operated, maintained, modified, tested, or inspected. The proposed changes do not impact the initiators or assumptions of analyzed events, nor do they impact the mitigation of accidents or transient events.

Because these new requirements are more conservative with respect to work hour controls and fatigue management, this will not significantly increase the probability or consequence of an accident previously evaluated.

2. Do the proposed changes create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed changes remove references to GL 82–12 from TS to support the addition of Subpart I to 10 CFR 26. These regulations are more restrictive than the current guidance and would add conservatism to work hour controls and fatigue management. Work hours will continue to be controlled in accordance with NRC requirements. The new rule continues to allow for deviations from controls to mitigate or prevent a condition adverse to safety or necessary to maintain the security of the facility. This ensures that the new rule will not restrict work hours at the expense of the health and safety of the public as well as plant personnel.

The proposed changes do not alter plant configuration, require that new plant equipment be installed, alter assumptions made about accidents previously evaluated, add any initiators, or impact the function of plant SSCs or the manner in which SSCs are operated, maintained, modified, tested, or inspected.

Because the proposed changes do not remove the station's requirement to control work hours and increases the conservatism of work hour controls by changing administrative scheduling requirements, the proposed changes do not create the possibility of a new or different kind of accident from any previously evaluated.

3. Do the proposed changes involve a significant reduction in a margin of safety?

Response: No.

An input to maintaining the margin of safety is the control of work hours as a tool in managing fatigue. The affected stations will continue their fitness-for-duty and behavioral observation programs, both of which will be strengthened by compliance with the new rule. The proposed changes add conservatism to fatigue management and contribute to the margin of safety.

The proposed changes do not involve any physical changes to plant SSCs or the manner in which SSCs are operated, maintained, modified, tested, or inspected. The proposed changes do not involve a change to any safety limits, limiting safety system settings, limiting conditions of operation, or design parameters for any SSC. The proposed changes do not impact any safety analysis assumptions and does not involve a change in initial conditions, system response times, or other parameters affecting an accident analysis.

Therefore, the proposed changes do not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the requested amendments involve no significant hazards consideration.

Attorney for licensee: Mr. Bradley Fewell, Associate General Counsel, Exelon Generation Company, LLC, 4300 Winfield Road, Warrenville, IL 60555.

NRC Branch Chief: Russell Gibbs.

Omaha Public Power District, Docket No. 50–285, Fort Calhoun Station, Unit No. 1, Washington County, Nebraska

Date of amendment request: February 5, 2008.

Description of amendment request: The amendment would revise the Technical Specifications (TS) to eliminate the second condition of Limiting Conditions for Operation (LCO) 2.5(1)A. The current LCO 2.5(1)A. states, ''With one steam supply to the turbine driven AFW [auxiliary feedwater] pump inoperable, restore the steam supply to OPERABLE status within 7 days and within 8 days from discovery of the failure to meet the LCO.'' The amendment would eliminate the second condition that states, ''and within 8 days from discovery of failure to meet the LCO.'' The proposed change is consistent with the objective of Technical Specification Task Force (TSTF) Traveler TSTF–439, Revision 2, ''Eliminate Second Completion Times Limiting Time From Discovery of Failure to Meet an LCO.''

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change eliminates the second completion time from the technical specifications pertaining to the auxiliary feedwater (AFW) system. Completion times are not an initiator of any accident previously evaluated. As a result, the probability of an accident previously evaluated is not affected. The consequences of an accident during the revised completion time are no different than the consequences of the same accident during the existing completion time. As a result, the consequences of an accident previously evaluated are not affected by this change. The proposed change does not alter or prevent the ability of structures, systems, and components from performing their intended function to mitigate the consequences of an initiating event within the assumed acceptance limits. The proposed change does not affect the source term, containment isolation, or radiological release assumptions used in evaluating the radiological consequences of an accident previously evaluated. Further, the proposed change does not increase the types or amounts of radioactive effluent that may be released offsite, nor significantly increase individual or cumulative occupational/public radiation exposures. The proposed change is consistent with the safety analysis assumptions and resultant consequences. Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different accident from any accident previously evaluated?

Response: No.

The proposed change does not involve a physical alteration of the plant (*i.e.*, no new or different type of equipment will be installed) or a change in the methods governing normal plant operation. The proposed change does not alter any assumptions made in the safety analysis. Therefore, the proposed change does not create the possibility of a new or different accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The proposed change deleting the second completion time from the technical specification pertaining to the AFW system does not alter the manner in which safety limits, limiting safety system settings or limiting conditions for operation are determined. The safety analysis acceptance criteria are not affected by this change. The proposed changes will not result in plant operation in a configuration outside of the design basis. Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: James R. Curtiss, Esq., Winston & Strawn, 1700 K Street, NW., Washington, DC 20006–3817.

NRC Branch Chief: Thomas G. Hiltz.

Southern Nuclear Operating Company, Inc., Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, City of Dalton, Georgia, Docket Nos. 50–321 and 50–366, Edwin I. Hatch Nuclear Plant, Units 1 and 2, Appling County, Georgia

Date of amendment request: April 29, 2008.

Description of amendment request: The proposed amendments would revise Technical Specifications Figure 3.1.7–1, showing the sodium pentaborate solution volume versus concentration requirements by re-labeling the horizontal axis.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated.

Response: No

This proposed Technical Specifications change will not result in any changes to the operation, maintenance, or surveillance of any plant systems, structures, or components designed for the prevention or mitigation of previously evaluated events. This amendment proposes editorial changes to the Figure 3.1.7–1, ''sodium sentaborate Solution Volume Versus Concentration Requirements.'' The plot will be enlarged such that all the tic marks on the horizontal axis can be labeled. The plotted data remains the same. Therefore the response to an ATWS [Anticipated Transient Without Scram] event or to any other event requiring use of the SLC [Standby Liquid Control] system is unaffected.

For the above reasons, the proposed amendment does not involve a significant increase in the probability or consequences of a previously evaluated accident.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any previously evaluated?

Response: No

This proposed amendment does not make any changes to the operation testing, maintenance, or surveillance of any safety related, or otherwise important to safety, system. These systems will all continue to be operated, surveilled and maintained within their design bases. The proposed changes to the SLC system figure is editorial and will improve the readability of the plot.

For the reasons noted above, this proposed amendment will not introduce the possibility of a new or different kind of accident.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No

This proposed amendment makes an editorial revision to the Technical Specifications. Specifically, the plot of Sodium Pentaborate solution volume versus concentration is being enlarged to enable the proper labeling of all the tic marks on the horizontal axis, which indicates the volume. The plotted data is not changing. Therefore, the Technical Specifications assumptions and margins to safety remain unaffected.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Ernest L. Blake, Jr., Esquire, Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW., Washington, DC 20037.

NRC Branch Chief: Melanie C. Wong.

Tennessee Valley Authority, Docket No. 50–259 , Browns Ferry Nuclear Plant (BFN), Unit 1, Limestone County, Alabama

Date of amendment request: March 26, 2008.

Description of amendment request: The proposed amendment would revise the Reactor Pressure Vessel (RPV) material surveillance program required by Appendix H to 10 CFR Part 50. This program incorporates the Boiling Water Reactor Vessel and Internals Project (BWRVIP) Integrated Surveillance Program (ISP) into the BFN Unit 1 licensing basis. The program developed by the BWRVIP has been previously evaluated by the NRC staff and found to be acceptable, and similar amendments have been approved for BFN Units 2 and 3.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed change implements an integrated surveillance program that has been evaluated by the NRC staff as meeting the requirements of paragraph III.C of Appendix H to 10 CFR 50. Consequently, the change does not significantly increase the probability of any accident previously evaluated. The change provides the same assurance of RPV integrity. The change will not cause the reactor pressure vessel or interfacing systems to be operated outside their design or testing limits. Also, the change will not alter any assumptions previously made in evaluating the radiological consequences of accidents. Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. The proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed change revises the BFN Unit 1 licensing basis to reflect participation in the BWRVIP ISP. The proposed change does not involve a modification of the design of plant structures, systems, or components. The change will not impact the manner in which the plant is operated as plant operating and testing procedures will not be affected by the change. The change will not degrade the reliability of structures, systems, or components important to safety as equipment protection features will not be deleted or modified, equipment redundancy or independence will not be reduced, supporting system performance will not be increased, and increased or more severe testing of equipment will not be imposed. No new accident types or failure modes will be introduced as a result of this proposed change.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from that previously evaluated.

3. The proposed amendment does not involve a significant reduction in a margin of safety.

The proposed change has been evaluated as providing an acceptable alternative to the plant-specific RPV material surveillance program and meets the requirements of 10 CFR 50 Appendix H for RPV material surveillance. Appendix G to 10 CFR 50 describes the conditions that require pressure temperature (P/T) limits and provides the general bases for these limits. Until the results from the Integrated Surveillance Program become available, RG 1.99, Revision 2 will be used to predict the amount of neutron irradiation damage. The use of operating limits based on these criteria, as defined by applicable regulations, codes, and standards, provide reasonable assurance that nonductile or rapidly propagating failure will not occur. The P/T limits are not derived from Design Basis Accident (DBA) analyses. They are prescribed during normal operation to avoid encountering pressure, temperature, and temperature rate of change conditions that might cause undetected flaws to propagate and cause nonductile failure of the reactor coolant pressure boundary (RCPB). Since the P/T limits are not derived from any DBA, there are no acceptance limits related to the P/T limits. Rather, the P/T limits are acceptance limits themselves since they preclude operation in an unanalyzed condition.

The proposed change will not affect any safety limits, limiting safety system settings, or limiting conditions of operation. The proposed change does not represent a change in initial conditions, or in a system response time, or in any other parameter affecting the course of an accident analysis supporting the Bases of any Technical Specification. Further, the proposed change does not involve a revision to P/T limits but rather a revision to the surveillance capsule withdrawal schedule such that there are presently no plans to remove any surveillance capsules from BFN Unit 1. The

current P/T limits were established based on adjusted reference temperatures for RPV beltline materials calculated in accordance with RG 1.99, Revision 2. P/T limits will continue to be revised, as necessary, for changes in adjusted reference temperature due to changes influence when two or more credible surveillance data sets become available. When two or more credible surveillance data sets become available, P/T limits will be revised as prescribed by RG 1.99, Revision 2 or other NRC approved guidance. Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: General Counsel, Tennessee Valley Authority, 400 West Summit Hill Drive, ET 11A, Knoxville, Tennessee 37902.

NRC Branch Chief: Thomas H. Boyce.

Previously Published Notices of Consideration of Issuance of Amendments to Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The following notices were previously published as separate individual notices. The notice content was the same as above. They were published as individual notices either because time did not allow the Commission to wait for this biweekly notice or because the action involved exigent circumstances. They are repeated here because the biweekly notice lists all amendments issued or proposed to be issued involving no significant hazards consideration.

For details, see the individual notice in the **Federal Register** on the day and page cited. This notice does not extend the notice period of the original notice.

Virginia Electric and Power Company, Docket No. 50–281, Surry Power Station, Unit No. 2, Surry County, Virginia

Date of amendment request: April 14, 2008, as supplemented on May 6, 2008.

