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

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 916 and 917

[Docket No. AO–90–A7; AMS–FV–06–0207; FV05–916–1 C]

Nectarines and Peaches Grown in California; Order Amending Marketing Order Nos. 916 and 917; Correction

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Correcting amendment.

SUMMARY: The Agricultural Marketing Service published a final rule in the **Federal Register** on July 21, 2006 (71 FR 41345). The document implemented amendments to the California nectarine and peach marketing orders. Implementation of the amendments required either lifting or suspending certain language in the orders. However, two of those actions were omitted in the final rule's amendatory instructions. This document correctly identifies which suspension should be lifted and which suspension should be made. In addition, this document corrects a reference to committee size.

DATES: Effective on February 21, 2007.

FOR FURTHER INFORMATION CONTACT: Laurel May or Kathleen M. Finn, 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: Laurel.May@usda.gov* or *Kathy.Finn@usda.gov*.

SUPPLEMENTARY INFORMATION: This document provides correcting amendments to Marketing Orders 916 and 917, found respectively at 7 CFR part 916 and 7 CFR part 917.

List of Subjects

7 CFR Part 916

Marketing agreements, Nectarines, Reporting and recordkeeping requirements.

7 CFR Part 917

Marketing agreements, Peaches, Pears, Reporting and recordkeeping requirements.

■ Accordingly, 7 CFR parts 916 and 917 are corrected by making the following correcting amendments:

■ 1. The authority citation for 7 CFR parts 916 and 917 continues to read as follows:

Authority: 7 U.S.C. 601–674.

PART 916—NECTARINES GROWN IN CALIFORNIA

§ 916.23 [Amended]

■ 2. In § 916.23, remove the word ''eight.''

PART 917—FRESH PEARS AND PEACHES GROWN IN CALIFORNIA

§ 917.18 [Amended]

■ 3. In § 917.18, paragraph (a), lift the suspension of January 1, 2007 (71 FR 41345).

§ 917.24 [Amended]

■ 4. In § 917.24, paragraph (a), suspend the words ''and not later than February 15 for pears.''

Dated: February 15, 2007.

Lloyd C. Day,

Administrator, Agricultural Marketing Service.

[FR Doc. 07–783 Filed 2–16–07; 8:46 am]

BILLING CODE 3410–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 30536; Amdt. No. 3206]

Standard Instrument Approach Procedures, Weather Takeoff Minimums; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) and/or Weather Takeoff Minimums for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: This rule is effective February 21, 2007. The compliance date for each SIAP and/or Weather Takeoff Minimums is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of February 21, 2007.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591;

2. The FAA Regional Office of the region in which the affected airport is located;

3. The National Flight Procedures Office, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 or,

4. The National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

For Purchase—Individual SIAP and Weather Takeoff Minimums copies may be obtained from:

1. FAA Public Inquiry Center (APA–200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—Copies of all SIAPs and Weather Takeoff Minimums mailed

once every 2 weeks, are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

FOR FURTHER INFORMATION CONTACT: Donald P. Pate, Flight Procedure Standards Branch (AFS–420), Flight Technologies and Programs Division, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 (Mail Address: P.O. Box 25082, Oklahoma City, OK 73125) telephone: (405) 954–4164.

SUPPLEMENTARY INFORMATION: This amendment to Title 14 of the Code of Federal Regulations, Part 97 (14 CFR part 97), establishes, amends, suspends, or revokes SIAPs and/or Weather Takeoff Minimums. The complete regulatory description of each SIAP and/or Weather Takeoff Minimums is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and 14 CFR part 97.20. The applicable FAA Forms are identified as FAA Forms 8260–3, 8260–4, 8260–5 and 8260–15A. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs and/or Weather Takeoff Minimums, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs and/or Weather Takeoff Minimums but refer to their depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP and/or Weather Takeoff Minimums contained in FAA form documents is unnecessary. The provisions of this amendment state the affected CFR sections, with the types and effective dates of the SIAPs and/or Weather Takeoff Minimums. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP and/or Weather Takeoff Minimums as contained in the transmittal. Some SIAP and/or Weather Takeoff Minimums amendments may have been previously issued by the FAA in a Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP, and/or Weather Takeoff Minimums amendments may require making them effective in less than 30 days. For the remaining SIAPs and/or Weather Takeoff Minimums, an effective date at least 30 days after publication is provided.

Further, the SIAPs and/or Weather Takeoff Minimums contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these SIAPs and/or Weather Takeoff Minimums, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and/or Weather Takeoff Minimums and safety in air commerce, I find that notice and public procedure before adopting these SIAPs and/or Weather Takeoff Minimums are impracticable and contrary to the public interest and, where applicable, that good cause exists for making some SIAPs and/or Weather Takeoff Minimums effective in less than 30 days.

Conclusion

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

List of Subjects in 14 CFR Part 97

Air Traffic Control, Airports, Incorporation by reference, and Navigation (Air).

Issued in Washington, DC on February 9, 2007.

James J. Ballough,

Director, Flight Standards Service.

Adoption of the Amendment

■ Accordingly, pursuant to the authority delegated to me, under Title 14, Code of Federal Regulations, Part 97 (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures and Weather Takeoff Minimums effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

■ 1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

■ 2. Part 97 is amended to read as follows:

Effective 15 March 2007

Bay Minette, AL, Bay Minette Muni, RNAV (GPS) RWY 8, Orig
Bay Minette, AL, Bay Minette Muni, VOR RWY 8, Amdt 8
Bay Minette, AL, Bay Minette Muni, GPS RWY 8, Orig, CANCELLED
Bay Minette, AL, Bay Minette Muni, RNAV (GPS) RWY 26, Orig
Bay Minette, AL, Bay Minette Muni, Takeoff Minimums and Textual DP, Orig
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Williston, FL, Williston Muni, VOR RWY 23, Amdt 1
Williston, FL, Williston Muni, GPS RWY 23, Orig-A, CANCELLED
Williston, FL, Williston Muni, Takeoff Minimums and Textual DP, Amdt 2
Hammond, LA, Hammond Northshore Regional, VOR RWY 31, Amdt 4
Baltimore, MD, Baltimore/Washington Intl Thurgood Marshall, Takeoff Minimums and Textual DP, Amdt 8
Hagerstown, MD, Hagerstown Regional-Richard A. Henson Field, LOC RWY 9, Orig
Willmar, MN, Willmar Muni, ILS OR LOC RWY 13, Orig
Potosi, MO, Washington County, RNAV (GPS) RWY 2, Orig
Potosi, MO, Washington County, RNAV (GPS) RWY 20, Orig
Potosi, MO, Washington County, Takeoff Minimums and Textual DP, Orig
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Nashua, NH, Boire Fld, RNAV (GPS) RWY 32, Orig
Nashua, NH, Boire Fld, GPS RWY 32, Orig, CANCELLED
Atlantic City, NJ, Atlantic City International, COPTER ILS OR LOC/DME RWY 13, Amdt 1
Atlantic City, NJ, Atlantic City International, Takeoff Minimums and Textual DP, Orig

Berlin, NJ, Camden County, RNAV (GPS) RWY 5, Orig
Berlin, NJ, Camden County, RNAV (GPS) RWY 23, Orig
Berlin, NJ, Camden County, GPS RWY 5, Orig-A, CANCELLED
Berlin, NJ, Camden County, GPS RWY 23, Orig, CANCELLED
Oklahoma City, OK, Will Roger World, RNAV (RNP) Y RWY 17L, Amdt 1
Oklahoma City, OK, Will Roger World, RNAV (GPS) Z RWY 17L, Amdt 1
Oklahoma City, OK, Will Roger World, RNAV (RNP) Z RWY 35R, Orig-A
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Philadelphia, PA, Philadelphia Intl, RNAV (GPS) RWY 27L, Amdt 1A
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Big Piney, WY, Miley Mem Field, GPS RWY 31, Orig-B
Pinedale, WY, Ralph Wenz Field, RNAV (GPS) RWY 11, Orig-A
Pinedale, WY, Ralph Wenz Field, RNAV (GPS) RWY 29, Orig-A
Pinedale, WY, Ralph Wenz Field, NDB RWY 29, Amdt 1A

Effective 12 April 2007

Victorville, CA, Southern California Logistics, Takeoff Minimums and Textual DP, Amdt 2

Effective 10 May 2007

Akhiok, AK, Akhiok, RNAV (GPS)-A, Orig
Akhiok, AK, Akhiok, Takeoff Minimums and Textual DP, Orig

[FR Doc. E7–2691 Filed 2–20–07; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 30537; Amdt. No. 3207]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment amends Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: This rule is effective February 21, 2007. The compliance date for each SIAP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of February 21, 2007.

ADDRESSES: Availability of matter incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Ave, SW., Washington, DC 20591;

2. The FAA Regional Office of the region in which affected airport is located; or

3. The National Flight Procedures Office, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 or,

4. The National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

For Purchase—Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA–200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

FOR FURTHER INFORMATION CONTACT: Donald P. Pate, Flight Procedure Standards Branch (AFS–420), Flight Technologies and Programs Division, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 (Mail Address: P.O. Box 25082, Oklahoma City, OK 73125) telephone: (405) 954–4164.

SUPPLEMENTARY INFORMATION: This amendment to Title 14, Code of Federal Regulations, Part 97 (14 CFR part 97) amends Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in the appropriate FAA Form 8260, as modified by the National Flight Data Center (FDC)/Permanent Notice to Airmen (P–NOTAM), which is incorporated by reference in the amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of the Code of Federal Regulations. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. The provisions of this amendment state the affected CFR sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP as amended in the transmittal. For safety and timeliness of change considerations, this amendment incorporates only specific changes

contained for each SIAP as modified by FDC/P–NOTAMs.

The SIAPs, as modified by FDC P–NOTAM, and contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these chart changes to SIAPs, the TERPS criteria were applied to only these specific conditions existing at the affected airports. All SIAP amendments in this rule have been previously issued by the FAA in a FDC NOTAM as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for all these SIAP amendments requires making them effective in less than 30 days.

Further, the SIAPs contained in this amendment are based on the criteria contained in TERPS. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are impracticable and contrary to the public interest and, where applicable, that good cause exists for making these SIAPs effective in less than 30 days.

Conclusion

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

List of Subjects in 14 CFR Part 97

Air Traffic Control, Airports, Incorporation by reference, and Navigation (Air).

Issued in Washington, DC on February 9, 2007.

James J. Ballough,

Director, Flight Standards Service.

Adoption of the Amendment

■ Accordingly, pursuant to the authority delegated to me, Title 14, Code of Federal regulations, Part 97, 14 CFR part 97, is amended by amending Standard Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows:

Part 97—STANDARD INSTRUMENT APPROACH PROCEDURES

■ 1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

■ 2. Part 97 is amended to read as follows:

§§ 97.23, 97.25, 97.27, 97.29, 97.31, 97.33, 97.35, and 97.37 [Amended]

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, LDA w/GS, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, MLS, TLS, GLS, WAAS PA, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; § 97.35 COPTER SIAPs, § 97.37 Takeoff Minima and Obstacle Departure Procedures. Identified as follows:

** * * Effective Upon Publication*

FDC date	State	City	Airport	FDC No.	Subject
10/31/06	PS	Koror	Babelthaup	6/4968	RNAV (GPS) RWY 27, ORIG.
10/31/06	PS	Koror	Babelthaup	6/4969	RNAV (GPS) RWY 9, ORIG.
10/31/06	PS	Koror	Babelthaup	6/4984	NDB RWY 9, ORIG.
02/01/07	CA	Bishop	Eastern Sierra Rgnl	7/1787	VOR/DME OR GPS–B, AMDT 4.
02/01/07	CO	Denver	Jeffco	7/1922	GPS RWY 29R, ORIG.
02/01/07	CO	Denver	Jeffco	7/1923	ILS RWY 29R, AMDT 13A.
02/01/07	CO	Denver	Jeffco	7/1924	VOR/DME RWY 29L/R, ORIG–A.
02/01/07	CO	Denver	Jeffco	7/1926	GPS RWY 29L, ORIG.
02/02/07	NC	Charlotte	Douglas Intl	7/2313	ILS OR LOC RWY 5, AMDT 37.
02/02/07	NC	Statesville	Statesville	7/2375	ILS OR LOC/DME RWY 28, ORIG.
02/02/07	TN	Fayetteville	Fayetteville Muni	7/2415	VOR/DME RWY 2, ORIG–C.
02/02/07	TN	Fayetteville	Fayetteville Muni	7/2416	NDB RWY 20, AMDT 4.
02/06/07	MS	Tupelo	Tupelo Regional	7/2571	NDB RWY 36, AMDT 4.
02/06/07	MS	Tupelo	Tupelo Regional	7/2573	VOR/DME RWY 18, ORIG.
02/06/07	VA	Winchester	Winchester Regional	7/2599	VOR/DME OR GPS–A, AMDT 4.
02/06/07	MN	Mankato	Mankato Regional	7/2636	COPTER ILS RWY 33, ORIG–A.
02/06/07	WY	Big Piney	Miley Memorial	7/2674	VOR RWY 31, AMDT 3C.

[FR Doc. E7–2690 Filed 2–20–07; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 16 and 1240

[Docket No. 2003N–0400]

RIN 0910–ZA21

Control of Communicable Diseases; Restrictions on African Rodents, Prairie Dogs, and Certain Other Animals

AGENCY: Food and Drug Administration, HHS.

ACTION: Interim final rule; supplement and partial reopening of comment period.

SUMMARY: The Food and Drug Administration (FDA) is reopening the comment period for the interim final rule on the capture, transport, sale, barter, exchange, distribution, and release of African rodents, prairie dogs, and certain other animals, which was published in the **Federal Register** of November 4, 2003 (68 FR 62353). FDA is taking this action because it is adding new information, primarily in the form of peer-reviewed scientific literature, to the administrative record. FDA is reopening the comment period for 30 days for the sole purpose of inviting public comments on the information being added to the administrative record.

DATES: Submit written or electronic comments by March 23, 2007.

ADDRESSES: You may submit comments, identified by Docket No. 2003N–0400 and/or RIN number 0910–ZA21, by any of the following methods:

Electronic Submissions

Submit electronic comments in the following ways:

- Federal eRulemaking Portal: *http://www.regulations.gov*. Follow the instructions for submitting comments.
- Agency Web site: *http://www.fda.gov/dockets/ecomments*. Follow the instructions for submitting comments on the agency Web site.

Written Submissions

Submit written submissions in the following ways:

- FAX: 301–827–6870.
- Mail/Hand delivery/Courier [For paper, disk, or CD–ROM submissions]: Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

To ensure more timely processing of comments, FDA is no longer accepting comments submitted to the agency by e-mail. FDA encourages you to continue to submit electronic comments by using the Federal eRulemaking Portal or the agency Web site, as described previously, in the **ADDRESSES** portion of this document under **ELECTRONIC SUBMISSIONS**.

Instructions: All submissions received must include the agency name and docket number and Regulatory Information Number (RIN) for this rulemaking. All comments received may be posted without change to *http://www.fda.gov/ohrms/dockets/default.htm*, including any personal information provided. For additional information on submitting comments, see the ''Comments'' heading of the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: For access to the docket to read background documents or comments received, go to *http://www.fda.gov/ohrms/dockets/default.htm* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Division of Dockets Management, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Philip L. Chao, Office of Policy and Planning (HF–23), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–0587.

SUPPLEMENTARY INFORMATION:

I. Background

In the **Federal Register** of November 4, 2003 (68 FR 62353), the Centers for Disease Control and Prevention (CDC) and FDA issued an interim final rule to establish new restrictions and modify existing restrictions on the import, capture, transport, sale, barter, exchange, distribution, and release of African rodents, prairie dogs, and certain other animals in order to prevent the spread of monkeypox, a communicable disease, in the United States. The CDC regulation is codified at 42 CFR 71.56, and FDA's regulation is codified at 21 CFR 1240.63.

Since the publication of the interim final rule in the **Federal Register**, additional scientific information has appeared regarding the 2003 monkeypox outbreak. In general, the scientific information adds to our knowledge about the 2003 monkeypox outbreak in the United States, including information about the virus and how the disease affected or affects humans and animals.

FDA is adding the following documents to the administrative record for the interim final rule:

1. Anderson, M.G., et al., ''A Case of Severe Monkeypox Virus Disease in an American Child: Emerging Infections and Changing Professional Values,'' *Pediatric Infectious Disease Journal*, 2003; 22:1093–1096.

2. Bernard, S.M. and Anderson, S.A., ''Qualitative Assessment of Risk for Monkeypox Associated with Domestic Trade in Certain Animal Species, United States'' *Emerging Infectious Diseases*, 2006; 12: 1827–1833.

3. Di Giulio, D.B. and Eckburg, P.B., ''Human Monkeypox: An Emerging Zoonosis,'' *Lancet Infectious Diseases*, 2004; 4:15–25.

4. Fleischauer, A.T., et al., ''Evaluation of Human-to-Human Transmission of Monkeypox from Infected Patients to Health Care Workers,'' *Clinical Infectious Diseases*, 2005; 40:689–694.

5. Guarner, J., et al., ''Monkeypox Transmission and Pathogenesis in Prairie Dogs,'' *Emerging Infectious Diseases*, 2004; 10:426–431.

6. Hammarlund, E., et al., ''Multiple Diagnostic Techniques Identify Previously Vaccinated Individuals With Protective Immunity Against Monkeypox,'' *Nature Medicine*, 2005; 11:1005–1011.

7. Huhn, G.D., et al., ''Clinical Characteristics of Human Monkeypox, and Risk Factors for Severe Disease,'' *Clinical Infectious Diseases*, 2005; 41:1742–1751.

8. Huhn, G.D., et al., ''Monkeypox in the Western Hemisphere,'' *New England Journal of Medicine*, 2004; 350:1790–1791.

9. Jamieson, D.J., et al., ''Emerging Infections and Pregnancy: West Nile Virus, Monkeypox, Severe Acute Respiratory Syndrome, and Bioterrorism,'' *Clinics in Perinatology*, 2005; 32:765–776.

10. Kile, J.C., et al., ''Transmission of Monkeypox Among Persons Exposed to Infected Prairie Dogs in Indiana in 2003,'' *Archives of Pediatrics and Adolescent Medicine*, 2005; 159:1022–1025.

11. Likos, A.M., et al., ''A Tale of Two Clades: Monkeypox Viruses,'' *Journal of General Virology*, 2005; 86:2661–2672.

12. Nalca, A., et al., ''Reemergence of Monkeypox: Prevalence, Diagnostics, and Countermeasures,'' *Clinical Infectious Diseases*, 2005; 41:1765–1771.

13. Reed, K.D., et al., ''The Detection of Monkeypox in Humans in the Western Hemisphere,'' *New England Journal of Medicine*, 2004; 350:342–350.

14. Reynolds, Gretchen, ''Why Were Doctors Afraid to Treat Rebecca McLester?'' New York Times, April 18, 2004.

15. Reynolds, M.G., et al., ''Clinical Manifestations of Human Monkeypox Influenced by Route of Infection,'' *Journal of Infectious Diseases*, 2006; 773–780.

16. Sejvar, J.J., et al., ''Human Monkeypox Infection: A Family Cluster in the Midwestern United States,'' *Journal of Infectious Diseases*, 2004; 190:1833–1840.

17. Xiao, S., et al., ''Experimental Infection of Prairie Dogs with Monkeypox Virus,'' *Emerging Infectious Diseases*, 2005; 11:539–545.

II. Comments

Through this document, FDA is announcing the addition of the previous materials to the administrative docket and inviting comment limited to these publications. FDA believes that a 30–day comment period is sufficient in this case, as the agency is specifically limiting its reopening of the comment period to comments on how the agency should consider the information being added to the administrative docket in relation to FDA's interim final rule. Comments are invited, and will be considered, only to the extent they are focused on the specific information being added to the record of FDA's interim final rule.

Interested persons may submit to the Division of Dockets Management (see **ADDRESSES**) written or electronic comments regarding the documents listed above. Submit a single copy of electronic comments or two copies of any mailed comments, except that individuals may submit one paper copy. Comments should be identified with the docket number found in brackets in the heading of this document. Received comments are available for public examination in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

Dated: February 9, 2007.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. E7–2857 Filed 2–20–07; 8:45 am]

BILLING CODE 4160–01–S

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[Docket No. EPA–R02–OAR–2006–0685, FRL–8275–5]

Approval and Promulgation of Implementation Plans; New York; Motor Vehicle Enhanced Inspection and Maintenance Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The EPA is approving a revision to the State Implementation Plan (SIP) for New York's motor vehicle enhanced inspection and maintenance (I/M) program which includes the adoption of a statewide On-Board Diagnostic (OBD) program. New York has made revisions to Title 6 of the New York Codes, Rules and Regulations (NYCRR), Part 217, ''Motor Vehicle Enhanced Inspection and Maintenance Program Requirements,'' and Title 15 NYCRR Part 79, ''Motor Vehicle Inspection Regulations,'' to comply with EPA regulations and to improve performance of its I/M program. The intended effect of this action is to maintain consistency between the State-adopted rules and the federally approved SIP and to approve a control strategy that will result in emission reductions that will help achieve attainment of the national ambient air quality standard for ozone.

DATES: *Effective Date:* This rule will be effective March 23, 2007.

ADDRESSES: EPA has established a docket for this action under the Federal Docket Management System (FDMS) which replaces the Regional Materials in EDOCKET (RME) docket system. The new FDMS is located at *www.regulations.gov* and the docket ID for this action is EPA–R02–OAR–2006–0685. All documents in the docket are listed in the FDMS index. Publicly available docket materials are available either electronically in FDMS or in hard copy at the Environmental Protection Agency, Region 2 Office, Air Programs Branch, 290 Broadway, 25th Floor, New York, New York 10007–1866. Copies of the documents relevant to this action are also available for public inspection during normal business hours, by appointment at the Air and Radiation Docket and Information Center, Environmental Protection Agency, Room 3334, 1301 Constitution Avenue, NW., Washington, DC; and the New York State Department of Environmental Conservation, Division of Air Resources, 625 Broadway, Albany, New York 12233.

FOR FURTHER INFORMATION CONTACT: Kirk J. Wieber, Air Programs Branch, Environmental Protection Agency, 290 Broadway, 25th Floor, New York, New York 10007–1866, (212) 637–3381.

SUPPLEMENTARY INFORMATION:

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III. Summary of Conclusions
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I. Background

A. What Are the Clean Air Act Requirements for I/M Programs?

The Clean Air Act (CAA) requires certain states to implement an enhanced inspection and maintenance (I/M) program to detect gasoline-fueled motor vehicles which exhibit excessive emissions of certain air pollutants. The enhanced I/M program is intended to help states meet federal health-based national ambient air quality standards (NAAQS) for ozone and carbon monoxide by requiring vehicles with excess emissions to have their emissions control systems repaired. Section 182 of the CAA requires I/M programs in those areas of the nation that are most impacted by carbon monoxide and ozone pollution. Section 184 of the CAA also created an ''Ozone Transport Region'' (OTR) which geographically includes the 11 states from Maryland to Maine (including all of New York State) and the District of Columbia Consolidated Metropolitan Statistical Area. Depending on the severity of the nonattainment designation(s) and/or geographic location within the OTR, EPA's regulation under 40 CFR 51.350 outlines the appropriate motor vehicle I/M requirements.

As a result of the 1-hr ozone nonattainment designations, New York State's 62 counties were divided into two separate I/M areas. The ''downstate'' 9-county New York Metropolitan Area (NYMA), which includes New York City (Bronx, Kings, New York, Richmond, and Queens Counties), Long Island (Nassau and Suffolk Counties), and Westchester and Rockland Counties, has been classified as a high enhanced I/M area. On January 1, 1998, New York began implementing a high enhanced I/M program (New York refers to this program as its NYTEST program) in the NYMA. By May 1999, this enhanced I/M program was fully functional for the entire NYMA.

The remaining 53 ''Upstate'' counties of New York State were classified as a low enhanced I/M area. Since 1998, the Upstate I/M area featured annual anti-tampering visual inspections including a gas cap presence check.

Since all of New York State is included within the OTR, additional I/M requirements are mandated in the more populated counties of Upstate New York pursuant to 40 CFR 51.350(a). Section 51.350(a)(1) provides that,

''States or areas within an ozone transport region shall implement enhanced I/M programs in any metropolitan statistical area (MSA), or portion of an MSA, within the state or area with a 1990 population of 100,000 or more as defined by the Office of Management and Budget (OMB) regardless of the area's attainment classification.'' Further, section 51.350(b)(1) provides that, ''[i]n an ozone transport region, the program shall entirely cover all counties within subject MSAs or subject portions of MSAs, as defined by OMB in 1990, except largely rural counties having a population density of less than 200 persons per square mile based on the 1990 Census can be excluded except that at least 50 percent of the MSA population must be included in the program* * *.'' In effect, 16 of the 53 counties located in Upstate New York are required to have low enhanced I/M. The 16 counties are Albany, Broome, Chautauqua, Dutchess, Erie, Monroe, Niagara, Oneida, Onondaga, Orange, Putnam, Rensselaer, Schenectady, Saratoga, Warren and Washington.

On April 5, 2001, EPA published in the **Federal Register** ''Amendments to Vehicle Inspection and Maintenance Program Requirements Incorporating the On-Board Diagnostics Check'' (66 FR 18156). The revised I/M rule requires that electronic checks of the On-Board Diagnostics (OBD) system on model year 1996 and newer OBD-equipped motor vehicles be conducted as part of states' motor vehicle I/M programs. OBD is part of the sophisticated vehicle powertrain management system and is designed to detect engine and transmission problems that might cause vehicle emissions to exceed allowable limits. OBD is the subject of this proposed rulemaking action.

The OBD system monitors the status of up to 11 emission control related subsystems by performing either continuous or periodic functional tests of specific components and vehicle conditions. The first three testing categories—misfire, fuel trim, and comprehensive components—are continuous, while the remaining eight only run after a certain set of conditions has been met. The algorithms for running these eight periodic monitors are unique to each manufacturer and involve such things as ambient temperature as well as driving conditions. Most vehicles will have at least five of the eight remaining monitors (catalyst, evaporative system, oxygen sensor, heated oxygen sensor, and exhaust gas recirculation or EGR system) while the remaining three (air conditioning, secondary air, and heated catalyst) are not necessarily applicable to all vehicles. When a vehicle is scanned at an OBD–I/M test site, these monitors can appear as either ''ready'' (meaning the monitor in question has been evaluated), ''not ready'' (meaning the monitor has not yet been evaluated), or ''not applicable'' (meaning the vehicle is not equipped with the component monitor in question).

The OBD system is also designed to fully evaluate the vehicle emissions control system. If the OBD system detects a problem that may cause vehicle emissions to exceed 1.5 times the Federal Test Procedure (FTP) standards, then the Malfunction Indicator Light (MIL) is illuminated. By turning on the MIL, the OBD system notifies the vehicle operator that an emission-related fault has been detected, and the vehicle should be repaired as soon as possible thus reducing the harmful emissions contributed by that vehicle.

EPA's revised OBD I/M rule applies to only those areas that are required to implement I/M programs under the CAA, which include the NYMA and certain counties in Upstate New York. This rule established a deadline of January 1, 2002 for states to begin performing OBD checks on 1996 and newer model OBD-equipped vehicles and to require repairs to be performed on those vehicles with malfunctions identified by the OBD check.

EPA's revised I/M rule also provided several options to states to delay implementation of OBD testing, under certain circumstances. An extension of the deadline for states to begin conducting mandatory OBD checks is permissible provided the state making the request can show just cause to EPA for a delay and that the revised implementation date represents ''the best the state can reasonably do'' (66 FR 18159). EPA's final rule identifies factors that may serve as a possible justification for states considering making a request to the EPA to delay implementation of OBD I/M program checks beyond the January 2002 deadline. Potential factors justifying such a delay include contractual impediments, hardware or software deficiencies, data management software deficiencies, the need for additional training for the testing and repair industries, and the need for public education or outreach.

On May 7, 2001 (66 FR 22922), EPA fully approved New York's enhanced I/M program as it applies to NYMA and included the state's performance standard modeling as meeting the applicable requirements of the CAA. However, the OBD component of that program was not being implemented at that time and therefore was not approved by EPA as satisfying a fully operational OBD program. Additional information on EPA's final approval of New York's enhanced I/M program can be found in EPA's May 7, 2001 final approval notice.

B. What Did New York Include in This Latest Submittal?

On April 4, 2002, the New York State Department of Environmental Conservation (NYSDEC) requested a formal extension of the OBD I/M test deadline, per EPA's I/M requirement rule. New York's request lists contractual impediments, hardware and software deficiencies and data management deficiencies as the factors for its request for an extension of the OBD testing deadline. Based upon the reasons listed by New York, EPA believed that the State's delayed implementation was justified.

On February 27, 2006, NYSDEC submitted to EPA a revision to its SIP which incorporates OBD system requirements in the NYMA and the 53 counties located in Upstate New York. New York's SIP revision includes revisions to the NYSDEC regulation found at Title 6 of the New York Codes, Rules and Regulations (NYCRR), Part 217, ''Motor Vehicle Enhanced Inspection and Maintenance Program Requirements,'' and the New York State Department of Motor Vehicles (NYSDMV) regulation found at Title 15 NYCRR Part 79, ''Motor Vehicle Inspection Regulations,'' and a performance standard modeling demonstration. On October 12, 2006 (71 FR 60098), EPA proposed to approve New York's revised enhanced I/M program which includes the adoption of a statewide OBD program. For a detailed discussion on the content and requirements of the revisions to New York's regulations, the reader is referred to EPA's proposed rulemaking action.

C. What Action Is EPA Taking Today?

The EPA is approving a revision to the New York SIP pertaining to New York's enhanced I/M program which incorporates OBD testing requirements and procedures in the NYMA and the 53 counties located in Upstate New York (New York refers to this program as the New York Vehicle Inspection Program (NYVIP)). EPA is also repealing Title 6 of the NYCRR, Subpart 217–2, ''Motor Vehicle NY 91 Inspection and Maintenance Program Requirements'' and Title 15 NYCRR Part 79, Section 26, which previously included exhaust emission standards and inspection/repair procedures that are no longer

being relied upon by or necessary for New York State to implement as part of its enhanced I/M program.

II. What Comments Did EPA Receive in Response to Its Proposal?

In response to EPA's October 12, 2006 proposed rulemaking action, EPA received no comments.

III. Summary of Conclusions

EPA's review of the materials submitted indicates that New York has revised its I/M program in accordance with the requirements of the CAA, 40 CFR part 51 and all of EPA's technical requirements for an approvable OBD program. EPA is approving the revisions to the NYSDEC regulation Title 6 of the NYCRR, Part 217, ''Motor Vehicle Enhanced Inspection and Maintenance Program Requirements,'' specifically, Subpart 217–1, ''Motor Vehicle Enhanced Inspection and Maintenance Program Requirements'' and Subpart 217–4, ''Inspection and Maintenance Program Audits,'' effective on October 30, 2002, and the New York State Department of Motor Vehicles regulation Title 15 NYCRR Part 79 ''Motor Vehicle Inspection Regulations,'' specifically, Sections 79.1–79.15, 79.17, 79.20, 79.21, 79.24, and 79.25, effective on May 4, 2005. The CAA gives states the discretion in program planning to implement programs of the state's choosing as long as necessary emission reductions are met. EPA is also approving New York's performance standard modeling demonstration, which reflects the State's I/M program as it is currently implemented in the 53 counties located in Upstate New York (NYVIP), as meeting the required EPA alternate low enhanced I/M performance standards.

IV. Statutory and Executive Order Reviews

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001). This action merely approves state law as meeting federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4).

This rule also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action also does not have federalism implications because it does not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action merely approves a state rule implementing a federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Act. This rule also is not subject to Executive Order 13045 ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

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

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 23, 2007. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

Dated: January 23, 2007.

Alan J. Steinberg,

Regional Administrator, Region 2.

■ Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

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

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

Subpart HH—New York

■ 2. Section 52.1670 is amended by adding new paragraph (c)(111) to read as follows:

§ 52.1670 Identification of plans.

* * * * *

(c) * * *

* * * * *

(111) Revisions to the State Implementation Plan submitted on February 27, 2006, by the New York State Department of Environmental Conservation, which consist of administrative changes to its motor vehicle enhanced inspection and maintenance (I/M) program which includes the adoption of a statewide On-Board Diagnostic (OBD) program.

(i) Incorporation by reference:

(A) Regulation Title 6 of the New York Codes, Rules and Regulations (NYCRR), Part 217, ''Motor Vehicle Enhanced Inspection and Maintenance Program Requirements,'' specifically, Subpart 217–1, ''Motor Vehicle Enhanced Inspection and Maintenance Program Requirements'' and Subpart 217–4, ''Inspection and Maintenance Program Audits,'' effective on October 30, 2002, and the New York State Department of Motor Vehicles regulation Title 15 NYCRR Part 79 ''Motor Vehicle Inspection Regulations,'' specifically, Sections 79.1–79.15, 79.17, 79.20, 79.21, 79.24, and 79.25, effective on May 4, 2005.

■ 3. In 52.1679, the table is amended by revising the entries under Title 6 for Part 217 and Title 15 for Part 79 to read as follows:

§ 52.1679 EPA-approved New York State regulations.

New York State regulation	State effective date	Latest EPA approval date	Comments
Title 6:			
* * * *		* *	*
Part 217, Motor Vehicle Emissions:			
Subpart 217–1, Motor Vehicle Enhanced Inspection and Maintenance Program Requirements.	10/30/02	2/21/07 ..... [Insert FR page citation].	
Subpart 217–4, Inspection and Maintenance Program Audits	10/30/02	2/21/07 ..... [Insert FR page citation].	
* * * *		* *	*
Title 15:			
Part 79, ''Motor Vehicle Inspection Regulations'' Sections 79.1–79.15, 79.17, 79.20, 79.21, 79.24, 79.25.	5/4/05	2/21/07 ..... [Insert FR page citation].	
* * * *		* *	*

[FR Doc. E7–2801 Filed 2–20–07; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 70

[EPA–R07–OAR–2006–0803; FRL–8278–8]

Approval and Promulgation of Implementation Plans and Operating Permits Program; State of Missouri

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving revisions to the Missouri State Implementation Plan (SIP) and Operating Permits Program. The revisions clarify the rule and streamline processes without negatively impacting air quality. The approved revisions will ensure consistency between the state and the Federally-approved rules.

DATES: This direct final rule will be effective April 23, 2007, without further notice, unless EPA receives adverse comment by March 23, 2007. If adverse comment is 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–R07–OAR–2006–0803, by one of the following methods:

1. *http://www.regulations.gov.* Follow the online instructions for submitting comments.

2. *E-mail: algoe-eakin.amy@epa.gov.*

3. *Mail:* Amy Algoe-Eakin, Environmental Protection Agency, Air Planning and Development Branch, 901 North 5th Street, Kansas City, Kansas 66101.

5. *Hand Delivery or Courier:* Deliver your comments to Amy Algoe-Eakin, Environmental Protection Agency, Air Planning and Development Branch, 901 North 5th Street, Kansas City, Kansas 66101.

Instructions: Direct your comments to Docket ID No. EPA–R07–OAR–2006–0803. 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 through *http://www.regulations.gov* or e-mail information that you consider to be CBI or otherwise protected. 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.

Docket: All documents in the electronic docket are listed in the *http://www.regulations.gov index.* Although listed in the index, some information is not publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are

available either electronically in *http://www.regulations.gov* or in hard copy at the Environmental Protection Agency, Air Planning and Development Branch, 901 North 5th Street, Kansas City, Kansas 66101. The Regional Office's official hours of business are Monday through Friday, 8 a.m. to 4 p.m. excluding Federal holidays. The interested persons wanting to examine these documents should make an appointment with the office at least 24 hours in advance.

FOR FURTHER INFORMATION CONTACT: Amy Algoe-Eakin at (913) 551–7942, or by e-mail at *algoe-eakin.amy@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA. This section provides additional information by addressing the following questions:

What is a SIP?
What is the Federal approval process for a SIP?
What does Federal approval of a state regulation mean to me?
What is the part 70 operating permits program?
What is the Federal approval process for an operating permits program?
What is being addressed in this document?
Have the requirements for approval of a SIP revision and a Part 70 revision been met?
What action is EPA taking?

What is a SIP?

Section 110 of the Clean Air Act (CAA) requires states to develop air pollution regulations and control strategies to ensure that state air quality meets the national ambient air quality standards established by EPA. These ambient standards are established under section 109 of the CAA, and they currently address six criteria pollutants. These pollutants are: carbon monoxide, nitrogen dioxide, ozone, lead, particulate matter, and sulfur dioxide.

Each state must submit these regulations and control strategies to us for approval and incorporation into the Federally-enforceable SIP. Each Federally-approved SIP protects air quality primarily by addressing air pollution at its point of origin. These SIPs can be extensive, containing state regulations or other enforceable documents and supporting information such as emission inventories, monitoring networks, and modeling demonstrations.

What is the Federal approval process for a SIP?

In order for state regulations to be incorporated into the Federally-enforceable SIP, states must formally adopt the regulations and control strategies consistent with state and Federal requirements. This process generally includes a public notice, public hearing, public comment period, and a formal adoption by a state-authorized rulemaking body.

Once a state rule, regulation, or control strategy is adopted, the state submits it to us for inclusion into the SIP. We must provide public notice and seek additional public comment regarding the proposed Federal action on the state submission. If adverse comments are received, they must be addressed prior to any final Federal action by us.

All state regulations and supporting information approved by EPA under section 110 of the CAA are incorporated into the Federally-approved SIP. Records of such SIP actions are maintained in the Code of Federal Regulations (CFR) at title 40, part 52, entitled ''Approval and Promulgation of Implementation Plans.'' The actual state regulations which are approved are not reproduced in their entirety in the CFR outright but are ''incorporated by reference,'' which means that we have approved a given state regulation with a specific effective date.

What does Federal approval of a state regulation mean to me?

Enforcement of the state regulation before and after it is incorporated into the Federally-approved SIP is primarily a state responsibility. However, after the regulation is Federally approved, we are authorized to take enforcement action against violators. Citizens are also offered legal recourse to address violations as described in section 304 of the CAA.

What is the part 70 operating permits program?

The CAA Amendments of 1990 require all states to develop operating permits programs that meet certain Federal criteria. In implementing this program, the states are to require certain sources of air pollution to obtain permits that contain all applicable requirements under the CAA. One purpose of the part 70 operating permits program is to improve enforcement by issuing each source a single permit that consolidates all of the applicable CAA requirements into a Federally-enforceable document. By consolidating all of the applicable requirements for a facility into one document, the source, the public, and the permitting authorities can more easily determine what CAA requirements apply and how compliance with those requirements is determined.

Sources required to obtain an operating permit under this program include ''major'' sources of air pollution and certain other sources specified in the CAA or in our implementing regulations. For example, all sources regulated under the acid rain program, regardless of size, must obtain permits. Examples of major sources include those that emit 100 tons per year or more of volatile organic compounds, carbon monoxide, lead, sulfur dioxide, nitrogen dioxide, or PM_{10}; those that emit 10 tons per year of any single hazardous air pollutant (HAP) (specifically listed under the CAA); or those that emit 25 tons per year or more of a combination of HAPs.

Revision to the state and local agencies operating permits program are also subject to public notice, comment, and our approval.

What is the Federal approval process for an operating permits program?

In order for state regulations to be incorporated into the Federally-enforceable Title V operating permits program, states must formally adopt regulations consistent with state and Federal requirements. This process generally includes a public notice, public hearing, public comment period, and a formal adoption by a state-authorized rulemaking body.

Once a state rule, regulation, or control strategy is adopted, the state submits it to us for inclusion into the approved operating permits program. We must provide public notice and seek additional public comment regarding the proposed Federal action on the state submission. If adverse comments are received, they must be addressed prior to any final Federal action by us.

All state regulations and supporting information approved by EPA under section 502 of the CAA are incorporated into the Federally-approved operating permits program. Records of such actions are maintained in the CFR at Title 40, part 70, appendix A, entitled ''Approval Status of State and Local Operating Permits Programs.''

What is being addressed in this document?

On January 3, 2006, Missouri requested that EPA approve a revision to the SIP and Operating Permits Program to include revisions to the Operating Permits rule, 10 CSR 10–6.065. The rule revisions streamline the basic and intermediate operating permits, which will minimize workload for both industry and state air program staff while maintaining the National Ambient Air Quality Standards

(NAAQS). The rule revisions include the following:

- General reformatting of the rule,
- Added the definition of ''Air Pollutant'' and added a statement that definitions specified in this rule may be found in the Definitions and Common Reference Table Rule, 10 CSR 10–6.020,
- Added new Section (3), which describes the process for issuance of single, multiple or general permits,
- Revised Section (4), which relates to the Basic State Operating Permits, and we are not acting on this section pursuant to the December 20, 2006, letter from MDNR.
- Revised Section (5), which relates to the Intermediate State Operating Permits; these revisions include deleting references to Section (4), revising procedures for permit notifications, including rule language for standard permit content, clarifying the relationship between single, multiple and general permits, and outlines permit procedures for notifying the Administrator of state intermediate operating permits. These changes to the intermediate program do not affect the stringency of the SIP-approved program but merely make it more consistent with the state's Title V program.
- Amended subsection (6)(B), Part 70 Operating Permit Applications, to provide for a specific date by which an installation must file a complete application and provide for a specific date when an installation becomes subject to Part 70 operating permits. It should be noted that this is the only change in the rule revisions which specifically relates to Missouri's Title V operating permit program. It does not change the applicability of the approved program but merely makes it more explicit.

Further information on specific changes made to this rule is available in the Technical Support Documentation developed for this action.

Have the requirements for approval of a SIP revision and a Part 70 revision been met?

The submittal satisfied the completeness criteria of 40 CFR part 51, appendix V. In addition, the state submittal has met the public notice requirements for SIP submission in accordance with 40 CFR 51.102 and met the substantive SIP requirements of the CAA. Finally, the submittal met the substantive requirements of Title V of the 1990 CAA Amendments and 40 CFR part 70.

What action is EPA taking?

We are approving the revisions to the Missouri Operating Permits rule, 10 CSR 10–6.065, into the SIP and Operating Permit Program. Per Missouri's request, we are not approving revisions to Section (4) into the SIP or Part 70 as this section relates to the state's Basic Operating Permit Program.

We are processing this action as a direct final action because the revisions make routine changes to the existing rules, which are noncontroversial and make regulatory revisions required by state statute. Therefore, we do not anticipate any adverse comments. Please note that if EPA receives adverse comment on part of this rule and if that part can be severed from the remainder of the rule, EPA may adopt as final those parts of the rule that are not the subject of an adverse comment.

Statutory and Executive Order Reviews

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001). This action merely approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4).

This rule also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action also does not have Federalism implications because it does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action merely approves a state rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the CAA. This rule also is not subject to Executive Order 13045, ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), because it approves a state rule implementing a Federal standard.

In reviewing SIP and Title V submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a state submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a state submission, to use VCS in place of a state submission that otherwise satisfies the provisions of the CAA. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 23, 2007. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to

enforce its requirements. (See section 307(b)(2).)

List of Subjects

40 CFR Part 52

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

40 CFR Part 70

Administrative practice and procedure, Air pollution control, Intergovernmental relations, Operating permits, Reporting and recordkeeping requirements.

Dated: February 9, 2007.

John B. Askew,

Regional Administrator, Region 7.

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

PART 52—[AMENDED]

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

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

Subpart AA—Missouri

■ 2. In § 52.1320(c) the table is amended under Chapter 6 by revising the entry for ''10–6.065'' to read as follows:

§ 52.1320 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED MISSOURI REGULATIONS

Missouri citation	Title	State effective date	EPA approval date	Explanation
Missouri Department of Natural Resources				
*	*	*	*	*
Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods, and Air Pollution Control Regulations for the State of Missouri				
*	*	*	*	*
10–6.065	Operating Permits ..	09/30/05	02/21/07 [*insert FR page number where the document begins*].	Section (4) Basic State Operating Permits, has not been approved as part of the SIP.
*	*	*	*	*

* * * * *

PART 70—[AMENDED]

■ 1. The authority citation for part 70 continues to read as follows:

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

Appendix A—[Amended]

■ 2. Appendix A to part 70 is amended by adding paragraph (t) under Missouri to read as follows:

Appendix A to Part 70—Approval Status of State and Local Operating Permits Programs

* * * * *

Missouri

* * * * *

(t) The Missouri Department of Natural Resources submitted revisions to Missouri rule 10 CSR 10–6.065, ''Operating Permits'' on January 3, 2006. We are approving this rule except for Section (4) which relates to the State Basic Operating Permits. This approval is effective April 23, 2007.

* * * * *

[FR Doc. E7–2808 Filed 2–20–07; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 2930

RIN 1004–AD68

[WO–250–1220–PA–24 1A]

Permits for Recreation on Public Lands

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rule.

SUMMARY: This final rule updates the regulations of the Bureau of Land Management (BLM) that explain how to obtain recreation permits for commercial recreational operations, competitive events and activities, organized group activities and events, and individual recreational use of special areas.

The final rule is needed to remove from the regulations inconsistencies with the Federal Lands Recreation Enhancement Act (REA), which authorizes the Secretaries of the Interior and Agriculture to establish, modify, charge, and collect recreation fees at Federal recreation lands and waters for the next 10 years.

DATES: Effective date: March 23, 2007.

ADDRESSES: You may submit inquiries or suggestions to Director (250), Bureau of Land Management, Room 301–LS, Eastern States Office, 7450 Boston Boulevard, Springfield, Virginia 22153.

FOR FURTHER INFORMATION CONTACT: Anthony Bobo at (202) 452–0333 as to the substance of the final rule, or Ted Hudson at (202) 452–5042 as to procedural matters. Persons who use a telecommunications device for the deaf (TDD) may contact either individual by calling the Federal Information Relay Service (FIRS) at (800) 877–8339, 24 hours a day, 7 days a week.

SUPPLEMENTARY INFORMATION:

I. Background
II. Discussion of Public Comments
III. Discussion of Final Rule
IV. Procedural Matters

I. Background

The REA was passed as part of the 2005 Omnibus Appropriations bill, and signed into law on December 8, 2004. The Act provides authority for 10 years for the Secretaries of the Interior and Agriculture to establish, modify, charge, and collect recreation fees for use of certain Federal recreation lands and waters.

Section 13 of REA repealed certain admission and use fee authorities, including Section 4(a) through (i) of the

Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–6a *et seq.*), and Section 315 of the Department of the Interior and Related Agencies Appropriations Act, 1996 (as contained in section 101(c) of Public Law 104–134; 16 U.S.C. 460l–6a). The latter provision authorized the Recreational Fee Demonstration Program, which the BLM has used to fund many of its recreation sites. Because these authorities have been repealed, we need to amend the BLM's recreation permit regulations to remove references to them.

Under REA, the BLM will—

- Reinvest a majority of fees back to the site of collection to enhance visitor services and reduce the backlog of maintenance needs for recreation facilities (including trail maintenance, toilet facilities, boat ramps, hunting blinds, interpretive signs and programs);
- Participate in an interagency fee program that reduces the number of national passes from four to one, allowing visitors access to all Federal recreation lands and sites;
- Provide more opportunities for public involvement in the BLM's determination of recreation fee sites and fees; and
- Provide for cooperation with gateway communities through fee management agreements for visitor and recreation services, emergency medical services, and law enforcement services.

The BLM does not and will not charge a fee for many recreation activities and sites on public lands. The REA includes additional provisions that build on the BLM's past experiences in the recreation fee program and improve the fee program by clarifying the circumstances in which fees may be charged. Under the Act, the BLM will not charge standard or expanded amenity recreation fees for—

- General access to BLM areas;
- Horseback riding, walking through, driving through, or boating through public lands where no facilities or services are used;
- Access to overlooks or scenic pullouts;
- Undesignated parking areas where no facilities are provided; or
- Picnicking along roads or trails.

In addition, individuals under 16 will not be charged an entrance or standard amenity fee.

In compliance with REA, the BLM is utilizing its existing Resource Advisory Committees (RACs) and certain new Recreation Resource Advisory Committees (RRACs) to provide the public with additional opportunities to provide input on the establishment of a specific recreation fee site or other agency fee proposals. The BLM also will provide other opportunities for notice and public participation before establishing a new fee, and will keep the public informed on how it is using fee revenues to improve visitor facilities and services.

The BLM published a proposed rule implementing REA on November 22, 2005 (70 FR 70570), allowing public comments until January 23, 2006. On January 18, 2006, we published a correction in the **Federal Register** (71 FR 2899), because we found one provision in the proposed rule misleading and subject to an interpretation inconsistent with REA. The REA, at Section 12(d), imposed a $100 fine for failure to pay a permit fee. As published, the proposed rule could be interpreted to provide that this fine also applied to a failure to obtain a permit, which was not the intent of the proposed rule or REA. (Under 18 U.S.C. 3571, the maximum fine for failure to obtain a permit is $100,000 for an individual and $200,000 for an organization. Section 303 of the Federal Land Policy and Management Act (FLPMA) also provides for a penalty of up to 12 months in prison for such a violation (43 U.S.C. 1733.)) The correction notice extended the comment period so that the public had a full 60 days to comment on the corrected proposed rule, ending March 20, 2006.

II. Discussion of Public Comments

The BLM received 6 comments on the proposed rule, 5 from individuals and one from a trade association.

One comment addressed the provision for civil penalties in section 2932.57(b)(3): ''You may also be subject to civil action for unauthorized use of the public lands or related waters and their resources * * *'' It stated that the reference should be to ''navigable water'' only, stating that applying the penalty to use of any other water would be illegal.

The BLM has jurisdiction over the entire shoreline of a lake or reservoir, and controls use and charges fees even if the bureau does not actually ''own'' the water; navigability is not an issue. There is also case law (*United States* v. *Lindsey*, 595 F.2d 5 (9th Cir. 1979)) that cites the property clause of the Constitution in affirming the government's right to require permits (and by extension, fees) for rivers in order to protect the public interest in protecting and managing the lands and resources on the river bank.

One comment suggested that the BLM impose a minimum fine of $500.00 for violations of law on public lands. The comment also asked that the offenses that it characterized as ''anonymous other actions'' be subject to higher fines and that they be specifically listed in the **Federal Register**.

Sec. 12(d) of REA limits penalties for failure to pay fees. ''SEC. 12. ENFORCEMENT AND PROTECTION OF RECEIPTS. * * * (d) Limitation on Penalties.— The failure to pay a recreation fee established under this Act shall be punishable as a Class A or Class B misdemeanor, except that in the case of a first offense of nonpayment, the fine imposed may not exceed $100, notwithstanding section 3571(e) of title 18, United States Code.''

One comment challenged economic data that it said the BLM used to justify the proposed rule. We will discuss this issue in Section IV of the preamble, on Procedural Matters.

The same comment addressed the provision in the original proposed rule that set the fine for failure of organized groups or commercial activities to have a permit at $100 for the first offense. This was the issue that prompted the January 23, 2006, correction notice and extension of the public comment period. The comment pre-dated the correction notice, and there is no need to discuss the issue further in this final rule.

One comment urged that permits for recreation on the public lands should be free of charge to United States citizens and have terms of at least 12 months. The comment stated that this benefit should be funded by charging fees for harvesting all available renewable natural resources and mining minerals on a rotating 10 percent of the public lands each 10 years, leaving the remaining 90 percent to recover for 10 to 90 years. Meanwhile, according to the comment, recreational users would benefit from road construction for resource development that would improve access to remote areas. The comment also advocated reducing costs by eliminating half of the management personnel, and by not paying the moving costs of transferring personnel from location to location, which would tend to keep relevant experience and expertise on site.

The comment includes suggestions that are beyond the scope of this rule, not authorized by law, or contrary to Office of Management and Budget (OMB) guidance on recovering costs from those who benefit from public lands and resources. (Cost recovery policies are explained in OMB Circular No. A–25 (Revised), entitled ''User Charges.'') The comment also does not recognize that many BLM lands are uniquely valuable for specific resources or uses, notwithstanding the multiple uses outlined in FLPMA and other authorities. The rigid use-rotation plan

suggested in the comment would not be appropriate for such lands, and the plan does not take into account varying reclamation and recovery times from different uses of different kinds of public lands. The comment is not adopted in the final rule.

One comment asked what regulation changes were proposed or will be made with regard to pedestrian or bicycle access and to camping.

The comment raises questions that are beyond the scope of the rule.

One comment supported the idea of encouraging recreation on the public lands as a way of re-establishing human links to the natural world and showing that humans are part of that world.

The rule is required by law and OMB guidance on recovering costs. Nothing in the rule is intended to discourage recreational use of the public lands. The fees imposed by the rule are the minimum necessary to meet cost recovery requirements, and other burdens imposed on the recreational public are the minimum necessary to allow balanced management of the public lands.

III. Discussion of Final Rule

The final rule makes changes in the existing regulations on permits for recreation on public lands in order to bring them into conformance with the law, including REA. This section of the preamble describes the changes made in each section of the regulations.

Section 2931.3 What are the authorities for these regulations?

The final rule amends this section to remove references to the repealed authority, portions of the Land and Water Conservation Fund Act, 16 U.S.C. 4601–6a, and add reference to REA. It explains that REA authorizes the BLM to collect fees for recreational use of certain kinds of areas, and to issue special recreation permits for group activities, such as commercial outings, and recreation events, such as races or traditional assemblies. The rule also clarifies the authority contained in Section 303 of the Federal Land Policy and Management Act (FLPMA), 43 U.S.C. 1733. It also restates the functions of 18 U.S.C. 3571 and 3581 *et seq.*, which establish penalties of fines and imprisonment for violation of regulations. Finally, in this section, the rule removes paragraph (b) discussing 36 CFR part 71, because the regulations there are outdated.

Section 2932.57 Prohibited acts and penalties.

In this section, which covers prohibited acts and penalties related to special recreation permits, the final rule amends paragraph (b)(3) by removing reference to the Land and Water Conservation Fund Act and adding REA in its place.

Section 12(d) of REA establishes limits on penalties for failure to pay recreation fees established under the Act. It provides for such failures to be punishable as Class A or Class B misdemeanors, but limits fines for a first offense to $100. (Under 18 U.S.C. 3571 and 3581, a Class A misdemeanor is subject to a penalty of not more than $100,000 for an individual ($200,000 for an organization) or one year in jail. A Class B misdemeanor is subject to a fine of not more than $5,000 for an individual ($10,000 for an organization) or six months in jail.) We have also revised paragraph (b) of section 2932.57 to reflect this provision of REA.

Section 2933.33 Prohibited acts and penalties.

The final rule amends this section, which states prohibitions and imposes penalties related to recreation use permits, by removing references to the Land and Water Conservation Fund Act, and substituting REA, where appropriate. To conform the prohibited acts in paragraph (a) of the section to the table of penalties in paragraph (d), we have added a provision to paragraph (a) requiring compliance with recreation use permit stipulations and conditions. The final rule also removes unnecessary internal cross-references in this section, and corrects inaccurate legal citations.

IV. Procedural Matters

Regulatory Planning and Review (E.O. 12866)

This document is not a significant rule and was not subject to review by the Office of Management and Budget under Executive Order 12866.

(1) This rule will not have an effect of $100 million or more on the economy. It will not adversely affect in a material way the economy, productivity, competition, jobs, the environment, public health or safety, or state, local, or tribal governments or communities.

(2) This rule will not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency. The rule implements a new statute that affects all land managing agencies. The other agencies are cooperating with the BLM in developing general guidelines for implementing the statute.

(3) This rule does not alter the budgetary effects or entitlements, grants, user fees, or loan programs or the rights or obligations of their recipients. It maintains current policies on user fees.

(4) This rule does not raise novel legal or policy issues. It cites new statutory authority that does not have substantially different effects on the program or the public.

During fiscal year 2004, the BLM issued just over 109,000 Special Recreation Permits of all kinds, with revenues totaling a little over $8 million deposited into the Land and Water Conservation Fund (LWCF), the Fee Demonstration Project, and other miscellaneous accounts. These numbers are derived from the Public Land Statistics, and represent an increase of slightly more than fivefold since 1996. On the other hand, according to the American Recreation Coalition, Americans spent more than $108 billion on wildlife-related recreation (fishing, hunting, birdwatching, and so forth) alone. We cite these numbers to illustrate that the fees charged under the BLM's recreation program are relatively small when compared with the revenues realized by a typical segment of the overall national recreation industry. Special Recreation Permits are generally obtained by commercial outfitters and guides, river running companies, sponsors of competitive events, ''snow bird'' seasonal mobile home campers who use the BLM's long-term visitor areas, and private individuals and groups using certain special areas. Under current regulations, use fees are established by the BLM Director, who may adjust them from time to time to reflect changes in costs and the market, and published periodically in the **Federal Register**. The BLM may charge actual costs, subject to certain limitations. During fiscal year 2004, the BLM issued just over 655,000 Recreation Use Permits for use of fee sites, with revenues totaling a little over $5,200,000. We state these figures to give some idea of the scope of the BLM recreation program in economic terms, and to show that the revenues from the program do not approach $100 million annually. The REA makes changes in the authorities for the BLM's recreation fees, but Section 3 of the Act does not change the policy for setting those fees: ''The amount of the recreation fee shall be commensurate with the benefits and services provided to the visitor,'' and ''[t]he Secretary shall consider comparable fees charged elsewhere and by other public agencies and by nearby private sector operators.'' As for the penalty aspect of the rule, in recent years fines assessed for violation of recreation permit provisions have not approached the threshold. Since 2000, we have issued on average 300 citations annually for violations of special

recreation permit and recreation use permit provisions, combined, imposing average fines of $100.00 for each, for an approximate average annual total of $30,000. Thus, it is clear that the changes in the final rule will not have economic effects exceeding $100 million annually.

One comment challenged the BLM's reference to the American Recreation Coalition's statement that Americans spent $108 billion on wildlife-related recreation alone, stating that the figure was unsubstantiated and does not even apply to recreation activities on the public lands, and that much of that recreation occurred on non-BLM lands. (The source for the American Recreation Coalition's statement is the 2001 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation, the tenth in a series of surveys conducted by the U.S. Fish and Wildlife Service and the U.S. Census Bureau. It states that Americans spent $108 billion on wildlife-related recreation in 2000.)

The Executive Order requires us to determine not only that the rule ''will not have an effect of $100 million or more on the economy,'' which this rule clearly does not, as demonstrated above, but that it ''will not adversely affect in a material way the economy, productivity, competition, jobs, the environment, public health or safety, or state, local, or tribal governments or communities.'' The BLM presented the American Recreation Coalition datum, relating to one segment of the national recreation economy, merely to compare the small economic effect of the penalties imposed by the rule, and the negligible effect of the administrative changes made to conform to the REA, to the total amount of money that is spent nationwide on a typical segment of the outdoor recreation economy, to show that the rule should not affect the national economy in a material way, not to justify the rule or to offer the figures as *bona fide*.

The penalties imposed on persons who violate regulations on special recreation permits and recreation use permits are not substantively changed except to reduce the penalty for not paying a fee. While public lands recreation is an important element of many local economies in the Western States, and substantial revenues are generated by the public lands recreation industry, it is clear that the effects of the changes in this rule will not ''adversely affect in a material way the economy, productivity, competition, jobs, the environment, public health or safety, or state, local, or tribal governments or communities.'' The data cited in the proposed rule were actually not necessary to illustrate this point.

Regulatory Flexibility Act

The Department of the Interior certifies that this final rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The BLM recognizes that most commercial recreation enterprises—outfitters, guides, river-running companies, local retail outlets—are small businesses, and that over 5,000 of them annually hold BLM commercial or competitive permits. Nevertheless, this final rule does not change permit fees, but rather updates the regulations to reflect changes in authorities for the fees and changes their allocation. Penalties for non-payment of fees do not affect outfitters, event organizers, and other commercial permittees, who must pay the fees before receiving permits.

Small Business Regulatory Enforcement Fairness Act (SBREFA)

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. *This rule:*

- Does not have an annual effect on the economy of $100 million or more. See the discussion under Regulatory Planning and Review, above.
- Will not cause a major increase in costs or prices for consumers, individual industries, Federal, state, or local government agencies, or geographic regions. The rule will have no effect on the 3 percent basic use fee that the BLM's fee schedule (set by the 1984 policy, not regulations) requires outfitters to pay.
- Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises. The changes in the regulations required by enactment of REA will not lead to increases in user fees or any other cost factors that may impel recreationists to travel to comparable foreign recreation destinations.

Unfunded Mandates Reform Act

This rule does not impose an unfunded mandate on state, local, or Tribal governments or the private sector of more than $100 million per year. The rule does not have a significant or unique effect on state, local, or Tribal governments or the private sector. The rule has no effect on governmental or Tribal entities. A statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*) is not required.

Takings (E.O. 12630)

In accordance with Executive Order 12630, the BLM finds that the rule does not have significant takings implications. The final rule does not provide for forfeiture or derogation of private property rights. It merely updates the regulations to reflect changes in statutory authorities for the BLM recreation program covered by the regulations. A takings implications assessment is not required.

Federalism (E.O. 13132)

In accordance with Executive Order 13132, the BLM finds that the rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement. The rule 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. The rule does not preempt state law.

Civil Justice Reform (E.O. 12988)

In accordance with Executive Order 12988, we have determined that this rule does not unduly burden the judicial system and meets the requirements of sections 3(a) and 3(b)(2) of the Order. The rule merely updates the regulations to reflect changes in statutory authorities.

E.O. 13175, Consultation and Coordination With Indian Tribal Governments

In accordance with Executive Order 13175, the BLM has found that this final rule does not include policies that have Tribal implications. The rule has no effect on Tribal lands, and affect member of Tribes only to the extent that they use public lands and facilities for recreation. The rule merely updates the regulations to reflect changes in statutory authorities.

E.O. 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

This rule is not a significant energy action. It will not have an adverse effect on energy supplies. The rule does not limit land use by energy companies. It applies only to permits for recreational use of public lands, how the BLM collects revenues and applies them to the program.

E.O. 13352, Facilitation of Cooperative Conservation

In accordance with Executive Order 13352, the BLM has determined that this final rule is administrative in nature and only reflects changes in statutory authorities. This rule does not impede facilitating cooperative conservation. It does not affect the interests of persons with ownership or other legally recognized interests in land or other natural resources, local participation in the Federal decision-making process, or relate to the protection of public health and safety.

Paperwork Reduction Act

These regulations do not contain information collection requirements that the Office of Management and Budget must approve under the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 *et seq.*

National Environmental Policy Act

The BLM has determined that this final rule updating the recreation permit regulations to recognize and reflect changes in statutory authorities governing the payment and allocation of permit fees and the penalties for nonpayment is a regulation of an administrative, financial, legal, and procedural nature. Therefore, it is categorically excluded from environmental review under section 102(2)(C) of the National Environmental Policy Act, pursuant to 516 Departmental Manual (DM), *Chapter 2, Appendix 1*. In addition, the final rule does not meet any of the 10 criteria for exceptions to categorical exclusions listed in *516 DM, Chapter 2, Appendix 2*. Pursuant to Council on Environmental Quality regulations (*40 CFR 1508.4*) and the environmental policies and procedures of the Department of the Interior, the term ''categorical exclusions'' means a category of actions which do not individually or cumulatively have a significant effect on the human environment and that have been found to have no such effect in procedures adopted by a Federal agency and for which neither an environmental assessment nor an environmental impact statement is required. Therefore, a detailed statement under the National Environmental Policy Act of 1969 is not required.

Author

The principal authors of this final rule are Lee Larson (retired), and Anthony Bobo of the Recreation and Visitor Services Division, Washington Office, BLM, assisted by Ted Hudson of the Regulatory Affairs Group, Washington Office, BLM.

List of Subjects in 43 CFR Part 2930

Penalties, Public lands, Recreation and recreation areas, Reporting and recordkeeping requirements, Surety bonds.

Dated: January 31, 2007.

C. Stephen Allred,

Assistant Secretary of the Interior, Land and Minerals Management.

■ For the reasons explained in the preamble, and under the authority of 43 U.S.C. 1740, we amend chapter II, subtitle B of title 43 of the Code of Federal Regulations as follows:

PART 2930—PERMITS FOR RECREATION ON PUBLIC LANDS

■ 1. The authority citation for part 2930 is revised to read as follows:

Authority: 43 U.S.C. 1740; 16 U.S.C. 6802.

Subpart 2931—Permits for Recreation; General

■ 2. Revise section 2931.3 to read as follows:

§ 2931.3 What are the authorities for these regulations?

The statutory authorities underlying the regulations in this part are the Federal Land Policy and Management Act, 43 U.S.C. 1701 *et seq.*, and the Federal Land Recreation Enhancement Act, 16 U.S.C. 6801 *et seq.*

(a) The Federal Land Policy and Management Act (FLPMA) contains the Bureau of Land Management's (BLM's) general land use management authority over the public lands, and establishes outdoor recreation as one of the principal uses of those lands (43 U.S.C. 1701(a)(8)). Section 302(b) of FLPMA directs the Secretary of the Interior to regulate through permits or other instruments the use of the public lands, which includes commercial recreation use. Section 303 of FLPMA authorizes the BLM to promulgate and enforce regulations, and establishes the penalties for violations of the regulations.

(b) The Federal Land Recreation Enhancement Act (REA) authorizes the BLM to collect fees for recreational use in areas meeting certain criteria (16 U.S.C. 6802(f) and (g)(2)), and to issue special recreation permits for group activities and recreation events (16 U.S.C. 6802(h).

(c) 18 U.S.C. 3571 and 3581 *et seq.* establish sentences of fines and imprisonment for violation of regulations.

Subpart 2932—Special Recreation Permits for Commercial Use, Competitive Events, Organized Groups, and Recreation Use in Special Areas [Amended]

■ 3. Amend section 2932.57 by revising paragraph (b) to read as follows:

§ 2932.57 Prohibited acts and penalties.

* * * * *

(b) *Penalties.* (1) If you are convicted of any act prohibited by paragraphs (a)(2) through (a)(7) of this section, or of failing to obtain a Special Recreation Permit under paragraph (a)(1) of this section, you may be subject to a sentence of a fine or imprisonment or both for a Class A misdemeanor in accordance with 18 U.S.C. 3571 and 3581 *et seq.* under the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1733(a)).

(2) If you are convicted of failing to pay a fee required by paragraph (a)(1) of this section, you may be subject to a sentence of a fine not to exceed $100 for the first offense, or a sentence of a fine and or imprisonment for a Class A or B misdemeanor in accordance with 18 U.S.C. 3571 and 3581 *et seq.* for all subsequent offenses.

(3) You may also be subject to civil action for unauthorized use of the public lands or related waters and their resources, for violations of permit terms, conditions, or stipulations, or for uses beyond those allowed by permit.

Subpart 2933—Recreation Use Permits for Fee Areas

■ 4. Amend § 2933.33 by revising paragraphs (a), (b), and (d) to read as follows:

§ 2933.33 Prohibited acts and penalties.

(a) *Prohibited acts.* You must not—

(1) Fail to obtain a use permit or pay any fees required by this subpart;

(2) Violate the stipulations or conditions of a permit issued under this subpart;

(3) Fail to pay any fees within the time specified;

(4) Fail to display any required proof of payment of fees;

(5) Willfully and knowingly possess, use, publish as true, or sell to another, any forged, counterfeited, or altered document or instrument used as proof of or exemption from fee payment;

(6) Willfully and knowingly use any document or instrument used as proof of or exemption from fee payment, that the BLM issued to or intended another to use; or

(7) Falsely represent yourself to be a person to whom the BLM has issued a

document or instrument used as proof of or exemption from fee payment.

(b) *Evidence of nonpayment.* The BLM will consider failure to display proof of payment on your unattended vehicle parked within a fee area, where payment is required to be prima facie evidence of nonpayment.

* * * * *

(d) *Types of penalties.* You may be subject to the following fines or penalties for violating the provisions of this subpart:

If you are convicted of . . .	then you may be subject to . . .	under . . .
(1) Failing to obtain a permit under paragraph (a)(1) of this section, or any act prohibited by paragraph (a)(4), (5), or (6) of this section.	A sentence of a fine and/or imprisonment for a Class A misdemeanor in accordance with 18 U.S.C. 3571 and 3581 *et seq.*	The Federal Land Policy and Management Act of 1976 (43 U.S.C. 1733(a)).
(2) Violating any regulation in this subpart or any condition of a Recreation Use Permit.	A sentence of a fine and/or imprisonment for a Class A misdemeanor in accordance with 18 U.S.C. 3571 and 3581 *et seq.*	The Federal Land Policy and Management Act of 1976 (43 U.S.C. 1733(a)).
(3) Failing to pay a Recreation Use Permit fee required by paragraph (a)(1) of this section, or any act prohibited by paragraph (a)(3) of this section.	A fine not to exceed $100 for the first offense, or a sentence of a fine and/or imprisonment for a Class A or B misdemeanor in accordance with 18 U.S.C. 3571 and 3581 *et seq.* for all subsequent offenses.	The Federal Lands Recreation Enhancement Act (16 U.S.C. 6811).

[FR Doc. E7–2876 Filed 2–20–07; 8:45 am]

BILLING CODE 4310–84–P

Rules and Regulations

Federal Register

Vol. 72, No. 34

Wednesday, February 21, 2007

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

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 916 and 917

[Docket No. AO–90–A7; AMS–FV–06–0207; FV05–916–1 C]

Nectarines and Peaches Grown in California; Order Amending Marketing Order Nos. 916 and 917; Correction

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Correcting amendment.

SUMMARY: The Agricultural Marketing Service published a final rule in the **Federal Register** on July 21, 2006 (71 FR 41345). The document implemented amendments to the California nectarine and peach marketing orders. Implementation of the amendments required either lifting or suspending certain language in the orders. However, two of those actions were omitted in the final rule's amendatory instructions. This document correctly identifies which suspension should be lifted and which suspension should be made. In addition, this document corrects a reference to committee size.

DATES: Effective on February 21, 2007.

FOR FURTHER INFORMATION CONTACT: Laurel May or Kathleen M. Finn, 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: Laurel.May@usda.gov* or *Kathy.Finn@usda.gov*.

SUPPLEMENTARY INFORMATION: This document provides correcting amendments to Marketing Orders 916 and 917, found respectively at 7 CFR part 916 and 7 CFR part 917.

List of Subjects

7 CFR Part 916

Marketing agreements, Nectarines, Reporting and recordkeeping requirements.

7 CFR Part 917

Marketing agreements, Peaches, Pears, Reporting and recordkeeping requirements.

■ Accordingly, 7 CFR parts 916 and 917 are corrected by making the following correcting amendments:

■ 1. The authority citation for 7 CFR parts 916 and 917 continues to read as follows:

Authority: 7 U.S.C. 601–674.

PART 916—NECTARINES GROWN IN CALIFORNIA

§ 916.23 [Amended]

■ 2. In § 916.23, remove the word ''eight.''

PART 917—FRESH PEARS AND PEACHES GROWN IN CALIFORNIA

§ 917.18 [Amended]

■ 3. In § 917.18, paragraph (a), lift the suspension of January 1, 2007 (71 FR 41345).

§ 917.24 [Amended]

■ 4. In § 917.24, paragraph (a), suspend the words ''and not later than February 15 for pears.''

Dated: February 15, 2007.

Lloyd C. Day,

Administrator, Agricultural Marketing Service.

[FR Doc. 07–783 Filed 2–16–07; 8:46 am]

BILLING CODE 3410–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 30536; Amdt. No. 3206]

Standard Instrument Approach Procedures, Weather Takeoff Minimums; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) and/or Weather Takeoff Minimums for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: This rule is effective February 21, 2007. The compliance date for each SIAP and/or Weather Takeoff Minimums is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of February 21, 2007.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591;

2. The FAA Regional Office of the region in which the affected airport is located;

3. The National Flight Procedures Office, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 or,

4. The National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

For Purchase—Individual SIAP and Weather Takeoff Minimums copies may be obtained from:

1. FAA Public Inquiry Center (APA–200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—Copies of all SIAPs and Weather Takeoff Minimums mailed

once every 2 weeks, are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

FOR FURTHER INFORMATION CONTACT: Donald P. Pate, Flight Procedure Standards Branch (AFS–420), Flight Technologies and Programs Division, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 (Mail Address: P.O. Box 25082, Oklahoma City, OK 73125) telephone: (405) 954–4164.

SUPPLEMENTARY INFORMATION: This amendment to Title 14 of the Code of Federal Regulations, Part 97 (14 CFR part 97), establishes, amends, suspends, or revokes SIAPs and/or Weather Takeoff Minimums. The complete regulatory description of each SIAP and/or Weather Takeoff Minimums is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and 14 CFR part 97.20. The applicable FAA Forms are identified as FAA Forms 8260–3, 8260–4, 8260–5 and 8260–15A. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs and/or Weather Takeoff Minimums, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs and/or Weather Takeoff Minimums but refer to their depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP and/or Weather Takeoff Minimums contained in FAA form documents is unnecessary. The provisions of this amendment state the affected CFR sections, with the types and effective dates of the SIAPs and/or Weather Takeoff Minimums. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP and/or Weather Takeoff Minimums as contained in the transmittal. Some SIAP and/or Weather Takeoff Minimums amendments may have been previously issued by the FAA in a Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP, and/or Weather Takeoff Minimums amendments may require making them effective in less than 30 days. For the remaining SIAPs and/or Weather Takeoff Minimums, an effective date at least 30 days after publication is provided.

Further, the SIAPs and/or Weather Takeoff Minimums contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these SIAPs and/or Weather Takeoff Minimums, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and/or Weather Takeoff Minimums and safety in air commerce, I find that notice and public procedure before adopting these SIAPs and/or Weather Takeoff Minimums are impracticable and contrary to the public interest and, where applicable, that good cause exists for making some SIAPs and/or Weather Takeoff Minimums effective in less than 30 days.

Conclusion

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

List of Subjects in 14 CFR Part 97

Air Traffic Control, Airports, Incorporation by reference, and Navigation (Air).

Issued in Washington, DC on February 9, 2007.

James J. Ballough,

Director, Flight Standards Service.

Adoption of the Amendment

■ Accordingly, pursuant to the authority delegated to me, under Title 14, Code of Federal Regulations, Part 97 (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures and Weather Takeoff Minimums effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

■ 1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

■ 2. Part 97 is amended to read as follows:

Effective 15 March 2007

Bay Minette, AL, Bay Minette Muni, RNAV (GPS) RWY 8, Orig
Bay Minette, AL, Bay Minette Muni, VOR RWY 8, Amdt 8
Bay Minette, AL, Bay Minette Muni, GPS RWY 8, Orig, CANCELLED
Bay Minette, AL, Bay Minette Muni, RNAV (GPS) RWY 26, Orig
Bay Minette, AL, Bay Minette Muni, Takeoff Minimums and Textual DP, Orig
Gulf Shores, AL, Jack Edwards, RNAV (GPS) RWY 9, Amdt 2
Gulf Shores, AL, Jack Edwards, RNAV (GPS) RWY 27, Amdt 1
Gulf Shores, AL, Jack Edwards, Takeoff Minimums and Textual DP, Orig
Williston, FL, Williston Muni, RNAV (GPS) RWY 5, Orig
Williston, FL, Williston Muni, RNAV (GPS) RWY 23, Orig
Williston, FL, Williston Muni, VOR RWY 23, Amdt 1
Williston, FL, Williston Muni, GPS RWY 23, Orig-A, CANCELLED
Williston, FL, Williston Muni, Takeoff Minimums and Textual DP, Amdt 2
Hammond, LA, Hammond Northshore Regional, VOR RWY 31, Amdt 4
Baltimore, MD, Baltimore/Washington Intl Thurgood Marshall, Takeoff Minimums and Textual DP, Amdt 8
Hagerstown, MD, Hagerstown Regional-Richard A. Henson Field, LOC RWY 9, Orig
Willmar, MN, Willmar Muni, ILS OR LOC RWY 13, Orig
Potosi, MO, Washington County, RNAV (GPS) RWY 2, Orig
Potosi, MO, Washington County, RNAV (GPS) RWY 20, Orig
Potosi, MO, Washington County, Takeoff Minimums and Textual DP, Orig
Haverhill, NH, Dean Memorial, RNAV (GPS) RWY 19, Orig
Haverhill, NH, Dean Memorial, Takeoff Minimums and Textual DP, Orig
Nashua, NH, Boire Fld, RNAV (GPS) RWY 32, Orig
Nashua, NH, Boire Fld, GPS RWY 32, Orig, CANCELLED
Atlantic City, NJ, Atlantic City International, COPTER ILS OR LOC/DME RWY 13, Amdt 1
Atlantic City, NJ, Atlantic City International, Takeoff Minimums and Textual DP, Orig

Berlin, NJ, Camden County, RNAV (GPS) RWY 5, Orig
Berlin, NJ, Camden County, RNAV (GPS) RWY 23, Orig
Berlin, NJ, Camden County, GPS RWY 5, Orig-A, CANCELLED
Berlin, NJ, Camden County, GPS RWY 23, Orig, CANCELLED
Oklahoma City, OK, Will Roger World, RNAV (RNP) Y RWY 17L, Amdt 1
Oklahoma City, OK, Will Roger World, RNAV (GPS) Z RWY 17L, Amdt 1
Oklahoma City, OK, Will Roger World, RNAV (RNP) Z RWY 35R, Orig-A
Oklahoma City, OK, Will Roger World, Takeoff Minimums and Textual DP, Orig
Philadelphia, PA, Philadelphia Intl, RNAV (GPS) RWY 27L, Amdt 1A
Anderson, SC, Anderson Rgnl, RNAV (GPS) RWY 5, Amdt 1
Anderson, SC, Anderson Rgnl, RNAV (GPS) RWY 17, Orig
Anderson, SC, Anderson Rgnl, RNAV (GPS) RWY 23, Orig
Anderson, SC, Anderson Rgnl, RNAV (GPS) RWY 35, Orig
Anderson, SC, Anderson Rgnl, GPS RWY 23, Orig-B, CANCELLED
Anderson, SC, Anderson Rgnl, VOR RWY 5, Amdt 10
Greenville, SC, Donaldson Center, RNAV (GPS) RWY 5, Orig
Greenville, SC, Donaldson Center, RNAV (GPS) RWY 23, Orig
Greenville, SC, Donaldson Center, Takeoff Minimums and Textual DP, Orig
Athens, TN, McMinn County, RNAV (GPS) RWY 20, Orig
Athens, TN, McMinn County, NDB RWY 20, Amdt 6
Dickson, TN, Dickson Muni, RNAV (GPS) RWY 17, Amdt 1
Arlington, TX, Arlington Muni, Takeoff Minimums and Textual DP, Amdt 2
Dallas, TX, Addison, Takeoff Minimums and Textual DP, Amdt 4
Dallas, TX, Dallas Executive, Takeoff Minimums and Textual DP, Amdt 6
Dallas-Fort Worth, TX, Dallas/Fort Worth International, Takeoff Minimums and Textual DP, Amdt 4
Fort Worth, TX, Fort Worth Alliance, Takeoff Minimums and Textual DP, Orig
Fort Worth, TX, Fort Worth Meacham Intl, Takeoff Minimums and Textual DP, Amdt 6
Oak Harbor, WA, Wes Lupien, RNAV (GPS) RWY 7, Amdt 1
Seattle, WA, Seattle-Tacoma Intl, ILS OR LOC RWY 16L; ILS RWY 16L (CAT II); ILS RWY 16L (CAT III), Amdt 3A
Big Piney, WY, Miley Mem Field, GPS RWY 31, Orig-B
Pinedale, WY, Ralph Wenz Field, RNAV (GPS) RWY 11, Orig-A
Pinedale, WY, Ralph Wenz Field, RNAV (GPS) RWY 29, Orig-A
Pinedale, WY, Ralph Wenz Field, NDB RWY 29, Amdt 1A

Effective 12 April 2007

Victorville, CA, Southern California Logistics, Takeoff Minimums and Textual DP, Amdt 2

Effective 10 May 2007

Akhiok, AK, Akhiok, RNAV (GPS)-A, Orig
Akhiok, AK, Akhiok, Takeoff Minimums and Textual DP, Orig

[FR Doc. E7–2691 Filed 2–20–07; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 30537; Amdt. No. 3207]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment amends Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: This rule is effective February 21, 2007. The compliance date for each SIAP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of February 21, 2007.

ADDRESSES: Availability of matter incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Ave, SW., Washington, DC 20591;

2. The FAA Regional Office of the region in which affected airport is located; or

3. The National Flight Procedures Office, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 or,

4. The National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

For Purchase—Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA–200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

FOR FURTHER INFORMATION CONTACT: Donald P. Pate, Flight Procedure Standards Branch (AFS–420), Flight Technologies and Programs Division, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 (Mail Address: P.O. Box 25082, Oklahoma City, OK 73125) telephone: (405) 954–4164.

SUPPLEMENTARY INFORMATION: This amendment to Title 14, Code of Federal Regulations, Part 97 (14 CFR part 97) amends Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in the appropriate FAA Form 8260, as modified by the National Flight Data Center (FDC)/Permanent Notice to Airmen (P–NOTAM), which is incorporated by reference in the amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of the Code of Federal Regulations. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. The provisions of this amendment state the affected CFR sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP as amended in the transmittal. For safety and timeliness of change considerations, this amendment incorporates only specific changes

contained for each SIAP as modified by FDC/P–NOTAMs.

The SIAPs, as modified by FDC P–NOTAM, and contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these chart changes to SIAPs, the TERPS criteria were applied to only these specific conditions existing at the affected airports. All SIAP amendments in this rule have been previously issued by the FAA in a FDC NOTAM as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for all these SIAP amendments requires making them effective in less than 30 days.

Further, the SIAPs contained in this amendment are based on the criteria contained in TERPS. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are impracticable and contrary to the public interest and, where applicable, that good cause exists for making these SIAPs effective in less than 30 days.

Conclusion

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

List of Subjects in 14 CFR Part 97

Air Traffic Control, Airports, Incorporation by reference, and Navigation (Air).

Issued in Washington, DC on February 9, 2007.

James J. Ballough,

Director, Flight Standards Service.

Adoption of the Amendment

■ Accordingly, pursuant to the authority delegated to me, Title 14, Code of Federal regulations, Part 97, 14 CFR part 97, is amended by amending Standard Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows:

Part 97—STANDARD INSTRUMENT APPROACH PROCEDURES

■ 1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

■ 2. Part 97 is amended to read as follows:

§§ 97.23, 97.25, 97.27, 97.29, 97.31, 97.33, 97.35, and 97.37 [Amended]

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, LDA w/GS, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, MLS, TLS, GLS, WAAS PA, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; § 97.35 COPTER SIAPs, § 97.37 Takeoff Minima and Obstacle Departure Procedures. Identified as follows:

** * * Effective Upon Publication*

FDC date	State	City	Airport	FDC No.	Subject
10/31/06	PS	Koror	Babelthaup	6/4968	RNAV (GPS) RWY 27, ORIG.
10/31/06	PS	Koror	Babelthaup	6/4969	RNAV (GPS) RWY 9, ORIG.
10/31/06	PS	Koror	Babelthaup	6/4984	NDB RWY 9, ORIG.
02/01/07	CA	Bishop	Eastern Sierra Rgnl	7/1787	VOR/DME OR GPS–B, AMDT 4.
02/01/07	CO	Denver	Jeffco	7/1922	GPS RWY 29R, ORIG.
02/01/07	CO	Denver	Jeffco	7/1923	ILS RWY 29R, AMDT 13A.
02/01/07	CO	Denver	Jeffco	7/1924	VOR/DME RWY 29L/R, ORIG–A.
02/01/07	CO	Denver	Jeffco	7/1926	GPS RWY 29L, ORIG.
02/02/07	NC	Charlotte	Douglas Intl	7/2313	ILS OR LOC RWY 5, AMDT 37.
02/02/07	NC	Statesville	Statesville	7/2375	ILS OR LOC/DME RWY 28, ORIG.
02/02/07	TN	Fayetteville	Fayetteville Muni	7/2415	VOR/DME RWY 2, ORIG–C.
02/02/07	TN	Fayetteville	Fayetteville Muni	7/2416	NDB RWY 20, AMDT 4.
02/06/07	MS	Tupelo	Tupelo Regional	7/2571	NDB RWY 36, AMDT 4.
02/06/07	MS	Tupelo	Tupelo Regional	7/2573	VOR/DME RWY 18, ORIG.
02/06/07	VA	Winchester	Winchester Regional	7/2599	VOR/DME OR GPS–A, AMDT 4.
02/06/07	MN	Mankato	Mankato Regional	7/2636	COPTER ILS RWY 33, ORIG–A.
02/06/07	WY	Big Piney	Miley Memorial	7/2674	VOR RWY 31, AMDT 3C.

[FR Doc. E7–2690 Filed 2–20–07; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 16 and 1240

[Docket No. 2003N–0400]

RIN 0910–ZA21

Control of Communicable Diseases; Restrictions on African Rodents, Prairie Dogs, and Certain Other Animals

AGENCY: Food and Drug Administration, HHS.

ACTION: Interim final rule; supplement and partial reopening of comment period.

SUMMARY: The Food and Drug Administration (FDA) is reopening the comment period for the interim final rule on the capture, transport, sale, barter, exchange, distribution, and release of African rodents, prairie dogs, and certain other animals, which was published in the **Federal Register** of November 4, 2003 (68 FR 62353). FDA is taking this action because it is adding new information, primarily in the form of peer-reviewed scientific literature, to the administrative record. FDA is reopening the comment period for 30 days for the sole purpose of inviting public comments on the information being added to the administrative record.

DATES: Submit written or electronic comments by March 23, 2007.

ADDRESSES: You may submit comments, identified by Docket No. 2003N–0400 and/or RIN number 0910–ZA21, by any of the following methods:

Electronic Submissions

Submit electronic comments in the following ways:

- Federal eRulemaking Portal: *http://www.regulations.gov*. Follow the instructions for submitting comments.
- Agency Web site: *http://www.fda.gov/dockets/ecomments*. Follow the instructions for submitting comments on the agency Web site.

Written Submissions

Submit written submissions in the following ways:

- FAX: 301–827–6870.
- Mail/Hand delivery/Courier [For paper, disk, or CD–ROM submissions]: Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

To ensure more timely processing of comments, FDA is no longer accepting comments submitted to the agency by e-mail. FDA encourages you to continue to submit electronic comments by using the Federal eRulemaking Portal or the agency Web site, as described previously, in the **ADDRESSES** portion of this document under **ELECTRONIC SUBMISSIONS**.

Instructions: All submissions received must include the agency name and docket number and Regulatory Information Number (RIN) for this rulemaking. All comments received may be posted without change to *http://www.fda.gov/ohrms/dockets/default.htm*, including any personal information provided. For additional information on submitting comments, see the ''Comments'' heading of the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: For access to the docket to read background documents or comments received, go to *http://www.fda.gov/ohrms/dockets/default.htm* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Division of Dockets Management, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Philip L. Chao, Office of Policy and Planning (HF–23), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–0587.

SUPPLEMENTARY INFORMATION:

I. Background

In the **Federal Register** of November 4, 2003 (68 FR 62353), the Centers for Disease Control and Prevention (CDC) and FDA issued an interim final rule to establish new restrictions and modify existing restrictions on the import, capture, transport, sale, barter, exchange, distribution, and release of African rodents, prairie dogs, and certain other animals in order to prevent the spread of monkeypox, a communicable disease, in the United States. The CDC regulation is codified at 42 CFR 71.56, and FDA's regulation is codified at 21 CFR 1240.63.

Since the publication of the interim final rule in the **Federal Register**, additional scientific information has appeared regarding the 2003 monkeypox outbreak. In general, the scientific information adds to our knowledge about the 2003 monkeypox outbreak in the United States, including information about the virus and how the disease affected or affects humans and animals.

FDA is adding the following documents to the administrative record for the interim final rule:

1. Anderson, M.G., et al., ''A Case of Severe Monkeypox Virus Disease in an American Child: Emerging Infections and Changing Professional Values,'' *Pediatric Infectious Disease Journal*, 2003; 22:1093–1096.

2. Bernard, S.M. and Anderson, S.A., ''Qualitative Assessment of Risk for Monkeypox Associated with Domestic Trade in Certain Animal Species, United States'' *Emerging Infectious Diseases*, 2006; 12: 1827–1833.

3. Di Giulio, D.B. and Eckburg, P.B., ''Human Monkeypox: An Emerging Zoonosis,'' *Lancet Infectious Diseases*, 2004; 4:15–25.

4. Fleischauer, A.T., et al., ''Evaluation of Human-to-Human Transmission of Monkeypox from Infected Patients to Health Care Workers,'' *Clinical Infectious Diseases*, 2005; 40:689–694.

5. Guarner, J., et al., ''Monkeypox Transmission and Pathogenesis in Prairie Dogs,'' *Emerging Infectious Diseases*, 2004; 10:426–431.

6. Hammarlund, E., et al., ''Multiple Diagnostic Techniques Identify Previously Vaccinated Individuals With Protective Immunity Against Monkeypox,'' *Nature Medicine*, 2005; 11:1005–1011.

7. Huhn, G.D., et al., ''Clinical Characteristics of Human Monkeypox, and Risk Factors for Severe Disease,'' *Clinical Infectious Diseases*, 2005; 41:1742–1751.

8. Huhn, G.D., et al., ''Monkeypox in the Western Hemisphere,'' *New England Journal of Medicine*, 2004; 350:1790–1791.

9. Jamieson, D.J., et al., ''Emerging Infections and Pregnancy: West Nile Virus, Monkeypox, Severe Acute Respiratory Syndrome, and Bioterrorism,'' *Clinics in Perinatology*, 2005; 32:765–776.

10. Kile, J.C., et al., ''Transmission of Monkeypox Among Persons Exposed to Infected Prairie Dogs in Indiana in 2003,'' *Archives of Pediatrics and Adolescent Medicine*, 2005; 159:1022–1025.

11. Likos, A.M., et al., ''A Tale of Two Clades: Monkeypox Viruses,'' *Journal of General Virology*, 2005; 86:2661–2672.

12. Nalca, A., et al., ''Reemergence of Monkeypox: Prevalence, Diagnostics, and Countermeasures,'' *Clinical Infectious Diseases*, 2005; 41:1765–1771.

13. Reed, K.D., et al., ''The Detection of Monkeypox in Humans in the Western Hemisphere,'' *New England Journal of Medicine*, 2004; 350:342–350.

14. Reynolds, Gretchen, ''Why Were Doctors Afraid to Treat Rebecca McLester?'' New York Times, April 18, 2004.

15. Reynolds, M.G., et al., ''Clinical Manifestations of Human Monkeypox Influenced by Route of Infection,'' *Journal of Infectious Diseases*, 2006; 773–780.

16. Sejvar, J.J., et al., ''Human Monkeypox Infection: A Family Cluster in the Midwestern United States,'' *Journal of Infectious Diseases*, 2004; 190:1833–1840.

17. Xiao, S., et al., ''Experimental Infection of Prairie Dogs with Monkeypox Virus,'' *Emerging Infectious Diseases*, 2005; 11:539–545.

II. Comments

Through this document, FDA is announcing the addition of the previous materials to the administrative docket and inviting comment limited to these publications. FDA believes that a 30–day comment period is sufficient in this case, as the agency is specifically limiting its reopening of the comment period to comments on how the agency should consider the information being added to the administrative docket in relation to FDA's interim final rule. Comments are invited, and will be considered, only to the extent they are focused on the specific information being added to the record of FDA's interim final rule.

Interested persons may submit to the Division of Dockets Management (see **ADDRESSES**) written or electronic comments regarding the documents listed above. Submit a single copy of electronic comments or two copies of any mailed comments, except that individuals may submit one paper copy. Comments should be identified with the docket number found in brackets in the heading of this document. Received comments are available for public examination in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

Dated: February 9, 2007.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. E7–2857 Filed 2–20–07; 8:45 am]

BILLING CODE 4160–01–S

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[Docket No. EPA–R02–OAR–2006–0685, FRL–8275–5]

Approval and Promulgation of Implementation Plans; New York; Motor Vehicle Enhanced Inspection and Maintenance Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The EPA is approving a revision to the State Implementation Plan (SIP) for New York's motor vehicle enhanced inspection and maintenance (I/M) program which includes the adoption of a statewide On-Board Diagnostic (OBD) program. New York has made revisions to Title 6 of the New York Codes, Rules and Regulations (NYCRR), Part 217, ''Motor Vehicle Enhanced Inspection and Maintenance Program Requirements,'' and Title 15 NYCRR Part 79, ''Motor Vehicle Inspection Regulations,'' to comply with EPA regulations and to improve performance of its I/M program. The intended effect of this action is to maintain consistency between the State-adopted rules and the federally approved SIP and to approve a control strategy that will result in emission reductions that will help achieve attainment of the national ambient air quality standard for ozone.

DATES: *Effective Date:* This rule will be effective March 23, 2007.