Brief Description of amendment request: The proposed amendment allowed a one-cycle revision to Surry Power Station, Unit No. 2 Technical Specifications (TSs). Specifically, TS 6.4.Q, ''Steam Generator (SG) Program,'' and TS 6.6.3, ''Steam Generator Tube Inspection Report,'' were revised to incorporate an interim alternate repair criterion (IARC) into the provisions for SG tube repair.

Date of publication of individual notice in **Federal Register***:* April 25, 2008 (73 FR 22443).

Expiration date of individual notice: The comment period would have expired May 27, 2008. The Hearing period will expire June 24, 2008. A Public Notice was published in the *Daily Press* on May 12, and May 13, 2008, based on the supplemental letter dated May 6, 2008. The *Daily Press* notice provided an opportunity to submit comments by May 15, 2008. No comments have been received.

Notice of Issuance of Amendments to Facility Operating Licenses

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application 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 rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for A Hearing in connection with these actions was published in the **Federal Register** as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.22(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the applications for amendment, (2) the amendment, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment as indicated. All of these items are available for public inspection at the Commission's Public Document Room (PDR), located at One White Flint North, Public File Area 01F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible from the Agencywide Documents Access and Management Systems (ADAMS) Public Electronic Reading Room on the Internet at the 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*.

Nebraska Public Power District, Docket No. 50–298, Cooper Nuclear Station, Nemaha County, Nebraska

Date of amendment request: January 14, 2008.

Brief description of amendment: The amendment revised the Technical Specification (TS) requirements related to control room envelope habitability in accordance with TS Task Force (TSTF) traveler TSTF–448-A, ''Control Room Habitability,'' Revision 3.

Date of issuance: May 12, 2008.

Effective date: As of the date of issuance and shall be implemented within 180 days of issuance.

Amendment No.: 230.

Facility Operating License No. DPR–46: Amendment revised the Facility Operating License and Technical Specifications.

Date of initial notice in **Federal Register***:* February 12, 2008 (73 FR 8070). The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 12, 2008.

No significant hazards consideration comments received: No.

Omaha Public Power District, Docket No. 50–285, Fort Calhoun Station, Unit No. 1, Washington, Nebraska

Date of amendment request: October 12, 2007, as supplemented by letters dated March 22 and April 4, 2008.

Brief description of amendment: The amendment modified the FCS design and licensing basis to increase the shutdown cooling (SDC) system entry temperature from 300 degrees Fahrenheit (°F) to 350 °F (cold leg), and the SDC entry pressure from 250 pounds per square inch absolute (psia) to 300 psia (indicated at the pressurizer). Additionally, the Updated Safety Analysis Report described design methodology, applied to the SDC heat exchangers, is changed.

Date of issuance: May 9, 2008.

Effective date: As of the date of issuance and shall be implemented prior to startup from the 2008 refueling outage.

Amendment No.: 256.

Renewed Facility Operating License No. DPR–40: The amendment revised the Technical Specifications.

Date of initial notice in **Federal Register***:* November 20, 2007 (72 FR

65370). The supplemental letters dated March 22 and April 4, 2008, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendment is contained in a safety evaluation dated May 9, 2008.

No significant hazards consideration comments received: No.

PSEG Nuclear LLC, Docket No. 50–354, Hope Creek Generating Station (HCGS), Salem County, New Jersey

Date of application for amendment: September 18, 2006, as supplemented by additional letters dated October 10 and 20, 2006, February 14, 16, and 28, March 13, 22, and 30, April 13, 18, and 30, May 10, 18, and 24, June 22, July 12, August 3, 17, 27, and 31, September 11, October 10 and 23, November 15 and 30, December 31, 2007, January 14, 15, 16, 18, 25 and 30, March 18, and May 2, 2008.

Brief description of amendment: The amendment increases the HCGS authorized maximum power level by approximately 15 percent, from the current licensed thermal power of 3339 megawatts thermal (MWt) to 3840 MWt. The amendment revises the HCGS Operating License and Technical Specifications necessary to implement the increased power level.

Date of issuance: May 14, 2008.

Effective date: As of the date of issuance, to be implemented within 60 days.

Amendment No.: 174.

Facility Operating License No. NPF–57: The amendment revised the TSs and the License.

Date of initial notice in **Federal Register***:* May 3, 2007 (72 FR 24627). The supplements dated October 10 and 20, 2006, February 14, 16, and 28, March 13, 22, and 30, April 13, 18, and 30, May 10, 18, and 24, June 22, July 12, August 3, 17, 27, and 31, September 11, October 10 and 23, November 15 and 30, December 31, 2007, January 14, 15, 16, 18, 25 and 30, March 18, and May 2, 2008, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 14, 2008.

No significant hazards consideration comments received: No.

Notice of Issuance of Amendments to Facility Operating Licenses and Final Determination of No Significant Hazards Consideration and Opportunity for a Hearing (Exigent Public Announcement or Emergency Circumstances)

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application for the amendment 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 rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Because of exigent or emergency circumstances associated with the date the amendment was needed, there was not time for the Commission to publish, for public comment before issuance, its usual Notice of Consideration of Issuance of Amendment, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing.

For exigent circumstances, the Commission has either issued a **Federal Register** notice providing opportunity for public comment or has used local media to provide notice to the public in the area surrounding a licensee's facility of the licensee's application and of the Commission's proposed determination of no significant hazards consideration. The Commission has provided a reasonable opportunity for the public to comment, using its best efforts to make available to the public means of communication for the public to respond quickly, and in the case of telephone comments, the comments have been recorded or transcribed as appropriate and the licensee has been informed of the public comments.

In circumstances where failure to act in a timely way would have resulted, for example, in derating or shutdown of a nuclear power plant or in prevention of either resumption of operation or of increase in power output up to the plant's licensed power level, the Commission may not have had an opportunity to provide for public comment on its no significant hazards consideration determination. In such case, the license amendment has been issued without opportunity for comment. If there has been some time for public comment but less than 30 days, the Commission may provide an opportunity for public comment. If comments have been requested, it is so stated. In either event, the State has been consulted by telephone whenever possible.

Under its regulations, the Commission may issue and make an amendment immediately effective, notwithstanding the pendency before it of a request for a hearing from any person, in advance of the holding and completion of any required hearing, where it has determined that no significant hazards consideration is involved.

The Commission has applied the standards of 10 CFR 50.92 and has made a final determination that the amendment involves no significant hazards consideration. The basis for this determination is contained in the documents related to this action. Accordingly, the amendments have been issued and made effective as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.12(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the application for amendment, (2) the amendment to Facility Operating License, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment, as indicated. All of these items are available for public inspection at the Commission's Public Document Room (PDR), located at One White Flint North, Public File Area 01F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible from the Agencywide Documents Access and Management System's (ADAMS) Public Electronic Reading Room on the Internet at the 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*.

The Commission is also offering an opportunity for a hearing with respect to the issuance of the amendment. Within 60 days after the date of publication of this notice, person(s) may file a request for a hearing with respect to issuance of

the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request via electronic submission through the NRC E-Filing system for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Rules of Practice for Domestic Licensing Proceedings'' in 10 CFR Part 2. Interested person(s) should consult a current copy of 10 CFR 2.309, which is available at the Commission's PDR, located at One White Flint North, Public File Area 01F21, 11555 Rockville Pike (first floor), Rockville, Maryland, and electronically on the Internet at the NRC Web site, *http://www.nrc.gov/reading-rm/doc-collections/cfr/*. If there are problems in accessing the document, contact the PDR Reference staff at 1 (800) 397–4209, (301) 415–4737, or by e-mail to *pdr@nrc.gov*. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or a presiding officer designated by the Commission or by the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the Chief Administrative Judge of the Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.309, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements: (1) The name, address, and telephone number of the requestor or petitioner; (2) the nature of the requestor's/petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the requestor's/petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the requestor's/petitioner's interest. The petition must also identify the specific contentions which the petitioner/requestor seeks to have litigated at the proceeding.

Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner/requestor shall provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. The petition must include sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact.[1] Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner/requestor who fails to satisfy these requirements with respect to at least one contention will not be permitted to participate as a party.

Each contention shall be given a separate numeric or alpha designation within one of the following groups:

1. *Technical*—primarily concerns/issues relating to technical and/or health and safety matters discussed or referenced in the applications.

2. *Environmental*—primarily concerns/issues relating to matters discussed or referenced in the environmental analysis for the applications.

3. *Miscellaneous*—does not fall into one of the categories outlined above.

As specified in 10 CFR 2.309, if two or more petitioners/requestors seek to co-sponsor a contention, the petitioners/requestors shall jointly designate a representative who shall have the authority to act for the petitioners/requestors with respect to that contention. If a petitioner/requestor seeks to adopt the contention of another sponsoring petitioner/requestor, the petitioner/requestor who seeks to adopt the contention must either agree that the sponsoring petitioner/requestor shall act as the representative with respect to that contention, or jointly designate with the sponsoring petitioner/requestor a representative who shall have the authority to act for the petitioners/requestors with respect to that contention.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing. Since the Commission has made a final determination that the amendment involves no significant hazards consideration, if a hearing is requested, it will not stay the effectiveness of the amendment. Any hearing held would take place while the amendment is in effect.

A request for hearing or a petition for leave to intervene must be filed in accordance with the NRC E-Filing rule, which the NRC promulgated in August 28, 2007, (72 FR 49139). The E-Filing process requires participants to submit and serve documents over the internet or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek a waiver in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least five (5) days prior to the filing deadline, the petitioner/requestor must contact the Office of the Secretary by e-mail at *HEARINGDOCKET@NRC.GOV*, or by calling (301) 415–1677, to request (1) a digital ID certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any proceeding in which it is participating; and/or (2) creation of an electronic docket for the proceeding (even in instances in which the petitioner/requestor (or its counsel or representative) already holds an NRC-issued digital ID certificate). Each petitioner/requestor will need to download the Workplace Forms Viewer™ to access the Electronic Information Exchange (EIE), a component of the E-Filing system. The Workplace Forms Viewer™ is free and is available at *http://www.nrc.gov/site-help/e-submittals/install-viewer.html*. Information about applying for a digital ID certificate is available on NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals/apply-certificates.html*.

Once a petitioner/requestor has obtained a digital ID certificate, had a docket created, and downloaded the EIE viewer, it can then submit a request for hearing or petition for leave to intervene. Submissions should be in Portable Document Format (PDF) in accordance with NRC guidance available on the NRC public Web site at *http://www.nrc.gov/site-help/e-submittals.html*. A filing is considered complete at the time the filer submits its documents through EIE. To be timely, an electronic filing must be submitted to the EIE system no later than 11:59 p.m. Eastern Time on the due date. Upon

[1] To the extent that the applications contain attachments and supporting documents that are not publicly available because they are asserted to contain safeguards or proprietary information, petitioners desiring access to this information should contact the applicant or applicant's counsel and discuss the need for a protective order.

receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an e-mail notice confirming receipt of the document. The EIE system also distributes an e-mail notice that provides access to the document to the NRC Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the documents on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing request/petition to intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically may seek assistance through the ''Contact Us'' link located on the NRC Web site at *http://www.nrc.gov/site-help/e-submittals.html* or by calling the NRC technical help line, which is available between 8:30 a.m. and 4:15 p.m., Eastern Time, Monday through Friday. The help line number is (800) 397–4209 or locally, (301) 415–4737.

Participants who believe that they have a good cause for not submitting documents electronically must file a motion, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852, Attention: Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service.

Non-timely requests and/or petitions and contentions will not be entertained absent a determination by the Commission, the presiding officer, or the Atomic Safety and Licensing Board that the petition and/or request should be granted and/or the contentions should be admitted, based on a balancing of the factors specified in 10 CFR 2.309(c)(1)(i)–(viii). To be timely, filings must be submitted no later than 11:59 p.m. Eastern Time on the due date.

Documents submitted in adjudicatory proceedings will appear in NRC's electronic hearing docket which is available to the public at *http://ehd.nrc.gov/EHD_Proceeding/home.asp*, unless excluded pursuant to an order of the Commission, an Atomic Safety and Licensing Board, or a presiding officer. Participants are requested not to include personal privacy information, such as Social Security numbers, home addresses, or home phone numbers in their filings. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

Arizona Public Service Company, et al., Docket No. STN 50–529, Palo Verde Nuclear Generating Station, Unit No. 2, Maricopa County, Arizona

Date of application for amendment: April 10, 2008, as supplemented by letter dated April 30, 2008.

Brief description of amendment: The amendment revised Technical Specification (TS) 3.5.5, Refueling Water Tank (RWT) to increase the minimum required RWT level indications and the corresponding borated water volumes in TS Figure 3.5.5–1, ''Minimum Required RWT Volume,'' by approximately 3 percent. This change will ensure that there is adequate water volume available in the RWT to ensure that the engineered safety feature pumps and the new containment recirculation sump strainers will meet their design functions during loss-of-coolant accidents.

Date of issuance: May 9, 2008.

Effective date: As of the date of issuance and shall be implemented prior to startup from the 2008 refueling outage.

Amendment No.: Unit 2—169.

Facility Operating License No. NPF–51: The amendment revised the Operating License and Technical Specifications.

Public comments requested as to proposed no significant hazards consideration (NSHC): Yes. An individual 14-day Notice of Consideration of Issuance of Amendment to Facility Operating License was published in the **Federal Register** on April 17, 2008 (73 FR 20961). The notice provided an opportunity to submit comments on the Commission's proposed NSHC determination. No comments have been received. The notice also provided an opportunity to request a hearing by June 16, 2008, but indicated that if the Commission makes a final NSHC determination, any such hearing would take place after issuance of the amendment.

The supplemental letter dated April 30, 2008, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendment, finding of exigent circumstances, state consultation, and final NSHC determination are contained in a safety evaluation dated May 9, 2008.

Attorney for licensee: Michael G. Green, Senior Regulatory Counsel, Pinnacle West Capital Corporation, P.O. Box 52034, Mail Station 8695, Phoenix, Arizona 85072–2034.

NRC Branch Chief: Thomas G. Hiltz.

Dated at Rockville, Maryland, this 22nd day of May 2008.

For the Nuclear Regulatory Commission.

Timothy J. McGinty,

Acting Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. E8–11963 Filed 6–2–08; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Sunshine Federal Register Notice

AGENCY HOLDING THE MEETINGS: Nuclear Regulatory Commission.

DATES: Weeks of June 2, 9, 16, 23, 30, July 7, 2008.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

Week of June 2, 2008

Wednesday, June 4, 2008

9 a.m.

Briefing on Results of the Agency Action Review Meeting (AARM) (Public Meeting) (Contact: Shaun Anderson, (301) 415–2039).

This meeting will be Webcast live at the Web address—*http://www.nrc.gov.*

Thursday, June 5, 2008

1:30 p.m.

Meeting with Advisory Committee on Reactor Safeguards (ACRS) (Public Meeting) (Contact: Tanny Santos, (301) 415–7270).

This meeting will be Webcast live at the Web address—*http://www.nrc.gov.*

Week of June 9, 2008—Tentative

There are no meetings scheduled for the Week of June 9, 2008.

Week of June 16, 2008—Tentative

There are no meetings scheduled for the Week of June 16, 2008.

Week of June 23, 2008—Tentative

Friday, June 27, 2008

9:30 a.m.

Periodic Briefing on New Reactor Issues (Public Meeting) (Contact: Donna Williams, (301) 415–1322).

This meeting will be Webcast live at the Web address—*http://www.nrc.gov.*

Week of June 30, 2008—Tentative

Tuesday, July 1, 2008

9 a.m.

Hearing: Diablo Canyon, 10 CFR Part 2, Subpart K Proceeding, Oral Arguments (Public Meeting) (Contact: John Cordes, (301) 415–1600).

This meeting will be Webcast live at the Web address—*http://www.nrc.gov.*

Week of July 7, 2008—Tentative

There are no meetings scheduled for the Week of July 7, 2008.

*The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings, call (recording)—(301) 415–1292. Contact person for more information: Michelle Schroll, (301) 415–1662.

Additional Information

Affirmation of (1) Oyster Creek, Indian Point, Pilgrim, and Vermont Yankee License Renewals, Docket Nos. 50–219–LR, 50–247–LR, 50–286–LR, 50–293–LR, 50–271–LR, Petition to Suspend Proceedings (Tentative); and (2) U.S. Department of Energy (High Level Waste Repository: Pre-Application Matters), Docket No. PAPO–00—The State of Nevada's Notice of Appeal from the PAPO Board's January 4, 2008 and December 12, 2007 Orders and The State of Nevada's Motion to File a Limited Reply (Tentative) previously scheduled on Wednesday, May 26, 2008 at 9:25 a.m. was postponed and is not yet rescheduled.

The NRC Commission Meeting Schedule can be found on the Internet at: *http://www.nrc.gov/about-nrc/policy-making/schedule.html.*

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (e.g. braille, large print), please notify the NRC's Disability Program Coordinator, Rohn Brown, at 301–492–2279, TDD: 301–415–2100, or by e-mail at *REB3@nrc.gov.* Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

This notice is distributed by mail to several hundred subscribers; if you no longer wish to receive it, or would like to be added to the distribution, please contact the Office of the Secretary, Washington, DC 20555 (301–415–1969). In addition, distribution of this meeting notice over the Internet system is available. If you are interested in receiving this Commission meeting schedule electronically, please send an electronic message to *dkw@nrc.gov.*

Dated: May 29, 2008.

R. Michelle Schroll,

Office of the Secretary.

[FR Doc. 08–1315 Filed 5–30–08; 10:30 am]

BILLING CODE 7590–01–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Notice of Meeting of the Industry Trade Advisory Committee on Small and Minority Business (ITAC–11)

AGENCY: Office of the United States Trade Representative.

ACTION: Notice of a Partially Opened Meeting.

SUMMARY: The Industry Trade Advisory Committee on Small and Minority Business (ITAC–11) will hold a meeting on Monday, June 9, 2008, from 9 a.m. to 4 p.m. The meeting will be closed to the public from 9 a.m. to 1 p.m. and opened to the public from 1 p.m. to 4 p.m.

DATES: The meeting is scheduled for June 9, 2008, unless otherwise notified.

ADDRESSES: The meeting will be held at the Enterprise Florida, One Orlando Center—800 North Magnolia, Suite 1100, Orlando, Florida.

FOR FURTHER INFORMATION CONTACT: Laura Hellstern, DFO for ITAC–11 at (202) 482–3222, Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION: During the opened portion of the meeting the following agenda items will be considered.

- APEC SME Ministerial.
- America's Competitiveness Forum.
- Export Opportunities in FTA Areas.
- Patent Reform Legislation.
- The U.S. Customs/Border Protection's CTPAT Program—how it impacts small business.

Tiffany M. Moore,

Assistant U.S. Trade Representative for Intergovernmental Affairs and Public Liaison.

[FR Doc. E8–12322 Filed 6–2–08; 8:45 am]

BILLING CODE 3190–W7–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–57878; File No. SR–OPRA–2008–01]

Options Price Reporting Authority; Order Approving an Amendment to the Plan for Reporting of Consolidated Options Last Sale Reports and Quotation Information To Adopt New Form of Vendor Affiliate Agreement

May 28, 2008.

I. Introduction

On March 3, 2008, the Options Price Reporting Authority (''OPRA'') submitted to the Securities and Exchange Commission (''Commission''), pursuant to section 11A of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 608 thereunder,[2] an amendment to the Plan for Reporting of Consolidated Options Last Sale Reports and Quotation Information (''OPRA Plan'').[3] The proposed OPRA Plan amendment would adopt a new form of ''Vendor Affiliate Agreement'' that may be used by an affiliate of an OPRA ''Vendor'' that wants also to become a Vendor. OPRA's Fee Schedule would be modified to state that OPRA will waive its ''Redistribution Fee'' for all affiliates in a corporate family with which OPRA agrees to Vendor Affiliate Agreements. The proposed OPRA Plan amendment was published for comment in the **Federal Register** on March 26, 2008.[4] The Commission received no comment letters in response to the Notice. On

[1] 15 U.S.C. 78k–1.

[2] 17 CFR 242.608.

[3] The OPRA Plan is a national market system plan approved by the Commission pursuant to Section 11A of the Act and Rule 608 thereunder. *See* Securities Exchange Act Release No. 17638 (March 18, 1981), 22 S.E.C. Docket 484 (March 31, 1981). The full text of the OPRA Plan is available at *http://www.opradata.com.*

The OPRA Plan provides for the collection and dissemination of last sale and quotation information on options that are traded on the participant exchanges. The seven participants to the OPRA Plan are the American Stock Exchange LLC, the Boston Stock Exchange, Inc., the Chicago Board Options Exchange, Incorporated, the International Securities Exchange, Inc., the NASDAQ Stock Market LLC, the NYSE Arca, Inc., and the Philadelphia Stock Exchange, Inc.

[4] *See* Securities Exchange Act Release No. 57530 (March 19, 2008), 73 FR 16078 (''Notice'').

May 16, 2008, OPRA submitted a revised version of Exhibit I to its proposed Plan Amendment.[5]

This order approves the proposed OPRA Plan amendment.

II. Description of the Proposal

OPRA's current form of Vendor Agreement authorizes only the Vendor itself, and not any of its affiliates, to disseminate OPRA Data. As a matter of policy, OPRA has permitted Vendors to disseminate OPRA Data through wholly-owned subsidiaries. However, OPRA has not permitted Vendors to disseminate OPRA Data through other affiliates that have not themselves signed Vendor Agreements with OPRA. Many Vendors conduct business through corporate families, for a variety of reasons. OPRA requires each OPRA Vendor to pay a monthly ''Redistribution Fee,'' [6] and OPRA has from time to time received requests to alleviate the financial consequence that OPRA's current policy imposes on some Vendor families.