ADDRESSES: EPA has established a docket for this action under the Federal Docket Management System (FDMS) which replaces the Regional Materials in EDOCKET (RME) docket system. The new FDMS is located at *www.regulations.gov* and the docket ID for this action is EPA–R02–OAR–2006–0685. All documents in the docket are listed in the FDMS index. Publicly available docket materials are available either electronically in FDMS or in hard copy at the Environmental Protection Agency, Region 2 Office, Air Programs Branch, 290 Broadway, 25th Floor, New York, New York 10007–1866. Copies of the documents relevant to this action are also available for public inspection during normal business hours, by appointment at the Air and Radiation Docket and Information Center, Environmental Protection Agency, Room 3334, 1301 Constitution Avenue, NW., Washington, DC; and the New York State Department of Environmental Conservation, Division of Air Resources, 625 Broadway, Albany, New York 12233.

FOR FURTHER INFORMATION CONTACT: Kirk J. Wieber, Air Programs Branch, Environmental Protection Agency, 290 Broadway, 25th Floor, New York, New York 10007–1866, (212) 637–3381.

SUPPLEMENTARY INFORMATION:

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I. Background

A. What Are the Clean Air Act Requirements for I/M Programs?

The Clean Air Act (CAA) requires certain states to implement an enhanced inspection and maintenance (I/M) program to detect gasoline-fueled motor vehicles which exhibit excessive emissions of certain air pollutants. The enhanced I/M program is intended to help states meet federal health-based national ambient air quality standards (NAAQS) for ozone and carbon monoxide by requiring vehicles with excess emissions to have their emissions control systems repaired. Section 182 of the CAA requires I/M programs in those areas of the nation that are most impacted by carbon monoxide and ozone pollution. Section 184 of the CAA also created an ''Ozone Transport Region'' (OTR) which geographically includes the 11 states from Maryland to Maine (including all of New York State) and the District of Columbia Consolidated Metropolitan Statistical Area. Depending on the severity of the nonattainment designation(s) and/or geographic location within the OTR, EPA's regulation under 40 CFR 51.350 outlines the appropriate motor vehicle I/M requirements.

As a result of the 1-hr ozone nonattainment designations, New York State's 62 counties were divided into two separate I/M areas. The ''downstate'' 9-county New York Metropolitan Area (NYMA), which includes New York City (Bronx, Kings, New York, Richmond, and Queens Counties), Long Island (Nassau and Suffolk Counties), and Westchester and Rockland Counties, has been classified as a high enhanced I/M area. On January 1, 1998, New York began implementing a high enhanced I/M program (New York refers to this program as its NYTEST program) in the NYMA. By May 1999, this enhanced I/M program was fully functional for the entire NYMA.

The remaining 53 ''Upstate'' counties of New York State were classified as a low enhanced I/M area. Since 1998, the Upstate I/M area featured annual anti-tampering visual inspections including a gas cap presence check.

Since all of New York State is included within the OTR, additional I/M requirements are mandated in the more populated counties of Upstate New York pursuant to 40 CFR 51.350(a). Section 51.350(a)(1) provides that,

''States or areas within an ozone transport region shall implement enhanced I/M programs in any metropolitan statistical area (MSA), or portion of an MSA, within the state or area with a 1990 population of 100,000 or more as defined by the Office of Management and Budget (OMB) regardless of the area's attainment classification.'' Further, section 51.350(b)(1) provides that, ''[i]n an ozone transport region, the program shall entirely cover all counties within subject MSAs or subject portions of MSAs, as defined by OMB in 1990, except largely rural counties having a population density of less than 200 persons per square mile based on the 1990 Census can be excluded except that at least 50 percent of the MSA population must be included in the program* * *.'' In effect, 16 of the 53 counties located in Upstate New York are required to have low enhanced I/M. The 16 counties are Albany, Broome, Chautauqua, Dutchess, Erie, Monroe, Niagara, Oneida, Onondaga, Orange, Putnam, Rensselaer, Schenectady, Saratoga, Warren and Washington.

On April 5, 2001, EPA published in the **Federal Register** ''Amendments to Vehicle Inspection and Maintenance Program Requirements Incorporating the On-Board Diagnostics Check'' (66 FR 18156). The revised I/M rule requires that electronic checks of the On-Board Diagnostics (OBD) system on model year 1996 and newer OBD-equipped motor vehicles be conducted as part of states' motor vehicle I/M programs. OBD is part of the sophisticated vehicle powertrain management system and is designed to detect engine and transmission problems that might cause vehicle emissions to exceed allowable limits. OBD is the subject of this proposed rulemaking action.

The OBD system monitors the status of up to 11 emission control related subsystems by performing either continuous or periodic functional tests of specific components and vehicle conditions. The first three testing categories—misfire, fuel trim, and comprehensive components—are continuous, while the remaining eight only run after a certain set of conditions has been met. The algorithms for running these eight periodic monitors are unique to each manufacturer and involve such things as ambient temperature as well as driving conditions. Most vehicles will have at least five of the eight remaining monitors (catalyst, evaporative system, oxygen sensor, heated oxygen sensor, and exhaust gas recirculation or EGR system) while the remaining three (air conditioning, secondary air, and heated catalyst) are not necessarily applicable to all vehicles. When a vehicle is scanned at an OBD–I/M test site, these monitors can appear as either ''ready'' (meaning the monitor in question has been evaluated), ''not ready'' (meaning the monitor has not yet been evaluated), or ''not applicable'' (meaning the vehicle is not equipped with the component monitor in question).

The OBD system is also designed to fully evaluate the vehicle emissions control system. If the OBD system detects a problem that may cause vehicle emissions to exceed 1.5 times the Federal Test Procedure (FTP) standards, then the Malfunction Indicator Light (MIL) is illuminated. By turning on the MIL, the OBD system notifies the vehicle operator that an emission-related fault has been detected, and the vehicle should be repaired as soon as possible thus reducing the harmful emissions contributed by that vehicle.

EPA's revised OBD I/M rule applies to only those areas that are required to implement I/M programs under the CAA, which include the NYMA and certain counties in Upstate New York. This rule established a deadline of January 1, 2002 for states to begin performing OBD checks on 1996 and newer model OBD-equipped vehicles and to require repairs to be performed on those vehicles with malfunctions identified by the OBD check.

EPA's revised I/M rule also provided several options to states to delay implementation of OBD testing, under certain circumstances. An extension of the deadline for states to begin conducting mandatory OBD checks is permissible provided the state making the request can show just cause to EPA for a delay and that the revised implementation date represents ''the best the state can reasonably do'' (66 FR 18159). EPA's final rule identifies factors that may serve as a possible justification for states considering making a request to the EPA to delay implementation of OBD I/M program checks beyond the January 2002 deadline. Potential factors justifying such a delay include contractual impediments, hardware or software deficiencies, data management software deficiencies, the need for additional training for the testing and repair industries, and the need for public education or outreach.

On May 7, 2001 (66 FR 22922), EPA fully approved New York's enhanced I/M program as it applies to NYMA and included the state's performance standard modeling as meeting the applicable requirements of the CAA. However, the OBD component of that program was not being implemented at that time and therefore was not approved by EPA as satisfying a fully operational OBD program. Additional information on EPA's final approval of New York's enhanced I/M program can be found in EPA's May 7, 2001 final approval notice.

B. What Did New York Include in This Latest Submittal?

On April 4, 2002, the New York State Department of Environmental Conservation (NYSDEC) requested a formal extension of the OBD I/M test deadline, per EPA's I/M requirement rule. New York's request lists contractual impediments, hardware and software deficiencies and data management deficiencies as the factors for its request for an extension of the OBD testing deadline. Based upon the reasons listed by New York, EPA believed that the State's delayed implementation was justified.

On February 27, 2006, NYSDEC submitted to EPA a revision to its SIP which incorporates OBD system requirements in the NYMA and the 53 counties located in Upstate New York. New York's SIP revision includes revisions to the NYSDEC regulation found at Title 6 of the New York Codes, Rules and Regulations (NYCRR), Part 217, ''Motor Vehicle Enhanced Inspection and Maintenance Program Requirements,'' and the New York State Department of Motor Vehicles (NYSDMV) regulation found at Title 15 NYCRR Part 79, ''Motor Vehicle Inspection Regulations,'' and a performance standard modeling demonstration. On October 12, 2006 (71 FR 60098), EPA proposed to approve New York's revised enhanced I/M program which includes the adoption of a statewide OBD program. For a detailed discussion on the content and requirements of the revisions to New York's regulations, the reader is referred to EPA's proposed rulemaking action.

C. What Action Is EPA Taking Today?

The EPA is approving a revision to the New York SIP pertaining to New York's enhanced I/M program which incorporates OBD testing requirements and procedures in the NYMA and the 53 counties located in Upstate New York (New York refers to this program as the New York Vehicle Inspection Program (NYVIP)). EPA is also repealing Title 6 of the NYCRR, Subpart 217–2, ''Motor Vehicle NY 91 Inspection and Maintenance Program Requirements'' and Title 15 NYCRR Part 79, Section 26, which previously included exhaust emission standards and inspection/repair procedures that are no longer

being relied upon by or necessary for New York State to implement as part of its enhanced I/M program.

II. What Comments Did EPA Receive in Response to Its Proposal?

In response to EPA's October 12, 2006 proposed rulemaking action, EPA received no comments.

III. Summary of Conclusions

EPA's review of the materials submitted indicates that New York has revised its I/M program in accordance with the requirements of the CAA, 40 CFR part 51 and all of EPA's technical requirements for an approvable OBD program. EPA is approving the revisions to the NYSDEC regulation Title 6 of the NYCRR, Part 217, ''Motor Vehicle Enhanced Inspection and Maintenance Program Requirements,'' specifically, Subpart 217–1, ''Motor Vehicle Enhanced Inspection and Maintenance Program Requirements'' and Subpart 217–4, ''Inspection and Maintenance Program Audits,'' effective on October 30, 2002, and the New York State Department of Motor Vehicles regulation Title 15 NYCRR Part 79 ''Motor Vehicle Inspection Regulations,'' specifically, Sections 79.1–79.15, 79.17, 79.20, 79.21, 79.24, and 79.25, effective on May 4, 2005. The CAA gives states the discretion in program planning to implement programs of the state's choosing as long as necessary emission reductions are met. EPA is also approving New York's performance standard modeling demonstration, which reflects the State's I/M program as it is currently implemented in the 53 counties located in Upstate New York (NYVIP), as meeting the required EPA alternate low enhanced I/M performance standards.

IV. Statutory and Executive Order Reviews

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001). This action merely approves state law as meeting federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4).

This rule also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action also does not have federalism implications because it does not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action merely approves a state rule implementing a federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Act. This rule also is not subject to Executive Order 13045 ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

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

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 23, 2007. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

Dated: January 23, 2007.

Alan J. Steinberg,

Regional Administrator, Region 2.

■ Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

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

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

Subpart HH—New York

■ 2. Section 52.1670 is amended by adding new paragraph (c)(111) to read as follows:

§ 52.1670 Identification of plans.

* * * * *

(c) * * *

* * * * *

(111) Revisions to the State Implementation Plan submitted on February 27, 2006, by the New York State Department of Environmental Conservation, which consist of administrative changes to its motor vehicle enhanced inspection and maintenance (I/M) program which includes the adoption of a statewide On-Board Diagnostic (OBD) program.

(i) Incorporation by reference:

(A) Regulation Title 6 of the New York Codes, Rules and Regulations (NYCRR), Part 217, ''Motor Vehicle Enhanced Inspection and Maintenance Program Requirements,'' specifically, Subpart 217–1, ''Motor Vehicle Enhanced Inspection and Maintenance Program Requirements'' and Subpart 217–4, ''Inspection and Maintenance Program Audits,'' effective on October 30, 2002, and the New York State Department of Motor Vehicles regulation Title 15 NYCRR Part 79 ''Motor Vehicle Inspection Regulations,'' specifically, Sections 79.1–79.15, 79.17, 79.20, 79.21, 79.24, and 79.25, effective on May 4, 2005.

■ 3. In 52.1679, the table is amended by revising the entries under Title 6 for Part 217 and Title 15 for Part 79 to read as follows:

§ 52.1679 EPA-approved New York State regulations.

New York State regulation	State effective date	Latest EPA approval date	Comments
Title 6:			
* * * *		* *	*
Part 217, Motor Vehicle Emissions:			
Subpart 217–1, Motor Vehicle Enhanced Inspection and Maintenance Program Requirements.	10/30/02	2/21/07 ..... [Insert FR page citation].	
Subpart 217–4, Inspection and Maintenance Program Audits	10/30/02	2/21/07 ..... [Insert FR page citation].	
* * * *		* *	*
Title 15:			
Part 79, ''Motor Vehicle Inspection Regulations'' Sections 79.1–79.15, 79.17, 79.20, 79.21, 79.24, 79.25.	5/4/05	2/21/07 ..... [Insert FR page citation].	
* * * *		* *	*

[FR Doc. E7–2801 Filed 2–20–07; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 70

[EPA–R07–OAR–2006–0803; FRL–8278–8]

Approval and Promulgation of Implementation Plans and Operating Permits Program; State of Missouri

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving revisions to the Missouri State Implementation Plan (SIP) and Operating Permits Program. The revisions clarify the rule and streamline processes without negatively impacting air quality. The approved revisions will ensure consistency between the state and the Federally-approved rules.

DATES: This direct final rule will be effective April 23, 2007, without further notice, unless EPA receives adverse comment by March 23, 2007. If adverse comment is 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–R07–OAR–2006–0803, by one of the following methods:

1. *http://www.regulations.gov.* Follow the online instructions for submitting comments.

2. *E-mail: algoe-eakin.amy@epa.gov.*

3. *Mail:* Amy Algoe-Eakin, Environmental Protection Agency, Air Planning and Development Branch, 901 North 5th Street, Kansas City, Kansas 66101.

5. *Hand Delivery or Courier:* Deliver your comments to Amy Algoe-Eakin, Environmental Protection Agency, Air Planning and Development Branch, 901 North 5th Street, Kansas City, Kansas 66101.

Instructions: Direct your comments to Docket ID No. EPA–R07–OAR–2006–0803. 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 through *http://www.regulations.gov* or e-mail information that you consider to be CBI or otherwise protected. 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.

Docket: All documents in the electronic docket are listed in the *http://www.regulations.gov index.* Although listed in the index, some information is not publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are

available either electronically in *http://www.regulations.gov* or in hard copy at the Environmental Protection Agency, Air Planning and Development Branch, 901 North 5th Street, Kansas City, Kansas 66101. The Regional Office's official hours of business are Monday through Friday, 8 a.m. to 4 p.m. excluding Federal holidays. The interested persons wanting to examine these documents should make an appointment with the office at least 24 hours in advance.

FOR FURTHER INFORMATION CONTACT: Amy Algoe-Eakin at (913) 551–7942, or by e-mail at *algoe-eakin.amy@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA. This section provides additional information by addressing the following questions:

What is a SIP?
What is the Federal approval process for a SIP?
What does Federal approval of a state regulation mean to me?
What is the part 70 operating permits program?
What is the Federal approval process for an operating permits program?
What is being addressed in this document?
Have the requirements for approval of a SIP revision and a Part 70 revision been met?
What action is EPA taking?

What is a SIP?

Section 110 of the Clean Air Act (CAA) requires states to develop air pollution regulations and control strategies to ensure that state air quality meets the national ambient air quality standards established by EPA. These ambient standards are established under section 109 of the CAA, and they currently address six criteria pollutants. These pollutants are: carbon monoxide, nitrogen dioxide, ozone, lead, particulate matter, and sulfur dioxide.

Each state must submit these regulations and control strategies to us for approval and incorporation into the Federally-enforceable SIP. Each Federally-approved SIP protects air quality primarily by addressing air pollution at its point of origin. These SIPs can be extensive, containing state regulations or other enforceable documents and supporting information such as emission inventories, monitoring networks, and modeling demonstrations.

What is the Federal approval process for a SIP?

In order for state regulations to be incorporated into the Federally-enforceable SIP, states must formally adopt the regulations and control strategies consistent with state and Federal requirements. This process generally includes a public notice, public hearing, public comment period, and a formal adoption by a state-authorized rulemaking body.

Once a state rule, regulation, or control strategy is adopted, the state submits it to us for inclusion into the SIP. We must provide public notice and seek additional public comment regarding the proposed Federal action on the state submission. If adverse comments are received, they must be addressed prior to any final Federal action by us.

All state regulations and supporting information approved by EPA under section 110 of the CAA are incorporated into the Federally-approved SIP. Records of such SIP actions are maintained in the Code of Federal Regulations (CFR) at title 40, part 52, entitled ''Approval and Promulgation of Implementation Plans.'' The actual state regulations which are approved are not reproduced in their entirety in the CFR outright but are ''incorporated by reference,'' which means that we have approved a given state regulation with a specific effective date.

What does Federal approval of a state regulation mean to me?

Enforcement of the state regulation before and after it is incorporated into the Federally-approved SIP is primarily a state responsibility. However, after the regulation is Federally approved, we are authorized to take enforcement action against violators. Citizens are also offered legal recourse to address violations as described in section 304 of the CAA.

What is the part 70 operating permits program?

The CAA Amendments of 1990 require all states to develop operating permits programs that meet certain Federal criteria. In implementing this program, the states are to require certain sources of air pollution to obtain permits that contain all applicable requirements under the CAA. One purpose of the part 70 operating permits program is to improve enforcement by issuing each source a single permit that consolidates all of the applicable CAA requirements into a Federally-enforceable document. By consolidating all of the applicable requirements for a facility into one document, the source, the public, and the permitting authorities can more easily determine what CAA requirements apply and how compliance with those requirements is determined.

Sources required to obtain an operating permit under this program include ''major'' sources of air pollution and certain other sources specified in the CAA or in our implementing regulations. For example, all sources regulated under the acid rain program, regardless of size, must obtain permits. Examples of major sources include those that emit 100 tons per year or more of volatile organic compounds, carbon monoxide, lead, sulfur dioxide, nitrogen dioxide, or PM_{10}; those that emit 10 tons per year of any single hazardous air pollutant (HAP) (specifically listed under the CAA); or those that emit 25 tons per year or more of a combination of HAPs.

Revision to the state and local agencies operating permits program are also subject to public notice, comment, and our approval.

What is the Federal approval process for an operating permits program?

In order for state regulations to be incorporated into the Federally-enforceable Title V operating permits program, states must formally adopt regulations consistent with state and Federal requirements. This process generally includes a public notice, public hearing, public comment period, and a formal adoption by a state-authorized rulemaking body.

Once a state rule, regulation, or control strategy is adopted, the state submits it to us for inclusion into the approved operating permits program. We must provide public notice and seek additional public comment regarding the proposed Federal action on the state submission. If adverse comments are received, they must be addressed prior to any final Federal action by us.

All state regulations and supporting information approved by EPA under section 502 of the CAA are incorporated into the Federally-approved operating permits program. Records of such actions are maintained in the CFR at Title 40, part 70, appendix A, entitled ''Approval Status of State and Local Operating Permits Programs.''

What is being addressed in this document?

On January 3, 2006, Missouri requested that EPA approve a revision to the SIP and Operating Permits Program to include revisions to the Operating Permits rule, 10 CSR 10–6.065. The rule revisions streamline the basic and intermediate operating permits, which will minimize workload for both industry and state air program staff while maintaining the National Ambient Air Quality Standards

(NAAQS). The rule revisions include the following:

- General reformatting of the rule,
- Added the definition of ''Air Pollutant'' and added a statement that definitions specified in this rule may be found in the Definitions and Common Reference Table Rule, 10 CSR 10–6.020,
- Added new Section (3), which describes the process for issuance of single, multiple or general permits,
- Revised Section (4), which relates to the Basic State Operating Permits, and we are not acting on this section pursuant to the December 20, 2006, letter from MDNR.
- Revised Section (5), which relates to the Intermediate State Operating Permits; these revisions include deleting references to Section (4), revising procedures for permit notifications, including rule language for standard permit content, clarifying the relationship between single, multiple and general permits, and outlines permit procedures for notifying the Administrator of state intermediate operating permits. These changes to the intermediate program do not affect the stringency of the SIP-approved program but merely make it more consistent with the state's Title V program.
- Amended subsection (6)(B), Part 70 Operating Permit Applications, to provide for a specific date by which an installation must file a complete application and provide for a specific date when an installation becomes subject to Part 70 operating permits. It should be noted that this is the only change in the rule revisions which specifically relates to Missouri's Title V operating permit program. It does not change the applicability of the approved program but merely makes it more explicit.

Further information on specific changes made to this rule is available in the Technical Support Documentation developed for this action.

Have the requirements for approval of a SIP revision and a Part 70 revision been met?

The submittal satisfied the completeness criteria of 40 CFR part 51, appendix V. In addition, the state submittal has met the public notice requirements for SIP submission in accordance with 40 CFR 51.102 and met the substantive SIP requirements of the CAA. Finally, the submittal met the substantive requirements of Title V of the 1990 CAA Amendments and 40 CFR part 70.

What action is EPA taking?

We are approving the revisions to the Missouri Operating Permits rule, 10 CSR 10–6.065, into the SIP and Operating Permit Program. Per Missouri's request, we are not approving revisions to Section (4) into the SIP or Part 70 as this section relates to the state's Basic Operating Permit Program.

We are processing this action as a direct final action because the revisions make routine changes to the existing rules, which are noncontroversial and make regulatory revisions required by state statute. Therefore, we do not anticipate any adverse comments. Please note that if EPA receives adverse comment on part of this rule and if that part can be severed from the remainder of the rule, EPA may adopt as final those parts of the rule that are not the subject of an adverse comment.

Statutory and Executive Order Reviews

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001). This action merely approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4).

This rule also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action also does not have Federalism implications because it does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action merely approves a state rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the CAA. This rule also is not subject to Executive Order 13045, ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), because it approves a state rule implementing a Federal standard.

In reviewing SIP and Title V submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a state submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a state submission, to use VCS in place of a state submission that otherwise satisfies the provisions of the CAA. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 23, 2007. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to

enforce its requirements. (See section 307(b)(2).)

List of Subjects

40 CFR Part 52

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

40 CFR Part 70

Administrative practice and procedure, Air pollution control, Intergovernmental relations, Operating permits, Reporting and recordkeeping requirements.

Dated: February 9, 2007.

John B. Askew,

Regional Administrator, Region 7.

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

PART 52—[AMENDED]

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

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

Subpart AA—Missouri

■ 2. In § 52.1320(c) the table is amended under Chapter 6 by revising the entry for ''10–6.065'' to read as follows:

§ 52.1320 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED MISSOURI REGULATIONS

Missouri citation	Title	State effective date	EPA approval date	Explanation
Missouri Department of Natural Resources				
*	*	*	*	*
Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods, and Air Pollution Control Regulations for the State of Missouri				
*	*	*	*	*
10–6.065	Operating Permits ..	09/30/05	02/21/07 [*insert FR page number where the document begins*].	Section (4) Basic State Operating Permits, has not been approved as part of the SIP.
*	*	*	*	*

* * * * *

PART 70—[AMENDED]

■ 1. The authority citation for part 70 continues to read as follows:

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

Appendix A—[Amended]

■ 2. Appendix A to part 70 is amended by adding paragraph (t) under Missouri to read as follows:

Appendix A to Part 70—Approval Status of State and Local Operating Permits Programs

* * * * *

Missouri

* * * * *

(t) The Missouri Department of Natural Resources submitted revisions to Missouri rule 10 CSR 10–6.065, ''Operating Permits'' on January 3, 2006. We are approving this rule except for Section (4) which relates to the State Basic Operating Permits. This approval is effective April 23, 2007.

* * * * *

[FR Doc. E7–2808 Filed 2–20–07; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 2930

RIN 1004–AD68

[WO–250–1220–PA–24 1A]

Permits for Recreation on Public Lands

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rule.

SUMMARY: This final rule updates the regulations of the Bureau of Land Management (BLM) that explain how to obtain recreation permits for commercial recreational operations, competitive events and activities, organized group activities and events, and individual recreational use of special areas.

The final rule is needed to remove from the regulations inconsistencies with the Federal Lands Recreation Enhancement Act (REA), which authorizes the Secretaries of the Interior and Agriculture to establish, modify, charge, and collect recreation fees at Federal recreation lands and waters for the next 10 years.

DATES: Effective date: March 23, 2007.

ADDRESSES: You may submit inquiries or suggestions to Director (250), Bureau of Land Management, Room 301–LS, Eastern States Office, 7450 Boston Boulevard, Springfield, Virginia 22153.

FOR FURTHER INFORMATION CONTACT: Anthony Bobo at (202) 452–0333 as to the substance of the final rule, or Ted Hudson at (202) 452–5042 as to procedural matters. Persons who use a telecommunications device for the deaf (TDD) may contact either individual by calling the Federal Information Relay Service (FIRS) at (800) 877–8339, 24 hours a day, 7 days a week.

SUPPLEMENTARY INFORMATION:

I. Background
II. Discussion of Public Comments
III. Discussion of Final Rule
IV. Procedural Matters

I. Background

The REA was passed as part of the 2005 Omnibus Appropriations bill, and signed into law on December 8, 2004. The Act provides authority for 10 years for the Secretaries of the Interior and Agriculture to establish, modify, charge, and collect recreation fees for use of certain Federal recreation lands and waters.

Section 13 of REA repealed certain admission and use fee authorities, including Section 4(a) through (i) of the

Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–6a *et seq.*), and Section 315 of the Department of the Interior and Related Agencies Appropriations Act, 1996 (as contained in section 101(c) of Public Law 104–134; 16 U.S.C. 460l–6a). The latter provision authorized the Recreational Fee Demonstration Program, which the BLM has used to fund many of its recreation sites. Because these authorities have been repealed, we need to amend the BLM's recreation permit regulations to remove references to them.

Under REA, the BLM will—

- Reinvest a majority of fees back to the site of collection to enhance visitor services and reduce the backlog of maintenance needs for recreation facilities (including trail maintenance, toilet facilities, boat ramps, hunting blinds, interpretive signs and programs);
- Participate in an interagency fee program that reduces the number of national passes from four to one, allowing visitors access to all Federal recreation lands and sites;
- Provide more opportunities for public involvement in the BLM's determination of recreation fee sites and fees; and
- Provide for cooperation with gateway communities through fee management agreements for visitor and recreation services, emergency medical services, and law enforcement services.

The BLM does not and will not charge a fee for many recreation activities and sites on public lands. The REA includes additional provisions that build on the BLM's past experiences in the recreation fee program and improve the fee program by clarifying the circumstances in which fees may be charged. Under the Act, the BLM will not charge standard or expanded amenity recreation fees for—

- General access to BLM areas;
- Horseback riding, walking through, driving through, or boating through public lands where no facilities or services are used;
- Access to overlooks or scenic pullouts;
- Undesignated parking areas where no facilities are provided; or
- Picnicking along roads or trails.

In addition, individuals under 16 will not be charged an entrance or standard amenity fee.

In compliance with REA, the BLM is utilizing its existing Resource Advisory Committees (RACs) and certain new Recreation Resource Advisory Committees (RRACs) to provide the public with additional opportunities to provide input on the establishment of a specific recreation fee site or other agency fee proposals. The BLM also will provide other opportunities for notice and public participation before establishing a new fee, and will keep the public informed on how it is using fee revenues to improve visitor facilities and services.

The BLM published a proposed rule implementing REA on November 22, 2005 (70 FR 70570), allowing public comments until January 23, 2006. On January 18, 2006, we published a correction in the **Federal Register** (71 FR 2899), because we found one provision in the proposed rule misleading and subject to an interpretation inconsistent with REA. The REA, at Section 12(d), imposed a $100 fine for failure to pay a permit fee. As published, the proposed rule could be interpreted to provide that this fine also applied to a failure to obtain a permit, which was not the intent of the proposed rule or REA. (Under 18 U.S.C. 3571, the maximum fine for failure to obtain a permit is $100,000 for an individual and $200,000 for an organization. Section 303 of the Federal Land Policy and Management Act (FLPMA) also provides for a penalty of up to 12 months in prison for such a violation (43 U.S.C. 1733.)) The correction notice extended the comment period so that the public had a full 60 days to comment on the corrected proposed rule, ending March 20, 2006.

II. Discussion of Public Comments

The BLM received 6 comments on the proposed rule, 5 from individuals and one from a trade association.

One comment addressed the provision for civil penalties in section 2932.57(b)(3): ''You may also be subject to civil action for unauthorized use of the public lands or related waters and their resources * * *'' It stated that the reference should be to ''navigable water'' only, stating that applying the penalty to use of any other water would be illegal.

The BLM has jurisdiction over the entire shoreline of a lake or reservoir, and controls use and charges fees even if the bureau does not actually ''own'' the water; navigability is not an issue. There is also case law (*United States* v. *Lindsey*, 595 F.2d 5 (9th Cir. 1979)) that cites the property clause of the Constitution in affirming the government's right to require permits (and by extension, fees) for rivers in order to protect the public interest in protecting and managing the lands and resources on the river bank.

One comment suggested that the BLM impose a minimum fine of $500.00 for violations of law on public lands. The comment also asked that the offenses that it characterized as ''anonymous other actions'' be subject to higher fines and that they be specifically listed in the **Federal Register**.

Sec. 12(d) of REA limits penalties for failure to pay fees. ''SEC. 12. ENFORCEMENT AND PROTECTION OF RECEIPTS. * * * (d) Limitation on Penalties.— The failure to pay a recreation fee established under this Act shall be punishable as a Class A or Class B misdemeanor, except that in the case of a first offense of nonpayment, the fine imposed may not exceed $100, notwithstanding section 3571(e) of title 18, United States Code.''

One comment challenged economic data that it said the BLM used to justify the proposed rule. We will discuss this issue in Section IV of the preamble, on Procedural Matters.

The same comment addressed the provision in the original proposed rule that set the fine for failure of organized groups or commercial activities to have a permit at $100 for the first offense. This was the issue that prompted the January 23, 2006, correction notice and extension of the public comment period. The comment pre-dated the correction notice, and there is no need to discuss the issue further in this final rule.

One comment urged that permits for recreation on the public lands should be free of charge to United States citizens and have terms of at least 12 months. The comment stated that this benefit should be funded by charging fees for harvesting all available renewable natural resources and mining minerals on a rotating 10 percent of the public lands each 10 years, leaving the remaining 90 percent to recover for 10 to 90 years. Meanwhile, according to the comment, recreational users would benefit from road construction for resource development that would improve access to remote areas. The comment also advocated reducing costs by eliminating half of the management personnel, and by not paying the moving costs of transferring personnel from location to location, which would tend to keep relevant experience and expertise on site.

The comment includes suggestions that are beyond the scope of this rule, not authorized by law, or contrary to Office of Management and Budget (OMB) guidance on recovering costs from those who benefit from public lands and resources. (Cost recovery policies are explained in OMB Circular No. A–25 (Revised), entitled ''User Charges.'') The comment also does not recognize that many BLM lands are uniquely valuable for specific resources or uses, notwithstanding the multiple uses outlined in FLPMA and other authorities. The rigid use-rotation plan

suggested in the comment would not be appropriate for such lands, and the plan does not take into account varying reclamation and recovery times from different uses of different kinds of public lands. The comment is not adopted in the final rule.

One comment asked what regulation changes were proposed or will be made with regard to pedestrian or bicycle access and to camping.

The comment raises questions that are beyond the scope of the rule.

One comment supported the idea of encouraging recreation on the public lands as a way of re-establishing human links to the natural world and showing that humans are part of that world.

The rule is required by law and OMB guidance on recovering costs. Nothing in the rule is intended to discourage recreational use of the public lands. The fees imposed by the rule are the minimum necessary to meet cost recovery requirements, and other burdens imposed on the recreational public are the minimum necessary to allow balanced management of the public lands.

III. Discussion of Final Rule

The final rule makes changes in the existing regulations on permits for recreation on public lands in order to bring them into conformance with the law, including REA. This section of the preamble describes the changes made in each section of the regulations.

Section 2931.3 What are the authorities for these regulations?

The final rule amends this section to remove references to the repealed authority, portions of the Land and Water Conservation Fund Act, 16 U.S.C. 4601–6a, and add reference to REA. It explains that REA authorizes the BLM to collect fees for recreational use of certain kinds of areas, and to issue special recreation permits for group activities, such as commercial outings, and recreation events, such as races or traditional assemblies. The rule also clarifies the authority contained in Section 303 of the Federal Land Policy and Management Act (FLPMA), 43 U.S.C. 1733. It also restates the functions of 18 U.S.C. 3571 and 3581 *et seq.*, which establish penalties of fines and imprisonment for violation of regulations. Finally, in this section, the rule removes paragraph (b) discussing 36 CFR part 71, because the regulations there are outdated.

Section 2932.57 Prohibited acts and penalties.

In this section, which covers prohibited acts and penalties related to special recreation permits, the final rule amends paragraph (b)(3) by removing reference to the Land and Water Conservation Fund Act and adding REA in its place.

Section 12(d) of REA establishes limits on penalties for failure to pay recreation fees established under the Act. It provides for such failures to be punishable as Class A or Class B misdemeanors, but limits fines for a first offense to $100. (Under 18 U.S.C. 3571 and 3581, a Class A misdemeanor is subject to a penalty of not more than $100,000 for an individual ($200,000 for an organization) or one year in jail. A Class B misdemeanor is subject to a fine of not more than $5,000 for an individual ($10,000 for an organization) or six months in jail.) We have also revised paragraph (b) of section 2932.57 to reflect this provision of REA.

Section 2933.33 Prohibited acts and penalties.

The final rule amends this section, which states prohibitions and imposes penalties related to recreation use permits, by removing references to the Land and Water Conservation Fund Act, and substituting REA, where appropriate. To conform the prohibited acts in paragraph (a) of the section to the table of penalties in paragraph (d), we have added a provision to paragraph (a) requiring compliance with recreation use permit stipulations and conditions. The final rule also removes unnecessary internal cross-references in this section, and corrects inaccurate legal citations.

IV. Procedural Matters

Regulatory Planning and Review (E.O. 12866)

This document is not a significant rule and was not subject to review by the Office of Management and Budget under Executive Order 12866.

(1) This rule will not have an effect of $100 million or more on the economy. It will not adversely affect in a material way the economy, productivity, competition, jobs, the environment, public health or safety, or state, local, or tribal governments or communities.

(2) This rule will not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency. The rule implements a new statute that affects all land managing agencies. The other agencies are cooperating with the BLM in developing general guidelines for implementing the statute.

(3) This rule does not alter the budgetary effects or entitlements, grants, user fees, or loan programs or the rights or obligations of their recipients. It maintains current policies on user fees.

(4) This rule does not raise novel legal or policy issues. It cites new statutory authority that does not have substantially different effects on the program or the public.

During fiscal year 2004, the BLM issued just over 109,000 Special Recreation Permits of all kinds, with revenues totaling a little over $8 million deposited into the Land and Water Conservation Fund (LWCF), the Fee Demonstration Project, and other miscellaneous accounts. These numbers are derived from the Public Land Statistics, and represent an increase of slightly more than fivefold since 1996. On the other hand, according to the American Recreation Coalition, Americans spent more than $108 billion on wildlife-related recreation (fishing, hunting, birdwatching, and so forth) alone. We cite these numbers to illustrate that the fees charged under the BLM's recreation program are relatively small when compared with the revenues realized by a typical segment of the overall national recreation industry. Special Recreation Permits are generally obtained by commercial outfitters and guides, river running companies, sponsors of competitive events, ''snow bird'' seasonal mobile home campers who use the BLM's long-term visitor areas, and private individuals and groups using certain special areas. Under current regulations, use fees are established by the BLM Director, who may adjust them from time to time to reflect changes in costs and the market, and published periodically in the **Federal Register**. The BLM may charge actual costs, subject to certain limitations. During fiscal year 2004, the BLM issued just over 655,000 Recreation Use Permits for use of fee sites, with revenues totaling a little over $5,200,000. We state these figures to give some idea of the scope of the BLM recreation program in economic terms, and to show that the revenues from the program do not approach $100 million annually. The REA makes changes in the authorities for the BLM's recreation fees, but Section 3 of the Act does not change the policy for setting those fees: ''The amount of the recreation fee shall be commensurate with the benefits and services provided to the visitor,'' and ''[t]he Secretary shall consider comparable fees charged elsewhere and by other public agencies and by nearby private sector operators.'' As for the penalty aspect of the rule, in recent years fines assessed for violation of recreation permit provisions have not approached the threshold. Since 2000, we have issued on average 300 citations annually for violations of special

recreation permit and recreation use permit provisions, combined, imposing average fines of $100.00 for each, for an approximate average annual total of $30,000. Thus, it is clear that the changes in the final rule will not have economic effects exceeding $100 million annually.

One comment challenged the BLM's reference to the American Recreation Coalition's statement that Americans spent $108 billion on wildlife-related recreation alone, stating that the figure was unsubstantiated and does not even apply to recreation activities on the public lands, and that much of that recreation occurred on non-BLM lands. (The source for the American Recreation Coalition's statement is the 2001 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation, the tenth in a series of surveys conducted by the U.S. Fish and Wildlife Service and the U.S. Census Bureau. It states that Americans spent $108 billion on wildlife-related recreation in 2000.)

The Executive Order requires us to determine not only that the rule ''will not have an effect of $100 million or more on the economy,'' which this rule clearly does not, as demonstrated above, but that it ''will not adversely affect in a material way the economy, productivity, competition, jobs, the environment, public health or safety, or state, local, or tribal governments or communities.'' The BLM presented the American Recreation Coalition datum, relating to one segment of the national recreation economy, merely to compare the small economic effect of the penalties imposed by the rule, and the negligible effect of the administrative changes made to conform to the REA, to the total amount of money that is spent nationwide on a typical segment of the outdoor recreation economy, to show that the rule should not affect the national economy in a material way, not to justify the rule or to offer the figures as *bona fide*.

The penalties imposed on persons who violate regulations on special recreation permits and recreation use permits are not substantively changed except to reduce the penalty for not paying a fee. While public lands recreation is an important element of many local economies in the Western States, and substantial revenues are generated by the public lands recreation industry, it is clear that the effects of the changes in this rule will not ''adversely affect in a material way the economy, productivity, competition, jobs, the environment, public health or safety, or state, local, or tribal governments or communities.'' The data cited in the proposed rule were actually not necessary to illustrate this point.

Regulatory Flexibility Act

The Department of the Interior certifies that this final rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The BLM recognizes that most commercial recreation enterprises—outfitters, guides, river-running companies, local retail outlets—are small businesses, and that over 5,000 of them annually hold BLM commercial or competitive permits. Nevertheless, this final rule does not change permit fees, but rather updates the regulations to reflect changes in authorities for the fees and changes their allocation. Penalties for non-payment of fees do not affect outfitters, event organizers, and other commercial permittees, who must pay the fees before receiving permits.

Small Business Regulatory Enforcement Fairness Act (SBREFA)

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. *This rule:*

- Does not have an annual effect on the economy of $100 million or more. See the discussion under Regulatory Planning and Review, above.
- Will not cause a major increase in costs or prices for consumers, individual industries, Federal, state, or local government agencies, or geographic regions. The rule will have no effect on the 3 percent basic use fee that the BLM's fee schedule (set by the 1984 policy, not regulations) requires outfitters to pay.
- Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises. The changes in the regulations required by enactment of REA will not lead to increases in user fees or any other cost factors that may impel recreationists to travel to comparable foreign recreation destinations.

Unfunded Mandates Reform Act

This rule does not impose an unfunded mandate on state, local, or Tribal governments or the private sector of more than $100 million per year. The rule does not have a significant or unique effect on state, local, or Tribal governments or the private sector. The rule has no effect on governmental or Tribal entities. A statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*) is not required.

Takings (E.O. 12630)

In accordance with Executive Order 12630, the BLM finds that the rule does not have significant takings implications. The final rule does not provide for forfeiture or derogation of private property rights. It merely updates the regulations to reflect changes in statutory authorities for the BLM recreation program covered by the regulations. A takings implications assessment is not required.

Federalism (E.O. 13132)

In accordance with Executive Order 13132, the BLM finds that the rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement. The rule 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. The rule does not preempt state law.

Civil Justice Reform (E.O. 12988)

In accordance with Executive Order 12988, we have determined that this rule does not unduly burden the judicial system and meets the requirements of sections 3(a) and 3(b)(2) of the Order. The rule merely updates the regulations to reflect changes in statutory authorities.

E.O. 13175, Consultation and Coordination With Indian Tribal Governments

In accordance with Executive Order 13175, the BLM has found that this final rule does not include policies that have Tribal implications. The rule has no effect on Tribal lands, and affect member of Tribes only to the extent that they use public lands and facilities for recreation. The rule merely updates the regulations to reflect changes in statutory authorities.

E.O. 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

This rule is not a significant energy action. It will not have an adverse effect on energy supplies. The rule does not limit land use by energy companies. It applies only to permits for recreational use of public lands, how the BLM collects revenues and applies them to the program.

E.O. 13352, Facilitation of Cooperative Conservation

In accordance with Executive Order 13352, the BLM has determined that this final rule is administrative in nature and only reflects changes in statutory authorities. This rule does not impede facilitating cooperative conservation. It does not affect the interests of persons with ownership or other legally recognized interests in land or other natural resources, local participation in the Federal decision-making process, or relate to the protection of public health and safety.

Paperwork Reduction Act

These regulations do not contain information collection requirements that the Office of Management and Budget must approve under the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 *et seq.*

National Environmental Policy Act

The BLM has determined that this final rule updating the recreation permit regulations to recognize and reflect changes in statutory authorities governing the payment and allocation of permit fees and the penalties for nonpayment is a regulation of an administrative, financial, legal, and procedural nature. Therefore, it is categorically excluded from environmental review under section 102(2)(C) of the National Environmental Policy Act, pursuant to 516 Departmental Manual (DM), *Chapter 2, Appendix 1*. In addition, the final rule does not meet any of the 10 criteria for exceptions to categorical exclusions listed in *516 DM, Chapter 2, Appendix 2*. Pursuant to Council on Environmental Quality regulations (*40 CFR 1508.4*) and the environmental policies and procedures of the Department of the Interior, the term ''categorical exclusions'' means a category of actions which do not individually or cumulatively have a significant effect on the human environment and that have been found to have no such effect in procedures adopted by a Federal agency and for which neither an environmental assessment nor an environmental impact statement is required. Therefore, a detailed statement under the National Environmental Policy Act of 1969 is not required.

Author

The principal authors of this final rule are Lee Larson (retired), and Anthony Bobo of the Recreation and Visitor Services Division, Washington Office, BLM, assisted by Ted Hudson of the Regulatory Affairs Group, Washington Office, BLM.

List of Subjects in 43 CFR Part 2930

Penalties, Public lands, Recreation and recreation areas, Reporting and recordkeeping requirements, Surety bonds.

Dated: January 31, 2007.

C. Stephen Allred,

Assistant Secretary of the Interior, Land and Minerals Management.

■ For the reasons explained in the preamble, and under the authority of 43 U.S.C. 1740, we amend chapter II, subtitle B of title 43 of the Code of Federal Regulations as follows:

PART 2930—PERMITS FOR RECREATION ON PUBLIC LANDS

■ 1. The authority citation for part 2930 is revised to read as follows:

Authority: 43 U.S.C. 1740; 16 U.S.C. 6802.

Subpart 2931—Permits for Recreation; General

■ 2. Revise section 2931.3 to read as follows:

§ 2931.3 What are the authorities for these regulations?

The statutory authorities underlying the regulations in this part are the Federal Land Policy and Management Act, 43 U.S.C. 1701 *et seq.*, and the Federal Land Recreation Enhancement Act, 16 U.S.C. 6801 *et seq.*

(a) The Federal Land Policy and Management Act (FLPMA) contains the Bureau of Land Management's (BLM's) general land use management authority over the public lands, and establishes outdoor recreation as one of the principal uses of those lands (43 U.S.C. 1701(a)(8)). Section 302(b) of FLPMA directs the Secretary of the Interior to regulate through permits or other instruments the use of the public lands, which includes commercial recreation use. Section 303 of FLPMA authorizes the BLM to promulgate and enforce regulations, and establishes the penalties for violations of the regulations.

(b) The Federal Land Recreation Enhancement Act (REA) authorizes the BLM to collect fees for recreational use in areas meeting certain criteria (16 U.S.C. 6802(f) and (g)(2)), and to issue special recreation permits for group activities and recreation events (16 U.S.C. 6802(h).

(c) 18 U.S.C. 3571 and 3581 *et seq.* establish sentences of fines and imprisonment for violation of regulations.

Subpart 2932—Special Recreation Permits for Commercial Use, Competitive Events, Organized Groups, and Recreation Use in Special Areas [Amended]

■ 3. Amend section 2932.57 by revising paragraph (b) to read as follows:

§ 2932.57 Prohibited acts and penalties.

* * * * *

(b) *Penalties.* (1) If you are convicted of any act prohibited by paragraphs (a)(2) through (a)(7) of this section, or of failing to obtain a Special Recreation Permit under paragraph (a)(1) of this section, you may be subject to a sentence of a fine or imprisonment or both for a Class A misdemeanor in accordance with 18 U.S.C. 3571 and 3581 *et seq.* under the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1733(a)).

(2) If you are convicted of failing to pay a fee required by paragraph (a)(1) of this section, you may be subject to a sentence of a fine not to exceed $100 for the first offense, or a sentence of a fine and or imprisonment for a Class A or B misdemeanor in accordance with 18 U.S.C. 3571 and 3581 *et seq.* for all subsequent offenses.

(3) You may also be subject to civil action for unauthorized use of the public lands or related waters and their resources, for violations of permit terms, conditions, or stipulations, or for uses beyond those allowed by permit.

Subpart 2933—Recreation Use Permits for Fee Areas

■ 4. Amend § 2933.33 by revising paragraphs (a), (b), and (d) to read as follows:

§ 2933.33 Prohibited acts and penalties.

(a) *Prohibited acts.* You must not—

(1) Fail to obtain a use permit or pay any fees required by this subpart;

(2) Violate the stipulations or conditions of a permit issued under this subpart;

(3) Fail to pay any fees within the time specified;

(4) Fail to display any required proof of payment of fees;

(5) Willfully and knowingly possess, use, publish as true, or sell to another, any forged, counterfeited, or altered document or instrument used as proof of or exemption from fee payment;

(6) Willfully and knowingly use any document or instrument used as proof of or exemption from fee payment, that the BLM issued to or intended another to use; or

(7) Falsely represent yourself to be a person to whom the BLM has issued a

document or instrument used as proof of or exemption from fee payment.

(b) *Evidence of nonpayment.* The BLM will consider failure to display proof of payment on your unattended vehicle parked within a fee area, where payment is required to be prima facie evidence of nonpayment.

* * * * *

(d) *Types of penalties.* You may be subject to the following fines or penalties for violating the provisions of this subpart:

If you are convicted of . . .	then you may be subject to . . .	under . . .
(1) Failing to obtain a permit under paragraph (a)(1) of this section, or any act prohibited by paragraph (a)(4), (5), or (6) of this section.	A sentence of a fine and/or imprisonment for a Class A misdemeanor in accordance with 18 U.S.C. 3571 and 3581 *et seq.*	The Federal Land Policy and Management Act of 1976 (43 U.S.C. 1733(a)).
(2) Violating any regulation in this subpart or any condition of a Recreation Use Permit.	A sentence of a fine and/or imprisonment for a Class A misdemeanor in accordance with 18 U.S.C. 3571 and 3581 *et seq.*	The Federal Land Policy and Management Act of 1976 (43 U.S.C. 1733(a)).
(3) Failing to pay a Recreation Use Permit fee required by paragraph (a)(1) of this section, or any act prohibited by paragraph (a)(3) of this section.	A fine not to exceed $100 for the first offense, or a sentence of a fine and/or imprisonment for a Class A or B misdemeanor in accordance with 18 U.S.C. 3571 and 3581 *et seq.* for all subsequent offenses.	The Federal Lands Recreation Enhancement Act (16 U.S.C. 6811).

[FR Doc. E7–2876 Filed 2–20–07; 8:45 am]

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Proposed Rules

Federal Register
Vol. 72, No. 34
Wednesday, February 21, 2007

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2006–25581; Directorate Identifier 2006–CE–41–AD]

RIN 2120–AA64

Airworthiness Directives; EADS SOCATA Model TBM 700 Airplanes

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

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

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

* * * a Nose Landing Gear (NLG) hinge pin rupture that causes an uncommanded NLG retraction.

Investigations identified the unsafe condition resulting from an incomplete thermal treatment done on three hinge pin batches lowering their mechanical properties with a high risk of deformation under service loads.

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

DATES: We must receive comments on this proposed AD by March 23, 2007.

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

- *DOT Docket Web Site:* Go to *http://dms.dot.gov* and follow the instructions for sending your comments electronically.
- *Fax:* (202) 493–2251.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL–401, Washington, DC 20590–0001.
- *Hand Delivery:* Room PL–401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://dms.dot.gov;* or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone (800) 647–5227) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Albert J. Mercado, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri, 64106; telephone: (816) 329–4119; fax: (816) 329–4090.

SUPPLEMENTARY INFORMATION:

Streamlined Issuance of AD

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

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

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2006–25581; Directorate Identifier 2006–CE–41–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

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

Discussion

We proposed to amend 14 CFR part 39 with an earlier NPRM for the specified products, which was published in the **Federal Register** on September 15, 2006 (71 FR 54446). That earlier NPRM proposed to require actions intended to address the unsafe condition for the products listed above.

Since that NPRM was issued, EADS SOCATA amended TBM Aircraft Mandatory Alert Service Bulletin SB 70–147, dated July 2006, to extend the landing gear applicability to Model TBM 700 aircraft equipped with nose landing gear (part number (P/N) 21130–001–02) with serial numbers (S/Ns) B155 through B173 and EUR174 through EUR240.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued Emergency AD No. 2006–0271–E, Issue date: September 4, 2006 (referred to after this as ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

* * * a Nose Landing Gear (NLG) hinge pin rupture that causes an uncommanded NLG retraction.

Investigations identified the unsafe condition resulting from an incomplete thermal treatment done on three hinge pin batches lowering their mechanical properties with a high risk of deformation under service loads.

The MCAI requires:

* * * first to identify the concerned NLG and second to detect the defective hinge pins installed on aircraft or those held as spare and replace them with new ones.

This AD also requires the introduction of interim operational instructions in order to diminish as many as possible stresses on the

NLG before the embodiment of the corrective actions.

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

Relevant Service Information

EADS SOCATA has issued EADS SOCATA TBM Aircraft Mandatory Alert Service Bulletin SB 70–147, Amendment 1, dated September 2006. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

Comments

We have considered the following comments received on the earlier NPRM.

The Modification and Replacement Parts Association (MARPA) provides comments to the MCAI AD process pertaining to how the FAA addresses publishing manufacturer service information as part of the proposed AD action. The commenter states that the rule, as proposed, attempts to require compliance with a public law by reference to a private writing (as referenced in paragraph (e) of the proposed AD). The commenter would like the FAA to incorporate by reference (IBR) the EADS SOCATA Alert service bulletin.

We agree with the commenter. However, we do not IBR any document in a proposed AD action, instead we IBR the document in the final rule. Since we are considering issuing the proposal as a final rule AD action, EADS SOCATA TBM Aircraft Mandatory Alert Service Bulletin SB 70–147, Amendment 1, dated September 2006, may be incorporated by reference if and when this proposed rule is issued as a final rule.

MARPA requests IBR documents be made available to the public by publication in the **Federal Register** or in the Docket Management System (DMS).

We are currently reviewing issues surrounding the posting of service bulletins in the Department of Transportation's DMS as part of the AD docket. Once we have thoroughly examined all aspects of this issue and have made a final determination, we will consider whether our current practice needs to be revised.

EADS SOCATA provides comments pertaining to TBM Aircraft Mandatory Alert Service Bulletin SB 70–147, dated July 2006, referenced in the NPRM.

The NPRM proposes an AD associated with EADS SOCATA TBM Aircraft Mandatory Alert Service Bulletin SB 70–147, dated July 2006. In September 2006, EADS SOCATA issued an amendment to the service bulletin. This amendment extends the landing gear applicability to Model TBM 700 aircraft equipped with nose landing gear P/N 21130–001–02 with S/Ns B155 through B173 and EUR174 through EUR240.

EADS SOCATA specifies in TBM Aircraft Mandatory Alert Service Bulletin SB 70–147, dated July 2006, that the check of the nose landing gear S/N and the operational procedure must be done before the next flight. The batch number check and pin check must be done after a flight at an approved maintenance center. EASA canceled Emergency AD 2006–0226–E and issued Emergency AD No. 2006–0271–E, Issue date: September 4, 2006. The NPRM also references this EASA AD.

The FAA acknowledges the requirements in the service bulletin and latest EASA AD. However, the pin batch number check and application of the operational procedure are both specified as prior to further flight actions in the service bulletin. The FAA determined that this action is not an urgent safety of flight condition. We established the compliance time at 30 days to do both the pin batch number check and replacement of any affected parts. The operational procedure was only temporary until the replacement was done. Therefore, we are not requiring the operational procedure as part of the FAA AD.

The only changes we are making to the proposed AD are (1) referencing the revised service bulletin to read EADS SOCATA Mandatory Service Bulletin SB 70–147, Amendment 1, dated September 2006; and (2) extending the landing gear applicability to Model TBM 700 aircraft equipped with nose landing gear (part number (P/N) 21130–001–02) with serial numbers (S/Ns) B155 through B173 and EUR174 through EUR240.

FAA's Determination and Requirements of the Proposed AD

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

Certain changes described above expand the scope of the earlier NPRM. As a result, we have determined that it is necessary to reopen the comment period to provide additional opportunity for the public to comment on the proposed AD.

Differences Between This Proposed AD and the MCAI or Service Information

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

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

Costs of Compliance

Based on the service information, we estimate that this proposed AD would affect about 256 products of U.S. registry. We also estimate that it would take about 2 work-hours per product to comply with the basic requirements of this proposed AD. The average labor rate is $80 per work-hour. Required parts would cost about $1,025 per product. Where the service information lists required parts costs that are covered under warranty, we have assumed that there will be no charge for these costs. As we do not control warranty coverage for affected parties, some parties may incur costs higher than estimated here.

Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be $303,360, or $1,185 per product.

Authority for This Rulemaking

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

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

products identified in this rulemaking action.

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

EADS Socata: Docket No. FAA–2006–25581; Directorate Identifier 2006–CE–41–AD.

Comments Due Date

(a) We must receive comments by March 23, 2007.

Affected ADs

(b) None.

Applicability

(c) This AD applies to all Model TBM 700 airplanes fitted with nose landing gear (NLG) part number (P/N) 21130–001–02 with serial numbers (S/N) B155 through B173 and S/N EUR 174 through EUR 240, that are certificated in any U.S. category.

Subject

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

Reason

(e) The mandatory continuing airworthiness information (MCAI) describes the unsafe condition as follows:

* * * a Nose Landing Gear (NLG) hinge pin rupture that causes an uncommanded NLG retraction.

Investigations identified the unsafe condition resulting from an incomplete thermal treatment done on three hinge pin batches lowering their mechanical properties with a high risk of deformation under service loads.

Actions and Compliance

(f) Within 30 days after the effective date of this AD, unless already done, do the following:

(1) Identify the NLG hinge pin batch number as instructed in paragraph B of the accomplishment instructions of EADS SOCATA TBM Aircraft Mandatory Alert Service Bulletin SB 70–147, Amendment 1, dated September 2006.

(i) For airplanes with the correct pin batch numbers, no further action is required. Return the airplane to service as instructed in EADS SOCATA TBM Aircraft Mandatory Alert Service Bulletin SB 70–147, Amendment 1, dated September 2006.

(ii) For airplanes with pins from the defective pin batch numbers or for which the batch number cannot be read, do all the actions as instructed in paragraphs B(5), C, and D of the accomplishment instructions of EADS SOCATA TBM Aircraft Mandatory Alert Service Bulletin SB 70–147, Amendment 1, dated September 2006.

(2) As of the effective date of this AD, no person shall install on any EADS SOCATA Model TBM 700 airplane an NLG actuator hinge pin coming from the three defective batches identified as EUR BC 21344–000–01, EUR BD 21344–000–01, and EUR BF 21344–000–01 on NLG part number 21130–001–02.

FAA AD Differences

Note: This AD differs from the MCAI and/or service information as follows: The service bulletin and MCAI require interim operational instructions until the corrective actions are done. This AD requires the corrective action at the same time as the pin batch number check.

Other FAA AD Provisions

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

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Standards Staff, FAA, ATTN: Albert J. Mercado, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri, 64106; telephone: (816) 329–4119; fax: (816) 329–4090, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19.

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

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

Related Information

(h) This AD is related to European Aviation Safety Agency Emergency AD No. 2006–0271–E, Issue date: September 4, 2006, which references EADS SOCATA TBM Aircraft Mandatory Alert Service Bulletin SB 70–147, Amendment 1, dated September 2006.

Issued in Kansas City, Missouri, on February 13, 2007.

James E. Jackson,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. E7–2888 Filed 2–20–07; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF LABOR

Employment and Training Administration

20 CFR Parts 652, 661, 662, 663, 664 and 667

RIN 1205–AB46

Workforce Investment Act Amendments; Supplement

AGENCY: Employment and Training Administration (ETA), Labor.

ACTION: Proposed rule; Supplement.

SUMMARY: Given that the Department of Labor (the Department) is now posting public comments on the Internet through the *http://www.regulations.gov* Web site, the federal eRulemaking portal, the following language should be inserted at the end of the **ADDRESSES** section of the preamble for the Notice of Proposed Rulemaking at 71 FR 76558 (December 20, 2006).

''Please note that comments received will be posted on the *http://www.regulations.gov* Web site. The *http://www.regulations.gov* Web site is the federal eRulemaking portal and all comments received will be available and accessible to the public. Therefore, the Department recommends that commenters safeguard their personal information such as Social Security Numbers, personal addresses, telephone numbers, and e-mail addresses included in their comments as such may become easily available to the public via the *http://www.regulations.gov* Web site. If a comment is e-mailed directly to the Department's address without going through *http://www.regulations.gov*, the comment will have the sender's e-mail

address attached to it and therefore, the e-mail address and information contained therein may be posted online. It is the responsibility of the commenter to safeguard their information. All comments received will be posted on *http://www.regulations.gov* and may be posted without information redacted. However, for comments that were submitted to ETA before the publication of this Supplement, ETA will make every effort to redact apparently confidential information before posting the comment on *http://www.regulations.gov.*''

DATES: To be assured of consideration, comments must be in writing and must be received on or before February 20, 2007.

FOR FURTHER INFORMATION CONTACT: Ms. Maria K. Flynn, Administrator, Office of Policy Development and Research, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N–5641, Washington, DC 20210, Telephone: (202) 693–3700 (VOICE) or 887–889–5627 (TTY/TDD). Please note that these are not toll-free numbers.

Signed at Washington, DC this 13th day of February, 2007.

Emily Stover DeRocco,

Assistant Secretary of Labor.

[FR Doc. E7–2861 Filed 2–20–07; 8:45 am]

BILLING CODE 4510–FM–P

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

33 CFR Part 334

United States Navy Restricted Area, Key West Harbor, at U.S. Naval Base, Key West, FL

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Notice of proposed rule making and request for comments.

SUMMARY: The U.S. Army Corps of Engineers (Corps) is proposing to amend the existing regulations for a restricted area at Naval Air Station Key West (NASKW). Naval Air Station Key West maintains ammunition magazines on Fleming Island that have explosive safety quality-distance (ESQD) requirements in place to ensure reasonable safety from serious injury should there be a magazine fire or explosion. The current restricted area regulations do not adequately cover the ESQD requirements. This amendment to the existing regulation is necessary to protect the public from potentially hazardous conditions that may exist as a result of military use of the area.

DATES: Written comments must be submitted on or before March 23, 2007.

ADDRESSES: You may submit comments, identified by docket number COE–2007–0003, by any of the following methods:

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

E-mail: david.b.olson@usace.army.mil. Include the docket number, COE–2007–0003, in the subject line of the message.

Mail: U.S. Army Corps of Engineers, *Attn:* CECW–CO (David B. Olson), 441 G Street NW., Washington, DC 20314–1000.

Hand Delivery/Courier: Due to security requirements, we cannot receive comments by hand delivery or courier.

Instructions: Direct your comments to docket number COE–2007–0003. All comments received will be included in the public docket without change and may be made available on-line at *http://www.regulations.gov*, including any personal information provided, unless the commenter indicates that 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 regulations.gov or e-mail. The regulations.gov web site is an anonymous access system, which means we will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail directly to the Corps without going through regulations.gov, your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, we recommend 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 we cannot read your comment because of technical difficulties and cannot contact you for clarification, we may not be able to consider your comment. Electronic comments should avoid the use of any special characters, any form of encryption, and be free of any defects or viruses.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov*. All documents in the docket are listed. Although listed in the index, some information is not publicly available, such as CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form.

Consideration will be given to all comments received within 30 days of the date of publication of this notice.

FOR FURTHER INFORMATION CONTACT: Mr. David Olson, Headquarters, Operations and Regulatory Community of Practice, Washington, DC at 202–761–4922 or Mr. Jon M. Griffin, U.S. Army Corps of Engineers, Jacksonville District, Regulatory Division, at 904–232–1680.

SUPPLEMENTARY INFORMATION: Pursuant to its authorities in Section 7 of the Rivers and Harbors Act of 1917 (40 Stat 266; 33 U.S.C. 1) and Chapter XIX of the Army Appropriations Act of 1919 (40 Stat 892; 33 U.S.C. 3) the Corps is proposing to amend the regulations in 33 CFR part 334 by modifying the restricted area at section 334.610(a)(4). The modification to the existing restricted area is described in the body of this notice.

The Ammunition and Hazardous Materials Handling Review Board has cited NASKW for allowing anchored pleasure craft to be within the inhabited building distance of the Fleming Island Magazine area. The amendment to the regulations will allow the Commanding Office NASKW to restrict passage of persons, watercraft, and vessels to ensure that ESQD requirements related to the Fleming Island Magazine area are met.

Procedural Requirements

a. *Review Under Executive Order 12866*. The proposed rule is issued with respect to a military function of the Defense Department and the provisions of Executive Order 12866 do not apply.

b. *Review Under the Regulatory Flexibility Act*. The proposed rule has been reviewed under the Regulatory Flexibility Act (Pub. L. 96–354), which requires the preparation of a regulatory flexibility analysis for any regulation that will have a significant economic impact on a substantial number of small entities (i.e., small businesses and small governments). Unless information is obtained to the contrary during the public notice comment period, the Corps expects that the economic impact of the amendment of this restricted area would have practically no impact on the public, no anticipated navigational hazard or interference with existing waterway traffic. This proposed rule, if

adopted, will have no significant economic impact on small entities.

c. *Review Under the National Environmental Policy Act.* Due to the administrative nature of this action and because there is no intended change in the use of the area, the Corps expects that this regulation, if adopted, will not have a significant impact to the quality of the human environment and, therefore, preparation of an environmental impact statement will not be required. An environmental assessment will be prepared after the public notice period is closed and all comments have been received and considered. It may be reviewed at the District office listed at the end of **FOR FURTHER INFORMATION CONTACT,** above.

d. *Unfunded Mandates Act.* This proposed rule does not impose an enforceable duty among the private sector and, therefore, is not a Federal private sector mandate and is not subject to the requirements of Section 202 or 205 of the Unfunded Mandates Reform Act (Public Laws 104–4, 109 Stat. 48, 2 U.S.C. 1501 *et seq.*). We have also found under Section 203 of the Act, that small governments will not be significantly or uniquely affected by this rule.

List of Subjects in 33 CFR Part 334

Danger zones, Navigation (water), Restricted areas, Waterways.

For the reasons set out in the preamble, the Corps proposes to amend a portion of 33 CFR Part 334 as follows:

PART 334—DANGER ZONE AND RESTRICTED AREA REGULATIONS

1. The authority citation for 33 CFR part 334 continues to read as follows:

Authority: 40 Stat. 266 (33 U.S.C. 1) and 40 Stat. 892 (33 U.S.C. 3).

2. Amend § 334.610 by revising paragraph (a)(4) to read as follows:

§ 334.610 Key West Harbor, at U.S. Naval Base, Key West, Fla.; naval restricted areas and danger zone.

(a) *The areas.* * * *

(4) Beginning at the last point designated in area 3 at Latitude 24°34.0550′ N., Longitude 81°47.9166′ W.; proceed in a northwesterly direction to a point at Latitude 24°34.2725′ N., Longitude 81°48.1304′ W.; thence proceed in a northeasterly direction to a point at Latitude 24°34.3562′ N., Longitude 81°48.0192′ W.; thence proceed in a northwesterly direction to a point at Latitude 24°34.4506′ N., Longitude 81°48.1444′ W.; thence proceed in a northwesterly direction to a point at Latitude 24°34.5619′ N., Longitude 81°48.1873′ W.; thence proceed in a northeasterly direction to a point at Latitude 24°34.9084′ N., Longitude 81°48.0945′ W.; thence proceed in a northeasterly direction to a point at Latitude 24°34.9809′ N., Longitude 81°47.9400′ W.; proceed in a general northerly direction maintaining a distance of 100 yards from the shoreline of Fleming Key, continue around Fleming Key to a point easterly of the southeast corner of Fleming Key at Latitude 24°34.0133′ N., Longitude 81°47.6250′ W.; thence easterly to Latitude 24°33.9600′ N., Longitude 81°47.3333′ W.; thence southerly to a point on the shore at Latitude 24°33.9117′ N., Longitude 81°47.3450′ W. The Department of the Navy plans to install buoys along that portion of the restricted area boundary which marks the outer edge of the explosive hazard safety distance requirements.

* * * * *

Dated: February 15, 2007.

Lawrence A. Lang,

Acting Chief, Operations, Directorate of Civil Works.

[FR Doc. E7–2874 Filed 2–20–07; 8:45 am]

BILLING CODE 3710–92–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 70

[EPA–R07–OAR–2006–0803; FRL–8278–7]

Approval and Promulgation of Implementation Plans and Operating Permits Program; State of Missouri

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to approve a revision to the Missouri State Implementation Plan (SIP) and Operating Permits Program. The revisions clarify the rule and streamline processes without negatively impacting air quality. This revision will ensure consistency between the state and the federally-approved rules.

DATES: Comments on this proposed action must be received in writing by March 23, 2007.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R07–OAR–2006–0803 by one of the following methods:

1. *http://www.regulations.gov:* Follow the on-line instructions for submitting comments.

2. *E-mail: algoe-eakin.amy@epa.gov.*

3. *Mail:* Amy Algoe-Eakin, Environmental Protection Agency, Air Planning and Development Branch, 901 North 5th Street, Kansas City, Kansas 66101.

4. *Hand Delivery or Courier: Deliver your comments to:* Amy Algoe-Eakin, Environmental Protection Agency, Air Planning and Development Branch, 901 North 5th Street, Kansas City, Kansas 66101. Such deliveries are only accepted during the Regional Office's normal hours of operation. The Regional Office's official hours of business are Monday through Friday, 8 a.m. to 4:30 p.m., excluding legal 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: Amy Algoe-Eakin at (913) 551–7942, or by e-mail at *algoe-eakin.amy@epa.gov.*

SUPPLEMENTARY INFORMATION: In the final rules section of the **Federal Register**, EPA is approving the state's SIP revision and Title V revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision amendment and anticipates no relevant adverse comments to this action. A detailed rationale for the approval is set forth in the direct final rule. If no relevant adverse comments are received in response to this action, no further activity is contemplated in relation to this action. If EPA receives relevant 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 action. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. Please note that if EPA receives adverse comment on part of this rule and if that part can be severed from the remainder of the rule, EPA may adopt as final those parts 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: February 9, 2007.

John B. Askew,

Regional Administrator, Region 7.

[FR Doc. E7–2807 Filed 2–20–07; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; 90-Day Finding on a Petition To Reclassify the Utah Prairie Dog From Threatened to Endangered and Initiation of a 5-Year Review

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of 90-day petition finding and initiation of a 5-year review.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce a 90-day finding on a petition to reclassify the Utah prairie dog (*Cynomys parvidens*) from threatened to endangered under the Endangered Species Act of 1973, as amended (Act). We find that the petition does not provide substantial scientific or commercial information indicating that reclassification of the Utah prairie dog from threatened to endangered may be warranted. Therefore, we are not initiating a further status review in response to this petition. We are, however, initiating a 5-year review under section 4(c)(2)(A) of the Act for this species because such a review has not been conducted in the last 5 years. We ask the public to submit to us any new information that becomes available concerning the status of the Utah prairie dog or threats to the species.

DATES: The 90-day finding announced in this document was made on February 21, 2007. Comments and information for the 5-year review must be submitted on or before April 23, 2007.

ADDRESSES: The petition, administrative finding, supporting data, and comments will be available for public inspection, by appointment, during normal business hours at the Utah Ecological Services Field Office, 2369 West Orton Circle, Suite 50, West Valley City, UT 84119. The petition and finding are available on our Web site at *http://mountain-prairie.fws.gov/species/mammals/utprairiedog/.*

If you wish to comment, you may submit your comments and materials by any one of the following methods:

(1) You may mail or hand-deliver written comments and information to Field Supervisor, Utah Ecological Services Office, at the address given above.

(2) You may submit your comments by electronic mail (e-mail) to *utahprairiedog@fws.gov.* For directions on how to submit comments by e-mail, see the ''Public Comments Solicited'' section of this notice. In the event that our Internet connection is not functional, please submit your comments by mail, hand-delivery, or fax.

(3) You may fax your comments to (801) 975–3331.

FOR FURTHER INFORMATION CONTACT: Larry Crist, Field Supervisor, Utah Ecological Services Field Office (see **ADDRESSES**) (telephone 801–975–3330; facsimile 801–975–3331). Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 800–877–8339.

SUPPLEMENTARY INFORMATION:

Background

Section 4(b)(3)(A) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) (Act), requires that we make a finding on whether a petition to list, delist, or reclassify a species presents substantial scientific or commercial information indicating that the petitioned action may be warranted. We are to base this finding on information provided in the petition and supporting information available in our files at the time of the petition review. To the maximum extent practicable, we are to make this finding within 90 days of our receipt of the petition, and publish our notice of this finding promptly in the **Federal Register**.

Our standard for substantial information within the Code of Federal Regulations (CFR) with regard to a 90-day petition finding is ''that amount of information that would lead a reasonable person to believe that the measure proposed in the petition may be warranted'' (50 CFR 424.14(b)). If we find that substantial information was presented, we are required to promptly commence a review of the status of the species.

In making this finding, we relied on information provided by the petitioners and evaluated that information in accordance with 50 CFR 424.14(b). Our 90-day finding process under section 4(b)(3)(A) of the Act and § 424.14(b) of our regulations is limited to a determination of whether the information in the petition meets the ''substantial information'' threshold. A substantial finding should be made when the Service deems that adequate and reliable information has been presented that would lead a reasonable person to believe that the petitioned action may be warranted. In making our determination on the petition evaluated in this 90 day finding, which petitions us to reclassify the Utah prairie dog from threatened to endangered, we have made our determination on whether the petition presents substantial scientific and commercial information indicating the species is in danger of extinction throughout all or a significant portion of its range.

Petition

On February 3, 2003, we received a petition submitted by Forest Guardians, Center for Native Ecosystems, Escalante Wilderness Project, Boulder Regional Group, Southern Utah Wilderness Alliance, and Terry Tempest Williams (Petitioners) requesting that we reclassify the Utah prairie dog from threatened to endangered. We acknowledged receipt of the petition in a letter to Nicole Rosmarino on November 21, 2003. In that letter we also advised the Petitioners that, due to prior listing allocations in fiscal years 2003 and 2004, we would not be able to begin processing the petition in a timely manner.

On February 2, 2004, we received a Notice of Intent to sue from the Petitioners for failure to issue the 90-day finding. On February 2, 2006, the Petitioners filed a complaint for injunctive and declaratory relief in the United States District Court for the District of Columbia. On June 2, 2006, the parties reached a settlement agreement that requires the Service to make a 90-day finding on the petition on or before February 17, 2007. This finding constitutes our compliance with the settlement agreement.

Species Information

Prairie dogs belong to the Sciuridae family of rodents, which also includes squirrels, chipmunks, and marmots. There are five species of prairie dogs, all of which are native to North America, and all of which have non-overlapping geographic ranges (Hoogland 2003, p. 232). Taxonomically, prairie dogs (*Cynomys spp.*) are divided into two subgenera: The white-tail and black-tail. The Utah prairie dog (*C. parvidens*) is a member of the white-tail group, subgenus *Leucocrossuromys.* Other members of this group, which also occur in Utah, are the white-tailed prairie dog (*C. leucurus*) and the Gunnison prairie dog (*C. gunnisoni*). The Utah prairie dog is distinguished by a relatively short (30 to 70 millimeters (mm)/1.2 to 2.8 inches (in)) white- or gray-tipped tail (Pizzimenti and Collier 1975, p. 1; Hoogland 2003, p. 232). The Utah prairie dog is most closely related to the white-tailed prairie dog, and chromosomal and biochemical data suggest that these two species may once have belonged to a single interbreeding

species (Pizzimenti 1975, p. 16). The two species are now separated by ecological and physiographic barriers. Both Chesser (1984, p. 4) and Ritchie and Brown (2005, p. 11) found that genetic variance within Utah prairie dog populations is very low, less than half that commonly observed for black-tailed prairie dogs (*C. ludovicianus*). This may be the result of genetic drift on small populations (Chesser 1984, p. 5).

Life History

Detailed information on the life history of the Utah prairie dog can be found in our May 29, 1984, final rule to reclassify the species as threatened (49 FR 22330), in the recovery plan for the species (Service 1991a), and on our Web site at *http://mountain-prairie.fws.gov/species/mammals/utprairiedog/*. A brief synopsis of information on the species' life history that is relevant to this finding follows:

Utah prairie dogs are true hibernators, ceasing most surface activity during harsh winter months. Female Utah prairie dogs come into estrus (period of greatest female reproductive responsiveness usually coinciding with ovulation) and are sexually receptive for several hours for only 1 day during the breeding season (generally mid-March through early April). Consequently, only 67 percent of female prairie dogs wean a litter, and they have only one litter per year (Hoogland 2001, pp. 919, 920). Litters range between 1 to 7 pups, but average between 3.88 and 4.8 pups (Pizzimenti and Collier 1975, p. 2; Wright-Smith 1978, p. 10; Hoogland 2001, p. 923). The young attain adult size by October and reach sexual maturity at the age of 1 year (Wright-Smith 1978, p. 9). Less than 50 percent of Utah prairie dogs survive to breeding age (Hoogland 2001, p. 919). Male Utah prairie dogs frequently cannibalize juveniles, which can eliminate 20 percent up to the entire litter before the pups first appear aboveground (Hoogland 2003, p. 238).

After the first year, female survivorship is higher than male survivorship, though still low for both sexes. Only about 20 percent of females and less than 10 percent of males survive to age 4 (Hoogland 2001, Figures 1 and 2, pp. 919–920). Such low survivorship severely limits prairie dog reproduction (Hoogland 2001, p. 921). Utah prairie dogs rarely live beyond 5 years (Hoogland 2001, p. 919).

Utah prairie dogs are organized into social groups called clans, consisting of an adult male, several adult females, and their offspring (Wright-Smith 1978, p. 38). Clans maintain geographic territorial boundaries, which only the young regularly cross, although all animals use common feeding grounds.

Habitat Requirements

Available moisture and prairie dog abundance and density are positively correlated (Crocker-Bedford 1976, pp. 71–72). Prairie dogs appear to prefer swale type formations where moist herbage is available even during drought periods (Collier 1975, p. 43; Crocker-Bedford and Spillett 1981, p. 24). Soil characteristics are also an important factor in the location of Utah prairie dog colonies. A well-drained area is necessary for home burrows. The soil should be deep enough to allow burrowing to depths sufficient to provide protection from predators and insulation from environmental and temperature extremes. Prairie dogs must be able to inhabit a burrow system 1 meter (m) [3.3 feet (ft)] underground without becoming wet. Prairie dogs will avoid areas where brushy species dominate, and will eventually decline or disappear in areas invaded by brush (Collier 1975, pp. 44, 59; Player and Urness 1983, p. 522).

Food Habits

Prairie dogs are predominantly herbivores, and they prefer alfalfa and grasses during all seasons (Crocker-Bedford and Spillett 1981, p. 8). Grasses are the staple of their annual diet, with forbs being preferred in summer and fall. Although forbs, other than alfalfa, are not always highly preferred items throughout the year, they may be critical to a prairie dog colony's survival during drought. Ritchie and Brown (2005, p. 7) found that plant seeding in Utah prairie dog transplant areas increased plant diversity and prairie dogs were more likely to use or persist in seeded areas.

Current Distribution and Numbers

The Utah prairie dog is the westernmost member of the genus *Cynomys*. The species' range, which is limited to the southwestern quarter of Utah, is currently the most restricted of all prairie dog species in the United States. As could best be ascertained by Collier (1975, pp. 15–17), the species' distribution was much broader prior to control programs and at one time extended across the desert almost to the Nevada-Utah State line. Collier and Spillett (1975, p. 151) estimate a 50 percent range reduction from 1925 to 1975, with the greatest declines occurring in the western and northern parts of the range. However, due to the lack of data from the early to mid 1900s, this estimate is speculative.

Factors that resulted in the historical decline of Utah prairie dogs were poisoning, which removed Utah prairie dogs from approximately 8,094 hectares (ha) [20,000 acres (ac)] of their range in Sevier, Wayne, Garfield, and Iron Counties prior to 1963; drought; habitat alteration, primarily in the form of cultivation to agricultural crops; shooting; and disease (Collier and Spillett 1972, pp. 33–35). Major predators include coyotes (*Canis latrans*), badgers (*Taxidea taxis*), long-tailed weasels (*Mustela frenata*), various raptor species, and prairie rattlesnakes (*Crotalus viridis*) (Service 1991a, p. 9; Hoogland 2001, p. 922). In established colonies, predators probably do not exert a controlling influence on numbers of prairie dogs (Collier and Spillett 1972, p. 36). Long-term overgrazing, drought, disease (plague), and competition with Uinta ground squirrels (*Spermophilus armatus*) have contributed to larger-scale historic declines in prairie dog numbers, including loss of entire colonies (Service 1991a, pp. 11–12).

Historically, Utah prairie dog colonies were found as far west as Pine and Buckskin Valleys in Beaver and Iron Counties, and may have occurred as far north as Nephi, Utah, southeast to Bryce Canyon National Park, east to the foothills of the Aquarius Plateau, and south to the northern borders of Kane and Washington Counties (Pizzimenti and Collier 1975, p. 1). Prior to 1920, the species occurred within approximately 713 map sections (184,666 ha/456,320 ac) in 10 areas of southwestern Utah (Collier 1975, p. 15). In 1971, Collier (1975, p. 15) determined the species occurred within 96 sections (24,863 ha/61,440 ac), based on landowner questionnaires. The 1920 and 1971 habitat estimates are misleading because they assume all 640 acres within a section are occupied if the occurrence of Utah prairie dogs was reported from that section, regardless of actual numbers or distribution within the section. We believe the best information concerning actual Utah prairie dog habitat is from ongoing mapping efforts conducted by the Utah Division of Wildlife Resources (UDWR). UDWR has mapped 17,444 ha (43,106 ac) of habitat throughout the current and historic Utah prairie dog range; however, current occupancy has not been verified for this mapped habitat area, or for other areas of historic habitat. The total number of Utah prairie dogs was estimated to be 95,000 animals prior to control programs in the 1920s (McDonald 1993, p. 2). However, estimates of the size of former populations are difficult to make

because no formal censuses were conducted prior to 1976.

The Utah prairie dog currently occurs in three areas within southwestern Utah, which are designated as recovery areas: (1) The Awapa Plateau; (2) the Paunsaugunt region, along the east fork and main stem of the Sevier River; and, (3) the West Desert region of eastern Iron County, with a few isolated colonies existing in mountain and desert valleys in eastern Iron and Beaver Counties (Pizzimenti and Collier 1975, p. 1). For more information on these recovery areas, refer to our recovery plan for the species (Service 1991a). Although the abundance of the species in the three recovery areas vary considerably from year to year, the overall species' population abundance is considered stable. Below we describe each of the recovery areas. Counts are conducted in the spring prior to emergence of the pups and represent adults only. Crocker-Bedford (1975 page 6) estimate that only 40 to 60% of Utah prairie dogs are above ground at any one time. Therefore, these spring counts represent approximately 50% of the adult population.

The Awapa Plateau Recovery Area encompasses portions of Piute, Garfield, Wayne, and Sevier Counties. Spring counts conducted from 1976 through 2005 have varied from 201 to 1,145 animals; in 2005, UDWR counted 571 animals on 32 colonies (15 occupied) (UDWR 2005).

The Paunsaugunt Recovery Area includes public and private lands primarily in Garfield County, with a small area of Iron County. Spring counts conducted from 1976 through 2005 have varied from 652 to 2,205 animals; in 2005, UDWR counted a low of 652 animals on 27 colonies (14 occupied) (UDWR 2005).

The West Desert Recovery Area is primarily in Iron County, but extends into southern Beaver County and northern Washington County. Spring counts conducted from 1976 through 2005 have varied from 610 to 4,778 animals; in 2005, UDWR counted 4,158 animals on 34 colonies (27 occupied) (UDWR 2005).

Previous Federal Actions

We listed the Utah prairie dog as an endangered species on June 4, 1973 (38 FR 14678), pursuant to the Endangered Species Conservation Act of 1969. On November 5, 1979, the UDWR petitioned the Service to remove the Utah prairie dog from the List of Endangered and Threatened Wildlife. The Service found that this petition contained substantial scientific and commercial information, and the species was reclassified from endangered to threatened on May 29, 1984 (49 FR 22330). As part of that May 29, 1984, rule, we promulgated a special rule under section 4(d) of the Act to allow the regulated take of up to 5,000 animals annually. On June 14, 1991, we published a final rule amending the special rule to allow regulated take of up to 6,000 animals annually throughout the species' range (56 FR 27438).

Threats Analysis

Under section 4(a) of the Act, we may list a species on the basis of five threat factors: (A) Present or threatened destruction, modification, or curtailment of its habitat or range; (B) overutilization for commercial, recreational, scientific, or educational purposes; (C) disease or predation; (D) inadequacy of existing regulatory mechanisms; or (E) other natural or manmade factors affecting its continued existence. Listing actions may be warranted based on any of the above threat factors, either singly or in combination.

Under the Act, a threatened species is defined as a species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range. An endangered species is defined as a species which is in danger of extinction throughout all or a significant portion of its range. Therefore, we evaluate each of the five listing factors to determine whether the level of threat identified by information in the petition and in our files substantiates an increase in threat level to the extent that uplisting of the Utah prairie dog from threatened to endangered may be warranted.

A. Present or Threatened Destruction, Modification, or Curtailment of Its Habitat or Range

The Petitioners state that threats to the species' habitat included the following: (1) Loss of historic range, urbanization, land conversion, and sale of State lands; (2) livestock grazing, resulting in conversion of grasslands to shrublands; depletion of forage; degradation of riparian areas; proliferation of weeds; alteration of fire ecology; and impacts to soils; (3) road construction, off-highway vehicle (OHV) use, and recreation; (4) oil, gas, and mineral development and seismic exploration; and (5) impacts of isolation and fragmentation.

Loss of Historic Range, Urbanization, Land Conversion, and Sale of State Lands

The Petitioners state that mapped (or estimated) Utah prairie dog habitat has declined from 181,299 to 2,824 ha (448,000 to 6,977 ac) as of 1975, and that at the time the petition was developed, only 31 percent of Utah prairie dog habitat was on public lands where recovery efforts are concentrated (Rosmarino 2003, p. 54). The Petitioners state that much of the historic, high-quality Utah prairie dog habitat was in valleys, where crop agriculture and urban activities and expansion have historically occurred or are ongoing (Rosmarino 2003, p. 55). The Petitioners identify habitat loss due to urbanization as a concern, particularly in Iron County in the West Desert Recovery Area (Rosmarino 2003, pp. 55–56). According to the petition, this recovery area has the highest percentage of Utah prairie dogs located on private land and also is undergoing the highest rate of municipal development when compared to any other area in Utah prairie dog range. Petitioners state that, between 1990 and 2000, the human population growth rate was 62.5 percent in Iron County, and that Garfield and Beaver County's populations increased by 19 and 26 percent respectively. The petitioners discuss various projects that resulted in translocation of Utah prairie dogs and loss of their habitat. These include legal activities performed under the Iron County Habitat Conservation Plan (HCP) section 10(a)(1)(A) permit, and 11 other actions legally authorized through section 7 consultation. They also cite UDWR records of 7 colonies illegally destroyed during 1995 and 1996. While the Petitioners are mainly concerned with increasing development on private lands, they also cite U.S. Forest Service (USFS) concerns regarding increased impacts from development on private lands adjacent to public lands, including golf course and cabin site development. The Petitioners state that there is also increased all-terrain vehicle (ATV) usage from private housing developments resulting in impacts to the species (Reference, p. 57). The Petitioners are concerned that School and Institutional Trust Lands Administration (SITLA) lands containing Utah prairie dog habitat are being sold to private landowners and, therefore, are not safe from future development (Rosmarino 2003, pp. 75–76).

We believe that the Petitioners' assessment of the extent of historic habitat loss is inaccurate. It is based on

the statement by Collier (1975, p. 15) that Utah prairie dogs at one time occurred within 713 sections of land. However, much of the area within those sections contains unsuitable habitat and was never occupied by prairie dogs. Therefore, estimating historic habitat on the total number of acres within those 713 sections (184,666 ha/456,320 ac) is misleading. The majority of Utah prairie dogs still occur on private lands. However, through implementation of the Interim Conservation Strategy (ICS) (see Factor D discussion), the Recovery Team has made a substantial effort since 1997 to restore and enhance Utah prairie dog habitat on public lands. As of 2005, 37 percent of Utah prairie dogs occurred on public lands (UDWR 2005).

We acknowledge that historic Utah prairie dog habitat has been lost due to agricultural conversion, a factor considered in our May 29, 1984, reclassification of the species from endangered to threatened (49 FR 22330). However, the Petitioners do not quantify areas lost to agriculture historically, and they do not provide any information on future losses from new agricultural developments. We do not have any information indicating that there have been any recent conversions of Utah prairie dog habitat to agricultural use. We also do not have any information indicating that development of private lands is occurring within the Utah prairie dog range, other than that legally authorized through HCP permits. The Iron County HCP permits a limited amount of development on private lands in prairie dog habitat. These losses are mitigated through restoration of habitat on Federal lands and the translocation of animals from impacted private lands to approved translocation sites on Federal lands. In addition, 97 ha (240 ac) of privately owned occupied habitat in the Parowan Valley have been protected in perpetuity through a conservation easement under the Iron County HCP and are managed for Utah prairie dogs (see further HCP discussion under Factor D).

Although we do not dispute USFS accounts of increased activities on Federal lands as a result of nearby private developments, the Petitioners only identify one specific development in the Powell Ranger District that could negatively impact Utah prairie dogs, and we have no additional information in our files that shows impacts claimed by the Petitioner. Therefore, based on the best available date (i.e. only in this case), we believe these impacts are small and localized. The Petitioners provided no information to support loss on Federal lands due to recreational impacts. We also acknowledge that SITLA does sell parcels to private landowners, who then may propose development projects on these properties. However, we do not have information that historic or occupied Utah prairie dog habitat has been lost due to development occurring on SITLA lands that have been sold, and the Petitioners did not cite any pending sales on lands containing Utah prairie dog colonies. Recent activities on SITLA lands include the issuance of a perpetual conservation easement on 304 ha (750 ac) of Utah prairie dog habitat in the Awapa Plateau Recovery Area that will serve as a conservation bank.

Livestock Grazing

The petition states that livestock grazing, particularly overgrazing, can degrade Utah prairie dog habitat by causing shrub encroachment, reducing grass cover and vegetative biomass, degrading riparian areas, facilitating noxious weed proliferation, altering fire ecology, damaging cryptobiotic crusts (communities of cyanobacteria, green algae, lichens, mosses, liverworts, and microorganisms that colonize the surface of bare soil), and degrading soil conditions (Rosmarino 2003, pp. 57–75). The Petitioners state that mechanical or chemical shrub encroachment treatments may not ultimately result in a decrease in shrub vegetative production (Rosmarino 2003, p. 60). The petition states that spring grazing regimes may be particularly harmful to cool-season grasses preferred by Utah prairie dogs (Rosmarino 2003, pp. 61–62), and the Petitioners allege that direct grazing and trampling of moist swales and riparian areas can impact prairie dog persistence in these areas (Rosmarino 2003, pp. 63–64).

The Petitioners state that grazing can result in the spread of noxious weeds through direct dispersal of weed seeds in cattle fur or dung, and that opening areas to grazing makes them more susceptible to colonization and growth of weedy species. The Petitioners also assert that grazing reduces competition from native species by preferentially foraging cattle on them (Rosmarino 2003, pp. 64–69). The petition states that noxious weeds are a problem throughout Utah prairie dog range on both Bureau of Land Management (BLM) and USFS lands (Rosmarino 2003, pp. 68–69), and the Petitioners allege that areas dominated by the exotic annual cheatgrass (*Bromus tectorum*) are 10 to 500 times more likely to experience wildfire. The petition also makes a number of claims related to grazing leading to a reduction in fire frequency, facilitating shrub encroachment (Rosmarino 2003, pp. 69–70), and destroying soil crusts, which result in increased erosion, decreased nutrient cycling, reduction in ground cover, and soil compaction (Rosmarino 2003, pp. 70–75).

We concur that livestock grazing can have an effect on various attributes of prairie dog habitat and food supply; however, these effects can be positive as well as negative. While the petitioners cite numerous general references related to the types of impacts that grazing can have on vegetation and soils, they don't provide any specific references to show that grazing is negatively impacting Utah prairie dogs, or that such effects are becoming more severe, to the extent that uplisting may be warranted. Hoogland (2003, p. 239) notes that tall vegetation is more common in Gunnison and Utah prairie dog colonies than in black-tailed prairie dog colonies, and that it benefits the species by providing hiding cover. The Utah prairie dog vegetation guidelines have recently been revised to include a higher percentage of shrubs based on vegetative measurements in Utah prairie dog occupied habitats (Utah Prairie Dog Recovery Implementation Team [UPDRIT] 2006). Other studies suggest that prairie dog density is positively correlated with heavy grazing, which simulates the shortgrass environment preferred by prairie dogs (Fagerstone and Ramey 1996, pp. 88, 92; Marsh 1994, p. 203; Slobodchikoff et al. 1988, p. 406). A recent study of impacts on Utah prairie dogs of varying grazing intensities on the Awapa Plateau found that, although heavy grazing did not appear to impact burrow density, it did significantly decrease vigilance time (watchfulness or paying close and continuous attention), which could be detrimental to Utah prairie dogs (Elmore 2006, pp. 90, 93). Furthermore, while we do not disagree that Utah prairie dogs prefer moist swale formations, the types of habitats occupied by Utah prairie dogs do not contain the structural complexity typical of riparian habitats, including defined channels and typical riparian vegetation consisting of trees and shrubs. The swales occupied by Utah prairie dogs tend to be dominated by grasses. The Petitioners provided no information regarding the impacts of grazing to swales, and we have no additional information in our files describing potential impacts of this activity to the species.

McDonald (1993) recommended that studies be undertaken to evaluate livestock impacts and grazing regimes. He also recommended that species-specific vegetation objectives for transplant locations should be

developed, and that grazing management should be implemented appropriately to meet these vegetation objectives (McDonald 1993, p. 60). Interim vegetation guidelines were identified in the Utah Prairie Dog ICS (UPDRIT 1997, Appendix 1, pp. 19–21) and were updated in January 2006, based on additional information from occupied colonies within various habitat types (UPDRIT 2006). Monitoring is occurring on Federal lands managed by the BLM Cedar City Field Office to determine if Utah prairie dog sites meet the guidelines. Habitat management actions are being undertaken at sites that do not meet vegetation objectives (for an example, see BLM 2004).

The UPDRIT further developed recommendations specifically aimed at habitat improvement and research to determine more precise habitat suitability criteria (UPDRIT 1997, pp. 1, 5–12). Research was initiated in 2002 to identify appropriate grazing and vegetation management practices and to evaluate the effects of increasing plant diversity on survival of transplanted Utah prairie dogs. Preliminary results from the drought years of 2002 and 2003 showed that, under extreme drought conditions, forage utilization by livestock (cattle and sheep) of more than 33 percent of available forage led to dramatic declines of Utah prairie dog weight gains, overwinter survivorship, and reproduction. Conversely, seeding of rangeland to increase total plant and forb diversity by 33 to 40 percent almost doubled the density of transplanted prairie dogs in 2004 (Ritchie and Brown 2005, p. 2). Ritchie and Brown (2005) believe the results suggest that, at least under drought conditions, Utah prairie dogs are limited by available food, and that livestock grazing and range vegetation management practices may need to be adjusted to minimize impacts on Utah prairie dogs. Ritchie and Brown (2005, p. 15) also note that livestock grazing in early spring, fall, and winter is generally beneficial to Utah prairie dogs because it reduces horizontal cover, which allows animals to spend less time looking for predators. When this research is finalized, results will be used to develop final vegetation guidelines and other grazing and habitat management recommendations for the Utah Prairie Dog Recovery Plan.

While we agree that habitat conditions are compromised in many areas, particularly on public lands, Utah prairie dog numbers continue to be within the range of historic fluctuations (UDWR 2005), and we have not seen large-scale population decreases. When the species was downlisted in 1984, the rangewide population estimate was 2,522 prairie dogs. The last spring range-wide count before the petition was 4,944 adult animals, which represents 50% of the adult population (Crocker-Bedford 1975, p. 6.). This represented a slight decrease from counts made between 1998 and 2000. As of 2005, 5,381 prairie dogs were counted. We have determined that the process set in place with the ICS, including research, habitat monitoring and manipulation, development of vegetation guidelines, and ultimately incorporation of realistic management recommendations into the Recovery Plan, will meet the goal of improving the persistence of Utah prairie dog colonies.

In conclusion, we have determined that the petition did not present substantial scientific or commercial information indicating that livestock grazing that results in conversion of grasslands to shrublands, depletion of forage, degradation of riparian areas, proliferation of weeds, alteration of fire ecology, and impacts to soils may be a threat to the Utah prairie dog to the extent that uplisting from threatened to endangered under the Act may be warranted.

Roads, Off-Highway Vehicles (OHVs), and Recreation

The Petitioners state that roads have a negative impact on Utah prairie dogs by facilitating direct mortalities through motor vehicle strikes, and through loss of habitat due to new road construction, paving and reconstruction of existing roads, and OHV use, which can cause direct disturbance to the animals as well as degradation of vegetation (Rosmarino 2003, pp. 76–78). The Petitioners assert that recreational use in Utah prairie dog habitat, including camping, hunting and fishing, OHV use, and hiking can lead to population declines or extirpation of colonies through direct disturbance or habitat loss. The Petitioners cite increased recreational activities, including actual and potential infrastructure development, such as parking lots, campgrounds, and road and trail improvements, on three USFS Ranger Districts (Rosmarino 2003, pp. 78–79).

We acknowledge that direct mortality of prairie dogs occurs on roads, and higher mortalities occur in areas where paved highways intersect or pass near Utah prairie dog colonies. We also acknowledge that OHV use and other types of recreational use, including recreational infrastructure development, has occurred in Utah prairie dog habitat, resulting in habitat loss and possibly, in the instance of the Three Peaks colony, total extirpation of the colony (Service 2005d). However, the Petitioners provided no information to quantify impacts from recreational activities, including roads, and we have no such information in our files. Direct mortality from roads was not identified as a threat in the May 29, 1984, reclassification of the species (49 FR 22330) or the recovery plan (Service 1991a). We believe that impacts of roads are limited to localized areas and do not result in population-level effects.

Oil, Gas, and Mineral Development and Seismic Exploration

The Petitioners state that oil and gas exploration and extraction results in the degradation and loss of Utah prairie dog habitat through crushing of habitat, introduction of weeds, and increased soil erosion or soil compaction (Rosmarino 2003, p. 80). They also state that noise associated with seismic exploration, particularly in the low frequency sound range, could directly impact Utah prairie dogs (Rosmarino 2003, pp. 80–82). They cite a study on the effects of seismic exploration on Utah prairie dogs (Young and Sawyer 1981, p. 2), which expressed concerns about crushed vegetation, compacted soil, and the potential for disruption of hibernating prairie dogs (Rosmarino 2003, p. 87). The petition states that oil and gas leases are being offered in Millard and Sevier Counties within the Utah prairie dog's range (Rosmarino 2003, p. 88). Mineral development, including shalestone and flagstone extraction, and geothermal leasing are cited as occurring within the range of the Utah prairie dog (Rosmarino 2003, pp. 88–89).

We are aware that oil and gas leasing, seismic exploration, and other mineral development activities are occurring within the range of the Utah prairie dog. However, there is no scientific or commercial information either in the petition or in our files that quantifies the extent of these activities, or provides information on the actual infrastructure related to oil and gas development in occupied Utah prairie dog habitat. Although Young and Sawyer (1981, p. 2) expressed concerns (as identified in the petition) about seismic exploration, they concluded that any impact from seismic testing on Utah prairie dogs is negligible. In a similar study of white-tailed prairie dogs, Menkens and Anderson (1985, p. 13) concluded that there were negligible impacts from seismic exploration. To further minimize potential impacts of oil and gas activities on Utah prairie dogs, the Service and BLM have developed a set of avoidance and minimization

measures for Federal oil and gas leases within the range of the Utah prairie dog. These include no surface disturbance within 0.8 kilometer (km) [0.5 mile (mi)] of active Utah prairie dog colonies, and no permanent disturbance within 0.8 km (0.5 mi) of potentially suitable, unoccupied Utah prairie dog habitat (Service 2003). These measures currently apply to all BLM leasing activities within the Utah prairie dog's range, and lessees who follow these guidelines will be provided a streamlined section 7 consultation process. We believe that the incidences of mineral development cited in the petition are isolated activities and only affect small acreages of Utah prairie dog habitat. The petition therefore does not present substantial scientific information that these activities may be impacting the Utah prairie dog to the extent that uplisting from threatened to endangered under the Act may be warranted.

Impacts of Isolation and Fragmentation

The petition states that due to loss and degradation of Utah prairie dog habitat, and the effects of extermination campaigns and plague, remaining prairie dog colonies tend to be isolated and fragmented. These small, isolated colonies are then more susceptible to local extirpation from factors such as sylvatic plague (Rosmarino 2003, p. 90). Factors such as low reproductive rate, genetic drift, and inbreeding may increase the potential for local extinctions (Rosmarino 2003, pp. 91–93). The petition also states that individuals in larger colonies benefit from less time being devoted to predator detection.

We concur that the majority of existing Utah prairie dog colonies are small, numbering fewer than 200 individuals (UDWR 2005). Plague is active across the landscape and results in colonies tending to increase in numbers for a period of years, decline to very small numbers following a plague event, and then increasing again (see further plague discussion under Factor C). However, the current number of active colonies, and the number of Utah prairie dogs counted in the spring of 2005 (5,381 animals) (UDWR 2005), continues to be within the range of variation seen since counts began in 1976; therefore, we do not concur that small colony size is endangering the species. In summary, we have determined that the petition does not provide scientific or commercial information to support the assertion that small colony size and fragmentation may be a threat to the Utah prairie dog to the extent that uplisting from threatened to endangered under the Act may be warranted.

Summary of Factor A

We have determined that the information in the petition and available in our files does not constitute substantial scientific or commercial information that present or threatened destruction, modification, or curtailment of habitat is a threat to the Utah prairie dog to the extent that uplisting from threatened to endangered under the Act may be warranted. Many of the claims cited by the Petitioners constitute small, localized impacts on specific Utah prairie dog colonies. We recognize the potential for future private land development due to the large percentage of private lands within the West Desert Recovery Area, and will continue to monitor the status of Utah prairie dog colonies in that area closely. We also will continue our efforts to conserve prairie dog habitat on private lands and to develop new colonies on public lands. We acknowledge that it is likely that some livestock grazing regimes, particularly under drought conditions, may adversely affect Utah prairie dogs. We will continue the process of research and monitoring of Utah prairie dog habitat suitability and grazing management practices, and ultimately we will revise the Recovery Plan to incorporate vegetation guidelines and grazing management recommendations to benefit the species.

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

The petition states that illegal shooting of Utah prairie dogs still occurs and that shooting can negatively affect prairie dogs through population reduction, decreased colony expansion rates, and changes in behavior (Rosmarino 2003, pp. 94–98).

Because the Utah prairie dog is already a listed species, shooting, except as provided for by the 4(d) special rule, which is codified at 50 CFR 17.40(g), is prohibited by the Act. However, we acknowledge that isolated instances of shooting likely occur, and that it is not feasible for UDWR and Federal land management agencies to patrol all colony locations on a routine basis. No information is available in the petition or in our files to indicate that more than isolated incidences of shooting occur within Utah prairie dog colonies, or that shooting may pose a significant threat to the species on a range-wide basis.

Summary of Factor B

Neither the petition nor information readily available in our files constitute substantial scientific or commercial information that overutilization is a threat to the Utah prairie dog to the extent that uplisting from threatened to endangered under the Act may be warranted.

C. Disease or Predation

The Petitioners did not state that predation is a threat to the Utah prairie dog. The Petitioners did state that sylvatic plague (*Yersinia pestis*), an exotic bacterial disease, is a significant threat to the extent that it might prevent recovery of Utah prairie dogs, even if all other threat factors were removed. The petition states that plague is a threat to prairie dogs, given their lack of natural immunity to the bacterium. The cyclical nature of plague means that it can return to affect the same colony; therefore recovery from a plague event can be a slow process (Rosmarino 2003, p. 98). The Petitioners cite numerous instances of documented and suspected plague events occurring throughout Utah prairie dog range (Rosmarino 2003, p. 99). They also cite ongoing research in Utah prairie dog habitat on plague mitigation through the use of insecticides to kill the fleas that carry the plague bacterium (Rosmarino 2003, p. 100). The Petitioners take the view that as long as plague is present in the ecosystem, the Utah prairie dog may not reach recovery goals even if all other threat factors are removed (Rosmarino 2003, p. 100).

We acknowledge that plague exists throughout the Utah prairie dog's range, that individual Utah prairie dog colonies are known to have been affected by the disease, and that there is currently no mechanism available to prevent periodic plague events from reoccurring. Plague is an Old World (European origin) disease that was first recorded in North America in humans in 1899, and in Utah prairie dogs in Garfield County in 1936 (Fitzgerald 1993, p. 50). However, plague antibody titers have been found in a few Utah prairie dogs (Biggins 2003a, p. 1) and white-tailed prairie dogs (Biggins 2003a, p. 1; Cully and Williams 2001, p. 896), indicating that some individuals survive after exposure to plague.

Information in our files indicates that the literature is inconclusive regarding whether isolation of a colony or a colony's density affects the number and frequency of plague outbreaks. Lomolino et al. (2003, p. 118) and others (Cully and Williams 2001, p. 901; Miller et al. 1993, pp. 89–90) suggest that isolation and fragmentation may provide some protection to prairie dogs from sylvatic plague by lessening the likelihood of disease transmission.

White-tailed and Utah prairie dog colonies are less dense and more widely dispersed than black-tailed or Gunnison prairie dog colonies, which may slow plague transmission rates (Cully 1993, p. 40; Cully and Williams 2001, p. 901). Biggins' (2003b, p. 5) data are consistent with the hypothesis that white-tailed prairie dogs are predisposed to regroup when their numbers become depleted, improving stability in density (at the cost of stability in area occupied). Biggins (2003b, p. 6) states that if transmission rates for *Yersinia pestis* are at least partly dependent on host density, prairie dog populations on good quality sites may undergo both larger declines and more rapid recoveries than those on poor sites. Partial or complete recovery following population reductions due to plague have been reported for both white-tailed and black-tailed prairie dogs (Biggins and Kosoy 2001, p. 23). Hibernation by Utah and white-tailed prairie dogs may reduce or delay plague transmission among individual animals (Barnes 1993, p. 34).

The Petitioners cite ongoing research into the efficacy of insecticides to protect Utah prairie dog colonies from plague. Results of this study to date have been equivocal (Biggins 2003b, p. 8). The study was not able to determine a difference in the number of arthropod species on plots dusted with deltamethrin verses non-dusted plots. However, Biggins (2003b, p. 8) concludes that dusting Utah prairie dog burrows once a year with 4 grams (0.14 ounce) of Delta Dust (brand name of deltamethrin) does reduce the number of fleas species that are potential plague hosts. The recovery team has begun initial efforts to dust what are considered large priority colonies, including Johnson Bench, East Creek Canyon, and Tom Best Spring, in an effort to prevent plague outbreaks. These efforts successfully stopped an outbreak on the conservation bank property in the Awapa Plateau Recovery Area known as The Tanks.

Given the dynamics of the Utah prairie dog's behavior (such as hibernation), migration patterns, and geographical patterns of colony distribution, we are currently unable to determine whether there is an optimum size, density, and distribution of colonies that would make them less susceptible to periodic plague events. We also cannot determine whether small colony size and isolation provide some measure of protection from plague. Climatic factors may feed into plague cycling. Parmenter et al. (1999, p. 816) suggest a general linkage between cases of human plague (generally contracted by association with wild animals carrying fleas with the plague bacterium) and precipitation, particularly in the winter-spring period. They hypothesize that increased winter-spring precipitation results in an increase in food resources for animal species, which subsequently have greater reproductive success, leading to increased numbers of potential plague hosts (Parmenter et al. 1999, p. 818).

Summary of Factor C

We recognize that plague has been, and will continue to be, a major mortality factor in specific colonies, and across the range of Utah prairie dogs. The impact that plague has had on the overall status of the species, or its potential for recovery, is unclear. It is impossible to separate the impacts of plague from other factors that affect Utah prairie dogs across their range, including drought, habitat conditions, and disturbance by various human activities. We will continue to support research on the impacts of plague on Utah prairie dog persistence, and on ways to reduce these impacts. There was no information provided in the petition, or available in our files, that shows that the effects of disease are becoming more severe or widespread, to the extent that uplisting from threatened to endangered under the Act may be warranted.

D. Inadequacy of Existing Regulatory Mechanisms

The Petitioners state that Federal regulatory mechanisms, including efforts undertaken by the Service under the Act, and the Bureau of Land Management, USFS, and National Park Service in their land management plans, are inadequate to protect the Utah prairie dog.

The Petitioners state that even though the Utah prairie dog is currently listed as threatened under the Act, adequate regulatory mechanisms do not exist to ensure its survival or recovery. Specifically, they cite the downlisting of the species in 1984 (Rosmarino 2003, pp. 100–103); implementation of the 4(d) rule and faulty assumptions about the number of prairie dogs that could be taken annually (Rosmarino 2003, pp. 104–108); a flawed Recovery Plan (Rosmarino 2003, pp. 108–114), and lack of adequate personnel and resources from the affected agencies to fully implement it (Rosmarino 2003, p. 147); failure of the ICS to adequately consider effects to the species from threats such as plague and livestock grazing (Rosmarino 2003, pp. 115–119); and Federal land management agency (USFS and BLM) policies that facilitate habitat loss and degradation as described under Factor A (Rosmarino 2003, pp. 119–139). They also cite U.S. Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS)—Wildlife Services' lethal Utah prairie dog control, and grasshopper and Mormon cricket control within Utah prairie dog range, as harmful to the species (Rosmarino 2003, pp. 140–145), and state that the Environmental Protection Agency's labeling for toxicants and fumigants is not fully protective of Utah prairie dogs (Rosmarino 2003, p. 144). The petition further discusses the lack of recovery efforts on private lands, including implementation of HCPs pursuant to section 10 of the Act. The Petitioners particularly cite failure to adequately address cumulative impacts of incidental take on prairie dogs in the West Desert Recovery Area, and failure to provide adequate mitigation, which has resulted in considerable take of Utah prairie dogs (Rosmarino 2003, pp. 147–161).

Although overall numbers of Utah prairie dogs have not increased substantially since downlisting in 1984, the species' population is considered to be stable on a range-wide basis. In 2005, the count was 5,381 animals range-wide, and in 1984 it was 2,522 animals; counts ranged from 2,522 to 7,527 during that 22-year period (UDWR 2005). We acknowledge that the translocation program to move animals defined as ''surplus'' under the 4(d) special rule (50 CFR 17.40(g)) and the recovery goal of developing new Utah prairie dog colonies on public lands, have not been as successful as predicted. The 4(d) special rule allows a maximum of 6,000 Utah prairie dogs to be taken annually; however, the actual number that are permitted to be taken varies on an annual basis and depends on the population surveys for that year. During their annual surveys, UDWR makes counts of Utah prairie dogs on individual colonies throughout the range of the species. When a private landowner requests a control permit for a particular colony, UDWR issues a permit for take of no more than 10 percent of the number of animals counted in that colony that year. During the period of 1985–2004, the permitted level of take was never higher than 3,781, and the actual reported take did not exceed 1,760 (UDWR 2003). We are taking steps to improve the success of the translocation program through development of vegetation guidelines (discussed under Factor A) and new guidelines for Utah prairie dog translocation (see discussion under Factor E). Utah prairie dogs have not

experienced significant progress toward recovery since the 1984 downlisting, but current numbers are within the range of historical population fluctuations, which indicates that extinction is not imminent.

Efforts to revise the Recovery Plan are currently underway and will incorporate the best available information. The revised Recovery Plan is expected to be completed in 2007. For now, the goal of the interim strategy that was developed in 1994 is to advance information and strategies necessary to effectively modify recovery goals. Research on habitat needs and successful translocation is ongoing. Based on this research, we updated the vegetation and translocation guidelines. Cooperators in the ICS and Recovery Plan revision include all of the affected Federal land management agencies, Natural Resources Conservation Service (NRCS), State and Federal wildlife management agencies, Utah State University, Utah Farm Bureau, and Environmental Defense.

All BLM land use plans incorporate the existing Recovery Plan ''and other pertinent documents pertaining to recovery.'' BLM's Cedar City Field Office is monitoring vegetation on Utah prairie dog sites to determine compliance with the vegetation guidelines. The National Park Service has implemented habitat restoration projects through burning and seeding and has hosted Utah prairie dog research efforts on its property for the last 10 years. USFS is revising the Dixie National Forest Plan to incorporate the Utah prairie dog Recovery Plan. USFS also has identified and prepared two translocation sites, dusted several key colonies at risk of plague exposure in the Paunsaugant Recovery Area, and is initiating habitat improvement projects to benefit Utah prairie dogs in the Awapa Plateau Recovery Area.

All agencies are making a concerted effort to implement the ICS and use new research data to improve the conservation and recovery of Utah prairie dogs throughout their range. Species recovery is often a difficult and long-term process, particularly for a species such as the Utah prairie dog that had been in decline for nearly a century prior to its listing (Pizzimenti and Collier 1975, p. 1) and that is adversely affected by numerous interacting factors. We believe we are moving in a positive direction with implementation of the ICS and revision of the Recovery Plan, but we need to continue to evaluate the status of the species and factors affecting its recovery over the long-term.

APHIS–Wildlife Services received one permit to control Utah prairie dogs on private agricultural land adjacent to a parcel of land protected under a conservation easement. However, the need for control never materialized, and control was never carried out. We have completed a programmatic consultation with APHIS for grasshopper and Mormon cricket control under section 7 of the Act, to ensure that control actions will not have adverse effects on listed species, including Utah prairie dogs. The consultation contains required conservation measures to benefit the species, including a 1.6-km (1.0-mi) buffer zone around occupied Utah prairie dog habitat (USDA 2005, p. 12).

The State of Utah, through an agreement with the Service, manages Utah prairie dogs by conducting annual surveys, issuing permits to private landowners under the 4(d) special rule, and trapping and translocation of animals from private to public lands. However, the State of Utah does not control the lands occupied by Utah prairie dogs and has no authority to implement land management changes. The State is working cooperatively with the Service and Federal land management agencies to determine ways to improve habitat conditions on public lands and to revise the Recovery Plan.

We have taken steps to conserve prairie dogs on private lands, including issuance of three Safe Harbor Agreements (SHAs) covering 97 ha (240 ac) of occupied and unoccupied habitat within the Paunsaugunt and Awapa Plateau Recovery Areas (Service 2005a, 2005b, 2006b). These SHAs improve Utah prairie dog habitat by increasing plant diversity and providing protection for Utah prairie dogs for up to 15 years. We are currently processing three more SHAs (cite) and one umbrella safe harbor agreement to be held by NRCS (cite), with an unlimited potential to enroll private lands within all three recovery areas. In 2004, we approved a 304-ha (750-ac) conservation bank on private land that is protected in perpetuity within the Awapa Plateau Recovery Area (Service 2005c). A conservation bank in the West Desert Recovery Area has been initiated and will protect private land within Iron County. The petition discusses several small and large-scale (county-wide) HCPs, most of which were issued in the 1990s. Currently, the Iron County HCP (the only county-wide HCP) (Service 1998) is in the process of being revised and will include the protection of private lands with Utah prairie dogs to offset impacts from development elsewhere. A recently finalized HCP protects 123 ha (303 ac) of habitat (occupied and unoccupied) in exchange for 7 ha (18 ac) of low-quality occupied habitat (Service 2007)). The Garfield County HCP was never finalized.

Summary of Factor D

We agree that Utah prairie dog recovery has been slow, but we conclude that actions taken since 1994, including research, development of new guidance documents, implementation of the ICS on Federal lands occupied by prairie dogs, and the revision of the Recovery Plan to include the conservation of prairie dog habitat on private lands, will improve the species' status over the long-term. Neither the petition nor the available information in our files indicates that lack of adequate regulatory mechanisms may be a threat to Utah prairie dogs to the extent that uplisting from threatened to endangered under the Act may be warranted.

E. Other Natural or Manmade Factors Affecting the Continued Existence of the Species

The Petitioners state that rodent control efforts, the Utah prairie dog translocation program, and drought present significant threats to Utah prairie dogs. The petition cites legal take under the 4(d) special rule (50 CFR 17.40(g)), and ongoing illegal poisoning and shooting as endangering the species (Rosmarino 2003, pp. 161–162). In particular, the Petitioners point out that legal take of Utah prairie dogs under the 4(d) special rule has resulted in control of 14,002 prairie dogs (to the date of the petition) and suggest that take levels and population fluctuations from year to year may be contributing to population declines (Rosmarino 2003, pp. 162–163). The petition alleges that any illegal poisoning that occurs increases the magnitude of permitted take (Rosmarino 2003, p. 165). The petition calls the translocation program a failure, stating that translocations have not resulted in an increase of Utah prairie dog populations on public lands, and have resulted in a loss of animals on private lands (Rosmarino 2003, p. 166). The petition points out that many translocation sites do not meet ICS vegetation guidelines, and that Utah prairie dogs translocated to the Adams Well site have lost weight, thus making them less likely to survive through winter (Rosmarino 2003, pp. 170–184). The petition states that, although drought is a naturally occurring phenomenon, continuing livestock grazing during drought conditions exacerbates the effects of drought on Utah prairie dogs (Rosmarino 2003, p. 185).

Legal take occurring in compliance with the 4(d) special rule (50 CFR 17.40(g)) was discussed under Factor D. As stated under Factor B, we do not have any information to indicate that illegal shooting occurs in other than isolated instances. We believe the same to be true of illegal poisoning, and no information exists in our files or in the petition indicating otherwise. The relationship of drought and livestock grazing regimes on Utah prairie dog habitat is discussed under Factor A.

We agree that past translocation efforts have not always been successful. We have adapted our techniques and vegetation guidelines to address the likely causes preventing success of past efforts. Thirteen new complexes have been established on Federal lands within the West Desert Recovery Area through translocation efforts. We are improving translocation success through development and use of the ICS vegetation guidelines, habitat research (as discussed under Factor A), monitoring survival of translocated animals, and incorporating better methods to improve survival. We will continue to monitor these efforts and update our methods as necessary. Even under optimum circumstances, survival of translocated prairie dogs of various species is low (less than 40 percent) (Truett et al. 2001, p. 864). We have developed new recommended translocation procedures (Procedures) for the Utah Prairie Dog (Service 2006, 18 pp.). The Procedures emphasize actions to increase success rates and to provide consistency across recovery areas and land management agencies. The Procedures discuss site selection and preparation, translocation site preparation, trapping, handling, transport, release, and monitoring and management of translocated populations. Consistent use of these Procedures should increase future survival of translocated animals.

Summary of Factor E

We have determined that information in the petition and available in our files does not indicate that legal and illegal take, including the translocation program implemented under the existing Recovery Plan, is a threat to Utah prairie dogs to the extent that uplisting from threatened to endangered under the Act may be warranted. We will continue to work with all landowners to implement the Procedures and to monitor their effectiveness. The Procedures will become part of any future revisions to the Recovery Plan.

Finding

We have reviewed the petition and the literature cited in the petition, and evaluated it in relation to other pertinent information in our files. We find that substantial scientific or commercial information has not been presented by the Petitioners indicating that reclassification of Utah prairie dog (*Cynomys parvidens*) from threatened to endangered may be warranted. Because the species is already listed as threatened under the Act, it is already subject to, and receives protection from, the regulatory mechanisms of the Act. The petition did not identify or present substantial new information indicating that the level of threats to the species has changed significantly since its reclassification to threatened in 1984.

The current number of active colonies, and the number of Utah prairie dogs counted in the spring of 2005 (5,381) (UDWR 2005), continues to be within the range of variation seen since counts were implemented in 1976, which further supports the assertion that threats have not increased significantly.

Since implementation of the ICS in 1997, the Service and its Federal and State recovery team partners have taken substantial steps to improve the survival of translocated Utah prairie dogs through new vegetation guidelines, habitat improvements at translocation sites on Federal lands, and new translocation guidelines. New conservation tools, including SHAs, mitigation banks, and HCPs with provisions for protection of private lands, are being implemented. Research is being carried out on the efficacy of dusting Utah prairie dog colonies with dimethrin to control plague. Critical colonies have been identified and successfully protected through this methodology. New information gained since the implementation of the ICS, including ongoing research and monitoring results from occupied colonies on Federal lands, will be used in the revision of the Recovery Plan. This may include revision of the recovery goals for the species if the new information supports it.

Although we will not be commencing a status review in response to this petition, we encourage interested parties to continue to gather data that will assist with the conservation of the species. If you wish to provide information regarding the Utah prairie dog, you may submit your information or materials to the Utah Field Supervisor, U.S. Fish and Wildlife Service (see **ADDRESSES**).

5–Year Review

Although we will not conduct a status review in response to the petition, we are initiating a 5-year review of the Utah prairie dog to comply with section 4(c)(2)(A) of the Act. Based on this 5-year review, we will determine whether or not the Utah prairie dog should be removed from the list (*i.e.*, delisted) or otherwise reclassified. Delisting or reclassifying a species must be supported by the best scientific and commercial information available, and we will only consider delisting a species if such information substantiates that the species is neither endangered nor threatened for one or more of the following reasons: (1) The species is considered extinct; (2) the species is considered to be recovered; or (3) the original data available when the species was listed, or the interpretation of such data, were in error. Any change in Federal classification would require a separate rulemaking process.

Our regulations at 50 CFR 424.21 require that we publish a notice in the **Federal Register** announcing those species currently under review. This notice announces our intention to prepare a 5-year review of the Utah prairie dog and opens a 60-day comment period (see **DATES**). We encourage interested parties to provide information concerning the Utah prairie dog to the Field Supervisor, Utah Ecological Services Office (see **ADDRESSES**).

Public Comments Solicited

At this time, we are opening a 60-day comment period (see **DATES**) to allow all interested parties an opportunity to provide information on the status of the Utah prairie dog for our 5-year review. We will base our 5-year review on a review of the best scientific and commercial information available, including the studies cited in this notice and information received during the public comment period. Information regarding the following topics would be particularly useful: (1) Species biology, including but not limited to, population trends, distribution, abundance, demographics, genetics, and taxonomy, including any evaluations or reviews of the studies cited in this notice; (2) habitat conditions, including but not limited to, amount, distribution, and suitability; (3) conservation measures that have been implemented that benefit the species; (4) threat status and trends; and (5) other new information or data.

When we complete our 5-year review, our practice is to make comments, including names and home addresses of respondents, available for public review

during regular business hours. Individual respondents may request that we withhold their names and home addresses, etc., but if you wish us to consider withholding this information, you must state this prominently at the beginning of your comments. In addition, you must present rationale for withholding this information. This rationale must demonstrate that disclosure would constitute a clearly unwarranted invasion of privacy. Unsupported assertions will not meet this burden. In the absence of exceptional, documentable circumstances, this information will be released. We will always make submissions from organizations or businesses, and from individuals identifying themselves as representatives of organizations or businesses, available for public inspection in their entirety.

Please submit electronic comments in an ASCII or Microsoft Word file. Also, please include ''Attn: Utah prairie dog'' along with your name and return address in your e-mail message. If you do not receive a confirmation from the system that we have received your e-mail message, please submit your comments in writing using one of the alternate methods provided in the **ADDRESSES** section.

References Cited

A complete list of all references cited herein is available upon request from the Utah Ecological Services Field Office.

Author

The authors of this document are Susan Linner, U.S. Fish and Wildlife Service, Colorado Ecological Services Field Office, and Elise Boeke, U.S. Fish and Wildlife Service, Utah Ecological Services Field Office (see **ADDRESSES**).

Authority

The authority for this action is section 4 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: February 9, 2007.

H. Dale Hall,

Director, U.S. Fish and Wildlife Service.

[FR Doc. E7–2834 Filed 2–20–07; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AT37

Endangered and Threatened Wildlife and Plants; Proposed Rule to Remove the Virginia Northern Flying Squirrel (*Glaucomys sabrinus fuscus*) From the Federal List of Endangered and Threatened Wildlife

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; extension of comment period.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), are extending the public comment period on the proposed rule to remove the Virginia northern flying squirrel (*Glaucomys sabrinus fuscus*), more commonly known as the West Virginia northern flying squirrel, from the Federal List of Endangered and Threatened Wildlife, due to recovery. Comments previously submitted need not be resubmitted as they have been incorporated into the public record and will be fully considered in the final determination.

DATES: The public comment period for the proposed rule published at 71 FR 75924, December 19, 2006, is extended from February 20, 2007, to April 23, 2007. Any comments received after the closing date may not be considered in the final decision on the proposal.

ADDRESSES: You may submit comments on the proposed delisting by any one of several methods:

1. You may submit written comments and information to the Assistant Chief, Division of Endangered and Threatened Species, U.S. Fish and Wildlife Service, Northeast Regional Office, 300 Westgate Center Drive, Hadley, MA 01035.

2. You may hand-deliver written comments to our Northeast Regional Office, at the above address.

3. You may fax your comments to 413–253–8482.

4. You may use the Federal eRulemaking Portal: *http://www.regulations.gov*. Follow the instructions for submitting comments.

Comments and materials received will be available for public inspection, by appointment, during normal business hours at our Northeast Regional Office.

FOR FURTHER INFORMATION CONTACT: Diane Lynch at our Northeast Regional Office (*telephone:* 413–253–8628) or the Field Office Supervisor, West Virginia Field Office, 694 Beverly Pike, Elkins, WV 26241 (*telephone:* 304–636–6586).

SUPPLEMENTARY INFORMATION:

Background

On December 19, 2006, the Service published a proposed rule (71 FR 75924), under the authority of the Act, to remove the WVNFS from the Federal List of Endangered and Threatened Wildlife, due to recovery. The proposed rule opened a 60-day comment period, which was to end on February 20, 2007, on that action. We have received requests to extend the comment period in order to allow additional time for the public to review the data and provide comments. To ensure that the public has sufficient opportunity to review the available scientific and commercial data, we are extending the comment period for an additional 60 days. Comments on the proposed delisting rule will be accepted through April 23, 2007.

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

Public Comments Solicited

We intend for any final action resulting from the proposal to be as accurate as possible. Therefore, we solicit data, comments, or suggestions from the public, other concerned government agencies, the scientific community, industry, Tribes, or any other interested party concerning the proposed rule. We particularly seek comments concerning: (1) Biological, commercial, trade, or other relevant data concerning any threat (or lack thereof) to the WVNFS; (2) additional information on the range, distribution, and population size of the WVNFS and its habitat; (3) the location of any additional populations of the WVNFS; and (4) data on population trends. Please note that comments merely stating support or opposition to the actions under consideration without providing supporting information, although noted, will not be considered in making a determination, as section 4(b)(1)(A) of the Endangered Species Act of 1973, as amended (Act) (16 U.S.C. 1531 et seq.), directs that determinations as to whether any species is a threatened or endangered species shall be made ''solely on the basis of the best scientific and commercial data available.''

Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their name and/or home address, etc., but if you wish us to consider withholding this information, you must state this prominently at the

beginning of your comments. In addition, you must present rationale for withholding this information. This rationale must demonstrate that disclosure would constitute a clearly unwarranted invasion of privacy. Unsupported assertions will not meet this burden. In the absence of exceptional, documentable circumstances, this information will be released. We will always make submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety. Comments and other information received, as well as supporting documentation used to write this rule, will be available for public inspection, by appointment, during normal business hours at our Northeast Regional Office (see **ADDRESSES**). In making a final decision on the proposal, we will take into consideration the comments and any additional information we receive. Such communications may lead to a final rule that differs from the proposal.

Dated: February 15, 2007.

Kenneth Stansell,

Acting Director, U.S. Fish and Wildlife Service.

[FR Doc. 07–787 Filed 2–16–07; 11:48 am]

BILLING CODE 4310–55–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 665

[Docket No. 070207026–7026–01; I.D. 012207A]

RIN 0648–AS29

Fisheries in the Western Pacific; Optional Use of Electronic Logbook Forms

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

ACTION: Proposed rule; request for comments.

SUMMARY: This proposed rule would allow fishery participants in U.S. domestic pelagics, crustaceans, bottomfish and seamount groundfish, precious corals, and coral reef fisheries of the western Pacific the optional use of NMFS-approved electronic logbook forms in lieu of paper logbooks. The intended effects of this action are to enhance the efficiency of fish catch and effort data reporting and recordkeeping by fishermen, reduce human error, and improve data accuracy.

DATES: Comments on the proposed rule must be received by March 23, 2007.

ADDRESSES: You may submit comments, identified by AS29elog by any of the following methods:

- E-mail: *AS29elog@noaa.gov*. Include ''AS29elog'' in the subject line of the message.
- Federal e-Rulemaking Portal: *www.regulations.gov*. Follow the instructions for submitting comments.
- Mail: William L. Robinson, Administrator, NMFS Pacific Islands Region (PIR), 1601 Kapiolani Blvd. 1110, Honolulu, HI 96814.

Written comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in this proposed rule may be submitted to William L. Robinson (see **ADDRESSES**), or by e-mail to *David_Rostker@omb.eop.gov*, or faxed to 202–395–7285.

Copies of the Fishery Management Plans (FMPs) and the regulatory amendment document that describes the proposed changes may be obtained from Kitty M. Simonds, Executive Director, Western Pacific Fishery Management Council (Council), 1164 Bishop Street, Suite 1400, Honolulu, HI 96813 or via the World Wide Web at *www.wpcouncil.org*.

FOR FURTHER INFORMATION CONTACT: Bob Harman, NMFS PIR, 808–944–2271.

SUPPLEMENTARY INFORMATION:

Electronic Access

This **Federal Register** document is also accessible via the World Wide Web at the Office of the Federal Register: *www.gpoaccess.gov/fr/index.html*.

Background

The NMFS Pacific Islands region encompasses western Pacific Federal waters, i.e., the 200 nautical mile U.S. Exclusive Economic Zone (EEZ), around the Territories of Guam and American Samoa, the State of Hawaii, the Commonwealth of the Northern Mariana Islands, and the U.S. island possessions in the Pacific. Western Pacific fisheries are currently managed under five Fishery Management Plans (FMPs)—Pelagics, Crustaceans, Bottomfish and Seamount Groundfish, Precious Corals, and Coral Reef Ecosystems.

Current regulations (50 CFR 665.14) require that permit holders, who fish for western Pacific management unit species subject to Federal reporting requirements, record their catch and effort information on paper logbook forms and submit them to NMFS. Maintaining paper logbook forms, and the interpretation of such forms, is subject to potential errors due to illegible handwriting and missed data entry. The availability and capacity of personal computers offer benefits to fishery participants and NMFS data collection programs. The proposed optional use of electronic logbook data collection systems would utilize existing and emerging technologies to enhance the efficiency of fish catch and effort data reporting and recordkeeping by fishermen, reduce human error, and improve data accuracy. Furthermore, if transmitted through a remote communication system such as electronic mail or vessel monitoring system, electronic reporting provides a near real-time catch reporting system.

At its 123rd meeting in June 2004, the Council took final action to recommend amending the western Pacific regulations to provide fishermen an alternative to the currently-required paper logbook forms. Specifically, fishermen would be allowed to submit logbook data to NMFS on removable non-paper media (such as diskette, CD–ROM, memory stick, etc.), and would also be allowed to transmit the data to NMFS via e-mail or other remote communication systems, where such remote transmission was appropriate and feasible. The option to use electronic logbook forms would be available to fishermen who are subject to Federal reporting requirements under all western Pacific FMPs, as well as those participants in fisheries that may become subject to Federal reporting requirements.

This action does not establish the technical requirements or protocols for the electronic logbook program. The technical and legal specifications and operational details for the electronic logbook software program and hardware requirements will be developed and published by NMFS subsequent to this proposed rule.

Using the information contained in the Council's proposed regulatory amendment, a Regulatory Impact Review (RIR) was prepared for this proposed rule. Copies of the Regulatory Impact Review (RIR) may be obtained from William L. Robinson (see **ADDRESSES**).

Classification

NMFS has determined that the proposed rule is consistent with the western Pacific FMPs and preliminarily determined that the rule is consistent with the Magnuson-Stevens Fishery Conservation and Management Act and other applicable laws.

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

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities. The factual basis for the certification is as follows:

The basis and purpose of this rulemaking are discussed in the preamble to this rule. Nearly 200 vessels, all of which are considered to be small entities under the Small Business Administration definitions, will be impacted by this rule. All vessels are considered small entities because their annual gross receipts are less than $4.0 million, so there will be no disproportionate economic impact between small and large vessels resulting from this proposed rulemaking. In addition, there are no disproportionate economic impacts among vessels resulting from different vessel length, gear type, or location of home port. Considering the positive and minor nature of economic impacts under the preferred alternative, NMFS has determined that this rule will not have a significant economic impact on a substantial number of small business entities because: (1) the rule does not require the use of electronic reporting, and firms choosing to commit to electronic reporting will do so only if this mode of reporting is economically beneficial to them relative to the use of the paper logbooks currently required, and (2) NMFS anticipates that the costs of electronic reporting, for those who choose to adopt it, would only represent a small fraction of the firm's cost of doing business. While this rule could affect a substantial number of vessels, depending on the number of operations opting to choose electronic reporting, it will not have a significant economic impact. As a result, an initial regulatory flexibility analysis is not required and none has been prepared.

This proposed rule contains a collection-of-information requirement subject to review and approval by OMB under the Paperwork Reduction Act (PRA), i.e., the optional use of electronic media for logbook data submissions currently required under OMB Control No. 0648–0214. A request to collect this information has been submitted to OMB for approval. The public reporting burden for this collection-of-information is estimated to average five minutes 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.

Public comment is sought regarding: whether this proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the burden estimate; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the collection information, including through the use of automated collection techniques or other forms of information technology. Send comments on these or any other aspects of the collection of information to William L. Robinson (see **ADDRESSES**), or by email 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.

List of Subjects in 50 CFR Part 665

Administrative practice and procedure, American Samoa, Fisheries, Fishing, Guam, Hawaii, Hawaiian Natives, Northern Mariana Islands, Pacific Remote Island Areas, Reporting and recordkeeping requirements.

Dated: February 14, 2007.

John Oliver,

Deputy Assistant Administrator for Operations, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 665 is proposed to be amended as follows:

PART 665—FISHERIES IN THE WESTERN PACIFIC

1. The authority citation for part 665 continues to read as follows:

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

2. In § 665.14, paragraph (a) is revised to read as follows:

§ 665.14 Reporting and recordkeeping.

(a) *Fishing record forms.* The operator of any fishing vessel subject to the requirements of §§ 665.21, 665.41, 665.61(a)(4), 665.81, or 665.602 must maintain on board the vessel an accurate and complete record of catch, effort, and other data on paper report forms provided by the Regional Administrator, or electronically as specified and approved by the Regional Administrator. All information specified by the Regional Administrator must be recorded on paper or electronically within 24 hours after the completion of each fishing day. The logbook information, reported on paper or electronically, for each day of the fishing trip must be signed and dated or otherwise authenticated by the vessel operator in the manner determined by the Regional Administrator, and be submitted or transmitted via an approved method as specified by the Regional Administrator, and as required by this paragraph (a). The operator of any vessel subject to the requirements of §§ 665.21, 665.41, 665.61(a)(4), or 665.81 must submit the original logbook information for each day of the fishing trip to the Regional Administrator within 72 hours of each landing of management unit species, unless the fishing was authorized under a PRIA troll and handline permit, a PRIA crustaceans fishing permit, a PRIA bottomfish permit, or a PRIA precious corals fishing permit, in which case the original logbook form for each day of fishing within the PRIA EEZ waters must be submitted to the Regional Administrator within 30 days of each landing of management unit species. For fisheries managed under § 665.602, the original logbook information for each day of the fishing trip must be submitted to the Regional Administrator within 30 days of each landing of management unit species.

[FR Doc. E7–2893 Filed 2–20–07; 8:45 am]

BILLING CODE 3510–22–S

Proposed Rules

Federal Register
Vol. 72, No. 34
Wednesday, February 21, 2007

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2006–25581; Directorate Identifier 2006–CE–41–AD]

RIN 2120–AA64

Airworthiness Directives; EADS SOCATA Model TBM 700 Airplanes

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

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

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

* * * a Nose Landing Gear (NLG) hinge pin rupture that causes an uncommanded NLG retraction.

Investigations identified the unsafe condition resulting from an incomplete thermal treatment done on three hinge pin batches lowering their mechanical properties with a high risk of deformation under service loads.

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

DATES: We must receive comments on this proposed AD by March 23, 2007.

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

- *DOT Docket Web Site:* Go to *http://dms.dot.gov* and follow the instructions for sending your comments electronically.
- *Fax:* (202) 493–2251.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL–401, Washington, DC 20590–0001.
- *Hand Delivery:* Room PL–401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://dms.dot.gov;* or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone (800) 647–5227) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Albert J. Mercado, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri, 64106; telephone: (816) 329–4119; fax: (816) 329–4090.

SUPPLEMENTARY INFORMATION:

Streamlined Issuance of AD

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

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

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2006–25581; Directorate Identifier 2006–CE–41–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

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

Discussion

We proposed to amend 14 CFR part 39 with an earlier NPRM for the specified products, which was published in the **Federal Register** on September 15, 2006 (71 FR 54446). That earlier NPRM proposed to require actions intended to address the unsafe condition for the products listed above.

Since that NPRM was issued, EADS SOCATA amended TBM Aircraft Mandatory Alert Service Bulletin SB 70–147, dated July 2006, to extend the landing gear applicability to Model TBM 700 aircraft equipped with nose landing gear (part number (P/N) 21130–001–02) with serial numbers (S/Ns) B155 through B173 and EUR174 through EUR240.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued Emergency AD No. 2006–0271–E, Issue date: September 4, 2006 (referred to after this as ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

* * * a Nose Landing Gear (NLG) hinge pin rupture that causes an uncommanded NLG retraction.

Investigations identified the unsafe condition resulting from an incomplete thermal treatment done on three hinge pin batches lowering their mechanical properties with a high risk of deformation under service loads.

The MCAI requires:

* * * first to identify the concerned NLG and second to detect the defective hinge pins installed on aircraft or those held as spare and replace them with new ones.

This AD also requires the introduction of interim operational instructions in order to diminish as many as possible stresses on the

NLG before the embodiment of the corrective actions.

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

Relevant Service Information

EADS SOCATA has issued EADS SOCATA TBM Aircraft Mandatory Alert Service Bulletin SB 70–147, Amendment 1, dated September 2006. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

Comments

We have considered the following comments received on the earlier NPRM.

The Modification and Replacement Parts Association (MARPA) provides comments to the MCAI AD process pertaining to how the FAA addresses publishing manufacturer service information as part of the proposed AD action. The commenter states that the rule, as proposed, attempts to require compliance with a public law by reference to a private writing (as referenced in paragraph (e) of the proposed AD). The commenter would like the FAA to incorporate by reference (IBR) the EADS SOCATA Alert service bulletin.

We agree with the commenter. However, we do not IBR any document in a proposed AD action, instead we IBR the document in the final rule. Since we are considering issuing the proposal as a final rule AD action, EADS SOCATA TBM Aircraft Mandatory Alert Service Bulletin SB 70–147, Amendment 1, dated September 2006, may be incorporated by reference if and when this proposed rule is issued as a final rule.

MARPA requests IBR documents be made available to the public by publication in the **Federal Register** or in the Docket Management System (DMS).

We are currently reviewing issues surrounding the posting of service bulletins in the Department of Transportation's DMS as part of the AD docket. Once we have thoroughly examined all aspects of this issue and have made a final determination, we will consider whether our current practice needs to be revised.

EADS SOCATA provides comments pertaining to TBM Aircraft Mandatory Alert Service Bulletin SB 70–147, dated July 2006, referenced in the NPRM.

The NPRM proposes an AD associated with EADS SOCATA TBM Aircraft Mandatory Alert Service Bulletin SB 70–147, dated July 2006. In September 2006, EADS SOCATA issued an amendment to the service bulletin. This amendment extends the landing gear applicability to Model TBM 700 aircraft equipped with nose landing gear P/N 21130–001–02 with S/Ns B155 through B173 and EUR174 through EUR240.

EADS SOCATA specifies in TBM Aircraft Mandatory Alert Service Bulletin SB 70–147, dated July 2006, that the check of the nose landing gear S/N and the operational procedure must be done before the next flight. The batch number check and pin check must be done after a flight at an approved maintenance center. EASA canceled Emergency AD 2006–0226–E and issued Emergency AD No. 2006–0271–E, Issue date: September 4, 2006. The NPRM also references this EASA AD.

The FAA acknowledges the requirements in the service bulletin and latest EASA AD. However, the pin batch number check and application of the operational procedure are both specified as prior to further flight actions in the service bulletin. The FAA determined that this action is not an urgent safety of flight condition. We established the compliance time at 30 days to do both the pin batch number check and replacement of any affected parts. The operational procedure was only temporary until the replacement was done. Therefore, we are not requiring the operational procedure as part of the FAA AD.

The only changes we are making to the proposed AD are (1) referencing the revised service bulletin to read EADS SOCATA Mandatory Service Bulletin SB 70–147, Amendment 1, dated September 2006; and (2) extending the landing gear applicability to Model TBM 700 aircraft equipped with nose landing gear (part number (P/N) 21130–001–02) with serial numbers (S/Ns) B155 through B173 and EUR174 through EUR240.

FAA's Determination and Requirements of the Proposed AD

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

Certain changes described above expand the scope of the earlier NPRM. As a result, we have determined that it is necessary to reopen the comment period to provide additional opportunity for the public to comment on the proposed AD.

Differences Between This Proposed AD and the MCAI or Service Information

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

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

Costs of Compliance

Based on the service information, we estimate that this proposed AD would affect about 256 products of U.S. registry. We also estimate that it would take about 2 work-hours per product to comply with the basic requirements of this proposed AD. The average labor rate is $80 per work-hour. Required parts would cost about $1,025 per product. Where the service information lists required parts costs that are covered under warranty, we have assumed that there will be no charge for these costs. As we do not control warranty coverage for affected parties, some parties may incur costs higher than estimated here.

Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be $303,360, or $1,185 per product.

Authority for This Rulemaking

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

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

products identified in this rulemaking action.

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

EADS Socata: Docket No. FAA–2006–25581; Directorate Identifier 2006–CE–41–AD.

Comments Due Date

(a) We must receive comments by March 23, 2007.

Affected ADs

(b) None.

Applicability

(c) This AD applies to all Model TBM 700 airplanes fitted with nose landing gear (NLG) part number (P/N) 21130–001–02 with serial numbers (S/N) B155 through B173 and S/N EUR 174 through EUR 240, that are certificated in any U.S. category.

Subject

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

Reason

(e) The mandatory continuing airworthiness information (MCAI) describes the unsafe condition as follows:

* * * a Nose Landing Gear (NLG) hinge pin rupture that causes an uncommanded NLG retraction.

Investigations identified the unsafe condition resulting from an incomplete thermal treatment done on three hinge pin batches lowering their mechanical properties with a high risk of deformation under service loads.

Actions and Compliance

(f) Within 30 days after the effective date of this AD, unless already done, do the following:

(1) Identify the NLG hinge pin batch number as instructed in paragraph B of the accomplishment instructions of EADS SOCATA TBM Aircraft Mandatory Alert Service Bulletin SB 70–147, Amendment 1, dated September 2006.

(i) For airplanes with the correct pin batch numbers, no further action is required. Return the airplane to service as instructed in EADS SOCATA TBM Aircraft Mandatory Alert Service Bulletin SB 70–147, Amendment 1, dated September 2006.

(ii) For airplanes with pins from the defective pin batch numbers or for which the batch number cannot be read, do all the actions as instructed in paragraphs B(5), C, and D of the accomplishment instructions of EADS SOCATA TBM Aircraft Mandatory Alert Service Bulletin SB 70–147, Amendment 1, dated September 2006.

(2) As of the effective date of this AD, no person shall install on any EADS SOCATA Model TBM 700 airplane an NLG actuator hinge pin coming from the three defective batches identified as EUR BC 21344–000–01, EUR BD 21344–000–01, and EUR BF 21344–000–01 on NLG part number 21130–001–02.

FAA AD Differences

Note: This AD differs from the MCAI and/or service information as follows: The service bulletin and MCAI require interim operational instructions until the corrective actions are done. This AD requires the corrective action at the same time as the pin batch number check.

Other FAA AD Provisions

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

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Standards Staff, FAA, ATTN: Albert J. Mercado, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri, 64106; telephone: (816) 329–4119; fax: (816) 329–4090, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19.

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

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

Related Information

(h) This AD is related to European Aviation Safety Agency Emergency AD No. 2006–0271–E, Issue date: September 4, 2006, which references EADS SOCATA TBM Aircraft Mandatory Alert Service Bulletin SB 70–147, Amendment 1, dated September 2006.

Issued in Kansas City, Missouri, on February 13, 2007.

James E. Jackson,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. E7–2888 Filed 2–20–07; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF LABOR

Employment and Training Administration

20 CFR Parts 652, 661, 662, 663, 664 and 667

RIN 1205–AB46

Workforce Investment Act Amendments; Supplement

AGENCY: Employment and Training Administration (ETA), Labor.

ACTION: Proposed rule; Supplement.

SUMMARY: Given that the Department of Labor (the Department) is now posting public comments on the Internet through the *http://www.regulations.gov* Web site, the federal eRulemaking portal, the following language should be inserted at the end of the **ADDRESSES** section of the preamble for the Notice of Proposed Rulemaking at 71 FR 76558 (December 20, 2006).

''Please note that comments received will be posted on the *http://www.regulations.gov* Web site. The *http://www.regulations.gov* Web site is the federal eRulemaking portal and all comments received will be available and accessible to the public. Therefore, the Department recommends that commenters safeguard their personal information such as Social Security Numbers, personal addresses, telephone numbers, and e-mail addresses included in their comments as such may become easily available to the public via the *http://www.regulations.gov* Web site. If a comment is e-mailed directly to the Department's address without going through *http://www.regulations.gov*, the comment will have the sender's e-mail

address attached to it and therefore, the e-mail address and information contained therein may be posted online. It is the responsibility of the commenter to safeguard their information. All comments received will be posted on *http://www.regulations.gov* and may be posted without information redacted. However, for comments that were submitted to ETA before the publication of this Supplement, ETA will make every effort to redact apparently confidential information before posting the comment on *http://www.regulations.gov.*''

DATES: To be assured of consideration, comments must be in writing and must be received on or before February 20, 2007.

FOR FURTHER INFORMATION CONTACT: Ms. Maria K. Flynn, Administrator, Office of Policy Development and Research, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N–5641, Washington, DC 20210, Telephone: (202) 693–3700 (VOICE) or 887–889–5627 (TTY/TDD). Please note that these are not toll-free numbers.

Signed at Washington, DC this 13th day of February, 2007.

Emily Stover DeRocco,

Assistant Secretary of Labor.

[FR Doc. E7–2861 Filed 2–20–07; 8:45 am]

BILLING CODE 4510–FM–P

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

33 CFR Part 334

United States Navy Restricted Area, Key West Harbor, at U.S. Naval Base, Key West, FL

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Notice of proposed rule making and request for comments.

SUMMARY: The U.S. Army Corps of Engineers (Corps) is proposing to amend the existing regulations for a restricted area at Naval Air Station Key West (NASKW). Naval Air Station Key West maintains ammunition magazines on Fleming Island that have explosive safety quality-distance (ESQD) requirements in place to ensure reasonable safety from serious injury should there be a magazine fire or explosion. The current restricted area regulations do not adequately cover the ESQD requirements. This amendment to the existing regulation is necessary to protect the public from potentially hazardous conditions that may exist as a result of military use of the area.

DATES: Written comments must be submitted on or before March 23, 2007.

ADDRESSES: You may submit comments, identified by docket number COE–2007–0003, by any of the following methods:

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

E-mail: david.b.olson@usace.army.mil. Include the docket number, COE–2007–0003, in the subject line of the message.

Mail: U.S. Army Corps of Engineers, *Attn:* CECW–CO (David B. Olson), 441 G Street NW., Washington, DC 20314–1000.

Hand Delivery/Courier: Due to security requirements, we cannot receive comments by hand delivery or courier.

Instructions: Direct your comments to docket number COE–2007–0003. All comments received will be included in the public docket without change and may be made available on-line at *http://www.regulations.gov*, including any personal information provided, unless the commenter indicates that 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 regulations.gov or e-mail. The regulations.gov web site is an anonymous access system, which means we will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail directly to the Corps without going through regulations.gov, your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, we recommend 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 we cannot read your comment because of technical difficulties and cannot contact you for clarification, we may not be able to consider your comment. Electronic comments should avoid the use of any special characters, any form of encryption, and be free of any defects or viruses.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov*. All documents in the docket are listed. Although listed in the index, some information is not publicly available, such as CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form.

Consideration will be given to all comments received within 30 days of the date of publication of this notice.

FOR FURTHER INFORMATION CONTACT: Mr. David Olson, Headquarters, Operations and Regulatory Community of Practice, Washington, DC at 202–761–4922 or Mr. Jon M. Griffin, U.S. Army Corps of Engineers, Jacksonville District, Regulatory Division, at 904–232–1680.

SUPPLEMENTARY INFORMATION: Pursuant to its authorities in Section 7 of the Rivers and Harbors Act of 1917 (40 Stat 266; 33 U.S.C. 1) and Chapter XIX of the Army Appropriations Act of 1919 (40 Stat 892; 33 U.S.C. 3) the Corps is proposing to amend the regulations in 33 CFR part 334 by modifying the restricted area at section 334.610(a)(4). The modification to the existing restricted area is described in the body of this notice.

The Ammunition and Hazardous Materials Handling Review Board has cited NASKW for allowing anchored pleasure craft to be within the inhabited building distance of the Fleming Island Magazine area. The amendment to the regulations will allow the Commanding Office NASKW to restrict passage of persons, watercraft, and vessels to ensure that ESQD requirements related to the Fleming Island Magazine area are met.

Procedural Requirements

a. *Review Under Executive Order 12866*. The proposed rule is issued with respect to a military function of the Defense Department and the provisions of Executive Order 12866 do not apply.

b. *Review Under the Regulatory Flexibility Act*. The proposed rule has been reviewed under the Regulatory Flexibility Act (Pub. L. 96–354), which requires the preparation of a regulatory flexibility analysis for any regulation that will have a significant economic impact on a substantial number of small entities (i.e., small businesses and small governments). Unless information is obtained to the contrary during the public notice comment period, the Corps expects that the economic impact of the amendment of this restricted area would have practically no impact on the public, no anticipated navigational hazard or interference with existing waterway traffic. This proposed rule, if

adopted, will have no significant economic impact on small entities.

c. *Review Under the National Environmental Policy Act.* Due to the administrative nature of this action and because there is no intended change in the use of the area, the Corps expects that this regulation, if adopted, will not have a significant impact to the quality of the human environment and, therefore, preparation of an environmental impact statement will not be required. An environmental assessment will be prepared after the public notice period is closed and all comments have been received and considered. It may be reviewed at the District office listed at the end of **FOR FURTHER INFORMATION CONTACT,** above.

d. *Unfunded Mandates Act.* This proposed rule does not impose an enforceable duty among the private sector and, therefore, is not a Federal private sector mandate and is not subject to the requirements of Section 202 or 205 of the Unfunded Mandates Reform Act (Public Laws 104–4, 109 Stat. 48, 2 U.S.C. 1501 *et seq.*). We have also found under Section 203 of the Act, that small governments will not be significantly or uniquely affected by this rule.

List of Subjects in 33 CFR Part 334

Danger zones, Navigation (water), Restricted areas, Waterways.

For the reasons set out in the preamble, the Corps proposes to amend a portion of 33 CFR Part 334 as follows:

PART 334—DANGER ZONE AND RESTRICTED AREA REGULATIONS

1. The authority citation for 33 CFR part 334 continues to read as follows:

Authority: 40 Stat. 266 (33 U.S.C. 1) and 40 Stat. 892 (33 U.S.C. 3).

2. Amend § 334.610 by revising paragraph (a)(4) to read as follows:

§ 334.610 Key West Harbor, at U.S. Naval Base, Key West, Fla.; naval restricted areas and danger zone.

(a) *The areas.* * * *

(4) Beginning at the last point designated in area 3 at Latitude 24°34.0550′ N., Longitude 81°47.9166′ W.; proceed in a northwesterly direction to a point at Latitude 24°34.2725′ N., Longitude 81°48.1304′ W.; thence proceed in a northeasterly direction to a point at Latitude 24°34.3562′ N., Longitude 81°48.0192′ W.; thence proceed in a northwesterly direction to a point at Latitude 24°34.4506′ N., Longitude 81°48.1444′ W.; thence proceed in a northwesterly direction to a point at Latitude 24°34.5619′ N., Longitude 81°48.1873′ W.; thence proceed in a northeasterly direction to a point at Latitude 24°34.9084′ N., Longitude 81°48.0945′ W.; thence proceed in a northeasterly direction to a point at Latitude 24°34.9809′ N., Longitude 81°47.9400′ W.; proceed in a general northerly direction maintaining a distance of 100 yards from the shoreline of Fleming Key, continue around Fleming Key to a point easterly of the southeast corner of Fleming Key at Latitude 24°34.0133′ N., Longitude 81°47.6250′ W.; thence easterly to Latitude 24°33.9600′ N., Longitude 81°47.3333′ W.; thence southerly to a point on the shore at Latitude 24°33.9117′ N., Longitude 81°47.3450′ W. The Department of the Navy plans to install buoys along that portion of the restricted area boundary which marks the outer edge of the explosive hazard safety distance requirements.

* * * * *

Dated: February 15, 2007.

Lawrence A. Lang,

Acting Chief, Operations, Directorate of Civil Works.

[FR Doc. E7–2874 Filed 2–20–07; 8:45 am]

BILLING CODE 3710–92–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 70

[EPA–R07–OAR–2006–0803; FRL–8278–7]

Approval and Promulgation of Implementation Plans and Operating Permits Program; State of Missouri

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to approve a revision to the Missouri State Implementation Plan (SIP) and Operating Permits Program. The revisions clarify the rule and streamline processes without negatively impacting air quality. This revision will ensure consistency between the state and the federally-approved rules.

DATES: Comments on this proposed action must be received in writing by March 23, 2007.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R07–OAR–2006–0803 by one of the following methods:

1. *http://www.regulations.gov:* Follow the on-line instructions for submitting comments.

2. *E-mail: algoe-eakin.amy@epa.gov.*

3. *Mail:* Amy Algoe-Eakin, Environmental Protection Agency, Air Planning and Development Branch, 901 North 5th Street, Kansas City, Kansas 66101.

4. *Hand Delivery or Courier: Deliver your comments to:* Amy Algoe-Eakin, Environmental Protection Agency, Air Planning and Development Branch, 901 North 5th Street, Kansas City, Kansas 66101. Such deliveries are only accepted during the Regional Office's normal hours of operation. The Regional Office's official hours of business are Monday through Friday, 8 a.m. to 4:30 p.m., excluding legal 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: Amy Algoe-Eakin at (913) 551–7942, or by e-mail at *algoe-eakin.amy@epa.gov.*

SUPPLEMENTARY INFORMATION: In the final rules section of the **Federal Register**, EPA is approving the state's SIP revision and Title V revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision amendment and anticipates no relevant adverse comments to this action. A detailed rationale for the approval is set forth in the direct final rule. If no relevant adverse comments are received in response to this action, no further activity is contemplated in relation to this action. If EPA receives relevant 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 action. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. Please note that if EPA receives adverse comment on part of this rule and if that part can be severed from the remainder of the rule, EPA may adopt as final those parts 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: February 9, 2007.

John B. Askew,

Regional Administrator, Region 7.

[FR Doc. E7–2807 Filed 2–20–07; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; 90-Day Finding on a Petition To Reclassify the Utah Prairie Dog From Threatened to Endangered and Initiation of a 5-Year Review

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of 90-day petition finding and initiation of a 5-year review.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce a 90-day finding on a petition to reclassify the Utah prairie dog (*Cynomys parvidens*) from threatened to endangered under the Endangered Species Act of 1973, as amended (Act). We find that the petition does not provide substantial scientific or commercial information indicating that reclassification of the Utah prairie dog from threatened to endangered may be warranted. Therefore, we are not initiating a further status review in response to this petition. We are, however, initiating a 5-year review under section 4(c)(2)(A) of the Act for this species because such a review has not been conducted in the last 5 years. We ask the public to submit to us any new information that becomes available concerning the status of the Utah prairie dog or threats to the species.

DATES: The 90-day finding announced in this document was made on February 21, 2007. Comments and information for the 5-year review must be submitted on or before April 23, 2007.

ADDRESSES: The petition, administrative finding, supporting data, and comments will be available for public inspection, by appointment, during normal business hours at the Utah Ecological Services Field Office, 2369 West Orton Circle, Suite 50, West Valley City, UT 84119. The petition and finding are available on our Web site at *http://mountain-prairie.fws.gov/species/mammals/utprairiedog/.*

If you wish to comment, you may submit your comments and materials by any one of the following methods:

(1) You may mail or hand-deliver written comments and information to Field Supervisor, Utah Ecological Services Office, at the address given above.

(2) You may submit your comments by electronic mail (e-mail) to *utahprairiedog@fws.gov.* For directions on how to submit comments by e-mail, see the ''Public Comments Solicited'' section of this notice. In the event that our Internet connection is not functional, please submit your comments by mail, hand-delivery, or fax.

(3) You may fax your comments to (801) 975–3331.

FOR FURTHER INFORMATION CONTACT: Larry Crist, Field Supervisor, Utah Ecological Services Field Office (see **ADDRESSES**) (telephone 801–975–3330; facsimile 801–975–3331). Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 800–877–8339.

SUPPLEMENTARY INFORMATION:

Background

Section 4(b)(3)(A) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) (Act), requires that we make a finding on whether a petition to list, delist, or reclassify a species presents substantial scientific or commercial information indicating that the petitioned action may be warranted. We are to base this finding on information provided in the petition and supporting information available in our files at the time of the petition review. To the maximum extent practicable, we are to make this finding within 90 days of our receipt of the petition, and publish our notice of this finding promptly in the **Federal Register**.

Our standard for substantial information within the Code of Federal Regulations (CFR) with regard to a 90-day petition finding is ''that amount of information that would lead a reasonable person to believe that the measure proposed in the petition may be warranted'' (50 CFR 424.14(b)). If we find that substantial information was presented, we are required to promptly commence a review of the status of the species.

In making this finding, we relied on information provided by the petitioners and evaluated that information in accordance with 50 CFR 424.14(b). Our 90-day finding process under section 4(b)(3)(A) of the Act and § 424.14(b) of our regulations is limited to a determination of whether the information in the petition meets the ''substantial information'' threshold. A substantial finding should be made when the Service deems that adequate and reliable information has been presented that would lead a reasonable person to believe that the petitioned action may be warranted. In making our determination on the petition evaluated in this 90 day finding, which petitions us to reclassify the Utah prairie dog from threatened to endangered, we have made our determination on whether the petition presents substantial scientific and commercial information indicating the species is in danger of extinction throughout all or a significant portion of its range.

Petition

On February 3, 2003, we received a petition submitted by Forest Guardians, Center for Native Ecosystems, Escalante Wilderness Project, Boulder Regional Group, Southern Utah Wilderness Alliance, and Terry Tempest Williams (Petitioners) requesting that we reclassify the Utah prairie dog from threatened to endangered. We acknowledged receipt of the petition in a letter to Nicole Rosmarino on November 21, 2003. In that letter we also advised the Petitioners that, due to prior listing allocations in fiscal years 2003 and 2004, we would not be able to begin processing the petition in a timely manner.

On February 2, 2004, we received a Notice of Intent to sue from the Petitioners for failure to issue the 90-day finding. On February 2, 2006, the Petitioners filed a complaint for injunctive and declaratory relief in the United States District Court for the District of Columbia. On June 2, 2006, the parties reached a settlement agreement that requires the Service to make a 90-day finding on the petition on or before February 17, 2007. This finding constitutes our compliance with the settlement agreement.

Species Information

Prairie dogs belong to the Sciuridae family of rodents, which also includes squirrels, chipmunks, and marmots. There are five species of prairie dogs, all of which are native to North America, and all of which have non-overlapping geographic ranges (Hoogland 2003, p. 232). Taxonomically, prairie dogs (*Cynomys spp.*) are divided into two subgenera: The white-tail and black-tail. The Utah prairie dog (*C. parvidens*) is a member of the white-tail group, subgenus *Leucocrossuromys.* Other members of this group, which also occur in Utah, are the white-tailed prairie dog (*C. leucurus*) and the Gunnison prairie dog (*C. gunnisoni*). The Utah prairie dog is distinguished by a relatively short (30 to 70 millimeters (mm)/1.2 to 2.8 inches (in)) white- or gray-tipped tail (Pizzimenti and Collier 1975, p. 1; Hoogland 2003, p. 232). The Utah prairie dog is most closely related to the white-tailed prairie dog, and chromosomal and biochemical data suggest that these two species may once have belonged to a single interbreeding

species (Pizzimenti 1975, p. 16). The two species are now separated by ecological and physiographic barriers. Both Chesser (1984, p. 4) and Ritchie and Brown (2005, p. 11) found that genetic variance within Utah prairie dog populations is very low, less than half that commonly observed for black-tailed prairie dogs (*C. ludovicianus*). This may be the result of genetic drift on small populations (Chesser 1984, p. 5).

Life History

Detailed information on the life history of the Utah prairie dog can be found in our May 29, 1984, final rule to reclassify the species as threatened (49 FR 22330), in the recovery plan for the species (Service 1991a), and on our Web site at *http://mountain-prairie.fws.gov/species/mammals/utprairiedog/*. A brief synopsis of information on the species' life history that is relevant to this finding follows:

Utah prairie dogs are true hibernators, ceasing most surface activity during harsh winter months. Female Utah prairie dogs come into estrus (period of greatest female reproductive responsiveness usually coinciding with ovulation) and are sexually receptive for several hours for only 1 day during the breeding season (generally mid-March through early April). Consequently, only 67 percent of female prairie dogs wean a litter, and they have only one litter per year (Hoogland 2001, pp. 919, 920). Litters range between 1 to 7 pups, but average between 3.88 and 4.8 pups (Pizzimenti and Collier 1975, p. 2; Wright-Smith 1978, p. 10; Hoogland 2001, p. 923). The young attain adult size by October and reach sexual maturity at the age of 1 year (Wright-Smith 1978, p. 9). Less than 50 percent of Utah prairie dogs survive to breeding age (Hoogland 2001, p. 919). Male Utah prairie dogs frequently cannibalize juveniles, which can eliminate 20 percent up to the entire litter before the pups first appear aboveground (Hoogland 2003, p. 238).

After the first year, female survivorship is higher than male survivorship, though still low for both sexes. Only about 20 percent of females and less than 10 percent of males survive to age 4 (Hoogland 2001, Figures 1 and 2, pp. 919–920). Such low survivorship severely limits prairie dog reproduction (Hoogland 2001, p. 921). Utah prairie dogs rarely live beyond 5 years (Hoogland 2001, p. 919).

Utah prairie dogs are organized into social groups called clans, consisting of an adult male, several adult females, and their offspring (Wright-Smith 1978, p. 38). Clans maintain geographic territorial boundaries, which only the young regularly cross, although all animals use common feeding grounds.

Habitat Requirements

Available moisture and prairie dog abundance and density are positively correlated (Crocker-Bedford 1976, pp. 71–72). Prairie dogs appear to prefer swale type formations where moist herbage is available even during drought periods (Collier 1975, p. 43; Crocker-Bedford and Spillett 1981, p. 24). Soil characteristics are also an important factor in the location of Utah prairie dog colonies. A well-drained area is necessary for home burrows. The soil should be deep enough to allow burrowing to depths sufficient to provide protection from predators and insulation from environmental and temperature extremes. Prairie dogs must be able to inhabit a burrow system 1 meter (m) [3.3 feet (ft)] underground without becoming wet. Prairie dogs will avoid areas where brushy species dominate, and will eventually decline or disappear in areas invaded by brush (Collier 1975, pp. 44, 59; Player and Urness 1983, p. 522).

Food Habits

Prairie dogs are predominantly herbivores, and they prefer alfalfa and grasses during all seasons (Crocker-Bedford and Spillett 1981, p. 8). Grasses are the staple of their annual diet, with forbs being preferred in summer and fall. Although forbs, other than alfalfa, are not always highly preferred items throughout the year, they may be critical to a prairie dog colony's survival during drought. Ritchie and Brown (2005, p. 7) found that plant seeding in Utah prairie dog transplant areas increased plant diversity and prairie dogs were more likely to use or persist in seeded areas.

Current Distribution and Numbers

The Utah prairie dog is the westernmost member of the genus *Cynomys*. The species' range, which is limited to the southwestern quarter of Utah, is currently the most restricted of all prairie dog species in the United States. As could best be ascertained by Collier (1975, pp. 15–17), the species' distribution was much broader prior to control programs and at one time extended across the desert almost to the Nevada-Utah State line. Collier and Spillett (1975, p. 151) estimate a 50 percent range reduction from 1925 to 1975, with the greatest declines occurring in the western and northern parts of the range. However, due to the lack of data from the early to mid 1900s, this estimate is speculative.

Factors that resulted in the historical decline of Utah prairie dogs were poisoning, which removed Utah prairie dogs from approximately 8,094 hectares (ha) [20,000 acres (ac)] of their range in Sevier, Wayne, Garfield, and Iron Counties prior to 1963; drought; habitat alteration, primarily in the form of cultivation to agricultural crops; shooting; and disease (Collier and Spillett 1972, pp. 33–35). Major predators include coyotes (*Canis latrans*), badgers (*Taxidea taxis*), long-tailed weasels (*Mustela frenata*), various raptor species, and prairie rattlesnakes (*Crotalus viridis*) (Service 1991a, p. 9; Hoogland 2001, p. 922). In established colonies, predators probably do not exert a controlling influence on numbers of prairie dogs (Collier and Spillett 1972, p. 36). Long-term overgrazing, drought, disease (plague), and competition with Uinta ground squirrels (*Spermophilus armatus*) have contributed to larger-scale historic declines in prairie dog numbers, including loss of entire colonies (Service 1991a, pp. 11–12).

Historically, Utah prairie dog colonies were found as far west as Pine and Buckskin Valleys in Beaver and Iron Counties, and may have occurred as far north as Nephi, Utah, southeast to Bryce Canyon National Park, east to the foothills of the Aquarius Plateau, and south to the northern borders of Kane and Washington Counties (Pizzimenti and Collier 1975, p. 1). Prior to 1920, the species occurred within approximately 713 map sections (184,666 ha/456,320 ac) in 10 areas of southwestern Utah (Collier 1975, p. 15). In 1971, Collier (1975, p. 15) determined the species occurred within 96 sections (24,863 ha/61,440 ac), based on landowner questionnaires. The 1920 and 1971 habitat estimates are misleading because they assume all 640 acres within a section are occupied if the occurrence of Utah prairie dogs was reported from that section, regardless of actual numbers or distribution within the section. We believe the best information concerning actual Utah prairie dog habitat is from ongoing mapping efforts conducted by the Utah Division of Wildlife Resources (UDWR). UDWR has mapped 17,444 ha (43,106 ac) of habitat throughout the current and historic Utah prairie dog range; however, current occupancy has not been verified for this mapped habitat area, or for other areas of historic habitat. The total number of Utah prairie dogs was estimated to be 95,000 animals prior to control programs in the 1920s (McDonald 1993, p. 2). However, estimates of the size of former populations are difficult to make

because no formal censuses were conducted prior to 1976.

The Utah prairie dog currently occurs in three areas within southwestern Utah, which are designated as recovery areas: (1) The Awapa Plateau; (2) the Paunsaugunt region, along the east fork and main stem of the Sevier River; and, (3) the West Desert region of eastern Iron County, with a few isolated colonies existing in mountain and desert valleys in eastern Iron and Beaver Counties (Pizzimenti and Collier 1975, p. 1). For more information on these recovery areas, refer to our recovery plan for the species (Service 1991a). Although the abundance of the species in the three recovery areas vary considerably from year to year, the overall species' population abundance is considered stable. Below we describe each of the recovery areas. Counts are conducted in the spring prior to emergence of the pups and represent adults only. Crocker-Bedford (1975 page 6) estimate that only 40 to 60% of Utah prairie dogs are above ground at any one time. Therefore, these spring counts represent approximately 50% of the adult population.

The Awapa Plateau Recovery Area encompasses portions of Piute, Garfield, Wayne, and Sevier Counties. Spring counts conducted from 1976 through 2005 have varied from 201 to 1,145 animals; in 2005, UDWR counted 571 animals on 32 colonies (15 occupied) (UDWR 2005).

The Paunsaugunt Recovery Area includes public and private lands primarily in Garfield County, with a small area of Iron County. Spring counts conducted from 1976 through 2005 have varied from 652 to 2,205 animals; in 2005, UDWR counted a low of 652 animals on 27 colonies (14 occupied) (UDWR 2005).

The West Desert Recovery Area is primarily in Iron County, but extends into southern Beaver County and northern Washington County. Spring counts conducted from 1976 through 2005 have varied from 610 to 4,778 animals; in 2005, UDWR counted 4,158 animals on 34 colonies (27 occupied) (UDWR 2005).

Previous Federal Actions

We listed the Utah prairie dog as an endangered species on June 4, 1973 (38 FR 14678), pursuant to the Endangered Species Conservation Act of 1969. On November 5, 1979, the UDWR petitioned the Service to remove the Utah prairie dog from the List of Endangered and Threatened Wildlife. The Service found that this petition contained substantial scientific and commercial information, and the species was reclassified from endangered to threatened on May 29, 1984 (49 FR 22330). As part of that May 29, 1984, rule, we promulgated a special rule under section 4(d) of the Act to allow the regulated take of up to 5,000 animals annually. On June 14, 1991, we published a final rule amending the special rule to allow regulated take of up to 6,000 animals annually throughout the species' range (56 FR 27438).

Threats Analysis

Under section 4(a) of the Act, we may list a species on the basis of five threat factors: (A) Present or threatened destruction, modification, or curtailment of its habitat or range; (B) overutilization for commercial, recreational, scientific, or educational purposes; (C) disease or predation; (D) inadequacy of existing regulatory mechanisms; or (E) other natural or manmade factors affecting its continued existence. Listing actions may be warranted based on any of the above threat factors, either singly or in combination.

Under the Act, a threatened species is defined as a species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range. An endangered species is defined as a species which is in danger of extinction throughout all or a significant portion of its range. Therefore, we evaluate each of the five listing factors to determine whether the level of threat identified by information in the petition and in our files substantiates an increase in threat level to the extent that uplisting of the Utah prairie dog from threatened to endangered may be warranted.

A. Present or Threatened Destruction, Modification, or Curtailment of Its Habitat or Range

The Petitioners state that threats to the species' habitat included the following: (1) Loss of historic range, urbanization, land conversion, and sale of State lands; (2) livestock grazing, resulting in conversion of grasslands to shrublands; depletion of forage; degradation of riparian areas; proliferation of weeds; alteration of fire ecology; and impacts to soils; (3) road construction, off-highway vehicle (OHV) use, and recreation; (4) oil, gas, and mineral development and seismic exploration; and (5) impacts of isolation and fragmentation.

Loss of Historic Range, Urbanization, Land Conversion, and Sale of State Lands

The Petitioners state that mapped (or estimated) Utah prairie dog habitat has declined from 181,299 to 2,824 ha (448,000 to 6,977 ac) as of 1975, and that at the time the petition was developed, only 31 percent of Utah prairie dog habitat was on public lands where recovery efforts are concentrated (Rosmarino 2003, p. 54). The Petitioners state that much of the historic, high-quality Utah prairie dog habitat was in valleys, where crop agriculture and urban activities and expansion have historically occurred or are ongoing (Rosmarino 2003, p. 55). The Petitioners identify habitat loss due to urbanization as a concern, particularly in Iron County in the West Desert Recovery Area (Rosmarino 2003, pp. 55–56). According to the petition, this recovery area has the highest percentage of Utah prairie dogs located on private land and also is undergoing the highest rate of municipal development when compared to any other area in Utah prairie dog range. Petitioners state that, between 1990 and 2000, the human population growth rate was 62.5 percent in Iron County, and that Garfield and Beaver County's populations increased by 19 and 26 percent respectively. The petitioners discuss various projects that resulted in translocation of Utah prairie dogs and loss of their habitat. These include legal activities performed under the Iron County Habitat Conservation Plan (HCP) section 10(a)(1)(A) permit, and 11 other actions legally authorized through section 7 consultation. They also cite UDWR records of 7 colonies illegally destroyed during 1995 and 1996. While the Petitioners are mainly concerned with increasing development on private lands, they also cite U.S. Forest Service (USFS) concerns regarding increased impacts from development on private lands adjacent to public lands, including golf course and cabin site development. The Petitioners state that there is also increased all-terrain vehicle (ATV) usage from private housing developments resulting in impacts to the species (Reference, p. 57). The Petitioners are concerned that School and Institutional Trust Lands Administration (SITLA) lands containing Utah prairie dog habitat are being sold to private landowners and, therefore, are not safe from future development (Rosmarino 2003, pp. 75–76).

We believe that the Petitioners' assessment of the extent of historic habitat loss is inaccurate. It is based on

the statement by Collier (1975, p. 15) that Utah prairie dogs at one time occurred within 713 sections of land. However, much of the area within those sections contains unsuitable habitat and was never occupied by prairie dogs. Therefore, estimating historic habitat on the total number of acres within those 713 sections (184,666 ha/456,320 ac) is misleading. The majority of Utah prairie dogs still occur on private lands. However, through implementation of the Interim Conservation Strategy (ICS) (see Factor D discussion), the Recovery Team has made a substantial effort since 1997 to restore and enhance Utah prairie dog habitat on public lands. As of 2005, 37 percent of Utah prairie dogs occurred on public lands (UDWR 2005).

We acknowledge that historic Utah prairie dog habitat has been lost due to agricultural conversion, a factor considered in our May 29, 1984, reclassification of the species from endangered to threatened (49 FR 22330). However, the Petitioners do not quantify areas lost to agriculture historically, and they do not provide any information on future losses from new agricultural developments. We do not have any information indicating that there have been any recent conversions of Utah prairie dog habitat to agricultural use. We also do not have any information indicating that development of private lands is occurring within the Utah prairie dog range, other than that legally authorized through HCP permits. The Iron County HCP permits a limited amount of development on private lands in prairie dog habitat. These losses are mitigated through restoration of habitat on Federal lands and the translocation of animals from impacted private lands to approved translocation sites on Federal lands. In addition, 97 ha (240 ac) of privately owned occupied habitat in the Parowan Valley have been protected in perpetuity through a conservation easement under the Iron County HCP and are managed for Utah prairie dogs (see further HCP discussion under Factor D).

Although we do not dispute USFS accounts of increased activities on Federal lands as a result of nearby private developments, the Petitioners only identify one specific development in the Powell Ranger District that could negatively impact Utah prairie dogs, and we have no additional information in our files that shows impacts claimed by the Petitioner. Therefore, based on the best available date (i.e. only in this case), we believe these impacts are small and localized. The Petitioners provided no information to support loss on Federal lands due to recreational impacts. We also acknowledge that SITLA does sell parcels to private landowners, who then may propose development projects on these properties. However, we do not have information that historic or occupied Utah prairie dog habitat has been lost due to development occurring on SITLA lands that have been sold, and the Petitioners did not cite any pending sales on lands containing Utah prairie dog colonies. Recent activities on SITLA lands include the issuance of a perpetual conservation easement on 304 ha (750 ac) of Utah prairie dog habitat in the Awapa Plateau Recovery Area that will serve as a conservation bank.

Livestock Grazing

The petition states that livestock grazing, particularly overgrazing, can degrade Utah prairie dog habitat by causing shrub encroachment, reducing grass cover and vegetative biomass, degrading riparian areas, facilitating noxious weed proliferation, altering fire ecology, damaging cryptobiotic crusts (communities of cyanobacteria, green algae, lichens, mosses, liverworts, and microorganisms that colonize the surface of bare soil), and degrading soil conditions (Rosmarino 2003, pp. 57–75). The Petitioners state that mechanical or chemical shrub encroachment treatments may not ultimately result in a decrease in shrub vegetative production (Rosmarino 2003, p. 60). The petition states that spring grazing regimes may be particularly harmful to cool-season grasses preferred by Utah prairie dogs (Rosmarino 2003, pp. 61–62), and the Petitioners allege that direct grazing and trampling of moist swales and riparian areas can impact prairie dog persistence in these areas (Rosmarino 2003, pp. 63–64).

The Petitioners state that grazing can result in the spread of noxious weeds through direct dispersal of weed seeds in cattle fur or dung, and that opening areas to grazing makes them more susceptible to colonization and growth of weedy species. The Petitioners also assert that grazing reduces competition from native species by preferentially foraging cattle on them (Rosmarino 2003, pp. 64–69). The petition states that noxious weeds are a problem throughout Utah prairie dog range on both Bureau of Land Management (BLM) and USFS lands (Rosmarino 2003, pp. 68–69), and the Petitioners allege that areas dominated by the exotic annual cheatgrass (*Bromus tectorum*) are 10 to 500 times more likely to experience wildfire. The petition also makes a number of claims related to grazing leading to a reduction in fire frequency, facilitating shrub encroachment (Rosmarino 2003, pp. 69–70), and destroying soil crusts, which result in increased erosion, decreased nutrient cycling, reduction in ground cover, and soil compaction (Rosmarino 2003, pp. 70–75).

We concur that livestock grazing can have an effect on various attributes of prairie dog habitat and food supply; however, these effects can be positive as well as negative. While the petitioners cite numerous general references related to the types of impacts that grazing can have on vegetation and soils, they don't provide any specific references to show that grazing is negatively impacting Utah prairie dogs, or that such effects are becoming more severe, to the extent that uplisting may be warranted. Hoogland (2003, p. 239) notes that tall vegetation is more common in Gunnison and Utah prairie dog colonies than in black-tailed prairie dog colonies, and that it benefits the species by providing hiding cover. The Utah prairie dog vegetation guidelines have recently been revised to include a higher percentage of shrubs based on vegetative measurements in Utah prairie dog occupied habitats (Utah Prairie Dog Recovery Implementation Team [UPDRIT] 2006). Other studies suggest that prairie dog density is positively correlated with heavy grazing, which simulates the shortgrass environment preferred by prairie dogs (Fagerstone and Ramey 1996, pp. 88, 92; Marsh 1994, p. 203; Slobodchikoff et al. 1988, p. 406). A recent study of impacts on Utah prairie dogs of varying grazing intensities on the Awapa Plateau found that, although heavy grazing did not appear to impact burrow density, it did significantly decrease vigilance time (watchfulness or paying close and continuous attention), which could be detrimental to Utah prairie dogs (Elmore 2006, pp. 90, 93). Furthermore, while we do not disagree that Utah prairie dogs prefer moist swale formations, the types of habitats occupied by Utah prairie dogs do not contain the structural complexity typical of riparian habitats, including defined channels and typical riparian vegetation consisting of trees and shrubs. The swales occupied by Utah prairie dogs tend to be dominated by grasses. The Petitioners provided no information regarding the impacts of grazing to swales, and we have no additional information in our files describing potential impacts of this activity to the species.

McDonald (1993) recommended that studies be undertaken to evaluate livestock impacts and grazing regimes. He also recommended that species-specific vegetation objectives for transplant locations should be

developed, and that grazing management should be implemented appropriately to meet these vegetation objectives (McDonald 1993, p. 60). Interim vegetation guidelines were identified in the Utah Prairie Dog ICS (UPDRIT 1997, Appendix 1, pp. 19–21) and were updated in January 2006, based on additional information from occupied colonies within various habitat types (UPDRIT 2006). Monitoring is occurring on Federal lands managed by the BLM Cedar City Field Office to determine if Utah prairie dog sites meet the guidelines. Habitat management actions are being undertaken at sites that do not meet vegetation objectives (for an example, see BLM 2004).

The UPDRIT further developed recommendations specifically aimed at habitat improvement and research to determine more precise habitat suitability criteria (UPDRIT 1997, pp. 1, 5–12). Research was initiated in 2002 to identify appropriate grazing and vegetation management practices and to evaluate the effects of increasing plant diversity on survival of transplanted Utah prairie dogs. Preliminary results from the drought years of 2002 and 2003 showed that, under extreme drought conditions, forage utilization by livestock (cattle and sheep) of more than 33 percent of available forage led to dramatic declines of Utah prairie dog weight gains, overwinter survivorship, and reproduction. Conversely, seeding of rangeland to increase total plant and forb diversity by 33 to 40 percent almost doubled the density of transplanted prairie dogs in 2004 (Ritchie and Brown 2005, p. 2). Ritchie and Brown (2005) believe the results suggest that, at least under drought conditions, Utah prairie dogs are limited by available food, and that livestock grazing and range vegetation management practices may need to be adjusted to minimize impacts on Utah prairie dogs. Ritchie and Brown (2005, p. 15) also note that livestock grazing in early spring, fall, and winter is generally beneficial to Utah prairie dogs because it reduces horizontal cover, which allows animals to spend less time looking for predators. When this research is finalized, results will be used to develop final vegetation guidelines and other grazing and habitat management recommendations for the Utah Prairie Dog Recovery Plan.

While we agree that habitat conditions are compromised in many areas, particularly on public lands, Utah prairie dog numbers continue to be within the range of historic fluctuations (UDWR 2005), and we have not seen large-scale population decreases. When the species was downlisted in 1984, the rangewide population estimate was 2,522 prairie dogs. The last spring range-wide count before the petition was 4,944 adult animals, which represents 50% of the adult population (Crocker-Bedford 1975, p. 6.). This represented a slight decrease from counts made between 1998 and 2000. As of 2005, 5,381 prairie dogs were counted. We have determined that the process set in place with the ICS, including research, habitat monitoring and manipulation, development of vegetation guidelines, and ultimately incorporation of realistic management recommendations into the Recovery Plan, will meet the goal of improving the persistence of Utah prairie dog colonies.

In conclusion, we have determined that the petition did not present substantial scientific or commercial information indicating that livestock grazing that results in conversion of grasslands to shrublands, depletion of forage, degradation of riparian areas, proliferation of weeds, alteration of fire ecology, and impacts to soils may be a threat to the Utah prairie dog to the extent that uplisting from threatened to endangered under the Act may be warranted.

Roads, Off-Highway Vehicles (OHVs), and Recreation

The Petitioners state that roads have a negative impact on Utah prairie dogs by facilitating direct mortalities through motor vehicle strikes, and through loss of habitat due to new road construction, paving and reconstruction of existing roads, and OHV use, which can cause direct disturbance to the animals as well as degradation of vegetation (Rosmarino 2003, pp. 76–78). The Petitioners assert that recreational use in Utah prairie dog habitat, including camping, hunting and fishing, OHV use, and hiking can lead to population declines or extirpation of colonies through direct disturbance or habitat loss. The Petitioners cite increased recreational activities, including actual and potential infrastructure development, such as parking lots, campgrounds, and road and trail improvements, on three USFS Ranger Districts (Rosmarino 2003, pp. 78–79).

We acknowledge that direct mortality of prairie dogs occurs on roads, and higher mortalities occur in areas where paved highways intersect or pass near Utah prairie dog colonies. We also acknowledge that OHV use and other types of recreational use, including recreational infrastructure development, has occurred in Utah prairie dog habitat, resulting in habitat loss and possibly, in the instance of the Three Peaks colony, total extirpation of the colony (Service 2005d). However, the Petitioners provided no information to quantify impacts from recreational activities, including roads, and we have no such information in our files. Direct mortality from roads was not identified as a threat in the May 29, 1984, reclassification of the species (49 FR 22330) or the recovery plan (Service 1991a). We believe that impacts of roads are limited to localized areas and do not result in population-level effects.

Oil, Gas, and Mineral Development and Seismic Exploration

The Petitioners state that oil and gas exploration and extraction results in the degradation and loss of Utah prairie dog habitat through crushing of habitat, introduction of weeds, and increased soil erosion or soil compaction (Rosmarino 2003, p. 80). They also state that noise associated with seismic exploration, particularly in the low frequency sound range, could directly impact Utah prairie dogs (Rosmarino 2003, pp. 80–82). They cite a study on the effects of seismic exploration on Utah prairie dogs (Young and Sawyer 1981, p. 2), which expressed concerns about crushed vegetation, compacted soil, and the potential for disruption of hibernating prairie dogs (Rosmarino 2003, p. 87). The petition states that oil and gas leases are being offered in Millard and Sevier Counties within the Utah prairie dog's range (Rosmarino 2003, p. 88). Mineral development, including shalestone and flagstone extraction, and geothermal leasing are cited as occurring within the range of the Utah prairie dog (Rosmarino 2003, pp. 88–89).

We are aware that oil and gas leasing, seismic exploration, and other mineral development activities are occurring within the range of the Utah prairie dog. However, there is no scientific or commercial information either in the petition or in our files that quantifies the extent of these activities, or provides information on the actual infrastructure related to oil and gas development in occupied Utah prairie dog habitat. Although Young and Sawyer (1981, p. 2) expressed concerns (as identified in the petition) about seismic exploration, they concluded that any impact from seismic testing on Utah prairie dogs is negligible. In a similar study of white-tailed prairie dogs, Menkens and Anderson (1985, p. 13) concluded that there were negligible impacts from seismic exploration. To further minimize potential impacts of oil and gas activities on Utah prairie dogs, the Service and BLM have developed a set of avoidance and minimization

measures for Federal oil and gas leases within the range of the Utah prairie dog. These include no surface disturbance within 0.8 kilometer (km) [0.5 mile (mi)] of active Utah prairie dog colonies, and no permanent disturbance within 0.8 km (0.5 mi) of potentially suitable, unoccupied Utah prairie dog habitat (Service 2003). These measures currently apply to all BLM leasing activities within the Utah prairie dog's range, and lessees who follow these guidelines will be provided a streamlined section 7 consultation process. We believe that the incidences of mineral development cited in the petition are isolated activities and only affect small acreages of Utah prairie dog habitat. The petition therefore does not present substantial scientific information that these activities may be impacting the Utah prairie dog to the extent that uplisting from threatened to endangered under the Act may be warranted.

Impacts of Isolation and Fragmentation

The petition states that due to loss and degradation of Utah prairie dog habitat, and the effects of extermination campaigns and plague, remaining prairie dog colonies tend to be isolated and fragmented. These small, isolated colonies are then more susceptible to local extirpation from factors such as sylvatic plague (Rosmarino 2003, p. 90). Factors such as low reproductive rate, genetic drift, and inbreeding may increase the potential for local extinctions (Rosmarino 2003, pp. 91–93). The petition also states that individuals in larger colonies benefit from less time being devoted to predator detection.

We concur that the majority of existing Utah prairie dog colonies are small, numbering fewer than 200 individuals (UDWR 2005). Plague is active across the landscape and results in colonies tending to increase in numbers for a period of years, decline to very small numbers following a plague event, and then increasing again (see further plague discussion under Factor C). However, the current number of active colonies, and the number of Utah prairie dogs counted in the spring of 2005 (5,381 animals) (UDWR 2005), continues to be within the range of variation seen since counts began in 1976; therefore, we do not concur that small colony size is endangering the species. In summary, we have determined that the petition does not provide scientific or commercial information to support the assertion that small colony size and fragmentation may be a threat to the Utah prairie dog to the extent that uplisting from threatened to endangered under the Act may be warranted.

Summary of Factor A

We have determined that the information in the petition and available in our files does not constitute substantial scientific or commercial information that present or threatened destruction, modification, or curtailment of habitat is a threat to the Utah prairie dog to the extent that uplisting from threatened to endangered under the Act may be warranted. Many of the claims cited by the Petitioners constitute small, localized impacts on specific Utah prairie dog colonies. We recognize the potential for future private land development due to the large percentage of private lands within the West Desert Recovery Area, and will continue to monitor the status of Utah prairie dog colonies in that area closely. We also will continue our efforts to conserve prairie dog habitat on private lands and to develop new colonies on public lands. We acknowledge that it is likely that some livestock grazing regimes, particularly under drought conditions, may adversely affect Utah prairie dogs. We will continue the process of research and monitoring of Utah prairie dog habitat suitability and grazing management practices, and ultimately we will revise the Recovery Plan to incorporate vegetation guidelines and grazing management recommendations to benefit the species.