Accordingly, OPRA is proposing to amend its Fee Schedule to provide that OPRA will waive its Redistribution Fee for Vendor affiliates that themselves become Vendors pursuant to ''Vendor Affiliate Agreements,'' and is proposing to adopt a new form of ''Vendor Affiliate Agreement.'' In effect, the form of Vendor Affiliate Agreement is a ''short form'' Vendor Agreement that can be signed by an additional member of a Vendor's corporate family. The proposed form would require the additional member of a corporate family to acknowledge that it is subject to and bound by the terms of the ''lead'' Vendor's Vendor Agreement just as if it had signed the Agreement itself. The proposed form is designed so that it can be used by affiliates of a current OPRA Vendor without any need for the current Vendor to sign a new Vendor Agreement.[7]

III. Discussion

After careful review, the Commission finds that the proposed OPRA Plan amendment is consistent with the requirements of the Act and the rules and regulations thereunder.[8] Specifically, the Commission finds that the proposed OPRA Plan amendment is consistent with section 11A of the Act [9] and Rule 608 thereunder [10] in that it is appropriate in the public interest, for the protection of investors and the maintenance of fair and orderly markets, and to remove impediments to, and perfect the mechanism of, a national market system.

OPRA's Vendor Agreement governs the terms and conditions under which vendors redistribute options market data to subscribers and other end users of the information. The Commission finds that OPRA's proposal to adopt a new form of Vendor Affiliate Agreement and to waive its Redistribution Fee for an affiliate of an OPRA Vendor should facilitate distribution of OPRA Data through OPRA Vendors who conduct business within a corporate family. Therefore, the Commission believes that OPRA's proposal is consistent with section 11A of the Act [11] and the Rule 608 thereunder.[12]

IV. Conclusion

It is therefore ordered, pursuant to section 11A of the Act,[13] and Rule 608 thereunder,[14] that the proposed OPRA Plan amendment (SR–OPRA–2008–01) be, and it hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

Florence E. Harmon,

Acting Secretary.

[FR Doc. E8–12315 Filed 6–2–08; 8:45 am]

BILLING CODE 8010–01–P

[5] The revised Exhibit I made merely technical changes to the original Exhibit I and therefore need not be published for comment.

[6] OPRA's Redistribution Fee is currently $650/month for ''Internet service only'' Vendors, and $1,500/month for all other Vendors.

[7] However, the current Vendor (or a new ''lead'' Vendor) would be required to identify its affiliate(s) that will sign Vendor Affiliate Agreements in its ''Description of Vendor's Service''—Exhibit A to its Vendor Agreement—as in effect from time to time. The lead Vendor would also be required to describe the dissemination of OPRA Data by such affiliate(s) in its Exhibit A.

[8] In approving this proposed OPRA Plan Amendment, the Commission has considered its impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[9] 15 U.S.C. 78k–1.

[10] 17 CFR 242.608.

[11] 15 U.S.C. 78k–1.

[12] 17 CFR 242.608.

[13] 15 U.S.C. 78k–1.

[14] 17 CFR 242.608.

[15] 17 CFR 200.30–3(a)(29).

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration # 11262 and # 11263]

Colorado Disaster # CO–00021

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for the State of Colorado (FEMA–1762–DR), dated 05/26/2008.

Incident: Severe Storms and Tornadoes.

Incident Period: 05/22/2008.

DATES: *Effective Date:* 05/26/2008.

Physical Loan Application Deadline Date: 07/25/2008.

Economic Injury (EIDL) Loan Application Deadline Date: 02/26/2009.

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: F. Adinolfe, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 05/26/2008, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties (Physical Damage and Economic Injury Loans):

Larimer, Weld

Contiguous Counties (Economic Injury Loans Only):

Colorado: Adams, Boulder, Grand, Jackson, Logan, Morgan

Nebraska: Kimball

Wyoming: Albany, Laramie

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners With Credit Available Elsewhere	5.375
Homeowners Without Credit Available Elsewhere	2.687
Businesses With Credit Available Elsewhere	8.000
Other (Including Non-Profit Organizations) With Credit Available Elsewhere	5.250
Businesses and Non-Profit Organizations Without Credit Available Elsewhere	4.000
For Economic Injury:	
Businesses & Small Agricultural Cooperatives Without Credit Available Elsewhere	4.000

The number assigned to this disaster for physical damage is 11262C and for economic injury is 112630.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Herbert L. Mitchell,

Associate Administrator for Disaster Assistance.

[FR Doc. E8–12356 Filed 6–2–08; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration # 11260 and # 11261]

Georgia Disaster # GA–00013

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for the State of Georgia (FEMA–1761–DR), dated 05/23/2008.

Incident: Severe Storms and Flooding.

Incident Period: 05/11/2008 through 05/12/2008.

DATES: *Effective Date:* 05/23/2008.

Physical Loan Application Deadline Date: 07/22/2008.

Economic Injury (EIDL) Loan Application Deadline Date: 02/23/2009.

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: F. Adinolfe, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 05/23/2008, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties (Physical Damage and Economic Injury Loans):

Bibb, Carroll, Douglas, Emanuel, Jefferson, Jenkins, Johnson, Laurens, Mcintosh, Twiggs

Contiguous Counties (Economic Injury Loans Only):

Georgia: Bleckley, Bulloch, Burke, Candler, Cobb, Coweta, Crawford, Dodge, Fulton, Glascock, Glynn, Haralson, Heard, Houston, Jones, Liberty, Long, Mcduffie, Monroe, Montgomery, Paulding, Peach, Richmond, Screven, Tattnall, Toombs, Treutlen, Warren, Washington, Wayne, Wheeler, Wilkinson

Alabama: Cleburne, Randolph

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners With Credit Available Elsewhere	5.375
Homeowners Without Credit Available Elsewhere	2.687
Businesses With Credit Available Elsewhere	8.000
Other (Including Non-Profit Organizations) With Credit Available Elsewhere	5.250
Businesses and Non-Profit Organizations Without Credit Available Elsewhere	4.000
For Economic Injury:	
Businesses & Small Agricultural Cooperatives Without Credit Available Elsewhere	4.000

The number assigned to this disaster for physical damage is 11260B and for economic injury is 112610.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Herbert L. Mitchell,

Associate Administrator for Disaster Assistance.

[FR Doc. E8–12351 Filed 6–2–08; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration # 11264 and # 11265]

Iowa Disaster # IA–00015

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for the State of Iowa FEMA–1763–DR), dated 05/27/2008.

Incident: Severe Storms, Tornadoes, and Flooding.

Incident Period: 05/25/2008 and continuing.

DATES: *Effective Date:* 05/27/2008

Physical Loan Application Deadline Date: 07/28/2008.

Economic Injury (EIDL) Loan Application Deadline Date: 02/27/2009.

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: F. Adinolfe, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 05/27/2008, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties (Physical Damage and Economic Injury Loans):

Butler

Contiguous Counties (Economic Injury Loans Only):

Iowa: Black Hawk, Bremer, Cerro Gordo, Chickasaw, Floyd, Franklin, Grundy, Hardin

The Interest Rates are:

	Percent
Homeowners With Credit Available Elsewhere	5.375
Homeowners Without Credit Available Elsewhere	2.687
Businesses With Credit Available Elsewhere	8.000
Other (Including Non-Profit Organizations) With Credit Available Elsewhere	5.250
Businesses and Non-Profit Organizations Without Credit Available Elsewhere	4.000
For Economic Injury:	
Businesses & Small Agricultural Cooperatives Without Credit Available Elsewhere	4.000

The number assigned to this disaster for physical damage is 11264C and for economic injury is 112650.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Herbert L. Mitchell,

Associate Administrator for Disaster Assistance.

[FR Doc. E8–12354 Filed 6–2–08; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration # 11258 and # 11259]

Missouri Disaster # MO–00028

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for the State of Missouri (FEMA–1760–DR), dated 05/23/2008.

Incident: Severe Storms and Tornadoes.

Incident Period: 05/10/2008 through 05/11/2008.

DATES: *Effective Date:* 05/23/2008.

Physical Loan Application Deadline Date: 07/22/2008.

Economic Injury (EIDL) Loan Application Deadline Date: 02/23/2009.

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: F. Adinolfe, Office of Disaster Assistance,

U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 05/23/2008, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties (Physical Damage and Economic Injury Loans):
Barry, Jasper, Newton

Contiguous Counties (Economic Injury Loans Only):
Missouri: Barton, Dade, Lawrence, McDonald, Stone
Arkansas: Benton, Carroll
Kansas: Cherokee, Crawford
Oklahoma: Ottawa

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners With Credit Available Elsewhere	5.375
Homeowners Without Credit Available Elsewhere	2.687
Businesses With Credit Available Elsewhere	8.000
Other (Including Non-Profit Organizations) With Credit Available Elsewhere	5.250
Businesses and Non-Profit Organizations Without Credit Available Elsewhere	4.000
For Economic Injury:	
Businesses & Small Agricultural Cooperatives Without Credit Available Elsewhere	4.000

The number assigned to this disaster for physical damage is 11258C and for economic injury is 112590.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Herbert L. Mitchell,

Associate Administrator for Disaster Assistance.

[FR Doc. E8–12348 Filed 6–2–08; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

[Public Notice: 6242]

60-Day Notice of Proposed Information Collections: Thirteen Information Collections

ACTION: Notice of request for public comments.

SUMMARY: The Department of State is seeking Office of Management and Budget (OMB) approval for the information collections described below. The purpose of this notice is to allow 60 days for public comment in the **Federal Register** preceding submission to OMB. We are conducting this process in accordance with the Paperwork Reduction Act of 1995.

- Title of Information Collection: Prior Approval for Brokering Activity.
- OMB Control Number: 1405–0142.
- Type of Request: Extension of currently approved collection.
- Originating Office: Bureau of Political-Military Affairs, Directorate of Defense Trade Controls, PM/DDTC.
- Form Number: None.
- Respondents: Business and Nonprofit Organizations.
- Estimated Number of Respondents: 40.
- Estimated Number of Responses: 60.
- Average Hours Per Response: 2 hours.
- Total Estimated Burden: 120 hours.
- Frequency: On Occasion.
- Obligation to Respond: Required to obtain benefits.

- Title of Information Collection: Brokering Activity Reports.
- OMB Control Number: 1405–0141.
- Type of Request: Extension of Currently Approved Collection.
- Originating Office: Bureau of Political-Military Affairs, Directorate of Defense Trade Controls, PM/DDTC.
- Form Number: None.
- Respondents: Business and Nonprofit Organizations.
- Estimated Number of Respondents: 430.
- Estimated Number of Responses: 430.
- Average Hours Per Response: 2 hours.
- Total Estimated Burden: 860 hours.
- Frequency: On Occasion.
- Obligation to Respond: Mandatory.

- Title of Information Collection: Statement of Registration.
- OMB Control Number: 1405–0002.
- Type of Request: Extension of Currently Approved Collection.
- Originating Office: Bureau of Political-Military Affairs, Directorate of Defense Trade Controls, PM/DDTC.
- Form Number: DS–2032.
- Respondents: Business and Nonprofit Organizations.
- Estimated Number of Respondents: 4,900.
- Estimated Number of Responses: 3,900.
- Average Hours Per Response: 2 hours.
- Total Estimated Burden: 7,800 hours.
- Frequency: Every One or Two Years.
- Obligation to Respond: Mandatory

- Title of Information Collection: Application/License for Permanent Export of Unclassified Defense Articles and Related Unclassified Technical Data.
- OMB Control Number: 1405–0003.
- Type of Request: Extension of Currently Approved Collection.
- Originating Office: Bureau of Political-Military Affairs, Directorate of Defense Trade Controls, PM/DDTC.
- Form Number: DSP–5.
- Respondents: Business and Nonprofit Organizations.
- Estimated Number of Respondents: 1,960.
- Estimated Number of Responses: 53,000.
- Average Hours Per Response: 1 hour.
- Total Estimated Burden: 53,000 hours.
- Frequency: On Occasion.
- Obligation to Respond: Required to Obtain Benefits.

- Title of Information Collection: Application/License for Temporary Import of Unclassified Defense Articles.
- OMB Control Number: 1405–0013.
- Type of Request: Extension of Currently Approved Collection.
- Originating Office: Bureau of Political-Military Affairs, Directorate of Defense Trade Controls, PM/DDTC.
- Form Number: DSP–61.
- Respondents: Business and Nonprofit Organizations.
- Estimated Number of Respondents: 225.
- Estimated Number of Responses: 1,100.
- Average Hours Per Response: 30 minutes.
- Total Estimated Burden: 550 hours.
- Frequency: On Occasion.
- Obligation to Respond: Required to Obtain Benefits.

- Title of Information Collection: Application/License for Temporary Export of Unclassified Defense Articles.
- OMB Control Number: 1405–0023.
- Type of Request: Extension of Currently Approved Collection.
- Originating Office: Bureau of Political-Military Affairs, Directorate of Defense Trade Controls, PM/DDTC.
- Form Number: DSP–73.
- Respondents: Business and Nonprofit Organizations.
- Estimated Number of Respondents: 420.
- Estimated Number of Responses: 3,600.
- Average Hours Per Response: 1 hour.

• Total Estimated Burden: 3,600 hours.
• Frequency: On Occasion
• Obligation to Respond: Required to Obtain Benefits.

• Title of Information Collection: Non-Transfer and Use Certificate.
• OMB Control Number: 1405–0021.
• Type of Request: Extension of Currently Approved Collection.
• Originating Office: Bureau of Political-Military Affairs, Directorate of Defense Trade Controls, PM/DDTC.
• Form Number: DSP–83.
• Respondents: Business and Nonprofit Organizations.
• Estimated Number of Respondents: 2,200.
• Estimated Number of Responses: 7,400.
• Average Hours Per Response: 1 hour.
• Total Estimated Burden: 7,400 hours.
• Frequency: On Occasion.
• Obligation to Respond: Required to Obtain Benefits.

• Title of Information Collection: Application/License for Permanent/Temporary Export or Temporary Import of Classified Defense Articles and Classified Technical Data.
• OMB Control Number: 1405–0022.
• Type of Request: Extension of Currently Approved Collection.
• Originating Office: Bureau of Political-Military Affairs, Directorate of Defense Trade Controls, PM/DDTC.
• Form Number: DSP–85.
• Respondents: Business and Nonprofit Organizations.
• Estimated Number of Respondents: 40.
• Estimated Number of Responses: 360.
• Average Hours Per Response: 30 minutes.
• Total Estimated Burden: 180 hours.
• Frequency: On Occasion.
• Obligation to Respond: Required to Obtain Benefits.

• Title of Information Collection: Authority to Export Defense Articles and Services Sold under the Foreign Military Sales (FMS) Program.
• OMB Control Number: 1405–0051.
• Type of Request: Extension of Currently Approved Collection.
• Originating Office: Bureau of Political-Military Affairs, Directorate of Defense Trade Controls, PM/DDTC.
• Form Number: DSP–94.
• Respondents: Business and Nonprofit Organizations.
• Estimated Number of Respondents: 250.
• Estimated Number of Responses: 2,500.
• Average Hours Per Response: 30 minutes.
• Total Estimated Burden: 1,250 hours.
• Frequency: On Occasion.
• Obligation to Respond: Required to Obtain Benefits.

• Title of Information Collection: Application for Amendment to License for Export or Import of Classified or Unclassified Defense Articles and Related Technical Data.
• OMB Control Number: 1405–0092.
• Type of Request: Extension of Currently Approved Collection.
• Originating Office: Bureau of Political-Military Affairs, Directorate of Defense Trade Controls, PM/DDTC.
• Form Numbers: DSP–6, DSP–62, DSP–74, DSP–84, DSP–119.
• Respondents: Business and Nonprofit Organizations.
• Estimated Number of Respondents: 750.
• Estimated Number of Responses: 9,700.
• Average Hours Per Response: 30 minutes.
• Total Estimated Burden: 4,850 hours.
• Frequency: On Occasion.
• Obligation to Respond: Required to Obtain Benefits.

• Title of Information Collection: Request for Approval of Manufacturing License Agreements, Technical Assistance Agreements, and Other Agreements.
• OMB Control Number: 1405–0093.
• Type of Request: Extension of Currently Approved Collection.
• Originating Office: Bureau of Political-Military Affairs, Directorate of Defense Trade Controls, PM/DDTC.
• Form Number: None.
• Respondents: Business and Nonprofit Organizations.
• Estimated Number of Respondents: 680.
• Estimated Number of Responses: 9,600.
• Average Hours Per Response: 2 hours.
• Total Estimated Burden: 19,200 hours.
• Frequency: On Occasion.
• Obligation to Respond: Required to Obtain Benefits.

• Title of Information Collection: Statement of Political Contributions, Fees, or Commissions in Connection with the Sale of Defense Articles or Services.
• OMB Control Number: 1405–0025.
• Type of Request: Extension of Currently Approved Collection.
• Originating Office: Bureau of Political-Military Affairs, Directorate of Defense Trade Controls, PM/DDTC.
• Form Number: None.
• Respondents: Business and Nonprofit Organizations.
• Estimated Number of Respondents: 2,200.
• Estimated Number of Responses: 700.
• Average Hours Per Response: 1 hour.
• Total Estimated Burden: 700 hours.
• Frequency: On Occasion.
• Obligation to Respond: Mandatory.

• Title of Information Collection: Maintenance of Records by Registrants.
• OMB Control Number: 1405–0111.
• Type of Request: Extension of Currently Approved Collection.
• Originating Office: Bureau of Political-Military Affairs, Directorate of Defense Trade Controls, PM/DDTC.
• Form Number: None.
• Respondents: Business and Nonprofit Organizations.
• Estimated Number of Respondents: 4,900.
• Estimated Number of Responses: 4,900.
• Average Hours Per Response: 20 hours.
• Total Estimated Burden: 98,000 hours.
• Frequency: On Occasion.
• Obligation to Respond: Mandatory.

DATES: The Department will accept comments from the public up to 60 days from August 4, 2008.

ADDRESSES: Comments and questions should be directed to Nicholas Memos, Office of Defense Trade Controls Policy, Department of State, who may be reached via the following methods:
• *E-mail: memosni@state.gov.*
• *Mail:* Nicholas Memos, SA–1, 12th Floor, Directorate of Defense Trade Controls, Bureau of Political-Military Affairs, U.S. Department of State, Washington, DC 20522–0112.
• *Fax:* 202–261–8199.

You must include the information collection title in the subject lines of your message/letter.

FOR FURTHER INFORMATION CONTACT: Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the information collection and supporting documents, to Nicholas Memos, PM/DDTC, SA–1, 12th Floor, Directorate of Defense Trade Controls, Bureau of Political-Military Affairs, U.S. Department of State, Washington, DC, 20522–0112, who may be reached via phone at (202) 663–2804, or via e-mail at *memosni@state.gov.*

SUPPLEMENTARY INFORMATION: We are soliciting public comments to permit the Department to:
• Evaluate whether the proposed collection of information is necessary

for the proper performance of our functions.

• Evaluate the accuracy of our estimate of the burden of the proposed collection, including the validity of the methodology and assumptions used.

• Enhance the quality, utility, and clarity of the information to be collected.

• Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of technology.

Abstract of proposed collection: The export, temporary import, temporary export and brokering of defense articles, defense services and related technical data are licensed by the Directorate of Defense Trade Controls in accordance with the International Traffic in Arms Regulations (22 CFR parts 120–130) and section 38 of the Arms Export Control Act. Those of the public who manufacture or export defense articles, defense services, and related technical data, or the brokering thereof, must register with the Department of State. Persons desiring to engage in export, temporary import, and brokering activities must submit an application or written request to conduct the transaction to the Department to obtain a decision whether it is in the interests of U.S. foreign policy and national security to approve the transaction. Also, registered brokers must submit annual reports regarding all brokering activity that was transacted, and registered manufacturers and exporter must maintain records of defense trade activities for five years.

Methodology: These forms/information collections may be sent to the Directorate of Defense Trade Controls via the following methods: Electronically, mail, personal delivery, and/or fax.

Dated: May 5, 2008.

Frank J. Ruggiero,

Deputy Assistant Secretary for Defense Trade and Regional Security, Bureau of Political-Military Affairs, U.S. Department of State.

[FR Doc. E8–12403 Filed 6–2–08; 8:45 am]

BILLING CODE 4710–25–P

DEPARTMENT OF THE TREASURY

Open Meeting of the President's Advisory Council on Financial Literacy

AGENCY: Office of Financial Education, Treasury.

ACTION: Notice of meeting.

SUMMARY: The President's Advisory Council on Financial Literacy (Council) will convene its third meeting on Wednesday, June 18, 2008, in the Cash Room of the Main Department Building, 1500 Pennsylvania Avenue, NW., Washington, DC, beginning at 10 a.m. Eastern Time. The meeting will be open to the public. Members of the public who plan to attend the meeting must contact the Office of Financial Education at 202–622–1783 or *FinancialLiteracyCouncil@do.treas.gov* by 5 p.m. Eastern Time on Friday, June 13, 2008, to provide the information that is required to facilitate entry into the Main Department Building.

ADDRESSES: The public is invited to submit written statements with the President's Advisory Council on Financial Literacy by any one of the following methods:

Electronic Statements

E-mail: *FinancialLiteracyCouncil@do.treas.gov*; or

Paper Statements

Send paper statements in triplicate to President's Advisory Council on Financial Literacy, Office of Financial Education, Room 1332, Department of the Treasury, 1500 Pennsylvania Avenue, NW., Washington, DC 20220. In general, the Department will post all statements on its Web site (*http://www.treasury.gov/offices/domesticfinance/ financial-institution/fineducation/council/index.shtml*) without change, including any business or personal information provided such as names, addresses, e-mail addresses, or telephone numbers. The Department will make such statements available for public inspection and copying in the Department's library, room 1428, Main Department Building, 1500 Pennsylvania Avenue, NW., Washington, DC 20220, on official business days between the hours of 10 a.m. and 5 p.m. You can make an appointment to inspect statements by telephoning (202) 622–0990. All statements, including attachments and other supporting materials, received are part of the public record and subject to public disclosure. You should submit only information that you wish to make available publicly.