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

The petition states that illegal shooting of Utah prairie dogs still occurs and that shooting can negatively affect prairie dogs through population reduction, decreased colony expansion rates, and changes in behavior (Rosmarino 2003, pp. 94–98).

Because the Utah prairie dog is already a listed species, shooting, except as provided for by the 4(d) special rule, which is codified at 50 CFR 17.40(g), is prohibited by the Act. However, we acknowledge that isolated instances of shooting likely occur, and that it is not feasible for UDWR and Federal land management agencies to patrol all colony locations on a routine basis. No information is available in the petition or in our files to indicate that more than isolated incidences of shooting occur within Utah prairie dog colonies, or that shooting may pose a significant threat to the species on a range-wide basis.

Summary of Factor B

Neither the petition nor information readily available in our files constitute substantial scientific or commercial information that overutilization is a threat to the Utah prairie dog to the extent that uplisting from threatened to endangered under the Act may be warranted.

C. Disease or Predation

The Petitioners did not state that predation is a threat to the Utah prairie dog. The Petitioners did state that sylvatic plague (*Yersinia pestis*), an exotic bacterial disease, is a significant threat to the extent that it might prevent recovery of Utah prairie dogs, even if all other threat factors were removed. The petition states that plague is a threat to prairie dogs, given their lack of natural immunity to the bacterium. The cyclical nature of plague means that it can return to affect the same colony; therefore recovery from a plague event can be a slow process (Rosmarino 2003, p. 98). The Petitioners cite numerous instances of documented and suspected plague events occurring throughout Utah prairie dog range (Rosmarino 2003, p. 99). They also cite ongoing research in Utah prairie dog habitat on plague mitigation through the use of insecticides to kill the fleas that carry the plague bacterium (Rosmarino 2003, p. 100). The Petitioners take the view that as long as plague is present in the ecosystem, the Utah prairie dog may not reach recovery goals even if all other threat factors are removed (Rosmarino 2003, p. 100).

We acknowledge that plague exists throughout the Utah prairie dog's range, that individual Utah prairie dog colonies are known to have been affected by the disease, and that there is currently no mechanism available to prevent periodic plague events from reoccurring. Plague is an Old World (European origin) disease that was first recorded in North America in humans in 1899, and in Utah prairie dogs in Garfield County in 1936 (Fitzgerald 1993, p. 50). However, plague antibody titers have been found in a few Utah prairie dogs (Biggins 2003a, p. 1) and white-tailed prairie dogs (Biggins 2003a, p. 1; Cully and Williams 2001, p. 896), indicating that some individuals survive after exposure to plague.

Information in our files indicates that the literature is inconclusive regarding whether isolation of a colony or a colony's density affects the number and frequency of plague outbreaks. Lomolino et al. (2003, p. 118) and others (Cully and Williams 2001, p. 901; Miller et al. 1993, pp. 89–90) suggest that isolation and fragmentation may provide some protection to prairie dogs from sylvatic plague by lessening the likelihood of disease transmission.

White-tailed and Utah prairie dog colonies are less dense and more widely dispersed than black-tailed or Gunnison prairie dog colonies, which may slow plague transmission rates (Cully 1993, p. 40; Cully and Williams 2001, p. 901). Biggins' (2003b, p. 5) data are consistent with the hypothesis that white-tailed prairie dogs are predisposed to regroup when their numbers become depleted, improving stability in density (at the cost of stability in area occupied). Biggins (2003b, p. 6) states that if transmission rates for *Yersinia pestis* are at least partly dependent on host density, prairie dog populations on good quality sites may undergo both larger declines and more rapid recoveries than those on poor sites. Partial or complete recovery following population reductions due to plague have been reported for both white-tailed and black-tailed prairie dogs (Biggins and Kosoy 2001, p. 23). Hibernation by Utah and white-tailed prairie dogs may reduce or delay plague transmission among individual animals (Barnes 1993, p. 34).

The Petitioners cite ongoing research into the efficacy of insecticides to protect Utah prairie dog colonies from plague. Results of this study to date have been equivocal (Biggins 2003b, p. 8). The study was not able to determine a difference in the number of arthropod species on plots dusted with deltamethrin verses non-dusted plots. However, Biggins (2003b, p. 8) concludes that dusting Utah prairie dog burrows once a year with 4 grams (0.14 ounce) of Delta Dust (brand name of deltamethrin) does reduce the number of fleas species that are potential plague hosts. The recovery team has begun initial efforts to dust what are considered large priority colonies, including Johnson Bench, East Creek Canyon, and Tom Best Spring, in an effort to prevent plague outbreaks. These efforts successfully stopped an outbreak on the conservation bank property in the Awapa Plateau Recovery Area known as The Tanks.

Given the dynamics of the Utah prairie dog's behavior (such as hibernation), migration patterns, and geographical patterns of colony distribution, we are currently unable to determine whether there is an optimum size, density, and distribution of colonies that would make them less susceptible to periodic plague events. We also cannot determine whether small colony size and isolation provide some measure of protection from plague. Climatic factors may feed into plague cycling. Parmenter et al. (1999, p. 816) suggest a general linkage between cases of human plague (generally contracted by association with wild animals carrying fleas with the plague bacterium) and precipitation, particularly in the winter-spring period. They hypothesize that increased winter-spring precipitation results in an increase in food resources for animal species, which subsequently have greater reproductive success, leading to increased numbers of potential plague hosts (Parmenter et al. 1999, p. 818).

Summary of Factor C

We recognize that plague has been, and will continue to be, a major mortality factor in specific colonies, and across the range of Utah prairie dogs. The impact that plague has had on the overall status of the species, or its potential for recovery, is unclear. It is impossible to separate the impacts of plague from other factors that affect Utah prairie dogs across their range, including drought, habitat conditions, and disturbance by various human activities. We will continue to support research on the impacts of plague on Utah prairie dog persistence, and on ways to reduce these impacts. There was no information provided in the petition, or available in our files, that shows that the effects of disease are becoming more severe or widespread, to the extent that uplisting from threatened to endangered under the Act may be warranted.

D. Inadequacy of Existing Regulatory Mechanisms

The Petitioners state that Federal regulatory mechanisms, including efforts undertaken by the Service under the Act, and the Bureau of Land Management, USFS, and National Park Service in their land management plans, are inadequate to protect the Utah prairie dog.

The Petitioners state that even though the Utah prairie dog is currently listed as threatened under the Act, adequate regulatory mechanisms do not exist to ensure its survival or recovery. Specifically, they cite the downlisting of the species in 1984 (Rosmarino 2003, pp. 100–103); implementation of the 4(d) rule and faulty assumptions about the number of prairie dogs that could be taken annually (Rosmarino 2003, pp. 104–108); a flawed Recovery Plan (Rosmarino 2003, pp. 108–114), and lack of adequate personnel and resources from the affected agencies to fully implement it (Rosmarino 2003, p. 147); failure of the ICS to adequately consider effects to the species from threats such as plague and livestock grazing (Rosmarino 2003, pp. 115–119); and Federal land management agency (USFS and BLM) policies that facilitate habitat loss and degradation as described under Factor A (Rosmarino 2003, pp. 119–139). They also cite U.S. Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS)—Wildlife Services' lethal Utah prairie dog control, and grasshopper and Mormon cricket control within Utah prairie dog range, as harmful to the species (Rosmarino 2003, pp. 140–145), and state that the Environmental Protection Agency's labeling for toxicants and fumigants is not fully protective of Utah prairie dogs (Rosmarino 2003, p. 144). The petition further discusses the lack of recovery efforts on private lands, including implementation of HCPs pursuant to section 10 of the Act. The Petitioners particularly cite failure to adequately address cumulative impacts of incidental take on prairie dogs in the West Desert Recovery Area, and failure to provide adequate mitigation, which has resulted in considerable take of Utah prairie dogs (Rosmarino 2003, pp. 147–161).

Although overall numbers of Utah prairie dogs have not increased substantially since downlisting in 1984, the species' population is considered to be stable on a range-wide basis. In 2005, the count was 5,381 animals range-wide, and in 1984 it was 2,522 animals; counts ranged from 2,522 to 7,527 during that 22-year period (UDWR 2005). We acknowledge that the translocation program to move animals defined as ''surplus'' under the 4(d) special rule (50 CFR 17.40(g)) and the recovery goal of developing new Utah prairie dog colonies on public lands, have not been as successful as predicted. The 4(d) special rule allows a maximum of 6,000 Utah prairie dogs to be taken annually; however, the actual number that are permitted to be taken varies on an annual basis and depends on the population surveys for that year. During their annual surveys, UDWR makes counts of Utah prairie dogs on individual colonies throughout the range of the species. When a private landowner requests a control permit for a particular colony, UDWR issues a permit for take of no more than 10 percent of the number of animals counted in that colony that year. During the period of 1985–2004, the permitted level of take was never higher than 3,781, and the actual reported take did not exceed 1,760 (UDWR 2003). We are taking steps to improve the success of the translocation program through development of vegetation guidelines (discussed under Factor A) and new guidelines for Utah prairie dog translocation (see discussion under Factor E). Utah prairie dogs have not

experienced significant progress toward recovery since the 1984 downlisting, but current numbers are within the range of historical population fluctuations, which indicates that extinction is not imminent.

Efforts to revise the Recovery Plan are currently underway and will incorporate the best available information. The revised Recovery Plan is expected to be completed in 2007. For now, the goal of the interim strategy that was developed in 1994 is to advance information and strategies necessary to effectively modify recovery goals. Research on habitat needs and successful translocation is ongoing. Based on this research, we updated the vegetation and translocation guidelines. Cooperators in the ICS and Recovery Plan revision include all of the affected Federal land management agencies, Natural Resources Conservation Service (NRCS), State and Federal wildlife management agencies, Utah State University, Utah Farm Bureau, and Environmental Defense.

All BLM land use plans incorporate the existing Recovery Plan ''and other pertinent documents pertaining to recovery.'' BLM's Cedar City Field Office is monitoring vegetation on Utah prairie dog sites to determine compliance with the vegetation guidelines. The National Park Service has implemented habitat restoration projects through burning and seeding and has hosted Utah prairie dog research efforts on its property for the last 10 years. USFS is revising the Dixie National Forest Plan to incorporate the Utah prairie dog Recovery Plan. USFS also has identified and prepared two translocation sites, dusted several key colonies at risk of plague exposure in the Paunsaugant Recovery Area, and is initiating habitat improvement projects to benefit Utah prairie dogs in the Awapa Plateau Recovery Area.

All agencies are making a concerted effort to implement the ICS and use new research data to improve the conservation and recovery of Utah prairie dogs throughout their range. Species recovery is often a difficult and long-term process, particularly for a species such as the Utah prairie dog that had been in decline for nearly a century prior to its listing (Pizzimenti and Collier 1975, p. 1) and that is adversely affected by numerous interacting factors. We believe we are moving in a positive direction with implementation of the ICS and revision of the Recovery Plan, but we need to continue to evaluate the status of the species and factors affecting its recovery over the long-term.

APHIS–Wildlife Services received one permit to control Utah prairie dogs on private agricultural land adjacent to a parcel of land protected under a conservation easement. However, the need for control never materialized, and control was never carried out. We have completed a programmatic consultation with APHIS for grasshopper and Mormon cricket control under section 7 of the Act, to ensure that control actions will not have adverse effects on listed species, including Utah prairie dogs. The consultation contains required conservation measures to benefit the species, including a 1.6-km (1.0-mi) buffer zone around occupied Utah prairie dog habitat (USDA 2005, p. 12).

The State of Utah, through an agreement with the Service, manages Utah prairie dogs by conducting annual surveys, issuing permits to private landowners under the 4(d) special rule, and trapping and translocation of animals from private to public lands. However, the State of Utah does not control the lands occupied by Utah prairie dogs and has no authority to implement land management changes. The State is working cooperatively with the Service and Federal land management agencies to determine ways to improve habitat conditions on public lands and to revise the Recovery Plan.

We have taken steps to conserve prairie dogs on private lands, including issuance of three Safe Harbor Agreements (SHAs) covering 97 ha (240 ac) of occupied and unoccupied habitat within the Paunsaugunt and Awapa Plateau Recovery Areas (Service 2005a, 2005b, 2006b). These SHAs improve Utah prairie dog habitat by increasing plant diversity and providing protection for Utah prairie dogs for up to 15 years. We are currently processing three more SHAs (cite) and one umbrella safe harbor agreement to be held by NRCS (cite), with an unlimited potential to enroll private lands within all three recovery areas. In 2004, we approved a 304-ha (750-ac) conservation bank on private land that is protected in perpetuity within the Awapa Plateau Recovery Area (Service 2005c). A conservation bank in the West Desert Recovery Area has been initiated and will protect private land within Iron County. The petition discusses several small and large-scale (county-wide) HCPs, most of which were issued in the 1990s. Currently, the Iron County HCP (the only county-wide HCP) (Service 1998) is in the process of being revised and will include the protection of private lands with Utah prairie dogs to offset impacts from development elsewhere. A recently finalized HCP protects 123 ha (303 ac) of habitat (occupied and unoccupied) in exchange for 7 ha (18 ac) of low-quality occupied habitat (Service 2007)). The Garfield County HCP was never finalized.

Summary of Factor D

We agree that Utah prairie dog recovery has been slow, but we conclude that actions taken since 1994, including research, development of new guidance documents, implementation of the ICS on Federal lands occupied by prairie dogs, and the revision of the Recovery Plan to include the conservation of prairie dog habitat on private lands, will improve the species' status over the long-term. Neither the petition nor the available information in our files indicates that lack of adequate regulatory mechanisms may be a threat to Utah prairie dogs to the extent that uplisting from threatened to endangered under the Act may be warranted.

E. Other Natural or Manmade Factors Affecting the Continued Existence of the Species

The Petitioners state that rodent control efforts, the Utah prairie dog translocation program, and drought present significant threats to Utah prairie dogs. The petition cites legal take under the 4(d) special rule (50 CFR 17.40(g)), and ongoing illegal poisoning and shooting as endangering the species (Rosmarino 2003, pp. 161–162). In particular, the Petitioners point out that legal take of Utah prairie dogs under the 4(d) special rule has resulted in control of 14,002 prairie dogs (to the date of the petition) and suggest that take levels and population fluctuations from year to year may be contributing to population declines (Rosmarino 2003, pp. 162–163). The petition alleges that any illegal poisoning that occurs increases the magnitude of permitted take (Rosmarino 2003, p. 165). The petition calls the translocation program a failure, stating that translocations have not resulted in an increase of Utah prairie dog populations on public lands, and have resulted in a loss of animals on private lands (Rosmarino 2003, p. 166). The petition points out that many translocation sites do not meet ICS vegetation guidelines, and that Utah prairie dogs translocated to the Adams Well site have lost weight, thus making them less likely to survive through winter (Rosmarino 2003, pp. 170–184). The petition states that, although drought is a naturally occurring phenomenon, continuing livestock grazing during drought conditions exacerbates the effects of drought on Utah prairie dogs (Rosmarino 2003, p. 185).

Legal take occurring in compliance with the 4(d) special rule (50 CFR 17.40(g)) was discussed under Factor D. As stated under Factor B, we do not have any information to indicate that illegal shooting occurs in other than isolated instances. We believe the same to be true of illegal poisoning, and no information exists in our files or in the petition indicating otherwise. The relationship of drought and livestock grazing regimes on Utah prairie dog habitat is discussed under Factor A.

We agree that past translocation efforts have not always been successful. We have adapted our techniques and vegetation guidelines to address the likely causes preventing success of past efforts. Thirteen new complexes have been established on Federal lands within the West Desert Recovery Area through translocation efforts. We are improving translocation success through development and use of the ICS vegetation guidelines, habitat research (as discussed under Factor A), monitoring survival of translocated animals, and incorporating better methods to improve survival. We will continue to monitor these efforts and update our methods as necessary. Even under optimum circumstances, survival of translocated prairie dogs of various species is low (less than 40 percent) (Truett et al. 2001, p. 864). We have developed new recommended translocation procedures (Procedures) for the Utah Prairie Dog (Service 2006, 18 pp.). The Procedures emphasize actions to increase success rates and to provide consistency across recovery areas and land management agencies. The Procedures discuss site selection and preparation, translocation site preparation, trapping, handling, transport, release, and monitoring and management of translocated populations. Consistent use of these Procedures should increase future survival of translocated animals.

Summary of Factor E

We have determined that information in the petition and available in our files does not indicate that legal and illegal take, including the translocation program implemented under the existing Recovery Plan, is a threat to Utah prairie dogs to the extent that uplisting from threatened to endangered under the Act may be warranted. We will continue to work with all landowners to implement the Procedures and to monitor their effectiveness. The Procedures will become part of any future revisions to the Recovery Plan.

Finding

We have reviewed the petition and the literature cited in the petition, and evaluated it in relation to other pertinent information in our files. We find that substantial scientific or commercial information has not been presented by the Petitioners indicating that reclassification of Utah prairie dog (*Cynomys parvidens*) from threatened to endangered may be warranted. Because the species is already listed as threatened under the Act, it is already subject to, and receives protection from, the regulatory mechanisms of the Act. The petition did not identify or present substantial new information indicating that the level of threats to the species has changed significantly since its reclassification to threatened in 1984.

The current number of active colonies, and the number of Utah prairie dogs counted in the spring of 2005 (5,381) (UDWR 2005), continues to be within the range of variation seen since counts were implemented in 1976, which further supports the assertion that threats have not increased significantly.

Since implementation of the ICS in 1997, the Service and its Federal and State recovery team partners have taken substantial steps to improve the survival of translocated Utah prairie dogs through new vegetation guidelines, habitat improvements at translocation sites on Federal lands, and new translocation guidelines. New conservation tools, including SHAs, mitigation banks, and HCPs with provisions for protection of private lands, are being implemented. Research is being carried out on the efficacy of dusting Utah prairie dog colonies with dimethrin to control plague. Critical colonies have been identified and successfully protected through this methodology. New information gained since the implementation of the ICS, including ongoing research and monitoring results from occupied colonies on Federal lands, will be used in the revision of the Recovery Plan. This may include revision of the recovery goals for the species if the new information supports it.

Although we will not be commencing a status review in response to this petition, we encourage interested parties to continue to gather data that will assist with the conservation of the species. If you wish to provide information regarding the Utah prairie dog, you may submit your information or materials to the Utah Field Supervisor, U.S. Fish and Wildlife Service (see **ADDRESSES**).

5–Year Review

Although we will not conduct a status review in response to the petition, we are initiating a 5-year review of the Utah prairie dog to comply with section 4(c)(2)(A) of the Act. Based on this 5-year review, we will determine whether or not the Utah prairie dog should be removed from the list (*i.e.*, delisted) or otherwise reclassified. Delisting or reclassifying a species must be supported by the best scientific and commercial information available, and we will only consider delisting a species if such information substantiates that the species is neither endangered nor threatened for one or more of the following reasons: (1) The species is considered extinct; (2) the species is considered to be recovered; or (3) the original data available when the species was listed, or the interpretation of such data, were in error. Any change in Federal classification would require a separate rulemaking process.

Our regulations at 50 CFR 424.21 require that we publish a notice in the **Federal Register** announcing those species currently under review. This notice announces our intention to prepare a 5-year review of the Utah prairie dog and opens a 60-day comment period (see **DATES**). We encourage interested parties to provide information concerning the Utah prairie dog to the Field Supervisor, Utah Ecological Services Office (see **ADDRESSES**).

Public Comments Solicited

At this time, we are opening a 60-day comment period (see **DATES**) to allow all interested parties an opportunity to provide information on the status of the Utah prairie dog for our 5-year review. We will base our 5-year review on a review of the best scientific and commercial information available, including the studies cited in this notice and information received during the public comment period. Information regarding the following topics would be particularly useful: (1) Species biology, including but not limited to, population trends, distribution, abundance, demographics, genetics, and taxonomy, including any evaluations or reviews of the studies cited in this notice; (2) habitat conditions, including but not limited to, amount, distribution, and suitability; (3) conservation measures that have been implemented that benefit the species; (4) threat status and trends; and (5) other new information or data.

When we complete our 5-year review, our practice is to make comments, including names and home addresses of respondents, available for public review

during regular business hours. Individual respondents may request that we withhold their names and home addresses, etc., but if you wish us to consider withholding this information, you must state this prominently at the beginning of your comments. In addition, you must present rationale for withholding this information. This rationale must demonstrate that disclosure would constitute a clearly unwarranted invasion of privacy. Unsupported assertions will not meet this burden. In the absence of exceptional, documentable circumstances, this information will be released. We will always make submissions from organizations or businesses, and from individuals identifying themselves as representatives of organizations or businesses, available for public inspection in their entirety.

Please submit electronic comments in an ASCII or Microsoft Word file. Also, please include ''Attn: Utah prairie dog'' along with your name and return address in your e-mail message. If you do not receive a confirmation from the system that we have received your e-mail message, please submit your comments in writing using one of the alternate methods provided in the **ADDRESSES** section.

References Cited

A complete list of all references cited herein is available upon request from the Utah Ecological Services Field Office.

Author

The authors of this document are Susan Linner, U.S. Fish and Wildlife Service, Colorado Ecological Services Field Office, and Elise Boeke, U.S. Fish and Wildlife Service, Utah Ecological Services Field Office (see **ADDRESSES**).

Authority

The authority for this action is section 4 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: February 9, 2007.

H. Dale Hall,

Director, U.S. Fish and Wildlife Service.

[FR Doc. E7–2834 Filed 2–20–07; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AT37

Endangered and Threatened Wildlife and Plants; Proposed Rule to Remove the Virginia Northern Flying Squirrel (*Glaucomys sabrinus fuscus*) From the Federal List of Endangered and Threatened Wildlife

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; extension of comment period.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), are extending the public comment period on the proposed rule to remove the Virginia northern flying squirrel (*Glaucomys sabrinus fuscus*), more commonly known as the West Virginia northern flying squirrel, from the Federal List of Endangered and Threatened Wildlife, due to recovery. Comments previously submitted need not be resubmitted as they have been incorporated into the public record and will be fully considered in the final determination.

DATES: The public comment period for the proposed rule published at 71 FR 75924, December 19, 2006, is extended from February 20, 2007, to April 23, 2007. Any comments received after the closing date may not be considered in the final decision on the proposal.

ADDRESSES: You may submit comments on the proposed delisting by any one of several methods:

1. You may submit written comments and information to the Assistant Chief, Division of Endangered and Threatened Species, U.S. Fish and Wildlife Service, Northeast Regional Office, 300 Westgate Center Drive, Hadley, MA 01035.

2. You may hand-deliver written comments to our Northeast Regional Office, at the above address.

3. You may fax your comments to 413–253–8482.

4. You may use the Federal eRulemaking Portal: *http://www.regulations.gov*. Follow the instructions for submitting comments.

Comments and materials received will be available for public inspection, by appointment, during normal business hours at our Northeast Regional Office.

FOR FURTHER INFORMATION CONTACT: Diane Lynch at our Northeast Regional Office (*telephone:* 413–253–8628) or the Field Office Supervisor, West Virginia Field Office, 694 Beverly Pike, Elkins, WV 26241 (*telephone:* 304–636–6586).

SUPPLEMENTARY INFORMATION:

Background

On December 19, 2006, the Service published a proposed rule (71 FR 75924), under the authority of the Act, to remove the WVNFS from the Federal List of Endangered and Threatened Wildlife, due to recovery. The proposed rule opened a 60-day comment period, which was to end on February 20, 2007, on that action. We have received requests to extend the comment period in order to allow additional time for the public to review the data and provide comments. To ensure that the public has sufficient opportunity to review the available scientific and commercial data, we are extending the comment period for an additional 60 days. Comments on the proposed delisting rule will be accepted through April 23, 2007.

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

Public Comments Solicited

We intend for any final action resulting from the proposal to be as accurate as possible. Therefore, we solicit data, comments, or suggestions from the public, other concerned government agencies, the scientific community, industry, Tribes, or any other interested party concerning the proposed rule. We particularly seek comments concerning: (1) Biological, commercial, trade, or other relevant data concerning any threat (or lack thereof) to the WVNFS; (2) additional information on the range, distribution, and population size of the WVNFS and its habitat; (3) the location of any additional populations of the WVNFS; and (4) data on population trends. Please note that comments merely stating support or opposition to the actions under consideration without providing supporting information, although noted, will not be considered in making a determination, as section 4(b)(1)(A) of the Endangered Species Act of 1973, as amended (Act) (16 U.S.C. 1531 et seq.), directs that determinations as to whether any species is a threatened or endangered species shall be made ''solely on the basis of the best scientific and commercial data available.''

Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their name and/or home address, etc., but if you wish us to consider withholding this information, you must state this prominently at the

beginning of your comments. In addition, you must present rationale for withholding this information. This rationale must demonstrate that disclosure would constitute a clearly unwarranted invasion of privacy. Unsupported assertions will not meet this burden. In the absence of exceptional, documentable circumstances, this information will be released. We will always make submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety. Comments and other information received, as well as supporting documentation used to write this rule, will be available for public inspection, by appointment, during normal business hours at our Northeast Regional Office (see **ADDRESSES**). In making a final decision on the proposal, we will take into consideration the comments and any additional information we receive. Such communications may lead to a final rule that differs from the proposal.

Dated: February 15, 2007.

Kenneth Stansell,

Acting Director, U.S. Fish and Wildlife Service.

[FR Doc. 07–787 Filed 2–16–07; 11:48 am]

BILLING CODE 4310–55–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 665

[Docket No. 070207026–7026–01; I.D. 012207A]

RIN 0648–AS29

Fisheries in the Western Pacific; Optional Use of Electronic Logbook Forms

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

ACTION: Proposed rule; request for comments.

SUMMARY: This proposed rule would allow fishery participants in U.S. domestic pelagics, crustaceans, bottomfish and seamount groundfish, precious corals, and coral reef fisheries of the western Pacific the optional use of NMFS-approved electronic logbook forms in lieu of paper logbooks. The intended effects of this action are to enhance the efficiency of fish catch and effort data reporting and recordkeeping by fishermen, reduce human error, and improve data accuracy.

DATES: Comments on the proposed rule must be received by March 23, 2007.

ADDRESSES: You may submit comments, identified by AS29elog by any of the following methods:

- E-mail: *AS29elog@noaa.gov*. Include ''AS29elog'' in the subject line of the message.
- Federal e-Rulemaking Portal: *www.regulations.gov*. Follow the instructions for submitting comments.
- Mail: William L. Robinson, Administrator, NMFS Pacific Islands Region (PIR), 1601 Kapiolani Blvd. 1110, Honolulu, HI 96814.

Written comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in this proposed rule may be submitted to William L. Robinson (see **ADDRESSES**), or by e-mail to *David_Rostker@omb.eop.gov*, or faxed to 202–395–7285.

Copies of the Fishery Management Plans (FMPs) and the regulatory amendment document that describes the proposed changes may be obtained from Kitty M. Simonds, Executive Director, Western Pacific Fishery Management Council (Council), 1164 Bishop Street, Suite 1400, Honolulu, HI 96813 or via the World Wide Web at *www.wpcouncil.org*.

FOR FURTHER INFORMATION CONTACT: Bob Harman, NMFS PIR, 808–944–2271.

SUPPLEMENTARY INFORMATION:

Electronic Access

This **Federal Register** document is also accessible via the World Wide Web at the Office of the Federal Register: *www.gpoaccess.gov/fr/index.html*.

Background

The NMFS Pacific Islands region encompasses western Pacific Federal waters, i.e., the 200 nautical mile U.S. Exclusive Economic Zone (EEZ), around the Territories of Guam and American Samoa, the State of Hawaii, the Commonwealth of the Northern Mariana Islands, and the U.S. island possessions in the Pacific. Western Pacific fisheries are currently managed under five Fishery Management Plans (FMPs)—Pelagics, Crustaceans, Bottomfish and Seamount Groundfish, Precious Corals, and Coral Reef Ecosystems.

Current regulations (50 CFR 665.14) require that permit holders, who fish for western Pacific management unit species subject to Federal reporting requirements, record their catch and effort information on paper logbook forms and submit them to NMFS. Maintaining paper logbook forms, and the interpretation of such forms, is subject to potential errors due to illegible handwriting and missed data entry. The availability and capacity of personal computers offer benefits to fishery participants and NMFS data collection programs. The proposed optional use of electronic logbook data collection systems would utilize existing and emerging technologies to enhance the efficiency of fish catch and effort data reporting and recordkeeping by fishermen, reduce human error, and improve data accuracy. Furthermore, if transmitted through a remote communication system such as electronic mail or vessel monitoring system, electronic reporting provides a near real-time catch reporting system.

At its 123rd meeting in June 2004, the Council took final action to recommend amending the western Pacific regulations to provide fishermen an alternative to the currently-required paper logbook forms. Specifically, fishermen would be allowed to submit logbook data to NMFS on removable non-paper media (such as diskette, CD–ROM, memory stick, etc.), and would also be allowed to transmit the data to NMFS via e-mail or other remote communication systems, where such remote transmission was appropriate and feasible. The option to use electronic logbook forms would be available to fishermen who are subject to Federal reporting requirements under all western Pacific FMPs, as well as those participants in fisheries that may become subject to Federal reporting requirements.

This action does not establish the technical requirements or protocols for the electronic logbook program. The technical and legal specifications and operational details for the electronic logbook software program and hardware requirements will be developed and published by NMFS subsequent to this proposed rule.

Using the information contained in the Council's proposed regulatory amendment, a Regulatory Impact Review (RIR) was prepared for this proposed rule. Copies of the Regulatory Impact Review (RIR) may be obtained from William L. Robinson (see **ADDRESSES**).

Classification

NMFS has determined that the proposed rule is consistent with the western Pacific FMPs and preliminarily determined that the rule is consistent with the Magnuson-Stevens Fishery Conservation and Management Act and other applicable laws.

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

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities. The factual basis for the certification is as follows:

The basis and purpose of this rulemaking are discussed in the preamble to this rule. Nearly 200 vessels, all of which are considered to be small entities under the Small Business Administration definitions, will be impacted by this rule. All vessels are considered small entities because their annual gross receipts are less than $4.0 million, so there will be no disproportionate economic impact between small and large vessels resulting from this proposed rulemaking. In addition, there are no disproportionate economic impacts among vessels resulting from different vessel length, gear type, or location of home port. Considering the positive and minor nature of economic impacts under the preferred alternative, NMFS has determined that this rule will not have a significant economic impact on a substantial number of small business entities because: (1) the rule does not require the use of electronic reporting, and firms choosing to commit to electronic reporting will do so only if this mode of reporting is economically beneficial to them relative to the use of the paper logbooks currently required, and (2) NMFS anticipates that the costs of electronic reporting, for those who choose to adopt it, would only represent a small fraction of the firm's cost of doing business. While this rule could affect a substantial number of vessels, depending on the number of operations opting to choose electronic reporting, it will not have a significant economic impact. As a result, an initial regulatory flexibility analysis is not required and none has been prepared.

This proposed rule contains a collection-of-information requirement subject to review and approval by OMB under the Paperwork Reduction Act (PRA), i.e., the optional use of electronic media for logbook data submissions currently required under OMB Control No. 0648–0214. A request to collect this information has been submitted to OMB for approval. The public reporting burden for this collection-of-information is estimated to average five minutes 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.

Public comment is sought regarding: whether this proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the burden estimate; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the collection information, including through the use of automated collection techniques or other forms of information technology. Send comments on these or any other aspects of the collection of information to William L. Robinson (see **ADDRESSES**), or by email 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.

List of Subjects in 50 CFR Part 665

Administrative practice and procedure, American Samoa, Fisheries, Fishing, Guam, Hawaii, Hawaiian Natives, Northern Mariana Islands, Pacific Remote Island Areas, Reporting and recordkeeping requirements.

Dated: February 14, 2007.

John Oliver,

Deputy Assistant Administrator for Operations, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 665 is proposed to be amended as follows:

PART 665—FISHERIES IN THE WESTERN PACIFIC

1. The authority citation for part 665 continues to read as follows:

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

2. In § 665.14, paragraph (a) is revised to read as follows:

§ 665.14 Reporting and recordkeeping.

(a) *Fishing record forms.* The operator of any fishing vessel subject to the requirements of §§ 665.21, 665.41, 665.61(a)(4), 665.81, or 665.602 must maintain on board the vessel an accurate and complete record of catch, effort, and other data on paper report forms provided by the Regional Administrator, or electronically as specified and approved by the Regional Administrator. All information specified by the Regional Administrator must be recorded on paper or electronically within 24 hours after the completion of each fishing day. The logbook information, reported on paper or electronically, for each day of the fishing trip must be signed and dated or otherwise authenticated by the vessel operator in the manner determined by the Regional Administrator, and be submitted or transmitted via an approved method as specified by the Regional Administrator, and as required by this paragraph (a). The operator of any vessel subject to the requirements of §§ 665.21, 665.41, 665.61(a)(4), or 665.81 must submit the original logbook information for each day of the fishing trip to the Regional Administrator within 72 hours of each landing of management unit species, unless the fishing was authorized under a PRIA troll and handline permit, a PRIA crustaceans fishing permit, a PRIA bottomfish permit, or a PRIA precious corals fishing permit, in which case the original logbook form for each day of fishing within the PRIA EEZ waters must be submitted to the Regional Administrator within 30 days of each landing of management unit species. For fisheries managed under § 665.602, the original logbook information for each day of the fishing trip must be submitted to the Regional Administrator within 30 days of each landing of management unit species.

[FR Doc. E7–2893 Filed 2–20–07; 8:45 am]

BILLING CODE 3510–22–S

Notices

Federal Register
Vol. 72, No. 34
Wednesday, February 21, 2007

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

DEPARTMENT OF AGRICULTURE

Forest Service

Wallowa-Whitman National Forest, Baker County, Oregon; North Fork Burnt River Mining

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare a supplement to a final environmental impact statement.

SUMMARY: The USDA, Forest Service will prepare a supplemental environmental impact statement (SEIS) to address the order of Judge Paul Papak, United States District Court, District of Oregon (*Hells Canyon Preservation Council, and Northwest Environmental Defense Center v. Richard J. Haines, Steve Ellis, and United States Forest Service,* August 4, 2006). Specifically the court found that the April 2004 North Fork Burnt River Final Environmental Impact Statement was deficient because the Agency: (1) Did not require a certificate of compliance under 33 U.S.C. 1341(a)(1), also referred to as 401 under the Clean Water Act, prior to approvals of the Plans of Operations, (2) failed to ensure that authorized mining activities will comply with 313 of the Clean Water Act, 33 U.S.C. 1323(a), on the 303(d) listed waters for water-quality limited for sedimentation, (3) failed to adequately analyze the selection of buffer widths for the riparian habitat conservation areas (RHCAs) and as such is inconsistent with INFISH standard MM–1, (4) failed to adequately analyze the necessity of new roads and whether alternatives exist and to provide specific assurances that the new road construction will comply with INFISH standard MM–2, (5) incorrectly determined that settling ponds are not structures subject to INFISH standard MM–2 and therefore failed to perform the required analysis under MM–2 as to alternative locations; and (6) failed to adequately analyze whether mining and private property access needs, administrative use and needs of other forest users are warranted exceptions to the open-road density guidelines of the Wallowa-Whitman National Forest Land Management Plan.

The SEIS will provide additional information and analysis to address the deficiencies noted by the court in the 2004 FEIS, and record the analysis of a proposed non-significant project-specific amendment to the Wallowa-Whitman National Forest's Land and Resource Management Plan (LRMP) to change Standard #12 and Standard #13 for Management Area 1(LRMP pg. 4–58), and Standard #9 for Management Area 3, 3a (LRMP pg. 4–62) to reflect a more realistic and achievable open road density for these management areas in subwatersheds 83B, 83C, 83D, 83E, 83F and 83G within the North Fork Burnt River Mining planning area in light of the current and projected land uses and management activities for the foreseeable future.

DATES: Comments on the scope of the analysis must be postmarked by April 6, 2007, and should be addressed to the Responsible Official below.

ADDRESSES: Send written comments and suggestions to Steve Ellis, Forest Supervisor, Wallowa-Whitman National Forest, PO Box 907, Baker City, OR, 97814, or fax comments to (541) 523–1315. Written comments may be delivered to the office in Baker City, at 1550 Dewey Avenue during normal business hours, up through 5 p.m. April 6, 2006.

ELECTRONIC COMMENTS: Comments may also be e-mailed to: *comments-pacificnorthwest-wallowa-whitman-whitmanunit@fs.fed.us,* by 5 p.m. April 6, 2007. Those submitting electronic copies must do so only to the e-mail address listed above, must put the project name in the subject line, and must either submit comments as part of the e-mail message or as an attachment only in one of the following three formats: Microsoft Word, rich text format (rtf) or Abobe Portable Document Format (pdf). E-mails submitted to e-mail addresses other than the one listed above or in other formats that those listed or containing viruses will be rejected.

Comments received in response to this solicitation, including names and addresses of those who comment, will be considered part of the public record on this proposed action and will be available for public inspection. Additionally, pursuant to 7 CFR 1.27(d), any person may request the agency to withhold a submission from the public record by showing how the Freedom of Information Act (FOIA) permits such confidentiality. Persons requesting such confidentiality should be aware that, under the FOIA, confidentiality may be granted in only very limited circumstances, such as to protect trade secrets. The Forest Service will inform the requester of the agency's decision regarding the request for confidentiality, and where the request is denied, the agency will return the submission and notify the requester that the comments may be resubmitted with or without name and address within 10 days.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720–2600 (voice and TDD). To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW., Washington, DC 20250–9410, or call (800) 795–3272 (voice) or (202) 720–6382 (TDD). USDA is an equal opportunity provider and employer.

FOR FURTHER INFORMATION CONTACT: Sophia Miller, Interdisciplinary Team Leader, Wallowa-Whitman National Forest, Wallowa Mountains Office, 88401 Hwy 82, Box A, Enterprise, OR, Phone: (541) 426–5540.

SUPPLEMENTARY INFORMATION: Scoping is not required for supplements to environmental impact statements (40 CFR 1502.9(c)(4)). However, at their discretion the Agency is inviting comments at this time. Comments are sought to help the Agency identify specific information needs and analytical methodologies necessary to fully address the court identified

deficiencies. For comments to be most useful, they should be as specific as possible and submitted in writing by the date identified above.

A notice will be prepared and circulated to affected Federal, State, and local agencies, affected tribes and individuals and organizations previously expressing an interest in the 2004 FEIS.

The Forest Supervisor for the Wallowa-Whitman National Forest is the Responsible Official. The Responsible Official will decide whether or not to (1) Incorporate the supplemental analysis into the FEIS, and (2) amend the LRMP to change specific LRMP standards and guidelines for open road densities in subwatersheds 83B, 83C, 83D, 83E, 83F and 83G within the North Fork Burnt River Mining planning area.

The Responsible Official will also document the decision and reasons for the decision in the Record of Decision. This Record of Decision will replace and supercede the vacated 2004 Record of Decision for the North Fork Burnt River Mining FEIS. This decision will be subject to Forest Service Appeal Regulations (36 CFR part 215).

Dated: February 13, 2007.

Steven A. Ellis,

Wallowa-Whitman National Forest Supervisor.

[FR Doc. 07–750 Filed 2–20–07; 8:45 am]

BILLING CODE 3410–11–M

COMMISSION ON CIVIL RIGHTS

Sunshine Act Notice

AGENCY: U.S. Commission on Civil Rights.

DATE AND TIME: Thursday, March 1, 2007, 3 p.m.

PLACE: U.S. Commission on Civil Rights, 624 9th Street, NW., Washington, DC 20425, Via Teleconference, *Public Call-In number:* 1–800–597–7623, *Access Code Number:* 9548257, *Federal Relay Service:* 1–800–877–8339.

STATUS:

Meeting Agenda

I. Approval of Agenda

II. Approval of Minutes of February 9, 2007 Meeting

III. Management and Operations

- FY 2008 Budget Request

IV. Future Agenda Items

V. Adjourn

CONTACT PERSON FOR FURTHER INFORMATION: Christopher Byrnes, Office of the Staff Director, (202) 376–7700.

David Blackwood,

General Counsel.

[FR Doc. 07–808 Filed 2–16–07; 3:22 pm]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

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

Agency: National Institute of Standards and Technology (NIST).

Title: Allocation of Resources for Fire Service and Medical Emergency Service.

Form Number(s): None.

OMB Approval Number: None.

Type of Request: Regular submission.

Burden Hours: 4,167.

Number of Respondents: 128.

Average Hours per Response: 5 minutes.

Needs and Uses: The information collected will be used to identify resource allocation strategies which most effectively mitigate community fire and health risks. The data will be collected in a format suitable for advance regression analysis.

Affected Public: State, local, or tribal government.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Jasmeet Seehra, (202) 395–3123.

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

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to Jasmeet Seehra, OMB Desk Officer, FAX number (202) 395–5167 or via the Internet at *Jasmeet_K._Seehra@omb.eop.gov.*

Dated: February 15, 2007.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E7–2870 Filed 2–20–07; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Announcement of the American Petroleum Institute's Standards Activities

AGENCY: National Institute of Standards and Technology, Commerce.

ACTION: Notice of intent to develop or revise standards and request for public comment and participation in standards development.

SUMMARY: The American Petroleum Institute (API), with the assistance of other interested parties, continues to develop standards, both national and international, in several areas. This notice lists the standardization efforts currently being conducted by API committees. The publication of this notice by the National Institute of Standards and Technology (NIST) on behalf of API is being undertaken as a public service. NIST does not necessarily endorse, approve, or recommend the standards referenced.

ADDRESSES: American Petroleum Institute, 1220 L Street, NW., Washington, DC 20005; telephone (202) 682–8000, *http://www.api.org.*

FOR FURTHER INFORMATION CONTACT: All contact individuals listed in the supplementary information section of this notice may be reached at the American Petroleum Institute.

SUPPLEMENTARY INFORMATION:

Background

The American Petroleum Institute develops and publishes voluntary standards for equipment, materials, operations, and processes for the petroleum and natural gas industry. These standards are used by both private industry and by governmental agencies. All interested persons should contact the appropriate source as listed for further information.

Pipeline Committee

1165, 1st Edition: SCADA Display Standard

1110, 5th Edition: Pressure Testing of Liquid Petroleum Pipelines

For Further Information Contact: Andrea Johnson, Standards Department, e-mail: *johnsona@api.org.*

Committee on Marketing

RP 1550, 1st Edition: Recommended Practice for the Application of Aviation Fuel Filtration Systems

RP 1598, 1st Edition: Guidelines for the Selection of Electronic Sensors for Monitoring Aviation Fuel Quality

Spec 1599, 1st Edition: Specifications and Laboratory Tests for Aviation Fuel Filter Monitors Without Absorbent Type Elements
RP 1615, 6th Edition: Installation of Underground Petroleum Storage Systems

For Further Information Contact: David Soffrin, Standards Department, e-mail: *soffrind@api.org.*

Committee on Refining

Inspection

581, 2nd Edition: Base Resource Document—Risk Based Inspection

Above Ground Storage Tanks

650, 11th Edition: Welded Steel Tanks for Oil Storage

Electrical Equipment

500, 4th Edition: Recommended Practice for Classification of Locations for Electrical Installations at Petroleum Facilities as Classified as Class I, Division 1 and Division 2
505, 3rd Edition: Recommended Practice for Classification of Locations for Electrical Installations at Petroleum Facilities Classified as Class I, Zone 0, Zone 1 and Zone 2

Mechanical Equipment

611, 6th Edition: General-purpose Steam Turbines for Petroleum, Chemical, and Gas Industry Services
618, 6th Edition: Reciprocating Compressors for Petroleum, Chemical and Gas Industry Services
671, 5th Edition: Special Purpose Couplings for Petroleum, Chemical, and Gas Industry Services
674, 4th Edition: Positive Displacement Pumps—Reciprocating
689, (National Adoption of 14224) 1st Edition: Petroleum, petrochemical and natural gas industries—Collection and exchange of reliability and maintenance data for equipment

Heat Transfer Equipment

534, 3rd Edition: Heat Recovery Steam Generators
536, 3rd Edition: Post Combustion NO_X Control for Equipment in General Refinery Services
546, 3rd Edition: Brushless Synchronous Machines—500kVA and Larger
560, 4th Edition: Fired Heaters for General Refinery Services

Piping & Valves

599, 6th Edition: Metal Plug Valves—Flanged and Welding Ends

Pressure Relieving Systems

520 Part 1, 8th Edition: Sizing, Selection and Installation of Pressure-relieving Devices in Refineries, Part 1—Sizing and Selection
526, 6th Edition: Flanged Steel Pressure Relief Valves

Instrument & Control Systems

552, 2nd Edition: Transmission Systems
554, 3rd Edition: Process Instrumentation and Control
556, 2nd Edition: Fired Heaters & Steam Generators

Corrosion & Materials

RP 934-A, 2nd Edition: Fabrication Requirements for 2–1/4/3Cr Alloy Steel Heavy Wall Pressure Vessels for High Temperature, High Pressure Hydrogen Service
938-B, 1st Edition: Title to be Determined
RP 941, 7th Edition: Steels for Hydrogen Service at Elevated Temperatures and Pressures in Petroleum Refineries and Petrochemical Plants

Fitness-for-Service

579, 3rd Edition: Fitness-for-Service

For Further Information Contact: David Soffrin, Standards Department, e-mail: *soffrind@api.org.*

Meetings/Conferences: The Spring Refining Meeting will be held in Seattle, Washington, April 16–18, 2007. The Fall Refining Meeting will be held in San Antonio, TX, November 12–14, 2007. Interested parties may visit the API Web site at *http://www.api.org/meetings/* for more information regarding participation in these meetings.

Committee on Safety and Fire Protection

2003, 7th Edition: Protection Against Ignitions Arising Out of Static, Lightning, and Stray Currents
2027, 4th Edition: Ignition Hazards Involved in Abrasive Blasting of Atmospheric Storage Tanks in Hydrocarbon Service
2028, 4th Edition: Flame Arresters in Piping Systems
2207, 6th Edition: Preparing Tank Bottoms for Hot Work
2210, 4th Edition: Flame Arresters for Vents of Tanks Storing Petroleum Products
2218, 3rd Edition: Fireproofing Practices in Petroleum and Petrochemical Processing Plants
2250, 4th Edition: Overfill Protection for Storage Tanks in Petroleum Facilities
752, 3rd Edition: Management of Hazards Associated with Location of Process Plant Buildings
753, 1st Edition: Management of Hazards Associated with Location of Process Plant Portable Buildings

For Further Information Contact: David Soffrin, Standards Department, e-mail: *soffrind@api.org.*

Committee on Petroleum Measurement

Manual of Petroleum Measurement Standards

Liquid Measurement

Chapter 4.5, 3rd Edition: Master-meter Provers
Chapter 4.9.4, 1st Edition: Determination of the Volume of Displacement and Tank Provers by the Gravimetric Method of Calibration
Chapter 5.1, 4th Edition: General Consideration for Measurement by Meters
Chapter 6.4, 2nd Edition: Metering Systems for Aviation Fueling Facilities
Chapter 12 A, 1st Edition: Addendum to Calculation of Petroleum Quantities

Measurement Quality

Chapter 10.2, 2nd Edition: Determination of Water in Crude Oil by Distillation
Chapter 10.3, 3rd Edition: Determination of Water and Sediment in Crude Oil by the Centrifuge Method (Laboratory Procedure)
Chapter 11.1 A, 1st Edition: Addendum to Temperature and Pressure Volume Correction Factors for Generalized Crude Oils, Refined Products, and Lubricating Oils
Chapter 11.2.4/GPA TP–27, 1st Edition: Temperature Correction for NGL & LPG—Tables 23E, 24E, 53E, 54E, 59E, 60E
Chapter 11.2.5/GPA TP–15, 1st Edition: A Simplified Vapor Pressure Correlation for Commercial NGLs
Chapter 11.5.1, 1st Edition: Density/Weight/Volume Intraconversion Tables, Entry with API Gravity at 60 °F
Chapter 11.5.2, 1st Edition: Density/Weight/Volume Intraconversion Tables, Entry with Relative Density at 60 °F
Chapter 11.5.3, 1st Edition: Density/Weight/Volume Intraconversion Tables, Entry with Absolute Density at 15 °F

Gas Fluids Measurement

Draft Standard, 1st Edition: Vortex Shedding Flowmeters for Custody Transfer—Joint with Liquid Measurement
Chapter 14.10, 1st Edition: Flare Gas Meter

Evaporative Loss Estimation

Publication 2514A, 4th Edition: Atmospheric Hydrocarbon Emissions from Marine Vessel Transfer Operations

TR 2XXX, 1st Edition: Evaporative Loss from Cleaning of Storage Tanks

For Further Information Contact: Andrea Johnson, Standards Department, e-mail: *johnsona@api.org.*

Meetings/Conferences: The Spring Committee on Petroleum Measurement meeting will be held in Dallas, Texas, March 19–23, 2007. The Fall Committee on Petroleum Measurement meeting will be held in Atlanta, Georgia, October 22–25, 2007. Interested parties may visit the API Web site at *http://www.api.org/meetings/* for more information regarding participation in these meetings.

Committee on Exploration and Production

RP 65–2, 1st Edition: Isolating Potential Flow Zones During Well Construction

Production Equipment

Spec 6A–A1, 19th Edition: Addendum to Specification for Wellhead and Christmas Tree Equipment
Spec 6DSS, 1st Edition: Specification for Subsea Pipeline Valves

Oil Country Tubular Goods

Spec 5B, 16th Edition: Treading, Gauging, and Thread Inspection of Casing, Tubing, and Line Pipe Threads
Bull 5C3, (National Adoption of TR 10400) 7th Edition: Formulas and Calculations for Casing, Tubing, Drill Pipe, and Line Pipe Properties
Spec 5CRA, 1st Edition: Petroleum and natural gas industries—Corrosion-resistant alloy seamless tubes for use as casing, tubing and coupling stock—Technical delivery conditions
Spec 5D, (National Adoption of 11961) 6th Edition: Drill Pipe
Spec 5L, 43rd Edition: Line Pipe
Spec 5LD, 3rd Edition: CRA Clad or Lined Steel Pipe
Spec 7–1A (National Adoption of 10424–1), 1st Edition: Addendum 1—Rotary Drill Stem Elements
Spec 7–2, (National Adoption of 10424–2) 1st Edition: Petroleum and natural gas industries—Rotary drilling equipment—Part 2: Threading and gauging of rotary shouldered threaded connections
Spec 15LE, 4th Edition: Polyethylene (PE) Line Pipe
RP 15XXX, 1st Edition: Recommended Practice on Composite Lined Steel Tubular Goods

Offshore Structures, Drill Through Equipment, and Subsea Production Equipment

RP 2A–WSD E/A3, 21st Edition: Errata/Supplement 3 to Planning, Designing and Constructing Fixed Offshore Platforms—Working Stress Design
RP 2D, 6th Edition: Operation and Maintenance of Offshore Cranes
RP 2FPS, (National Adoption of 19904–1) 2nd Edition: Recommended Practice for Planning, Designing, and Constructing Floating Production Systems
RP 2I, 3rd Edition: In-Service Inspection of Mooring Hardware for Floating Drilling Units Bull 2IDC, 1st Edition: Interim Design Criteria for Offshore Structures
RP 2L, 5th Edition: Planning, Designing and Constructing Heliports for Fixed Offshore Platforms
Draft RP 2MET, 1st Edition: Metocean Conditions for the Gulf of Mexico
RP 2SK–A1, 3rd Edition: Addendum 1 to Design and Analysis of Stationkeeping Systems for Floating Structures
RP 2T, 3rd Edition: Planning, Designing and Constructing Tension Leg Platforms
Bull 2TD, 2nd Edition: Guidelines for Tie-downs on Offshore Production Facilities for Hurricane Season
RP 2X–A, 4th Edition: Addendum to Recommended Practice for Ultrasonic and Magnetic Examination of Offshore Structural Fabrication and Guidelines for Qualification of Technicians
RP 17A–A (National Adoption of 13628–1), 4th Edition: Addendum to Design and Operation of Subsea Production Systems—Petroleum and natural gas industries—Design and operation of Subsea production systems—Part 1: General requirements and recommendations
Spec 17J, 3rd Edition: Unbonded Flexible Pipe

Drilling Operations and Equipment

Spec 4F, (National Adoption of 13626) 4th Edition: Drilling and production equipment—Drilling and well-servicing structures
RP 16ST, 1st Edition: Recommended Practice for Coiled Tubing Well Control Equipment Systems and Operations
Spec 19XXX, 1st Edition (National Adoption of 13503–2): Petroleum and natural gas industries—Completion fluids and materials—Part 2: Measurement of properties of proppants used in hydraulic fracturing and gravel-packing operations

Quality

Spec Q1, 8th Edition: Specification for Quality Programs for the Petroleum and Natural Gas Industry

Supply Chain Management

Spec 20A, 1st Edition: Forgings

For Further Information Contact: Andy Radford, Standards Department, e-mail: *radforda@api.org.*

Meetings/Conferences: The 2007 Summer Standardization Conference on Oilfield Equipment & Materials will take place in San Francisco, California, June 25–29, 2007. Interested parties may visit the API Web site at *http://www.api.org/meetings* for more information regarding participation in this meeting.

Executive Committee on Drilling and Production Operations

RP 14G, 4th Edition: Fire Prevention and Control on OpenType Offshore Production Platforms
RP 67, 2nd Edition: Oilfield Explosive Safety
RP 91, 1st Edition: Containment of Spent Blast Abrasive and Associated Materials from Surface Preparation and Coating Operations

For Further Information Contact: Tim Sampson, Upstream Department, e-mail: *sampson@api.org.*

For additional information on the overall API standards program, Contact: David Miller, Standards Department, e-mail: *miller@api.org.*

Dated: February 13, 2007.

James E. Hill,

Acting Deputy Director.

[FR Doc. E7–2889 Filed 2–20–07; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Alaska Region Gear Identification Requirements

AGENCY: National Oceanic and Atmospheric Administration (NOAA), DOC.

ACTION: Notice.

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

DATES: Written comments must be submitted on or before April 23, 2007.

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

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Patsy A. Bearden, (907) 586–7008 or *patsy.bearden@noaa.gov*.

SUPPLEMENTARY INFORMATION:

I. Abstract

Regulations at § 679.24(a) require that all hook-and-line, longline pot, and pot-and-line marker buoys, carried onboard or used by any vessel regulated under 50 CFR part 679, shall be marked with the vessel name, Federal permit number, or registration number. The regulations also specify the size and color of markings. The marking of gear aids law enforcement and enables other fishermen to report on misplaced gear.

II. Method of Collection

No information is collected; this is a gear-marking requirement.

III. Data

OMB Number: 0648–0353.

Form Number: None.

Type of Review: Regular submission.

Affected Public: Business or other for-profit organizations; and individuals or households.

Estimated Number of Respondents: 2,116.

Estimated Time per Response: 15 minutes per buoy.

Estimated Total Annual Burden Hours: 3,750.

Estimated Total Annual Cost to Public: $4,332.

IV. Request for Comments

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

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

Dated: February 15, 2007.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E7–2869 Filed 2–20–07; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Interim Capital Construction Fund Agreement and Certificate Family of Forms

AGENCY: National Oceanic and Atmospheric Administration (NOAA), DOC.

ACTION: Notice.

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

DATES: Written comments must be submitted on or before April 23, 2007.

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

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Charles L. Cooper, (301) 713–2396 or *Charles.Cooper@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

The respondents will be commercial fishing industry individuals, partnerships, and corporations which entered into Capital Construction Fund agreements with the Secretary of Commerce allowing deferral of Federal taxation on fishing vessel income deposited into the fund for use in the acquisition, construction, or reconstruction of fishing vessels. Deferred taxes are recaptured by reducing an agreement vessel's basis for depreciation by the amount withdrawn from the fund for its acquisition, construction, or reconstruction. The information collected from agreement holders is used to determine their eligibility to participate in the Capital Construction Fund Program pursuant to 50 CFR part 259.

At the completion of construction/reconstruction, a certificate to that effect must be submitted.

II. Method of Collection

The information will be collected on forms: the Fishing Vessel Capital Construction Fund Application, the Interim Capital Construction Fund Agreement, and the Certificate of Construction/Reconstruction.

III. Data

OMB Number: 0648–0090.

Form Number: NOAA Form 88–14.

Type of Review: Regular submission.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 500.

Estimated Time per Response: Application, 30 minutes; agreement, 3 hours; certificate, 1 hour.

Estimated Total Annual Burden Hours: 2,250.

Estimated Total Annual Cost to Public: $3,300.

IV. Request for Comments

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

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

Dated: February 15, 2007.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E7–2873 Filed 2–20–07; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Federal Consistency Appeal by the Bureau of Indian Affairs and the Big Lagoon Rancheria From an Objection by the California Coastal Commission

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

ACTION: Notice of appeal and request for comments.

SUMMARY: This announcement provides notice that the Bureau of Indian Affairs (BIA) and the Big Lagoon Rancheria (Tribe) have jointly filed an administrative appeal with the Department of Commerce asking that the Secretary override the California Coastal Commission's (Commission) objection to BIA's proposed acquisition of approximately 5 acres of land in Humboldt County, California, into trust status for the Tribe. The land is currently owned in fee by the Tribe and is located in the Big Lagoon area, approximately a quarter mile from the current boundary of the Big Lagoon Rancheria trust property, at the southwest intersection of Highway 101 and Big Lagoon Park Road, south of Big Lagoon, Humboldt County, California. The legal description of the land is parcel APN 517–281–004 in Lot 4 as shown on Tract No. 420, on file in the Office of the Humboldt County Recorder in Book 21 of Maps, pages 18 and 19.

DATES: Public and Federal agency comments on the appeal are due within 30 days of the publication of this Notice.

ADDRESSES: Comments should be sent to Odin Smith, Attorney-Advisor, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, 1305 East-West Highway, Room 6111, Silver Spring, MD 20910. Materials from the appeal record will be available at the NOAA Office of the General Counsel for Ocean Services.

FOR FURTHER INFORMATION CONTACT: Odin Smith, Attorney-Advisor, NOAA Office of the General Counsel, 301–713–7392.

SUPPLEMENTARY INFORMATION:

I. Notice of Appeal

BIA and the Tribe have jointly filed a notice of appeal with the Secretary of Commerce pursuant to the Coastal Zone Management Act of 1972 (CZMA), 16 U.S.C. 1451 *et seq.,* and implementing regulations found at 15 CFR part 930, subpart H. BIA and the Tribe appeal an objection, filed by the Commission, to a consistency determination prepared by BIA related to the proposed acquisition by BIA of approximately 5 acres of land in Humboldt County, California, into trust status for the Tribe for future planned tribal housing development.

The Appellants request that the Secretary override the State's objection on grounds that the project is consistent with the objectives or purposes of the CZMA. To make the determination that the proposed activity is ''consistent with the objectives or purposes'' of the CZMA, the Secretary must find that: (1) The proposed activity furthers the national interest as articulated in sections 302 or 303 of the CZMA, in a significant or substantial manner; (2) the adverse effects of the proposed activity do not outweigh its contribution to the national interest, when those effects are considered separately or cumulatively; and (3) no reasonable alternative is available that would permit the activity to be conducted in a manner consistent with enforceable policies of California's coastal management program. 15 CFR 930.121 (2005), *as amended,* 71 FR 787, 831 (Jan. 5, 2006).

II. Public and Federal Agency Comments

Written comments are invited on any of the issues the Secretary must consider in deciding this appeal. Comments must be received within 30 days of the publication of this notice, and may be submitted to Odin Smith, Attorney-Advisor, NOAA Office of the General Counsel for Ocean Services, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, 1305 East-West Highway, Room 6111, Silver Spring, MD 20910. Comments will be made available to Appellants and the State.

III. Appeal Documents

NOAA intends to provide the public with access to all materials and related documents comprising the appeal record during business hours, at the NOAA Office of the General Counsel for Ocean Services.

For additional information about this appeal contact Odin Smith, 301–713–7392.

Dated: February 15, 2007.

Joel La Bissonniere,

Assistant General Counsel for Ocean Services.

[FR Doc. 07–768 Filed 2–20–07; 8:45 am]

BILLING CODE 3510–08–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 013007A]

Atlantic Highly Migratory Species; Meeting of the Atlantic Highly Migratory Species Advisory Panel

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

ACTION: Notice of public meeting and a scoping meeting.

SUMMARY: NMFS will hold a three-day Highly Migratory Species (HMS) Advisory Panel (AP) meeting in March 2007. The intent of the meeting is to consider options for the conservation and management of Atlantic HMS. A scoping meeting will also be held during the AP meeting to consider options for updating HMS essential fish habitat (EFH). Both meetings are open to the public.

DATES: The AP meeting will be held from 1 p.m. to 5 p.m. on Tuesday, March 13, 2007, from 8 a.m. to 5 p.m. on Wednesday, March 14, 2007, and from 8 a.m. to 5 p.m. on Thursday, March 15, 2007. The EFH scoping meeting will be held during the AP meeting.

ADDRESSES: The meeting will be held at the Crowne Plaza Hotel, 8777 Georgia Avenue, Silver Spring, MD 20910; phone: 1–301–589–0800.

FOR FURTHER INFORMATION CONTACT: Carol Douglas or Chris Rilling at 301–713–2347.

SUPPLEMENTARY INFORMATION: The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), 16 U.S.C. 1801 *et seq.*, as amended by the Sustainable Fisheries Act, Public Law 104–297, provided for the establishment of an AP to assist in the collection and evaluation of information relevant to the development of any Fishery Management Plan (FMP) for HMS. NMFS consults with and considers the comments and views of AP members when preparing and implementing FMPs or FMP amendments for Atlantic tunas, swordfish, billfish, and sharks. The AP has previously consulted with NMFS on: the HMS FMP (April 1999), Amendment 1 to the HMS FMP (December 2003), Amendment 1 to the Billfish FMP (April 1999), and the Consolidated Atlantic HMS FMP (February and October 2006). The March 2007 AP meeting will focus on conservation and management options

for Atlantic tunas, swordfish, billfish, and sharks.

NMFS published a notice of intent to prepare an environmental impact statement and potentially amend HMS EFH regulations on November 7, 2006 (71 FR 65087). NMFS will hold a scoping meeting during the March 13–15 AP meeting to discuss options for updating EFH.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Carol Douglas at (301) 713–2347, at least 7 days prior to the meeting.

Authority: 16 U.S.C. 971 *et seq.* and 1801 *et seq.*

Dated: February 13, 2007.

James P. Burgess,

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

[FR Doc. E7–2892 Filed 2–20–07; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF EDUCATION

Office of Elementary and Secondary Education; Overview Information; Early Childhood Educator Professional Development (ECEPD) Program; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2007

Catalog of Federal Domestic Assistance (CFDA) Number: 84.349A.

Dates:

Applications Available: February 20, 2007.

Deadline for Transmittal of Applications: April 20, 2007.

Deadline for Intergovernmental Review: June 19, 2007.

Eligible Applicants: A *partnership* that has not previously received an ECEPD grant and that consists of at least one entity from each of the following categories:

(i) One or more institutions of higher education (IHEs), or other public or private entities (including faith-based organizations), that provide professional development for early childhood educators who work with children from low-income families in high-need communities.

(ii) One or more public agencies (including local educational agencies (LEAs), State educational agencies (SEAs), State human services agencies, and State and local agencies administering programs under the Child Care and Development Block Grant Act of 1990), Head Start agencies, or private organizations (including faith-based organizations).

(iii) If feasible, an entity with demonstrated experience in providing training to educators in early childhood education programs concerning identifying and preventing behavior problems or working with children identified as or suspected to be victims of abuse. This entity may be one of the partners described in paragraphs (i) and (ii) under *Eligible Applicants.*

A partnership may apply for these funds only if one of the partners currently provides professional development for early childhood educators working in programs located in high-need communities with children from low-income families.

Estimated Available Funds: The Administration has requested $14,549,000 for the ECEPD program for FY 2007, of which we anticipate $14,330,765 would be available for these grants. For FY 2007, approximately 1 percent of the ECEPD appropriation would be set aside to administer the grant award competition, and 0.5 percent would be set aside for evaluation activities authorized under section 9601 (Evaluations) of the ESEA as amended by NCLB, 20 U.S.C. 7941(a). The actual level of funding, if any, depends on final congressional action. However, we are inviting applications to allow enough time to complete the grant process if Congress appropriates funds for this program.

Estimated Range of Awards: $2,400,000–$4,800,000.

Estimated Average Size of Awards: $3,600,000.

Estimated Number of Awards: 3–6 awards.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 36 months.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The purpose of the ECEPD program is to enhance the school readiness of young children, particularly disadvantaged young children, and to prevent them from encountering difficulties once they enter school, by improving the knowledge and skills of early childhood educators who work in communities that have high concentrations of children living in poverty.

Projects funded under the ECEPD program provide high-quality, sustained, and intensive professional development for these early childhood educators in how to provide developmentally appropriate school-readiness services for preschool-age children that are based on the best available research on early childhood pedagogy and on child development and learning. For these grants, the Department is increasing the emphasis on the quality of program evaluations.

The specific activities for which recipients may use grant funds are identified in the application package.

Priorities:

This competition includes one absolute priority, and, within that priority, one competitive preference priority and three invitational priorities as follows.

In accordance with 34 CFR 75.105(b)(2)(iv), this priority is from section 2151(e)(5)(A) of the Elementary and Secondary Education Act of 1965, as amended (ESEA), 20 U.S.C. 6651(e)(5)(A).

Absolute Priority: For FY 2007 this priority is an absolute priority. Under 34 CFR 75.105(c)(3) we consider only applications that meet this priority.

This priority is:

High-Need Communities.

The applicant partnership, if awarded a grant, shall use the grant funds to carry out activities that will improve the knowledge and skills of early childhood educators who are working in early childhood programs that are located in *high-need communities.*

An eligible applicant must demonstrate in its application how it meets the statutory requirement in section 2151(e)(5)(A) of the ESEA by including relevant demographic and socioeconomic data about the *high-need community* in which each program is located, as indicated in the application package. (See section 2151(e)(3)(B)(i) of the ESEA.)

High-need community, as defined in section 2151(e)(9)(B) of the ESEA, means—

(a) A political subdivision of a State, or a portion of a political subdivision of a State, in which at least 50 percent of the children are from low-income families; or

(b) A political subdivision of a State that is among the 10 percent of political subdivisions of the State having the greatest numbers of such children.

Note: The following additional terms used in or related to this absolute priority have statutory definitions that are included in the application package: *Early childhood educator* and *low-income family.*

Competitive Preference Priority: Within this absolute priority, we give competitive preference to applications that address the following priority.

This priority is from the notice of final priority for Scientifically Based Evaluation Methods, published in the **Federal Register** on January 25, 2005 (70 FR 3586), available at: *http://*

www.ed.gov/legislation/FedRegister/finrule/2005–1/012505a.html.

Under 34 CFR 75.105(c)(2)(i), we award up to an additional 20 points to an application, depending on how well the application meets this priority.

When using the priority to give competitive preference to an application, the Secretary will review applications using a two-stage process. In the first stage, the application will be reviewed without taking the priority into account. In the second stage of review, the applications rated highest in stage one will be reviewed for competitive preference. We consider awarding additional (competitive preference) points only to those applicants with top-ranked scores on the selection criteria.

This priority is:

Scientifically Based Evaluation Methods.

The Secretary establishes a priority for projects proposing an evaluation plan that is based on rigorous scientifically based research methods to assess the effectiveness of a particular intervention, as described in the following paragraphs. The Secretary intends that this priority will allow program participants and the Department to determine whether the project produces meaningful effects on student achievement or teacher performance.

Evaluation methods using an experimental design are best for determining project effectiveness. Thus, when feasible, the project must use an experimental design under which participants (e.g., students, teachers, classrooms, or schools) are randomly assigned to participate in the project activities being evaluated or to a control group that does not participate in the project activities being evaluated.

If random assignment is not feasible, the project may use a quasi-experimental design with carefully matched comparison conditions. This alternative design attempts to approximate a randomly assigned control group by matching participants (e.g., students, teachers, classrooms, or schools) with non-participants having similar pre-program characteristics.

In cases where random assignment is not possible and participation in the intervention is determined by a specified cutting point on a quantified continuum of scores, regression discontinuity designs may be employed.

For projects that are focused on special populations in which sufficient numbers of participants are not available to support random assignment or matched comparison group designs, single-subject designs such as multiple baseline or treatment-reversal or interrupted time series that are capable of demonstrating causal relationships can be employed.

Proposed evaluation strategies that use neither experimental designs with random assignment nor quasi-experimental designs using a matched comparison group nor regression discontinuity designs will not be considered responsive to the priority when sufficient numbers of participants are available to support these designs. Evaluation strategies that involve too small a number of participants to support group designs must be capable of demonstrating the causal effects of an intervention or program on those participants.

The proposed evaluation plan must describe how the project evaluator will collect—before the project intervention commences and after it ends—valid and reliable data that measure the impact of participation in the program or in the comparison group.

If the priority is used as a competitive preference priority, points awarded under this priority will be determined by the quality of the proposed evaluation method. In determining the quality of the evaluation method, we will consider the extent to which the applicant presents a feasible, credible plan that includes the following:

(1) The type of design to be used (e.g., random assignment or matched comparison). If matched comparison, include in the plan a discussion of why random assignment is not feasible.

(2) Outcomes to be measured.

(3) A discussion of how the applicant plans to assign students, teachers, classrooms, or schools to the project and control group or match them for comparison with other students, teachers, classrooms, or schools.

(4) A proposed evaluator, preferably independent, with the necessary background and technical expertise to carry out the proposed evaluation. An independent evaluator does not have any authority over the project and is not involved in its implementation.

In general, depending on the implemented program or project, under a competitive preference priority, random assignment evaluation methods will receive more points than matched comparison evaluation methods.

Definitions

As used in this notice—

Scientifically based research (section 9101(37) of the ESEA as amended by the No Child Left Behind Act of 2001 (NCLB), 20 U.S.C. 7801(37)):

(A) Means research that involves the application of rigorous, systematic, and objective procedures to obtain reliable and valid knowledge relevant to education activities and programs; and

(B) Includes research that—

(i) Employs systematic, empirical methods that draw on observation or experiment;

(ii) Involves rigorous data analyses that are adequate to test the stated hypotheses and justify the general conclusions drawn;

(iii) Relies on measurements or observational methods that provide reliable and valid data across evaluators and observers, across multiple measurements and observations, and across studies by the same or different investigators;

(iv) Is evaluated using experimental or quasi-experimental designs in which individuals, entities, programs, or activities are assigned to different conditions and with appropriate controls to evaluate the effects of the condition of interest, with a preference for random-assignment experiments, or other designs to the extent that those designs contain within-condition or across-condition controls;

(v) Ensures that experimental studies are presented in sufficient detail and clarity to allow for replication or, at a minimum, offer the opportunity to build systematically on their findings; and

(vi) Has been accepted by a peer-reviewed journal or approved by a panel of independent experts through a comparably rigorous, objective, and scientific review.

Random assignment or experimental design means random assignment of students, teachers, classrooms, or schools to participate in a project being evaluated (treatment group) or not participate in the project (control group). The effect of the project is the difference in outcomes between the treatment and control groups.

Quasi-experimental designs include several designs that attempt to approximate a random assignment design.

Carefully matched comparison groups design means a quasi-experimental design in which project participants are matched with non-participants based on key characteristics that are thought to be related to the outcome.

Regression discontinuity design means a quasi-experimental design that closely approximates an experimental design. In a regression discontinuity design, participants are assigned to a treatment or control group based on a numerical rating or score of a variable unrelated to the treatment such as the rating of an application for funding. Eligible students, teachers, classrooms, or schools above a certain score (''cut

score'') are assigned to the treatment group and those below the score are assigned to the control group. In the case of the scores of applicants' proposals for funding, the ''cut score'' is established at the point where the program funds available are exhausted.

Single subject design means a design that relies on the comparison of treatment effects on a single subject or group of single subjects. There is little confidence that findings based on this design would be the same for other members of the population.

Treatment reversal design means a single subject design in which a pre-treatment or baseline outcome measurement is compared with a post-treatment measure. Treatment would then be stopped for a period of time, a second baseline measure of the outcome would be taken, followed by a second application of the treatment or a different treatment. For example, this design might be used to evaluate a behavior modification program for disabled students with behavior disorders.

Multiple baseline design means a single subject design to address concerns about the effects of normal development, timing of the treatment, and amount of the treatment with treatment-reversal designs by using a varying time schedule for introduction of the treatment and/or treatments of different lengths or intensity.

Interrupted time series design means a quasi-experimental design in which the outcome of interest is measured multiple times before and after the treatment for program participants only.

Invitational Priorities: Within the absolute priority, we are particularly interested in applications that address the following invitational priorities. Under 34 CFR 75.105(c)(1) we do not give an application that meets these invitational priorities a competitive or absolute preference over other applications.

These priorities are:

Invitational Priority 1—English Language Acquisition Plan

For applicants serving children with limited English proficiency, the Secretary is especially interested in applications that include a specific plan for the development of English language acquisition for these children from the start of their preschool experience. The ECEPD program is designed to prepare children to enter kindergarten with the necessary cognitive, early language, and literacy skills for success in school. School success often is dependent on each child entering kindergarten being as proficient as possible in English so that the child is ready to benefit from formal reading instruction in English when the child starts school.

The English language acquisition plan should, at a minimum: (1) Include a description of the approach for the development of language, based on the linguistic factors or skills that serve as the foundation for a strong language base, which is a necessary precursor for success in the development of pre-literacy and literacy skills for children with limited English proficiency; (2) explain the acquisition strategies, based on best available valid and reliable research, that the applicant will use to address English language acquisition in a multi-lingual classroom; (3) describe how the project will facilitate the children's transition to English proficiency by means such as the use of print-rich instructional activities in appropriate multiple languages, and hiring bilingual teachers, paraprofessionals, or translators to work in the preschool classroom; (4) include intensive professional development for instructors and paraprofessionals on the development of English language proficiency; and (5) include a timeline that describes benchmarks for the introduction of the development of English language proficiency and the use of measurement tools.

Ideally, at least one instructional staff member in each ECEPD classroom should be dual-language proficient both in a child's first language and in English to facilitate the child's understanding of instruction and transition to English proficiency. At a minimum, each classroom should include a teacher who is proficient in English.

Invitational Priority 2—Classroom Curricula and Teacher Professional Development

The Secretary is especially interested in applications that focus the professional development provided through this project that will be provided for early childhood educators on specific curricula promoting young children's school readiness in the areas of language and cognitive development and early reading and numeracy skills that are being used in those educators' early childhood programs, and on the research base supporting that curricula. In addition to being based on scientifically based research, the curricula should have standardized training procedures and published curriculum materials to support implementation by the early childhood educators. The chosen curricula should include a scope and sequence of skills and content with concrete instructional goals that are designed to promote early language, reading, and numeracy skills.

The need for rigorous preschool curricula is driven by the national focus on high-quality preschool experiences that prepare children for formal reading instruction in the elementary grades. The professional development in the ECEPD program provides opportunities for the program participants to achieve greater understanding of the implementation of scientifically based curricula that focus on early language, reading, and numeracy skills of young children. Grantees should focus on assisting the early childhood educators to implement fully the selected curricula and on measuring learning outcomes for the children taught by those educators.

Invitational Priority 3—Applications That Include One or More Privately Funded Preschools as Participating Sites

Under the third invitational priority, the Secretary is especially interested in applications that include, as a participating site (or sites), one or more privately funded preschools, such as a preschool operated by a faith-based organization, located in a high-need community that serves concentrations of children from low-income families.

Program Authority: 20 U.S.C. 6651(e).

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 84, 85, 86, 97, 98, and 99.

(b) The notice of final priority for Scientifically Based Evaluation Methods, published in the **Federal Register** on January 25, 2005 (70 FR 3586).

Note: The regulations in 34 CFR part 79 apply to all applicants except federally recognized Indian tribes.

Note: The regulations in 34 CFR part 86 apply to IHEs only.

II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds: The Administration has requested $14,549,000 for the ECEPD program for FY 2007, of which we anticipate $14,330,765 would be available for these grants. For FY 2007, approximately 1 percent of the ECEPD appropriation would be set aside to administer the grant award competition and 0.5 percent would be set aside for evaluation activities authorized under section 9601 (Evaluations) of the ESEA as amended by NCLB, 20 U.S.C. 7941(a). The actual level of funding, if any, depends on final congressional action.

However, we are inviting applications to allow enough time to complete the grant process if Congress appropriates funds for this program.

Estimated Range of Awards: $2,400,000–$4,800,000.

Estimated Average Size of Awards: $3,600,000.

Estimated Number of Awards: 3–6 awards.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 36 months.

III. Eligibility Information

1. *Eligible Applicants:* A *partnership* that has not previously received an ECEPD grant and that consists of at least one entity from each of the following categories:

(i) One or more IHEs, or other public or private entities (including faith-based organizations), that provide professional development for early childhood educators who work with children from low-income families in high-need communities.

(ii) One or more public agencies (including LEAs, SEAs, State human services agencies, and State and local agencies administering programs under the Child Care and Development Block Grant Act of 1990), Head Start agencies, or private organizations (including faith-based organizations).

(iii) If feasible, an entity with demonstrated experience in providing training to educators in early childhood education programs concerning identifying and preventing behavior problems or working with children identified as or suspected to be victims of abuse. This entity may be one of the partners described in paragraphs (i) and (ii) under *Eligible Applicants.*

A partnership may apply for these funds only if one of the partners currently provides professional development for early childhood educators working in programs located in high-need communities with children from low-income families.

2. *Cost Sharing or Matching:* Each partnership that receives a grant under this program must provide (1) at least 50 percent of the total cost of the project for the entire grant period; and (2) at least 20 percent of the project cost for each year. The project may provide these funds from any source, other than this program, including other Federal sources. The partnership may satisfy these cost-sharing requirements by providing contributions in cash or in-kind, fairly evaluated, including plant, equipment, and services. Only allowable costs may be counted as part of the grantee's share. For example, a grantee generally may not count toward its share the salary costs of teachers who are participating in the grant, except for (under certain circumstances) the portion of time that a teacher participates in direct professional development or administering assessments under the grant. In addition, any indirect costs over and above the allowable amount may not be counted toward a grantee's share. For additional information about indirect costs, see section IV.5. *Funding Restrictions* of this notice.

IV. Application and Submission Information

1. *Address To Request Application Package:* You may obtain an application package via the Internet or from the Education Publications Center (ED Pubs). To obtain an application via the Internet, use the following Internet address: *http://www.ed.gov/programs/eceducator/index.html.*

To obtain a copy from ED Pubs, write or call the following: Education Publications Center, P.O. Box 1398, Jessup, MD 20794–1398. Telephone (toll free): 1–877–433–7827. FAX: (301) 470–1244. If you use a telecommunications device for the deaf (TDD), you may call (toll free): 1–877–576–7734.

You may also contact ED Pubs at its Web site: *http://www.ed.gov/pubs/edpubs.html* or you may contact ED Pubs at its e-mail address: *edpubs@inet.ed.gov.*

If you request an application from ED Pubs, be sure to identify this competition as follows: CFDA number 84.349A.

Individuals with disabilities may obtain a copy of the application package in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) by contacting the program contact person listed in section VII. **FOR FURTHER INFORMATION CONTACT** of this notice. However, the Department is not able to reproduce in an alternative format the standard forms included in the application package.

2. *Content and Form of Application Submission:* Requirements concerning the content of the application, together with the forms you must submit, are in the application package for this competition.

Page Limits: You must include in Part I of the application an Abstract briefly describing your proposed project. You must limit the Abstract to one (1) page.

The application narrative for this program (Part III of the application) is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. You must limit Part III of the application to the equivalent of no more than 30 typed pages. Part IV of the application is where you, the applicant, provide a budget narrative that reviewers use to evaluate your application. You must limit the budget narrative in Part IV of the application to the equivalent of no more than 5 typed pages. Part V of the application is where you, the applicant, include the Appendices described later in this section, including any response to the Competitive Preference Priority-Scientifically Based Evaluation Methods. You must limit any response to the Competitive Preference Priority to no more than 3 typed pages.

For all page limits, use the following standards:

- A ''page'' is 8.5″ x 11″, on one side only, with 1″ margins at the top, bottom, and both sides.
- Double space (no more than three lines per vertical inch) all text in the application and budget narratives, including titles, headings, footnotes, quotations, references, and captions. Text in tables, charts, or graphs, and the limited Appendices, may be single spaced.
- Use a font that is either 12-point or larger or no smaller than 10 pitch (characters per inch). You may use other point fonts for any tables, charts, graphs, and the limited Appendices, but those tables, charts, graphs and limited Appendices should be in a font size that is easily readable by the reviewers of your application.
- Any tables, charts, or graphs are included in the overall narrative page limit. The limited Appendices, including the partnership agreement required as a group agreement under 34 CFR 75.128, and any Competitive Preference Priority response, are not part of the overall narrative page limits.
- Appendices are limited to the following: Absolute Priority Form (required); partnership agreement (required); any response to the Competitive Preference Priority; and any position descriptions (and resumes or curriculum vitae if available) of key personnel (including key contract personnel and consultants).

Other application materials are limited to the specific materials indicated in the application package, and may not include any video or other non-print materials.

Our reviewers will not read any pages of your application that—

- Exceed the page limits if you apply these standards; or
- Exceed the equivalent of the page limits if you apply other standards.

3. *Submission Dates and Times.*

Applications Available: February 20, 2007.

Deadline for Transmittal of Applications: April 20, 2007.

Applications for grants under this competition must be submitted electronically using the Grants.gov Apply site (Grants.gov). For information (including dates and times) about how to submit your application electronically, or by mail or hand delivery if you qualify for an exception to the electronic submission requirement, please refer to section IV. 6. *Other Submission Requirements* in this notice.

We do not consider an application that does not comply with the deadline requirements.

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Deadline for Intergovernmental Review: June 19, 2007.

4. *Intergovernmental Review:* This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this competition.

5. *Funding Restrictions:* (a) *Indirect Costs.* For purposes of indirect cost charges, the Secretary considers all ECEPD program grants to be ''educational training grants'' within the meaning of section 75.562(a) of EDGAR. Consistent with 34 CFR 75.562, the indirect cost rate for any recipient other than a State agency or agency of local government (such as an LEA or a federally recognized Indian tribal government) is limited to a maximum of eight percent, or the amount of the recipient's actual indirect costs permitted by its negotiated indirect cost rate agreement, whichever is less. This indirect cost limit applies to cost-type contracts only if those contracts are for educational training as defined in 34 CFR 75.562. Further information about indirect cost rates is in the application package for this competition.

(b) *Pre-award Costs.* For FY 2007 the Secretary approves, under sections 75.263 and 74.25(e)(1) of Education Department General Administrative Regulations, pre-award costs incurred by recipients of ECEPD grants more than 90 calendar days before the grant award. Specifically, the Secretary approves necessary and reasonable pre-award costs incurred by grant recipients for up to 90 days before the application deadline date. These pre-award costs must be related to the needs assessment that applicants conduct under section 2151(e)(3)(B)(iii) of the ESEA before submitting their applications to determine the most critical professional development needs of the early childhood educators to be served by the project and in the broader community.

Applicants incur any pre-award costs at their own risk. The Secretary is under no obligation to reimburse these costs if for any reason the applicant does not receive an award or if the award is less than anticipated and inadequate to cover these costs.

We reference additional regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

6. *Other Submission Requirements:* Applications for grants under this competition must be submitted electronically unless you qualify for an exception to this requirement in accordance with the instructions in this section.

a. *Electronic Submission of Applications.*

Applications for grants under the ECEPD program, CFDA 84.349A must be submitted electronically using the Governmentwide Grants.gov Apply site at: *http://www.grants.gov.* Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may not e-mail an electronic copy of a grant application to us.

We will reject your application if you submit it in paper format unless, as described elsewhere in this section, you qualify for one of the exceptions to the electronic submission requirement *and* submit, no later than two weeks before the application deadline date, a written statement to the Department that you qualify for one of these exceptions. Further information regarding calculation of the date that is two weeks before the application deadline date is provided later in this section under *Exception to Electronic Submission Requirement.*

You may access the electronic grant application for the ECEPD program at: *http://www.grants.gov.* You must search for the downloadable application package for this program by the CFDA number. Do not include the CFDA number's alpha suffix in your search (e.g., search for 84.349 not 84.349A).

Please note the following:

- When you enter the Grants.gov site, you will find information about submitting an application electronically through the site, as well as the hours of operation.
- Applications received by Grants.gov are date and time stamped. Your application must be fully uploaded and submitted, and must be date and time stamped by the Grants.gov system no later than 4:30 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not consider your application if it is date and time stamped by the Grants.gov system later than 4:30 p.m., Washington, DC time, on the application deadline date. When we retrieve your application from Grants.gov, we will notify you if we are rejecting your application because it was date and time stamped by the Grants.gov system after 4:30 p.m., Washington, DC time, on the application deadline date.
- The amount of time it can take to upload an application will vary depending on a variety of factors including the size of the application and the speed of your Internet connection. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the submission process through Grants.gov.
- You should review and follow the Education Submission Procedures for submitting an application through Grants.gov that are included in the application package for this competition to ensure that you submit your application in a timely manner to the Grants.gov system. You can also find the Education Submission Procedures pertaining to Grants.gov at *http://e-Grants.ed.gov/help/GrantsgovSubmissionProcedures.pdf.*
- To submit your application via Grants.gov, you must complete all of the steps in the Grants.gov registration process see *http://www.Grants.gov/applicants/get_registered.jsp*). These steps include (1) registering your organization, a multi-part process that includes registration with the Central Contractor Registry (CCR); (2) registering yourself as an Authorized Organization Representative (AOR); and (3) getting authorized as an AOR by your organization. Details on these steps are outlined in the Grants.gov 3-Step Registration Guide (see *http://www.Grants.gov/section 910/Grants.govRegistrationBrochure.pdf*). You also must provide on your application the same D-U-N-S Number used with this registration. Please note that the registration process may take five or more business days to complete, and you must have completed all registration steps to allow you to submit successfully an application via Grants.gov. In addition you will need to update your CCR registration on an annual basis. This may take three or more business days to complete.
- You will not receive additional point value because you submit your

application in electronic format, nor will we penalize you if you qualify for an exception to the electronic submission requirement, as described elsewhere in this section, and submit your application in paper format.

- You must submit all documents electronically, including all information you typically provide on the following forms: Application for Federal Assistance (SF 424), the Department of Education Supplemental Information for SF 424, Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications. Please note that two of these forms-the SF 424 and the Department of Education Supplemental Information for SF 424-have replaced the ED 424 (Application for Federal Education Assistance).
- You must attach any narrative sections of your application as files in a .DOC (document), .RTF (rich text), or .PDF (Portable Document) format. If you upload a file type other than the three file types specified in this paragraph or submit a password-protected file, we will not review that material.
- Your electronic application must comply with any page-limit requirements described in this notice.
- After you electronically submit your application, you will receive from Grants.gov an automatic notification of receipt that contains a Grants.gov tracking number. (This notification indicates receipt by Grants.gov only, not receipt by the Department.) The Department then will retrieve your application from Grants.gov and send a second notification to you by e-mail. This second notification indicates that the Department has received your application and has assigned your application a PR/Award number (an ED-specified identifying number unique to your application).
- We may request that you provide us original signatures on forms at a later date.

Application Deadline Date Extension in Case of Technical Issues with the Grants.gov System: If you are experiencing problems submitting your application through Grants.gov, please contact the Grants.gov Support Desk at 1–800–518–4726. You must obtain a Grants.gov Support Desk Case Number and must keep a record of it.

If you are prevented from electronically submitting your application on the application deadline date because of technical problems with the Grants.gov system, we will grant you an extension until 4:30 p.m., Washington, DC time, the following business day to enable you to transmit your application electronically or by hand delivery. You also may mail your application by following the mailing instructions as described elsewhere in this notice.

If you submit an application after 4:30 p.m., Washington, DC time, on the application deadline date, please contact the person listed elsewhere in this notice under **FOR FURTHER INFORMATION CONTACT** and provide an explanation of the technical problem you experienced with Grants.gov, along with the Grants.gov Support Desk Case Number. We will accept your application if we can confirm that a technical problem occurred with the Grants.gov system and that that problem affected your ability to submit your application by 4:30 p.m., Washington, DC time, on the application deadline date. The Department will contact you after a determination is made on whether your application will be accepted.

Note: The extensions to which we refer in this section apply only to the unavailability of, or technical problems with, the Grants.gov system. We will not grant you an extension if you failed to fully register to submit your application to Grants.gov before the application deadline date and time or if the technical problem you experienced is unrelated to the Grants.gov system.

Exception to Electronic Submission Requirement: You qualify for an exception to the electronic submission requirement, and may submit your application in paper format, if you are unable to submit an application through the Grants.gov system because—

- You do not have access to the Internet; or
- You do not have the capacity to upload large documents to the Grants.gov system; *and*
- No later than two weeks before the application deadline date (14 calendar days or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevent you from using the Internet to submit your application.

If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. If you fax your written statement to the Department, we must receive the faxed statement no later than two weeks before the application deadline date.

Address and mail or fax your statement to: Rosemary V. Fennell, U.S. Department of Education, 400 Maryland Avenue, SW., room 3C122, Washington, DC 20202–6132. FAX: (202) 260–7764.

Your paper application must be submitted in accordance with the mail or hand delivery instructions described in this notice.

b. *Submission of Paper Applications by Mail.*

If you qualify for an exception to the electronic submission requirement, you may mail (through the U.S. Postal Service or a commercial carrier) your application to the Department. You must mail the original and two copies of your application, on or before the application deadline date, to the Department at the applicable following address:

By mail through the U.S. Postal Service: U.S. Department of Education, Application Control Center, Attention: CFDA Number 84.349A, 400 Maryland Avenue, SW., Washington, DC 20202–4260 or

By mail through a commercial carrier: U.S. Department of Education, Application Control Center—Stop 4260, Attention: CFDA Number 84.349A, 7100 Old Landover Road, Landover, MD 20785–1506.

Regardless of which address you use, you must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

If your application is postmarked after the application deadline date, we will not consider your application.

Note: The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

c. *Submission of Paper Applications by Hand Delivery.*

If you qualify for an exception to the electronic submission requirement, you (or a courier service) may deliver your paper application to the Department by hand. You must deliver the original and two copies of your application by hand, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: CFDA Number 84.349A, 550 12th Street,

SW., Room 7041, Potomac Center Plaza, Washington, DC 20202–4260.

The Application Control Center accepts hand deliveries daily between 8 a.m. and 4:30 p.m., Washington, DC time, except Saturdays, Sundays and Federal holidays.

Note for Mail or Hand Delivery of Paper Applications: If you mail or hand deliver your application to the Department—

(1) You must indicate on the envelope and—if not provided by the Department—in Item 11 of the SF 424 the CFDA number, including the suffix letter, if any, of the competition under which you are submitting your application; and

(2) The Application Control Center will mail to you a notification of receipt of your grant application. If you do not receive this notification within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245–6288.

V. Application Review Information

1. *Selection Criteria:* The selection criteria for this competition are from section 75.210 of EDGAR. The maximum score for all the selection criteria is 100 points. The maximum score for each criterion is indicated in parentheses. Each criterion also includes the factors that the reviewers will consider in determining how well an application meets the criterion. The selection criteria are as follows:

(a) *Need for project* (up to 10 points).

(1) The Secretary considers the need for the proposed project.

(2) In determining the need for the proposed project, the Secretary considers the extent to which the proposed project will focus on serving or otherwise addressing the needs of disadvantaged individuals.

(b) *Significance* (up to 10 points). The Secretary considers the significance of the proposed project. In determining the significance of the proposed project, the Secretary considers the following factors:

(i) The importance or magnitude of the results or outcomes likely to be attained by the proposed project, especially improvements in teaching and student achievement.

(ii) The extent to which the proposed project is likely to build local capacity to provide, improve, or expand services that address the needs of the target population.

(c) *Quality of the project design* (up to 20 points). The Secretary considers the quality of the design of the proposed project. In determining the quality of the design of the proposed project, the Secretary considers the following factors:

(i) The extent to which the proposed activities constitute a coherent, sustained program of training in the field.

(ii) The extent to which the design of the proposed project reflects up-to-date knowledge from research and effective practice.

(d) *Quality of project services* (up to 10 points). The Secretary considers the quality of the services to be provided by the proposed project. In determining the quality of the services to be provided by the proposed project, the Secretary considers the quality and sufficiency of strategies for ensuring equal access and treatment for eligible project participants who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability. In addition, the Secretary considers the following factors:

(i) The extent to which the services to be provided by the proposed project are appropriate to the needs of the intended recipients or beneficiaries of those services.

(ii) The extent to which the training or professional development services to be provided by the proposed project are of sufficient quality, intensity, and duration to lead to improvements in practice among the recipients of those services.