FOR FURTHER INFORMATION CONTACT: Edwin Bodensiek, Director of Outreach, Department of the Treasury, Main Department Building, 1500 Pennsylvania Avenue, NW., Washington, DC 20220, at *ed.bodensiek@do.treas.gov.*

SUPPLEMENTARY INFORMATION: In accordance with section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. 2 and the regulations thereunder, Dubis Correal, Designated Federal Officer of the Advisory Council, has ordered publication of this notice that the President's Advisory Council on Financial Literacy will convene its third meeting on Wednesday, June 18, 2008, in the Cash Room in the Main Department Building, 1500 Pennsylvania Avenue, NW., Washington, DC, beginning at 10 a.m. Eastern Time. The meeting will be open to the public.

Because the meeting will be held in a secured facility, members of the public who plan to attend the meeting must contact the Office of Financial Education at 202–622–1783 or *FinancialLiteracyCouncil@do.treas.gov* by 5 p.m. Eastern Time on Friday, June 13, 2008, to provide the information that will be required to facilitate entry into the Main Department Building.

During this meeting, the Council Committees, (Outreach, Research, Underserved, Workplace and Youth), which are subgroups of the President's Council, will be reporting back to the Council on their progress.

Dated: May 28, 2008.

Taiya Smith,

Executive Secretary.

[FR Doc. E8–12372 Filed 6–2–08; 8:45 am]

BILLING CODE 4810–25–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: Currituck and Dare Counties, NC

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Rescinding of Notice of Intent and Draft Environmental Impact Statement (DEIS).

SUMMARY: The FHWA is issuing this notice to advise the public that we are rescinding the notice of intent and the public notice to prepare an environmental impact statement (EIS) for a proposed highway project in Currituck and Dare Counties, North Carolina.

FOR FURTHER INFORMATION CONTACT: Mr. George Hoops, P.E., Major Projects Engineer, Federal Highway Administration, 310 Bern Avenue, Suite 410, Raleigh, North Carolina 27601–1418, Telephone: (919) 747–7022.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the North Carolina Department of Transportation (NCDOT) and the North Carolina Turnpike Authority (NCTA), is rescinding the notice of intent to prepare an EIS for a proposed bridge

and approach roadway connecting U.S. 158 on the mainland to NC 12 on the Outer Banks, crossing Currituck Sound. On July 6, 1995, FHWA issued a notice of intent to prepare an environmental impact statement (EIS) for a Mid-Currituck Sound Bridge project in Currituck and Dare Counties, North Carolina. The FHWA, in cooperation with the NCDOT, issued a Draft Environmental Impact Statement (DEIS) on the project in January 1998. FHWA and NCDOT held a public hearing and provided a comment period on the DEIS.

Since the 1998 DEIS, there have been several changes in the project including the expansion of the project study area, modification of the purpose and need statement, and analysis of additional alternatives. During this time period, state legislation and plans, including the North Carolina Intrastate System and the North Carolina Strategic Highway Corridor System, have also been developed or amended to incorporate the proposed project. In 2006, the project was adopted by the North Carolina Turnpike Authority (NCTA) for consideration as a candidate toll project, and the environmental studies for the project are now being completed by NCTA, in coordination with FHWA and NCDOT.

In light of these changes the FHWA is now rescinding the notice of intent and 1998 DEIS. The FHWA, NCDOT, and NCTA plan to prepare a new Draft EIS for the proposed project. A notice of intent to prepare the EIS will be issued subsequent to this rescinding notice. The new Draft EIS will include a toll alternative among the full range of alternatives that will be analyzed. Comments or questions concerning the decision to not prepare Final EIS should be directed to FHWA at the address provided above. To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation of Federal programs and activities apply to this program.)

Dated: May 28, 2008.

George Hoops,

Major Projects Engineer, Raleigh, North Carolina.

[FR Doc. E8–12304 Filed 6–2–08; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[FMCSA Docket No. FMCSA–2008–0071]

Qualification of Drivers; Exemption Applications; Diabetes

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to exempt twenty-nine individuals from its rule prohibiting persons with insulin-treated diabetes mellitus (ITDM) from operating commercial motor vehicles (CMVs) in interstate commerce. The exemptions will enable these individuals to operate CMVs in interstate commerce.

DATES: The exemptions are effective June 3, 2008. The exemptions expire on June 3, 2010.

FOR FURTHER INFORMATION CONTACT: Dr. Mary D. Gunnels, Director, Medical Programs, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Room W64–224, Department of Transportation, 1200 New Jersey Avenue, SE., Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at: *http://www.regulations.gov.*

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* and/or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Privacy Act: Anyone may search the electronic form of all comments received into any of DOT's dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of an association, business, labor union, or other entity). You may review DOT's complete Privacy Act Statement in the **Federal Register** (65 FR 19476, Apr. 11, 2000). This statement is also available at *http://Docketinfo.dot.gov.*

Background

On March 31, 2008, FMCSA published a notice of receipt of Federal diabetes exemption applications from twenty-nine individuals, and requested comments from the public (73 FR 16946). The public comment period closed on April 30, 2008 and one comment was received.

FMCSA has evaluated the eligibility of the twenty-nine applicants and determined that granting the exemptions to these individuals would achieve a level of safety equivalent to, or greater than, the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(3).

Diabetes Mellitus and Driving Experience of the Applicants

The Agency established the current standard for diabetes in 1970 because several risk studies indicated that diabetic drivers had a higher rate of crash involvement than the general population. The diabetes rule provides that ''A person is physically qualified to drive a commercial motor vehicle if that person has no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control'' (49 CFR 391.41(b)(3)).

FMCSA established its diabetes exemption program, based on the Agency's July 2000 study entitled ''A Report to Congress on the Feasibility of a Program to Qualify Individuals with Insulin-Treated Diabetes Mellitus to Operate in Interstate Commerce as Directed by the Transportation Act for the 21st Century.'' The report concluded that a safe and practicable protocol to allow some drivers with ITDM to operate CMVs is feasible. The 2003 Notice (68 FR 52442) in conjunction with the November 8, 2005 (70 FR 67777) **Federal Register** Notice provides the current protocol for allowing such drivers to operate CMVs in interstate commerce.

These twenty-nine applicants have had ITDM over a range of 1 to 35 years. These applicants report no hypoglycemic reaction that resulted in loss of consciousness or seizure, that required the assistance of another person, or resulted in impaired cognitive function without warning symptoms in the past 5 years (with one year of stability following any such episode). In each case, an endocrinologist has verified that the driver has demonstrated willingness to properly monitor and manage their diabetes, received education related to

diabetes management, and is on a stable insulin regimen. These drivers report no other disqualifying conditions, including diabetes-related complications. Each meets the vision standard at 49 CFR 391.41(b)(10).

The qualifications and medical condition of each applicant were stated and discussed in detail in the March 31, 2008, **Federal Register** Notice (73 FR 16946). Therefore, they will not be repeated in this notice.

Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the diabetes standard in 49 CFR 391.41(b)(3) if the exemption is likely to achieve an equivalent or greater level of safety than would be achieved without the exemption. The exemption allows the applicants to operate CMVs in interstate commerce.

To evaluate the effect of these exemptions on safety, FMCSA considered medical reports about the applicants' ITDM and vision, and reviewed the treating endocrinologist's medical opinion related to the ability of the driver to safely operate a CMV while using insulin.

Consequently, FMCSA finds that exempting these applicants from the diabetes standard in 49 CFR 391.41(b)(3) is likely to achieve a level of safety equal to that existing without the exemption.

Conditions and Requirements

The terms and conditions of the exemption will be provided to the applicants in the exemption document and they include the following: (1) That each individual submits to FMCSA a quarterly monitoring checklist completed by the treating endocrinologist as well as an annual checklist with a comprehensive medical evaluation; (2) that each individual reports to FMCSA within 2 business days of occurrence, all episodes of severe hypoglycemia, significant complications, or inability to manage diabetes; also, any involvement in an accident or any other adverse event in a CMV or personal vehicle, whether or not they are related to an episode of hypoglycemia; (3) that each individual provide a copy of the ophthalmologist's or optometrist's report to the medical examiner at the time of the annual medical examination; and (4) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy in his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the certification when driving, for presentation to a duly authorized Federal, State, or local enforcement official.

Discussion of Comments

FMCSA received one comment in this proceeding. A letter of recommendation was written in favor of granting the Federal Diabetes Exemption to Mr. Jason Daily. It was written by Mr. Ernest A. White, who states that Mr. Daily has not had diabetic difficulties that would preclude him from operating a motor vehicle safely.

Conclusion

After considering the comments to the docket, and based upon its evaluation of the twenty-nine exemption applications, FMCSA exempts, Gary D. Coonfield, Edward F. Connole, Jason C. Daily, Mark B. Demmer, Francis W. Devine, Paul W. Dietze, Harold W. Goodwill, Shannon D. Hanson, Craig A. Hendrickson, Michael T. Johnson, Michael K. Limberg, Maurice R. McGill, Jr., Aundra Menefield, Charles E. Murphy, Eric B. Pies, Douglas G. Puckett, Eric A. Quisling, James T. Rothwell, Bob L. Rumble, Larry D. Schweisberger, Randy A. Shannon, Dalton T. Smith, Jr., Kim M. Stickelmeyer, Marvin D. Webster, Harold A. Wendt, Donald D. Willard, Anthony O. Wilson, Travis S. Wolfe, and Jason J. Wolff, from the ITDM standard in 49 CFR 391.41(b)(3), subject to the conditions listed under ''Conditions and Requirements'' above.

In accordance with 49 U.S.C. 31136(e) and 31315, each exemption will be valid for two years unless revoked earlier by FMCSA. The exemption will be revoked if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315. If the exemption is still effective at the end of the 2-year period, the person may apply to FMCSA for a renewal under procedures in effect at that time.

Issued on: May 28, 2008.

Larry W. Minor,

Associate Administrator for Policy and Program Development.

[FR Doc. E8–12387 Filed 6–2–08; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Notice of Clarification of Solicitation of Applications and Notice of Funding Availability for the Capital Assistance to States—Intercity Passenger Rail Service Program

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Clarification regarding solicitation of applications and notice of funding availability.

SUMMARY: On February 19, 2008, FRA issued a Notice of Funding Availability and Solicitation of Applications for the Capital Assistance to States—Intercity Passenger Rail Service Program. On April 18, 2008, in response to questions posed by prospective applicants, FRA issued Notice of Clarification addressing three issues related to applicant and project eligibility. FRA is now issuing further clarification, as described below.

FOR FURTHER INFORMATION CONTACT: Peter Schwartz, Office of Railroad Development (RDV–11), Federal Railroad Administration, 1200 New Jersey Avenue, SE., Washington, DC 20590. Phone: (202) 493–6360; Fax: (202) 493–6330.

SUPPLEMENTARY INFORMATION: The sections of the February 19, 2008 notice labeled **DATES** and ''Schedule for Capital Grant Program'' are amended to read as follows.