(e) *Quality of project personnel* (up to 10 points). The Secretary considers the quality of the personnel who will carry out the proposed project. In determining the quality of project personnel, the Secretary considers the extent to which the applicant encourages applications for employment from persons who are members of groups that have been traditionally underrepresented based on race, color, national origin, gender, age, or disability. In addition, the Secretary considers the following factors:

(i) The qualifications, including relevant training and experience, of key project personnel.

(ii) The qualifications, including relevant training and experience, of project consultants or subcontractors.

(f) *Quality of the management plan* (up to 10 points). The Secretary considers the quality of the management plan for the proposed project. In determining the quality of the management plan for the proposed project, the Secretary considers the following factors:

(i) The adequacy of the management plan to achieve the objectives of the proposed project on time and within budget, including clearly defined responsibilities, timelines, and milestones for accomplishing project tasks.

(ii) The extent to which the time commitments of the project director and principal investigator and other key project personnel are appropriate and adequate to meet the objectives of the proposed project.

(g) *Quality of the project evaluation* (up to 25 points). The Secretary considers the quality of the evaluation to be conducted of the proposed project. In determining the quality of the evaluation, the Secretary considers the following factors:

(i) The extent to which the methods of evaluation are thorough, feasible, and appropriate to the goals, objectives, and outcomes of the proposed project.

(ii) The extent to which the methods of evaluation will provide performance feedback and permit periodic assessment of progress toward achieving intended outcomes.

(h) *Adequacy of Resources* (up to 5 points). The Secretary considers the adequacy of resources for the proposed project. In determining the adequacy of resources for the proposed project, the Secretary considers the following factors:

(i) The extent to which the costs are reasonable in relation to the objectives, design, and potential significance of the proposed project.

(ii) The potential for continued support of the project after Federal funding ends, including, as appropriate, the demonstrated commitment of appropriate entities to such support.

2. *Review and Selection Process:* An additional factor we consider in selecting an application for an award is geographical distribution (section 2151(e)(4)(B) of the ESEA).

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notice (GAN). We may also notify you informally.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Reporting:* At the end of your project period, you must submit a final

performance report, including financial information, as directed by the Secretary. If you receive a multi-year award, you must submit an annual performance report that provides the most current performance and financial expenditure information as specified by the Secretary in 34 CFR 75.118. For specific requirements on grantee reporting, please go to: *http://www.ed.gov/fund/grant/apply/appforms/appforms.html.*

4. *Performance Measures:* For FY 2007, grants under the ECEPD program will be governed by the achievement indicators that the Secretary published in the **Federal Register** on March 31, 2003 (68 FR 15646). These achievement indicators are included in the application package.

In addition, under the Government Performance and Results Act of 1993 (GPRA), the Secretary has established the following measures for evaluating the overall effectiveness of the ECEPD program, which are coordinated with the program's achievement indicators and are included in the application package: (1) The ECEPD teacher's average score on the Early Language and Literacy Classroom Observation (ELLCO); and (2) the percentage of children who demonstrate improved readiness for school in the areas of early language (as measured by the Peabody Picture Vocabulary Test–III (PPVT–III), Receptive) and early literacy (as measured by the PALS Pre-K, Upper Case Alphabet Knowledge subtask). The coordination of these achievement indicators and performance measures is designed to improve program management, and to help Congress, the Department, the Office of Management and Budget, and others review a program's progress toward its goals. All grantees must document participant outcomes on these performance measures in the annual performance report referenced in section VI. 3. of this notice. The applicant's evaluation design provided in response to the selection criterion for *Quality of project evaluation* in section V. 1. of this notice should include the use of these assessment tools, at a minimum.

VII. Agency Contact

FOR FURTHER INFORMATION CONTACT: Rosemary Fennell, U.S. Department of Education, 400 Maryland Avenue, SW., room 3C–122, Washington, DC 20202–6132. Telephone: (202) 260–0792, or by e-mail: *eceprofdev@ed.gov.*

If you use a telecommunications device for the deaf (TDD), you may call the Federal Relay Service (FRS) at 1–800–877–8339.

Individuals with disabilities may obtain this document in an alternative format (*e.g.*, Braille, large print, audiotape, or computer diskette) on request to the program contact person listed in this section.

VIII. Other Information

Electronic Access to This Document: You may view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: *http://www.ed.gov/news/fedregister.*

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1–888–293–6498; or in the Washington, DC, area at (202) 512–1530.

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: *http://www.gpoaccess.gov/nara/index.html.*

Dated: February 15, 2007.

Raymond Simon,

Deputy Secretary for Education.

[FR Doc. E7–2964 Filed 2–20–07; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

National Committee on Foreign Medical Education and Accreditation; Meeting

AGENCY: National Committee on Foreign Medical Education and Accreditation, Department of Education.

What Is the Purpose of This Notice?

The purpose of this notice is to announce the upcoming meeting of the National Committee on Foreign Medical Education and Accreditation. Parts of this meeting will be open to the public, and the public is invited to attend those portions.

When and Where Will the Meeting Take Place?

We will hold the public meeting on March 28, 2007 from 8 a.m. until approximately 5 p.m. in the Chesapeake Room at The Watergate Hotel, 2650 Virginia Avenue, NW., Washington, DC 20037. You may call the hotel at 1–800–289–1555; e-mail: *http://www.thewatergatehotel.com* to inquire about room accommodations.

What Assistance Will Be Provided to Individuals With Disabilities?

The meeting site is accessible to individuals with disabilities. If you will need an auxiliary aid or service to participate in the meeting (*e.g.*, interpreting service, assistive listening device, or materials in an alternate format) notify the contact person listed in this notice at least two weeks before the scheduled meeting date. Although we will attempt to meet a request received after that date, we may not be able to make available the requested auxiliary aid or service because of insufficient time to arrange it.

Who Is the Contact Person for the Meeting?

Please contact Ms. Francesca Paris-Albertson, the Executive Director of the National Committee on Foreign Medical Education and Accreditation, if you have questions about the meeting. You may contact her at the U.S. Department of Education, room 7110, 1990 K St. NW., Washington, DC 20006, telephone: (202) 219–7009, fax: (202) 219–7008, e-mail: *Francesca.Paris-Albertson@ed.gov.*

Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service at 1–800–877–8339.

What Are the Functions of the National Committee?

The National Committee on Foreign Medical Education and Accreditation was established by the Secretary of Education under section 102 of the Higher Education Act of 1965, as amended. The Committee's responsibilities are to:

- Evaluate the standards of accreditation applied to applicant foreign medical schools; and
- Determine the comparability of those standards to standards for accreditation applied to United States medical schools.

What Items Will Be on the Agenda for Discussion at the Meeting?

The National Committee on Foreign Medical Education and Accreditation will review the standards of accreditation applied to medical schools by several foreign countries to determine whether those standards are comparable to the standards of accreditation applied to medical schools in the United States. Discussions of the standards of accreditation will be held in sessions open to the public. Discussions that focus on specific determinations of comparability are closed to the public in order that each country may be properly notified of the decision. The countries scheduled to be

discussed at the meeting include Cayman Islands, Costa Rica, Dominica, Dominican Republic, Grenada, Mexico, St. Lucia, St. Maarten, and Slovakia. The listing of countries will also be posted on the Department of Education's Web site at the following address: *http://www.ed.gov/about/bdscomm/list/ncfmea.html.*

How May I Obtain Electronic Access to This Document?

You may view this document, as well as all other Department of Education documents published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: *http://www.ed.gov/legislation/FedRegister.*

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1–888–293–6498; or in the Washington, DC, area at (202) 512–1530.

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: *http://www.gpoaccess.gov/indwx.html.*

Authority: 5 U.S.C. Appendix 2.

Dated: February 12, 2007.

James F. Manning,

Delegated the Authority of the Assistant Secretary.

[FR Doc. 07–712 Filed 2–20–07; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Energy Information Administration

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Energy Information Administration (EIA), Department of Energy (DOE).

ACTION: Agency Information Collection Activities: Proposed Collection; Comment Request.

SUMMARY: The EIA is soliciting comments on the proposed three-year extension to the Form EIA–886, ''Annual Survey of Alternative Fueled Vehicle Suppliers & Users.''

DATES: Comments must be filed by April 23, 2007. If you anticipate difficulty in submitting comments within that period, contact the person listed below as soon as possible.

ADDRESSES: Send comments to Cynthia Sirk. To ensure receipt of the comments by the due date, submission by fax (202–287–1964) or e-mail (*cynthia.sirk@eia.doe.gov*) is recommended. The mailing address is Office of Coal, Nuclear, Electric and Alternate Fuels, EI–52, Forrestal Building, U.S. Department of Energy, Washington, DC 20585. Alternatively, Ms. Sirk may be contacted by telephone at 202–287–1925.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of any forms and instructions should be directed to Cynthia Sirk at the address listed above.

SUPPLEMENTARY INFORMATION:

I. Background
II. Current Actions
III. Request for Comments

I. Background

The Federal Energy Administration Act of 1974 (Pub. L. 93–275, 15 U.S.C. 761 *et seq.*) and the DOE Organization Act (Pub. L. 95–91, 42 U.S.C. 7101 *et seq.*) require the EIA to carry out a centralized, comprehensive, and unified energy information program. This program collects, evaluates, assembles, analyzes, and disseminates information on energy resource reserves, production, demand, technology, and related economic and statistical information. This information is used to assess the adequacy of energy resources to meet near and longer term domestic demands.

The EIA, as part of its effort to comply with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. 3501, *et seq.*), provides the general public and other Federal agencies with opportunities to comment on collections of energy information conducted by or in conjunction with the EIA. Any comments received help the EIA to prepare data requests that maximize the utility of the information collected, and to assess the impact of collection requirements on the public. Also, the EIA will later seek approval by the Office of Management and Budget (OMB) under Section 3507(a) of the Paperwork Reduction Act of 1995.

Form EIA–886, Annual Survey of Alternative Fueled Vehicle Suppliers & Users is an annual survey that collects information on: (1) The number and type of alternative fueled vehicles (AFVs) and advanced technology vehicles that vehicle suppliers made available in the previous calendar year and plan to make available in the following calendar year; (2) The number, type and geographic distribution of AFVs in use in the previous calendar year; (3) the amount and distribution of each type of alternative transportation fuel (ATF) consumed in the previous calendar year; (4) the miles traveled by AFVs; and (5) the number, type, and disposition of retired AFVs in the previous calendar year. The EIA–886 data are collected from suppliers and users of AFVs. The objectives of the EIA–886 survey are to: (1) Comply with section 503 of the Energy Policy Act of 1992 (EPACT) that requires the EIA to collect information and provide estimates related to alternative fueled vehicles, alternate transportation fuels, and replacement fuels; (2) Satisfy public requests for information on AFVs and ATFs; (3) Provide Congress with a measure of the extent to which the objectives of EPACT are being achieved; and (4) Provide EIA with a basis for estimating and forecasting total AFV and ATF use in the U.S. The results of the EIA–886 are released annually on EIA's Web site at *http://www.eia.doe.gov/fuelrenewable.html.*

Please refer to the proposed forms and instructions for more information about the purpose, who must report, when to report, where to submit, the elements to be reported, detailed instructions, provisions for confidentiality, and uses (including possible nonstatistical uses) of the information. For instructions on obtaining materials, see the **FOR FURTHER INFORMATION CONTACT** section.

II. Current Actions

EIA will be requesting a three-year extension of approval to its Annual Survey of Alternative Fueled Vehicle Suppliers & Users and will be requesting one change with respect to the form title. For simplification, EIA proposes to change the form title to ''Annual Alternative Fueled Vehicle Survey.''

III. Request for Comments

Prospective respondents and other interested parties should comment on the actions discussed in item II. The following guidelines are provided to assist in the preparation of comments.

General Issues

A. Is the proposed collection of information necessary for the proper performance of the functions of the agency and does the information have practical utility? Practical utility is defined as the actual usefulness of information to or for an agency, taking into account its accuracy, adequacy, reliability, timeliness, and the agency's ability to process the information it collects.

B. What enhancements can be made to the quality, utility, and clarity of the information to be collected?

As a Potential Respondent to the Request for Information

A. What actions could be taken to help ensure and maximize the quality, objectivity, utility, and integrity of the information to be collected?

B. Are the instructions and definitions clear and sufficient? If not, which instructions need clarification?

C. Can the information be submitted by the due date?

D. Public reporting burden for this collection is estimated to average 4.4 hours per response. The estimated burden includes the total time necessary to provide the requested information. In your opinion, how accurate is this estimate?

E. The agency estimates that the only cost to a respondent is for the time it will take to complete the collection. Will a respondent incur any start-up costs for reporting, or any recurring annual costs for operation, maintenance, and purchase of services associated with the information collection?

F. What additional actions could be taken to minimize the burden of this collection of information? Such actions may involve the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

G. Does any other Federal, State, or local agency collect similar information? If so, specify the agency, the data element(s), and the methods of collection.

As a Potential User of the Information To Be Collected

A. What actions could be taken to help ensure and maximize the quality, objectivity, utility, and integrity of the information disseminated?

B. Is the information useful at the levels of detail to be collected?

C. For what purpose(s) would the information be used? Be specific.

D. Are there alternate sources for the information and are they useful? If so, what are their weaknesses and/or strengths?

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

Statutory Authority: Section 3507(h)(1) of the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. 3501, *et seq.*).

Issued in Washington, DC, February 13, 2007.

Jay H. Casselberry,

Agency Clearance Officer, Energy Information Administration.

[FR Doc. E7–2868 Filed 2–20–07; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings # 1

February 12, 2007.

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC07–59–000.

Applicants: FirstEnergy Generation Corporation.

Description: FirstEnergy Generation Corp submits its application requesting Commission authorization to consummate a transaction whereby it will lease a 93.5% interest in an existing generation facility.

Filed Date: 02/06/2007.

Accession Number: 20070208–0196.

Comment Date: 5 p.m. Eastern Time on Tuesday, February 27, 2007.

Docket Numbers: EC07–60–000.

Applicants: Alliance Energy Renewables, LLC; Mirant New York, Inc.; Mirant NY-Gen, LLC.

Description: Alliance Energy Renewables, LLC et al submits an application for approval of the disposition of jurisdictional facilities, pursuant to Section 203 of the FPA.

Filed Date: 02/07/2007.

Accession Number: 20070208–0124.

Comment Date: 5 p.m. Eastern Time on Wednesday, February 28, 2007.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER97–4345–021; ER98–511–009.

Applicants: Oklahoma Gas and Electric Company; OGE Energy Resources Inc.

Description: Oklahoma Gas and Electric Company et al submit a change in status report relating to market-based rate authority previously granted to each of the OGE Companies in compliance with Order 652.

Filed Date: 02/06/2007.

Accession Number: 20070208–0189.

Comment Date: 5 p.m. Eastern Time on Tuesday, February 27, 2007.

Docket Numbers: ER00–2885–014; ER01–2765–013; ER02–1582–012; ER02–1785–009; ER02–2102–013; ER03–1283–006; ER06–1543–004; ER06–864–006; ER97–2414–006.

Applicants: Cedar Brakes I LLC; Cedar Brakes II LLC; Mohawk River Funding IV, L.L.C.; Thermo Cogeneration Partnership LP; Utility Contract Funding, L.L.C.; Vineland Energy LLC; Brush Cogeneration Partners; Bear Energy LP; Lowell Cogeneration Company Limited Partnership.

Description: Bear Energy, LP et al submit a notice that they have entered into an energy management agreement with MMC Mid-Sun, LLC pursuant to Order 652.

Filed Date: 02/07/2007.

Accession Number: 20070209–0108.

Comment Date: 5 p.m. Eastern Time on Wednesday, February 28, 2007.

Docket Numbers: ER01–313–010; ER01–424–010.

Applicants: California Independent System Operator Corporation; Pacific Gas and Electric Company

Description: California Independent System Operator Corporation submits its Grid Management Charges for the period 1/1/01 through 12/21/03, in accordance with Opinion 463–B.

Filed Date: 02/08/2007.

Accession Number: 20070212–0003.

Comment Date: 5 p.m. Eastern Time on Thursday, March 01, 2007.

Docket Numbers: ER05–1178–008; ER05–1191–008.

Applicants: Gila River Power, L.P.; Union Power Partners, L.P.

Description: Gila River Power, LP et al submit a notice of non-material change in status relating to their upstream ownership structure pursuant to § 35.27(c) of FERC's Rules and Regulations.

Filed Date: 02/07/2007.

Accession Number: 20070208–0190.

Comment Date: 5 p.m. Eastern Time on Wednesday, February 28, 2007.

Docket Numbers: ER05–1202–002.

Applicants: Blue Canyon Windpower II LLC.

Description: Blue Canyon Windpower II, LLC submits a revised tariff, FERC Electric Tariff, First Revised Volume 1.

Filed Date: 02/06/2007.

Accession Number: 20070208–0188.

Comment Date: 5 p.m. Eastern Time on Tuesday, February 27, 2007.

Docket Numbers: ER07–188–004; ER07–189–004; ER07–190–004; ER07–191–004; ER07–192–002.

Applicants: Duke Energy Carolinas, LLC; Duke Energy Indiana, Inc.; Duke Energy Kentucky, Inc.; Duke Energy Ohio, Inc.; Duke Energy Shared Services, Inc.

Description: Duke Energy Corp on behalf of Duke Energy Carolinas, LLC et al refiles its Duke Carolinas Service Agreement with Lockhart Power Co and 8 identified MISO agreements pursuant to the Commission's 1/8/07 order.

Filed Date: 02/06/2007.
Accession Number: 20070208–0143.
Comment Date: 5 p.m. Eastern Time on Tuesday, February 27, 2007.

Docket Numbers: ER07–489–001.
Applicants: Arizona Public Service Company.
Description: Arizona Public Service Co submits an errata to its 1/31/07 filing of an executed EEI Master Power Purchase and Sale Agreement with Tohono O'Odham Utility Authority.
Filed Date: 02/06/2007.
Accession Number: 20070208–0187.
Comment Date: 5 p.m. Eastern Time on Tuesday, February 27, 2007.

Docket Numbers: ER07–516–000
Applicants: Morgan Stanley Capital Group, Inc.
Description: Morgan Stanley Capital Group Inc. submits a response to FERC Staff's request regarding certain bilateral spot transactions for which it was the seller in the Western Electricity Coordinating Council region etc.
Filed Date: 01/26/2007.
Accession Number: 20070212–0004.
Comment Date: 5 p.m. Eastern Time on Friday, February 16, 2007.

Docket Numbers: ER07–521–000.
Applicants: New York Independent System Operator, Inc.
Description: The New York Independent System Operator, Inc. submits a compliance filing in response to Order 681 and 681–A.
Filed Date: 02/05/2007.
Accession Number: 20070208–0184.
Comment Date: 5 p.m. Eastern Time on Monday, February 26, 2007.

Docket Numbers: ER07–522–000.
Applicants: Old Trail Wind Farm, LLC.
Description: Old Trail Wind Farm, LLC submits a petition for order accepting market-based rate tariff for filing and granting waivers and blanket approvals.
Filed Date: 02/07/2007.
Accession Number: 20070208–0186.
Comment Date: 5 p.m. Eastern Time on Wednesday, February 28, 2007.

Docket Numbers: ER07–524–000.
Applicants: Warren Power, LLC.
Description: Warren Power, LLC submits a Cost-Based Capacity and Energy Sale Agreement w/EWO Marketing, LP pursuant to Section 205 of the FPA and Part 35 of FERC's Regs.
Filed Date: 02/07/2007.
Accession Number: 20070208–0122.
Comment Date: 5 p.m. Eastern Time on Wednesday, February 28, 2007.

Docket Numbers: ER07–525–000.
Applicants: Entergy Services, Inc.
Description: Entergy Services, Inc on behalf of Entergy Operating Companies submits the mutually-executed 2/5/07 Long-Term Firm Point-to-Point Transmission Service Agreement with American Electric Power Service Corp.
Filed Date: 02/07/2007.
Accession Number: 20070208–0121.
Comment Date: 5 p.m. Eastern Time on Wednesday, February 28, 2007.

Docket Numbers: ER07–526–000.
Applicants: Southern California Edison Company.
Description: Southern California Edison Co. submits an amended Dillon I Wind Project Interconnection Facilities Agreement et al with Dillon Wind, LLC.
Filed Date: 02/08/2007.
Accession Number: 20070212–0048.
Comment Date: 5 p.m. Eastern Time on Thursday, March 01, 2007.

Docket Numbers: ER07–527–000.
Applicants: Longview Fibre Paper and Packaging, Inc.
Description: Longview Fibre Paper and Packaging, Inc. submits an application for order accepting market-based rate tariff, granting authorizations and blanket authority, and waiving certain requirements.
Filed Date: 02/08/2007.
Accession Number: 20070212–0047.
Comment Date: 5 p.m. Eastern Time on Thursday, March 01, 2007.

Docket Numbers: ER07–528–000.
Applicants: Brookfield Energy Marketing US LLC.
Description: Brookfield Energy Marketing US LLC submits an application for market-based rate authorization (FERC Electric Tariff, Original Volume 1) and certain waivers and blanket authorizations.
Filed Date: 02/08/2007.
Accession Number: 20070212–0046.
Comment Date: 5 p.m. Eastern Time on Thursday, March 01, 2007.

Any person desiring to intervene or to protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St., NE., Washington, DC 20426.

The filings in the above proceedings are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed dockets(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,
Secretary.

[FR Doc. E7–2858 Filed 2–20–07; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–8279–2]

Notice of Open Meeting of the Environmental Financial Advisory Board (EFAB)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The EPA's EFAB will hold an open meeting of the full board in Atlanta, GA on March 19–20, 2007. EFAB is an EPA advisory committee chartered under the Federal Advisory Committee Act (FACA) to provide advice and recommendations to EPA on creative approaches to funding environmental programs, projects, and activities.

The purpose of this meeting is to hear from informed speakers on environmental finance issues, proposed legislation, Agency priorities, and to discuss progress with work products

under EFAB's current Strategic Action Agenda.

Environmental financing topics expected to be discussed include: Financial Assurance Mechanisms, Environmental Management Systems, Smartway Transport Program, and Water Infrastructure Financing.

This meeting is open to the public, however, seating is limited. All members of the public who wish to attend the must register in advance, no later than Friday, March 2, 2007.

DATES: Full Board Meeting is scheduled for March 19, 2007 from 1 p.m.–5 p.m. and March 20, 2007 from 8:30 a.m.–5 p.m.

ADDRESSES: Hilton Atlanta Hotel, 255 Courtland Street, NE., Atlanta, GA 30303.

REGISTRATION AND INFORMATION CONTACT: To register for this meeting or get further information please contact Alecia Crichlow, U.S. EPA, at (202) 564–5188 or *crichlow.alecia@epa.gov*. For information on access or services for individuals with disabilities, please contact Alecia Crichlow. To request accommodations of a disability, contact Alecia Crichlow, preferably at least 10 days prior to the meeting, to give EPA as much time as possible to process your request.

Dated: February 8, 2007.

Joseph L. Dillon,

Director, Office of Enterprise Technology and Innovation.

[FR Doc. 07–748 Filed 2–20–07; 8:45am]

BILLING CODE 6560–50–M

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2007–0137; FRL–8116–5]

Pesticide Program Dialogue Committee: Azinphos-methyl Transition Issues Work Group, Spray Drift Work Group, and Registration Review Implementation Work Group; Notice of Public Meetings

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA's Pesticide Program Dialogue Committee (PPDC) will hold public meetings for three PPDC Work Groups: the Azinphos-methyl (AZM) Transition Issues Work Group, Spray Drift Work Group, and Registration Review Implementation Work Group. The public meetings will be held March 6–8, 2007. Agendas for these meetings are being developed and will be posted on EPA's website. In light of the recent EPA decision to phase-out the remaining uses of the organophosphate AZM over the next few years, the AZM Transition Issues Work Group is being created to help advise EPA and USDA on the AZM transition planning and implementation. The Spray Drift Work Group, co-chaired by EPA Offices of Water and Pesticide Programs, is improving understanding of the perspectives of all stakeholders regarding spray drift and will provide recommendations on ways to mitigate spray drift. The Registration Review Implementation Work Group is developing recommendations for the Registration Review initial docket opening process.

DATES: The AZM Transition Issues Work Group meeting will be held on March 6, 2007 from 10 a.m. to 6 p.m. The Spray Drift Work Group meeting will be held on March 7, 2007 from 9 a.m. to 5 p.m. and on March 8, 2007 from 8:45 a.m. to 12 p.m. The Registration Review Implementation Work Group meeting will be held on March 8, 2007 from 8:30 a.m. to 4 p.m.

To request accommodation of a disability, please contact the person listed under **FOR FURTHER INFORMATON CONTACT**, preferably at least 10 days prior to the meeting, to give EPA as much time as possible to process your request.

ADDRESSES: The meetings will all be held at EPA's offices at 2777 South Crystal Dr., First Floor Conference Center. Arlington, VA 22202, except the second day of the Spray Drift Work Group meeting will be in room S–12100 of this same building.

FOR FURTHER INFORMATION CONTACT: For AZM Transition Issues Workgroup questions, contact: Linda Murray; Biological and Economic Analysis Division (7503P); Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 305–5401; fax number: (703) 308–8091; email address: *murray.linda@epa.gov*. For Spray Drift Work Group questions, contact: Pat Cimino, Biological and Economic Analysis Division (7503P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 308–9357; fax number: (703) 308–809; email address: *cimino.pat@epa.gov*. For Registration Review Implementation Work Group questions, contact: Kennan Garvey, Special Review and Reregistration Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 305–7106; fax number: (703) 308–7090; e-mail address: *garvey.kennan@epa.gov*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general, and may be of interest to a wide range of stakeholders including environmental, human health, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides. Since others also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the persons listed under **FOR FURTHER INFORMATION CONTACT**.

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 identification (ID) number EPA–HQ–OPPT–2007–0137 Publicly accessible docket materials are available either in the electronic docket at *http://www.regulations.gov*, or, available in hard copy, at the Office of Pesticide Programs (OPP) Regulatory Public Docket in Rm. S–4400, One Potomac Yard (South Building), 2777 S. Crystal Drive Arlington, VA. The hours of operation of this Docket Facility are from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket telephone number is (703) 305–5805.

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*.

II. Background

The Office of Pesticide Programs is entrusted with the responsibility of ensuring the safety of the American food supply, protection and education of those who apply or are exposed to pesticides occupationally or through use of products, and the general protection of the environment and special ecosystems from potential risks posed by pesticides.

Because of EPA's decision to phase-out the remaining uses of the organophosphate AZM over the next few years, the AZM Transition Issues Work Group is being created to help advise EPA and USDA on the AZM transition planning and implementation

and is holding a meeting on March 6, 2007. The Spray Drift Work Group, co-chaired by EPA Offices of Water and Pesticide Programs, is improving understanding of the perspectives of all stakeholders regarding spray drift and will provide recommendations on ways to mitigate spray drift is chairing a meeting on March 7 and 8, 2007. The Registration Review Implementation Work Group which is developing recommendations for the Registration Review initial docket opening process will chair a meeting on March 8, 2007. Future meetings will be announced on the work group's Web sites (see: Active Workgroups menu at: *http://www.epa.gov/pesticides/ppdc/*).

PPDC was established under the Federal Advisory Committee Act (FACA), Public Law 92–463, in September 1995 for a 2–year term and has been renewed every 2 years since that time. PPDC provides advice and recommendations to OPP on a broad range of pesticide regulatory, policy, and program implementation issues that are associated with evaluating and reducing risks from use of pesticides. The following sectors are represented on the PPDC: pesticide industry and trade associations; environmental/public interest and consumer groups; farm worker organizations; pesticide user, grower, and commodity groups; federal/state/local/ and tribal governments; the general public; academia; and public health organizations.

Copies of the PPDC charter are filed with appropriate committees of Congress, the Library of Congress, and are available upon request.

List of Subjects

Environmental protection, Pesticides and pests.

Dated Febrary 12, 2007.

James Jones,

Director, Office of Pesticide Programs.

[FR Doc. E7–2871 Filed 2–20–07; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2006–0694; FRL–8115–9]

Pine Oil and Propylene Glycol and Dipropylene Glycol Reregistration Eligibility Decisions; Notice of Availability

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the availability of EPA's Reregistration Eligibility Decisions (REDs) for the pesticides pine oil and propylene glycol and dipropylene glycol and opens a public comment period on these documents. The Agency's risk assessments and other related documents also are available in the pine oil and propylene glycol and dipropylene glycol Dockets. Pine oil is an antimicrobial used for sanitizing and disinfecting in residential and commercial/institutional settings. Propylene glycol is used in air sanitization and hard surface disinfection and dipropylene glycol is used in air sanitization. EPA has reviewed pine oil and propylene glycol and dipropylene glycol through the public participation process that the Agency uses to involve the public in developing pesticide reregistration and tolerance reassessment decisions. Through these programs, EPA is ensuring that all pesticides meet current health and safety standards.

DATES: Comments must be received on or before April 23, 2007.

ADDRESSES: Submit your comments, identified by docket identification (ID) number, by one of the following methods: For pine oil, docket identification (ID) number EPA–HQ–OPP–2004–0302 and for propylene glycol and dipropylene glycol, docket identification (ID) number EPA–HQ–OPP–2006–0831.

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

• *Mail*: Office of Pesticide Programs (OPP) Regulatory Public Docket (7502P), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001.

• *Delivery*: OPP Regulatory Public Docket (7502P), Environmental Protection Agency, Rm. S–4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. Deliveries are only accepted during the Docket's normal hours of operation (8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays). Special arrangements should be made for deliveries of boxed information. The Docket telephone number is (703) 305-5805.

Instructions: Direct your comments to the following docket ID numbers: for pine oil docket identification (ID) number EPA–HQ– OPP–2004–0302; and propylene glycol and dipropylene glycol, docket identification (ID) number EPA–HQ– OPP–2006–0831. EPA's policy is that all comments received will be included in the docket without change and may be made available on-line 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 regulations.gov or e-mail. The Federal regulations.gov website 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 regulations.gov, your e-mail address will be automatically captured and included as part of the comment that is placed in the 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 docket 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, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either in the electronic docket at *http://www.regulations.gov*, or, if only available in hard copy, at the OPP Regulatory Public Docket in Rm. S–4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. The hours of operation of this Docket Facility are from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket telephone number is (703) 305–5805.

FOR FURTHER INFORMATION CONTACT: *For Pine Oil*: ShaRon Carlisle, Antimicrobials Division (7510P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 308–6427; fax number: (703) 308–8481; e-mail address: *carlisle.sharon@epa.gov.*

For Propylene Glycol and Dipropylene Glycol: Michelle Centra, Antimicrobials Division (7510P), Office of Pesticide

Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 308–2476; fax number: (703) 308–8481; e-mail address: *centra.michelle@epa.gov*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general, and may be of interest to a wide range of stakeholders including environmental, human health, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides. Since others also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT.**

B. What Should I Consider as I Prepare My Comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through regulations.gov or e-mail. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD ROM that you mail to EPA, mark the outside of the disk or CD ROM as CBI and then identify electronically within the disk or CD ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When submitting comments, remember to:

i. Identify the document by docket ID number and other identifying information (subject heading, **Federal Register** date and page number).

ii. Follow directions. The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.

iii. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

iv. Describe any assumptions and provide any technical information and/or data that you used.

v. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

vi. Provide specific examples to illustrate your concerns and suggest alternatives.

vii. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

viii. Make sure to submit your comments by the comment period deadline identified.

II. Background

A. What Action is the Agency Taking?

Under section 4 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), EPA is reevaluating existing pesticides to ensure that they meet current scientific and regulatory standards. EPA has completed Reregistration Eligibility Decisions (REDs) for the pesticides, pine oil and propylene glycol and dipropylene glycol under section 4(g)(2)(A) of FIFRA. Pine oil is an antimicrobial used for sanitizing and disinfecting in residential and commercial/institutional settings. Propylene glycol is used in air sanitization and hard surface disinfection and dipropylene glycol is used in air sanitization. Pest (fleas, mites, red lice, and various bacteria and viruses) control for pets (cats, dogs, and birds) is also a major active use for propylene glycol.

EPA has determined that the data base to support reregistration is substantially complete and that products containing pine oil and propylene glycol and dipropylene glycol are eligible for reregistration, provided the risks are mitigated either in the manner described in the RED or by another means that achieves equivalent risk reduction. Upon submission of any required product specific data under section 4(g)(2)(B) and any necessary changes to the registration and labeling (either to address concerns identified in the RED or as a result of product specific data), EPA will make a final reregistration decision under section 4(g)(2)(C) for products containing pine oil and propylene glycol and dipropylene glycol.

EPA must review tolerances and tolerance exemptions that were in effect when the Food Quality Protection Act (FQPA) was enacted in August 1996, to ensure that these existing pesticide residue limits for food and feed commodities meet the safety standard established by the new law. Tolerances are considered reassessed once the safety finding has been made or a revocation occurs. EPA has reviewed and made the requisite safety finding for the pine oil and propylene glycol and dipropylene glycol tolerances included in this notice.

EPA is applying the principles of public participation to all pesticides undergoing reregistration and tolerance reassessment. The Agency's Pesticide Tolerance Reassessment and Reregistration; Public Participation Process, published in the **Federal Register** on May 14, 2004, (69 FR 26819)(FRL–7357–9) explains that in conducting these programs, EPA is tailoring its public participation process to be commensurate with the level of risk, extent of use, complexity of issues, and degree of public concern associated with each pesticide. Due to its uses, risks, and other factors, pine oil and propylene glycol and dipropylene glycol were reviewed through the modified 4-Phase process. Through this process, EPA worked extensively with stakeholders and the public to reach the regulatory decisions for pine oil and propylene glycol and dipropylene glycol.

The reregistration program is being conducted under Congressionally mandated time frames, and EPA recognizes the need both to make timely decisions and to involve the public. The Agency is issuing the pine oil and propylene glycol and dipropylene glycol REDs for public comment. This comment period is intended to provide an additional opportunity for public input and a mechanism for initiating any necessary amendments to the RED. All comments should be submitted using the methods in **ADDRESSES**, and must be received by EPA on or before the closing date. These comments will become part of the Agency Docket for pine oil and propylene glycol and dipropylene glycol. Comments received after the close of the comment period will be marked ''late.'' EPA is not required to consider these late comments.

The Agency will carefully consider all comments received by the closing date and will provide a Response to Comments Memorandum in the Docket and regulations.gov. If any comment significantly affects the document, EPA also will publish an amendment to the RED in the **Federal Register**. In the absence of substantive comments requiring changes, the pine oil and propylene glycol and dipropylene glycol REDs will be implemented as it is now presented.

B. What is the Agency's Authority for Taking this Action?

Section 4(g)(2) of FIFRA as amended directs that, after submission of all data

concerning a pesticide active ingredient, the Administrator shall determine whether pesticides containing such active ingredient are eligible for reregistration, before calling in product specific data on individual end-use products and either reregistering products or taking other ''appropriate regulatory action.''

Section 408(q) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(q), requires EPA to review tolerances and exemptions for pesticide residues in effect as of August 2, 1996, to determine whether the tolerance or exemption meets the requirements of section 408(b)(2) or (c)(2) of FFDCA. This review was completed by August 3, 2006.

List of Subjects

Environmental protection, Pesticides and pests, Pine oil, Propylene glycol and Dipropylene glycol.

Dated: February 12, 2007.

Betty Shackleford,

Acting Director, Antimicrobials Division, Office of Pesticide Programs.

[FR Doc. 07–791 Filed 2–16–07; 2:27 pm]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[FRL–8279–1]

Virginia State Prohibition on Discharges of Vessel Sewage; Final Affirmative Determination

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Final Determination.

SUMMARY: Notice is hereby given that the Regional Administrator, EPA Region III has affirmatively determined, pursuant to section 312(f) of Public Law 92–500, as amended by Public Law 95–217 and Public Law 100–4 (the Clean Water Act), that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for the navigable waters of the Lynnhaven River, Virginia Beach, Virginia. Virginia will completely prohibit the discharge of sewage, whether treated or not, from any vessel in the Lynnhaven River.

FOR FURTHER INFORMATION CONTACT: Edward Ambrogio, EPA Region III, Office of State and Watershed Partnerships, 1650 Arch Street, Philadelphia, PA 19103. *Telephone:* (215) 814–2758. *Fax:* (215) 814–2301. *E-mail: ambrogio.edward@epa.gov*.

SUPPLEMENTARY INFORMATION: An application was made by the Virginia Secretary of Natural Resources on behalf of the Virginia Department of Environmental Quality (VDEQ) to EPA Region III to approve a no discharge zone for the Lynnhaven River. Upon publication of this final affirmative determination, VDEQ will completely prohibit the discharge of sewage, whether treated or not, from any vessel in the Lynnhaven River in accordance with section 312(f)(3) of the Clean Water Act and 40 CFR 140.4(a). Notice of the Receipt of Application and Tentative Determination was published in the **Federal Register** on November 21, 2006 (71 FR 67352, Nov. 21, 2006). Comments on the tentative determination were accepted during the 30-day comment period which closed on December 21, 2006. Comment letters from the Chesapeake Bay Foundation and Lynnhaven River 2007 were received endorsing the proposed affirmative determination. The remainder of this Notice summarizes the location of the no discharge zone, the available pumpout facilities and related information.

Lynnhaven River

The Lynnhaven River is located in the northern part of the city of Virginia Beach, Virginia. It is connected to the Chesapeake Bay through the Lynnhaven Inlet, just east of the Chesapeake Bay Bridge-Tunnel. The Lynnhaven River, including the Eastern Branch, the Western Branch, and Broad Bay/Linkhorn Bay encompasses an area of land and water of approximately 64 square miles with nearly 150 miles of shoreline. The upstream portions of the Lynnhaven River system flow either north to the Chesapeake Bay or south to North Carolina depending on wind and tidal patterns. The Lynnhaven River is oligohaline and subject to the action of tides. The majority of the waters outside the bays are shallow with maintained channel depths of six to 10 feet.

Many people enjoy the Lynnhaven River watershed for a variety of activities, including boating, fishing, crabbing, water skiing, and swimming. The shoreline surrounding the Lynnhaven River includes 4,478 private waterfront homes, public access areas, marinas, boat launch facilities, waterside restaurants, and a state park. Large and small boats, personal watercraft, canoes, kayaks, water skiers, and swimmers enjoy the river for its recreational benefits. There are several waterfront access areas within First Landing State Park for swimming during summer months. The Lynnhaven River was also once a prime oyster harvesting area known throughout the world for the famous Lynnhaven oyster. Oyster habitat restoration projects are presently being implemented in the Lynnhaven River. Lynnhaven River 2007, an advocacy group, in partnership with the city of Virginia Beach, the Chesapeake Bay Foundation, and the U.S. Army Corps of Engineers initiated an oyster-growing program in the summer of 2004 to assist in repopulating the river with this valuable living resource.

Portions of the Lynnhaven River were listed for bacteriological impairments from fecal coliform and enterococci bacteria in Virginia's 1998 section 303(d) list requiring the development of a total maximum daily load (TMDL). Consequently in 2004, EPA Region III and the Virginia State Water Control Board approved a TMDL for the shellfish harvest use impairments on Lynnhaven, Broad, and Linkhorn Bays prepared by the VDEQ. The establishment of a no discharge zone for the Lynnhaven River is one component of the TMDL Implementation Plan.

For the purpose of this Notice, the Lynnhaven River no discharge zone is defined as all contiguous waters south of the Lesner Bridge at Lynnhaven Inlet (Latitude 36°54′27.90″ N and Longitude 76°05′30.90″W) and north of the watershed break point defined as the intersection of West Neck Creek at Dam Neck Road (Latitude 36°47′17.60″ N and Longitude 76°04′14.62″ W).

Information submitted by the Commonwealth of Virginia states that there are six waterfront marinas operating sanitary pumpouts in the Lynnhaven River. Each of these facilities also provides dump stations, restrooms, and informational signage. Details of these facilities' location, availability and hours of operation are as follows: Long Bay Pointe marina is located on the north side of Long Creek, west of the West Great Neck Road Bridge over the creek (2101 West Great Neck Rd., Virginia Beach). The marina currently operates a Chesapeake Bay Marine pumpout system on the fuel dock accessible to all boaters. There is a sign on the pump station. The marina also has a dump station adjacent to the dock for portable toilets. The marina's sewage disposal hours of operation are 10 am–6 pm, 7 days a week, 12 months per year. Lynnhaven Dry Storage marina is located on the north side of Long Creek between the West Great Neck Road and North Great Neck Road bridges over the creek (2150 West Great Neck Rd., Virginia Beach). The marina currently operates a SaniSailor pumpout system on the fuel dock accessible to all boaters. A sign for the pumpout is posted on the side of the building adjacent to the dock. The marina has a dump station adjacent to the dock for

portable toilets. The marina's sewage disposal hours of operation are 8 am–5 pm, 7 days a week, 12 months per year. Lynnhaven Municipal marina is located along the north side of Long Creek between the West Great Neck Road Bridge and the Lesner Bridge (3211 Lynnhaven Drive, Virginia Beach). The marina currently operates a Chesapeake Bay Marine pumpout system at the building face with a hose that reaches the dock accessible to all boaters. There is a sign for the pumpout posted on the dock and on the building face. The marina also has a dump station at the building face adjacent to the dock for portable toilets. The marina's sewage disposal hours of operation are 8 am–4 pm, 7 days a week, 12 months per year. Lynnhaven Seafood marina is located along the north side of Long Creek between the West Great Neck Road Bridge and the Lesner Bridge (3311 Shore Drive, Virginia Beach). The marina currently operates a SaniSailor pumpout system on the fuel dock accessible to all boaters. There is a sign on the pump station. The marina also has a dump station adjacent to the dock for portable toilets. The marina's sewage disposal hours of operation are 6:30 am–11 pm, 7 days a week, 12 months per year. Marina Shores marina is located on the north side of Long Creek just east of the North Great Neck Road Bridge over the creek (2100 Marina Shores Drive, Virginia Beach). The marina currently operates an Edson pumpout system on the fuel dock accessible to all boaters. There is a sign posted on the pump station. The marina also has a dump station adjacent to the dock for portable toilets. The marina's sewage disposal hours of operation are 7 am–8 pm weekends, 8 am–7 pm weekdays, May through September, and, 8 am–5 pm October through June. Cavalier Golf & Yacht Club marina is located at the north end of the Bird Neck Point Neighborhood at Bird Neck Point where Little Neck Creek meets Linkhorn Bay (1052 Cardinal Road, Virginia Beach). The marina currently operates a KECO diaphragm pumpout system on the dock accessible to club members only. They also have a dump station adjacent to the dock for portable toilets. The club currently serves approximately one hundred-fifty (150) vessels at this facility. The marina's sewage disposal hours of operation are 8 am–6 pm, 7 days a week, 12 months per year.

There are no draught limitations for vessels at pumpout facilities and dump stations in the Lynnhaven River. All vessels using the facilities have sufficient water to dock at the marinas. There are two bridges within the Lynnhaven River as well as the Lesner Bridge located at Lynnhaven Inlet. Pumpout facility locations as well as the bridge heights (35 feet) do not restrict accessibility to marinas or pumpout facilities. The facilities are generally concentrated near Lynnhaven Inlet because the watershed becomes dominated by private residences as one travels further away from the inlet. However, transient boats enter the watershed at the inlet and most local boats travel to the inlet facilities for fuel, so the grouping of facility locations does not appear to be an inconvenience.

The Commonwealth of Virginia Sanitary Regulations for Marinas and Boat Moorings specifies requirements for facility design and operation. Routine health department inspections and performance tests are performed to ensure that facilities are available and functioning properly. Broken pumpout stations can be reported to the Virginia Department of Health (VDH) by calling 1–800–ASK–FISH. These regulations also address treatment of collected vessel sewage from pumpouts and dump stations. In compliance with these regulations, all wastes from marinas within the Lynnhaven River are collected in and transported through the City of Virginia Beach's sanitary sewer collection system to the Hampton Roads Sanitation District for ultimate treatment and disposal.

According to Virginia's application there are approximately 11,253 vessels operating in the Lynnhaven River on any given day based on Virginia Beach boater registrations, and estimates of the transient boat population, minus the estimated number of registered boats operating in other Virginia Beach watersheds. The VDH marina inspection slip counts indicate only four out of 535 wet slips at commercial marinas with pumpouts in the Lynnhaven River are designated as transient vessel slips. Based on this information, it is assumed that most transient boats are brought in by trailer. Most of these boats would not be of a size expected to have a holding tank. Transient boat counts have been estimated based on boat information given by the operators of the three public boat ramps in the Lynnhaven River.

The vessel population based on length is 2,883 vessels less than 16 feet in length, 7,272 vessels between 16 feet and 26 feet in length, 899 vessels between 27 feet and 40 feet in length, and 199 vessels greater than 40 feet in length. Based on the number and size of vessels and EPA guidance for state and local officials to estimate the number of vessels with holding tanks, two pumpouts and four dump stations are needed for the Lynnhaven River. As described above, there are currently six pumpout facilities and six dump stations in the Lynnhaven River.

Finding

The EPA hereby makes a final affirmative determination that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for the Lynnhaven River, Virginia Beach, Virginia. This final determination will result in a Virginia state prohibition of any sewage discharges, whether treated or not, from vessels into the Lynnhaven River.

Dated: February 12, 2007.

Donald S. Welsh,

Regional Administrator, Region III.

[FR Doc. E7–2877 Filed 2–20–07; 8:45 am]

BILLING CODE 6560–50–P

COUNCIL ON ENVIRONMENTAL QUALITY

The National Environmental Policy Act—Citizen's Guide

AGENCY: Council on Environmental Quality.

ACTION: Notice and request for comments.

SUMMARY: The Council on Environmental Quality (CEQ) developed a Citizen's Guide to the National Environmental Policy Act (NEPA). This is a guide to help citizens and organizations who are concerned about the environmental effects of federal decision-making to effectively participate in federal agencies' environmental review process under NEPA. CEQ invites comments on the proposed ''A Citizen's Guide to the National Environmental Policy Act—Having your Voice Heard'' that is available from CEQ or at *www.NEPA.gov* in the Current Developments section.

DATES: Written comments should be submitted on or before March 30, 2007.

ADDRESSES: Hardcopies of the proposed guide can be requested from CEQ. Electronic or facsimile requests for a copy of the proposed guide and comments on the proposed guide are preferred because federal offices experience intermittent mail delays from security screening. Electronic requests and written comments can be sent to NEPA Modernization (Citizen's Guide) at *horst_greczmiel@ceq.eop.gov.* Written requests and comments may be faxed to NEPA Modernization (Citizen's Guide) at (202) 456–0753. Written requests and comments may also be

submitted to NEPA Modernization (Citizen's Guide), *Attn:* Associate Director for NEPA Oversight, 722 Jackson Place, NW., Washington DC 20503.

FOR FURTHER INFORMATION CONTACT: Horst Greczmiel, 202–395–5750.

SUPPLEMENTARY INFORMATION: The Council on Environmental Quality (CEQ) established a National Environmental Policy Act (NEPA) Task Force and is now implementing recommendations designed to modernize the implementation of NEPA and make the NEPA process more effective and efficient. Additional information is available on the task force Web site at *http://ceq.eh.doe.gov/ntf.*

The proposed guide, ''A Citizen's Guide to the National Environmental Policy Act—Having your Voice Heard'' was developed to explain the National Environmental Policy Act and the various types of environmental analyses federal agencies conduct prior to making federal decisions. In addition to an introduction to NEPA, the Guide explains the environmental impact statement (EIS), environmental assessment (EA), and categorical exclusion (CE) processes federal agencies use to comply with NEPA.

The Guide is intended to assist citizens in providing effective and timely input and comments when federal agencies use an EIS, EA, or CE. The Guide recognizes that comments can be the most important contribution from citizens and provides advice on how citizens can get involved in the NEPA process and how their comments can be made effectively.

Public comments are requested by March 30, 2007.

Dated: February 13, 2007.

James L. Connaughton,

Chairman, Council on Environmental Quality.

[FR Doc. E7–2854 Filed 2–20–07; 8:45 am]

BILLING CODE 3125–W7–P

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Sunshine Act Meeting Notice

DATE AND TIME: Wednesday, February 28, 2007, 9 a.m. Eastern Time.

PLACE: Clarence M. Mitchell, Jr. Conference Room on the Ninth Floor of the EEOC Office Building, 1801 ''L'' Street, NW., Washington, DC 20507.

STATUS: The meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Open Session

1. Announcement of Notation Votes; and
2. The E-Race Initiative—Panels of Invited Experts.

Note: In accordance with the Sunshine Act, the meeting will be open to public observation of the Commission's deliberations and voting. (In addition to publishing notices on EEOC Commission meetings in the **Federal Register**, the Commission also provides a recorded announcement a full week in advance on future commission sessions.)

Please telephone (202) 663–7100 (voice) and (202) 663–4074 (TTY) at any time for information on these meetings. The EEOC provides sign language interpretation at Commission meetings for the hearing impaired. Requests for other reasonable accommodations may be made by using the voice and TTY numbers listed above.

CONTACT PERSON FOR MORE INFORMATION: Stephen Llewellyn, Acting Executive Officer on (202) 663–4070.

Dated: February 15, 2007.

Stephen Llewellyn,

Acting Executive Officer, Executive Secretariat.

[FR Doc. 07–798 Filed 2–16–07; 2:18 pm]

BILLING CODE 6570–06–M

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 2806]

Petitions for Reconsideration of Action in Rulemaking Proceeding

February 12, 2007.

Petitions for Reconsideration have been filed in the Commission's Rulemaking proceeding listed in this Public Notice and published pursuant to 47 CFR 1.429(e). The full text of these documents is available for viewing and copying in Room CY–B402, 445 12th Street, SW., Washington, DC or may be purchased from the Commission's copy contractor, Best Copy and Printing, Inc. (BCPI) (1–800–378–3160). Oppositions to these petitions must be filed by March 8, 2007. See section 1.4(b)(1) of the Commission's rules (47 CFR 1.4(b)(1)). Replies to an opposition must be filed within 10 days after the time for filing oppositions have expired.

Subject: In the Matter of Boston Scientific Corporation (ET Docket No. 05–331) Petition for Waiver of section 15.205 of the Commission's Rules.

Number of Petitions Filed: 1.

Subject: In the Matter of Unlicensed Operation in the TV Broadcast Bands (ET Docket No. 04–186).

Additional Spectrum for Unlicensed Devices Below 900 MHz and in the 3 GHz Band (ET Docket No. 02–380).

Number of Petitions Filed: 1.

Marlene H. Dortch,

Secretary.

[FR Doc. E7–2897 Filed 2–20–07; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 2802—*CORRECTION]

Petition for Reconsideration of Action in Rulemaking Proceeding

February 14, 2007.

A Petition for Reconsideration has been filed in the Commission's Rulemaking proceeding listed in this Public Notice and published pursuant to 47 CFR 1.429(e). The full text of this document is available for viewing and copying in Room CY–B402, 445 12th Street, SW., Washington, DC or may be purchased from the Commission's copy contractor, Best Copy and Printing, Inc. (BCPI) (1–800–378–3160). Oppositions to this petition must be filed by March 8, 2007. See Section 1.4(b)(1) of the Commission's rules (47 CFR 1.4(b)(1)). Replies to an opposition must be filed within 10 days after the time for filing oppositions have expired.

Subject: 1. In the Matter of Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Port Norris, New Jersey, Fruitland, and Willards, Maryland, Chester, Lakeside, and Warsaw, Virginia) (MB Docket No. 04–409).

Number of Petitions Filed: 2.

*This is a correction to report #2802, released on December 28, 2006 to include an additional petition which was inadvertently omitted from MB Docket No. 04–409. The dates for filing oppositions will be extended to 15 days from the date of the publication of this notice in the **Federal Register**. Replies to an opposition will be extended to 10 days after the time for filing oppositions has expired.

Marlene H. Dortch,

Secretary.

[FR Doc. E7–2904 Filed 2–20–07; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Proposed Assessment Rate Adjustment Guidelines for Large Institutions and Insured Foreign Branches in Risk Category I

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice and request for comment.

SUMMARY: The FDIC is seeking comment on proposed guidelines it will use for determining how adjustments of up to 0.50 basis points would be made to the quarterly assessment rates of insured institutions defined as large Risk Category I institutions, and insured foreign branches in Risk Category I, according to the Final Assessments Rule (the final rule).[1] These guidelines are intended to further clarify the analytical processes, and the controls applied to these processes, in making assessment rate adjustment determinations.

DATES: Comments must be submitted on or before March 23, 2007.

ADDRESSES: You may submit comments, identified by ''Adjustment Guidelines'', by any of the following methods:

- Agency Web site: *http://www.fdic.gov/regulations/laws/federal.* Follow instructions for submitting comments on the Agency Web site.
- *E-mail: Comments@FDIC.gov.* Include ''Adjustment Guidelines'' in the subject line of the message.
- *Mail:* Robert E. Feldman, Executive Secretary, Attention: Comments, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, DC 20429.
- *Hand Delivery/Courier:* Guard station at the rear of the 550 17th Street Building (located on F Street) on business days between 7 a.m. and 5 p.m.

Instructions: All comments received will be posted without change to *http://www.fdic.gov/regulations/laws/federal* including any personal information provided. Comments may be inspected and photocopied in the FDIC Public Information Center, 3501 North Fairfax Drive, Room E–1002, Arlington, VA 22226, between 9 a.m. and 5 p.m. (EST) on business days. Paper copies of public comments may be ordered from the Public Information Center by telephone at (877) 275–3342 or (703) 562–2200.

FOR FURTHER INFORMATION CONTACT: Miguel Browne, Associate Director, Division of Insurance and Research, (202) 898–6789; Steven Burton, Senior Financial Analyst, Division of Insurance and Research, (202) 898–3539; and Christopher Bellotto, Counsel, Legal Division, (202) 898–3801.

[1] 71 Fr 69282 (Nov. 30, 2006).

SUPPLEMENTARY INFORMATION:

I. Background

Under the final rule, the assessment rates of large Risk Category I institutions are first determined using either supervisory and long-term debt issuer ratings, or supervisory ratings and financial ratios for large institutions that have no publicly available long-term debt issuer ratings. While the resulting assessment rates are largely reflective of the rank ordering of risk, the final rule indicates that FDIC may determine, in consultation with the primary federal regulator, whether limited adjustments to these initial assessment rates are warranted based upon consideration of additional risk information. Any adjustments will be limited to no more than 0.50 basis points higher or lower than the initial assessment rate and in no case would the resulting rate exceed the maximum rate or fall below the minimum rate in effect for an assessment period. Further, upward adjustments will not take effect without notification being made to the primary federal regulator and the institution or without consideration of any additional information provided by the primary federal regulator and the institution to these notifications; and downward adjustments will not take effect without notification being made to the primary federal regulator or without consideration of any additional information provided by the primary federal regulator to these notifications. Examples of additional risk information that would be considered in making such adjustments, and a general description of how this information would be evaluated, are also discussed in the final rule. However, in the final rule, the FDIC acknowledged the need to further clarify its processes for making adjustments to assessment rates and indicated that no adjustments would be made until additional guidelines were approved by the FDIC's Board.

The FDIC seeks comments on these proposed guidelines for evaluating how assessment rate adjustments, if warranted, will be made, and the size of any adjustments.[2] Following a 30-day comment period, the FDIC will review comments and revise the guidelines as appropriate. Although the FDIC has in this instance chosen to publish the proposed guidelines and solicit comment from the industry, notice and comment are not required and need not be employed to make future changes to the guidelines.

[2] These guidelines are also intended to apply to assessment rate adjustment determinations for insured foreign branches, whose initial assessment rates are determined from ROCA ratings under the final rule.

II. Broad Objectives

In the majority of cases, the use of agency and supervisory ratings, or the use of supervisory ratings and financial ratios when agency ratings are not available, will sufficiently reflect the risk profile and rank orderings of risk in large Risk Category I institutions. However, in certain cases, the FDIC may need to make adjustments to assessment rates determined from these inputs in order to preserve consistency in the orderings of risk indicated by these assessment rates, ensure fairness among all large institutions, and ensure that assessment rates take into account all available information that is relevant to the FDIC's risk-based assessment decision. The FDIC expects that adjustments will be made relatively infrequently and for a limited number of institutions. If this is not the case, the FDIC would likely reevaluate the underlying assessment rate methodology involving supervisory and long-term debt issuer ratings, and financial ratios for institutions without long-term debt issuer ratings.

The following broad objectives helped inform the formulation of a process for determining how adjustments to an institution's initial assessment rate, if appropriate, will be made, as well as the guidelines that will govern the adjustment process:

1. Assessment rates should reflect a logical and reasonable rank ordering of risk among large Risk Category I institutions. That is, institutions with similar risk profiles should pay similar assessment rates; and institutions with higher (lower) risk profiles should pay higher (lower) assessment rates.

2. Assessment rates for any given quarter should be based on the most recent information that pertains to an institution's risk profile.

3. The rank ordering of risk represented by assessment rates should be reconcilable to other risk measures including supervisory ratings, financial performance information, market information, quantitative measures of an institution's ability to withstand adverse events, and loss severity indicators.

4. Assessment rate determinations should consider all available information relating to both the likelihood of failure and loss severity in the event of failure. Loss severity information should include quantitative and qualitative considerations that relate to potential resolution costs.

III. Overview of the Adjustment Process

The FDIC adjustment process will include the following steps. In the first step, an initial risk ranking will be developed for all large institutions based on their initial assessment rates as derived from agency and supervisory ratings, or the use of supervisory ratings and financial ratios when agency ratings are not available, in accordance with the final rule.

In the second step, the risk rankings associated with these initial assessment rates will be compared with risk rankings associated with broad-based and focused risk measures as well as the risk rankings associated with other market indicators such as spreads on subordinated debt. Broad-based risk measures include each of the inputs to the initial assessment rate considered separately, other summary risk measures such as alternative publicly available debt issuer ratings, and loss severity estimates, which are not always sufficiently reflected in the inputs to the initial assessment rate or in other debt issuer ratings. Focused risk measures include financial performance measures, measures of an institution's ability to withstand financial adversity, and factors relating to the severity of losses to the insurance fund in the event of failure.

In the third step, the FDIC will perform further analysis and review in those cases where the risk rankings from multiple measures (such as broad-based risk measures, focused risk measures, and other market indicators) appear to be inconsistent with the risk rankings associated with the initial assessment rate. This step will include consultation with an institution's primary federal regulator and state banking supervisor. Although any additional information or feedback provided by the primary federal regulator or state banking supervisor will be considered in the FDIC's ultimate decision concerning such adjustments, participation by the primary federal regulator or state banking supervisory in this consultation process should not be construed as concurrence with the FDIC's deposit insurance pricing decisions.

In the final step, the FDIC will notify an institution when it proposes to make an upward adjustment to the institution's assessment rate. As indicated in the final rule, notifications involving an upward adjustment in an institution's initial assessment rate will be made in advance of implementing such an adjustment so that the institution has sufficient opportunity to respond to or address the FDIC's concerns.[3] Adjustments will be implemented after considering institution responses to this notification along with any subsequent changes either to the inputs to the initial assessment rate or any other risk factor that relates to the decision to make an assessment rate adjustment.

The following paragraphs elaborate further on the adjustment process just described. These paragraphs introduce proposed guidelines relating to the analytical process, show an example of how these guidelines will be applied, and present proposed guidelines intended to serve as controls over the assessment rate adjustment process.

IV. Proposed Guidelines for the Analytical Process and Illustrative Examples

To ensure consistency, fairness, and transparency, the FDIC proposes that the following guidelines be applied to its analytical process for determining how to make adjustments to the assessment rates of large Risk Category I institutions when appropriate. An example of how the guidelines would be applied in a sample institution follows the enumeration of the principal analytical guidelines.

Principal Analytical Guidelines

Guideline 1: The analytical process will focus on identifying inconsistencies between the rank orderings of risk suggested by initial assessment rates and the rank orderings of risk indicated by other risk measures. This process will consider all available information relating to the likelihood of failure and loss severity in the event of failure.

The purpose of the analytical process is to identify those institutions whose risk measures appear to be significantly different than other institutions with similarly assigned initial assessment rates. This analytical process involves the identification of possible inconsistencies between the rank orderings of risk associated with the initial assessment rate and the risk rankings associated with other risk measures. The intent of this analysis is not to override supervisory evaluations or to question the validity of long-term debt issuer ratings or financial ratios when applicable. Rather, the analysis is meant to ensure that the assessment rates, produced from the combination of these information sources, result in a reasonable rank ordering of risk that is consistent with risk profiles of large Risk Category I institutions.

The starting point in the analytical process will be the comparison of risk rankings associated with the initial assessment rate to risk rankings associated with a number of broad-based risk measures. This analysis will be supplemented with additional comparisons of risk rankings associated with focused risk measures and other market indicators to the risk rankings associated with an institution's initial assessment rate.[4]

The FDIC will consider adjusting an institution's initial assessment rate when there is sufficient corroborating information from a combination of broad-based risk measures, focused risk measures, and other market indicators to support an adjustment. The likelihood of an adjustment will increase when: (1) The rank orderings of risk suggested by multiple broad-based measures are directionally consistent and materially different from the rank ordering implied by the initial assessment rate; (2) there is sufficient corroborating information from focused risk measures and other market indicators to support differences in risk levels suggested by broad-based risk measures; (3) information pertaining to loss severity considerations raise prospects that an institution's resolution costs, when scaled by assets, would be materially higher or lower than those of other large institutions; or (4) additional qualitative information from the supervisory process or other feedback provided by the primary federal regulator or state banking supervisor is consistent with differences in risk suggested by the combination of broad-based risk measures, focused risk measures, and other market indicators.

The FDIC believes that its insurance pricing determinations should take into account risk information that relates both to the likelihood of failure and to the level of insurance fund losses (loss severity) that might reasonably be expected if an institution were to fail. Developing risk measures related to loss severity is especially important since the inputs to the initial assessment rate (supervisory and agency ratings) relate primarily to the likelihood of failure.

[3] The institution will also be given advance notice when the FDIC determines to eliminate any downward adjustment to an institution's assessment rate.

[4] Comparisons of risk measures will generally treat as indicative of low risk that portion of the risk rankings falling within the lowest X percentage of assessment rate rankings, with X being the proportion of large Risk Category I institutions assigned the minimum assessment rate. For example, as of June 30, 2006, 46 percent of large Risk Category I institutions would have been assigned a minimum assessment rate. Therefore, as of June 30, 2006, risk rankings from the 1st to the 46th percentile for any given risk measure would generally have been considered suggestive of low risk.

The loss severity factors the FDIC will consider include both quantitative and qualitative information. Quantitative information will be used to develop estimates of deposit insurance claims and the extent of coverage of those claims by an institution's assets. These quantitative estimates can in turn be converted into a relative risk ranking and compared with the risk rankings produced by the initial assessment rate. Factors that will be used to produce loss severity estimates include: Estimates for the amount of insured and non-insured deposit funding at the time of failure; the extent of an institution's obligations that would be subordinated to depositor claims in the event of failure; the extent of an institution's obligations that would be secured or would otherwise take priority over depositor claims in the event of failure; and the estimated value of assets in the event of failure.

In addition, the FDIC will consider other qualitative factors that could magnify or mitigate the resolution costs of a failed institution. These qualitative factors will be evaluated by determining when a given risk factor suggests materially higher or lower loss severity risks relative to the loss severity risks posed by other institutions. These qualitative factors include, but are not limited to, the following:

- The ease with which the FDIC could make quick deposit insurance determinations and depositor payments in the event of failure as discussed further below;
- The ability of the FDIC to isolate and control the main assets and critical business functions of a failed institution without incurring high costs;
- The level of an institution's foreign assets relative to its foreign deposits and prospects of foreign governments using these assets to satisfy local depositors and creditors in the event of failure; and
- The availability of sufficient information on qualified financial contracts to allow the FDIC to identify the counterparties to, and other details about, such contracts in the event of failure.

With respect to the first factor noted above, the FDIC has issued an Advanced Notice of Proposed Rulemaking (ANPR) on Large Bank Deposit Insurance Determination Modernization.[5] This ANPR seeks comment on whether the FDIC should require certain large institutions to implement various enhancements to their deposit account systems. The intent of any required enhancements would be to preserve the FDIC's ability to make timely deposit insurance determinations and provide insured depositors speedy access to their funds in the event of a large institution failure.

Notwithstanding any requirements that may result from this separate notice and comment process begun with the ANPR, the FDIC believes that the existing capabilities of an institution's deposit account systems should be considered as part of the assessment rate adjustment analysis process since the presence or absence of these capabilities would mitigate or magnify the resolution costs likely to be sustained by the FDIC in the event of failure. These capabilities include the ability of an institution's systems to place and remove holds on deposit accounts en masse as well as the ability of an institution to readily identify the owner(s) of each deposit account (for example, by using a unique identifier) and identify the ownership category of each deposit account. As with the other risk factors considered in the analytical process for making assessment rate adjustments, the FDIC will evaluate this factor by gauging the capabilities of an institution's deposit account systems relative to the capabilities of other institutions' systems. As part of these proposed guidelines, the FDIC is seeking comment on what information it should use to evaluate the existing capabilities of institution's deposit account systems.

Guideline 2: Broad-based indicators and other market information that represent an overall view of an institution's risk will be weighted more heavily in adjustment determinations than focused indicators as will loss severity information that has bearing on the ability of the FDIC to resolve institutions in a cost effective and timely manner.

While it is prudent to evaluate all available risk information when determining whether an adjustment in an institution's assessment rate is necessary, the FDIC recognizes that some risk indicators are more comprehensive than others and should therefore be weighted more heavily in assessment rate adjustment decisions. Examples of such comprehensive or broad-based risk measures include, but are not limited to, each of the inputs to the initial assessment rate (that is, weighted average CAMELS ratings, long-term debt issuer ratings, and the combination of weighted average CAMELS ratings and the five financial ratios used to determine assessment rates for institutions when long-term debt issuer ratings are not available), and other ratings intended to provide a comprehensive view of an institution's risk profile (see the Appendix for additional descriptions of broad-based risk measures). Likewise, the FDIC views some market indicators, such as spreads on subordinated debt, as more important than other market indicators since these spreads represent an evaluation of risk from institution investors whose risks are similar to those faced by the FDIC.[6] The FDIC also believes that certain qualitative loss severity factors, such as those discussed in Guideline 1, should be accorded greater weight in assessment rate determinations relative to other risk measures since these have a direct bearing on the resolutions costs that would be incurred by the FDIC in the event of failure.

Guideline 3: Focused risk measures and other market indicators will be used to compare with and supplement the comparative analysis using broad-based risk measures.

Individual financial ratios, such as a return on assets or a liquidity ratio, are examples of focused risk measures that, while important to consider, will generally not be as heavily relied upon as more comprehensive risk measures in deposit insurance pricing decisions. Rather, the FDIC will use focused risk measures, along with other market indicators, to supplement the risk comparisons of broad-based risk measures with initial assessment rates and to provide corroborating evidence of material differences in risk suggested by such comparisons. More specifically, the risk rankings associated with initial assessment rates will be compared with the risk rankings suggested by various financial performance measures, other market indicators, measures of an institution's ability to withstand adverse events, and loss severity indicators. The focused risk measures and other market indicators that will be considered during the analysis process are described in detail in the Appendix. The listing of risk measures in the Appendix is not intended to be exhaustive, but represents the FDIC's view of the most important focused risk measures to consider in the adjustment process. The development of risk measurement and monitoring capabilities is an ongoing and evolving process. As a result, the FDIC may revise the listing in the Appendix over time as a result of these development activities and consistent with the objective to consider all available risk information in its assessment rate decisions.

[5] 71 FR 74857 (December 13, 2006).

[6] The FDIC recognizes that in order to be comparable, this spread information would have to be available for debt issues with sufficient liquidity and adjusted for differing maturities and other bond-specific characteristics.

Guideline 4: Generally, no single risk factor or indicator will control the decision on whether to make an adjustment.

In general, no single risk indicator such as a profitability ratio or a capitalization ratio can fully capture the risks posed by large depository institutions. Rather, the FDIC's intent is to consider all the information available to it, including supervisory ratings, to determine if, on balance, the risk indicators support an adjustment to the institution's initial assessment rate. Even when multiple risk indicators appear to support an adjustment, additional information would have to be evaluated, including qualitative supervisory information from the supervisory process, to further corroborate and support the need for an adjustment. In certain cases, the FDIC may determine that an assessment rate adjustment is appropriate when certain qualitative risk factors pertaining to loss severity suggest materially higher or lower risk relative to the same types of risks posed by other institutions. As noted above, the FDIC intends to place greater weight on these factors since they have a direct bearing on resolution costs and since these factors are generally not considered in other risk measures.

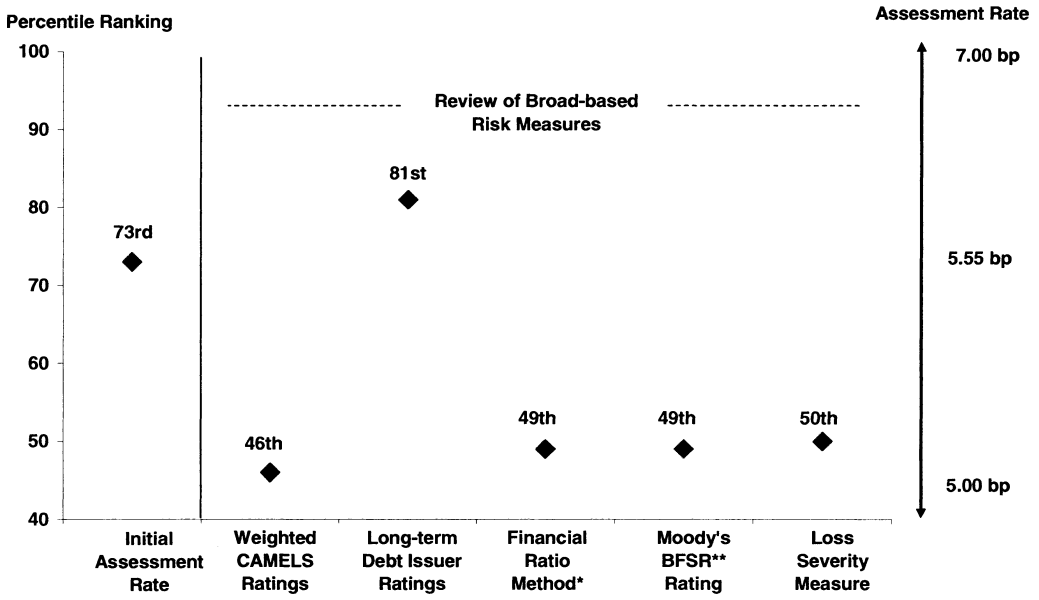
Example of the Analytical Process

An example will help illustrate the analytical process used to identify how assessment rate adjustments will be made through the application of the above guidelines. In this example, an institution's initial assessment rate is calculated at 5.55 basis points, which places it in the 73rd percentile of all large Risk Category I institutions.

Chart 1 depicts the first step in the analytical process, which is the comparison of the risk ranking associated with the institution's initial assessment rate with other broad-based risk measures. In this case, the risk ranking associated with the institution's initial assessment rate is materially higher than the risk rankings associated with a number of broad-based risk measures including its weighted average CAMELS score, the combination of weighted average CAMELS and financial ratios that are used to determine assessment rates for institutions without debt ratings, the institution's Bank Financial Strength Rating (BFSR) assigned by Moody's, and an estimate of loss severity (referred to in the chart as a loss severity measure). Based solely on these broad-based risk measures, the institution's risk appears more closely aligned to institutions paying around 5.00 and 5.10 basis points. Only the institution's long-term debt issuer ratings tend to confirm the initial assessment rate risk ranking.

Chart 1

Risk Rankings Associated with a Number of Broad-Based Risk Measures Suggest Lower Risk Levels than the Risk Rankings Associated with the Initial Assessment Rate



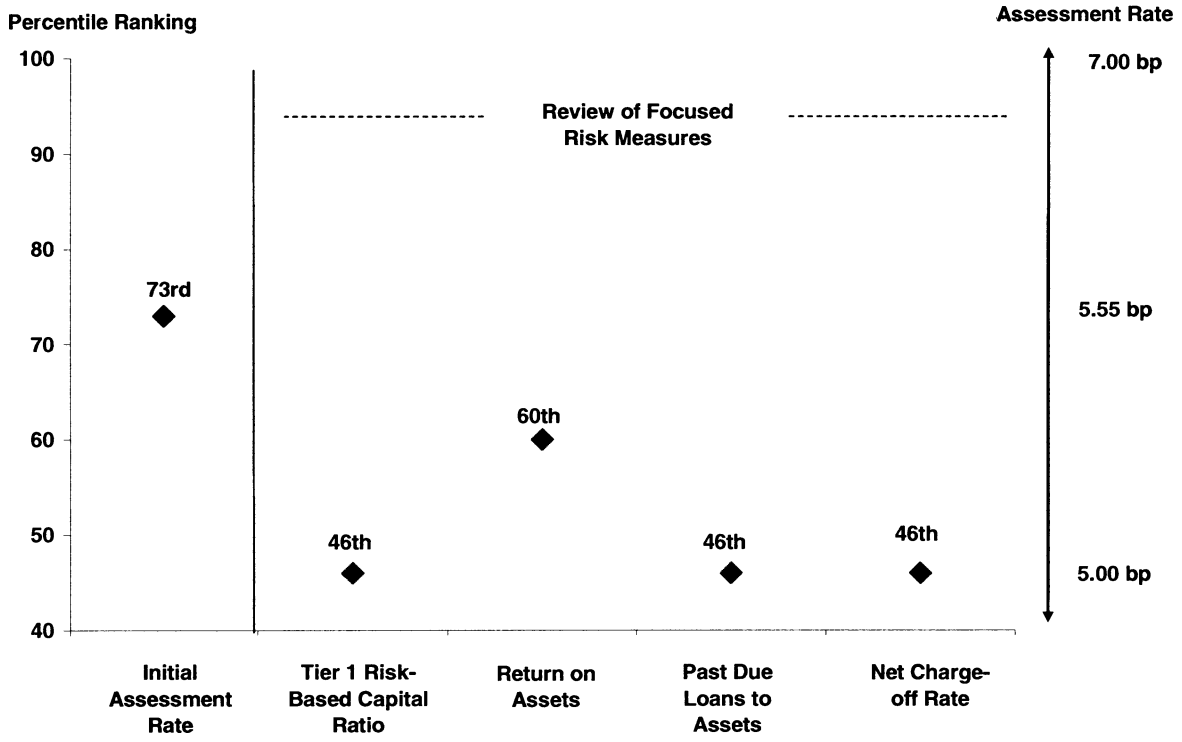
* Risk rankings associated with weighted average CAMELS ratings and the five financial ratios used to determine assessment rates for small institutions and institutions without debt ratings.

** Moody's Bank Financial Strength Rating.

To extend this example, the review of broad-based risk measures would be supplemented with an evaluation of additional focused risk measures, some of which are shown in Chart 2. For this institution, several key financial performance measures, including its capital ratios and problem loan measures, appear to confirm the lower levels of risk suggested by four of the five broad-based risk measures shown in Chart 1.

Chart 2

Risk Rankings Associated with Financial Performance Measures Appear to Confirm the Lower Risk Suggested by Other Broad-based Risk Measures



When evaluating financial performance information, the FDIC recognizes the importance of also considering qualitative information and mitigating factors that relate to these measures. For instance, the FDIC will:

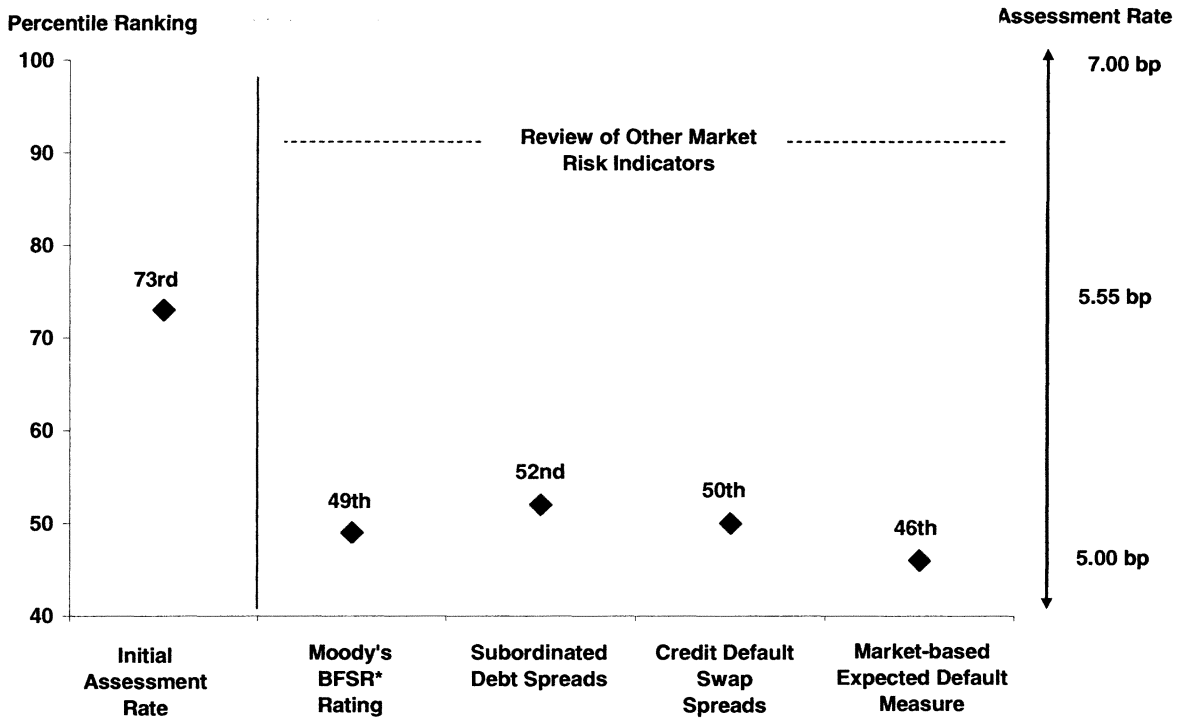
- When evaluating profitability measures, determine how risk ranking comparisons would be affected when earnings are adjusted to control for risk (i.e., using risk-adjusted and provision-adjusted returns), or unusual or nonrecurring earnings or expenses;
- When evaluating capital measures, determine how risk ranking comparisons would be affected when capitalization levels are adjusted to control for risk (i.e., using risk-based capital measures), how capital levels compare to historical and anticipated earnings volatility, and how anticipated capital growth compares to anticipated asset growth; and
- When evaluating asset quality measures, use additional information from the supervisory process to determine if differences in risk rankings can be explained by other risk measures, such as estimated portfolio-level probabilities of default, losses given default, credit bureau scores, or collateral coverage, or by the existence or absence of credit risk concentrations and credit risk mitigants.

Continuing the example, the FDIC would also review other market risk indicators, as shown in Chart 3, to further supplement the evaluation of broad-based and focused risk measures. These additional market risk indicators will be useful in evaluating the risk rankings suggested by an institution's agency ratings. In this case, market information relating to the cost of the institution's debt obligations and other market-based measures are clearly inconsistent with the risk levels suggested by the institution's long-term debt issuer ratings (as depicted in Chart 1).[7]

[7] This situation might occur when recent changes in an institution's risk profile have not yet been fully reflected in the agency rating, or when investors in an institution's obligations have different views of risk than one or more rating agencies.

Chart 3

Risk Rankings Associated with Other Market Indicators Also Suggest Lower Risk Levels than Those Associated with the Initial Assessment Rate



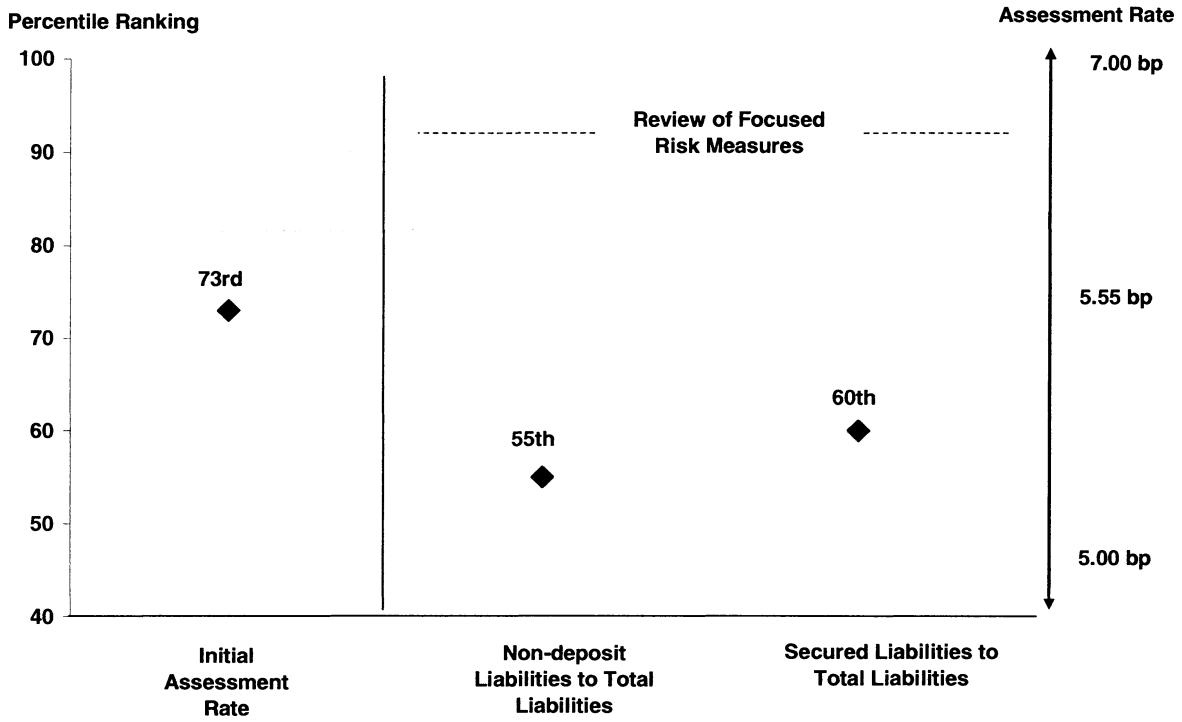
* Moody's Bank Financial Strength Rating.

As with the evaluation of performance risk measures, it is important to consider other factors that may influence any particular market risk measure. For instance, the FDIC will determine how market indicator risk rankings are affected when credit spreads or required rates of return are adjusted to control for differences in maturities, the existence of any embedded options (e.g., callable vs. non-callable), and differences in seniority in the event of default.

Extending the example further, the FDIC would also evaluate an institution's ability to withstand financial stress and the specific components of its loss severity estimates (referred to collectively as stress considerations). Chart 4 illustrates the comparison of rank orderings of two components of an institution's loss severity measure with the rank ordering associated with its initial assessment rate. As with other risk measures previously mentioned, these loss severity components appear to further support a lower level of risk than what is suggested by the initial assessment rate. Specifically, the institution has a higher level of non-deposit liabilities, which could serve as a buffer against losses in the event of failure, than institutions with similar initial assessment rate risk rankings. The institution also has a lower level of secured liabilities, which may take priority to FDIC claims in the event of failure, than institutions with similar initial assessment rate risk rankings.

Chart 4

Risk Rankings Associated with Loss Severity Indicators Further Support Lower Risk Levels Relative to the Risk Rankings Associated with the Initial Assessment Rate



To the extent possible, the FDIC will use stress consideration information to formulate comparisons of risk across institutions. Sources of this information are varied but might include analyses produced by the institution or the primary federal regulator, such as stress test results and capital adequacy assessments, as well as information about the risk characteristics of institution's lending portfolios and other businesses. The types of comparisons that might be possible using this information include evaluating differences between institutions in the level of protection provided by capital and earnings to varying stress scenarios and the implications of these scenarios to loss severity in the event of failure. Other factors that would be considered when making these comparisons are the degree to which results are influenced by differences in stress test assumptions or other model parameters.

To conclude the example, the FDIC would consider lowering this institution's assessment rate to better align its assessment rate with the risk levels suggested by other risk measures. In this case, lower levels of risk are supported by the rank orderings of risk associated with multiple broad-based measures. These rank orderings of risk are further supported by risk rankings derived from a number of financial performance measures, other market indicators, and loss severity components. Before proceeding with any adjustment, however, the FDIC will perform additional analyses and review, including the attainment of corroborating information from the supervisory process, as indicated in the guidelines that follow.

Additional Analytical Guidelines

Guideline 5: Comparisons of risk information will consider normal variations in performance measures and other risk indicators that exist among institutions with differing business lines.

The FDIC recognizes that it would not be reasonable to compare certain indicators across institutions engaged in fundamentally different businesses (e.g., comparing a mortgage lender's profitability and asset quality measures to that of a diversified lender). As a result, the FDIC will consider the effect of business line concentrations in its risk ranking comparisons. One possible way to consider business line concentrations is to evaluate risk rankings when institutions are grouped by their predominant business activity. The FDIC's notice of proposed rulemaking for deposit insurance assessments, issued in July 2006, referenced one possible set of business line groupings that included processing institutions and trust companies, residential mortgage lenders, non-diversified regional institutions, large diversified institutions, and diversified regional institutions.[8] Risk ranking comparisons within these business line groupings is one way the FDIC can control for business line concentrations when making assessment rate adjustment decisions.

Guideline 6: Adjustment will be made only if additional analysis suggests a meaningful risk differential between the institution's initial and adjusted assessment rates.

Where material inconsistencies between initial assessment rates and other risk indicators are present, additional analysis will determine the magnitude of adjustment necessary to

[8] See 71 FR 41910 (July 24, 2006).

align the assessment rate better with the rates of other institutions with similar risk profiles. The objective of this analysis will be to determine the amount of assessment rate adjustment that would be necessary to bring an institution's assessment rate into better alignment with those of other institutions that pose similar levels or risk. This process will entail a number of considerations, including: (1) The number of rank ordering comparisons that identify the institution as a potential outlier relative to institutions with similar assessment rates; (2) the direction and magnitude of differences in rank ordering comparisons; (3) a qualitative assessment of the relative importance of any apparent outlier risk indicators to the overall risk profile of the institution, and (4) an identification of mitigating factors. One example of a mitigating factor might be an institution that has significantly lower profitability measures than other institutions with similarly ranked initial assessment rates, but is engaged in fundamentally lower-risk businesses as evidenced by superior asset quality measures relative to institutions with similarly ranked initial assessment rates.

Based upon these considerations, the FDIC will determine the magnitude of adjustment that would be necessary to better align its assessment rate with institutions that pose similar levels or risk. When the assessment rate adjustment suggested by these considerations is not material, or when there are a number of risk comparisons that offer conflicting or inconclusive evidence of material inconsistencies, no assessment rate adjustment will be made.

V. Controls Over the Assessment Rate Adjustment Process

The FDIC proposes to implement various controls over the adjustment process to ensure fairness and transparency in its pricing decisions. These controls, many of which are contained in the final rule, are enumerated in the guidelines below.

Guideline 7: Decisions to adjust an institution's assessment rate must be well supported.

The FDIC will perform internal reviews of pending adjustments to an institution's assessment rate to ensure the adjustment is justified, well supported, based on the most current information available, and results in an adjusted assessment rate that is consistent with rates paid by other institutions with similar risk profiles.

Guideline 8: *The FDIC will consult with an institution's primary federal regulator and appropriate state banking supervisor prior to making any decision to adjust an institution's initial assessment rate (or prior to removing a previously implemented adjustment). Participation by the primary federal regulator or state banking supervisor in this consultation process should not be construed as concurrence with the FDIC's deposit insurance pricing decisions.*

Consistent with current practice, FDIC analysts and management will consult with the primary federal regulator and state banking supervisors on an ongoing basis regarding risk issues facing large institutions and recent events that may influence an institution's overall risk profile or supervisory ratings. Because of this ongoing contact, the primary federal regulator and state banking supervisor should always be aware when the FDIC views a need for an assessment rate adjustment. Nevertheless, the FDIC will formalize its determinations with the following steps:

1. The FDIC will formally notify the primary federal regulator, and state banking supervisors, of the pending adjustment in advance of the first opportunity to implement any adjustment.
2. Documentation related to any pending adjustment will include a discussion of why the adjusted assessment rate is more consistent with the risk profiles represented by institutions with similar assessment rates.
3. The FDIC will consider any additional information provided by either the primary federal regulator or state banking supervisor prior to proceeding with an adjustment of an institution's assessment rate.

Guideline 9: *The FDIC will give institutions advance notice of any decision to make an upward adjustment to its initial assessment rate, or to remove a previously implemented downward adjustment.*

The FDIC will notify institutions when it intends to make an upward adjustment to its initial assessment rate (or remove a downward adjustment). This notification will include the reasons for the adjustment, when the adjustment would take effect, and provide the institution up to 60 days to respond. Adjustments would not become effective until the quarterly assessment period following the date the notification was made. During this subsequent assessment period, the FDIC will determine whether an adjustment is still warranted based on an institution's response to the notification as well as any subsequent changes to an institution's weighted average CAMELS, long-term debt issuer ratings, financial ratios (when applicable), or other risk measures used to support the adjustment. The FDIC will also consider any actions taken by the institution, during the period for which the institution is being assessed, in response to the FDIC's concerns described in the notice.

Guideline 10: *The FDIC will continually re-evaluate the need for an assessment rate adjustment.*

The FDIC will re-evaluate the need for the adjustment during each subsequent quarterly assessment period. These evaluations will be based on any new information that becomes available, as well as any changes to an institution's weighted average CAMELS, long-term debt issuer ratings, financial ratios (when applicable), or other risk measures used to support the adjustment.

The institution can request a review of the FDIC's decision to adjust its assessment rate.[9] It would do so by submitting a written request for review of the assessment rate assignment, as adjusted, in accordance with 12 CFR 327.4(c). This same section allows an institution to bring an appeal before the FDIC's Assessment Appeals Committee if it disagrees with determinations made in response to a submitted request for review.

VI. Timing of Notifications and Adjustments

Upward Adjustments

As noted above, institutions will be given advance notice when the FDIC determines that an upward adjustment in its assessment rate appears to be warranted. The timing of this advance notification will correspond approximately to the invoice date for an assessment period. For example, an institution would be notified of a pending upward adjustment to its assessment rates covering the period April 1st through June 30th sometime around June 15th. June 15th is the invoice date for the January 1st through March 31st assessment period.[10] Institutions will have up to 60 days to respond to notifications of pending upward adjustments.

The FDIC would notify an institution of its decision to either proceed with or not proceed with the upward adjustment approximately 90 days following the initial notification of a

[9] The institution can also request a review of the FDIC's decision to remove a previous downward adjustment.

[10] Since the intent of the notification is to provide advance notice of a pending upward adjustment, the invoice covering the assessment period January 1st through March 31st in this case would not reflect the upward adjustment.

pending upward adjustment. If a decision were made to proceed with the adjustment, the adjustment would be reflected in the institution's next assessment rate invoice. Extending the example above, if an institution were notified of an upward adjustment on June 15th, it would have 60 days from this date to respond to the notification. If, after evaluating the institution's response and following an evaluation of updated information for the quarterly assessment period ending June 30th, the FDIC decides to proceed with the adjustment, it would communicate this decision to the institution on September 15th, which is the invoice date for the April 1st through June 30th assessment period. In this case, the adjusted rate would be reflected in the September 15th invoice. The adjustment would remain in effect for subsequent assessment periods until the FDIC determined that the adjustment is no longer warranted.[11]

Downward Adjustments

Decisions to lower an institution's assessment rate will not be communicated to institutions in advance. Rather, they would be reflected in the invoices for a given assessment period along with the reasons for the adjustment. Downward adjustments may take effect as soon as the first insurance collection for the January 1st through March 31, 2007 assessment period subject to timely approval of the guidelines by the Board of the FDIC. Downward adjustments will remain in effect for subsequent assessment periods until the FDIC determines that the adjustment is no longer warranted (and subject to the advance notification requirements indicated above for upward adjustments).[12]

VII. Request for Comment

The FDIC seeks comment on all aspects of the proposed guidelines for determining how to make adjustments to the initial assessment rates of large Risk Category I institutions. In particular, the FDIC seeks comments on:

1. Whether the objectives, listed under the heading Broad Objectives, for making assessment rate adjustments are appropriate?

2. Whether the proposed guidelines governing the analytical process are appropriate and sufficient to ensure fairness and consistency in deposit insurance pricing determinations? More specifically:

a. The appropriateness of considering additional risk information, including information pertaining to loss severity, to identify possible inconsistencies between an institution's initial assessment rate and risk measures of institutions with similar assessment rates;

b. The appropriateness of applying greater emphasis on broad-based risk measures than more focused measures when making assessment rate adjustment determinations;

c. The appropriateness of augmenting the analysis of broad-based risk measures with a review of more focused risk measures;

d. The appropriateness of basing adjustment decisions on considerations of multiple risk indicators;

e. The appropriateness of assessing financial performance risk measures relative to other institutions engaged in similar business activities; and

f. The appropriateness of using additional risk information to determine the magnitude of adjustment to an institution's assessment rate that would be necessary to bring its rate into better alignment with institutions with similar risk measures.