DATES: FRA will begin accepting grant applications on March 18, 2008. Applications may be submitted until the earlier of September 30, 2009, or the date on which all available funds will have been committed under this program. The last-mentioned date will be announced in the **Federal Register**.

Applications submitted by June 30, 2008 will be considered in the first round of awards on the basis of application materials that FRA has received as of that date. Any subsequent rounds of awards will depend on the availability of funds after the first round of awards.

Schedule for Capital Grant Program: FRA will begin accepting grant applications on March 18, 2008. Applications for the first round of awards must be submitted by June 30, 2008. For subsequent rounds of awards, if any, deadlines will be announced in the **Federal Register**. Due to the limited funding available under this program: (1) Applicants are encouraged to submit their applications at the earliest date practicable in order to maximize the consideration of their applications in

the competition; (2) applications will be considered in their entirety; applicants proposing two or more projects, each with independent utility, are encouraged to submit a separate application for each project; and (3) FRA may suggest that an applicant submit a revised application reflecting a refined scope of work and budget.

Applicants that have submitted an application by June 30, 2008 will be considered in the first round of awards on the basis of application materials that FRA has received as of that date. FRA anticipates announcing the first award(s) pursuant to this notice during FY 2008. Applications (including any subsequent revisions thereto) not selected for award in a given round in the competition, along with applications received subsequent to the cut-off date for the prior round of awards, may be considered, if merited, in a subsequent round of awards.

Issued in Washington, DC on May 29, 2008.

Mark E. Yachmetz,

Associate Administrator for Railroad Development.

[FR Doc. 08–1313 Filed 5–29–08; 2:35 pm]

BILLING CODE 4910–06–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0029]

Proposed Information Collection (Offer to Purchase and Contract of Sale) Activity: Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments on the information needed from a private sector sales broker to submit an offer to VA on behalf of a prospective buyer of a VA-acquired property.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before August 4, 2008.

ADDRESSES: Submit written comments on the collection of information through *http://www.Regulations.gov* or to Nancy J. Kessinger, Veterans Benefits Administration (20M35), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 or e-mail to *nancy.kessinger@va.gov.* Please refer to ''OMB Control No. 2900–0029'' in any correspondence. During the comment period, comments may be viewed online through the Federal Docket Management System (FDMS) at *http://www.Regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 461–9769 or FAX (202) 275–5947.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–21), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Titles:

a. Offer to Purchase and Contract of Sale, VA Form 26–6705.

b. Credit Statement of Prospective Purchaser, VA Form 26–6705b.

c. Addendum to VA Form 26–6705 Offer to Purchase and Contract of Sale, VA Form 26–6705d.

OMB Control Number: 2900–0029.

Type of Review: Extension of a currently approved collection.

Abstract:

a. VA Form 26–6705 is completed by private sector sales broker to submit an offer to purchase VA-acquired property on behalf of a prospective buyer. VA Form 26–6705 becomes a contract of sale if VA accepts the offer to purchase. It serves as a receipt for the prospective buyer for his/her earnest money deposit, describes the terms of sale, and eliminates the need for separate transmittal of a purchase offer.

b. VA Form 26–6705b is used as a credit application to determine the prospective buyer creditworthiness in instances when the prospective buyer seeks VA vendee financing. In such sales, the offer to purchase will not be accepted until the buyer's income and credit history have been verified and a loan analysis has been completed.

c. VA Form 26–6705d is an addendum to VA Form 26–6705 for use in the state of Virginia. The forms requires the buyer to be informed of the State's law at or prior to closing the transaction.

Affected Public: Individuals or households.

Estimated Annual Burden:

a. VA Form 26–6705—10,000 hours.

b. VA Form 26–6705b—7,333 hours.

c. VA Form 26–6705d—125 hours.

Estimated Average Burden per Respondent:

a. VA Form 26–6705—20 minutes.

b. VA Form 26–6705b—20 minutes.

c. VA Form 26–6705d—5 minutes.

Frequency of Response: On occasion.

Estimated Number of Total Respondents:

a. VA Form 26–6705—30,000.

b. VA Form 26–6705b—22,000.

c. VA Form 26–6705d—1,500.

Dated: May 23, 2008.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Records Management Service.

[FR Doc. E8–12312 Filed 6–2–08; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0594]

Proposed Information Collection (Election to Apply Selected Reserve Services to either Montgomery GI Bill-Active Duty or to the Montgomery GI Bill-Selected Reserve) Activity: Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register**

concerning each proposed collection of information, including each proposed extension of a currently approved collection and allow 60 days for public comment in response to this notice. This notice solicits comments on information needed to determine the type of educational benefit payable to Selected Reservist members.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before August 4, 2008.

ADDRESSES: Submit written comments on the collection of information through *http://www.Regulations.gov* or to Nancy J. Kessinger, Veterans Benefits Administration (20M35), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 or e-mail to *nancy.kessinger@va.gov.* Please refer to ''OMB Control No. 2900–0594'' in any correspondence. During the comment period, comments may be viewed online through the Federal Docket Management System (FDMS) at *http://www.Regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 461–9769 or FAX (202) 275–5947.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Election to Apply Selected Reserve Services to either Montgomery GI Bill-Active Duty or to the Montgomery GI Bill-Selected Reserve—38 CFR 21.7042 and 21.7540.

OMB Control Number: 2900–0594.

Type of Review: Extension of a previously approved collection.

Abstract: Reservist who participate in the Montgomery GI Bill—Active Duty and served on active duty for two years followed by six years in the Selected Reserve must elect to apply the selected reserved credit either toward the Montgomery GI Bill-Active Duty or toward the Montgomery GI Bill-Selected Reserve benefits. Reservists must make this election in writing, which will take effect when the individual either negotiates a check or receives education benefits via direct deposit or electronic funds transfer under the program elected. VA uses the election to determine which benefit is payable based on the individual's Selected Reserve service.

Affected Public: Individuals or households.

Estimated Annual Burden: 2,667 hours.

Estimated Average Burden per Respondent: 20 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 8,000.

Dated: May 23, 2008.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Records Management Service.

[FR Doc. E8–12313 Filed 6–2–08; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–New (VA Form 22–0830)]

Proposed Information Collection (Agreement for Release of VA Education Information to Third Party) Activity: Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed new collection and allow 60 days for public comment in response to this notice. This notice solicits comments on information needed to release a claimant's education information to a third party.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before August 4, 2008.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov* or to Nancy J. Kessinger, Veterans Benefits Administration (20M35), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 or e-mail to *nancy.kessinger@va.gov.* Please refer to ''OMB Control No. 2900–New (VA Form 22–0830)'' in any correspondence. During the comment period, comments may be viewed online through the Federal Docket Management System (FDMS) at *http://www.Regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 461–9769 or FAX (202) 275–5947.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Agreement for Release of VA Education Information to Third Party, VA Form 22–0830.

OMB Control Number: 2900–New (VA Form 22–0830).

Type of Review: New collection.

Abstract: Claimants on active duty and overseas complete VA Form 22–0830 to authorize VA to release his or her education benefits information to a third party calling on their behalf. Without the claimant's written consent VA cannot divulge any information, such as the status of a claim, rates of payment or date of payments to individuals calling on behalf of the claimant.

Affected Public: Individuals or households.

Estimated Annual Burden: 11,000 hours.

Estimated Average Burden per Respondent: 5 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 132,000.

Dated: May 23, 2008.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Records Management Service.

[FR Doc. E8–12314 Filed 6–2–08; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0399]

Proposed Information Collection (Student Beneficiary Report—REPS (Restored Entitlement Program For Survivors) Activity: Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection and allow 60 days for public comment in response to this notice. This notice solicits comments on the information needed to confirm a student's continued entitlement to Restored Entitlement Program for Survivors.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before August 4, 2008.

ADDRESSES: Submit written comments on the collection of information through *http://www.Regulations.gov* or to Nancy J. Kessinger, Veterans Benefits Administration (20M35), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 or e-mail to *nancy.kessinger@va.gov*. Please refer to ''OMB Control No. 2900–0399'' in any correspondence. During the comment period, comments may be viewed online through the Federal Docket Management System (FDMS) at *http://www.Regulations.gov*.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 461–9769 or FAX (202) 275–5947.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Student Beneficiary Report—REPS (Restored Entitlement Program For Survivors), VA Forms 21–8938 and 21–8938–1.

OMB Control Number: 2900–0399.

Type of Review: Extension of a previously approved collection.

Abstract: Students between the ages of 18–23 who are receiving Restored Entitlement Program for Survivors (REPS) benefits based on schoolchild status complete VA Forms 21–8938 and 21–8938–1 to certify that he or she is enroll full-time in an approved school. REPS benefit is paid to children of veterans who died in service or who died as a result of service-connected disability incurred or aggravated prior to August 13, 1981. VA uses the data collected to determine the student's eligibility for continued REPS benefits.

Affected Public: Individuals or households.

Estimated Annual Burden: 1,767.

Estimated Average Burden per Respondent: 20 minutes.

Frequency of Response: Annually.

Estimated Number of Respondents: 5,300.

Dated: May 23, 2008.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Records Management Service.

[FR Doc. E8–12343 Filed 6–2–08; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0104]

Proposed Information Collection (Report of Accidental Injury in Support of Claim for Compensation or Pension) Activity: Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection and allow 60 days for public comment in response to this notice. This notice solicits comments on the information needed to support a claim for disability benefits based on an accidental injury.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before August 4, 2008.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov* or to Nancy J. Kessinger, Veterans Benefits Administration (20M35), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 or e-mail to *nancy.kessinger@va.gov*. Please refer to ''OMB Control No. 2900–0104'' in any correspondence. During the comment period, comments may be viewed online through the Federal Docket Management System (FDMS) at *http://www.Regulations.gov*.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 461–9769 or FAX (202) 275–5947.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the

information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Report of Accidental Injury in Support of Claim for Compensation or Pension, VA Form 21–4176.

OMB Control Number: 2900–0104.

Type of Review: Extension of a currently approved collection.

Abstract: The data collected on VA Form 21–4176 is used to determine a veteran's eligibility for disability benefits based on an accidental injury that he or she incurred while in the line of duty and by individuals who witness the accidental injury. VA uses the information collected to determine whether the injury was the result of a willful misconduct by the veteran.

Affected Public: Individuals or households.

Estimated Annual Burden: 2,204.

Estimated Average Burden per Respondent: 30 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 4,408.

Dated: May 23, 2008.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Records Management Service.

[FR Doc. E8–12346 Filed 6–2–08; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0086]

Agency Information Collection (Request for a Certificate of Eligibility for VA Home Loan Benefits) Activities Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3521), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before July 3, 2008.

ADDRESSES: Submit written comments on the collection of information through *http://www.Regulations.gov* or to VA's OMB Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395–7316. Please refer to ''OMB Control No. 2900–0086'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Denise McLamb, Records Management Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 461–7485, FAX (202) 273–0443 or e-mail *denise.mclamb@mail.va.gov*. Please refer to ''OMB Control No. 2900–0086.''

SUPPLEMENTARY INFORMATION:

Title: Request for a Certificate of Eligibility for VA Home Loan Benefits, VA Form 26–1880.