3. What information should the FDIC use to evaluate the qualitative loss severity factors enumerated under Guideline 1? For example, in the absence of a final rule that might implement certain requirements relating to deposit account system capabilities as described in the Advanced Notice of Proposed Rulemaking on Large Bank Deposit Insurance Determination Modernization,[13] to what extent should the FDIC consider the existing capabilities of deposit account systems? More specifically, should the FDIC consider whether an institution's systems have the ability to place and remove holds on deposit accounts en masse as well as the ability to readily identify the owner(s) of each deposit account (for example, by using a unique identifier) and identify the ownership category of each deposit account, be included in risk-based pricing determinations? If so, what should be the form of information that would demonstrate the existence of these capabilities, to include the scope of any account testing and the types of assurances that would document any such testing (as one example, an institution could demonstrate these capabilities by performing appropriate testing against a sufficiently large sample of deposit accounts and by confirming positive results of this testing to the FDIC in statement certified by a compliance officer or internal auditor of the institution)? Additionally, what information could the institution provide to assist the FDIC in evaluating the ability of the FDIC to isolate and control the main assets and critical business functions of a failed institution without incurring high costs; the level of an institution's foreign assets relative to its foreign deposits and prospects of foreign governments using these assets to satisfy local depositors and creditors in the event of failure; and the availability of sufficient information on qualified financial contracts to allow the FDIC to identify the counterparties to, and other details about, such contracts in the event of failure?

4. Whether there are additional guidelines that should govern the analytical process to ensure fairness and consistency in deposit insurance pricing determinations?

5. Whether it is appropriate for the FDIC to consider information, such as the results of an institution's stress testing or capital adequacy assessment analyses, that pertains to an institution's ability to withstand adverse events and if so, how such information should be incorporated into the analytical process described in these proposed guidelines?

6. Whether it is appropriate for the FDIC to consider risk information that will be developed from the implementation of proposed international capital standards into its analytical process for determining whether an assessment rate adjustment is appropriate and the magnitude of any such adjustments?

7. Whether it is appropriate for the FDIC to consider the willingness and ability of an institution's parent company or its affiliates to provide financial support to the institution or to mitigate the FDIC's loss in the event of failure? If so, what factors or characteristics might be useful in evaluating such considerations?

8. Whether the FDIC should consider certain additional supervisory information when determining whether a downward adjustment in assessment rates is appropriate? For example, should the FDIC preclude from consideration for a downward adjustment those situations where an institution has an outstanding supervisory order in place that may be less directly related to the institution's

[11] The timeframes and example illustrated here would also apply to a decision by the FDIC to remove a previously implemented downward adjustment as well as a decision to increase a previously implemented upward adjustment (the increase could not cause the total adjustment to exceed the 0.50 basis point limitation).

[12] As noted in the final rule, the FDIC may raise an institution's assessment rate without notice if the institution's supervisory or agency ratings or financial ratios (for institutions without debt ratings) deteriorate.

[13] 71 FR 74857 (December 13, 2006).

safety and soundness (such as a memorandum of understanding or consent and decree order relating to compliance regulations or the Bank Secrecy Act)?

9. Whether the proposed guidelines for controlling the assessment rate adjustment process are sufficient to ensure that adjustment decisions are justified, fully supported, and take into account responses and additional information from the primary federal regulator and the institution?

10. Whether there are additional guidelines that should control the assessment rate adjustment process?

Appendix—Examples of Risk Measures That Will Be Considered in Assessment Rate Adjustment Determinations [14]

Broad-Based Risk Measures

• *Composite and weighted average CAMELS ratings:* the composite rating assigned to an insured institution under the Uniform Financial Institutions Rating System and the weighted average CAMELS rating determined under the final rule.

• *Long-term debt issuer rating:* a current, publicly available, long-term debt issuer rating assigned to an insured institution by Moody's, Standard & Poor's, or Fitch.

• *Financial ratio measure:* the assessment rate determined for large Risk Category I institutions without long-term debt issuer ratings, using a combination of weighted average CAMELS ratings and five financial ratios as described in the final rule.

• *Offsite ratings:* ratings or numerical risk rankings, developed by either supervisors or industry analysts, that are based primarily on off-site data and incorporate multiple measures of insured institutions' risks.

• *Other agency ratings:* current and publicly available ratings, other than long-term debt issuer ratings, assigned by any rating agency that reflect the ability of an institution to perform on its obligations. One such rating is Moody's Bank Financial Strength Rating BFSR, which is intended to provide creditors with a measure of a bank's intrinsic safety and soundness, excluding considerations of external support factors that might reduce default risk, or country risk factors that might increase default risk.

• *Loss severity measure:* an estimate of insurance fund losses that would be incurred in the event of failure. This measure takes into account such factors as estimates of insured and non-insured deposit funding, obligations that would be subordinated to depositor claims, obligations that would be secured or would otherwise take priority claim over depositor claims, the estimated value of assets, prospects for ''ring-fencing'' whereby foreign assets are used to satisfy foreign obligor claims over FDIC claims, and other factors that could affect resolution costs.

Financial Performance and Condition Measures

Profitability

• *Return on assets:* net income (pre- and post-tax) divided by average assets.

• *Return on risk-weighted assets:* net income (pre- and post-tax) divided by average risk-weighted assets.

• *Core earnings volatility:* volatility of quarterly earnings before tax, extraordinary items, and securities gains (losses) measured over one, three, and five years.

• *Net interest margin:* interest income less interest expense divided by average earning assets.

• *Earning asset yield:* interest income divided by average earning assets.

• *Funding cost:* interest expense divided by interest bearing obligations.

• *Provision to net charge-offs:* loan loss provisions divided by losses applied to the loan loss reserve (net of recoveries).

• *Burden ratio:* overhead expenses less non-interest revenues divided by average assets.

• *Qualitative and mitigating profitability factors:* includes considerations such as earnings prospects and diversification of revenue sources.

Capitalization

• *Tier 1 leverage ratio:* tier 1 capital for Prompt Corrective Action (PCA) divided by adjusted average assets as defined for PCA.

• *Tier 1 risk-based ratio:* PCA tier 1 capital divided by risk-weighted assets.

• *Total risk-based ratio:* PCA total capital divided by risk-weighted assets.

• *Tier 1 growth to asset growth:* annual growth of PCA tier 1 capital divided by annual growth of total assets.

• *Regulatory capital to internally-determined capital needs:* PCA tier 1 and total capital divided by internally-determined capital needs as determined from economic capital models, internal capital adequacy assessments processes (ICAAP), or similar processes.

• *Qualitative and mitigating capitalization factors:* includes considerations such as strength of capital planning and ICAAP processes, and the strength of financial support provided by the parent.

Asset Quality

• *Non-performing assets to tier 1 capital:* nonaccrual loans, loans past due over 90 days, and other real estate owned divided by PCA tier 1 capital.

• *ALLL to loans:* allowance for loan and lease losses plus allocated transfer risk reserves divided by total loans and leases.

• *Net charge-off rate:* loan and lease losses charged to the allowance for loan and lease losses (less recoveries) divided by average total loans and leases.

• *Higher risk loans to tier 1 capital:* sum of sub-prime loans, alternative or exotic mortgage products, leveraged lending, and other high risk lending (e.g., speculative construction or commercial real estate financing) divided by PCA tier 1 capital.

• *Criticized and classified assets to tier 1 capital:* assets assigned to regulatory categories of Special Mention, Substandard, Doubtful, or Loss (and not charged-off) divided by PCA tier 1 capital.

• *EAD-weighted average PD:* weighted average estimate of the probability of default (PD) for an institution's obligors where the weights are the estimated exposures-at-default (EAD). PD and EAD risk metrics can be defined using either the Basel II framework or internally defined estimates.

• *EAD-weighted average LGD:* weighted average estimate of loss given default (LGD) for an institution's credit exposures where the weights are the estimated EADs for each exposure. LGD and PD risk metrics can be defined using either the Basel II framework or internally defined estimates.

• *Qualitative and mitigating asset quality factors:* includes considerations such as the extent of credit risk mitigation in place; underwriting trends; strength of credit risk monitoring; and the extent of securitization, derivatives, and off-balance sheet financing activities that could result in additional credit exposure.

Liquidity and Market Risk Indicators

• *Core deposits to total funding:* the sum of demand, savings, MMDA, and time deposits under $100 thousand divided by total funding sources.

• *Net loans to assets:* loans and leases (net of the allowance for loan and lease losses) divided by total assets.

• *Liquid and marketable assets to short-term obligations and certain off-balance sheet commitments:* the sum of cash, balances due from depository institutions, marketable securities (fair value), federal funds sold, securities purchased under agreement to resell, and readily marketable loans (e.g., securitized mortgage pools) divided by the sum of obligations maturing within one year, undrawn commercial and industrial loans, and letters of credit.

• *Qualitative and mitigating liquidity factors:* includes considerations such as the extent of back-up lines, pledged assets, and the strength of contingency and funds management practices.

• *Earnings and capital at risk to fluctuating market prices:* quantified measures of earnings or capital at risk to shifts in interest rates, changes in foreign exchange values, or changes in market and commodity prices. This would include measures of value-at-risk (VaR) on trading book assets.

• *Qualitative and mitigating market risk factors:* includes considerations of the strength of interest rate risk and market risk measurement systems and management practices, and the extent of risk mitigation (e.g, interest rate hedges) in place.

Other Market Indicators

• *Subordinated debt spreads:* dealer-provided quotes of interest rate spreads paid on subordinated debt issued by insured subsidiaries relative to comparable maturity treasury obligations.

• *Credit default swap spreads:* dealer-provided quotes of interest rate spreads paid by a credit protection buyer to a credit

[14] This listing is not intended to be exhaustive but represents the FDIC's view of the most important risk measures that should be considered in the assessment rate determinations of large Risk Category I institutions. This listing may be revised over time as improved risk measures are developed through an ongoing effort to enhance the FDIC's risk measurement and monitoring capabilities.

protection seller relative to a reference obligation issued by an insured institution.

• *Market-based default indicators:* estimates of the likelihood of default by an insured organization that are based on either traded equity or debt prices.

• *Qualitative market indicators or mitigating market factors:* includes considerations such as agency rating outlooks, debt and equity analyst opinions and outlooks, and the relative level of liquidity of any debt and equity issues used to develop market indicators defined above.

Risk Measures Pertaining to Stress Conditions

Ability To Withstand Stress Conditions

• *Concentration measures:* measures of the level of concentrated risk exposures and extent to which an insured institution's capital and earnings would be adversely affected due to exposures to common risk factors such as the condition of a single obligor, poor industry sector conditions, poor local or regional economic conditions, or poor conditions for groups of related obligors (e.g., subprime borrowers).

• *Results of stress tests or scenario analyses:* measures of the extent of capital, earnings, or liquidity depletion under varying degrees of financial stress such as adverse economic, industry, market, and liquidity events.

• *Qualitative and mitigating factors relating to the ability to withstand stress conditions:* includes considerations such as the comprehensiveness of risk identification and stress testing analyses, the plausibility of stress scenarios considered, and the sensitivity of scenario analyses to changes in assumptions.

Loss Severity Indicators

• *Non-deposit liabilities to total liabilities:* the sum of obligations, such as subordinated debt, that would have a subordinated claim to the institution's assets in the event of failure divided by total liabilities.

• *Secured (priority) liabilities to total liabilities:* the sum of claims, such as trade payables and secured borrowings, that would have priority claim to the institution's assets in the event of failure divided by total liabilities.

• *Foreign deposits to total liabilities:* foreign deposits divided by total liabilities.

• *Extent of insured assets held in foreign units:* amount of assets held in foreign offices.

• *Liquidation value of assets:* estimated value of assets, based largely on historical loss rates experienced by the FDIC on various asset classes, in the event of liquidation.

• *Qualitative and mitigating factors relating to loss severity:* includes considerations such as the sufficiency of information and systems capabilities relating to qualified financial contracts and deposits to facilitate quick and cost efficient resolution, the extent to which critical functions or staff are housed outside the insured entity, and prospects for ring-fencing in the event of failure.

By order of the Board of Directors.

Dated at Washington, DC, this 15th day of February, 2007.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. E7–2906 Filed 2–20–07; 8:45 am]

BILLING CODE 6714–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

National Center for Environmental Health/Agency for Toxic Substances and Disease Registry

The Program Peer Review Subcommittee (PPRS) of the Board of Scientific Counselors (BSC), Centers for Disease Control And Prevention (CDC), National Center for Environmental Health/Agency for Toxic Substances and Disease Registry (NCEH/ATSDR): Teleconference.

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), CDC, NCEH/ATSDR announces the aforementioned subcommittee teleconference meeting:

Time and Date: 9 a.m.–11 a.m. Eastern Standard Time, March 9, 2007.

Place: The teleconference will originate at NCEH/ATSDR in Atlanta, Georgia. To participate, dial 877/315–6535 and enter conference code 383520.

Purpose: Under the charge of the BSC, NCEH/ATSDR, the PPRS will provide the BSC, NCEH/ATSDR with advice and recommendations on NCEH/ATSDR program peer review. They will serve the function of organizing, facilitating, and providing a long-term perspective to the conduct of NCEH/ATSDR program peer review.

Matters To Be Discussed: Review and approve minutes of February 2007 and December 2006; a report on site-specific activities peer review; a discussion of preparedness and emergency response peer review: breadth and approach of the review, and areas of expertise required for the review; nominations for a PPRS panel member, a chairperson, peer reviewers, and partners and customers.

Agenda items are subject to change as priorities dictate.

Supplementary Information: This meeting is scheduled to begin at 9 a.m. Eastern Standard Time. To participate, please dial (877) 315–6535 and enter conference code 383520. Public comment period is scheduled for 10 a.m.–10:15 a.m.

For Further Information Contact: Sandra Malcom, Committee Management Specialist, Office of Science, NCEH/ATSDR, M/S E–28, 1600 Clifton Road, NE., Atlanta, Georgia 30333, telephone 404/498–0622.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities for both CDC and the Agency for Toxic Substances and Disease Registry.

Dated: February 14, 2007.

Elaine Baker,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. E7–2885 Filed 2–20–07; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Proposed Projects

Title: Help America Vote Act (HAVA) Voting Access Annual Report.

OMB No.: New Collection.

Description: An annual report is required by Federal statute (the Help America Vote Act (HAVA) of 2002, Public Law 107–252, Section 291, Payments for Protection and Advocacy Systems, 42 U.S.C. 15461). Each State or Unit of Local Government must prepare and submit an annual report at the end of every fiscal year. The report addresses the activities conducted with the funds provided during the year. The information collected from the annual report will be aggregated into an annual profile of how States have utilized the funds and establish best practices for election officials. It will also provide an overview of the State election goals and accomplishments and permit the Administration on Developmental Disabilities to track voting progress to monitor grant activities.

Respondents: Secretaries of State, Directors, State Election Boards, State Chief Election Officials.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Help America Vote Act (HAVA) Voting Access Annual Report	55	1	24	1,320

Estimated Total Annual Burden Hours: 1,320.

In compliance with the requirements of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above.

Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Administration, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. E-mail address: *information@acf.hhs.gov*. All requests should be identified by the title of the information collection.

The Department specifically requests comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Dated: February 13, 2007.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 07–770 Filed 2–20–07; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Evaluation of the Refugee Social Service (RSS) and Targeted Assistance Formula Grant (TAG) Programs: Data Collection.

OMB No.: 0970–0296.

Description: The Office of Refugee Resettlement (ORR) within the U.S. Department of Health and Human Services (HHS) funds the Refugee Social Services (RSS) and Targeted Assistance Formula Grant (TAG) programs, which are designed to help refugees achieve economic success quickly following their arrival in the United states through employment services, English-language instruction, vocational training, and other social services. ORR is sponsoring a project to (a) Conduct a comprehensive evaluation of the effectiveness of ORR employability services through RSS and TAG, and (b) propose options for institutionalizing ongoing evaluation and performance assessment into the programs.

ORR is requesting renewal of OMB clearance for a survey of refugees that is collecting data on refugees' employment and earnings outcomes. Survey interviews began in July 2006, and are still ongoing. The survey is being conducted in three cities: Houston, Miami, and Sacramento. The survey relies on a mixed-mode data collection method that involves both telephone and in-person interviews. If individuals cannot be reached by phone, an attempt is made to contact them in person. Three hundred refugees from a randomly selected sample in each site will complete the survey, for a total of 900 refugees.

While locating and interviewing this population was expected to be difficult due to their high mobility, achieving the goal of 900 complete responses needed for reliable analysis, while maintaining reasonable response rates, has proven more time-consuming than expected. As of January 26, 2007, 668 refugees have already completed the survey. Conservatively estimating that slightly more than half of the remaining 232 cases are completed before the current clearance expires, about 100 interviews would be needed during the extension period. Consequently, ORR is requesting clearance to continue the survey past its current expiration date in March 2007.

Respondents: Refugees and related populations that qualify for RSS/TAG services who entered the United States between October 1999 and September 2004.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Survey of Refugees	100	1	0.75	75

Estimated Total Annual Burden Hours: 75

Additional Information: Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Administration, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. E-mail address: *infocollection@acf.hhs.gov.* All requests should be identified by the title of the information collection.

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after the publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, FAX: 202–395–6974, Attn: Desk Officer for the Administration for Children and Families.

Dated: February 13, 2007.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 07–771 Filed 2–20–07; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Child Care and Development Fund Plan for States/Territories for FY 2008–2009.

OMB No.: 0970–0114.

Description: The Child Care and Development Fund (CCDF) Plan (the Plan) for States and Territories is required from each CCDF Lead agency in accordance with Section 658E of the Child Care and Development Block Grant Act of 1990, as amended (Pub. L. 101–508, Pub. L. 104–193, and 42 U.S.C. 9858). The implementing regulations for the statutorily required Plan are set forth at 45 CFR 98.10 through 98.18. The Plan, submitted on the ACF–118, is required biennially, and remains in effect for two years. The Plan provides ACF and the public with a description of, and assurance about, the State's or the Territory's child care program. The ACF–118 is currently approved through June 30, 2008, making it available to states and Territories needing to submit Plan Amendments through the end of the FY 2007 Plan Period. However, in July 2007, States and Territories will be required to submit their FY 2008–2009 Plans. Consistent with the statute and regulations, ACF requests extension of the ACF–118 with minor corrections and modifications. The Tribal Plan (ACF–118a) is not affected by this notice.

Respondents: State and Territorial CCDF Lead Agencies.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
ACF–118	56	.5	162.57	4,552

Estimated Total Annual Burden Hours: 4,552

Additional Information: Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Administration, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. E-mail address: *infocollection@acf.hhs.gov.* All requests should be identified by the title of the information collection.

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after the publication of this document in the **Federal Register.** Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, FAX: 202–395–6974, Attn: Desk Officer for the Administration for Children and Families.

Dated: February 13, 2007.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 07–772 Filed 2–20–07; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: State Self-Assessment Review and Report.

OMB No. 0970–0223.

Description: Section 454(15)(A) of the Social Security Act, as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, requires each State to annually assess the performance of its child support enforcement program in accordance with standards specified by the Secretary of the Department of Health and Human Services, and to provide a report of the findings to the Secretary. This information is required to determine if States are complying with Federal child support mandates and providing the best services possible. The report is also intended to be used as a management tool to help States evaluate their programs and assess performance.

Respondent: State Child Support Enforcement Agencies or the Department/Agency/Bureau responsible for Child Support Enforcement in each State.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Self-assessment report	54	1	4	216

Estimated Total Annual Burden Hours: 216.

Additional Information: Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Administration, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. E-mail address: *infocollection@acf.hhs.gov.* All requests should be identified by the title of the information collection.

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after the publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it

within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, FAX: 202–395–6974, Attn: Desk Officer for the Administration for Children and Families.

Dated: February 13, 2007.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 07–773 Filed 2–20–07; 8:45am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUNAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Federal Tax Offset, Administrative Offset, and Passport Denial Program.

OMB No.: 0970–0161.

Description: The Tax Refund Offset and Administration Offset Programs collect past-due child support by intercepting certain Federal payments, including Federal tax refunds, of parents who have been ordered to pay child support and who are behind in paying the debt. The program is a cooperative effort among the Department of Treasury's Financial Management Service (FMS), the Federal Office of Child Support Enforcement (OCSE), and State Child Support Enforcement (CSE) agencies. The Passport Denial program reports non-custodial parents who owe arrears above a threshold to the Department of State (DOS), which will then deny passports to these individuals. On an ongoing basis, CSE agencies submit to OCSE the names, Social Security numbers (SSNs), and the amount(s) of past-due child support of people who are delinquent in making child support payments.

Respondents: State IV–D Agencies.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Input Record	54	52	.3	842
Output Record	54	52	.46	1,292
Payment File	54	26	.27	379
Certification Letter	54	1	.4	22

Estimated Total Annual Burden Hours: 2,535.

Additional Information: Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Administration, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, *Attn:* ACF Reports Clearance Officer. All requests should be identified by the title of the information collection. E-mail address: *infocollection@acf.hhs.gov.*

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register.** Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, Fax: 202–395–6974, Attn: Desk Officer for the Administration for Children and Families.

Dated: February 13, 2007.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 07–774 Filed 2–20–07; 8:45 am]

BILLING CODE 4184–07–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Child Care and Development Fund Quarterly Financial Report (ACF–696).

OMB No.: 0970–0163.

Description: States and Territories use this form to report expenditures for the Child Care and Development fund (CCDF) on a quarterly basis. The form, which is also available electronically through a Web-based application, provides specific data regarding expenditures, obligations, and estimates. It provides states and Territories with a mechanism to request grant awards and certify the availability of State matching funds. Failure to collect this data could seriously compromise the ability of the Administration for Children and Families (ACF) to monitor expenditures. This form may also be used to prepare ACF budget submissions to Congress. Office and Management Budget approval for the current form expires on March 31, 2007.

Respondents: States and Territories that are CCDF grantees.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
ACF–696	56	4	5	1,120

Estimated Total Annual Burden Hours: 1,120.

Additional Information: Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Administration, Office of Information Services, 370 L'Enfant Promende, SW.,

Washington, DC 20447, Attn: ACF Reports Clearance Officer. All requests should be identified by the title of the information collection. E-mail address: *infocollection@acf.hhs.gov.*

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, *Fax:* 202–395–6974, *Attn:* Desk Officer for the Administration for Children and Families.

Dated: February 13, 2007.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 07–775 Filed 2–20–07; 8:45 am]

BILLING CODE 4184–07–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Proposed Projects

Title: Grant Application Data Summary (GADS) Form.

OMB No.: New Collection.

Description: The Grant Application Data Summary (GADS) collects information from applicants seeking grants from the Administration for Native Americans (ANA). ANA awards annual grants in three competitive areas. Previously, ANA collected information using a separate form for each competitive area (OMB No. 0970–0261, OMB No. 0970–0263 and OMB No. 0970–0265). ANA has consolidated the three previous information collections into the single GADS instrument.

Respondents: Tribal Governments, Native Non-profits, Tribal Colleges and Universities.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Grant Application Summary	500	1	.5	250

Estimated Total Annual Burden Hours: 250.

In compliance with the requirements of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administrator for Children and Families, Office of Administration, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, *Attn:* ACF Reports Clearance Officer. E-mail address: *infocollection@acf.hhs.gov.* All requests should be identified by the title of the information collection.

The Department specifically requests comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Dated: February 13, 2007.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 07–776 Filed 2–20–07; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection: Comment Request

In compliance with the requirement for opportunity for public comment on proposed data collection projects (section 3506(c)(2)(A) of Title 44, United States Code, as amended by the Paperwork Reduction Act of 1995, Pub. L. 104–13), the Health Resources and Services Administration (HRSA) publishes periodic summaries of proposed projects being developed for submission to the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995. To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, call the HRSA Reports Clearance Officer on (301) 443–1129.

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

Proposed Project: National Practitioner Data Bank and Healthcare Integrity and Protection Data Bank Market Surveys and Survey of Use of Data Bank Information by Queriers: New

The Health Resources and Services Administration plans to conduct an evaluation of the National Practitioner Data Bank (NPDB) and the Healthcare Integrity and Protection Data Bank (HIPDB). The purpose of these surveys is to conduct a follow-up study to the NPDB User and Non-User Surveys of 2001. In addition, HIPDB users and non-users will be included in this study. The study will evaluate the effectiveness of the NPDB and the HIPDB as flagging systems, sources of information, and decision making tools. It will also determine user satisfaction with the

process, use, and information provided by the NPDB and HIPDB.

Surveys will be administered to entities that report to and/or query the NPDB and HIPDB, including users who query either the NPDB and/or HIPDB and who receive a ''match'', *i.e.* copies of adverse actions concerning a queried practitioner. A sample of Queriers who received a matched response will be surveyed about the information received. NPDB and HIPDB non-users will also be surveyed. Eligible NPDB and HIPDB users will be asked to complete a Web-based Internet survey or a computer-assisted telephone interview (CATI). NPDB and HIPDB non-users will complete either a Web or CATI, or will be transferred to an interactive voice response (IVR) system during the CATI to complete the survey.

Data gathered from the survey will be compared with similar information from previous surveys of users and non-users and will provide HRSA with the information necessary to improve the usability of the NPDB and HIPDB.

ESTIMATED BURDEN ON RESPONDENTS

Respondents	Respondent description	Number of respondents	Responses per respondent	Total responses	Hours per response	Total burden (hours)
NPDB Users Group Survey	Malpractice Payers	228	1	228	.25	57
	Licensing Boards	90	1	90	.25	22.5
	Hospitals (Reporting)	466	1	466	.25	116.5
	Hospitals (Querying)	994	1	994	.25	248.5
	MCOs	90	1	900	.25	225
	Other HCEs (Reporting)	57	1	57	.25	14.25
	Other HCEs (Querying)	976	1	976	.25	244
HIPDB Users Group Survey.	Licensing Boards	231	1	231	.25	57.75
	Government Hospitals	390	1	390	.25	97.5
	MCOs	580	1	580	.25	145
	Other HCEs	260	1	260	.25	65
NPDB Matched Response Surve.	Licensing Boards	55	3	165	.1	16.5
	Hospitals	984	3	2952	.1	295.2
	MCOs	848	3	2544	.1	254.4
	Other HCE's	904	3	2712	.1	271.2
HIPDB Matched Response Survey.	Licensing Boards	4	3	129	.1	12.9
	Hospitals	202	3	606	.1	60.6
	MCOs	432	3	1296	.1	129.6
	Other HCEs	87	3	261	.1	26.1
NPDB Non-User Survey	Licensing Boards	213	1	213	.16	34.1
	MCOs	341	1	341	.16	54.6
	Other HCEs	881	1	881	.16	141
HIPDB Non-User Survey	Licensing Boards	30	1	30	.16	4.8
	MCOs	411	1	411	.16	76.3
	Other HCEs	974	1	974	.16	155.8
Total		11,577		18,687		2826.1

Send comments to Susan G. Queen, Ph.D., HRSA Reports Clearance Officer, Room 10–33, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857. Written comments should be received within 60 days of this notice.

Dated: February 12, 2007.

Caroline Lewis,

Acting Associate Administrator for Administration and Financial Management.

[FR Doc. E7–2856 Filed 2–20–07; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Proposed Collection Comment Request; Monitoring and Evaluation of the NIDA Goes Back to School National Dissemination Campaign; Revision

Summary: In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 concerning opportunity for public comment on proposed collection of information, the National Institute on Drug Abuse (NIDA), the National Institutes of Health (NIH) will publish periodic summaries of proposed projects to be submitted to the Office of Management and Budget (OMB) for review and approval. We are publishing a revised version of the notice that we published in the **Federal Register** on January 30, 2006 (72 FR 4273–4274) to reflect a correction in the data presented in Table A. In the previous notice, we inadvertently calculated the burden totals on the basis of 400 subjects for a single year. We should have calculated the burden totals on the basis of 400 subjects per each of three study years. Today's notice corrects that error.

Proposed Collection

Title: Monitoring and Evaluation of the NIDA Goes Back to School National Dissemination Campaign.

Type of Information Collection Request: New.

Need and Use of Information Collection: This is a request for a one-time clearance to collect information on the use of the NIDA Goes Back to School (NGBTS) dissemination materials that can be requested by interested persons from the NIDA Internet site. The

National Institute on Drug Abuse (NIDA) launched an initiative to increase awareness of the Institute and its mission to bring the power of science to bear on the treatment and prevention of drug abuse and addiction. NIDA has been developing science education materials for grades K–12 for use by students, teachers, parents, school counselors, school health educators, school resources officers, community organizers, and state and local government agencies. The number of requestors has been an average of 7,500 per year. These large numbers indicate that the dissemination reach is considerable. The pattern of requests also indicates that the number of requests increases dramatically in the early weeks after a dissemination activity is launched. The purpose of this information collection is to determine the level of use by school personnel and community leaders who request the NGBTS materials, and if there is a difference in use level between those requestors responding to a campaign activity and those requestors who were not reached by campaign activities. The information will identify barriers to the use of the materials among these occupational groups and the populations they serve. It will help make the materials more productive in raising the awareness of the harms from substance abuse among children, youth, and parents. It will be used to refine the focus of the dissemination activities, so that dissemination resources are used more productively. The information will be collected from requestors who have requested NIDA NGBTS materials using the requestor forms from the NIDA site, from October 2003 to September 2005. All information collection in the evaluation will be conducted on-line. The estimated total time for a survey is 5 minutes. Prior to the monitoring and evaluation study, the information collection instruments will be pilot-tested via telephone interview format, with a sample of 8 individuals who have requested these materials during the chosen study years. The surveys will include the following elements: (1) Use of the NGBTS materials, (2) Opinion of the NGBTS materials, (3) Respondent information on gender, present occupation and its duration, (4) Background information on the school or Organization/Community.

Frequency of Response: This project will be conducted once.

Affected Public: School personnel, and Community Leaders who have requested the NGBTS materials.

Type of Respondent: School personnel, and Community Leaders who have requested the NGBTS materials from the NIDA site.

Estimated Total Annual Number of Respondents: 400.

Estimated Number of Responses per Respondent: 1.

Average Burden Hours per Response: .08.

Estimated Total Annual Burden Hours Requested: 96.0. There are no Capital Costs to report. There are no Operating or Maintenance Costs to report. The estimated annualized burden is summarized below.

Type of respondents	Number of respondents	Frequency of response	Average burden hours per response	Estimated total burden hours requested
Requestors—School Personnel	600	1	0.08	48
Requestors—Community Leaders	600	1	0.08	48
Total	1200			96

Request for Comments: Written comments and/or suggestions from the public and affected agencies are invited on one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (2) the accuracy of the agency'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 other forms of information technology.

For Further Information Contact: To request more information on the proposed project or to obtain a copy of the information collection plans, contact Brian Marquis, Project Officer, National Institute on Drug Abuse, 6001 Executive Boulevard, Room 5216, Bethesda, MD 20892, or call non-toll-free number 301–443–1124; fax 301–443–7397; or by e-mail to *bmarquis@nida.nih.gov.*

Comments Due Date: Comments regarding this information collection are best assured of having their full effect if received within 60 days of the date of this publication.

Dated: February 9, 2007.

Donna Jones,

Budget Officer & Acting Associate Director for Management, National Institute on Drug Abuse.

[FR Doc. E7–2881 Filed 2–20–07; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Proposed Collection; Comment Request; Customer Satisfaction With Educational Programs and Products of the National Cancer Institute

Summary: In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, for opportunity for public comment on proposed data collection projects, the National Cancer Institute (NCI), the National Institutes of Health (NIH) will publish periodic summaries of proposed projects to be submitted to the Office of Management and Budget (OMB) for review and approval.

Proposed Collection

Title: Customer Satisfaction with Educational Programs and Products of the National Cancer Institute.

Type of Information Collection Request: EXTENSION (OMB#0925–0526, expires 2/28/07).

Need and Use of Information Collection: The Office of Communications and Education (OCE) of the National Cancer Institute (NCI) is responsible for the design, implementation, and evaluation of education programs over the entire cancer continuum, including prevention, screening, diagnosis, treatment, survivorship, and palliative care; it also manages NCI initiatives that address specific challenges in cancer research and treatment. To help ensure the relevance, utility, and appropriateness of the many educational programs and products that OCE and NCI produce, OCE intends to collect information on customer

satisfaction with those products through customer satisfaction surveys. By obtaining information from customers on the extent to which materials satisfy their needs, OCE and NCI will be able to systematically establish and follow a feedback loop that provides useful information to revise and enhance educational programs and products so that they attain maximum relevance, utility, appropriateness, and impact. Data will be collected through various means, including telephone, mail, in-person, and web-based surveys.

Frequency of Response: On occasion.

Affected Public: Individuals or households, organizations involved in providing health care services.

Type of Respondents: Health care consumers of NCI educational programs or products, including cancer patients and families, health care professionals, cancer control planners, and policymakers.

The estimated annual burden hours are as follows:

Product	Average sample size	Frequency of response	Average duration (hours)	Estimated total burden requested (hours)
40 different products	450	1	0.1	1800

Request for Comments: Written comments and/or suggestions from the public and affected agencies are invited on one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

For Further Information Contact: To request more information on the proposed project, contact Nina Goodman, Senior Analyst, Office of Communications and Education, NCI, NIH, 6116 Executive Blvd., Suite 400, Rockville, MD 20852, call non-toll-free number 301–435–7789 or e-mail your request to: *goodman@mail.nih.gov.*

Comments Due Date: Comments regarding this information collection are best assured of having their full effect if received within 60 days of the date of this publication.

Dated: February 7, 2007.

Rachelle Ragland-Greene,

NCI Project Clearance Liaison, National Institutes of Health.

[FR Doc. E7–2886 Filed 2–20–07; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Public Teleconference Regarding Licensing and Collaborative Research Opportunities for: PDE11A as a Novel Therapeutic Target for Inherited Form of Cushing Syndrome and Endocrine Tumors; Dr. Constantine A. Stratakis et al. (NICHD)

AGENCY: National Institutes of Health, Public Health Service, HHS.

ACTION: Notice.

Technology Summary

The technology identifies a new form of Cushing Syndrome, ''isolated micronodular adrenocortical disease'' (iMAD), classified as a rare disease, as well as the role of PDE11A gene in this disease. We have identified particular sequence variants of the PDE11A gene causing abnormal or altered function of this gene; these variants are present in higher proportion in patients with iMAD, as well as in patients with other adrenal tumors. Additionally, we suggest that PDE11A can be a potential novel drug target for the treatment of bilateral adrenal hyperplasia, and possibly other endocrine tumors.

Technology Description

Phosphodiesterases (PDEs) are a family of cyclic AMP (cAMP) and/or cyclic GMP (cGMP)-hydrolyzing enzymes that cleave 3′, 5′-cyclic nucleotide monophosphates to 5′-nucleotide monophosphates. The PDE superfamily is large and complex, containing 11 highly related and structurally related gene families and over 60 distinct isoforms. PDE family members hydrolyze exclusively cAMP (PDE4, PDE7, and PDE8), exclusively cGMP (PDE5, PDE6, and PDE9), or both cAMP and cGMP (PDE1, PDE2, PDE3, PDE10, and PDE11). Specifically, PDE11A is a dual-specificity phosphodiesterase and is expressed in several endocrine tissues including the adrenal cortex. Members of the PDE family differ in tissue distribution, inhibitor specificity, and in mode of regulation. The side effects of the PDE inhibitors are contributed by the cross-reactivity of the inhibitors to other isoforms of the PDE.

The invention is the discovery that the PDE 11A gene has statistically significant linkage to ''isolated micronodular adrenocortical disease'' (iMAD), an inherited form of Cushing Syndrome. Patients suffering from the disease have high cortisol levels and infants with this disease may die from related complications, *e.g.*, malignant hypertension or immunosuppression. So far the inventors have identified 3 inactivating mutations of an isoform of the PDE 11A gene, PDE11A4 linked to this particular form of Cushing syndrome; they have also identified several sequence polymorphisms of this gene that may be associated with a variety of adrenal and other conditions. One of these polymorphic variations of the sequence that have been identified leads to an alternate protein product of the PDE11A4 isoform. Such polymorphisms may have important implications for drugs that depend that depend on PDEs functions.

The invention can be separated into three categories:

1. Clinical identification of a new disease termed ''isolated micronodular adrenocortical disease'' (iMAD), an inherited form of Cushing Syndrome.

2. Identification of PDE11A gene and sequence variants for the diagnosis of ''isolated micronodular adrenocortical disease'' (iMAD) a form of Cushing Syndrome and endocrine tumors, i.e. as diagnostic genetic biomarker.

3. Identification of PDE11A as a potential novel drug target for the treatment of bilateral adrenal hyperplasia and other endocrine and

non-endocrine tumors and malignancies.

The inventor is continuing work on the development and functional characterization of the PDE11A and its variants in relation to iMAD and other tumors and malignancies of the endocrine system.

Competitive Advantage of Our Technology

Cushing Syndrome occurs in 5 to 10 per 15 million every year and 27,000 new cases of endocrine tumors are diagnosed every year. Our technology identifies a functional role of PDE11A in a new form of Cushing Syndrome and its possible role in endocrine tumors and/or other cancers. PDE inhibitors have been successfully used in the treatment of erectile dysfunction. Currently, there are three products in the market, which inhibit the different forms of PDEs for the treatment of erectile dysfunction: Sildeafil (Viagra®), Vardenafil (Levitra®) and Tadalafil (Cialis®) manufactured by Pfizer, GlaxoSmithkline/Bayer/Schering-Plough and Lily Icos respectively.

Among the marketed PDE inhibitors, Cialis® targets PDE11A and PDE5A. Most interestingly, Cialis® has no known effects on the adrenal gland and endocrine system and no PDE gene has ever been reported to be associated with endocrine or other human tumor development. Our invention of the variants of PDE11A genes and subsequent new protein PDE11A4 from one of the genetic variants have opened up the possibility of the development of new drugs for iMAD, adrenal hyperplasia and other endocrine tumors and malignancies targeting these proteins.

The three marketed PDE inhibitors mentioned above have exceeded individual worldwide sales figures of 1 billion dollars each in 2007 and have been projected to grow steadily in the next few years. Additionally, the endocrine drug market has been projected to grow to more than 40 billion dollars in the next 5 years. New PDE inhibitors and the ones in the market are all in clinical trials for several diseases such as erectile dysfunction, neurological diseases and cardiovascular diseases.

Our technology suggests that drugs that modulate PDE function can be used in treating iMAD, a rare genetic form of Cushing Syndrome with fatal implications in children. The new PDE11A gene variants that have been identified have diagnostic and therapeutic implications. PCR-based diagnostic tools can be developed to diagnose iMAD and novel antagonists targeting these PDE11A variants can be identified and developed as drugs.

Patent Estate

This technology consists of U.S. Provisional Applications Serial No. 60/761,446 entitled ''PDE11A mutations in Adrenal Diseases'' filed January 24, 2007. A PCT application has also been filed.

Next Step: Teleconference

There will be a teleconference where the principal investigator will explain this technology. Licensing and collaborative research opportunities will also be discussed. If you are interested in participating in this teleconference please call or e-mail Mojdeh Bahar; (301) 435–2950; *baharm@mail.nih.gov.* OTT will then e-mail you the date, time and number for the teleconference.

Dated: February 13, 2007.

Steven M. Ferguson,

Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institutes of Health.

[FR Doc. E7–2884 Filed 2–20–07; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of the Director, National Institutes of Health; Amended Notice of Meeting

Notice is hereby given of a change and additional information for the meeting of the Advisory Committee to the Director, NIH, February 21, 2007, 2:30 to 4 p.m., National Institutes of Health, 9000 Rockville Pike, Bethesda, MD 20892 (Telephone Conference Call) which was published in the **Federal Register** on February 8, 2007, 72 FR 5982.

The meeting will be held from 2:30 p.m. to 4:30 p.m. Also, individuals interested in attending the meeting must contact Dr. Penny W. Burgoon for telephone number and pass code. The meeting is open to the public.

Dated: February 9, 2007.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–763 Filed 2–20–07; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel, Research Demonstration and Dissemination Projects (R18).

Date: March 6, 2007.

Time: 1 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Patricia A. Haggerty, PhD, Scientific Review Administrator, Review Branch/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7194, Bethesda, MD 20892–7924, 301–435–0288, *haggertp@nhibi.nih.gob.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: February 9, 2007.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–761 Filed 2–20–07; 8:45 am]

BILLING CODE 4140–07–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Human Genome Research Institute; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as

amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Human Genome Research Institute Special Emphasis Panel, MOUSE Repository RFA.

Date: March 8, 2007.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hotel Lombardy, 2019 Pennsylvania Ave., NW., Washington, DC 20006.

Contact Person: Ken D. Nakamura, PhD, Scientific Review Administrator, Office of Scientific Review, National Human Genome Research Institute, National Institutes of Health, Bethesda, MD 20892, 301–402–0838.

Name of Committee: National Human Genome Research Institute Special Emphasis Panel, Sequencing Technology RFA.

Date: March 15–16, 2007.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hotel Rouge, 1315 16th Street, NW., Washington, DC 20036.

Contact Person: Ken D. Nakamura, PhD, Scientific Review Administrator, Office of Scientific Review, National Human Genome Research Institute, National Institutes of Health, Bethesda, MD 20892, 301–402–0838.

(Catalogue of Federal Domestic Assistance Program Nos. 93.172, Human Genome Research, National Institutes of Health, HHS)

Dated: February 13, 2007.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–755 Filed 2–20–07; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Child Health and Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel; Maintenance and Operation of a Chemical Synthesis Facility.

Date: February 27, 2007.

Time: 12 p.m. to 1:30 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, 6100 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Hameed Khan, PhD, Scientific Review Administrator, Division of Scientific Review, National Institute of Child Health and Human Development, NIH, 6100 Executive Blvd., Room 5B01, Bethesda, MD 20892, (301) 435–6902, *khanh@mail.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: February 12, 2007.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–751 Filed 2–20–07; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institutes of Child Health and Human Development; 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 Child Health and Human Development Special Emphasis Panel; Nutrient Restriction: Placental and Fetal Brain and Renal Outcomes and Mechanisms.

Date: February 21, 2007.

Time: 1 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6100 Executive Blvd., 5B01, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Gopal M. Bhatnagar, PhD., Scientific Review Administrator, National Institute of Child Health and Human Development, National Institutes of Health, 6100 Bldg., Rm. 5B01, Rockville, MD 20852, (301) 435–6889, *bhatnagg@mail.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute of Child Health and Human Development Initial Review Group, Developmental Biology Subcommittee.

Date: February 26–27, 2007.

Time: 8 a.m. to 5 pm.

Agenda: To review and evaluate grant applications.

Place: Ritz-Carlton Hotel at Pentagon City, 1250 South Hayes Street, Arlington, VA 22202.

Contact Person: Norman Chang, PhD., Scientific Review Administrator, Division of Scientific Review, National Institute of Child Health and Human Development, NIH, 6100 Executive Blvd., Room 5B01, Bethesda, MD 20892, (301) 496–1485, *changn@mail.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute of Child Health and Human Development Initial Review Group; Biobehavioral and Behavioral Sciences Subcommittee.

Date: February 27–28, 2007.

Time: 9 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Marriott at Metro Center, 775 12th Street, NW., Washington, DC 20005.

Contact Person: Marita R. Hopmann, PhD., Scientific Review Administrator, Division of Scientific Review, National Institute of Child Health and Human Development, NIH, 6100 Executive Boulevard, Room 5B01, Bethesda, MD 20892, (301) 435–6911, *hopmannm@mail.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and

Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: February 12, 2007.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–752 Filed 2–20–07; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Initial Review Group, Digestive Diseases and Nutrition C Subcommittee.

Date: March 8–9, 2007.

Open: March 8, 2007, 8 a.m. to 8:30 a.m.

Agenda: To review procedures and discuss policy.

Place: Courtyard by Marriott-Crystal City, 2899 Jefferson Davis Highway, Alexandria, VA 22202.

Closed: March 8, 2007, 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Courtyard by Marriott-Crystal City, 2899 Jefferson Davis Highway, Alexandria, VA 22202.

Closed: March 9, 2007, 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Courtyard by Marriott-Crystal City, 2899 Jefferson Davis Highway, Alexandria, VA 22202.

Contact Person: Dan E. Matsumoto, Scientific Review Administrator, Review Branch, DEA, NIDDK, National Institutes of Health, Room 749, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–8894, *matsumotod@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: February 11, 2007.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–753 Filed 2–20–07; 8:45 am]

BILLING CODE 4140–01–M

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; Ancillary Studies to NIDDK Trials.

Date: March 22, 2007.

Time: 3 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: Maria E. Davila-Bloom, PhD, Scientific Review Administrator, Review Branch, DEA, NIDDK, National Institutes of Health, Room 758, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–7637, *davila-bloomm@extra.niddk.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Training Grants.

Date: March 27, 2007.

Time: 1 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: Michael W. Edwards, PhD, Scientific Review Administrator, Review Branch, DEA, NIDDK, National Institutes of Health, Room 750, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–8886, *edwardsm@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: February 11, 2007.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–754 Filed 2–20–07; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel, Development of Novel Drug Delivery Systems for Treatment Medications.

Date: March 1, 2007.

Time: 1:30 p.m. to 4 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, 6101 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Eric Zatman, Contract Review Specialist, Office of Extramural Affairs, National Institute on Drug Abuse, NIH, DHHS, Room 220, MSC 8401, 6101 Executive Boulevard, Bethesda, MD 20892–8401, (301) 435–1438.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.279, Drug Abuse and Addiction Research Programs, National Institutes of Health, HHS)

Dated: February 13, 2007.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–756 Filed 2–20–07; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to public in accordance with the provisions set forth in section 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel, NRSA for Interdiscplinary Individual Postdoctoral Fellowships for Training in Neurodegeneration Research (F32).

Date: March 20, 2007.

Time: 1 p.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6100 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Meenaxi Hiremath, PhD, Health Scientist Administrator, Office of Extramural Affairs, National Institute on Drug Abuse, National Institutes of Health, DHHS, 6101 Executive Blvd., Suite 220, MSC 8401, Bethesda, MD 20892, 301–402–7964, *mh392g@nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.279, Drug Abuse and Addiction Research Programs, National Institutes of Health, HHS)

Dated: February 13, 2007.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–757 Filed 2–20–07; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of General Medical Sciences Special Emphasis Panel, Pilot Scale Library Meeting.

Date: March 5, 2007.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Doubletree Hotel Bethesda, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: C Craig Hyde, PhD, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, Building 45, Room 3AN18, Bethesda, MD 20892, 301–435–3825, *ch2v@nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives, National Institutes of Health, HHS)

Dated: February 13, 2007.

Anna P. Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–758 Filed 2–20–07; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; 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 on Drug Abuse Special Emphasis Panel, NIDA/L Conflicts.

Date: March 5, 2007.

Time: 1 p.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: Marriott Metro Center, 775 12th Street NW., Washington, DC 20005.

Contact Person: Mark R. Green PhD, Deputy Director, Office of Extramural Affairs, National Institute on Drug Abuse, NIH, DHHS, Room 220, MSC 8401, 6101 Executive Boulevard, Bethesda, MD 20892–8401, (301) 435–1431, *mgreen1@nida.nih.gov*.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel, Clinical Trials Network.

Date: March 26, 2007.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road, NW., Washington, DC 20015.

Contact Person: Mark R. Green, PhD, Deputy Director, Office of Extramural Affairs, National Institute on Drug Abuse, NIH, DHHS, Room 220, MSC 8401, 6101 Executive Boulevard, Bethesda, MD 20892–8401, (301) 435–1431, *mgreen1@nida.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.279, Drug Abuse and Addiction Research Programs, National Institutes of Health, HHS)

Dated: February 9, 2007.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–759 Filed 2–20–07; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel, Metabolomics in Drug Abuse Research.

Date: February 21, 2007.

Time: 1:30 p.m. to 3:30 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, 6101 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Eric Zatman, Contract Review Specialist, Office of Extramural Affairs, National Institute of Drug Abuse, NIH, DHHS, Room 220, MSC 8401, 6101 Executive Boulevard, Bethesda, MD 20892–8401, (301) 435–1438.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.279, Drug Abuse and Addiction Research Programs, National Institutes of Health, HHS)

Dated: February 9, 2007.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–760 Filed 2–20–07; 8:45 am]

BILLING CODE 4140–01–M

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; Conference Grant Review.

Date: February 23, 2007.

Time: 1 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: Atul Sahai, PhD, Scientific Review Administrator, Review Branch, DEA, NIDDK, National Institutes of Health, Room 908, 6707 Democracy Boulevard, Bethesda, MD 20892, (301) 594–2242, *sahaia@niddk.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel, Follow-up of BACH.

Date: March 8, 2007.

Time: 1 p.m. to 2 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: Carol J. Goter-Robinson, PhD, Scientific Review Administrator, Review Branch, DEA, NIDDK, National Institutes of Health, Room 748, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–7791, *goterrobinsonc@extra.niddk.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel, The Genetics Consortium of Inflammatory Bowel Disease.

Date: March 13, 2007.

Time: 1 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: Xiaodu Guo, MD, PhD, Scientific Review Administrator, Review Branch, DEA, NIDDK, National Institutes of Health, Room 910, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–4719, *guox@extra.niddk.nih.gov.*

(Catalogue of Federal Domestic Assistance Program No. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research; National Institutes of Health, HHS)

Dated: February 9, 2007.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–764 Filed 2–20–07; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; 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 pubic in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Special Emphasis Panel; Ad Trials.

Date: February 26, 2007.

Time: 2 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, 2C212, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Ramesh Vemuri, PhD, Scientific Review Office, National Institute on Aging, National Institutes of Health, 7201 Wisconsin Avenue, Suite 2C–212, Bethesda, MD 20892, 301–402–7700, *rv23r@nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute on Aging Special Emphasis Panel, Aging Hormone Trial

Date: February 27–28, 2007.

Time: 7 p.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Ramesh Vemuri, PhD, Scientific Review Office, National Institute on Aging, National Institutes of Health, 7201 Wisconsin Avenue, Suite 2C–212, Bethesda, MD 20892, 301–402–7700, *rv23r@nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing

limitations imposed by the review and funding cycle.

Name of Committee: National Institute on Aging Special Emphasis Panel, RFA AG06–008.

Date: March 2, 2007.

Time: 1 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road, NW., Washington, DC 20015.

Contact Person: Alicja L. Markowska, PhD, DSC, National Institute on Aging, National Institutes of Health, 7201 Wisconsin Avenue, Suite 2C212, Bethesda, MD 20892, 301–496–9666, *markowsa@nia.nih.gov.*

Name of Committee: National Institute on Aging Initial Review Group, Neuroscience of Aging Review Committee.

Date: March 12–13, 2007.

Time: 5 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: The Watergate Hotel, 2650 Virginia Avenue NW., Washington, DC 20037.

Contact Person: Louise L. Hsu, PhD, Health Scientist Administrator, Scientific Review Office, National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue/Suite 2C212, Bethesda, MD 20892, (301) 496–7705, *hsul@exmur.nia.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: February 9, 2007.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–765 Filed 2–20–07; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging, Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Special Emphasis Panel, Age, Gene-Environment Susceptibility—The Rejjavik Study II (Ages—RSII).

Date: February 13, 2007

Time: 9 a.m. to 10 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, 2C212, Bethesda, MD 20814, (Telephone Conference Call).

Contact Person: Alicja L. Markowska, PhD., DSC National Institute on Aging, National Institutes of Health, 7201 Wisconsin Avenue, Suite 2C212, Bethesda, MD 20892, 301–496–9666, *markowsa@nia.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institues of Health, HHS)

Dated: February 9, 2007.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–766 Filed 2–20–07; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; 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: Center for Scientific Review Special Emphasis Panel, Member Conflict: Stress, Social Anxiety and Role Strain in Adults.

Date: February 16, 2007.

Time: 2 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Gayle M. Boyd, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3028–D, MSC 7759, Bethesda, MD 20892, 301–451–9956, *gboyd@mail.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Molecular, Cellular and Developmental Neuroscience Integrated Review Group, Molecular Neuropharmacology and Signaling Study Section.

Date: February 21–22, 2007.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Jurys Washington Hotel, 1500 New Hampshire Avenue, NW., Washington, DC 20032.

Contact Person: Carole L. Jelsema, PhD, Chief and Scientific Review Administrator, MDCN IRG, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4176, MSC 7850, Bethesda, MD 20892, (301) 435–1248, *jelsemac@csr.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Psychological Sequelae of Diagnosis.

Date: February 22, 2007.

Time: 2 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Lee S. Mann, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3186, MSC 7848, Bethesda, MD 20892, 301–435–0677, *mannl@csr.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Fellowships Review: Sensory, Motor and Cognitive Neuroscience.

Date: February 27, 2007.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Jurys Washington Hotel, 1500 New Hampshire Ave., NW., Washington, DC 20036.

Contact Person: Judith A. Finkelstein, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5178, MSC 7844, Bethesda, MD 20892, 301–435–1249, *finkelsj@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, PET Imaging Overflow.

Date: February 28, 2007.

Time: 4 p.m. to 7 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Xiang-Ning Li, MD, PhD, Scientific Review Administrator, Center for

Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5112, MSC 7854, Bethesda, MD 20892, 301–435–1744, *lixiang@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, SBIR/STTR Risk Prevention and Health Behaviors.
Date: March 1, 2007.
Time: 8:30 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Ritz-Carlton Hotel, 1700 Tysons Boulevard, McLean, VA 22102.
Contact Person: Claire E. Gutkin, PhD, MPH, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3138, MSC 7759, Bethesda, MD 20892, 301–594–3139, *gutkincl@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, SBIR/STTR Early Childhood Behaviors and Adolescent/Adult Addictions.
Date: March 2, 2007.
Time: 8:30 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Ritz-Carlton Hotel, 1700 Tysons Boulevard, McLean, VA 22102.
Contact Person: Claire E. Gutkin, PhD, MPH, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3138, MSC 7759, Bethesda, MD 20892, 301–594–3139, *gutkincl@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, NIDDK PAR 06 113.
Date: March 5, 2007.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Crowne Plaza, 8777 Georgia Avenue, Silver Spring, MD 20910.
Contact Person: Daniel F. McDonald, PhD, Scientific Review Administrator, Chief, Renal and Urological Sciences IRG, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4214, MSC 7814, Bethesda, MD 20892, (301) 435–1215, *mcdonald@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Radiation Therapy and Biology SBIR/STTR.
Date: March 5–6, 2007.
Time: 8 a.m. to 11 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).
Contact Person: Bo Hong, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6194, MSC 7804, Bethesda, MD 20892, 301–435–5879, *hongb@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Drug and Discovery and Development Special Emphasis Panel.
Date: March 5, 2007.
Time: 8:30 a.m. to 6 p.m.
Agenda: To review and evaluate grant applications.
Place: St. Gregory Hotel, 2033 M Street, NW., Washington, DC 20036.
Contact Person: Sergei Ruvinov, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4158, MSC 7806, Bethesda, MD 20892, 301–435–1180, *ruvinser@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Fellowships: Diversity Program.
Date: March 7, 2007.
Time: 8 a.m. to 6 p.m.
Agenda: To review and evaluate grant applications.
Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Mt. Vernon, Bethesda, MD 20814.
Contact Person: Abdelouahab Aitouche, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2183, MSC 7818, Bethesda, MD 20892, 301–435–2365, *abdelouahaba@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Diabetes and Obesity.
Date: March 7, 2007.
Time: 10 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).
Contact Person: Krish Krishnan, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6164, MSC 7892, Bethesda, MD 20892, (301) 435–1041, *krishnak@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Immune Mechanisms.
Date: March 7, 2007.
Time: 1 p.m. to 3 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Jian Wang, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4095D, MSC 7812, Bethesda, MD 20892, (301) 435–2778, *wangjia@csr.nih.gov.*

Name of Committee: AIDS and Related Research Integrated Review Group, Behavioral and Social Consequences of HIV/AIDS Study Section.
Date: March 8, 2007.
Time: 8 a.m. to 6 p.m.
Agenda: To review and evaluate grant applications.
Place: The Westwood on Wilshire, 10740 Wilshire Blvd, Los Angeles, CA 90024.
Contact Person: Mark P. Rubert, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5218, MSC 7852, Bethesda, MD 20892, 301–435–1775, *rubertm@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Drug Use and Lifestyle in Adolescents and Adults.
Date: March 8, 2007.
Time: 1 p.m. to 4 p.m.
Agenda: To review and evaluate grant applications.
Place: Beacon Hotel and Corporate Quarters, 1615 Rhode Island Avenue, NW, Washington, DC 20036.
Contact Person: Gayle M. Boyd, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3028–D, MSC 7759, Bethesda, MD 20892, 301–451–9956, *gboyd@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Development of Methods of In Vivo Imaging and Bioengineering Research.
Date: March 12–13, 2007.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road, NW, Washington, DC 20015.
Contact Person: Alexandra M. Ainsztein, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5144, MSC 7840, Bethesda, MD 20892, 301–451–3848, *ainsztea@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Auditory System Development.
Date: March 13, 2007.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).
Contact Person: John Bishop, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5180, MSC 7844, Bethesda, MD 20892, (301) 435–1250, *bishopj@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Mesoderm and Mesenchymal Stem Cells.
Date: March 13, 2007.
Time: 3 p.m. to 4:30 p.m.
Agenda: To review and evaluate grant applications.
Place: 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Chhanda L. Ganguly, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4118, MSC 7802, Bethesda, MD 20892 (301) 435–1739, *gangulyc@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Neurogenetics and Neurogenomics.
Date: March 14, 2007.
Time: 8 a.m. to 6 p.m.
Agenda: To review and evaluate grant applications.
Place: The Watergate, 2650 Virginia Avenue, NW., Washington, DC 20037.
Contact Person: Robert C. Elliott, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3130, MSC 7850, Bethesda, MD 20892, 301–435–3009, *elliotro@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Clocks in Arabidopsis and Neurospora.
Date: March 14, 2007.
Time: 9 a.m. to 12 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Lawrence Baizer, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4152, MSC 7850, Bethesda, MD 20892 (301) 435–1257, *baizerl@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Small Business: Assays, Devices, and Instruments.
Date: March 14–15, 2007.
Time: 9 a.m. to 6 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).
Contact Person: Geoffrey White, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5148, MSC 7849, Bethesda, MD 20892, 301–435–2417, *whitege@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Member Conflicts in Motor Function, Language, and Cognition.
Date: March 14, 2007.
Time: 1 p.m. to 3:30 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Luci Roberts, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3188, MSC 7848, Bethesda, MD 20892, (301) 435–0692, *roberlu@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Cell and Molecular Biology of Kidney Members Conflict Review.
Date: March 14, 2007.
Time: 3 p.m. to 4:30 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Krystyna E. Rys-Sikora, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4016J, MSC 7814, Bethesda, MD 20892, 301–451–1325, *ryssokok@csr.nih.gov*.

Name of Committee: AIDS and Related Research Integrated Review Group, AIDS Discovery and Development of Therapeutics Study Section.
Date: March 15, 2007.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Hotel Washington, Pennsylvania Ave at 15th Street, NW., Washington, DC 20004.
Contact Person: Shiv A. Prasad, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5220, MSC 7852, Bethesda, MD 20892, 301–443–5779, *prasads@csr.nih.gov*.

Name of CommittCee: AIDS and Related Research Integrated Review Group, NeuroAIDS and other End-Organ Diseases Study Section.
Date: March 15, 2007.
Time: 8 a.m. to 6 p.m.
Agenda: To review and evaluate grant applications.
Place: Doubletree Hotel Washington, DC, 1515 Rhode Island Ave., NW., Washington, DC 20005.
Contact Person: Ranga V. Srinivas, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5216, MSC 7852, Bethesda, MD 20892, (301) 435–1167, *srinivar@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Small Business: Digestive Sciences and Bioengineering.
Date: March 15, 2007.
Time: 8 a.m. to 4 p.m.
Agenda: To review and evaluate grant applications.
Place: Bethesda Marriott, 5151 Pooks Hill Road, Bethesda, MD 20814.
Contact Person: Bonnie L. Burgess-Beusse, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2191C, MSC 7818, Bethesda, MD 20892, 301–435–1783, *beusseb@mail.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Chemical and Biophysics SBIR/STTR Panel.
Date: March 15, 2007.
Time: 8:30 a.m. to 6 p.m.
Agenda: To review and evaluate grant applications.
Place: The Beacon Hotel and Corporate Quarters, 1615 Rhode Island Avenue, NW., Washington, DC 20036.
Contact Person: Sergei Ruvinov, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4158, MSC 7806, Bethesda, MD 20892, 301–435–1180, *ruvinser@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Fellowship: Biophysical and Biochemical Sciences.
Date: March 15–16, 2007.
Time: 8:30 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Churchill Hotel, 1914 Connecticut Avenue, NW., Washington, DC 20009.
Contact Person: James W. Mack, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 40401, MSC 7806, Bethesda, MD 20892, 301–435–1747, *mackj2@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Biobehavioral Regulation, Learning and Ethology.
Date: March 15, 2007.
Time: 10:30 a.m. to 11 a.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Cheri Wiggs, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3180, MSC 7848, Bethesda, MD 20892, (301)–435–1261, *wiggsc@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Genetics of Hypertension.
Date: March 15, 2007.
Time: 1 p.m. to 3 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Ai-Ping Zou, PhD, MD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4118, MSC 7814, Bethesda, MD 20892, 301–435–1777, *zouai@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel, CLHP and NSCF Member SEP.
Date: March 15, 2007.
Time: 3 p.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Ellen K. Schwartz, EDD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3168, MSC 7770, Bethesda, MD 20892, 301–435–0681, *schwarte@csr.nih.gov*.

Name of Committee: Surgical Sciences, Biomedical Imaging and Bioengineering Integrated Review Group, Biomedical Computing and Health Informatics Study Section.
Date: March 15–16, 2007.
Time: 7 p.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Bethesda Marriott Suites, 6711 Democracy Boulevard, Bethesda, MD 20817.
Contact Person: Bill Punnag, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5124, MSC 7854, Bethesda, MD 20892, (301) 435–1177, *bunnagb@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Cardiovascular and Sleep Epidemiology Member Conflicts.
Date: March 15, 2007.
Time: 12 p.m. to 2 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Sandra L. Melnick, DRPH, Scientific Review Administrator, Center for

Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3028D, MSC 7770, Bethesda, MD 20892, 301–435–1251, *melnicks@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: February 8, 2007.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–762 Filed 2–20–07; 8:45 am]

BILLING CODE 4140–07–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Prospective Grant of Exclusive License: The Use of Adenovirus Vectors for the Development of Vaccines Against Human Immunodeficiency Virus and Other Infectious Agents

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 (NIH), Department of Health and Human Services (HHS), is contemplating the grant of an exclusive patent license to practice the inventions embodied in Patent Cooperation Treaty Application No. PCT/US02/27592 filed August 29, 2002 and United States National Stage Application Serial No. 10/487,974 filed February 27, 2004, entitled ''New Adenovirus Type 7 Vectors'' [HHS Reference No. E–236–2001/0], and United States Patent Application Serial No. 11/282,319 filed November 17, 2005, entitled ''Improved Replication-Competent Adenovirus Vectors'' [HHS Reference No. E–203–2004/0], to PaxVax, Inc., which has offices in Menlo Park, CA. The patent rights in these inventions have been assigned and/or exclusively licensed to the Government of the United States of America.

The prospective exclusive license territory may be the United States of America, and the field of use may be limited to the development of vaccines against human immunodeficiency virus, human papillomavirus, influenza, malaria, and tuberculosis.

DATES: Only written comments and/or applications for a license which are received by the NIH Office of Technology Transfer on or before April 23, 2007 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: Susan Ano, Ph.D., Technology Licensing Specialist, Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, MD 20852–3804; Telephone: (301) 435–5515; Facsimile: (301) 402–0220; E-mail: *anos@mail.nih.gov.*

SUPPLEMENTARY INFORMATION: The subject application addresses two (2) technologies related to specific techniques for producing adenoviral vectors and application of such vectors for gene transfer, vaccine development and therapeutics. Use of the present technologies in the prevention and/or treatment of disease, especially human immunodeficiency virus (HIV), is the primary focus of the current subject inventions.

The first technology (HHS Reference No. E–236–2001/0) describes a cosmid adenoviral serotype 7 (Ad7) vector for use in the prevention and/or treatment of HIV–1. This invention includes methods for producing and administering both replication-competent and incompetent Ad7. The cosmid Ad7 vector includes an Ad7 genome that can be modified to express specific nucleic acid sequences for production of a desired protein or epitope such as an HIV–1 gene product. This system may be used to generate proteins or epitopes of infectious agents for stimulation of desired immunogenic responses.

The second invention (HHS Reference No. E–203–2004/0) discloses improvements upon replication-competent Ad vectors, which serve to produce high level expression of any gene of interest, *i.e.*, a transgene. This system incorporates a novel hybrid gene regulatory unit comprising a CMV promoter and an adenovirus tripartite leader sequence for regulation of transgene expression. Additionally, the present disclosure provides methods of producing and administering the described adenoviral expression vectors, containing the nucleic acid sequence of significant HIV–1 proteins as transgenes for stimulation of an immune response to HIV–1.

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 within ninety (90) days from the date of this published notice, unless 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: February 12, 2007.

Steven M. Ferguson,

Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institutes of Health.

[FR Doc. E7–2883 Filed 2–20–07; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES); Fourteenth Regular Meeting; Provisional Agenda; Announcement of Public Meeting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: We, the United States, as a Party to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), will attend the fourteenth regular meeting of the Conference of the Parties to CITES (CoP14) in The Hague, The Netherlands, June 3–15, 2007. Currently, the United States is developing its negotiating positions on proposed resolutions, decisions, and amendments to the CITES Appendices (species proposals), as well as other agenda items that have been submitted by other Party countries and the CITES Secretariat for consideration at CoP14. With this notice we announce the provisional agenda for CoP14, solicit your comments on the items on the provisional agenda, and announce a public meeting to discuss the items on the provisional agenda.

DATES: The public meeting will be held on April 9, 2007, at 1:30 p.m. In developing the U.S. negotiating positions on proposed resolutions, decisions, and species proposals, and other agenda items submitted by other Party countries and the CITES Secretariat for consideration at CoP14, we will consider written information

and comments you submit if we receive them by April 23, 2007.

ADDRESSES: *Public Meeting:* The public meeting will be held in the Rachel Carson Room at the Department of the Interior at 18th and C Streets, NW., Washington, DC. Directions to the building can be obtained by contacting the Division of Management Authority (see **FOR FURTHER INFORMATION CONTACT**, below). Due to building security at the Department of the Interior, persons planning to attend the meeting must notify the Division of Management Authority by March 30, 2007, to allow us sufficient time to provide the building security staff with a list of persons planning to attend. For more information, see ''Announcement of Public Meeting'' under **SUPPLEMENTARY INFORMATION**.

Comment Submission: Comments pertaining to proposed resolutions, decisions, and/or agenda items should be sent to the Division of Management Authority; U.S. Fish and Wildlife Service; 4401 North Fairfax Drive; Room 700; Arlington, VA 22203; or via E-mail at: *cop14@fws.gov;* or via fax at: 703–358–2298. Comments pertaining to species proposals should be sent to the Division of Scientific Authority; U.S. Fish and Wildlife Service; 4401 North Fairfax Drive; Room 750; Arlington, VA 22203; or via E-mail at: *scientificauthority@fws.gov;* or via fax at: 703–358–2276. Comments and materials received will be available for public inspection, by appointment, from 8 a.m. to 4 p.m., Monday through Friday, at either the Division of Management Authority or the Division of Scientific Authority.

FOR FURTHER INFORMATION CONTACT: For information pertaining to proposed resolutions, decisions, and agenda items contact: Acting Chief, Branch of CITES Operations, Division of Management Authority; phone 703–358–2095; fax 703–358–2298; E-mail: *cop14@fws.gov.* For information pertaining to species proposals contact: Acting Chief, Division of Scientific Authority; phone 703–358–1708; fax 703–358–2276; E-mail: *scientificauthority@fws.gov.*

SUPPLEMENTARY INFORMATION:

Background

The Convention on International Trade in Endangered Species of Wild Fauna and Flora, hereinafter referred to as CITES or the Convention, is an international treaty designed to control and regulate international trade in certain animal and plant species that are now or potentially may become threatened with extinction. These species are listed in Appendices to CITES, which are available on the CITES Secretariat's Web site at *http://www.cites.org/eng/app/index.shtml.* Currently, 169 countries, including the United States, are Parties to CITES. The Convention calls for biennial meetings of the Conference of the Parties, which reviews its implementation, makes provisions enabling the CITES Secretariat in Switzerland to carry out its functions, considers amendments to the list of species in Appendices I and II, considers reports presented by the Secretariat, and makes recommendations for the improved effectiveness of CITES. Any country that is a Party to CITES may propose amendments to Appendices I and II, and draft resolutions, and decisions, and/or agenda items for consideration by all the Parties.

This is our third in a series of **Federal Register** notices that, together with announced public meetings, provide you with an opportunity to participate in the development of the U.S. negotiating positions for CoP14. We published our first CoP14-related **Federal Register** notice on January 20, 2006 (71 FR 3319), and with it we requested information and recommendations on species proposals and proposed resolutions, decisions, and agenda items for the United States to consider submitting for consideration at CoP14. We published our second such **Federal Register** notice on November 7, 2006 (71 FR 65126), and with it we requested information and recommendations on species proposals, proposed resolutions, proposed decisions, and other agenda items that the United States was considering submitting for consideration at CoP14. You may obtain information on the above **Federal Register** notices from the following sources: for information on proposed resolutions, decisions, and agenda items, contact the Division of Management Authority (**ADDRESSES**); and for information on species proposals, contact the Division of Scientific Authority (**ADDRESSES**). Our regulations governing this public process are found in 50 CFR 23.31–23.39.

CoP14 is scheduled to be held in The Hague, The Netherlands, June 3–15, 2007. On January 4, 2007, the United States submitted to the CITES Secretariat, for consideration at CoP14, its species proposals, proposed resolutions, proposed decisions, and other agenda items. These documents are available on our Web site at *http://www.fws.gov/international.*

Announcement of Provisional Agenda for CoP14

The provisional agenda for CoP14 is currently available on the CITES Secretariat's Web site at *http://www.cites.org/eng/cop/14/doc/index.shtml.* The working documents associated with the items on the provisional agenda, such as proposed resolutions, proposed decisions, and discussion documents, are also available on the Secretariat's Web site. To view the working document associated with a particular agenda item, access the provisional agenda at the above Web site, locate the particular agenda item, and click on the document link for that agenda item in the column entitled ''Document.'' Finally, the species proposals that will be considered at CoP14 are available on the Secretariat's Web site at *http://www.cites.org/eng/cop/14/raw_props.shtml.* We look forward to receiving your comments on the items on the provisional agenda.

Announcement of Public Meeting

We will hold a public meeting to discuss with you the items on the provisional agenda for CoP14. The public meeting will be held on the date specified in **DATES** at the address specified in **ADDRESSES**. You can obtain directions to the building by contacting the Division of Management Authority (see **FOR FURTHER INFORMATION CONTACT**, above). Please note that the Rachel Carson Room is accessible to the handicapped and all persons planning to attend the meeting will be required to present photo identification when entering the building. Due to building security in the Department of the Interior, persons planning to attend the meeting must notify the Division of Management Authority by March 30, 2007. Persons who plan to attend the meeting and who require interpretation for the hearing impaired must notify the Division of Management Authority by March 21, 2007.

Future Actions

Through an additional notice and Web site posting in advance of CoP14, we will inform you about tentative U.S. negotiating positions on proposed resolutions, proposed decisions, species proposals, and other agenda items that were submitted by other Party countries and the CITES Secretariat for consideration at CoP14.

Authors: The primary authors of this notice are Frank Kohn and Clifton Horton, Division of Management Authority; under the authority of the U.S. Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: February 2, 2007.

Mamie A. Parker,

Acting Director.

[FR Doc. E7–2872 Filed 2–20–07; 8:45 am]

BILLING CODE 4310–55–P

INTERNATIONAL TRADE COMMISSION

[Inv. No. 337–TA–593]

In the Matter of Certain Digital Cameras and Component Parts Thereof; Notice of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on January 19, 2007, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of St. Clair Intellectual Property Consultants, Inc., of Grosse Pointe, Michigan. Letters supplementing the Complaint were filed on February 7 and February 9, 2007. The complaint, as supplemented, alleges violations of section 337 in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain digital cameras and component parts thereof by reason of infringement of claim 16 of U.S. Patent No. 5,138,459; claims 1–3, 8, 10, 12, and 16–18 of U.S. Patent No. 6,094,219; claim 1 of U.S. Patent No. 6,233,010; claims 1–4 of U.S. Patent No. 6,323,899; and claims 5, 6, and 9–12 of U.S. 6,496,222. The complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

The complainant requests that the Commission institute an investigation and, after the investigation, issue a permanent exclusion order and permanent cease and desist orders.

ADDRESSES: The complaint and supplements, except for any confidential information contained therein, are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Room 112, Washington, DC 20436, telephone 202–205–2000. Hearing impaired individuals are advised that information on this matter can be obtained 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 at *http://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.*

FOR FURTHER INFORMATION CONTACT: David O. Lloyd, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205–2576.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2006).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on February 13, 2007, *ordered that*—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain digital cameras and component parts thereof by reason of infringement of one or more of claim 16 of U.S. Patent No. 5,138,459; claims 1–3, 8, 10, 12, and 16–18 of U.S. Patent No. 6,094,219; claim 1 of U.S. Patent No. 6,233,010; claims 1–4 of U.S. Patent No. 6,323,899; and claims 5, 6, and 9–12 of U.S. 6,496,222; and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is St. Clair Intellectual Property Consultants, Inc., 16845 Kercheval Avenue, Suite No. 2, Grosse Pointe, Michigan 48230.

(b) The respondent is the following entity alleged to be in violation of section 337, and is the party upon which the complaint is to be served: Eastman Kodak Company, 343 State Street, Rochester, New York 14650.

(c) The Commission investigative attorney, party to this investigation, is David O. Lloyd, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, SW., Room 401–M, Washington, DC 20436; and

(3) For the investigation so instituted, the Honorable Robert L. Barton, Jr., is designated as the presiding administrative law judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(d) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of the respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of a limited exclusion order or cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: February 14, 2007.

Marilyn R. Abbott,

Secretary.

[FR Doc. 07–749 Filed 2–20–07; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–60,916]

AVX Corporation Raleigh, NC; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on February 7, 2007 in response to a petition filed by a company official on behalf of workers at AVX Corporation, Raleigh, North Carolina.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 9th day of February, 2007.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E7–2865 Filed 2–20–07; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–60,267]

Guide Louisiana, LLC, Including Onsite Leased Workers of Securitex, Ouachita Parish School Board, Continental Design & Engineering, Prestige Technical Services, and GE Manufacturing, Monroe, LA; Amended 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 (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 November 17, 2006, applicable to workers of Guide Louisiana LLC, Monroe, Louisiana.

At the request of the State agency representative, the Department reviewed the certification for workers of the subject firm. New information shows that leased workers of Securitex, Ouachita Parish School Board, Continental Design & Engineering, Prestige Technical Services, and GE Manufacturing were employed on-site at the Monroe, Louisiana location of Guide Corporation.

Based on these findings, the Department is amending this certification to include leased workers of Securitex, Ouachita Parish School Board, Continental Design & Engineering, Prestige Technical Services and GE Manufacturing working on-site at Guide Louisiana LLC, Monroe, Louisiana.

The intent of the Department's certification is to include all workers employed at Guide Louisiana LLC, Monroe, Louisiana, who were involved in production and were adversely affected by increased customer imports.

The amended notice applicable to TA–W–60,267 is hereby issued as follows:

All workers of Guide Louisiana LLC, including on-site leased workers of Securitex, Ouachita Parish School Board, Continental Design & Engineering, Prestige Technical Services and GE Manufacturing, Monroe, Louisiana, who became totally or partially separated from employment on or after November 19, 2006, through November 17, 2008, 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 in Washington, DC, this 9th day of February 2007.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E7–2864 Filed 2–20–07; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–60,931]

Renfro Charleston, LLC, a/k/a Charleston Hosiery, Inc., Fort Payne, AL; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on February 9, 2007 in response to a worker petition filed by a company official on behalf of workers at Renfro Charleston, LLC, a/k/a Charleston Hosiery, Inc., Fort Payne, Alabama.

The petitioning group of workers is covered by an active certification (TA–W–56,770), which expires on April 7, 2007. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, DC this 9th day of February, 2007.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E7–2862 Filed 2–20–07; 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 trade adjustment assistance for workers (TA–W) number and alternative trade adjustment assistance (ATAA) by (TA–W) number issued during the period of February 5 through February 9, 2007.

In order for an affirmative determination to be made for workers of a primary firm and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(a) of the Act must be met.

I. Section (a)(2)(A) all of the following must be satisfied:

A. A significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm, have become totally or partially separated, or are threatened to become totally or partially separated;

B. The sales or production, or both, of such firm or subdivision have decreased absolutely; and

C. Increased imports of articles like or directly competitive with articles produced by such firm or subdivision have contributed importantly to such workers' separation or threat of separation and to the decline in sales or production of such firm or subdivision; or

II. Section (a)(2)(B) both of the following must be satisfied:

A. A significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm, have become totally or partially separated, or are threatened to become totally or partially separated;

B. There has been a shift in production by such workers' firm or subdivision to a foreign country of articles like or directly competitive with articles which are produced by such firm or subdivision; and

C. One of the following must be satisfied:

1. The country to which the workers' firm has shifted production of the articles is a party to a free trade agreement with the United States;

2. The country to which the workers' firm has shifted production of the articles to a beneficiary country under the Andean Trade Preference Act, African Growth and Opportunity Act, or the Caribbean Basin Economic Recovery Act; or

3. There has been or is likely to be an increase in imports of articles that are like or directly competitive with articles which are or were produced by such firm or subdivision.

Also, in order for an affirmative determination to be made for secondarily affected workers of a firm and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group

eligibility requirements of Section 222(b) of the Act must be met.

(1) Significant number or proportion of the workers in the workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) The workers' firm (or subdivision) is a supplier or downstream producer to a firm (or subdivision) that employed a group of workers who received a certification of eligibility to apply for trade adjustment assistance benefits and such supply or production is related to the article that was the basis for such certification; and

(3) Either—

(A) The workers' firm is a supplier and the component parts it supplied for the firm (or subdivision) described in paragraph (2) accounted for at least 20 percent of the production or sales of the workers' firm; or

(B) A loss or business by the workers' firm with the firm (or subdivision) described in paragraph (2) contributed importantly to the workers' separation or threat of separation.

In order for the Division of Trade Adjustment Assistance to issue a certification of eligibility to apply for Alternative Trade Adjustment Assistance (ATAA) for older workers, the group eligibility requirements of Section 246(a)(3)(A)(ii) of the Trade Act must be met.

1. Whether a significant number of workers in the workers' firm are 50 years of age or older.

2. Whether the workers in the workers' firm possess skills that are not easily transferable.

3. The competitive conditions within the workers' industry (i.e., conditions within the industry are adverse).

Affirmative Determinations for Worker Adjustment Assistance

The following certifications have been issued. The date following the company name and location of each determination references the impact date for all workers of such determination.

The following certifications have been issued. The requirements of Section 222(a)(2)(A) (increased imports) of the Trade Act have been met.

TA–W–60,791; Vintage Verandah, Inc., Lamp Division, Marion, AR: January 18, 2006.

TA–W–60,881; Schnadig Corporation, Des Plaines, IL: January 31, 2006.

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–60,639; Hospira Worldwide, Inc., Hospira Sedation Division, North Billerica, MA: December 15, 2005.

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–60,710; Crane Plumbing LLC, Vitreous China Division, Hearne, TX: January 4, 2006.

TA–W–60,771; Burlington House Weaving Plant, Burlington House Division, A Subsidiary of International Textile Group, Reidsville, NC: January 25, 2007.

TA–W–60,771A; Burlington House Pioneer Plant, Burlington House Division, A Subsidiary of International Textile Group, Burlington, NC: December 23, 2006.

TA–W–60,782; EMSIG Manufacturing Corp., Long Island City, NY: January 3, 2006.

TA–W–60,790; Model Crafts, LLC, Bogalusa, LA: January 18, 2006.

TA–W–60,804; Fedders North America, Inc., Effingham, IL: December 28, 2006.

TA–W–60,668; ZF Lemforder, Inc., F Division, Brewer, ME: December 15, 2005.

TA–W–60,676; Staver Foundry, Inc., Virginia, MN: December 27, 2005.

TA–W–60,697; St. Croix Manufacturing, LLC, Leased Workers of Mastersons, Grantsburg, WI: December 12, 2005.

TA–W–60,702; Knitech LLC, Fort Payne, AL: December 7, 2005.

TA–W–60,779; Kitty Sportswear, Inc., Freeport, NY: January 16, 2006.

TA–W–60,868; Pine Hosiery Mills, Inc., Star, NC: January 30, 2006.

The following certifications have been issued. The requirements of Section 222(a)(2)(B) (shift in production) and Section 246(a)(3)(A)(ii) of the Trade Act have been met.

TA–W–60,573; Teva Pharmaceuticals, Leased Workers of Kelly Services and DM Leasing, Cidra, PR: November 22, 2005.

TA–W–60,707; Dyno Nobel, Inc., Simsbury, CT: January 5, 2006.

TA–W–60,724; General Electric Lighting, Inc., Conneaut Base Plant, Conneaut, OH: January 9, 2006.

TA–W–60,750; White Rodgers, Batesville, AR: January 11, 2006.

TA–W–60,810; Interstate Steel Company, Division of National Material L.P., Des Plaines, IL: January 12, 2006.

TA–W–60,817; Fleetwood Folding Trailers, Inc., Somerset, PA: January 23, 2006.

TA–W–60,839; Johnco Hosiery, A Subsidiary of VI Prewett and Son, Fort Payne, AL: January 22, 2006.

TA–W–60,846; M and B Metal Products Company, Inc., Leeds Division, Leeds, AL: January 26, 2006.

TA–W–60,492; Anderson Global, Inc., A Wholly Owned Subsidiary of Shape Dynamics, Inc., Muskegon Heights, MI: November 27, 2005.

TA–W–60,836; Velsicol Chemical Corp., Chattanooga, TN: January 24, 2006.

TA–W–60,874; Superior Furniture Company, Lowell, MI: January 26, 2006.

The following certifications have been issued. The requirements of Section 222(b) (supplier to a firm whose workers are certified eligible to apply for TAA) and Section 246(a)(3)(A)(ii) of the Trade Act have been met.

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) 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. Workers at the firm are 50 years of age or older.

None.

The Department has determined that criterion (2) of Section 246 has not been met. Workers at the firm possess skills that are easily transferable.

TA–W–60,639; Hospira Worldwide, Inc., Hospira Sedation Division, North Billerica, MA: December 15, 2005.

TA–W–60,791; Vintage Verandah, Inc., Lamp Division, Marion, AR: January 18, 2006.

TA–W–60,881; Schnadig Corporation, Des Plaines, IL: January 31, 2006.

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.

None.

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–60,653; Progress Casting Group, Inc., Twin Cities Division, Plymouth, MN.

TA–W–60,694; Stover Industries, Inc., Pt. Pleasant, WV.

TA–W–60,758; Bosch Security System, Inc., Lancaster, PA.

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–60,398; Chilton Products, Plastic Products Group, A Subsidiary of Western Industries, Chilton, WI.

TA–W–60,536; Accotex, Inc., Formerly Known as Day International, Mauldin, SC.

TA–W–60,562; Seagate Technology LLC, Recording Heads Division, Bloomington, MN.

TA–W–60,565; Briggs and Stratton Power Products Group, LLC, Home Power Products Division, Jefferson, WI.

TA–W–60,777; J and M Plating, Inc., Leased Workers of Albion Personnel Services, Albion, MI.

The investigation revealed that the predominate cause of worker separations is unrelated to criteria (a)(2)(A)(I.C.) (increased imports) and (a)(2)(B)(II.C) (shift in production to a foreign country under a free trade agreement or a beneficiary country under a preferential trade agreement, or there has been or is likely to be an increase in imports).

None.

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA–W–60,759; Charter Communications, Inc., Irwindale, CA.

TA–W–60,769; Airfoil Technologies International, Compton, CA.

TA–W–60,808; Invista S.A.R.L., Nylon Apparel Filament Fibers Group, A Subsidiary of Koch Industries, Inc., Chattanooga, TN.

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 February 5 through February 9, 2007. Copies of these determinations are available for inspection in Room C–5311, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 during normal business hours or will be mailed to persons who write to the above address.

Ralph Dibattista,

Director, Division of Trade Adjustment Assistance.

[FR Doc. E7–2863 Filed 2–20–07; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

Labor Certification Process for the Temporary Employment of Aliens in Agriculture and Logging in the United States: 2007 Adverse Effect Wage Rates, Allowable Charges for Agricultural and Logging Workers' Meals, and Maximum Travel Subsistence Reimbursement

AGENCY: Employment and Training Administration, Department of Labor.

ACTION: Notice of Adverse Effect Wage Rates (AEWRs), allowable charges for meals, and maximum travel subsistence reimbursement for 2007.

SUMMARY: The Employment and Training Administration (ETA) of the U.S. Department of Labor (Department or DOL) is issuing this Notice to announce the 2007 AEWRs for employers seeking to employ temporary or seasonal nonimmigrant foreign workers to perform agricultural labor or services (H–2A workers) or logging (H–2 logging workers); the allowable charges for 2007 that employers seeking H–2A workers and H–2 logging workers may levy upon their workers when three meals a day are provided by the employer; and the maximum travel subsistence reimbursement which a worker with receipts may claim in 2007.

AEWRs are the minimum wage rates the Department has determined must be offered and paid by employers of H–2A workers or H–2 logging workers to U.S. and foreign workers. AEWRs are established in order to prevent the employment of these foreign workers from adversely affecting wages of similarly employed U.S. workers. The Department also announces the minimum and maximum charge of travel subsistence expenses a worker may claim in 2007.

EFFECTIVE DATE: February 21, 2007.

FOR FURTHER INFORMATION CONTACT: William L. Carlson, Administrator, Office of Foreign Labor Certification, U.S. Department of Labor, Room C–4312, 200 Constitution Avenue, NW., Washington, DC 20210. *Telephone*: 202–693–3010 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: The U.S. Citizenship and Immigration Services may not approve an employer's petition for admission of H–2A workers or H–2 logging workers in the United States unless the petitioner has received from DOL an H–2A or H–2 labor certification, as appropriate. Approved labor certifications attest: (1) There are not sufficient U.S. workers who are able, willing, and qualified and who will be available at the time and place needed to perform the labor or services involved in the petition; and (2) the employment of the foreign worker in such labor or services will not adversely affect the wages and working conditions of workers in the U.S. similarly employed. 8 U.S.C. 1101(a)(15)(H)(ii)(a),1184(c), and 1188.

DOL's regulations for the H–2A and H–2 program require employers to offer and pay their U.S., H–2A, and H–2 workers no less than the appropriate hourly AEWR in effect at the time the work is performed. 20 CFR 655.102(b)(9)

and 655.202(b)(9). *See also* 20 CFR 655.107, 20 CFR 655.207, and the preamble of the Final Rule, 54 FR 28037–28047 (July 5, 1989), which explains in great depth the purpose and history of AEWRs, DOL's policy in setting AEWRs, and the AEWR computation methodology at 20 CFR 655.107(a). *See also* 52 FR 20496, 20502–20505 (June 1, 1987).

A. Adverse Effect Wage Rates for 2007

AEWRs are the minimum wage rates which must be offered and paid to U.S. and foreign workers by employers of H–2A workers or H–2 logging workers. Employers of H–2A workers must pay the highest of (i) the AEWR in effect at the time the work is performed, (ii) the applicable prevailing wage, or (iii) the statutory minimum wage, as specified in the regulations. 20 CFR 655.102(b)(9). As U.S. Department of Agriculture (USDA) regional surveys are not available for logging occupations, employers of H–2 logging workers must pay at least the prevailing wage in the area of intended employment, which is deemed to be the AEWR. 20 CFR 655.202(b)(9) and 20 CFR 655.207(a).

Except as otherwise provided in 20 CFR part 655, subpart B, the region-wide AEWR for all agricultural employment (except those occupations deemed inappropriate under the special circumstance provisions of 20 CFR 655.93) for which temporary H–2A certification is being sought, is equal to the annual weighted average hourly wage rate for field and livestock workers (combined) for the region as published annually by the USDA. 20 CFR 655.107(a). USDA does not provide data on Alaska.

20 CFR 655.107(a) requires the Assistant Secretary, Employment and Training Administration, to publish USDA field and livestock worker (combined) wage data as AEWRs in a **Federal Register** Notice. Accordingly, the 2007 AEWRs for agricultural work performed by U.S. and H–2A workers on or after the effective date of this Notice are set forth in the table below:

TABLE.—2007 ADVERSE EFFECT WAGE RATES

State	2007 AEWR
Alabama	8.51
Arizona	8.27
Arkansas	8.01
California	9.20
Colorado	8.64
Connecticut	9.50
Delaware	9.29
Florida	8.56
Georgia	8.51
Hawaii	10.32
Idaho	8.76
Illinois	9.88
Indiana	9.88
Iowa	9.95
Kansas	9.55
Kentucky	8.65
Louisiana	8.01
Maine	9.50
Maryland	9.29
Massachusetts	9.50
Michigan	9.65
Minnesota	9.65
Mississippi	8.01
Missouri	9.95
Montana	8.76
Nebraska	9.55
Nevada	8.64
New Hampshire	9.50
New Jersey	9.29
New Mexico	8.27
New York	9.50
North Carolina	9.02
North Dakota	9.55
Ohio	9.88
Oklahoma	8.66
Oregon	9.77
Pennsylvania	9.29
Rhode Island	9.50
South Carolina	8.51
South Dakota	9.55
Tennessee	8.65
Texas	8.66
Utah	8.64
Vermont	9.50
Virginia	9.02
Washington	9.77
West Virginia	8.65
Wisconsin	9.65
Wyoming	8.76

For all logging employment, the AEWR shall be the prevailing wage rate in the area of intended employment, and the employer is required to pay at least that rate. 20 CFR 655.207(a).

B. Allowable Meal Charges

Among the minimum benefits and working conditions which DOL requires employers to offer their U.S., H–2A, and H–2 logging workers are three meals a day or free and convenient cooking and kitchen facilities. 20 CFR 655.102(b)(4) and 655.202(b)(4). Where the employer provides meals, the job offer must state the charge, if any, to the worker for meals.

DOL has published at 20 CFR 655.102(b)(4) and 655.111(a) the methodology for determining the maximum amounts that H–2A agricultural employers may charge their U.S. and foreign workers for meals. The same methodology is applied at 20 CFR 655.202(b)(4) and 655.211(a) to H–2 logging employers. These rules provide for annual adjustments of the previous year's allowable charges based upon Consumer Price Index (CPI) data.

Each year, the maximum charges allowed by 20 CFR 655.102(b)(4) and 655.202(b)(4) are adjusted by the same percentage as the twelve-month percent change in the CPI for all Urban Consumers for Food (CPI–U for Food). ETA may permit an employer to charge workers no more than the higher maximum amount set forth in 20 CFR 655.111(a) and 655.211(a), as applicable, for providing them with three meals a day, if justified and sufficiently documented. Each year, the higher maximum amounts permitted by 20 CFR 655.111(a) and 655.211(a) are changed by the same percentage as the twelve-month percent change in the CPI–U for Food. The program's regulations require DOL to make the annual adjustments and to publish a Notice in the **Federal Register** each calendar year, announcing annual adjustments in allowable charges that may be made by agricultural and logging employers for providing three meals daily to their U.S. and foreign workers. The 2006 rates were published in the **Federal Register** at 71 FR 13633 (March 16, 2006).

DOL has determined the percentage change between December of 2005, and December of 2006, for the CPI–U for Food was 2.4 percent. Accordingly, the maximum allowable charges under 20 CFR 655.102(b)(4), 655.202(b)(4), 655.111, and 655.211 were adjusted using this percentage change, and the new permissible charges for 2007 are as follows: (1) Charges under 20 CFR 655.102(b)(4) and 655.202(b)(4) shall be no more than $9.52 per day, unless ETA has approved a higher charge pursuant to 20 CFR 655.111 or 655.211 and (2) charges under 20 CFR 655.111 and 655.211 shall be no more than $11.80 per day, if the employer justifies the charge and submits to ETA the documentation required to support the higher charge.

C. Maximum Travel Subsistence Expense

The regulations at 20 CFR 655.102(b)(5) establish that the minimum daily travel subsistence expense, for which a worker is entitled to reimbursement, is equivalent to the employer's daily charge for three meals or, if the employer makes no charge, the amount permitted under 20 CFR 655.102(b)(4). The regulation is silent about the maximum amount to which a qualifying worker is entitled.

The Department established the maximum meals component of the standard Continental United States (CONUS) per diem rate established by the General Services Administration

(GSA) and published at 41 CFR Pt. 301, Appendix A. The CONUS meal component is now $39.00 per day. Workers who qualify for travel reimbursement are entitled to reimbursement up to the CONUS meal rate for related subsistence when they provide receipts. In determining the appropriate amount of subsistence reimbursement, the employer may use the GSA system under which a traveler qualifies for meal expense reimbursement per quarter of a day. Thus, a worker whose travel occurred during two quarters of a day is entitled, with receipts, to a maximum reimbursement of $19.50. If a worker has no receipts, the employer is not obligated to reimburse above the minimum stated at 20 CFR 655.102(b)(4) as specified above.

Signed in Washington, DC this 13th day of February, 2007.

Emily Stover DeRocco,

Assistant Secretary, Employment and Training Administration.

[FR Doc. E7–2859 Filed 2–20–07; 8:45 am]

BILLING CODE 4510–30–P

NUCLEAR REGULATORY COMMISSION

[EA–07–014]

In the Matter of Dairyland Power Cooperative: La Crosse Boiling Water Reactor; Order Imposing Additional Security Measures (Effective Immediately)

I

The Licensee, Dairyland Power Cooperative, holds a license issued by the U.S. Nuclear Regulatory Commission (NRC or Commission) for La Crosse Boiling Water Reactor, in accordance with the Atomic Energy Act of 1954, as amended, and 10 CFR part 50, authorizing it to possess and transfer items containing radioactive material quantities of concern. This Order is being issued to all such Licensees who may transport radioactive material quantities of concern under the NRC's authority to protect the common defense and security. The Orders require compliance with specific additional security measures to enhance the security for transport of certain radioactive material quantities of concern.

II

On September 11, 2001, terrorists simultaneously attacked targets in New York, NY, and Washington, DC, utilizing large commercial aircraft as weapons. In response to the attacks and intelligence information subsequently obtained, the Commission issued a number of Safeguards and Threat Advisories to Licensees in order to strengthen Licensees' capabilities and readiness to respond to a potential attack on this regulated activity. The Commission has also communicated with other Federal, State and local government agencies and industry representatives to discuss and evaluate the current threat environment in order to assess the adequacy of the current security measures. In addition, the Commission commenced a comprehensive review of its safeguards and security programs and requirements.

As a result of its initial consideration of current safeguards and security requirements, as well as a review of information provided by the intelligence community, the Commission has determined that certain security measures are required to be implemented by Licensees as prudent, interim measures to address the current threat environment in a consistent manner. Therefore, the Commission is imposing requirements, as set forth in Attachment A [1] of this Order, on the Licensee. These additional security measures, which supplement existing regulatory requirements, will provide the Commission with reasonable assurance that the common defense and security continue to be adequately protected in the current threat environment. These additional security measures will remain in effect until the Commission determines otherwise.

The Commission recognizes that the Licensee may have already initiated many of the measures set forth in Attachment A to this Order in response to previously issued Safeguards and Threat Advisories or on its own. It is also recognized that some measures may not be possible or necessary for all shipments of radioactive material quantities of concern, or may need to be tailored to accommodate the Licensee's specific circumstances to achieve the intended objectives and avoid any unforeseen effect on the safe transport of radioactive material quantities of concern.

Although the security measures implemented by Licensees in response to the Safeguards and Threat Advisories have been adequate to provide reasonable assurance of adequate protection of common defense and security, in light of the continuing threat environment, the Commission concludes that the security measures must be embodied in an Order, consistent with the established regulatory framework. The Commission has determined that the security measures contained in Attachment A of this Order contain Safeguards Information and will not be released to the public as per Order entitled, ''Issuance of Order Imposing Requirements for the Protection of Certain Safeguards Information,'' issued on November 15, 2006, to the Licensee. To provide assurance that Licensees are implementing prudent measures to achieve a consistent level of protection to address the current threat environment, the Licensee shall implement the requirements identified in Attachment A to this Order. In addition, pursuant to 10 CFR 2.202, I find that in light of the common defense and security matters identified above, which warrant the issuance of this Order, the public health and safety require that this Order be immediately effective.

III

Accordingly, pursuant to Sections 53, 81, 149, 161b, 161i, 161o, 182 and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.202 and 10 CFR part 50, *it is hereby ordered, effective immediately, that the licensee shall comply with the following:*

A. The Licensee shall, notwithstanding the provisions of any Commission regulation or license to the contrary, comply with the requirements described in Attachment A to this Order. The Licensee shall immediately start implementation of the requirements in Attachment A to the Order and shall complete implementation by August 11, 2007 or before the first shipment of radioactive material quantities of concern, whichever is sooner.

B.1. The Licensee shall, within twenty (20) days of the date of this Order, notify the Commission, (1) If it is unable to comply with any of the requirements described in Attachment A, (2) if compliance with any of the requirements is unnecessary in its specific circumstances, or (3) if implementation of any of the requirements would cause the Licensee to be in violation of the provisions of any Commission regulation or its license. The notification shall provide the Licensee's justification for seeking relief from or variation of any specific requirement.

2. If the Licensee considers that implementation of any of the requirements described in Attachment A to this Order would adversely impact

[1] Attachment A contains Safeguards Information and will not be released to the public.

the safe transport of radioactive material quantities of concern, it must notify the Commission, within twenty (20) days of this Order, of the adverse safety impact, the basis for its determination that the requirement has an adverse safety impact, and either a proposal for achieving the same objectives specified in the Attachment A requirement in question, or a schedule for modifying the activity to address the adverse safety condition. If neither approach is appropriate, the Licensee must supplement its response to Condition B.1 of this Order to identify the condition as a requirement with which it cannot comply, with attendant justifications as required in Condition B.1.

C. The Licensee shall report to the Commission when it has achieved full compliance with the requirements described in Attachment A.

D. Notwithstanding any provisions of the Commission's regulations to the contrary, all measures implemented or actions taken in response to this order shall be maintained until the Commission determines otherwise.

Licensee responses to Conditions B.1, B.2, and C above shall be submitted to the Document Control Desk, ATTN: Director, Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555. In addition, Licensee submittals that contain Safeguards Information shall be properly marked and handled in accordance with Licensee's Safeguards Information or Safeguards Information—Modified Handling program.

The Director, Office of Federal and State Materials and Environmental Management Programs, may, in writing, relax or rescind any of the above conditions upon demonstration by the Licensee of good cause.

IV.

In accordance with 10 CFR 2.202, the Licensee must, and any other person adversely affected by this Order may, submit an answer to this Order, and may request a hearing on this Order, within twenty (20) days of the date of this Order. Where good cause is shown, consideration will be given to extending the time to request a hearing. A request for extension of time in which to submit an answer or request a hearing must be made in writing to the Director, Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and include a statement of good cause for the extension. The answer may consent to this Order. Unless the answer consents to this Order, the answer shall, in writing and under oath or affirmation, specifically set forth the matters of fact and law on which the Licensee or other person adversely affected relies and the reasons as to why the Order should not have been issued. Any answer or request for a hearing shall be submitted to the Secretary, Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, ATTN: Rulemakings and Adjudications Staff, Washington, DC 20555. Copies also shall be sent to the Director, Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555, to the Assistant General Counsel for Materials Litigation and Enforcement, to the Office of Enforcement at the same address, to the Regional Administrator for NRC Region III, at the address specified in Appendix A to 10 CFR Part 73, and to the Licensee if the answer or hearing request is by a person other than the Licensee. Because of possible delays in delivery of mail to United States Government offices, it is requested that answers and requests for hearing be transmitted to the Secretary of the Commission either by means of facsimile transmission to 301–415–1101 or by e-mail to *hearingdocket@nrc.gov* and also to the Office of the General Counsel either by means of facsimile to 301–415–3725 or by e-mail to *OGCMailCenter@nrc.gov.* If a person other than the Licensee requests a hearing, that person shall set forth with particularity the manner in which his interest is adversely affected by this Order and shall address the criteria set forth in 10 CFR 2.309.

If a hearing is requested by the Licensee or a person whose interest is adversely affected, the Commission will issue an Order designating the time and place of any hearing. If a hearing is held, the issue to be considered at such hearing shall be whether this Order should be sustained.

Pursuant to 10 CFR 2.202(c)(2)(i), the Licensee, may, in addition to demanding a hearing, at the time the answer is filed or sooner, move the presiding officer to set aside the immediate effectiveness of the Order on the grounds that the Order, including the need for immediate effectiveness, is not based on adequate evidence but on mere suspicion, unfounded allegations, or error.

In the absence of any request for hearing, or written approval of an extension of time in which to request a hearing, the provisions specified in Section III above shall be final twenty (20) days from the date of this Order without further order or proceedings. If an extension of time for requesting a hearing has been approved, the provisions specified in Section III shall be final when the extension expires if a hearing request has not been received. *An answer or a request for hearing shall not stay the immediate effectiveness of this order.*

Dated this 12th day of February, 2007.
For the Nuclear Regulatory Commission.

Charles L. Miller,

Director, Office of Federal and State Materials and Environmental Management Programs.

[FR Doc. E7–2878 Filed 2–20–07; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Notice of Sunshine Act Meetings

DATES: Weeks of February 19, 26, March 5, 12, 19, 26, 2007.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and closed.

MATTERS TO BE CONSIDERED:

Week of February 19, 2007

Wednesday, February 21, 2007

9:30 a.m.
Discussion of Security Issues (Closed—Ex. 1).

Week of February 26, 2007—Tentative

Tuesday, February 27, 2007

1:30 p.m.
Discussion of Security Issues (Closed—Ex. 1) (Tentative).

Wednesday, February 28, 2007

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 March 5, 2007—Tentative

Monday, March, 5, 2007

1 p.m.
Meeting with Department of Energy on New Reactor Issues (Public Meeting).

This meeting will be webcast live at the Web address—*http://www.nrc.gov*.

Tuesday, March 6, 2007

1 p.m.
Discussion of Management Issues (Closed—Ex. 2).

Wednesday, March 7, 2007

9:30 a.m.

Briefing on Office of Nuclear Security and Incident Response (NSIR) Programs, Performance, and Plans (Public Meeting), (Contact: Miriam Cohen, 301 415–0260).

This meeting will be webcast live at the Web address—*http://www.nrc.gov*.

1 p.m.

Discussion of Security Issues (Closed—Ex. 1 and 3).

Thursday, March 8, 2007.

10 a.m.

Briefing on Office of Nuclear Materials Safety and Safeguards.(NMSS) Programs, Performance, and Plans (Public Meeting), (Contact: Gene Peters, 301 415–5248).

This meeting will be webcast live at the Web address—*http://www.nrc.gov*.

1 p.m.

Briefing on Office of Nuclear Reactor Regulation (NRR) Programs, Performance, and Plans (Public Meeting) (Contact: Reginald Mitchell, 301 415–1275).

This meeting will be webcast live at the Web address— *http://www.nrc.gov*.

Week of March 12, 2007—Tentative

There are no meetings scheduled for the Week of March 12, 2007.

Week of March 19, 2007—Tentative

Tuesday, March 20, 2007

1:30 p.m.

Briefing on Office of Information Services (OIS) Programs, Performance, and Plans (Public Meeting) (Contact: Edward Baker, 301 415–8700).

This meeting will be webcast live at the Web address—*http://www.nrc.gov*.

Week of March 26, 2007—Tentative

Wednesday, March 28, 2007

10 a.m.

Discussion of Security Issues (Closed—Ex. 1, 2, & 3) (Tentative).

Thursday, March 29, 2007.

9:30 a.m.

Briefing on Office of Federal and State Materials and Environmental Management (FSME) Programs, Performance, and Plans (Public Meeting) (Tentative).

This meeting will be webcast live at the Web address—*http://www.nrc.gov*.

1:30 p.m.

Discussion of Security Issues (Closed—Ex. 1, 3, & 9).

* * * * *

* * *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.

* * * * *

The NRC Commission Meeting Schedule can be found on the Internet at: *http://www.nrc.gov/what-we-do/policy-making/schedule.html*.

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The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need consistent 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, Deborah Chan, at 301–415–7041, TDD: 301–415–2100, or by e-mail at *DLC@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: February 15, 2007.

R. Michelle Schroll,

Office of the Secretary.

[FR Doc. 07–799 Filed 2–16–07; 2:18 pm]

BILLING CODE 7590–01–P

NUCLEAR WASTE TECHNICAL REVIEW BOARD

Board Panel Meeting

March 14, 2007—Berkeley, California; The U.S. Nuclear Waste Technical Review Board's Panel on Postclosure Performance will meet to discuss U.S. Department of Energy studies related to infiltration at Yucca Mountain in Nevada.

Pursuant to its authority under section 5051 of Public Law 100–203, Nuclear Waste Policy Amendments Act of 1987, the U.S. Nuclear Waste Technical Review Board will meet in Berkeley, California, on Wednesday, March 14, 2007. The meeting agenda will focus on the U.S. Department of Energy's (DOE) infiltration estimates for the proposed repository site for spent nuclear fuel and high-level radioactive waste at Yucca Mountain in Nevada. The Board will review the results of nw infiltration studies undertaken by DOE. DOE conducted the new studies because of quality assurance questions that were raised about DOE's previous infiltration analyses. Information from the meeting will be used by the Board to evaluate effects of the new analyses on the technical validity of DOE infiltration estimates. The Board is charged by Congress with reviewing the technical and scientific validity of activities undertaken by DOE related to nuclear waste disposal, as stipulated in the Nuclear Waste Policy Amendments Act of 1987.

The meeting will be held at the Doubletree Hotel & Executive Meeting Center, 200 Marina Blvd.; Berkeley, CA 94710; *tel:* 510–548–7920; *fax:* 510–548–7944. A block of rooms has been reserved at the hotel for meeting participants. When making a reservation, please state that you are attending the Nuclear Waste Technical Review Board meeting. Reservations should be made by February 23, 2007, to ensure receiving the meeting rate.

The meeting is scheduled to begin at 8 a.m. and to conclude at approximately 6 p.m. Presentations will be made by technical and scientific investigators from the University of Nevada-Reno, the U.S. Geological Survey, and DOE and its contractors.

Time will be set aside at the end of the meeting for public comments. Those wanting to speak are encouraged to sign the ''Public Comment Register'' at the check-in table. A time limit may have to be set on individual remarks, but written comments of any length may be submitted for the record. Interested parties also will have the opportunity to submit questions in writing to the Board. Questions submitted by meeting attendees that are relevant to the discussion may be posed by Board members, as time permits.

A final agenda detailing meeting times, topics, and participants is available on the Board's Web site, *http://www.nwtrb.gov*. Copies of the meeting agenda also can be requested by telephone.

Transcripts of the meetings will be available on the Board's Web site, by e-mail, on computer disk, and on a library-loan basis in paper format from Davonya Barnes of the Board's staff, beginning on April 9, 2007.

For more information, please contact Karyn Severson, NWTRB External Affairs, 2300 Clarendon Blvd., Suite 1300; Arlington, VA 22202; *tel:* 703–235–4473; *fax:* 703–235–4495; *severson@nwtrb.gov*.

Dated: February 13, 2007.

C.W. Di Bella,

Acting Executive Director, Nuclear Waste Technical Review Board.

[FR Doc. 07–739 Filed 2–20–07; 8:45 am]

BILLING CODE 6820–AM–M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket No. WTO/DS–358]

WTO Dispute Settlement Proceeding Regarding China—Certain Measures Granting Refunds, Reductions or Exemptions From Taxes and Other Payments

AGENCY: Office of the United States Trade Representative.

ACTION: Notice; request for comments.

SUMMARY: The Office of the United States Trade Representative (USTR) is providing notice that on February 2, 2007, in accordance with the Marrakesh Agreement Establishing the World Trade Organization (WTO Agreement), the United States requested consultations regarding certain measures granting refunds, reductions or exemptions from taxes and other payments owed to the government by enterprises in China. That request may be found at *http://www.wto.org* contained in a document designated as WT/DS358/1. USTR invites written comments from the public concerning the issues raised in this dispute.

DATES: Although USTR will accept any comments received during the course of the consultations, comments should be submitted on or before March 12, 2006 to be assured of timely consideration by USTR.

ADDRESSES: Comments should be submitted (i) electronically, to *FR0507@ustr.eop.gov*, with ''China Prohibited Subsidies (DS358)'' in the subject line, or (ii) by fax, to Sandy McKinzy at (202) 395–3640, with a confirmation copy sent electronically to the electronic mail address above, in accordance with the requirements for submission set out below.

FOR FURTHER INFORMATION CONTACT: Arun Venkataraman, Associate General Counsel, Office of the United States Trade Representative, 600 17th Street, NW., Washington, DC (202) 395–5694.

SUPPLEMENTARY INFORMATION: Section 127(b) of the Uruguay Round Agreements Act (URAA) (19 U.S.C. 3537(b)(1)) requires that notice and opportunity for comment be provided after the United States submits or receives a request for the establishment of a WTO dispute settlement panel. In an effort to provide additional opportunity for comment, USTR is providing notice that consultations have been requested pursuant to the WTO Understanding on Rules and Procedures Governing the Settlement of Disputes (''DSU''). If such consultations should fail to resolve the matter and a dispute settlement panel is established pursuant to the DSU, such panel, which would hold its meetings in Geneva, Switzerland, would be expected to issue a report on its findings and recommendations within six to nine months after it is established.

Major Issues Raised by the United States

On February 2, 2007, the United States requested consultations with China regarding certain measures granting refunds, reductions or exemptions from taxes and other payments owed to the government by enterprises in China. These measures include the following, as well as any amendments and related or implementing measures:

1. Circular of the State Administration of Taxation Concerning Transmitting the Interim Measure for the Administration of Tax Refunds to Enterprises with Foreign Investment for Their Domestic Equipment Purchases;
2. Circular of the Ministry of Finance and the State Administration of Taxation Concerning the Issue of Tax Credit for Business Income Tax for Homemade Equipment Purchased by Enterprises with Foreign Investment and Foreign Enterprises, read in conjunction with Circular of the State Administration of Taxation on Printing and Distributing the Measures Concerning Business Income Tax Credit on the Investment of Enterprises with Foreign Investment and Foreign Enterprises by Way of Purchasing Homemade Equipment;
3. Circular on Distribution of Interim Measures Concerning Reduction and Exemption of Enterprise Income Tax for Investment in Domestically Made Equipment for Technological Renovation;
4. Articles 75(7) and 75(8) of the Rules for Implementation of the Income Tax Law of the People's Republic of China on Enterprises with Foreign Investment and Foreign Enterprises, read in conjunction with Articles 8 and 9 of the Provisions of the State Council on the Encouragement of Foreign Investment and Articles 6 and 8 of the Income Tax Law of the People's Republic of China on Enterprises with Foreign Investment and Foreign Enterprises;
5. Article 73(6) of the Rules for Implementation of the Income Tax Law of the People's Republic of China on Enterprises with Foreign Investment and Foreign Enterprises, read in conjunction with Articles 6 and 7 of the Income Tax Law of the People's Republic of China on Enterprises with Foreign Investment and Foreign Enterprises and Section XIII of the Catalogue for the Guidance of Foreign Investment Industries;
6. Article 81 of the Rules for Implementation of the Income Tax Law of the People's Republic of China on Enterprises with Foreign Investment and Foreign Enterprises, read in conjunction with Articles 6 and 10 of the Income Tax Law of the People's Republic of China on Enterprises with Foreign Investment and Foreign Enterprises and Article 10 of the Provisions of the State Council on the Encouragement of Foreign Investment;
7. Article 3 of the Provisions of the State Council on the Encouragement of Foreign Investment;
8. Articles 3 and 6 of the Circular of the People's Bank of China, the State Administration of Foreign Exchange, the Ministry of Foreign Trade and Economic Cooperation and the State Administration of Taxation Concerning Printing and Distribution Detailed Rules on Rewarding and Punishment Concerning Provisional Regulations over Examination of Export Collections of Foreign Exchange;
9. Circular of the State Council Concerning the Adjustment in the Taxation Policy of Imported Equipment, read in conjunction with and Section XIII of the Catalogue for the Guidance of Foreign Investment Industries;

The above laws and regulations of China appear to constitute subsidies prohibited under WTO rules. Specifically, the first three items above appear to be import substitution subsidies, conditioning income tax and value-added tax refunds on the recipient's purchase of domestic over imported goods. The last six items appear to be export subsidies, to the extent that they offer refunds, reductions or exemptions from taxes and other payments owed to the government, on the condition that the beneficiary enterprises meet certain export performance criteria. Furthermore, by conditioning financial incentives on an enterprise's purchase of domestic over imported equipment, the three import substitution subsidies also appear to treat imported products less favorably than domestic products.

USTR believes these measures are inconsistent with China's obligations under Article 3 of the Agreement on Subsidies and Countervailing Measures, Article III of the General Agreement on

Tariffs and Trade 1994, Article 2 of the Agreement on Trade-Related Investment Measures, as well as Parts I.1.2, I.7.2–7.3, and I.10.3 of the Protocol on the Accession of the People's Republic of China, including paragraphs 167 and 203 of the Working Party Report.

Public Comment: Requirements for Submissions

Interested persons are invited to submit written comments concerning the issues raised in the dispute. Comments should be submitted (i) electronically, to *FR0507@ustr.eop.gov,* with ''China Prohibited Subsidies (DS358)'' in the subject line, or (ii) by fax, to Sandy McKinzy at (202) 395–3640, with a confirmation copy sent electronically to the electronic mail address above.

USTR encourages the submission of documents in Adobe PDF format as attachments to an electronic mail. Interested persons who make submissions by electronic mail should not provide separate cover letters; information that might appear in a cover letter should be included in the submission itself. Similarly, to the extent possible, any attachments to the submission should be included in the same file as the submission itself, and not as separate files.

Comments must be in English. A person requesting that information contained in a comment submitted by that person be treated as confidential business information must certify that such information is business confidential and would not customarily be released to the public by the commenter. Confidential business information must be clearly designated as such and ''BUSINESS CONFIDENTIAL'' must be marked at the top and bottom of the cover page and each succeeding page. Persons who submit confidential business information are encouraged also to provide a non-confidential summary of the information.

Information or advice contained in a comment submitted, other than business confidential information, may be determined by USTR to be confidential in accordance with section 135(g)(2) of the Trade Act of 1974 (19 U.S.C. 2155(g)(2)). If the submitter believes that information or advice may qualify as such, the submitter—

(1) Must clearly so designate the information or advice;

(2) Must clearly mark the material as ASUBMITTED IN CONFIDENCE at the top and bottom of the cover page and each succeeding page; and

(3) Is encouraged to provide a non-confidential summary of the information or advice.

Pursuant to section 127(e) of the URAA (19 U.S.C. 3537(e)), USTR will maintain a file on this dispute settlement proceeding, accessible to the public, in the USTR Reading Room, which is located at 1724 F Street, NW., Washington, DC 20508. The public file will include non-confidential comments received by USTR from the public with respect to the dispute; if a dispute settlement panel is convened, the U.S. submissions to that panel, the submissions, or non-confidential summaries of submissions, to the panel received from other participants in the dispute, as well as the report of the panel; and, if applicable, the report of the Appellate Body. The USTR Reading Room is open to the public, by appointment only, from 10 a.m. to noon and 1 p.m. to 4 p.m., Monday through Friday. An appointment to review the public file (Docket WTO/DS–358, China Prohibited Subsidies Dispute) may be made by calling the USTR Reading Room at (202) 395–6186.

Daniel Brinza,

Assistant United States Trade Representative for Monitoring and Enforcement.

[FR Doc. E7–2855 Filed 2–20–07; 8:45 am]

BILLING CODE 3190–W7–P

SMALL BUSINESS ADMINISTRATION

Data Collection Available for Public Comments and Recommendations

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Small Business Administration's intentions to request approval on a new and/or currently approved information collection.

DATES: Submit comments on or before April 23, 2007.

ADDRESSES: Send all comments regarding whether this information collection is necessary for the proper performance of the function of the agency, whether the burden estimates are accurate, and if there are ways to minimize the estimated burden and enhance the quality of the collection, to Carol Fendler, Systems Accountant, Office of Investment, Small Business Administration, 409 3rd Street, SW., 6th Floor, Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: Carol Fendler, Systems Accountant, Office of Investment 202–205–7559 *carol.fendler@sba.gov*. Curtis B. Rich, Management Analyst, 202–205–7030 *curtis.rich@sba.gov*.

SUPPLEMENTARY INFORMATION:

Title: ''Size Status Declaration''.

Description of Respondents: New Licensees.

Form No.: 480.

Annual Responses: 4,200.

Annual Burden: 700.

Title: ''Stockholders' Confirmation (Corporation); Ownership Confirmation (Partnership)''.

Description of Respondents: Newly Licensed SBIC'S.

Form Nos.: 1405, 1405A.

Annual Responses: 600.

Annual Burden: 600.

ADDRESSES: Send all comments regarding whether this information collection is necessary for the proper performance of the function of the agency, whether the burden estimates are accurate, and if there are ways to minimize the estimated burden and enhance the quality of the collection, to Sandra Johnston, Office of Financial Assistance, Small Business Administration, 409 3rd Street, SW., 8th Floor, Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: Sandra Johnston, Program Analyst, Office of Financial Assistance 202–205–7528 *sandra.johnston@sba.gov*. Curtis B. Rich, Management Analyst, 202–205–7030 *curtis.rich@sba.gov*.

SUPPLEMENTARY INFORMATION:

Title: ''CDC Annual Report Guide''.

Description of Respondents: Certified Development Companies.

Form No.: 1253.

Annual Responses: 1.

Annual Burden: 7,500.

ADDRESSES: Send all comments regarding whether this information collection is necessary for the proper performance of the function of the agency, whether the burden estimates are accurate, and if there are ways to minimize the estimated burden and enhance the quality of the collection, to Leo Sanchez, Senior Analyst, Office of Government Contracting & Business Development, Small Business Administration, 409 3rd Street, SW., 8th Floor, Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: Leo Sanchez, Senior Analyst, Office of Government Contracting & Business Development 202–205–7528 *leo.sanshez@sba.gov*. Curtis B. Rich, Management Analyst, 202–205–7030 *curtis.rich@sba.gov*.

SUPPLEMENTARY INFORMATION:

Title: ''8(a) SDB Paper and Electronic Application''.

Description of Respondents: 8(a) SDB Companies.

Form No.: 1010, 1010B, 1010C, 2065.
Annual Responses: 8,400.
Annual Burden: 36,210.

Jacqueline White,
Chief, Administrative Information Branch.
[FR Doc. E7–2867 Filed 2–20–07; 8:45 am]
BILLING CODE 8025–01–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[DOT Docket No. 2006–26230]

Notice of Request for Renewal of a Previously Approved Collection

AGENCY: Office of the Secretary, DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended) this notice announces that the Information Collection Request (ICR) abstracted below which will be forwarded to the Office of Management and Budget (OMB) for renewal. The ICR describes the nature of the information collection and its expected burden. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on November 2, 2006 (71 FR 64605). No comments were received.

DATES: Comments on this notice must be received by March 23, 2007 and sent to the attention of the DOT/OST Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, Docket library, Room 10102, 725 17th Street, NW., Washington, DC 20503 or *oira_submission@omb.eop.gov* (e-mail).

FOR FURTHER INFORMATION CONTACT: Mr. Robert C. Ashby, Office of the Secretary, Office of Assistant General Counsel for Regulation and Enforcement, Department of Transportation, 400 Seventh St., SW., Washington, DC 20590 (202) 366–9310, (voice), 202–366–9313 (fax) or at *bob.ashby@ost.dot.gov.*

SUPPLEMENTARY INFORMATION:

Title: Report of DBE Awards and Commitments.

OMB Control Number: 2105–0510.

Affected Public: DOT financially-assisted state and local transportation agencies.

Frequency of response: Once a year.

Estimated Total Burden on Respondents: 1,311,000.

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

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Issued in Washington, DC on February 6, 2007.

Patricia Lawton,
IT Investment Management Office, Department of Transportation.
[FR Doc. 07–598 Filed 2–20–07; 8:45 am]
BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Notice of Request for Renewal of a Previously Approved Collection

AGENCY: Office of the Secretary, DOT.

ACTION: Notice; correction.

SUMMARY: The Office of Drug and Alcohol Policy and Compliance published a document in the **Federal Register** on August 4, 2006, concerning a request for an extension of a previously approved information collection. We are correcting the document as set forth below. Also, in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended), this notice announces that the Information Collection Request (ICR) abstracted below which will be forwarded to the Office of Management and Budget (OMB) for renewal. The ICR describes the nature of the information collection and its expected burden. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on August 4, 2006 (71 FR 44345). No comments were received.

DATES: Comments on this notice must be received by March 23, 2007 and sent to the attention of the DOT/OST Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, Docket library, Room 10102, 725 17th Street, NW., Washington, DC 20503 or *oira_submission@omb.eop.gov* (e-mail).

FOR FURTHER INFORMATION CONTACT: Bohdan Baczara, Office of Drug and Alcohol Policy and Compliance, 400 Seventh Street, SW., Washington, DC 20590; 202–366–3784 (voice), 202–366–3897 (fax), or *bohdan.baczara@dot.gov* (e-mail).

Correction

In the August 4, 2006, **Federal Register** [71 FR 44345] correct the Estimated Number of Respondents and Estimated Total Number Burden on Respondents.

SUPPLEMENTARY INFORMATION:

Title: Procedures for Transportation Drug and Alcohol Testing Program.

OMB Control Number: 2105–0529.

Affected Entities: Transportation Industry (*i.e.*, Federal Aviation Administration, Federal Transit Administration, Federal Railroad Administration, Federal Motor Carrier Safety Administration and the Pipeline and Hazardous Materials Safety Administration) and the United States Coast Guard when calculating their random testing rates.

Frequency of Response: Once a year.

Number of Respondents: 2,783,195.

Annual Estimated Burden Hours on Respondents: 695,300.

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

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Issues in Washington, DC on February 6, 2007.

Patricia Lawton,
IT Investment Management Office, Department of Transportation.
[FR Doc. 07–600 Filed 2–20–07; 8:45 am]
BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

PS–ACE100–2005–50001, Final Policy Statement on Applying Advisory Circular 20–152, ''RTCA, Inc., Document RTCA/DO–254, Design Assurance Guidance for Airborne Electronic Hardware,'' to Title 14 Code of Federal Regulations, Part 23 Aircraft

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of issuance of policy.

SUMMARY: This notice announces the issuance of PS–ACE100–2005–50001. This Final Policy Statement sets up Federal Aviation Administration (FAA) certification policy on applying Advisory Circular (AC) 20–152 to complex airborne electronic hardware (CEH) installed in part 23 aircraft or in airships. This was issued for Public Comment on January 26, 2006. When possible, comments received were used to modify the draft policy.

DATES: Proposed PS–ACE100–2005–50001 was issued by the Manager, Small Airplane Directorate on January 6, 2006.

How To Obtain Copies: A paper copy of PS–ACE100–2005–50001 may be obtained by contacting Mr. Robin L. Sova, Standards Office, Small Airplane Directorate, Aircraft Certification Service, Kansas City, Missouri 64106, telephone (816) 329–4133, fax (816) 329–4090. The policy will also be available on the Internet at *http://www.airweb.faa.gov/policy.*

Issued in Kansas City, Missouri on January 26, 2007.

Kim Smith,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. E7–2898 Filed 2–20–07; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Opportunity for Public Comment on Surplus Property Release at Augusta—Daniel Field, Augusta, GA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: Under the provisions of Title 49, U.S.C. Section 47153(c), notice is being given that the FAA is considering a request from the General Aviation Commission and Augusta—Daniel Field to waive the requirement that 97,217 square feet of surplus property, located at Augusta—Daniel Field, be used for aeronautical purposes.

DATES: Comments must be received on or before March 23, 2007.

ADDRESSES: Comments on this notice may be mailed or delivered in triplicate to the FAA at the following address: Atlanta Airports District Office, Attn: Aimee A. McCormick, Program Manager, 1701 Columbia Ave., Campus Bldg., Suite 2–260, Atlanta, GA 30337–2747.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Buster Boshears, Executive Director, Augusta—Daniel Field at the following address: 1775 Highland Ave., Augusta, GA 30904.

FOR FURTHER INFORMATION CONTACT: Aimee McCormick, Program Manager, Atlanta Airports District Office, 1701 Columbia Ave., Campus Bldg., Suite 2–260, Atlanta, GA 30337–2747, (404) 305–7143. The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA is reviewing a request by the General Aviation Commission and the Augusta—Daniel Field to release 97,217 square feet of surplus property at Augusta—Daniel Field. The proper will be purchased as a permanent easement to construct a 36-inch water main. The net proceeds from the sale of this property will be used for airport purposes. The proposed use of this property is compatible with airport operations.

Any person may inspect the request in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT**. In addition, any person may, upon request, inspect the request, notice and other documents germane to the request in person at the General Aviation Commission and the Augusta—Daniel Field.

Issued in Atlanta, Georgia on February 6, 2007.

Scott L. Seritt,

Manager, Atlanta Airports District Office, Southern Region.

[FR Doc. 07–778 Filed 2–20–07; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement; Bradford County, FL

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an Environmental Impact Statement (EIS) will be prepared for a proposed highway project in Bradford County, Florida.

FOR FURTHER INFORMATION CONTACT: Greg Hall, Transportation Engineer, Federal Highway Administration, 545 John Knox Road, Suite 200, Tallahassee, Florida 32303, Telephone: (850) 942–9650, extension 3033.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Florida Department of Transportation will prepare an EIS for a proposal to improve US 301 (SR 200) in Bradford County. The proposed improvement would involve US 301 through the City of Starke. The study corridor is approximately 9 miles long. The proposed improvement is considered necessary to provide for existing and projected traffic demand. Alternatives under consideration include: (1) Taking no action; (2) widening US 301 to a six lane divided roadway with auxiliary lanes within the City of Starke; and (3) utilizing a rural corridor on a new alignment which would serve as a by-pass around the City of Starke.

Coordination with appropriate Federal, State, and local agencies, and with private organizations and citizens who have expressed interest in this proposal has been undertaken and will continue. A series of public meetings has been held in Bradford County. In addition, a public hearing will be held in the future. Public notice will be given of the time and place of the hearing. The Draft EIS will be made available for public and agency review and comment. There are no plans to hold a formal scoping meeting after this notice of intent to prepare an EIS. The information gained through agency meetings, the Florida Efficient Transportation Decision Making (ETDM) process, and public involvement will be used for scoping. The ETDM process is approved by FHWA as meeting the streamlining requirements of Section 6002 of Safe, Accountable, Flexible, Efficient Transportation Equity Act: A legacy for user (SAFETEA–LU).

To ensure that the full range of issues related to the proposed action is 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 Research, Planning and Construction. The regulations

implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Issued on: February 12, 2007.

David C. Gibbs,

Division Administrator, Tallahassee, Florida.

[FR Doc. 07–767 Filed 2–20–07; 8:45 am]

BILLING CODE 4910–22–M

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34839]

Norfolk Southern Corporation and Norfolk Southern Railway Company—Control and Consolidation Exemption—Algers, Winslow and Western Railway Company

AGENCY: Surface Transportation Board, DOT.

ACTION: Notice of exemption.

SUMMARY: The Board grants an exemption, under 49 U.S.C. 10502, from the prior approval requirements of 49 U.S.C. 11323, *et seq.*, for Norfolk Southern Corporation and Norfolk Southern Railway Company (collectively, NS), to acquire control of Algers, Winslow and Western Railway Company (AWW) and to consolidate AWW into NS following the acquisition. The exemption is granted subject to the employee protective conditions in *New York Dock Ry.—Control—Brooklyn Eastern Dist.,* 360 I.C.C. 60 (1979), and the condition that NS adhere to its pledge to preserve the Oakland City, IN interchange and honor existing contracts involving AWW.

DATES: This exemption will be effective on March 23, 2007. Petitions to stay must be filed by March 5, 2007. Petitions to reopen must be filed by March 13, 2007.

ADDRESSES: Send an original and 10 copies of all pleadings, referring to STB Finance Docket No. 34839, to: Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423–0001. In addition, send one copy of pleadings to Richard A. Allen, Zuckert, Scoutt & Rasenberger, LLP, 888 Seventeenth Street, NW., Suite 700, Washington, DC 20006.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 565–1609 [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1–800–877–8339].

SUPPLEMENTARY INFORMATION: Additional information is contained in the Board's decision. A copy of the decision is available on the Board's Web site at *http://www.stb.dot.gov.* To purchase a copy of the full decision, write to, e-mail or call: ASAP Document Solutions, 9332 Annapolis Rd., Suite 103, Lanham, MD 20706; e-mail *asapdc@verizon.net;* telephone (202) 306–4004. [Assistance for the hearing impaired is available through FIRS at 1–800–877–8339].

Board decisions and notices are available on our Web site at *http://www.stb.dot.gov.*

Decided: February 13, 2007.

By the Board, Chairman Nottingham, Vice Chairman Buttrey, and Commissioner Mulvey.

Vernon A. Williams,

Secretary.

[FR Doc. E7–2887 Filed 2–20–07; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

February 14, 2007.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 11000, 1750 Pennsylvania Avenue, NW., Washington, DC 20220.

Dates: Written comments should be received on or before March 23, 2007 to be assured of consideration.

Internal Revenue Service (IRS)

OMB Number: 1545–XXXX.

Type of Review: New Collection.

Title: Form 13614–NR, Nonresident Alien Intake and Interview Sheet.

Form: 13614–NR.

Description: The completed form is used by screeners, preparers, or others involved in the return preparation process to more accurately complete tax returns of International Students and Scholars. These persons need assistance having their returns prepared so they can fully comply with the law.

Respondents: Individuals or households.

Estimated Total Burden Hours: 141,260 hours.

OMB Number: 1545–1459.

Type of Review: Extension.

Title: Program Sponsor Agreement for Continuing Education for Enrolled Agents.

Form: 8498.

Description: This information relates to the approval of continuing professional education programs for the individuals enrolled to practice before the Internal Revenue Service (enrolled agents).

Respondents: Individuals or households.

Estimated Total Burden Hours: 300 hours.

OMB Number: 1545–0746.

Title: LR–100–78 (Final) Creditability of Foreign Taxes.

Type of Review: Extension.

Description: The information needed is a statement by the taxpayer that it has elected to apply the safe harbor formula of section 1.901–2A(e) of the foreign tax credit regulations. This statement is necessary in order that the IRS may properly determine the taxpayer's tax liability.

Respondents: Businesses and other for-profit institutions, Farms.

Estimated Total Burden Hours: 37 hours.

OMB Number: 1545–1864.

Title: IRS e-file Signature Authorization for Form 1120.

Form: 8879–C.

Type of Review: Extension.

Description: Form 8879–C authorizes an officer of a corporation and an electronic return originator (ERO) to use a personal identification number (PIN) to electronically sign a corporation's electronic income tax return and, if applicable, Electronic Funds Withdrawal Consent.

Respondents: Businesses or other for-profit institutions.

Estimated Total Burden Hours: 50,673 hours.

OMB Number: 1545–1738.

Title: Revenue Procedure 2001–29, Leveraged Leases.

Type of Review: Extension.

Description: Revenue Procedure 2001–29 sets forth the information and representations required to be furnished by taxpayers in requests for an advance ruling that a leveraged lease transaction is, in fact, a valid lease for federal income tax purposes.

Respondents: Businesses and other for-profit institutions.

Estimated Total Burden Hours: 800 hours.

OMB Number: 1545–1316.

Title: Filing Assistance Program (Do you have to file a tax return?).

Form: 9452.

Type of Review: Extension.

Description: The Reduce Unnecessary Filing (RUF) Program was initiated in 1992. Each year approximately 72% of the taxpayers contacted through the RUF Program stop filing unnecessary returns. This has reduced taxpayer burden and been cost effective for the service. This is in accord with the Service's compliance and burden reduction initiatives.

Respondents: Individuals or households.

Estimated Total Burden Hours: 825,000 hours.

OMB Number: 1545–1867.

Title: S Corporation Declaration and Signature for Electronic Filing.

Form: 8453–S.

Type of Review: Extension.

Description: Form 8453–S is used to authenticate and authorize transmittal of an electronic Form 1120S.

Respondents: Businesses and other for-profit institutions.

Estimated Total Burden Hours: 10,530 hours.

Clearance Officer: Glenn P. Kirkland, (202) 622–3428, Internal Revenue Service, Room 6516, 1111 Constitution Avenue, NW., Washington, DC 20224.

OMB Reviewer: Alexander T. Hunt, (202) 395–7316, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

Robert Dahl,

Treasury PRA Clearance Officer.

[FR Doc. E7–2879 Filed 2–20–07; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Additional Designation of Entities Pursuant to Executive Order 13382

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Treasury Department's Office of Foreign Assets Control (''OFAC'') is publishing the names of three newly-designated persons whose property and interests in property are blocked pursuant to Executive Order 13382 of June 28, 2005, ''Blocking Property of Weapons of Mass Destruction Proliferators and Their Supporters.''

DATES: The designation by the Secretary of the Treasury of the two entities and one individual identified in this notice pursuant to Executive Order 13382 is effective on January 9, 2007.

FOR FURTHER INFORMATION CONTACT: Assistant Director, Compliance Outreach & Implementation, Office of Foreign Assets Control, Department of the Treasury, Washington, DC 20220, tel.: 202/622–2490.

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

This document and additional information concerning OFAC are available from OFAC's Web site (*http://www.treas.gov/ofac*) or via facsimile through a 24-hour fax-on-demand service, tel.: (202) 622–0077.

Background

On June 28, 2005, the President, invoking the authority, *inter alia,* of the International Emergency Economic Powers Act (50 U.S.C. 1701–1706) (''IEEPA''), issued Executive Order 13382 (70 FR 38567, July 1, 2005) (the ''Order''), effective at 12:01 a.m. eastern daylight time on June 29, 2005. In the Order, the President took additional steps with respect to the national emergency described and declared in Executive Order 12938 of November 14, 1994, regarding the proliferation of weapons of mass destruction and the means of delivering them.

Section 1 of the Order blocks, with certain exceptions, all property and interests in property that are in the United States, or that hereafter come within the United States or that are or hereafter come within the possession or control of United States persons, of: (1) The persons listed in an Annex to the Order; (2) any foreign person determined by the Secretary of State, in consultation with the Secretary of the Treasury, the Attorney General, and other relevant agencies, to have engaged, or attempted to engage, in activities or transactions that have materially contributed to, or pose a risk of materially contributing to, the proliferation of weapons of mass destruction or their means of delivery (including missiles capable of delivering such weapons), including any efforts to manufacture, acquire, possess, develop, transport, transfer or use such items, by any person or foreign country of proliferation concern; (3) any person determined by the Secretary of the Treasury, in consultation with the Secretary of State, the Attorney General, and other relevant agencies, to have provided, or attempted to provide, financial, material, technological or other support for, or goods or services in support of, any activity or transaction described in clause (2) above or any person whose property and interests in property are blocked pursuant to the Order; and (4) any person determined by the Secretary of the Treasury, in consultation with the Secretary of State, the Attorney General, and other relevant agencies, to be owned or controlled by, or acting or purporting to act for or on behalf of, directly or indirectly, any person whose property and interests in property are blocked pursuant to the Order.

On January 9, 2007, the Secretary of the Treasury, in consultation with the Secretary of State, the Attorney General, and other relevant agencies, designated three persons whose property and interests in property are blocked pursuant to Executive Order 13382.

The list of additional designees follows:

1. BANK SEPAH, IMAM KHOMEINI SQUARE, P.O. Box 11364–9569, Tehran, Iran; all offices worldwide [NPWMD].

2. BANK SEPAH INTERNATIONAL PLC, 5/7 Eastcheap, London EC3M 1JT, United Kingdom [NPWMD].

3. DERAKHSHANDEH, AHMAD, c/o BANK SEPAH, No. 33 Hormozan Building, Pirozan St., Sharak Ghods, Tehran, Iran; DOB 11 Aug 1956; POB Iran [NPWMD].

Dated: February 9, 2007.

Adam J. Szubin,

Director, Office of Foreign Assets Control.

[FR Doc. E7–2880 Filed 2–20–07; 8:45 am]

BILLING CODE 4811–42–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Additional Designation of Entities Pursuant to Executive Order 13382

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Treasury Department's Office of Foreign Assets Control (''OFAC'') is publishing the names of three newly-designated persons whose property and interests in property are blocked pursuant to Executive Order 13382 of June 28, 2005, ''Blocking Property of Weapons of Mass Destruction Proliferators and Their Supporters.''

DATES: The designation by the Secretary of the Treasury of the three persons identified in this notice pursuant to Executive Order 13382 is effective on January 4, 2007.

FOR FURTHER INFORMATION CONTACT: Assistant Director, Compliance Outreach & Implementation, Office of Foreign Assets Control, Department of the Treasury, Washington, DC 20220, tel.: 202/622–2490.

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

This document and additional information concerning OFAC are available from OFAC's Web site (*http://www.treas.gov/ofac*) or via facsimile through a 24-hour fax-on-demand service, tel.: (202) 622–0077.

Background

On June 28, 2005, the President, invoking the authority, *inter alia,* of the International Emergency Economic Powers Act (50 U.S.C. 1701–1706) (''IEEPA''), issued Executive Order 13382 (70 FR 38567, July 1, 2005) (the ''Order''), effective at 12:01 a.m. eastern daylight time on June 29, 2005. In the Order, the President took additional steps with respect to the national emergency described and declared in Executive Order 12938 of November 14, 1994, regarding the proliferation of weapons of mass destruction and the means of delivering them.

Section 1 of the Order blocks, with certain exceptions, all property and interests in property that are in the United States, or that hereafter come within the United States or that are or hereafter come within the possession or control of United States persons, of: (1) The persons listed in an Annex to the Order; (2) any foreign person determined by the Secretary of State, in consultation with the Secretary of the Treasury, the Attorney General, and other relevant agencies, to have engaged, or attempted to engage, in activities or transactions that have materially contributed to, or pose a risk of materially contributing to, the proliferation of weapons of mass destruction or their means of delivery (including missiles capable of delivering such weapons), including any efforts to manufacture, acquire, possess, develop, transport, transfer or use such items, by any person or foreign country of proliferation concern; (3) any person determined by the Secretary of the Treasury, in consultation with the Secretary of State, the Attorney General, and other relevant agencies, to have provided, or attempted to provide, financial, material, technological or other support for, or goods or services in support of, any activity or transaction described in clause (2) above or any person whose property and interests in property are blocked pursuant to the Order; and (4) any person determined by the Secretary of the Treasury, in consultation with the Secretary of State, the Attorney General, and other relevant agencies, to be owned or controlled by, or acting or purporting to act for or on behalf of, directly or indirectly, any person whose property and interests in property are blocked pursuant to the Order.

On January 4, 2007, the Secretary of the Treasury, in consultation with the Secretary of State, the Attorney General, and other relevant agencies, designated three persons whose property and interests in property are blocked pursuant to Executive Order 13382.

The list of additional designees follows:

1. HIGHER INSTITUTE OF APPLIED SCIENCE AND TECHNOLOGY (a.k.a. HIAST; a.k.a INSTITUT DES SCIENCES APPLIQUEES ET DE TECHNOLOGIE; a.k.a. INSTITUT SUPERIEUR DES SCIENCES APPLIQUEES ET DE TECHNOLOGIE; a.k.a. ISAT; a.k.a ISSAT), P.O. Box 31983, Barzeh, Damascus (Syria) [NPWMD]

2. ELECTRONICS INSTITUTE, P.O. Box 4470, Damascus (Syria) [NPWMD]

3. NATIONAL STANDARDS AND CALIBRATION LABORATORY (a.k.a. NSCL; a.k.a NATIONAL CALIBRATION CENTRE), P.O. Box 4470, Damascus (Syria) [NPWMD]

Dated: February 9, 2007.

Adam J. Szubin,

Director, Office of Foreign Assets Control.

[FR Doc. E7–2882 Filed 2–20–07; 8:45 am]

BILLING CODE 4811–42–P

Notices

Federal Register
Vol. 72, No. 34
Wednesday, February 21, 2007

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

DEPARTMENT OF AGRICULTURE

Forest Service

Wallowa-Whitman National Forest, Baker County, Oregon; North Fork Burnt River Mining

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare a supplement to a final environmental impact statement.

SUMMARY: The USDA, Forest Service will prepare a supplemental environmental impact statement (SEIS) to address the order of Judge Paul Papak, United States District Court, District of Oregon (*Hells Canyon Preservation Council, and Northwest Environmental Defense Center v. Richard J. Haines, Steve Ellis, and United States Forest Service,* August 4, 2006). Specifically the court found that the April 2004 North Fork Burnt River Final Environmental Impact Statement was deficient because the Agency: (1) Did not require a certificate of compliance under 33 U.S.C. 1341(a)(1), also referred to as 401 under the Clean Water Act, prior to approvals of the Plans of Operations, (2) failed to ensure that authorized mining activities will comply with 313 of the Clean Water Act, 33 U.S.C. 1323(a), on the 303(d) listed waters for water-quality limited for sedimentation, (3) failed to adequately analyze the selection of buffer widths for the riparian habitat conservation areas (RHCAs) and as such is inconsistent with INFISH standard MM–1, (4) failed to adequately analyze the necessity of new roads and whether alternatives exist and to provide specific assurances that the new road construction will comply with INFISH standard MM–2, (5) incorrectly determined that settling ponds are not structures subject to INFISH standard MM–2 and therefore failed to perform the required analysis under MM–2 as to alternative locations; and (6) failed to adequately analyze whether mining and private property access needs, administrative use and needs of other forest users are warranted exceptions to the open-road density guidelines of the Wallowa-Whitman National Forest Land Management Plan.

The SEIS will provide additional information and analysis to address the deficiencies noted by the court in the 2004 FEIS, and record the analysis of a proposed non-significant project-specific amendment to the Wallowa-Whitman National Forest's Land and Resource Management Plan (LRMP) to change Standard #12 and Standard #13 for Management Area 1(LRMP pg. 4–58), and Standard #9 for Management Area 3, 3a (LRMP pg. 4–62) to reflect a more realistic and achievable open road density for these management areas in subwatersheds 83B, 83C, 83D, 83E, 83F and 83G within the North Fork Burnt River Mining planning area in light of the current and projected land uses and management activities for the foreseeable future.

DATES: Comments on the scope of the analysis must be postmarked by April 6, 2007, and should be addressed to the Responsible Official below.

ADDRESSES: Send written comments and suggestions to Steve Ellis, Forest Supervisor, Wallowa-Whitman National Forest, PO Box 907, Baker City, OR, 97814, or fax comments to (541) 523–1315. Written comments may be delivered to the office in Baker City, at 1550 Dewey Avenue during normal business hours, up through 5 p.m. April 6, 2006.

ELECTRONIC COMMENTS: Comments may also be e-mailed to: *comments-pacificnorthwest-wallowa-whitman-whitmanunit@fs.fed.us,* by 5 p.m. April 6, 2007. Those submitting electronic copies must do so only to the e-mail address listed above, must put the project name in the subject line, and must either submit comments as part of the e-mail message or as an attachment only in one of the following three formats: Microsoft Word, rich text format (rtf) or Abobe Portable Document Format (pdf). E-mails submitted to e-mail addresses other than the one listed above or in other formats that those listed or containing viruses will be rejected.

Comments received in response to this solicitation, including names and addresses of those who comment, will be considered part of the public record on this proposed action and will be available for public inspection. Additionally, pursuant to 7 CFR 1.27(d), any person may request the agency to withhold a submission from the public record by showing how the Freedom of Information Act (FOIA) permits such confidentiality. Persons requesting such confidentiality should be aware that, under the FOIA, confidentiality may be granted in only very limited circumstances, such as to protect trade secrets. The Forest Service will inform the requester of the agency's decision regarding the request for confidentiality, and where the request is denied, the agency will return the submission and notify the requester that the comments may be resubmitted with or without name and address within 10 days.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720–2600 (voice and TDD). To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW., Washington, DC 20250–9410, or call (800) 795–3272 (voice) or (202) 720–6382 (TDD). USDA is an equal opportunity provider and employer.

FOR FURTHER INFORMATION CONTACT: Sophia Miller, Interdisciplinary Team Leader, Wallowa-Whitman National Forest, Wallowa Mountains Office, 88401 Hwy 82, Box A, Enterprise, OR, Phone: (541) 426–5540.

SUPPLEMENTARY INFORMATION: Scoping is not required for supplements to environmental impact statements (40 CFR 1502.9(c)(4)). However, at their discretion the Agency is inviting comments at this time. Comments are sought to help the Agency identify specific information needs and analytical methodologies necessary to fully address the court identified

deficiencies. For comments to be most useful, they should be as specific as possible and submitted in writing by the date identified above.

A notice will be prepared and circulated to affected Federal, State, and local agencies, affected tribes and individuals and organizations previously expressing an interest in the 2004 FEIS.

The Forest Supervisor for the Wallowa-Whitman National Forest is the Responsible Official. The Responsible Official will decide whether or not to (1) Incorporate the supplemental analysis into the FEIS, and (2) amend the LRMP to change specific LRMP standards and guidelines for open road densities in subwatersheds 83B, 83C, 83D, 83E, 83F and 83G within the North Fork Burnt River Mining planning area.

The Responsible Official will also document the decision and reasons for the decision in the Record of Decision. This Record of Decision will replace and supercede the vacated 2004 Record of Decision for the North Fork Burnt River Mining FEIS. This decision will be subject to Forest Service Appeal Regulations (36 CFR part 215).

Dated: February 13, 2007.

Steven A. Ellis,

Wallowa-Whitman National Forest Supervisor.

[FR Doc. 07–750 Filed 2–20–07; 8:45 am]

BILLING CODE 3410–11–M

COMMISSION ON CIVIL RIGHTS

Sunshine Act Notice

AGENCY: U.S. Commission on Civil Rights.

DATE AND TIME: Thursday, March 1, 2007, 3 p.m.

PLACE: U.S. Commission on Civil Rights, 624 9th Street, NW., Washington, DC 20425, Via Teleconference, *Public Call-In number:* 1–800–597–7623, *Access Code Number:* 9548257, *Federal Relay Service:* 1–800–877–8339.

STATUS:

Meeting Agenda

I. Approval of Agenda

II. Approval of Minutes of February 9, 2007 Meeting

III. Management and Operations

- FY 2008 Budget Request

IV. Future Agenda Items

V. Adjourn

CONTACT PERSON FOR FURTHER INFORMATION: Christopher Byrnes, Office of the Staff Director, (202) 376–7700.

David Blackwood,

General Counsel.

[FR Doc. 07–808 Filed 2–16–07; 3:22 pm]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

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

Agency: National Institute of Standards and Technology (NIST).

Title: Allocation of Resources for Fire Service and Medical Emergency Service.

Form Number(s): None.

OMB Approval Number: None.

Type of Request: Regular submission.

Burden Hours: 4,167.

Number of Respondents: 128.

Average Hours per Response: 5 minutes.

Needs and Uses: The information collected will be used to identify resource allocation strategies which most effectively mitigate community fire and health risks. The data will be collected in a format suitable for advance regression analysis.

Affected Public: State, local, or tribal government.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Jasmeet Seehra, (202) 395–3123.

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

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to Jasmeet Seehra, OMB Desk Officer, FAX number (202) 395–5167 or via the Internet at *Jasmeet_K._Seehra@omb.eop.gov.*

Dated: February 15, 2007.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E7–2870 Filed 2–20–07; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Announcement of the American Petroleum Institute's Standards Activities

AGENCY: National Institute of Standards and Technology, Commerce.

ACTION: Notice of intent to develop or revise standards and request for public comment and participation in standards development.

SUMMARY: The American Petroleum Institute (API), with the assistance of other interested parties, continues to develop standards, both national and international, in several areas. This notice lists the standardization efforts currently being conducted by API committees. The publication of this notice by the National Institute of Standards and Technology (NIST) on behalf of API is being undertaken as a public service. NIST does not necessarily endorse, approve, or recommend the standards referenced.

ADDRESSES: American Petroleum Institute, 1220 L Street, NW., Washington, DC 20005; telephone (202) 682–8000, *http://www.api.org.*

FOR FURTHER INFORMATION CONTACT: All contact individuals listed in the supplementary information section of this notice may be reached at the American Petroleum Institute.

SUPPLEMENTARY INFORMATION:

Background

The American Petroleum Institute develops and publishes voluntary standards for equipment, materials, operations, and processes for the petroleum and natural gas industry. These standards are used by both private industry and by governmental agencies. All interested persons should contact the appropriate source as listed for further information.

Pipeline Committee

1165, 1st Edition: SCADA Display Standard

1110, 5th Edition: Pressure Testing of Liquid Petroleum Pipelines

For Further Information Contact: Andrea Johnson, Standards Department, e-mail: *johnsona@api.org.*

Committee on Marketing

RP 1550, 1st Edition: Recommended Practice for the Application of Aviation Fuel Filtration Systems

RP 1598, 1st Edition: Guidelines for the Selection of Electronic Sensors for Monitoring Aviation Fuel Quality

Spec 1599, 1st Edition: Specifications and Laboratory Tests for Aviation Fuel Filter Monitors Without Absorbent Type Elements
RP 1615, 6th Edition: Installation of Underground Petroleum Storage Systems

For Further Information Contact: David Soffrin, Standards Department, e-mail: *soffrind@api.org.*

Committee on Refining

Inspection

581, 2nd Edition: Base Resource Document—Risk Based Inspection

Above Ground Storage Tanks

650, 11th Edition: Welded Steel Tanks for Oil Storage

Electrical Equipment

500, 4th Edition: Recommended Practice for Classification of Locations for Electrical Installations at Petroleum Facilities as Classified as Class I, Division 1 and Division 2
505, 3rd Edition: Recommended Practice for Classification of Locations for Electrical Installations at Petroleum Facilities Classified as Class I, Zone 0, Zone 1 and Zone 2

Mechanical Equipment

611, 6th Edition: General-purpose Steam Turbines for Petroleum, Chemical, and Gas Industry Services
618, 6th Edition: Reciprocating Compressors for Petroleum, Chemical and Gas Industry Services
671, 5th Edition: Special Purpose Couplings for Petroleum, Chemical, and Gas Industry Services
674, 4th Edition: Positive Displacement Pumps—Reciprocating
689, (National Adoption of 14224) 1st Edition: Petroleum, petrochemical and natural gas industries—Collection and exchange of reliability and maintenance data for equipment

Heat Transfer Equipment

534, 3rd Edition: Heat Recovery Steam Generators
536, 3rd Edition: Post Combustion NO_X Control for Equipment in General Refinery Services
546, 3rd Edition: Brushless Synchronous Machines—500kVA and Larger
560, 4th Edition: Fired Heaters for General Refinery Services

Piping & Valves

599, 6th Edition: Metal Plug Valves—Flanged and Welding Ends

Pressure Relieving Systems

520 Part 1, 8th Edition: Sizing, Selection and Installation of Pressure-relieving Devices in Refineries, Part 1—Sizing and Selection
526, 6th Edition: Flanged Steel Pressure Relief Valves

Instrument & Control Systems

552, 2nd Edition: Transmission Systems
554, 3rd Edition: Process Instrumentation and Control
556, 2nd Edition: Fired Heaters & Steam Generators

Corrosion & Materials

RP 934-A, 2nd Edition: Fabrication Requirements for 2–1/4/3Cr Alloy Steel Heavy Wall Pressure Vessels for High Temperature, High Pressure Hydrogen Service
938-B, 1st Edition: Title to be Determined
RP 941, 7th Edition: Steels for Hydrogen Service at Elevated Temperatures and Pressures in Petroleum Refineries and Petrochemical Plants

Fitness-for-Service

579, 3rd Edition: Fitness-for-Service

For Further Information Contact: David Soffrin, Standards Department, e-mail: *soffrind@api.org.*

Meetings/Conferences: The Spring Refining Meeting will be held in Seattle, Washington, April 16–18, 2007. The Fall Refining Meeting will be held in San Antonio, TX, November 12–14, 2007. Interested parties may visit the API Web site at *http://www.api.org/meetings/* for more information regarding participation in these meetings.

Committee on Safety and Fire Protection

2003, 7th Edition: Protection Against Ignitions Arising Out of Static, Lightning, and Stray Currents
2027, 4th Edition: Ignition Hazards Involved in Abrasive Blasting of Atmospheric Storage Tanks in Hydrocarbon Service
2028, 4th Edition: Flame Arresters in Piping Systems
2207, 6th Edition: Preparing Tank Bottoms for Hot Work
2210, 4th Edition: Flame Arresters for Vents of Tanks Storing Petroleum Products
2218, 3rd Edition: Fireproofing Practices in Petroleum and Petrochemical Processing Plants
2250, 4th Edition: Overfill Protection for Storage Tanks in Petroleum Facilities
752, 3rd Edition: Management of Hazards Associated with Location of Process Plant Buildings
753, 1st Edition: Management of Hazards Associated with Location of Process Plant Portable Buildings

For Further Information Contact: David Soffrin, Standards Department, e-mail: *soffrind@api.org.*

Committee on Petroleum Measurement

Manual of Petroleum Measurement Standards

Liquid Measurement

Chapter 4.5, 3rd Edition: Master-meter Provers
Chapter 4.9.4, 1st Edition: Determination of the Volume of Displacement and Tank Provers by the Gravimetric Method of Calibration
Chapter 5.1, 4th Edition: General Consideration for Measurement by Meters
Chapter 6.4, 2nd Edition: Metering Systems for Aviation Fueling Facilities
Chapter 12 A, 1st Edition: Addendum to Calculation of Petroleum Quantities

Measurement Quality

Chapter 10.2, 2nd Edition: Determination of Water in Crude Oil by Distillation
Chapter 10.3, 3rd Edition: Determination of Water and Sediment in Crude Oil by the Centrifuge Method (Laboratory Procedure)
Chapter 11.1 A, 1st Edition: Addendum to Temperature and Pressure Volume Correction Factors for Generalized Crude Oils, Refined Products, and Lubricating Oils
Chapter 11.2.4/GPA TP–27, 1st Edition: Temperature Correction for NGL & LPG—Tables 23E, 24E, 53E, 54E, 59E, 60E
Chapter 11.2.5/GPA TP–15, 1st Edition: A Simplified Vapor Pressure Correlation for Commercial NGLs
Chapter 11.5.1, 1st Edition: Density/Weight/Volume Intraconversion Tables, Entry with API Gravity at 60 °F
Chapter 11.5.2, 1st Edition: Density/Weight/Volume Intraconversion Tables, Entry with Relative Density at 60 °F
Chapter 11.5.3, 1st Edition: Density/Weight/Volume Intraconversion Tables, Entry with Absolute Density at 15 °F

Gas Fluids Measurement

Draft Standard, 1st Edition: Vortex Shedding Flowmeters for Custody Transfer—Joint with Liquid Measurement
Chapter 14.10, 1st Edition: Flare Gas Meter

Evaporative Loss Estimation

Publication 2514A, 4th Edition: Atmospheric Hydrocarbon Emissions from Marine Vessel Transfer Operations

TR 2XXX, 1st Edition: Evaporative Loss from Cleaning of Storage Tanks

For Further Information Contact: Andrea Johnson, Standards Department, e-mail: *johnsona@api.org.*

Meetings/Conferences: The Spring Committee on Petroleum Measurement meeting will be held in Dallas, Texas, March 19–23, 2007. The Fall Committee on Petroleum Measurement meeting will be held in Atlanta, Georgia, October 22–25, 2007. Interested parties may visit the API Web site at *http://www.api.org/meetings/* for more information regarding participation in these meetings.

Committee on Exploration and Production

RP 65–2, 1st Edition: Isolating Potential Flow Zones During Well Construction

Production Equipment

Spec 6A–A1, 19th Edition: Addendum to Specification for Wellhead and Christmas Tree Equipment
Spec 6DSS, 1st Edition: Specification for Subsea Pipeline Valves

Oil Country Tubular Goods

Spec 5B, 16th Edition: Treading, Gauging, and Thread Inspection of Casing, Tubing, and Line Pipe Threads
Bull 5C3, (National Adoption of TR 10400) 7th Edition: Formulas and Calculations for Casing, Tubing, Drill Pipe, and Line Pipe Properties
Spec 5CRA, 1st Edition: Petroleum and natural gas industries—Corrosion-resistant alloy seamless tubes for use as casing, tubing and coupling stock—Technical delivery conditions
Spec 5D, (National Adoption of 11961) 6th Edition: Drill Pipe
Spec 5L, 43rd Edition: Line Pipe
Spec 5LD, 3rd Edition: CRA Clad or Lined Steel Pipe
Spec 7–1A (National Adoption of 10424–1), 1st Edition: Addendum 1—Rotary Drill Stem Elements
Spec 7–2, (National Adoption of 10424–2) 1st Edition: Petroleum and natural gas industries—Rotary drilling equipment—Part 2: Threading and gauging of rotary shouldered threaded connections
Spec 15LE, 4th Edition: Polyethylene (PE) Line Pipe
RP 15XXX, 1st Edition: Recommended Practice on Composite Lined Steel Tubular Goods

Offshore Structures, Drill Through Equipment, and Subsea Production Equipment

RP 2A–WSD E/A3, 21st Edition: Errata/Supplement 3 to Planning, Designing and Constructing Fixed Offshore Platforms—Working Stress Design
RP 2D, 6th Edition: Operation and Maintenance of Offshore Cranes
RP 2FPS, (National Adoption of 19904–1) 2nd Edition: Recommended Practice for Planning, Designing, and Constructing Floating Production Systems
RP 2I, 3rd Edition: In-Service Inspection of Mooring Hardware for Floating Drilling Units Bull 2IDC, 1st Edition: Interim Design Criteria for Offshore Structures
RP 2L, 5th Edition: Planning, Designing and Constructing Heliports for Fixed Offshore Platforms
Draft RP 2MET, 1st Edition: Metocean Conditions for the Gulf of Mexico
RP 2SK–A1, 3rd Edition: Addendum 1 to Design and Analysis of Stationkeeping Systems for Floating Structures
RP 2T, 3rd Edition: Planning, Designing and Constructing Tension Leg Platforms
Bull 2TD, 2nd Edition: Guidelines for Tie-downs on Offshore Production Facilities for Hurricane Season
RP 2X–A, 4th Edition: Addendum to Recommended Practice for Ultrasonic and Magnetic Examination of Offshore Structural Fabrication and Guidelines for Qualification of Technicians
RP 17A–A (National Adoption of 13628–1), 4th Edition: Addendum to Design and Operation of Subsea Production Systems—Petroleum and natural gas industries—Design and operation of Subsea production systems—Part 1: General requirements and recommendations
Spec 17J, 3rd Edition: Unbonded Flexible Pipe

Drilling Operations and Equipment

Spec 4F, (National Adoption of 13626) 4th Edition: Drilling and production equipment—Drilling and well-servicing structures
RP 16ST, 1st Edition: Recommended Practice for Coiled Tubing Well Control Equipment Systems and Operations
Spec 19XXX, 1st Edition (National Adoption of 13503–2): Petroleum and natural gas industries—Completion fluids and materials—Part 2: Measurement of properties of proppants used in hydraulic fracturing and gravel-packing operations

Quality

Spec Q1, 8th Edition: Specification for Quality Programs for the Petroleum and Natural Gas Industry

Supply Chain Management

Spec 20A, 1st Edition: Forgings

For Further Information Contact: Andy Radford, Standards Department, e-mail: *radforda@api.org.*

Meetings/Conferences: The 2007 Summer Standardization Conference on Oilfield Equipment & Materials will take place in San Francisco, California, June 25–29, 2007. Interested parties may visit the API Web site at *http://www.api.org/meetings* for more information regarding participation in this meeting.

Executive Committee on Drilling and Production Operations

RP 14G, 4th Edition: Fire Prevention and Control on OpenType Offshore Production Platforms
RP 67, 2nd Edition: Oilfield Explosive Safety
RP 91, 1st Edition: Containment of Spent Blast Abrasive and Associated Materials from Surface Preparation and Coating Operations

For Further Information Contact: Tim Sampson, Upstream Department, e-mail: *sampson@api.org.*

For additional information on the overall API standards program, Contact: David Miller, Standards Department, e-mail: *miller@api.org.*

Dated: February 13, 2007.

James E. Hill,

Acting Deputy Director.

[FR Doc. E7–2889 Filed 2–20–07; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Alaska Region Gear Identification Requirements

AGENCY: National Oceanic and Atmospheric Administration (NOAA), DOC.

ACTION: Notice.

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

DATES: Written comments must be submitted on or before April 23, 2007.

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

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Patsy A. Bearden, (907) 586–7008 or *patsy.bearden@noaa.gov*.

SUPPLEMENTARY INFORMATION:

I. Abstract

Regulations at § 679.24(a) require that all hook-and-line, longline pot, and pot-and-line marker buoys, carried onboard or used by any vessel regulated under 50 CFR part 679, shall be marked with the vessel name, Federal permit number, or registration number. The regulations also specify the size and color of markings. The marking of gear aids law enforcement and enables other fishermen to report on misplaced gear.

II. Method of Collection

No information is collected; this is a gear-marking requirement.

III. Data

OMB Number: 0648–0353.

Form Number: None.

Type of Review: Regular submission.

Affected Public: Business or other for-profit organizations; and individuals or households.

Estimated Number of Respondents: 2,116.

Estimated Time per Response: 15 minutes per buoy.

Estimated Total Annual Burden Hours: 3,750.

Estimated Total Annual Cost to Public: $4,332.

IV. Request for Comments

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

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

Dated: February 15, 2007.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E7–2869 Filed 2–20–07; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Interim Capital Construction Fund Agreement and Certificate Family of Forms

AGENCY: National Oceanic and Atmospheric Administration (NOAA), DOC.

ACTION: Notice.

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

DATES: Written comments must be submitted on or before April 23, 2007.

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

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Charles L. Cooper, (301) 713–2396 or *Charles.Cooper@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

The respondents will be commercial fishing industry individuals, partnerships, and corporations which entered into Capital Construction Fund agreements with the Secretary of Commerce allowing deferral of Federal taxation on fishing vessel income deposited into the fund for use in the acquisition, construction, or reconstruction of fishing vessels. Deferred taxes are recaptured by reducing an agreement vessel's basis for depreciation by the amount withdrawn from the fund for its acquisition, construction, or reconstruction. The information collected from agreement holders is used to determine their eligibility to participate in the Capital Construction Fund Program pursuant to 50 CFR part 259.

At the completion of construction/reconstruction, a certificate to that effect must be submitted.

II. Method of Collection

The information will be collected on forms: the Fishing Vessel Capital Construction Fund Application, the Interim Capital Construction Fund Agreement, and the Certificate of Construction/Reconstruction.

III. Data

OMB Number: 0648–0090.

Form Number: NOAA Form 88–14.

Type of Review: Regular submission.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 500.

Estimated Time per Response: Application, 30 minutes; agreement, 3 hours; certificate, 1 hour.

Estimated Total Annual Burden Hours: 2,250.

Estimated Total Annual Cost to Public: $3,300.

IV. Request for Comments

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

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

Dated: February 15, 2007.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E7–2873 Filed 2–20–07; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Federal Consistency Appeal by the Bureau of Indian Affairs and the Big Lagoon Rancheria From an Objection by the California Coastal Commission

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

ACTION: Notice of appeal and request for comments.

SUMMARY: This announcement provides notice that the Bureau of Indian Affairs (BIA) and the Big Lagoon Rancheria (Tribe) have jointly filed an administrative appeal with the Department of Commerce asking that the Secretary override the California Coastal Commission's (Commission) objection to BIA's proposed acquisition of approximately 5 acres of land in Humboldt County, California, into trust status for the Tribe. The land is currently owned in fee by the Tribe and is located in the Big Lagoon area, approximately a quarter mile from the current boundary of the Big Lagoon Rancheria trust property, at the southwest intersection of Highway 101 and Big Lagoon Park Road, south of Big Lagoon, Humboldt County, California. The legal description of the land is parcel APN 517–281–004 in Lot 4 as shown on Tract No. 420, on file in the Office of the Humboldt County Recorder in Book 21 of Maps, pages 18 and 19.

DATES: Public and Federal agency comments on the appeal are due within 30 days of the publication of this Notice.

ADDRESSES: Comments should be sent to Odin Smith, Attorney-Advisor, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, 1305 East-West Highway, Room 6111, Silver Spring, MD 20910. Materials from the appeal record will be available at the NOAA Office of the General Counsel for Ocean Services.

FOR FURTHER INFORMATION CONTACT: Odin Smith, Attorney-Advisor, NOAA Office of the General Counsel, 301–713–7392.

SUPPLEMENTARY INFORMATION:

I. Notice of Appeal

BIA and the Tribe have jointly filed a notice of appeal with the Secretary of Commerce pursuant to the Coastal Zone Management Act of 1972 (CZMA), 16 U.S.C. 1451 *et seq.,* and implementing regulations found at 15 CFR part 930, subpart H. BIA and the Tribe appeal an objection, filed by the Commission, to a consistency determination prepared by BIA related to the proposed acquisition by BIA of approximately 5 acres of land in Humboldt County, California, into trust status for the Tribe for future planned tribal housing development.

The Appellants request that the Secretary override the State's objection on grounds that the project is consistent with the objectives or purposes of the CZMA. To make the determination that the proposed activity is ''consistent with the objectives or purposes'' of the CZMA, the Secretary must find that: (1) The proposed activity furthers the national interest as articulated in sections 302 or 303 of the CZMA, in a significant or substantial manner; (2) the adverse effects of the proposed activity do not outweigh its contribution to the national interest, when those effects are considered separately or cumulatively; and (3) no reasonable alternative is available that would permit the activity to be conducted in a manner consistent with enforceable policies of California's coastal management program. 15 CFR 930.121 (2005), *as amended,* 71 FR 787, 831 (Jan. 5, 2006).

II. Public and Federal Agency Comments

Written comments are invited on any of the issues the Secretary must consider in deciding this appeal. Comments must be received within 30 days of the publication of this notice, and may be submitted to Odin Smith, Attorney-Advisor, NOAA Office of the General Counsel for Ocean Services, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, 1305 East-West Highway, Room 6111, Silver Spring, MD 20910. Comments will be made available to Appellants and the State.

III. Appeal Documents

NOAA intends to provide the public with access to all materials and related documents comprising the appeal record during business hours, at the NOAA Office of the General Counsel for Ocean Services.

For additional information about this appeal contact Odin Smith, 301–713–7392.

Dated: February 15, 2007.

Joel La Bissonniere,

Assistant General Counsel for Ocean Services.

[FR Doc. 07–768 Filed 2–20–07; 8:45 am]

BILLING CODE 3510–08–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 013007A]

Atlantic Highly Migratory Species; Meeting of the Atlantic Highly Migratory Species Advisory Panel

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

ACTION: Notice of public meeting and a scoping meeting.

SUMMARY: NMFS will hold a three-day Highly Migratory Species (HMS) Advisory Panel (AP) meeting in March 2007. The intent of the meeting is to consider options for the conservation and management of Atlantic HMS. A scoping meeting will also be held during the AP meeting to consider options for updating HMS essential fish habitat (EFH). Both meetings are open to the public.

DATES: The AP meeting will be held from 1 p.m. to 5 p.m. on Tuesday, March 13, 2007, from 8 a.m. to 5 p.m. on Wednesday, March 14, 2007, and from 8 a.m. to 5 p.m. on Thursday, March 15, 2007. The EFH scoping meeting will be held during the AP meeting.

ADDRESSES: The meeting will be held at the Crowne Plaza Hotel, 8777 Georgia Avenue, Silver Spring, MD 20910; phone: 1–301–589–0800.

FOR FURTHER INFORMATION CONTACT: Carol Douglas or Chris Rilling at 301–713–2347.

SUPPLEMENTARY INFORMATION: The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), 16 U.S.C. 1801 *et seq.*, as amended by the Sustainable Fisheries Act, Public Law 104–297, provided for the establishment of an AP to assist in the collection and evaluation of information relevant to the development of any Fishery Management Plan (FMP) for HMS. NMFS consults with and considers the comments and views of AP members when preparing and implementing FMPs or FMP amendments for Atlantic tunas, swordfish, billfish, and sharks. The AP has previously consulted with NMFS on: the HMS FMP (April 1999), Amendment 1 to the HMS FMP (December 2003), Amendment 1 to the Billfish FMP (April 1999), and the Consolidated Atlantic HMS FMP (February and October 2006). The March 2007 AP meeting will focus on conservation and management options

for Atlantic tunas, swordfish, billfish, and sharks.

NMFS published a notice of intent to prepare an environmental impact statement and potentially amend HMS EFH regulations on November 7, 2006 (71 FR 65087). NMFS will hold a scoping meeting during the March 13–15 AP meeting to discuss options for updating EFH.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Carol Douglas at (301) 713–2347, at least 7 days prior to the meeting.

Authority: 16 U.S.C. 971 *et seq.* and 1801 *et seq.*

Dated: February 13, 2007.

James P. Burgess,

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

[FR Doc. E7–2892 Filed 2–20–07; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF EDUCATION

Office of Elementary and Secondary Education; Overview Information; Early Childhood Educator Professional Development (ECEPD) Program; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2007

Catalog of Federal Domestic Assistance (CFDA) Number: 84.349A.

Dates:

Applications Available: February 20, 2007.

Deadline for Transmittal of Applications: April 20, 2007.

Deadline for Intergovernmental Review: June 19, 2007.

Eligible Applicants: A *partnership* that has not previously received an ECEPD grant and that consists of at least one entity from each of the following categories:

(i) One or more institutions of higher education (IHEs), or other public or private entities (including faith-based organizations), that provide professional development for early childhood educators who work with children from low-income families in high-need communities.

(ii) One or more public agencies (including local educational agencies (LEAs), State educational agencies (SEAs), State human services agencies, and State and local agencies administering programs under the Child Care and Development Block Grant Act of 1990), Head Start agencies, or private organizations (including faith-based organizations).

(iii) If feasible, an entity with demonstrated experience in providing training to educators in early childhood education programs concerning identifying and preventing behavior problems or working with children identified as or suspected to be victims of abuse. This entity may be one of the partners described in paragraphs (i) and (ii) under *Eligible Applicants.*

A partnership may apply for these funds only if one of the partners currently provides professional development for early childhood educators working in programs located in high-need communities with children from low-income families.

Estimated Available Funds: The Administration has requested $14,549,000 for the ECEPD program for FY 2007, of which we anticipate $14,330,765 would be available for these grants. For FY 2007, approximately 1 percent of the ECEPD appropriation would be set aside to administer the grant award competition, and 0.5 percent would be set aside for evaluation activities authorized under section 9601 (Evaluations) of the ESEA as amended by NCLB, 20 U.S.C. 7941(a). The actual level of funding, if any, depends on final congressional action. However, we are inviting applications to allow enough time to complete the grant process if Congress appropriates funds for this program.

Estimated Range of Awards: $2,400,000–$4,800,000.

Estimated Average Size of Awards: $3,600,000.

Estimated Number of Awards: 3–6 awards.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 36 months.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The purpose of the ECEPD program is to enhance the school readiness of young children, particularly disadvantaged young children, and to prevent them from encountering difficulties once they enter school, by improving the knowledge and skills of early childhood educators who work in communities that have high concentrations of children living in poverty.

Projects funded under the ECEPD program provide high-quality, sustained, and intensive professional development for these early childhood educators in how to provide developmentally appropriate school-readiness services for preschool-age children that are based on the best available research on early childhood pedagogy and on child development and learning. For these grants, the Department is increasing the emphasis on the quality of program evaluations.

The specific activities for which recipients may use grant funds are identified in the application package.

Priorities:

This competition includes one absolute priority, and, within that priority, one competitive preference priority and three invitational priorities as follows.

In accordance with 34 CFR 75.105(b)(2)(iv), this priority is from section 2151(e)(5)(A) of the Elementary and Secondary Education Act of 1965, as amended (ESEA), 20 U.S.C. 6651(e)(5)(A).

Absolute Priority: For FY 2007 this priority is an absolute priority. Under 34 CFR 75.105(c)(3) we consider only applications that meet this priority.

This priority is:

High-Need Communities.

The applicant partnership, if awarded a grant, shall use the grant funds to carry out activities that will improve the knowledge and skills of early childhood educators who are working in early childhood programs that are located in *high-need communities.*

An eligible applicant must demonstrate in its application how it meets the statutory requirement in section 2151(e)(5)(A) of the ESEA by including relevant demographic and socioeconomic data about the *high-need community* in which each program is located, as indicated in the application package. (See section 2151(e)(3)(B)(i) of the ESEA.)

High-need community, as defined in section 2151(e)(9)(B) of the ESEA, means—

(a) A political subdivision of a State, or a portion of a political subdivision of a State, in which at least 50 percent of the children are from low-income families; or

(b) A political subdivision of a State that is among the 10 percent of political subdivisions of the State having the greatest numbers of such children.

Note: The following additional terms used in or related to this absolute priority have statutory definitions that are included in the application package: *Early childhood educator* and *low-income family.*

Competitive Preference Priority: Within this absolute priority, we give competitive preference to applications that address the following priority.

This priority is from the notice of final priority for Scientifically Based Evaluation Methods, published in the **Federal Register** on January 25, 2005 (70 FR 3586), available at: *http://*

www.ed.gov/legislation/FedRegister/finrule/2005–1/012505a.html.

Under 34 CFR 75.105(c)(2)(i), we award up to an additional 20 points to an application, depending on how well the application meets this priority.

When using the priority to give competitive preference to an application, the Secretary will review applications using a two-stage process. In the first stage, the application will be reviewed without taking the priority into account. In the second stage of review, the applications rated highest in stage one will be reviewed for competitive preference. We consider awarding additional (competitive preference) points only to those applicants with top-ranked scores on the selection criteria.

This priority is:

Scientifically Based Evaluation Methods.

The Secretary establishes a priority for projects proposing an evaluation plan that is based on rigorous scientifically based research methods to assess the effectiveness of a particular intervention, as described in the following paragraphs. The Secretary intends that this priority will allow program participants and the Department to determine whether the project produces meaningful effects on student achievement or teacher performance.

Evaluation methods using an experimental design are best for determining project effectiveness. Thus, when feasible, the project must use an experimental design under which participants (e.g., students, teachers, classrooms, or schools) are randomly assigned to participate in the project activities being evaluated or to a control group that does not participate in the project activities being evaluated.

If random assignment is not feasible, the project may use a quasi-experimental design with carefully matched comparison conditions. This alternative design attempts to approximate a randomly assigned control group by matching participants (e.g., students, teachers, classrooms, or schools) with non-participants having similar pre-program characteristics.

In cases where random assignment is not possible and participation in the intervention is determined by a specified cutting point on a quantified continuum of scores, regression discontinuity designs may be employed.

For projects that are focused on special populations in which sufficient numbers of participants are not available to support random assignment or matched comparison group designs, single-subject designs such as multiple baseline or treatment-reversal or interrupted time series that are capable of demonstrating causal relationships can be employed.

Proposed evaluation strategies that use neither experimental designs with random assignment nor quasi-experimental designs using a matched comparison group nor regression discontinuity designs will not be considered responsive to the priority when sufficient numbers of participants are available to support these designs. Evaluation strategies that involve too small a number of participants to support group designs must be capable of demonstrating the causal effects of an intervention or program on those participants.

The proposed evaluation plan must describe how the project evaluator will collect—before the project intervention commences and after it ends—valid and reliable data that measure the impact of participation in the program or in the comparison group.

If the priority is used as a competitive preference priority, points awarded under this priority will be determined by the quality of the proposed evaluation method. In determining the quality of the evaluation method, we will consider the extent to which the applicant presents a feasible, credible plan that includes the following:

(1) The type of design to be used (e.g., random assignment or matched comparison). If matched comparison, include in the plan a discussion of why random assignment is not feasible.

(2) Outcomes to be measured.

(3) A discussion of how the applicant plans to assign students, teachers, classrooms, or schools to the project and control group or match them for comparison with other students, teachers, classrooms, or schools.

(4) A proposed evaluator, preferably independent, with the necessary background and technical expertise to carry out the proposed evaluation. An independent evaluator does not have any authority over the project and is not involved in its implementation.

In general, depending on the implemented program or project, under a competitive preference priority, random assignment evaluation methods will receive more points than matched comparison evaluation methods.

Definitions

As used in this notice—

Scientifically based research (section 9101(37) of the ESEA as amended by the No Child Left Behind Act of 2001 (NCLB), 20 U.S.C. 7801(37)):

(A) Means research that involves the application of rigorous, systematic, and objective procedures to obtain reliable and valid knowledge relevant to education activities and programs; and

(B) Includes research that—

(i) Employs systematic, empirical methods that draw on observation or experiment;

(ii) Involves rigorous data analyses that are adequate to test the stated hypotheses and justify the general conclusions drawn;

(iii) Relies on measurements or observational methods that provide reliable and valid data across evaluators and observers, across multiple measurements and observations, and across studies by the same or different investigators;

(iv) Is evaluated using experimental or quasi-experimental designs in which individuals, entities, programs, or activities are assigned to different conditions and with appropriate controls to evaluate the effects of the condition of interest, with a preference for random-assignment experiments, or other designs to the extent that those designs contain within-condition or across-condition controls;

(v) Ensures that experimental studies are presented in sufficient detail and clarity to allow for replication or, at a minimum, offer the opportunity to build systematically on their findings; and

(vi) Has been accepted by a peer-reviewed journal or approved by a panel of independent experts through a comparably rigorous, objective, and scientific review.

Random assignment or experimental design means random assignment of students, teachers, classrooms, or schools to participate in a project being evaluated (treatment group) or not participate in the project (control group). The effect of the project is the difference in outcomes between the treatment and control groups.

Quasi-experimental designs include several designs that attempt to approximate a random assignment design.

Carefully matched comparison groups design means a quasi-experimental design in which project participants are matched with non-participants based on key characteristics that are thought to be related to the outcome.

Regression discontinuity design means a quasi-experimental design that closely approximates an experimental design. In a regression discontinuity design, participants are assigned to a treatment or control group based on a numerical rating or score of a variable unrelated to the treatment such as the rating of an application for funding. Eligible students, teachers, classrooms, or schools above a certain score (''cut

score'') are assigned to the treatment group and those below the score are assigned to the control group. In the case of the scores of applicants' proposals for funding, the ''cut score'' is established at the point where the program funds available are exhausted.

Single subject design means a design that relies on the comparison of treatment effects on a single subject or group of single subjects. There is little confidence that findings based on this design would be the same for other members of the population.

Treatment reversal design means a single subject design in which a pre-treatment or baseline outcome measurement is compared with a post-treatment measure. Treatment would then be stopped for a period of time, a second baseline measure of the outcome would be taken, followed by a second application of the treatment or a different treatment. For example, this design might be used to evaluate a behavior modification program for disabled students with behavior disorders.

Multiple baseline design means a single subject design to address concerns about the effects of normal development, timing of the treatment, and amount of the treatment with treatment-reversal designs by using a varying time schedule for introduction of the treatment and/or treatments of different lengths or intensity.

Interrupted time series design means a quasi-experimental design in which the outcome of interest is measured multiple times before and after the treatment for program participants only.

Invitational Priorities: Within the absolute priority, we are particularly interested in applications that address the following invitational priorities. Under 34 CFR 75.105(c)(1) we do not give an application that meets these invitational priorities a competitive or absolute preference over other applications.

These priorities are:

Invitational Priority 1—English Language Acquisition Plan

For applicants serving children with limited English proficiency, the Secretary is especially interested in applications that include a specific plan for the development of English language acquisition for these children from the start of their preschool experience. The ECEPD program is designed to prepare children to enter kindergarten with the necessary cognitive, early language, and literacy skills for success in school. School success often is dependent on each child entering kindergarten being as proficient as possible in English so that the child is ready to benefit from formal reading instruction in English when the child starts school.

The English language acquisition plan should, at a minimum: (1) Include a description of the approach for the development of language, based on the linguistic factors or skills that serve as the foundation for a strong language base, which is a necessary precursor for success in the development of pre-literacy and literacy skills for children with limited English proficiency; (2) explain the acquisition strategies, based on best available valid and reliable research, that the applicant will use to address English language acquisition in a multi-lingual classroom; (3) describe how the project will facilitate the children's transition to English proficiency by means such as the use of print-rich instructional activities in appropriate multiple languages, and hiring bilingual teachers, paraprofessionals, or translators to work in the preschool classroom; (4) include intensive professional development for instructors and paraprofessionals on the development of English language proficiency; and (5) include a timeline that describes benchmarks for the introduction of the development of English language proficiency and the use of measurement tools.

Ideally, at least one instructional staff member in each ECEPD classroom should be dual-language proficient both in a child's first language and in English to facilitate the child's understanding of instruction and transition to English proficiency. At a minimum, each classroom should include a teacher who is proficient in English.

Invitational Priority 2—Classroom Curricula and Teacher Professional Development

The Secretary is especially interested in applications that focus the professional development provided through this project that will be provided for early childhood educators on specific curricula promoting young children's school readiness in the areas of language and cognitive development and early reading and numeracy skills that are being used in those educators' early childhood programs, and on the research base supporting that curricula. In addition to being based on scientifically based research, the curricula should have standardized training procedures and published curriculum materials to support implementation by the early childhood educators. The chosen curricula should include a scope and sequence of skills and content with concrete instructional goals that are designed to promote early language, reading, and numeracy skills.

The need for rigorous preschool curricula is driven by the national focus on high-quality preschool experiences that prepare children for formal reading instruction in the elementary grades. The professional development in the ECEPD program provides opportunities for the program participants to achieve greater understanding of the implementation of scientifically based curricula that focus on early language, reading, and numeracy skills of young children. Grantees should focus on assisting the early childhood educators to implement fully the selected curricula and on measuring learning outcomes for the children taught by those educators.

Invitational Priority 3—Applications That Include One or More Privately Funded Preschools as Participating Sites

Under the third invitational priority, the Secretary is especially interested in applications that include, as a participating site (or sites), one or more privately funded preschools, such as a preschool operated by a faith-based organization, located in a high-need community that serves concentrations of children from low-income families.

Program Authority: 20 U.S.C. 6651(e).

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 84, 85, 86, 97, 98, and 99.

(b) The notice of final priority for Scientifically Based Evaluation Methods, published in the **Federal Register** on January 25, 2005 (70 FR 3586).

Note: The regulations in 34 CFR part 79 apply to all applicants except federally recognized Indian tribes.

Note: The regulations in 34 CFR part 86 apply to IHEs only.

II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds: The Administration has requested $14,549,000 for the ECEPD program for FY 2007, of which we anticipate $14,330,765 would be available for these grants. For FY 2007, approximately 1 percent of the ECEPD appropriation would be set aside to administer the grant award competition and 0.5 percent would be set aside for evaluation activities authorized under section 9601 (Evaluations) of the ESEA as amended by NCLB, 20 U.S.C. 7941(a). The actual level of funding, if any, depends on final congressional action.

However, we are inviting applications to allow enough time to complete the grant process if Congress appropriates funds for this program.

Estimated Range of Awards: $2,400,000–$4,800,000.

Estimated Average Size of Awards: $3,600,000.

Estimated Number of Awards: 3–6 awards.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 36 months.

III. Eligibility Information

1. *Eligible Applicants:* A *partnership* that has not previously received an ECEPD grant and that consists of at least one entity from each of the following categories:

(i) One or more IHEs, or other public or private entities (including faith-based organizations), that provide professional development for early childhood educators who work with children from low-income families in high-need communities.

(ii) One or more public agencies (including LEAs, SEAs, State human services agencies, and State and local agencies administering programs under the Child Care and Development Block Grant Act of 1990), Head Start agencies, or private organizations (including faith-based organizations).

(iii) If feasible, an entity with demonstrated experience in providing training to educators in early childhood education programs concerning identifying and preventing behavior problems or working with children identified as or suspected to be victims of abuse. This entity may be one of the partners described in paragraphs (i) and (ii) under *Eligible Applicants.*

A partnership may apply for these funds only if one of the partners currently provides professional development for early childhood educators working in programs located in high-need communities with children from low-income families.

2. *Cost Sharing or Matching:* Each partnership that receives a grant under this program must provide (1) at least 50 percent of the total cost of the project for the entire grant period; and (2) at least 20 percent of the project cost for each year. The project may provide these funds from any source, other than this program, including other Federal sources. The partnership may satisfy these cost-sharing requirements by providing contributions in cash or in-kind, fairly evaluated, including plant, equipment, and services. Only allowable costs may be counted as part of the grantee's share. For example, a grantee generally may not count toward its share the salary costs of teachers who are participating in the grant, except for (under certain circumstances) the portion of time that a teacher participates in direct professional development or administering assessments under the grant. In addition, any indirect costs over and above the allowable amount may not be counted toward a grantee's share. For additional information about indirect costs, see section IV.5. *Funding Restrictions* of this notice.

IV. Application and Submission Information

1. *Address To Request Application Package:* You may obtain an application package via the Internet or from the Education Publications Center (ED Pubs). To obtain an application via the Internet, use the following Internet address: *http://www.ed.gov/programs/eceducator/index.html.*

To obtain a copy from ED Pubs, write or call the following: Education Publications Center, P.O. Box 1398, Jessup, MD 20794–1398. Telephone (toll free): 1–877–433–7827. FAX: (301) 470–1244. If you use a telecommunications device for the deaf (TDD), you may call (toll free): 1–877–576–7734.