OMB Control Number: 2900–0086.

Type of Review: Extension of a currently approved collection.

Abstract: The data collected on VA Form 26–1880 is used to determine a claimant's eligibility for home loan guaranty benefits. Claimants also use VA Form 26–1880 to request restoration of entitlement previously used, or a duplicate Certificate of Eligibility due to the original being lost or stolen.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on January 31, 2008, at page 5914.

Affected Public: Individuals or households.

Estimated Annual Burden: 62,500 hours.

Estimated Average Burden per Respondent: 15 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 250,000.

Dated: May 23, 2008.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Records Management Service.

[FR Doc. E8–12349 Filed 6–2–08; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0629]

Agency Information Collection (Application for Extended Care Services) Activities Under OMB Review

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–21), this notice announces that the Veterans Health Administration (VHA), Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before July 3, 2008.

ADDRESSES: Submit written comments on the collection of information through *http://www.Regulations.gov;* or to VA's OMB Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395–7316. Please refer to ''OMB Control No. 2900–0629'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Denise McLamb, Records Management Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 461–7485, fax (202) 273–0443 or e-mail *denise.mclamb@mail.va.gov.* Please refer to ''OMB Control No. 2900–0629.''

SUPPLEMENTARY INFORMATION:

Title: Application for Extended Care Services, VA Form 10–10EC.

OMB Control Number: 2900–0629.

Type of Review: Extension of a currently approved collection.

Abstract: VA Form 10–10EC is used to gather current income and financial information from nonservice-connected veterans and their spouse when applying for extended care services and to establish a co-payment agreement for such services. VA provides extended care to non-service connected veterans who are unable to defray the necessary expenses of care if their income is not greater than the maximum annual pension rate. VA uses the data collected to establish the veteran's eligibility for extended care services, financial liability, if any, of the veteran to pay if accepted for placement or treatment in

extended care services, and to determine the appropriate co-payment.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on January 31, 2008, at pages 5913–5914.

Affected Public: Individuals or households.

Estimated Total Annual Burden: 9,000 hours.

Estimated Average Burden per Respondent: 90 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 6,000.

Dated: May 23, 2008.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Records Management Service.

[FR Doc. E8–12392 Filed 6–2–08; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0661]

Agency Information Collection (Forms and Regulations for Grants to States for Construction and Acquisition of State Home Facilities) Under OMB Review

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–21), this notice announces that the Veterans Health Administration (VHA), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and includes the actual data collection instrument.

DATES: Comments must be submitted on or before July 3, 2008.

ADDRESSES: Submit written comments on the collection of information through *http://www.Regulations.gov*; or to VA's OMB Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503, (202) 395–7316. Please refer to ''OMB Control No. 2900–0661'' in any correspondence.

FOR FURTHER INFORMATION OR A COPY OF THE SUBMISSION CONTACT: Denise McLamb, Records Management Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 461–7485, FAX (202) 273–0443 or e-mail: *denise.mclamb@mail.va.gov*. Please refer to ''OMB Control No. 2900–0661.''

SUPPLEMENTARY INFORMATION: *Title:* Forms and Regulations for Grants to States for Construction and Acquisition of State Home Facilities, VA Forms 10–0388 through 10–0388–14.

OMB Control Number: 2900–0661.

Type of Review: Extension of a currently approved collection.

Abstract: State governments complete VA Forms 10–0388 through 10–0388–14 to apply for State Home Construction Grant Program and to certify compliance with VA requirements. VA uses this information, along with other documents submitted by the States to determine the feasibility of the projects for VA participation, to meet VA requirements for a grant award and to rank the projects in establishing the annual fiscal year priority list. The list is the basis for committing to State Home construction projects during the various fiscal years.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on February 15, 2008 at page 8934.

Affected Public: State, Local or Tribal Government.

Estimated Annual Burden: 360.

Estimated Average Burden per Respondent: 6 hours.

Frequency of Response: On occasion.

Estimated Number of Respondents: 60.

Dated: May 23, 2008.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Records Management Service.

[FR Doc. E8–12394 Filed 6–2–08; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Advisory Committee on Gulf War Veterans; Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under Public Law 92–463 (Federal Advisory Committee Act) that the Advisory Committee on Gulf War Veterans will hold its first meeting on June 17–19, 2008 at The Hamilton Crowne Plaza, 1001 14th Street, NW., Washington, DC. The session on June 17 will begin at 1 p.m. and end at 4 p.m. On June 18 and 19, the sessions will begin at 9 a.m. and end at 4 p.m. The meeting is open to the public.

The purpose of the Committee is to provide advice and recommendations to the Secretary of Veterans Affairs on issues that are unique to veterans who served in the Southwest Asia theater of operations during the 1990–1991 period of the Gulf War.

At the meeting, there will be presentations and discussion from the Veterans Benefits Administration, Veterans Health Administration, National Cemetery Administration, and the Board of Veterans' Appeals. There will also be discussion of upcoming Committee activities.

The meeting will include time reserved for public comments. Individuals wishing to speak must register not later than June 10, 2008, by contacting Lelia Jackson at (202) 461–5758 or by e-mail at *lelia.jackson@va.gov*, and by submitting 1–2 page summaries of their comments for inclusion in the official record. Public comments will be limited to five minutes each. Members of the public may also submit written statements for the Committee's review to the Advisory Committee on Gulf War Veterans, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420. Public comments will be received on June 18 at 2:15 p.m.–2:45 p.m. and on June 19 at 3:30 p.m.–4 p.m. A sign-in sheet will be available each day.

Any member of the public seeking additional information should contact Laura O'Shea, Designated Federal Officer, at (202) 461–5765.

Dated: May 27, 2008.

By Direction of the Secretary.

E. Philip Riggin,

Committee Management Officer.

[FR Doc. E8–12238 Filed 6–2–08; 8:45 am]

BILLING CODE 8320–01–M

DEPARTMENT OF VETERANS AFFAIRS

National Research Advisory Council; Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under Public Law 92–463 (Federal Advisory Committee Act) that the National Research Advisory Council will hold a meeting on Monday,

July 14, 2008, in room GL–20 at the Greenhoot Cohen Building, 1722 ''I'' Street, NW., Washington, DC from 8:30 a.m. until 1 p.m. The meeting is open to the public.

The purpose of the Council is to provide external advice and review for VA's research mission. The agenda will include a review of the VA research portfolio and a summary of current budget allocations. The Council will also provide feedback on the direction/focus of VA's research initiatives.

Any member of the public who expects to attend the meeting or wants additional information should contact Jay Freedman, PhD, Designated Federal Officer, at (202) 254–0267. Oral comments from the public will not be accepted at the meeting. Written statements or comments should be transmitted electronically to *jay.freedman@va.gov* or mailed to Jay Freedman at Department of Veterans Affairs, Office of Research and Development (12), 810 Vermont Avenue, NW., Washington, DC 20420.

Dated: May 22, 2008.

By Direction of the Secretary.

E. Philip Riggin,

Committee Management Officer.

[FR Doc. E8–12239 Filed 6–2–08; 8:45 am]

BILLING CODE 8320–01–M

Corrections

Federal Register

Vol. 73, No. 107

Tuesday, June 3, 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 VETERANS AFFAIRS

38 CFR Part 21

RIN 2900–AL44

Survivors' and Dependents' Educational Assistance Program Period of Eligibility for Eligible Children and Other Miscellaneous Issues

Correction

§ 21.3041 [Corrected]

In rule document E8–11726 beginning on page 30486 in the issue of Wednesday, May 28, 2008, make the following correction:

On page 30491, in the second column, in § 21.3041(i)(3)(iii), the authority citation ''(Authority: 38 U.S.C. 3512(A)(3), (A)(4))'' should read ''(Authority: 38 U.S.C. 3512(a)(3), (a)(4))''.

[FR Doc. Z8–11726 Filed 6–2–08; 8:45 am]

BILLING CODE 1505–01–D

Federal Register

Tuesday,
June 3, 2008

Part II

The President

Proclamation 8262—Caribbean-American Heritage Month, 2008

Proclamation 8263—National Homeownership Month, 2008

Federal Register
Vol. 73, No. 107
Tuesday, June 3, 2008

Presidential Documents

Title 3—

The President

Proclamation 8262 of May 29, 2008

Caribbean-American Heritage Month, 2008

By the President of the United States of America

A Proclamation

Caribbean-American Heritage Month is an opportunity to show our appreciation for the many ways Caribbean Americans have contributed to our country.

Caribbean Americans have helped to shape our national fabric with their vibrant traditions and their unique history. They have brightened our lives with the spirit and vitality of their culture. Through strong leadership and pride in their heritage, they have enriched America. In all walks of life, they have contributed their many talents and added to our Nation's development and prosperity.

We especially show our gratitude for the men and women of Caribbean descent who have served bravely in our Armed Forces and those still serving today. These heroes have answered a call greater than self, and we keep them in our thoughts and prayers.

During June, we celebrate and recognize the Caribbean Americans whose determination and hard work have helped make our country a better place.

NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim June 2008 as Caribbean-American Heritage Month. I encourage all Americans to learn more about the history and culture of Caribbean Americans and their contributions to our Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of May, in the year of our Lord two thousand eight, and of the Independence of the United States of America the two hundred and thirty-second.

[FR Doc. 08–1319
Filed 6–2–08; 10:13 am]
Billing code 3195–01–P

Presidential Documents

Proclamation 8263 of May 29, 2008

National Homeownership Month, 2008

By the President of the United States of America

A Proclamation

For many Americans, owning a home represents freedom, independence, and the American dream. During National Homeownership Month, we highlight the benefits of owning a home and encourage our fellow citizens to be responsible homeowners.

My Administration is committed to helping Americans achieve their dreams of homeownership. We have worked to ensure that the mortgage industry is more transparent, reliable, and fair, and in order to sustain homeownership, we have launched initiatives to help responsible homeowners keep their homes. The FHASecure program has given the Federal Housing Administration more flexibility in refinancing mortgages for homeowners who have good credit histories but cannot afford their current payments. In addition, the HOPE NOW Alliance connects struggling homeowners with lenders, loan servicers, and mortgage counselors to help families stay in their homes. Homeowners deserve our help, and these initiatives assist those in need.

During National Homeownership Month and throughout the year, I encourage all Americans to take advantage of financial education opportunities to explore homeownership. My Advisory Council on Financial Literacy is finding ways to help educate people from all walks of life about matters pertaining to their finances and their futures. By practicing fiscal responsibility, Americans can contribute to the strength of our neighborhoods and our country.

NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim June 2008 as National Homeownership Month. I call upon the people of the United States to join me in recognizing the importance of homeownership and building a more prosperous future for themselves and their communities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of May, in the year of our Lord two thousand eight, and of the Independence of the United States of America the two hundred and thirty-second.

[FR Doc. 08–1320
Filed 6–2–08; 10:13 am]
Billing code 3195–01–P

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Federal Register

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Tuesday, June 3, 2008

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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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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. 3035/P.L. 110–238

To temporarily extend the programs under the Higher Education Act of 1965. (May 30, 2008; 122 Stat. 1558)

Last List May 28, 2008

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