You may also contact ED Pubs at its Web site: *http://www.ed.gov/pubs/edpubs.html* or you may contact ED Pubs at its e-mail address: *edpubs@inet.ed.gov.*

If you request an application from ED Pubs, be sure to identify this competition as follows: CFDA number 84.349A.

Individuals with disabilities may obtain a copy of the application package in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) by contacting the program contact person listed in section VII. **FOR FURTHER INFORMATION CONTACT** of this notice. However, the Department is not able to reproduce in an alternative format the standard forms included in the application package.

2. *Content and Form of Application Submission:* Requirements concerning the content of the application, together with the forms you must submit, are in the application package for this competition.

Page Limits: You must include in Part I of the application an Abstract briefly describing your proposed project. You must limit the Abstract to one (1) page.

The application narrative for this program (Part III of the application) is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. You must limit Part III of the application to the equivalent of no more than 30 typed pages. Part IV of the application is where you, the applicant, provide a budget narrative that reviewers use to evaluate your application. You must limit the budget narrative in Part IV of the application to the equivalent of no more than 5 typed pages. Part V of the application is where you, the applicant, include the Appendices described later in this section, including any response to the Competitive Preference Priority-Scientifically Based Evaluation Methods. You must limit any response to the Competitive Preference Priority to no more than 3 typed pages.

For all page limits, use the following standards:

- A ''page'' is 8.5″ x 11″, on one side only, with 1″ margins at the top, bottom, and both sides.
- Double space (no more than three lines per vertical inch) all text in the application and budget narratives, including titles, headings, footnotes, quotations, references, and captions. Text in tables, charts, or graphs, and the limited Appendices, may be single spaced.
- Use a font that is either 12-point or larger or no smaller than 10 pitch (characters per inch). You may use other point fonts for any tables, charts, graphs, and the limited Appendices, but those tables, charts, graphs and limited Appendices should be in a font size that is easily readable by the reviewers of your application.
- Any tables, charts, or graphs are included in the overall narrative page limit. The limited Appendices, including the partnership agreement required as a group agreement under 34 CFR 75.128, and any Competitive Preference Priority response, are not part of the overall narrative page limits.
- Appendices are limited to the following: Absolute Priority Form (required); partnership agreement (required); any response to the Competitive Preference Priority; and any position descriptions (and resumes or curriculum vitae if available) of key personnel (including key contract personnel and consultants).

Other application materials are limited to the specific materials indicated in the application package, and may not include any video or other non-print materials.

Our reviewers will not read any pages of your application that—

- Exceed the page limits if you apply these standards; or
- Exceed the equivalent of the page limits if you apply other standards.

3. *Submission Dates and Times.*

Applications Available: February 20, 2007.

Deadline for Transmittal of Applications: April 20, 2007.

Applications for grants under this competition must be submitted electronically using the Grants.gov Apply site (Grants.gov). For information (including dates and times) about how to submit your application electronically, or by mail or hand delivery if you qualify for an exception to the electronic submission requirement, please refer to section IV. 6. *Other Submission Requirements* in this notice.

We do not consider an application that does not comply with the deadline requirements.

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Deadline for Intergovernmental Review: June 19, 2007.

4. *Intergovernmental Review:* This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this competition.

5. *Funding Restrictions:* (a) *Indirect Costs.* For purposes of indirect cost charges, the Secretary considers all ECEPD program grants to be ''educational training grants'' within the meaning of section 75.562(a) of EDGAR. Consistent with 34 CFR 75.562, the indirect cost rate for any recipient other than a State agency or agency of local government (such as an LEA or a federally recognized Indian tribal government) is limited to a maximum of eight percent, or the amount of the recipient's actual indirect costs permitted by its negotiated indirect cost rate agreement, whichever is less. This indirect cost limit applies to cost-type contracts only if those contracts are for educational training as defined in 34 CFR 75.562. Further information about indirect cost rates is in the application package for this competition.

(b) *Pre-award Costs.* For FY 2007 the Secretary approves, under sections 75.263 and 74.25(e)(1) of Education Department General Administrative Regulations, pre-award costs incurred by recipients of ECEPD grants more than 90 calendar days before the grant award. Specifically, the Secretary approves necessary and reasonable pre-award costs incurred by grant recipients for up to 90 days before the application deadline date. These pre-award costs must be related to the needs assessment that applicants conduct under section 2151(e)(3)(B)(iii) of the ESEA before submitting their applications to determine the most critical professional development needs of the early childhood educators to be served by the project and in the broader community.

Applicants incur any pre-award costs at their own risk. The Secretary is under no obligation to reimburse these costs if for any reason the applicant does not receive an award or if the award is less than anticipated and inadequate to cover these costs.

We reference additional regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

6. *Other Submission Requirements:* Applications for grants under this competition must be submitted electronically unless you qualify for an exception to this requirement in accordance with the instructions in this section.

a. *Electronic Submission of Applications.*

Applications for grants under the ECEPD program, CFDA 84.349A must be submitted electronically using the Governmentwide Grants.gov Apply site at: *http://www.grants.gov.* Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may not e-mail an electronic copy of a grant application to us.

We will reject your application if you submit it in paper format unless, as described elsewhere in this section, you qualify for one of the exceptions to the electronic submission requirement *and* submit, no later than two weeks before the application deadline date, a written statement to the Department that you qualify for one of these exceptions. Further information regarding calculation of the date that is two weeks before the application deadline date is provided later in this section under *Exception to Electronic Submission Requirement.*

You may access the electronic grant application for the ECEPD program at: *http://www.grants.gov.* You must search for the downloadable application package for this program by the CFDA number. Do not include the CFDA number's alpha suffix in your search (e.g., search for 84.349 not 84.349A).

Please note the following:

- When you enter the Grants.gov site, you will find information about submitting an application electronically through the site, as well as the hours of operation.
- Applications received by Grants.gov are date and time stamped. Your application must be fully uploaded and submitted, and must be date and time stamped by the Grants.gov system no later than 4:30 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not consider your application if it is date and time stamped by the Grants.gov system later than 4:30 p.m., Washington, DC time, on the application deadline date. When we retrieve your application from Grants.gov, we will notify you if we are rejecting your application because it was date and time stamped by the Grants.gov system after 4:30 p.m., Washington, DC time, on the application deadline date.
- The amount of time it can take to upload an application will vary depending on a variety of factors including the size of the application and the speed of your Internet connection. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the submission process through Grants.gov.
- You should review and follow the Education Submission Procedures for submitting an application through Grants.gov that are included in the application package for this competition to ensure that you submit your application in a timely manner to the Grants.gov system. You can also find the Education Submission Procedures pertaining to Grants.gov at *http://e-Grants.ed.gov/help/GrantsgovSubmissionProcedures.pdf.*
- To submit your application via Grants.gov, you must complete all of the steps in the Grants.gov registration process see *http://www.Grants.gov/applicants/get_registered.jsp*). These steps include (1) registering your organization, a multi-part process that includes registration with the Central Contractor Registry (CCR); (2) registering yourself as an Authorized Organization Representative (AOR); and (3) getting authorized as an AOR by your organization. Details on these steps are outlined in the Grants.gov 3-Step Registration Guide (see *http://www.Grants.gov/section 910/Grants.govRegistrationBrochure.pdf*). You also must provide on your application the same D-U-N-S Number used with this registration. Please note that the registration process may take five or more business days to complete, and you must have completed all registration steps to allow you to submit successfully an application via Grants.gov. In addition you will need to update your CCR registration on an annual basis. This may take three or more business days to complete.
- You will not receive additional point value because you submit your

application in electronic format, nor will we penalize you if you qualify for an exception to the electronic submission requirement, as described elsewhere in this section, and submit your application in paper format.

- You must submit all documents electronically, including all information you typically provide on the following forms: Application for Federal Assistance (SF 424), the Department of Education Supplemental Information for SF 424, Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications. Please note that two of these forms-the SF 424 and the Department of Education Supplemental Information for SF 424-have replaced the ED 424 (Application for Federal Education Assistance).
- You must attach any narrative sections of your application as files in a .DOC (document), .RTF (rich text), or .PDF (Portable Document) format. If you upload a file type other than the three file types specified in this paragraph or submit a password-protected file, we will not review that material.
- Your electronic application must comply with any page-limit requirements described in this notice.
- After you electronically submit your application, you will receive from Grants.gov an automatic notification of receipt that contains a Grants.gov tracking number. (This notification indicates receipt by Grants.gov only, not receipt by the Department.) The Department then will retrieve your application from Grants.gov and send a second notification to you by e-mail. This second notification indicates that the Department has received your application and has assigned your application a PR/Award number (an ED-specified identifying number unique to your application).
- We may request that you provide us original signatures on forms at a later date.

Application Deadline Date Extension in Case of Technical Issues with the Grants.gov System: If you are experiencing problems submitting your application through Grants.gov, please contact the Grants.gov Support Desk at 1–800–518–4726. You must obtain a Grants.gov Support Desk Case Number and must keep a record of it.

If you are prevented from electronically submitting your application on the application deadline date because of technical problems with the Grants.gov system, we will grant you an extension until 4:30 p.m., Washington, DC time, the following business day to enable you to transmit your application electronically or by hand delivery. You also may mail your application by following the mailing instructions as described elsewhere in this notice.

If you submit an application after 4:30 p.m., Washington, DC time, on the application deadline date, please contact the person listed elsewhere in this notice under **FOR FURTHER INFORMATION CONTACT** and provide an explanation of the technical problem you experienced with Grants.gov, along with the Grants.gov Support Desk Case Number. We will accept your application if we can confirm that a technical problem occurred with the Grants.gov system and that that problem affected your ability to submit your application by 4:30 p.m., Washington, DC time, on the application deadline date. The Department will contact you after a determination is made on whether your application will be accepted.

Note: The extensions to which we refer in this section apply only to the unavailability of, or technical problems with, the Grants.gov system. We will not grant you an extension if you failed to fully register to submit your application to Grants.gov before the application deadline date and time or if the technical problem you experienced is unrelated to the Grants.gov system.

Exception to Electronic Submission Requirement: You qualify for an exception to the electronic submission requirement, and may submit your application in paper format, if you are unable to submit an application through the Grants.gov system because—

- You do not have access to the Internet; or
- You do not have the capacity to upload large documents to the Grants.gov system; *and*
- No later than two weeks before the application deadline date (14 calendar days or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevent you from using the Internet to submit your application.

If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. If you fax your written statement to the Department, we must receive the faxed statement no later than two weeks before the application deadline date.

Address and mail or fax your statement to: Rosemary V. Fennell, U.S. Department of Education, 400 Maryland Avenue, SW., room 3C122, Washington, DC 20202–6132. FAX: (202) 260–7764.

Your paper application must be submitted in accordance with the mail or hand delivery instructions described in this notice.

b. *Submission of Paper Applications by Mail.*

If you qualify for an exception to the electronic submission requirement, you may mail (through the U.S. Postal Service or a commercial carrier) your application to the Department. You must mail the original and two copies of your application, on or before the application deadline date, to the Department at the applicable following address:

By mail through the U.S. Postal Service: U.S. Department of Education, Application Control Center, Attention: CFDA Number 84.349A, 400 Maryland Avenue, SW., Washington, DC 20202–4260 or

By mail through a commercial carrier: U.S. Department of Education, Application Control Center—Stop 4260, Attention: CFDA Number 84.349A, 7100 Old Landover Road, Landover, MD 20785–1506.

Regardless of which address you use, you must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

If your application is postmarked after the application deadline date, we will not consider your application.

Note: The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

c. *Submission of Paper Applications by Hand Delivery.*

If you qualify for an exception to the electronic submission requirement, you (or a courier service) may deliver your paper application to the Department by hand. You must deliver the original and two copies of your application by hand, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: CFDA Number 84.349A, 550 12th Street,

SW., Room 7041, Potomac Center Plaza, Washington, DC 20202–4260.

The Application Control Center accepts hand deliveries daily between 8 a.m. and 4:30 p.m., Washington, DC time, except Saturdays, Sundays and Federal holidays.

Note for Mail or Hand Delivery of Paper Applications: If you mail or hand deliver your application to the Department—

(1) You must indicate on the envelope and—if not provided by the Department—in Item 11 of the SF 424 the CFDA number, including the suffix letter, if any, of the competition under which you are submitting your application; and

(2) The Application Control Center will mail to you a notification of receipt of your grant application. If you do not receive this notification within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245–6288.

V. Application Review Information

1. *Selection Criteria:* The selection criteria for this competition are from section 75.210 of EDGAR. The maximum score for all the selection criteria is 100 points. The maximum score for each criterion is indicated in parentheses. Each criterion also includes the factors that the reviewers will consider in determining how well an application meets the criterion. The selection criteria are as follows:

(a) *Need for project* (up to 10 points).

(1) The Secretary considers the need for the proposed project.

(2) In determining the need for the proposed project, the Secretary considers the extent to which the proposed project will focus on serving or otherwise addressing the needs of disadvantaged individuals.

(b) *Significance* (up to 10 points). The Secretary considers the significance of the proposed project. In determining the significance of the proposed project, the Secretary considers the following factors:

(i) The importance or magnitude of the results or outcomes likely to be attained by the proposed project, especially improvements in teaching and student achievement.

(ii) The extent to which the proposed project is likely to build local capacity to provide, improve, or expand services that address the needs of the target population.

(c) *Quality of the project design* (up to 20 points). The Secretary considers the quality of the design of the proposed project. In determining the quality of the design of the proposed project, the Secretary considers the following factors:

(i) The extent to which the proposed activities constitute a coherent, sustained program of training in the field.

(ii) The extent to which the design of the proposed project reflects up-to-date knowledge from research and effective practice.

(d) *Quality of project services* (up to 10 points). The Secretary considers the quality of the services to be provided by the proposed project. In determining the quality of the services to be provided by the proposed project, the Secretary considers the quality and sufficiency of strategies for ensuring equal access and treatment for eligible project participants who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability. In addition, the Secretary considers the following factors:

(i) The extent to which the services to be provided by the proposed project are appropriate to the needs of the intended recipients or beneficiaries of those services.

(ii) The extent to which the training or professional development services to be provided by the proposed project are of sufficient quality, intensity, and duration to lead to improvements in practice among the recipients of those services.

(e) *Quality of project personnel* (up to 10 points). The Secretary considers the quality of the personnel who will carry out the proposed project. In determining the quality of project personnel, the Secretary considers the extent to which the applicant encourages applications for employment from persons who are members of groups that have been traditionally underrepresented based on race, color, national origin, gender, age, or disability. In addition, the Secretary considers the following factors:

(i) The qualifications, including relevant training and experience, of key project personnel.

(ii) The qualifications, including relevant training and experience, of project consultants or subcontractors.

(f) *Quality of the management plan* (up to 10 points). The Secretary considers the quality of the management plan for the proposed project. In determining the quality of the management plan for the proposed project, the Secretary considers the following factors:

(i) The adequacy of the management plan to achieve the objectives of the proposed project on time and within budget, including clearly defined responsibilities, timelines, and milestones for accomplishing project tasks.

(ii) The extent to which the time commitments of the project director and principal investigator and other key project personnel are appropriate and adequate to meet the objectives of the proposed project.

(g) *Quality of the project evaluation* (up to 25 points). The Secretary considers the quality of the evaluation to be conducted of the proposed project. In determining the quality of the evaluation, the Secretary considers the following factors:

(i) The extent to which the methods of evaluation are thorough, feasible, and appropriate to the goals, objectives, and outcomes of the proposed project.

(ii) The extent to which the methods of evaluation will provide performance feedback and permit periodic assessment of progress toward achieving intended outcomes.

(h) *Adequacy of Resources* (up to 5 points). The Secretary considers the adequacy of resources for the proposed project. In determining the adequacy of resources for the proposed project, the Secretary considers the following factors:

(i) The extent to which the costs are reasonable in relation to the objectives, design, and potential significance of the proposed project.

(ii) The potential for continued support of the project after Federal funding ends, including, as appropriate, the demonstrated commitment of appropriate entities to such support.

2. *Review and Selection Process:* An additional factor we consider in selecting an application for an award is geographical distribution (section 2151(e)(4)(B) of the ESEA).

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notice (GAN). We may also notify you informally.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Reporting:* At the end of your project period, you must submit a final

performance report, including financial information, as directed by the Secretary. If you receive a multi-year award, you must submit an annual performance report that provides the most current performance and financial expenditure information as specified by the Secretary in 34 CFR 75.118. For specific requirements on grantee reporting, please go to: *http://www.ed.gov/fund/grant/apply/appforms/appforms.html.*

4. *Performance Measures:* For FY 2007, grants under the ECEPD program will be governed by the achievement indicators that the Secretary published in the **Federal Register** on March 31, 2003 (68 FR 15646). These achievement indicators are included in the application package.

In addition, under the Government Performance and Results Act of 1993 (GPRA), the Secretary has established the following measures for evaluating the overall effectiveness of the ECEPD program, which are coordinated with the program's achievement indicators and are included in the application package: (1) The ECEPD teacher's average score on the Early Language and Literacy Classroom Observation (ELLCO); and (2) the percentage of children who demonstrate improved readiness for school in the areas of early language (as measured by the Peabody Picture Vocabulary Test–III (PPVT–III), Receptive) and early literacy (as measured by the PALS Pre-K, Upper Case Alphabet Knowledge subtask). The coordination of these achievement indicators and performance measures is designed to improve program management, and to help Congress, the Department, the Office of Management and Budget, and others review a program's progress toward its goals. All grantees must document participant outcomes on these performance measures in the annual performance report referenced in section VI. 3. of this notice. The applicant's evaluation design provided in response to the selection criterion for *Quality of project evaluation* in section V. 1. of this notice should include the use of these assessment tools, at a minimum.

VII. Agency Contact

FOR FURTHER INFORMATION CONTACT: Rosemary Fennell, U.S. Department of Education, 400 Maryland Avenue, SW., room 3C–122, Washington, DC 20202–6132. Telephone: (202) 260–0792, or by e-mail: *eceprofdev@ed.gov.*

If you use a telecommunications device for the deaf (TDD), you may call the Federal Relay Service (FRS) at 1–800–877–8339.

Individuals with disabilities may obtain this document in an alternative format (*e.g.*, Braille, large print, audiotape, or computer diskette) on request to the program contact person listed in this section.

VIII. Other Information

Electronic Access to This Document: You may view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: *http://www.ed.gov/news/fedregister.*

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1–888–293–6498; or in the Washington, DC, area at (202) 512–1530.

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: *http://www.gpoaccess.gov/nara/index.html.*

Dated: February 15, 2007.

Raymond Simon,

Deputy Secretary for Education.

[FR Doc. E7–2964 Filed 2–20–07; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

National Committee on Foreign Medical Education and Accreditation; Meeting

AGENCY: National Committee on Foreign Medical Education and Accreditation, Department of Education.

What Is the Purpose of This Notice?

The purpose of this notice is to announce the upcoming meeting of the National Committee on Foreign Medical Education and Accreditation. Parts of this meeting will be open to the public, and the public is invited to attend those portions.

When and Where Will the Meeting Take Place?

We will hold the public meeting on March 28, 2007 from 8 a.m. until approximately 5 p.m. in the Chesapeake Room at The Watergate Hotel, 2650 Virginia Avenue, NW., Washington, DC 20037. You may call the hotel at 1–800–289–1555; e-mail: *http://www.thewatergatehotel.com* to inquire about room accommodations.

What Assistance Will Be Provided to Individuals With Disabilities?

The meeting site is accessible to individuals with disabilities. If you will need an auxiliary aid or service to participate in the meeting (*e.g.*, interpreting service, assistive listening device, or materials in an alternate format) notify the contact person listed in this notice at least two weeks before the scheduled meeting date. Although we will attempt to meet a request received after that date, we may not be able to make available the requested auxiliary aid or service because of insufficient time to arrange it.

Who Is the Contact Person for the Meeting?

Please contact Ms. Francesca Paris-Albertson, the Executive Director of the National Committee on Foreign Medical Education and Accreditation, if you have questions about the meeting. You may contact her at the U.S. Department of Education, room 7110, 1990 K St. NW., Washington, DC 20006, telephone: (202) 219–7009, fax: (202) 219–7008, e-mail: *Francesca.Paris-Albertson@ed.gov.*

Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service at 1–800–877–8339.

What Are the Functions of the National Committee?

The National Committee on Foreign Medical Education and Accreditation was established by the Secretary of Education under section 102 of the Higher Education Act of 1965, as amended. The Committee's responsibilities are to:

- Evaluate the standards of accreditation applied to applicant foreign medical schools; and
- Determine the comparability of those standards to standards for accreditation applied to United States medical schools.

What Items Will Be on the Agenda for Discussion at the Meeting?

The National Committee on Foreign Medical Education and Accreditation will review the standards of accreditation applied to medical schools by several foreign countries to determine whether those standards are comparable to the standards of accreditation applied to medical schools in the United States. Discussions of the standards of accreditation will be held in sessions open to the public. Discussions that focus on specific determinations of comparability are closed to the public in order that each country may be properly notified of the decision. The countries scheduled to be

discussed at the meeting include Cayman Islands, Costa Rica, Dominica, Dominican Republic, Grenada, Mexico, St. Lucia, St. Maarten, and Slovakia. The listing of countries will also be posted on the Department of Education's Web site at the following address: *http://www.ed.gov/about/bdscomm/list/ncfmea.html.*

How May I Obtain Electronic Access to This Document?

You may view this document, as well as all other Department of Education documents published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: *http://www.ed.gov/legislation/FedRegister.*

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1–888–293–6498; or in the Washington, DC, area at (202) 512–1530.

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: *http://www.gpoaccess.gov/indwx.html.*

Authority: 5 U.S.C. Appendix 2.

Dated: February 12, 2007.

James F. Manning,

Delegated the Authority of the Assistant Secretary.

[FR Doc. 07–712 Filed 2–20–07; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Energy Information Administration

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Energy Information Administration (EIA), Department of Energy (DOE).

ACTION: Agency Information Collection Activities: Proposed Collection; Comment Request.

SUMMARY: The EIA is soliciting comments on the proposed three-year extension to the Form EIA–886, ''Annual Survey of Alternative Fueled Vehicle Suppliers & Users.''

DATES: Comments must be filed by April 23, 2007. If you anticipate difficulty in submitting comments within that period, contact the person listed below as soon as possible.

ADDRESSES: Send comments to Cynthia Sirk. To ensure receipt of the comments by the due date, submission by fax (202–287–1964) or e-mail (*cynthia.sirk@eia.doe.gov*) is recommended. The mailing address is Office of Coal, Nuclear, Electric and Alternate Fuels, EI–52, Forrestal Building, U.S. Department of Energy, Washington, DC 20585. Alternatively, Ms. Sirk may be contacted by telephone at 202–287–1925.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of any forms and instructions should be directed to Cynthia Sirk at the address listed above.

SUPPLEMENTARY INFORMATION:

I. Background
II. Current Actions
III. Request for Comments

I. Background

The Federal Energy Administration Act of 1974 (Pub. L. 93–275, 15 U.S.C. 761 *et seq.*) and the DOE Organization Act (Pub. L. 95–91, 42 U.S.C. 7101 *et seq.*) require the EIA to carry out a centralized, comprehensive, and unified energy information program. This program collects, evaluates, assembles, analyzes, and disseminates information on energy resource reserves, production, demand, technology, and related economic and statistical information. This information is used to assess the adequacy of energy resources to meet near and longer term domestic demands.

The EIA, as part of its effort to comply with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. 3501, *et seq.*), provides the general public and other Federal agencies with opportunities to comment on collections of energy information conducted by or in conjunction with the EIA. Any comments received help the EIA to prepare data requests that maximize the utility of the information collected, and to assess the impact of collection requirements on the public. Also, the EIA will later seek approval by the Office of Management and Budget (OMB) under Section 3507(a) of the Paperwork Reduction Act of 1995.

Form EIA–886, Annual Survey of Alternative Fueled Vehicle Suppliers & Users is an annual survey that collects information on: (1) The number and type of alternative fueled vehicles (AFVs) and advanced technology vehicles that vehicle suppliers made available in the previous calendar year and plan to make available in the following calendar year; (2) The number, type and geographic distribution of AFVs in use in the previous calendar year; (3) the amount and distribution of each type of alternative transportation fuel (ATF) consumed in the previous calendar year; (4) the miles traveled by AFVs; and (5) the number, type, and disposition of retired AFVs in the previous calendar year. The EIA–886 data are collected from suppliers and users of AFVs. The objectives of the EIA–886 survey are to: (1) Comply with section 503 of the Energy Policy Act of 1992 (EPACT) that requires the EIA to collect information and provide estimates related to alternative fueled vehicles, alternate transportation fuels, and replacement fuels; (2) Satisfy public requests for information on AFVs and ATFs; (3) Provide Congress with a measure of the extent to which the objectives of EPACT are being achieved; and (4) Provide EIA with a basis for estimating and forecasting total AFV and ATF use in the U.S. The results of the EIA–886 are released annually on EIA's Web site at *http://www.eia.doe.gov/fuelrenewable.html.*

Please refer to the proposed forms and instructions for more information about the purpose, who must report, when to report, where to submit, the elements to be reported, detailed instructions, provisions for confidentiality, and uses (including possible nonstatistical uses) of the information. For instructions on obtaining materials, see the **FOR FURTHER INFORMATION CONTACT** section.

II. Current Actions

EIA will be requesting a three-year extension of approval to its Annual Survey of Alternative Fueled Vehicle Suppliers & Users and will be requesting one change with respect to the form title. For simplification, EIA proposes to change the form title to ''Annual Alternative Fueled Vehicle Survey.''

III. Request for Comments

Prospective respondents and other interested parties should comment on the actions discussed in item II. The following guidelines are provided to assist in the preparation of comments.

General Issues

A. Is the proposed collection of information necessary for the proper performance of the functions of the agency and does the information have practical utility? Practical utility is defined as the actual usefulness of information to or for an agency, taking into account its accuracy, adequacy, reliability, timeliness, and the agency's ability to process the information it collects.

B. What enhancements can be made to the quality, utility, and clarity of the information to be collected?

As a Potential Respondent to the Request for Information

A. What actions could be taken to help ensure and maximize the quality, objectivity, utility, and integrity of the information to be collected?

B. Are the instructions and definitions clear and sufficient? If not, which instructions need clarification?

C. Can the information be submitted by the due date?

D. Public reporting burden for this collection is estimated to average 4.4 hours per response. The estimated burden includes the total time necessary to provide the requested information. In your opinion, how accurate is this estimate?

E. The agency estimates that the only cost to a respondent is for the time it will take to complete the collection. Will a respondent incur any start-up costs for reporting, or any recurring annual costs for operation, maintenance, and purchase of services associated with the information collection?

F. What additional actions could be taken to minimize the burden of this collection of information? Such actions may involve the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

G. Does any other Federal, State, or local agency collect similar information? If so, specify the agency, the data element(s), and the methods of collection.

As a Potential User of the Information To Be Collected

A. What actions could be taken to help ensure and maximize the quality, objectivity, utility, and integrity of the information disseminated?

B. Is the information useful at the levels of detail to be collected?

C. For what purpose(s) would the information be used? Be specific.

D. Are there alternate sources for the information and are they useful? If so, what are their weaknesses and/or strengths?

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

Statutory Authority: Section 3507(h)(1) of the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. 3501, *et seq.*).

Issued in Washington, DC, February 13, 2007.

Jay H. Casselberry,

Agency Clearance Officer, Energy Information Administration.

[FR Doc. E7–2868 Filed 2–20–07; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings # 1

February 12, 2007.

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC07–59–000.

Applicants: FirstEnergy Generation Corporation.

Description: FirstEnergy Generation Corp submits its application requesting Commission authorization to consummate a transaction whereby it will lease a 93.5% interest in an existing generation facility.

Filed Date: 02/06/2007.

Accession Number: 20070208–0196.

Comment Date: 5 p.m. Eastern Time on Tuesday, February 27, 2007.

Docket Numbers: EC07–60–000.

Applicants: Alliance Energy Renewables, LLC; Mirant New York, Inc.; Mirant NY-Gen, LLC.

Description: Alliance Energy Renewables, LLC et al submits an application for approval of the disposition of jurisdictional facilities, pursuant to Section 203 of the FPA.

Filed Date: 02/07/2007.

Accession Number: 20070208–0124.

Comment Date: 5 p.m. Eastern Time on Wednesday, February 28, 2007.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER97–4345–021; ER98–511–009.

Applicants: Oklahoma Gas and Electric Company; OGE Energy Resources Inc.

Description: Oklahoma Gas and Electric Company et al submit a change in status report relating to market-based rate authority previously granted to each of the OGE Companies in compliance with Order 652.

Filed Date: 02/06/2007.

Accession Number: 20070208–0189.

Comment Date: 5 p.m. Eastern Time on Tuesday, February 27, 2007.

Docket Numbers: ER00–2885–014; ER01–2765–013; ER02–1582–012; ER02–1785–009; ER02–2102–013; ER03–1283–006; ER06–1543–004; ER06–864–006; ER97–2414–006.

Applicants: Cedar Brakes I LLC; Cedar Brakes II LLC; Mohawk River Funding IV, L.L.C.; Thermo Cogeneration Partnership LP; Utility Contract Funding, L.L.C.; Vineland Energy LLC; Brush Cogeneration Partners; Bear Energy LP; Lowell Cogeneration Company Limited Partnership.

Description: Bear Energy, LP et al submit a notice that they have entered into an energy management agreement with MMC Mid-Sun, LLC pursuant to Order 652.

Filed Date: 02/07/2007.

Accession Number: 20070209–0108.

Comment Date: 5 p.m. Eastern Time on Wednesday, February 28, 2007.

Docket Numbers: ER01–313–010; ER01–424–010.

Applicants: California Independent System Operator Corporation; Pacific Gas and Electric Company

Description: California Independent System Operator Corporation submits its Grid Management Charges for the period 1/1/01 through 12/21/03, in accordance with Opinion 463–B.

Filed Date: 02/08/2007.

Accession Number: 20070212–0003.

Comment Date: 5 p.m. Eastern Time on Thursday, March 01, 2007.

Docket Numbers: ER05–1178–008; ER05–1191–008.

Applicants: Gila River Power, L.P.; Union Power Partners, L.P.

Description: Gila River Power, LP et al submit a notice of non-material change in status relating to their upstream ownership structure pursuant to § 35.27(c) of FERC's Rules and Regulations.

Filed Date: 02/07/2007.

Accession Number: 20070208–0190.

Comment Date: 5 p.m. Eastern Time on Wednesday, February 28, 2007.

Docket Numbers: ER05–1202–002.

Applicants: Blue Canyon Windpower II LLC.

Description: Blue Canyon Windpower II, LLC submits a revised tariff, FERC Electric Tariff, First Revised Volume 1.

Filed Date: 02/06/2007.

Accession Number: 20070208–0188.

Comment Date: 5 p.m. Eastern Time on Tuesday, February 27, 2007.

Docket Numbers: ER07–188–004; ER07–189–004; ER07–190–004; ER07–191–004; ER07–192–002.

Applicants: Duke Energy Carolinas, LLC; Duke Energy Indiana, Inc.; Duke Energy Kentucky, Inc.; Duke Energy Ohio, Inc.; Duke Energy Shared Services, Inc.

Description: Duke Energy Corp on behalf of Duke Energy Carolinas, LLC et al refiles its Duke Carolinas Service Agreement with Lockhart Power Co and 8 identified MISO agreements pursuant to the Commission's 1/8/07 order.

Filed Date: 02/06/2007.
Accession Number: 20070208–0143.
Comment Date: 5 p.m. Eastern Time on Tuesday, February 27, 2007.

Docket Numbers: ER07–489–001.
Applicants: Arizona Public Service Company.
Description: Arizona Public Service Co submits an errata to its 1/31/07 filing of an executed EEI Master Power Purchase and Sale Agreement with Tohono O'Odham Utility Authority.
Filed Date: 02/06/2007.
Accession Number: 20070208–0187.
Comment Date: 5 p.m. Eastern Time on Tuesday, February 27, 2007.

Docket Numbers: ER07–516–000
Applicants: Morgan Stanley Capital Group, Inc.
Description: Morgan Stanley Capital Group Inc. submits a response to FERC Staff's request regarding certain bilateral spot transactions for which it was the seller in the Western Electricity Coordinating Council region etc.
Filed Date: 01/26/2007.
Accession Number: 20070212–0004.
Comment Date: 5 p.m. Eastern Time on Friday, February 16, 2007.

Docket Numbers: ER07–521–000.
Applicants: New York Independent System Operator, Inc.
Description: The New York Independent System Operator, Inc. submits a compliance filing in response to Order 681 and 681–A.
Filed Date: 02/05/2007.
Accession Number: 20070208–0184.
Comment Date: 5 p.m. Eastern Time on Monday, February 26, 2007.

Docket Numbers: ER07–522–000.
Applicants: Old Trail Wind Farm, LLC.
Description: Old Trail Wind Farm, LLC submits a petition for order accepting market-based rate tariff for filing and granting waivers and blanket approvals.
Filed Date: 02/07/2007.
Accession Number: 20070208–0186.
Comment Date: 5 p.m. Eastern Time on Wednesday, February 28, 2007.

Docket Numbers: ER07–524–000.
Applicants: Warren Power, LLC.
Description: Warren Power, LLC submits a Cost-Based Capacity and Energy Sale Agreement w/EWO Marketing, LP pursuant to Section 205 of the FPA and Part 35 of FERC's Regs.
Filed Date: 02/07/2007.
Accession Number: 20070208–0122.
Comment Date: 5 p.m. Eastern Time on Wednesday, February 28, 2007.

Docket Numbers: ER07–525–000.
Applicants: Entergy Services, Inc.
Description: Entergy Services, Inc on behalf of Entergy Operating Companies submits the mutually-executed 2/5/07 Long-Term Firm Point-to-Point Transmission Service Agreement with American Electric Power Service Corp.
Filed Date: 02/07/2007.
Accession Number: 20070208–0121.
Comment Date: 5 p.m. Eastern Time on Wednesday, February 28, 2007.

Docket Numbers: ER07–526–000.
Applicants: Southern California Edison Company.
Description: Southern California Edison Co. submits an amended Dillon I Wind Project Interconnection Facilities Agreement et al with Dillon Wind, LLC.
Filed Date: 02/08/2007.
Accession Number: 20070212–0048.
Comment Date: 5 p.m. Eastern Time on Thursday, March 01, 2007.

Docket Numbers: ER07–527–000.
Applicants: Longview Fibre Paper and Packaging, Inc.
Description: Longview Fibre Paper and Packaging, Inc. submits an application for order accepting market-based rate tariff, granting authorizations and blanket authority, and waiving certain requirements.
Filed Date: 02/08/2007.
Accession Number: 20070212–0047.
Comment Date: 5 p.m. Eastern Time on Thursday, March 01, 2007.

Docket Numbers: ER07–528–000.
Applicants: Brookfield Energy Marketing US LLC.
Description: Brookfield Energy Marketing US LLC submits an application for market-based rate authorization (FERC Electric Tariff, Original Volume 1) and certain waivers and blanket authorizations.
Filed Date: 02/08/2007.
Accession Number: 20070212–0046.
Comment Date: 5 p.m. Eastern Time on Thursday, March 01, 2007.

Any person desiring to intervene or to protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St., NE., Washington, DC 20426.

The filings in the above proceedings are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed dockets(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,
Secretary.

[FR Doc. E7–2858 Filed 2–20–07; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–8279–2]

Notice of Open Meeting of the Environmental Financial Advisory Board (EFAB)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The EPA's EFAB will hold an open meeting of the full board in Atlanta, GA on March 19–20, 2007. EFAB is an EPA advisory committee chartered under the Federal Advisory Committee Act (FACA) to provide advice and recommendations to EPA on creative approaches to funding environmental programs, projects, and activities.

The purpose of this meeting is to hear from informed speakers on environmental finance issues, proposed legislation, Agency priorities, and to discuss progress with work products

under EFAB's current Strategic Action Agenda.

Environmental financing topics expected to be discussed include: Financial Assurance Mechanisms, Environmental Management Systems, Smartway Transport Program, and Water Infrastructure Financing.

This meeting is open to the public, however, seating is limited. All members of the public who wish to attend the must register in advance, no later than Friday, March 2, 2007.

DATES: Full Board Meeting is scheduled for March 19, 2007 from 1 p.m.–5 p.m. and March 20, 2007 from 8:30 a.m.–5 p.m.

ADDRESSES: Hilton Atlanta Hotel, 255 Courtland Street, NE., Atlanta, GA 30303.

REGISTRATION AND INFORMATION CONTACT: To register for this meeting or get further information please contact Alecia Crichlow, U.S. EPA, at (202) 564–5188 or *crichlow.alecia@epa.gov*. For information on access or services for individuals with disabilities, please contact Alecia Crichlow. To request accommodations of a disability, contact Alecia Crichlow, preferably at least 10 days prior to the meeting, to give EPA as much time as possible to process your request.

Dated: February 8, 2007.

Joseph L. Dillon,

Director, Office of Enterprise Technology and Innovation.

[FR Doc. 07–748 Filed 2–20–07; 8:45am]

BILLING CODE 6560–50–M

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2007–0137; FRL–8116–5]

Pesticide Program Dialogue Committee: Azinphos-methyl Transition Issues Work Group, Spray Drift Work Group, and Registration Review Implementation Work Group; Notice of Public Meetings

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA's Pesticide Program Dialogue Committee (PPDC) will hold public meetings for three PPDC Work Groups: the Azinphos-methyl (AZM) Transition Issues Work Group, Spray Drift Work Group, and Registration Review Implementation Work Group. The public meetings will be held March 6–8, 2007. Agendas for these meetings are being developed and will be posted on EPA's website. In light of the recent EPA decision to phase-out the remaining uses of the organophosphate AZM over the next few years, the AZM Transition Issues Work Group is being created to help advise EPA and USDA on the AZM transition planning and implementation. The Spray Drift Work Group, co-chaired by EPA Offices of Water and Pesticide Programs, is improving understanding of the perspectives of all stakeholders regarding spray drift and will provide recommendations on ways to mitigate spray drift. The Registration Review Implementation Work Group is developing recommendations for the Registration Review initial docket opening process.

DATES: The AZM Transition Issues Work Group meeting will be held on March 6, 2007 from 10 a.m. to 6 p.m. The Spray Drift Work Group meeting will be held on March 7, 2007 from 9 a.m. to 5 p.m. and on March 8, 2007 from 8:45 a.m. to 12 p.m. The Registration Review Implementation Work Group meeting will be held on March 8, 2007 from 8:30 a.m. to 4 p.m.

To request accommodation of a disability, please contact the person listed under **FOR FURTHER INFORMATON CONTACT**, preferably at least 10 days prior to the meeting, to give EPA as much time as possible to process your request.

ADDRESSES: The meetings will all be held at EPA's offices at 2777 South Crystal Dr., First Floor Conference Center. Arlington, VA 22202, except the second day of the Spray Drift Work Group meeting will be in room S–12100 of this same building.

FOR FURTHER INFORMATION CONTACT: For AZM Transition Issues Workgroup questions, contact: Linda Murray; Biological and Economic Analysis Division (7503P); Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 305–5401; fax number: (703) 308–8091; email address: *murray.linda@epa.gov*. For Spray Drift Work Group questions, contact: Pat Cimino, Biological and Economic Analysis Division (7503P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 308–9357; fax number: (703) 308–809; email address: *cimino.pat@epa.gov*. For Registration Review Implementation Work Group questions, contact: Kennan Garvey, Special Review and Reregistration Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 305–7106; fax number: (703) 308–7090; e-mail address: *garvey.kennan@epa.gov*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general, and may be of interest to a wide range of stakeholders including environmental, human health, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides. Since others also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the persons listed under **FOR FURTHER INFORMATION CONTACT**.

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 identification (ID) number EPA–HQ–OPPT–2007–0137 Publicly accessible docket materials are available either in the electronic docket at *http://www.regulations.gov*, or, available in hard copy, at the Office of Pesticide Programs (OPP) Regulatory Public Docket in Rm. S–4400, One Potomac Yard (South Building), 2777 S. Crystal Drive Arlington, VA. The hours of operation of this Docket Facility are from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket telephone number is (703) 305–5805.

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*.

II. Background

The Office of Pesticide Programs is entrusted with the responsibility of ensuring the safety of the American food supply, protection and education of those who apply or are exposed to pesticides occupationally or through use of products, and the general protection of the environment and special ecosystems from potential risks posed by pesticides.

Because of EPA's decision to phase-out the remaining uses of the organophosphate AZM over the next few years, the AZM Transition Issues Work Group is being created to help advise EPA and USDA on the AZM transition planning and implementation

and is holding a meeting on March 6, 2007. The Spray Drift Work Group, co-chaired by EPA Offices of Water and Pesticide Programs, is improving understanding of the perspectives of all stakeholders regarding spray drift and will provide recommendations on ways to mitigate spray drift is chairing a meeting on March 7 and 8, 2007. The Registration Review Implementation Work Group which is developing recommendations for the Registration Review initial docket opening process will chair a meeting on March 8, 2007. Future meetings will be announced on the work group's Web sites (see: Active Workgroups menu at: *http://www.epa.gov/pesticides/ppdc/*).

PPDC was established under the Federal Advisory Committee Act (FACA), Public Law 92–463, in September 1995 for a 2–year term and has been renewed every 2 years since that time. PPDC provides advice and recommendations to OPP on a broad range of pesticide regulatory, policy, and program implementation issues that are associated with evaluating and reducing risks from use of pesticides. The following sectors are represented on the PPDC: pesticide industry and trade associations; environmental/public interest and consumer groups; farm worker organizations; pesticide user, grower, and commodity groups; federal/state/local/ and tribal governments; the general public; academia; and public health organizations.

Copies of the PPDC charter are filed with appropriate committees of Congress, the Library of Congress, and are available upon request.

List of Subjects

Environmental protection, Pesticides and pests.

Dated Febrary 12, 2007.

James Jones,

Director, Office of Pesticide Programs.

[FR Doc. E7–2871 Filed 2–20–07; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2006–0694; FRL–8115–9]

Pine Oil and Propylene Glycol and Dipropylene Glycol Reregistration Eligibility Decisions; Notice of Availability

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the availability of EPA's Reregistration Eligibility Decisions (REDs) for the pesticides pine oil and propylene glycol and dipropylene glycol and opens a public comment period on these documents. The Agency's risk assessments and other related documents also are available in the pine oil and propylene glycol and dipropylene glycol Dockets. Pine oil is an antimicrobial used for sanitizing and disinfecting in residential and commercial/institutional settings. Propylene glycol is used in air sanitization and hard surface disinfection and dipropylene glycol is used in air sanitization. EPA has reviewed pine oil and propylene glycol and dipropylene glycol through the public participation process that the Agency uses to involve the public in developing pesticide reregistration and tolerance reassessment decisions. Through these programs, EPA is ensuring that all pesticides meet current health and safety standards.

DATES: Comments must be received on or before April 23, 2007.

ADDRESSES: Submit your comments, identified by docket identification (ID) number, by one of the following methods: For pine oil, docket identification (ID) number EPA–HQ–OPP–2004–0302 and for propylene glycol and dipropylene glycol, docket identification (ID) number EPA–HQ–OPP–2006–0831.

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

• *Mail*: Office of Pesticide Programs (OPP) Regulatory Public Docket (7502P), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001.

• *Delivery*: OPP Regulatory Public Docket (7502P), Environmental Protection Agency, Rm. S–4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. Deliveries are only accepted during the Docket's normal hours of operation (8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays). Special arrangements should be made for deliveries of boxed information. The Docket telephone number is (703) 305-5805.

Instructions: Direct your comments to the following docket ID numbers: for pine oil docket identification (ID) number EPA–HQ– OPP–2004–0302; and propylene glycol and dipropylene glycol, docket identification (ID) number EPA–HQ– OPP–2006–0831. EPA's policy is that all comments received will be included in the docket without change and may be made available on-line 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 regulations.gov or e-mail. The Federal regulations.gov website 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 regulations.gov, your e-mail address will be automatically captured and included as part of the comment that is placed in the 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 docket 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, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either in the electronic docket at *http://www.regulations.gov*, or, if only available in hard copy, at the OPP Regulatory Public Docket in Rm. S–4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. The hours of operation of this Docket Facility are from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket telephone number is (703) 305–5805.

FOR FURTHER INFORMATION CONTACT: *For Pine Oil*: ShaRon Carlisle, Antimicrobials Division (7510P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 308–6427; fax number: (703) 308–8481; e-mail address: *carlisle.sharon@epa.gov.*

For Propylene Glycol and Dipropylene Glycol: Michelle Centra, Antimicrobials Division (7510P), Office of Pesticide

Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 308–2476; fax number: (703) 308–8481; e-mail address: *centra.michelle@epa.gov*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general, and may be of interest to a wide range of stakeholders including environmental, human health, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides. Since others also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT.**

B. What Should I Consider as I Prepare My Comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through regulations.gov or e-mail. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD ROM that you mail to EPA, mark the outside of the disk or CD ROM as CBI and then identify electronically within the disk or CD ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When submitting comments, remember to:

i. Identify the document by docket ID number and other identifying information (subject heading, **Federal Register** date and page number).

ii. Follow directions. The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.

iii. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

iv. Describe any assumptions and provide any technical information and/or data that you used.

v. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

vi. Provide specific examples to illustrate your concerns and suggest alternatives.

vii. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

viii. Make sure to submit your comments by the comment period deadline identified.

II. Background

A. What Action is the Agency Taking?

Under section 4 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), EPA is reevaluating existing pesticides to ensure that they meet current scientific and regulatory standards. EPA has completed Reregistration Eligibility Decisions (REDs) for the pesticides, pine oil and propylene glycol and dipropylene glycol under section 4(g)(2)(A) of FIFRA. Pine oil is an antimicrobial used for sanitizing and disinfecting in residential and commercial/institutional settings. Propylene glycol is used in air sanitization and hard surface disinfection and dipropylene glycol is used in air sanitization. Pest (fleas, mites, red lice, and various bacteria and viruses) control for pets (cats, dogs, and birds) is also a major active use for propylene glycol.

EPA has determined that the data base to support reregistration is substantially complete and that products containing pine oil and propylene glycol and dipropylene glycol are eligible for reregistration, provided the risks are mitigated either in the manner described in the RED or by another means that achieves equivalent risk reduction. Upon submission of any required product specific data under section 4(g)(2)(B) and any necessary changes to the registration and labeling (either to address concerns identified in the RED or as a result of product specific data), EPA will make a final reregistration decision under section 4(g)(2)(C) for products containing pine oil and propylene glycol and dipropylene glycol.

EPA must review tolerances and tolerance exemptions that were in effect when the Food Quality Protection Act (FQPA) was enacted in August 1996, to ensure that these existing pesticide residue limits for food and feed commodities meet the safety standard established by the new law. Tolerances are considered reassessed once the safety finding has been made or a revocation occurs. EPA has reviewed and made the requisite safety finding for the pine oil and propylene glycol and dipropylene glycol tolerances included in this notice.

EPA is applying the principles of public participation to all pesticides undergoing reregistration and tolerance reassessment. The Agency's Pesticide Tolerance Reassessment and Reregistration; Public Participation Process, published in the **Federal Register** on May 14, 2004, (69 FR 26819)(FRL–7357–9) explains that in conducting these programs, EPA is tailoring its public participation process to be commensurate with the level of risk, extent of use, complexity of issues, and degree of public concern associated with each pesticide. Due to its uses, risks, and other factors, pine oil and propylene glycol and dipropylene glycol were reviewed through the modified 4-Phase process. Through this process, EPA worked extensively with stakeholders and the public to reach the regulatory decisions for pine oil and propylene glycol and dipropylene glycol.

The reregistration program is being conducted under Congressionally mandated time frames, and EPA recognizes the need both to make timely decisions and to involve the public. The Agency is issuing the pine oil and propylene glycol and dipropylene glycol REDs for public comment. This comment period is intended to provide an additional opportunity for public input and a mechanism for initiating any necessary amendments to the RED. All comments should be submitted using the methods in **ADDRESSES**, and must be received by EPA on or before the closing date. These comments will become part of the Agency Docket for pine oil and propylene glycol and dipropylene glycol. Comments received after the close of the comment period will be marked ''late.'' EPA is not required to consider these late comments.

The Agency will carefully consider all comments received by the closing date and will provide a Response to Comments Memorandum in the Docket and regulations.gov. If any comment significantly affects the document, EPA also will publish an amendment to the RED in the **Federal Register**. In the absence of substantive comments requiring changes, the pine oil and propylene glycol and dipropylene glycol REDs will be implemented as it is now presented.

B. What is the Agency's Authority for Taking this Action?

Section 4(g)(2) of FIFRA as amended directs that, after submission of all data

concerning a pesticide active ingredient, the Administrator shall determine whether pesticides containing such active ingredient are eligible for reregistration, before calling in product specific data on individual end-use products and either reregistering products or taking other ''appropriate regulatory action.''

Section 408(q) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(q), requires EPA to review tolerances and exemptions for pesticide residues in effect as of August 2, 1996, to determine whether the tolerance or exemption meets the requirements of section 408(b)(2) or (c)(2) of FFDCA. This review was completed by August 3, 2006.

List of Subjects

Environmental protection, Pesticides and pests, Pine oil, Propylene glycol and Dipropylene glycol.

Dated: February 12, 2007.

Betty Shackleford,

Acting Director, Antimicrobials Division, Office of Pesticide Programs.

[FR Doc. 07–791 Filed 2–16–07; 2:27 pm]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[FRL–8279–1]

Virginia State Prohibition on Discharges of Vessel Sewage; Final Affirmative Determination

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Final Determination.

SUMMARY: Notice is hereby given that the Regional Administrator, EPA Region III has affirmatively determined, pursuant to section 312(f) of Public Law 92–500, as amended by Public Law 95–217 and Public Law 100–4 (the Clean Water Act), that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for the navigable waters of the Lynnhaven River, Virginia Beach, Virginia. Virginia will completely prohibit the discharge of sewage, whether treated or not, from any vessel in the Lynnhaven River.

FOR FURTHER INFORMATION CONTACT: Edward Ambrogio, EPA Region III, Office of State and Watershed Partnerships, 1650 Arch Street, Philadelphia, PA 19103. *Telephone:* (215) 814–2758. *Fax:* (215) 814–2301. *E-mail: ambrogio.edward@epa.gov*.

SUPPLEMENTARY INFORMATION: An application was made by the Virginia Secretary of Natural Resources on behalf of the Virginia Department of Environmental Quality (VDEQ) to EPA Region III to approve a no discharge zone for the Lynnhaven River. Upon publication of this final affirmative determination, VDEQ will completely prohibit the discharge of sewage, whether treated or not, from any vessel in the Lynnhaven River in accordance with section 312(f)(3) of the Clean Water Act and 40 CFR 140.4(a). Notice of the Receipt of Application and Tentative Determination was published in the **Federal Register** on November 21, 2006 (71 FR 67352, Nov. 21, 2006). Comments on the tentative determination were accepted during the 30-day comment period which closed on December 21, 2006. Comment letters from the Chesapeake Bay Foundation and Lynnhaven River 2007 were received endorsing the proposed affirmative determination. The remainder of this Notice summarizes the location of the no discharge zone, the available pumpout facilities and related information.

Lynnhaven River

The Lynnhaven River is located in the northern part of the city of Virginia Beach, Virginia. It is connected to the Chesapeake Bay through the Lynnhaven Inlet, just east of the Chesapeake Bay Bridge-Tunnel. The Lynnhaven River, including the Eastern Branch, the Western Branch, and Broad Bay/Linkhorn Bay encompasses an area of land and water of approximately 64 square miles with nearly 150 miles of shoreline. The upstream portions of the Lynnhaven River system flow either north to the Chesapeake Bay or south to North Carolina depending on wind and tidal patterns. The Lynnhaven River is oligohaline and subject to the action of tides. The majority of the waters outside the bays are shallow with maintained channel depths of six to 10 feet.

Many people enjoy the Lynnhaven River watershed for a variety of activities, including boating, fishing, crabbing, water skiing, and swimming. The shoreline surrounding the Lynnhaven River includes 4,478 private waterfront homes, public access areas, marinas, boat launch facilities, waterside restaurants, and a state park. Large and small boats, personal watercraft, canoes, kayaks, water skiers, and swimmers enjoy the river for its recreational benefits. There are several waterfront access areas within First Landing State Park for swimming during summer months. The Lynnhaven River was also once a prime oyster harvesting area known throughout the world for the famous Lynnhaven oyster. Oyster habitat restoration projects are presently being implemented in the Lynnhaven River. Lynnhaven River 2007, an advocacy group, in partnership with the city of Virginia Beach, the Chesapeake Bay Foundation, and the U.S. Army Corps of Engineers initiated an oyster-growing program in the summer of 2004 to assist in repopulating the river with this valuable living resource.

Portions of the Lynnhaven River were listed for bacteriological impairments from fecal coliform and enterococci bacteria in Virginia's 1998 section 303(d) list requiring the development of a total maximum daily load (TMDL). Consequently in 2004, EPA Region III and the Virginia State Water Control Board approved a TMDL for the shellfish harvest use impairments on Lynnhaven, Broad, and Linkhorn Bays prepared by the VDEQ. The establishment of a no discharge zone for the Lynnhaven River is one component of the TMDL Implementation Plan.

For the purpose of this Notice, the Lynnhaven River no discharge zone is defined as all contiguous waters south of the Lesner Bridge at Lynnhaven Inlet (Latitude 36°54′27.90″ N and Longitude 76°05′30.90″W) and north of the watershed break point defined as the intersection of West Neck Creek at Dam Neck Road (Latitude 36°47′17.60″ N and Longitude 76°04′14.62″ W).

Information submitted by the Commonwealth of Virginia states that there are six waterfront marinas operating sanitary pumpouts in the Lynnhaven River. Each of these facilities also provides dump stations, restrooms, and informational signage. Details of these facilities' location, availability and hours of operation are as follows: Long Bay Pointe marina is located on the north side of Long Creek, west of the West Great Neck Road Bridge over the creek (2101 West Great Neck Rd., Virginia Beach). The marina currently operates a Chesapeake Bay Marine pumpout system on the fuel dock accessible to all boaters. There is a sign on the pump station. The marina also has a dump station adjacent to the dock for portable toilets. The marina's sewage disposal hours of operation are 10 am–6 pm, 7 days a week, 12 months per year. Lynnhaven Dry Storage marina is located on the north side of Long Creek between the West Great Neck Road and North Great Neck Road bridges over the creek (2150 West Great Neck Rd., Virginia Beach). The marina currently operates a SaniSailor pumpout system on the fuel dock accessible to all boaters. A sign for the pumpout is posted on the side of the building adjacent to the dock. The marina has a dump station adjacent to the dock for

portable toilets. The marina's sewage disposal hours of operation are 8 am–5 pm, 7 days a week, 12 months per year. Lynnhaven Municipal marina is located along the north side of Long Creek between the West Great Neck Road Bridge and the Lesner Bridge (3211 Lynnhaven Drive, Virginia Beach). The marina currently operates a Chesapeake Bay Marine pumpout system at the building face with a hose that reaches the dock accessible to all boaters. There is a sign for the pumpout posted on the dock and on the building face. The marina also has a dump station at the building face adjacent to the dock for portable toilets. The marina's sewage disposal hours of operation are 8 am–4 pm, 7 days a week, 12 months per year. Lynnhaven Seafood marina is located along the north side of Long Creek between the West Great Neck Road Bridge and the Lesner Bridge (3311 Shore Drive, Virginia Beach). The marina currently operates a SaniSailor pumpout system on the fuel dock accessible to all boaters. There is a sign on the pump station. The marina also has a dump station adjacent to the dock for portable toilets. The marina's sewage disposal hours of operation are 6:30 am–11 pm, 7 days a week, 12 months per year. Marina Shores marina is located on the north side of Long Creek just east of the North Great Neck Road Bridge over the creek (2100 Marina Shores Drive, Virginia Beach). The marina currently operates an Edson pumpout system on the fuel dock accessible to all boaters. There is a sign posted on the pump station. The marina also has a dump station adjacent to the dock for portable toilets. The marina's sewage disposal hours of operation are 7 am–8 pm weekends, 8 am–7 pm weekdays, May through September, and, 8 am–5 pm October through June. Cavalier Golf & Yacht Club marina is located at the north end of the Bird Neck Point Neighborhood at Bird Neck Point where Little Neck Creek meets Linkhorn Bay (1052 Cardinal Road, Virginia Beach). The marina currently operates a KECO diaphragm pumpout system on the dock accessible to club members only. They also have a dump station adjacent to the dock for portable toilets. The club currently serves approximately one hundred-fifty (150) vessels at this facility. The marina's sewage disposal hours of operation are 8 am–6 pm, 7 days a week, 12 months per year.

There are no draught limitations for vessels at pumpout facilities and dump stations in the Lynnhaven River. All vessels using the facilities have sufficient water to dock at the marinas. There are two bridges within the Lynnhaven River as well as the Lesner Bridge located at Lynnhaven Inlet. Pumpout facility locations as well as the bridge heights (35 feet) do not restrict accessibility to marinas or pumpout facilities. The facilities are generally concentrated near Lynnhaven Inlet because the watershed becomes dominated by private residences as one travels further away from the inlet. However, transient boats enter the watershed at the inlet and most local boats travel to the inlet facilities for fuel, so the grouping of facility locations does not appear to be an inconvenience.

The Commonwealth of Virginia Sanitary Regulations for Marinas and Boat Moorings specifies requirements for facility design and operation. Routine health department inspections and performance tests are performed to ensure that facilities are available and functioning properly. Broken pumpout stations can be reported to the Virginia Department of Health (VDH) by calling 1–800–ASK–FISH. These regulations also address treatment of collected vessel sewage from pumpouts and dump stations. In compliance with these regulations, all wastes from marinas within the Lynnhaven River are collected in and transported through the City of Virginia Beach's sanitary sewer collection system to the Hampton Roads Sanitation District for ultimate treatment and disposal.

According to Virginia's application there are approximately 11,253 vessels operating in the Lynnhaven River on any given day based on Virginia Beach boater registrations, and estimates of the transient boat population, minus the estimated number of registered boats operating in other Virginia Beach watersheds. The VDH marina inspection slip counts indicate only four out of 535 wet slips at commercial marinas with pumpouts in the Lynnhaven River are designated as transient vessel slips. Based on this information, it is assumed that most transient boats are brought in by trailer. Most of these boats would not be of a size expected to have a holding tank. Transient boat counts have been estimated based on boat information given by the operators of the three public boat ramps in the Lynnhaven River.

The vessel population based on length is 2,883 vessels less than 16 feet in length, 7,272 vessels between 16 feet and 26 feet in length, 899 vessels between 27 feet and 40 feet in length, and 199 vessels greater than 40 feet in length. Based on the number and size of vessels and EPA guidance for state and local officials to estimate the number of vessels with holding tanks, two pumpouts and four dump stations are needed for the Lynnhaven River. As described above, there are currently six pumpout facilities and six dump stations in the Lynnhaven River.

Finding

The EPA hereby makes a final affirmative determination that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for the Lynnhaven River, Virginia Beach, Virginia. This final determination will result in a Virginia state prohibition of any sewage discharges, whether treated or not, from vessels into the Lynnhaven River.

Dated: February 12, 2007.

Donald S. Welsh,

Regional Administrator, Region III.

[FR Doc. E7–2877 Filed 2–20–07; 8:45 am]

BILLING CODE 6560–50–P

COUNCIL ON ENVIRONMENTAL QUALITY

The National Environmental Policy Act—Citizen's Guide

AGENCY: Council on Environmental Quality.

ACTION: Notice and request for comments.

SUMMARY: The Council on Environmental Quality (CEQ) developed a Citizen's Guide to the National Environmental Policy Act (NEPA). This is a guide to help citizens and organizations who are concerned about the environmental effects of federal decision-making to effectively participate in federal agencies' environmental review process under NEPA. CEQ invites comments on the proposed ''A Citizen's Guide to the National Environmental Policy Act—Having your Voice Heard'' that is available from CEQ or at *www.NEPA.gov* in the Current Developments section.

DATES: Written comments should be submitted on or before March 30, 2007.

ADDRESSES: Hardcopies of the proposed guide can be requested from CEQ. Electronic or facsimile requests for a copy of the proposed guide and comments on the proposed guide are preferred because federal offices experience intermittent mail delays from security screening. Electronic requests and written comments can be sent to NEPA Modernization (Citizen's Guide) at *horst_greczmiel@ceq.eop.gov.* Written requests and comments may be faxed to NEPA Modernization (Citizen's Guide) at (202) 456–0753. Written requests and comments may also be

submitted to NEPA Modernization (Citizen's Guide), *Attn:* Associate Director for NEPA Oversight, 722 Jackson Place, NW., Washington DC 20503.

FOR FURTHER INFORMATION CONTACT: Horst Greczmiel, 202–395–5750.

SUPPLEMENTARY INFORMATION: The Council on Environmental Quality (CEQ) established a National Environmental Policy Act (NEPA) Task Force and is now implementing recommendations designed to modernize the implementation of NEPA and make the NEPA process more effective and efficient. Additional information is available on the task force Web site at *http://ceq.eh.doe.gov/ntf.*

The proposed guide, ''A Citizen's Guide to the National Environmental Policy Act—Having your Voice Heard'' was developed to explain the National Environmental Policy Act and the various types of environmental analyses federal agencies conduct prior to making federal decisions. In addition to an introduction to NEPA, the Guide explains the environmental impact statement (EIS), environmental assessment (EA), and categorical exclusion (CE) processes federal agencies use to comply with NEPA.

The Guide is intended to assist citizens in providing effective and timely input and comments when federal agencies use an EIS, EA, or CE. The Guide recognizes that comments can be the most important contribution from citizens and provides advice on how citizens can get involved in the NEPA process and how their comments can be made effectively.

Public comments are requested by March 30, 2007.

Dated: February 13, 2007.

James L. Connaughton,

Chairman, Council on Environmental Quality.

[FR Doc. E7–2854 Filed 2–20–07; 8:45 am]

BILLING CODE 3125–W7–P

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Sunshine Act Meeting Notice

DATE AND TIME: Wednesday, February 28, 2007, 9 a.m. Eastern Time.

PLACE: Clarence M. Mitchell, Jr. Conference Room on the Ninth Floor of the EEOC Office Building, 1801 ''L'' Street, NW., Washington, DC 20507.

STATUS: The meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Open Session

1. Announcement of Notation Votes; and
2. The E-Race Initiative—Panels of Invited Experts.

Note: In accordance with the Sunshine Act, the meeting will be open to public observation of the Commission's deliberations and voting. (In addition to publishing notices on EEOC Commission meetings in the **Federal Register**, the Commission also provides a recorded announcement a full week in advance on future commission sessions.)

Please telephone (202) 663–7100 (voice) and (202) 663–4074 (TTY) at any time for information on these meetings. The EEOC provides sign language interpretation at Commission meetings for the hearing impaired. Requests for other reasonable accommodations may be made by using the voice and TTY numbers listed above.

CONTACT PERSON FOR MORE INFORMATION: Stephen Llewellyn, Acting Executive Officer on (202) 663–4070.

Dated: February 15, 2007.

Stephen Llewellyn,

Acting Executive Officer, Executive Secretariat.

[FR Doc. 07–798 Filed 2–16–07; 2:18 pm]

BILLING CODE 6570–06–M

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 2806]

Petitions for Reconsideration of Action in Rulemaking Proceeding

February 12, 2007.

Petitions for Reconsideration have been filed in the Commission's Rulemaking proceeding listed in this Public Notice and published pursuant to 47 CFR 1.429(e). The full text of these documents is available for viewing and copying in Room CY–B402, 445 12th Street, SW., Washington, DC or may be purchased from the Commission's copy contractor, Best Copy and Printing, Inc. (BCPI) (1–800–378–3160). Oppositions to these petitions must be filed by March 8, 2007. See section 1.4(b)(1) of the Commission's rules (47 CFR 1.4(b)(1)). Replies to an opposition must be filed within 10 days after the time for filing oppositions have expired.

Subject: In the Matter of Boston Scientific Corporation (ET Docket No. 05–331) Petition for Waiver of section 15.205 of the Commission's Rules.

Number of Petitions Filed: 1.

Subject: In the Matter of Unlicensed Operation in the TV Broadcast Bands (ET Docket No. 04–186).

Additional Spectrum for Unlicensed Devices Below 900 MHz and in the 3 GHz Band (ET Docket No. 02–380).

Number of Petitions Filed: 1.

Marlene H. Dortch,

Secretary.

[FR Doc. E7–2897 Filed 2–20–07; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 2802—*CORRECTION]

Petition for Reconsideration of Action in Rulemaking Proceeding

February 14, 2007.

A Petition for Reconsideration has been filed in the Commission's Rulemaking proceeding listed in this Public Notice and published pursuant to 47 CFR 1.429(e). The full text of this document is available for viewing and copying in Room CY–B402, 445 12th Street, SW., Washington, DC or may be purchased from the Commission's copy contractor, Best Copy and Printing, Inc. (BCPI) (1–800–378–3160). Oppositions to this petition must be filed by March 8, 2007. See Section 1.4(b)(1) of the Commission's rules (47 CFR 1.4(b)(1)). Replies to an opposition must be filed within 10 days after the time for filing oppositions have expired.

Subject: 1. In the Matter of Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Port Norris, New Jersey, Fruitland, and Willards, Maryland, Chester, Lakeside, and Warsaw, Virginia) (MB Docket No. 04–409).

Number of Petitions Filed: 2.

*This is a correction to report #2802, released on December 28, 2006 to include an additional petition which was inadvertently omitted from MB Docket No. 04–409. The dates for filing oppositions will be extended to 15 days from the date of the publication of this notice in the **Federal Register**. Replies to an opposition will be extended to 10 days after the time for filing oppositions has expired.

Marlene H. Dortch,

Secretary.

[FR Doc. E7–2904 Filed 2–20–07; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Proposed Assessment Rate Adjustment Guidelines for Large Institutions and Insured Foreign Branches in Risk Category I

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice and request for comment.

SUMMARY: The FDIC is seeking comment on proposed guidelines it will use for determining how adjustments of up to 0.50 basis points would be made to the quarterly assessment rates of insured institutions defined as large Risk Category I institutions, and insured foreign branches in Risk Category I, according to the Final Assessments Rule (the final rule).[1] These guidelines are intended to further clarify the analytical processes, and the controls applied to these processes, in making assessment rate adjustment determinations.

DATES: Comments must be submitted on or before March 23, 2007.

ADDRESSES: You may submit comments, identified by ''Adjustment Guidelines'', by any of the following methods:

- Agency Web site: *http://www.fdic.gov/regulations/laws/federal.* Follow instructions for submitting comments on the Agency Web site.
- *E-mail: Comments@FDIC.gov.* Include ''Adjustment Guidelines'' in the subject line of the message.
- *Mail:* Robert E. Feldman, Executive Secretary, Attention: Comments, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, DC 20429.
- *Hand Delivery/Courier:* Guard station at the rear of the 550 17th Street Building (located on F Street) on business days between 7 a.m. and 5 p.m.

Instructions: All comments received will be posted without change to *http://www.fdic.gov/regulations/laws/federal* including any personal information provided. Comments may be inspected and photocopied in the FDIC Public Information Center, 3501 North Fairfax Drive, Room E–1002, Arlington, VA 22226, between 9 a.m. and 5 p.m. (EST) on business days. Paper copies of public comments may be ordered from the Public Information Center by telephone at (877) 275–3342 or (703) 562–2200.

FOR FURTHER INFORMATION CONTACT: Miguel Browne, Associate Director, Division of Insurance and Research, (202) 898–6789; Steven Burton, Senior Financial Analyst, Division of Insurance and Research, (202) 898–3539; and Christopher Bellotto, Counsel, Legal Division, (202) 898–3801.

[1] 71 Fr 69282 (Nov. 30, 2006).

SUPPLEMENTARY INFORMATION:

I. Background

Under the final rule, the assessment rates of large Risk Category I institutions are first determined using either supervisory and long-term debt issuer ratings, or supervisory ratings and financial ratios for large institutions that have no publicly available long-term debt issuer ratings. While the resulting assessment rates are largely reflective of the rank ordering of risk, the final rule indicates that FDIC may determine, in consultation with the primary federal regulator, whether limited adjustments to these initial assessment rates are warranted based upon consideration of additional risk information. Any adjustments will be limited to no more than 0.50 basis points higher or lower than the initial assessment rate and in no case would the resulting rate exceed the maximum rate or fall below the minimum rate in effect for an assessment period. Further, upward adjustments will not take effect without notification being made to the primary federal regulator and the institution or without consideration of any additional information provided by the primary federal regulator and the institution to these notifications; and downward adjustments will not take effect without notification being made to the primary federal regulator or without consideration of any additional information provided by the primary federal regulator to these notifications. Examples of additional risk information that would be considered in making such adjustments, and a general description of how this information would be evaluated, are also discussed in the final rule. However, in the final rule, the FDIC acknowledged the need to further clarify its processes for making adjustments to assessment rates and indicated that no adjustments would be made until additional guidelines were approved by the FDIC's Board.

The FDIC seeks comments on these proposed guidelines for evaluating how assessment rate adjustments, if warranted, will be made, and the size of any adjustments.[2] Following a 30-day comment period, the FDIC will review comments and revise the guidelines as appropriate. Although the FDIC has in this instance chosen to publish the proposed guidelines and solicit comment from the industry, notice and comment are not required and need not be employed to make future changes to the guidelines.

[2] These guidelines are also intended to apply to assessment rate adjustment determinations for insured foreign branches, whose initial assessment rates are determined from ROCA ratings under the final rule.

II. Broad Objectives

In the majority of cases, the use of agency and supervisory ratings, or the use of supervisory ratings and financial ratios when agency ratings are not available, will sufficiently reflect the risk profile and rank orderings of risk in large Risk Category I institutions. However, in certain cases, the FDIC may need to make adjustments to assessment rates determined from these inputs in order to preserve consistency in the orderings of risk indicated by these assessment rates, ensure fairness among all large institutions, and ensure that assessment rates take into account all available information that is relevant to the FDIC's risk-based assessment decision. The FDIC expects that adjustments will be made relatively infrequently and for a limited number of institutions. If this is not the case, the FDIC would likely reevaluate the underlying assessment rate methodology involving supervisory and long-term debt issuer ratings, and financial ratios for institutions without long-term debt issuer ratings.

The following broad objectives helped inform the formulation of a process for determining how adjustments to an institution's initial assessment rate, if appropriate, will be made, as well as the guidelines that will govern the adjustment process:

1. Assessment rates should reflect a logical and reasonable rank ordering of risk among large Risk Category I institutions. That is, institutions with similar risk profiles should pay similar assessment rates; and institutions with higher (lower) risk profiles should pay higher (lower) assessment rates.

2. Assessment rates for any given quarter should be based on the most recent information that pertains to an institution's risk profile.

3. The rank ordering of risk represented by assessment rates should be reconcilable to other risk measures including supervisory ratings, financial performance information, market information, quantitative measures of an institution's ability to withstand adverse events, and loss severity indicators.

4. Assessment rate determinations should consider all available information relating to both the likelihood of failure and loss severity in the event of failure. Loss severity information should include quantitative and qualitative considerations that relate to potential resolution costs.

III. Overview of the Adjustment Process

The FDIC adjustment process will include the following steps. In the first step, an initial risk ranking will be developed for all large institutions based on their initial assessment rates as derived from agency and supervisory ratings, or the use of supervisory ratings and financial ratios when agency ratings are not available, in accordance with the final rule.

In the second step, the risk rankings associated with these initial assessment rates will be compared with risk rankings associated with broad-based and focused risk measures as well as the risk rankings associated with other market indicators such as spreads on subordinated debt. Broad-based risk measures include each of the inputs to the initial assessment rate considered separately, other summary risk measures such as alternative publicly available debt issuer ratings, and loss severity estimates, which are not always sufficiently reflected in the inputs to the initial assessment rate or in other debt issuer ratings. Focused risk measures include financial performance measures, measures of an institution's ability to withstand financial adversity, and factors relating to the severity of losses to the insurance fund in the event of failure.

In the third step, the FDIC will perform further analysis and review in those cases where the risk rankings from multiple measures (such as broad-based risk measures, focused risk measures, and other market indicators) appear to be inconsistent with the risk rankings associated with the initial assessment rate. This step will include consultation with an institution's primary federal regulator and state banking supervisor. Although any additional information or feedback provided by the primary federal regulator or state banking supervisor will be considered in the FDIC's ultimate decision concerning such adjustments, participation by the primary federal regulator or state banking supervisory in this consultation process should not be construed as concurrence with the FDIC's deposit insurance pricing decisions.

In the final step, the FDIC will notify an institution when it proposes to make an upward adjustment to the institution's assessment rate. As indicated in the final rule, notifications involving an upward adjustment in an institution's initial assessment rate will be made in advance of implementing such an adjustment so that the institution has sufficient opportunity to respond to or address the FDIC's concerns.[3] Adjustments will be implemented after considering institution responses to this notification along with any subsequent changes either to the inputs to the initial assessment rate or any other risk factor that relates to the decision to make an assessment rate adjustment.

The following paragraphs elaborate further on the adjustment process just described. These paragraphs introduce proposed guidelines relating to the analytical process, show an example of how these guidelines will be applied, and present proposed guidelines intended to serve as controls over the assessment rate adjustment process.

IV. Proposed Guidelines for the Analytical Process and Illustrative Examples

To ensure consistency, fairness, and transparency, the FDIC proposes that the following guidelines be applied to its analytical process for determining how to make adjustments to the assessment rates of large Risk Category I institutions when appropriate. An example of how the guidelines would be applied in a sample institution follows the enumeration of the principal analytical guidelines.

Principal Analytical Guidelines

Guideline 1: The analytical process will focus on identifying inconsistencies between the rank orderings of risk suggested by initial assessment rates and the rank orderings of risk indicated by other risk measures. This process will consider all available information relating to the likelihood of failure and loss severity in the event of failure.

The purpose of the analytical process is to identify those institutions whose risk measures appear to be significantly different than other institutions with similarly assigned initial assessment rates. This analytical process involves the identification of possible inconsistencies between the rank orderings of risk associated with the initial assessment rate and the risk rankings associated with other risk measures. The intent of this analysis is not to override supervisory evaluations or to question the validity of long-term debt issuer ratings or financial ratios when applicable. Rather, the analysis is meant to ensure that the assessment rates, produced from the combination of these information sources, result in a reasonable rank ordering of risk that is consistent with risk profiles of large Risk Category I institutions.

The starting point in the analytical process will be the comparison of risk rankings associated with the initial assessment rate to risk rankings associated with a number of broad-based risk measures. This analysis will be supplemented with additional comparisons of risk rankings associated with focused risk measures and other market indicators to the risk rankings associated with an institution's initial assessment rate.[4]

The FDIC will consider adjusting an institution's initial assessment rate when there is sufficient corroborating information from a combination of broad-based risk measures, focused risk measures, and other market indicators to support an adjustment. The likelihood of an adjustment will increase when: (1) The rank orderings of risk suggested by multiple broad-based measures are directionally consistent and materially different from the rank ordering implied by the initial assessment rate; (2) there is sufficient corroborating information from focused risk measures and other market indicators to support differences in risk levels suggested by broad-based risk measures; (3) information pertaining to loss severity considerations raise prospects that an institution's resolution costs, when scaled by assets, would be materially higher or lower than those of other large institutions; or (4) additional qualitative information from the supervisory process or other feedback provided by the primary federal regulator or state banking supervisor is consistent with differences in risk suggested by the combination of broad-based risk measures, focused risk measures, and other market indicators.

The FDIC believes that its insurance pricing determinations should take into account risk information that relates both to the likelihood of failure and to the level of insurance fund losses (loss severity) that might reasonably be expected if an institution were to fail. Developing risk measures related to loss severity is especially important since the inputs to the initial assessment rate (supervisory and agency ratings) relate primarily to the likelihood of failure.

[3] The institution will also be given advance notice when the FDIC determines to eliminate any downward adjustment to an institution's assessment rate.

[4] Comparisons of risk measures will generally treat as indicative of low risk that portion of the risk rankings falling within the lowest X percentage of assessment rate rankings, with X being the proportion of large Risk Category I institutions assigned the minimum assessment rate. For example, as of June 30, 2006, 46 percent of large Risk Category I institutions would have been assigned a minimum assessment rate. Therefore, as of June 30, 2006, risk rankings from the 1st to the 46th percentile for any given risk measure would generally have been considered suggestive of low risk.

The loss severity factors the FDIC will consider include both quantitative and qualitative information. Quantitative information will be used to develop estimates of deposit insurance claims and the extent of coverage of those claims by an institution's assets. These quantitative estimates can in turn be converted into a relative risk ranking and compared with the risk rankings produced by the initial assessment rate. Factors that will be used to produce loss severity estimates include: Estimates for the amount of insured and non-insured deposit funding at the time of failure; the extent of an institution's obligations that would be subordinated to depositor claims in the event of failure; the extent of an institution's obligations that would be secured or would otherwise take priority over depositor claims in the event of failure; and the estimated value of assets in the event of failure.

In addition, the FDIC will consider other qualitative factors that could magnify or mitigate the resolution costs of a failed institution. These qualitative factors will be evaluated by determining when a given risk factor suggests materially higher or lower loss severity risks relative to the loss severity risks posed by other institutions. These qualitative factors include, but are not limited to, the following:

- The ease with which the FDIC could make quick deposit insurance determinations and depositor payments in the event of failure as discussed further below;
- The ability of the FDIC to isolate and control the main assets and critical business functions of a failed institution without incurring high costs;
- The level of an institution's foreign assets relative to its foreign deposits and prospects of foreign governments using these assets to satisfy local depositors and creditors in the event of failure; and
- The availability of sufficient information on qualified financial contracts to allow the FDIC to identify the counterparties to, and other details about, such contracts in the event of failure.

With respect to the first factor noted above, the FDIC has issued an Advanced Notice of Proposed Rulemaking (ANPR) on Large Bank Deposit Insurance Determination Modernization.[5] This ANPR seeks comment on whether the FDIC should require certain large institutions to implement various enhancements to their deposit account systems. The intent of any required enhancements would be to preserve the FDIC's ability to make timely deposit insurance determinations and provide insured depositors speedy access to their funds in the event of a large institution failure.

Notwithstanding any requirements that may result from this separate notice and comment process begun with the ANPR, the FDIC believes that the existing capabilities of an institution's deposit account systems should be considered as part of the assessment rate adjustment analysis process since the presence or absence of these capabilities would mitigate or magnify the resolution costs likely to be sustained by the FDIC in the event of failure. These capabilities include the ability of an institution's systems to place and remove holds on deposit accounts en masse as well as the ability of an institution to readily identify the owner(s) of each deposit account (for example, by using a unique identifier) and identify the ownership category of each deposit account. As with the other risk factors considered in the analytical process for making assessment rate adjustments, the FDIC will evaluate this factor by gauging the capabilities of an institution's deposit account systems relative to the capabilities of other institutions' systems. As part of these proposed guidelines, the FDIC is seeking comment on what information it should use to evaluate the existing capabilities of institution's deposit account systems.

Guideline 2: Broad-based indicators and other market information that represent an overall view of an institution's risk will be weighted more heavily in adjustment determinations than focused indicators as will loss severity information that has bearing on the ability of the FDIC to resolve institutions in a cost effective and timely manner.

While it is prudent to evaluate all available risk information when determining whether an adjustment in an institution's assessment rate is necessary, the FDIC recognizes that some risk indicators are more comprehensive than others and should therefore be weighted more heavily in assessment rate adjustment decisions. Examples of such comprehensive or broad-based risk measures include, but are not limited to, each of the inputs to the initial assessment rate (that is, weighted average CAMELS ratings, long-term debt issuer ratings, and the combination of weighted average CAMELS ratings and the five financial ratios used to determine assessment rates for institutions when long-term debt issuer ratings are not available), and other ratings intended to provide a comprehensive view of an institution's risk profile (see the Appendix for additional descriptions of broad-based risk measures). Likewise, the FDIC views some market indicators, such as spreads on subordinated debt, as more important than other market indicators since these spreads represent an evaluation of risk from institution investors whose risks are similar to those faced by the FDIC.[6] The FDIC also believes that certain qualitative loss severity factors, such as those discussed in Guideline 1, should be accorded greater weight in assessment rate determinations relative to other risk measures since these have a direct bearing on the resolutions costs that would be incurred by the FDIC in the event of failure.

Guideline 3: Focused risk measures and other market indicators will be used to compare with and supplement the comparative analysis using broad-based risk measures.

Individual financial ratios, such as a return on assets or a liquidity ratio, are examples of focused risk measures that, while important to consider, will generally not be as heavily relied upon as more comprehensive risk measures in deposit insurance pricing decisions. Rather, the FDIC will use focused risk measures, along with other market indicators, to supplement the risk comparisons of broad-based risk measures with initial assessment rates and to provide corroborating evidence of material differences in risk suggested by such comparisons. More specifically, the risk rankings associated with initial assessment rates will be compared with the risk rankings suggested by various financial performance measures, other market indicators, measures of an institution's ability to withstand adverse events, and loss severity indicators. The focused risk measures and other market indicators that will be considered during the analysis process are described in detail in the Appendix. The listing of risk measures in the Appendix is not intended to be exhaustive, but represents the FDIC's view of the most important focused risk measures to consider in the adjustment process. The development of risk measurement and monitoring capabilities is an ongoing and evolving process. As a result, the FDIC may revise the listing in the Appendix over time as a result of these development activities and consistent with the objective to consider all available risk information in its assessment rate decisions.

[5] 71 FR 74857 (December 13, 2006).

[6] The FDIC recognizes that in order to be comparable, this spread information would have to be available for debt issues with sufficient liquidity and adjusted for differing maturities and other bond-specific characteristics.

Guideline 4: Generally, no single risk factor or indicator will control the decision on whether to make an adjustment.

In general, no single risk indicator such as a profitability ratio or a capitalization ratio can fully capture the risks posed by large depository institutions. Rather, the FDIC's intent is to consider all the information available to it, including supervisory ratings, to determine if, on balance, the risk indicators support an adjustment to the institution's initial assessment rate. Even when multiple risk indicators appear to support an adjustment, additional information would have to be evaluated, including qualitative supervisory information from the supervisory process, to further corroborate and support the need for an adjustment. In certain cases, the FDIC may determine that an assessment rate adjustment is appropriate when certain qualitative risk factors pertaining to loss severity suggest materially higher or lower risk relative to the same types of risks posed by other institutions. As noted above, the FDIC intends to place greater weight on these factors since they have a direct bearing on resolution costs and since these factors are generally not considered in other risk measures.

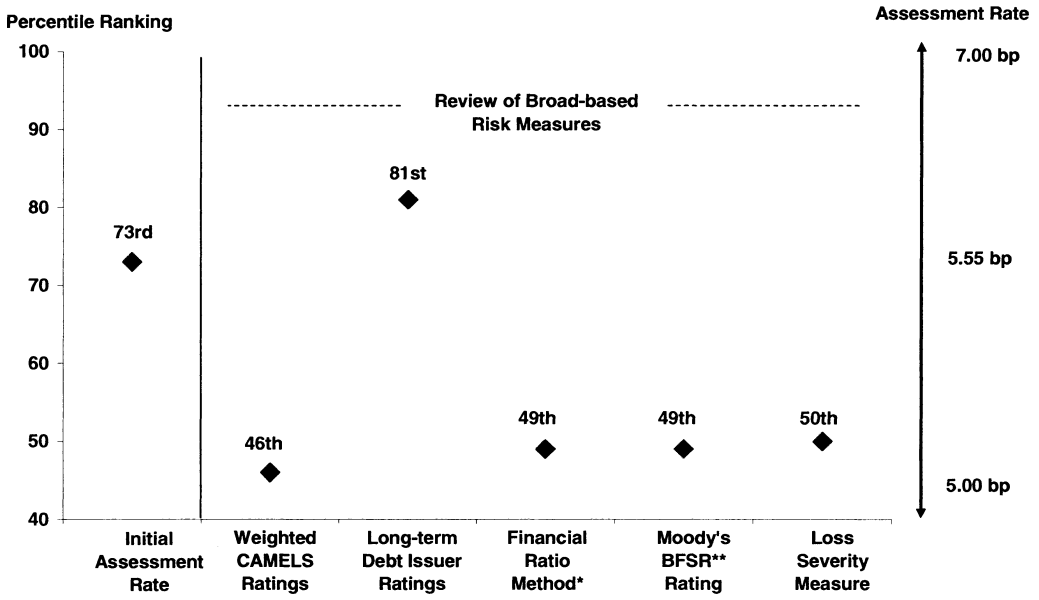
Example of the Analytical Process

An example will help illustrate the analytical process used to identify how assessment rate adjustments will be made through the application of the above guidelines. In this example, an institution's initial assessment rate is calculated at 5.55 basis points, which places it in the 73rd percentile of all large Risk Category I institutions.

Chart 1 depicts the first step in the analytical process, which is the comparison of the risk ranking associated with the institution's initial assessment rate with other broad-based risk measures. In this case, the risk ranking associated with the institution's initial assessment rate is materially higher than the risk rankings associated with a number of broad-based risk measures including its weighted average CAMELS score, the combination of weighted average CAMELS and financial ratios that are used to determine assessment rates for institutions without debt ratings, the institution's Bank Financial Strength Rating (BFSR) assigned by Moody's, and an estimate of loss severity (referred to in the chart as a loss severity measure). Based solely on these broad-based risk measures, the institution's risk appears more closely aligned to institutions paying around 5.00 and 5.10 basis points. Only the institution's long-term debt issuer ratings tend to confirm the initial assessment rate risk ranking.

Chart 1

Risk Rankings Associated with a Number of Broad-Based Risk Measures Suggest Lower Risk Levels than the Risk Rankings Associated with the Initial Assessment Rate



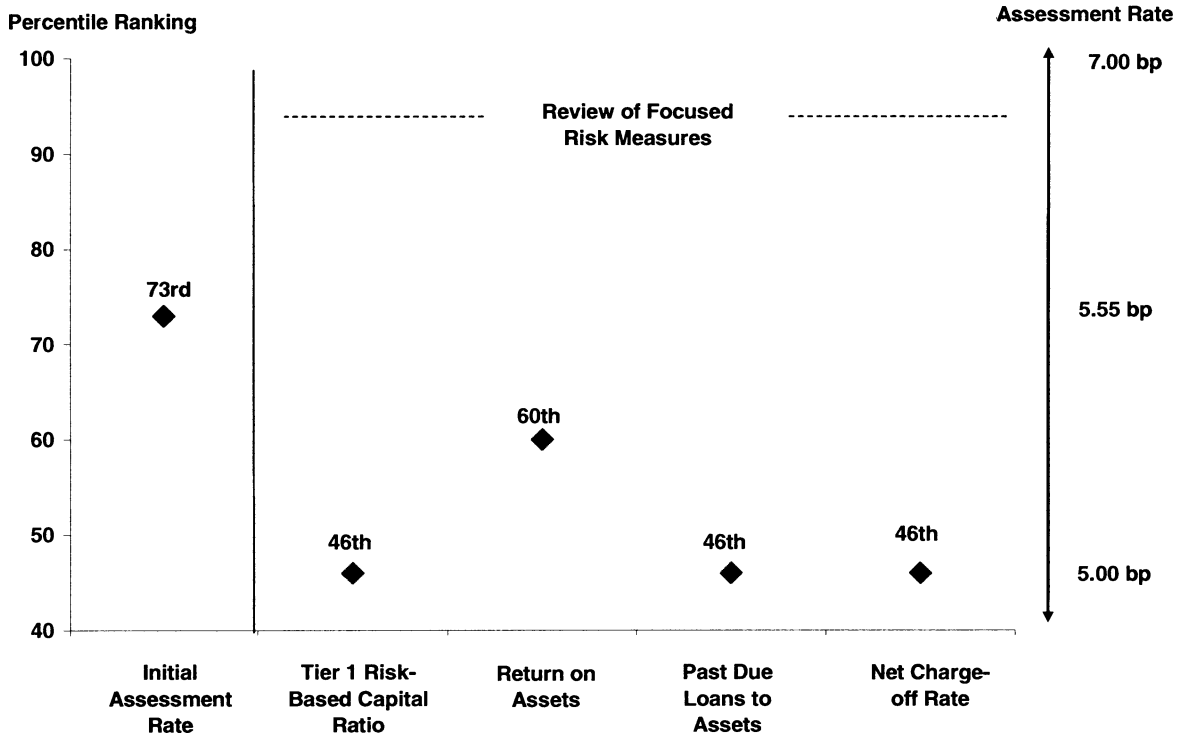
* Risk rankings associated with weighted average CAMELS ratings and the five financial ratios used to determine assessment rates for small institutions and institutions without debt ratings.

** Moody's Bank Financial Strength Rating.

To extend this example, the review of broad-based risk measures would be supplemented with an evaluation of additional focused risk measures, some of which are shown in Chart 2. For this institution, several key financial performance measures, including its capital ratios and problem loan measures, appear to confirm the lower levels of risk suggested by four of the five broad-based risk measures shown in Chart 1.

Chart 2

Risk Rankings Associated with Financial Performance Measures Appear to Confirm the Lower Risk Suggested by Other Broad-based Risk Measures



When evaluating financial performance information, the FDIC recognizes the importance of also considering qualitative information and mitigating factors that relate to these measures. For instance, the FDIC will:

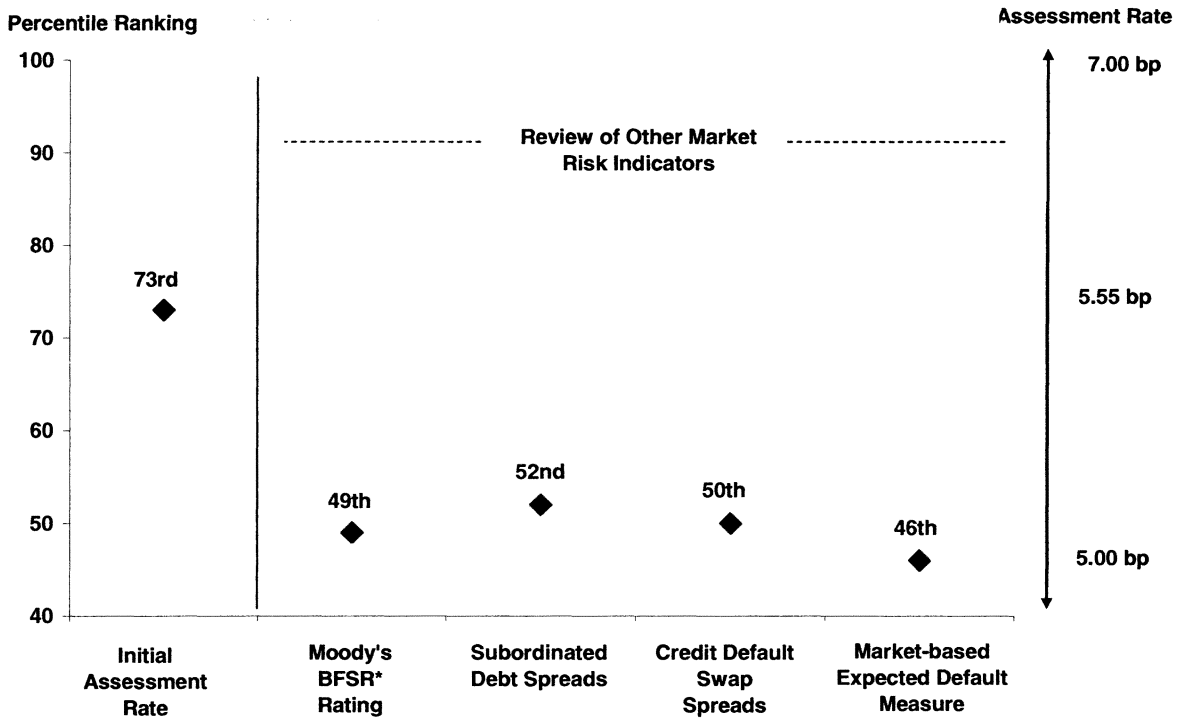
- When evaluating profitability measures, determine how risk ranking comparisons would be affected when earnings are adjusted to control for risk (i.e., using risk-adjusted and provision-adjusted returns), or unusual or nonrecurring earnings or expenses;
- When evaluating capital measures, determine how risk ranking comparisons would be affected when capitalization levels are adjusted to control for risk (i.e., using risk-based capital measures), how capital levels compare to historical and anticipated earnings volatility, and how anticipated capital growth compares to anticipated asset growth; and
- When evaluating asset quality measures, use additional information from the supervisory process to determine if differences in risk rankings can be explained by other risk measures, such as estimated portfolio-level probabilities of default, losses given default, credit bureau scores, or collateral coverage, or by the existence or absence of credit risk concentrations and credit risk mitigants.

Continuing the example, the FDIC would also review other market risk indicators, as shown in Chart 3, to further supplement the evaluation of broad-based and focused risk measures. These additional market risk indicators will be useful in evaluating the risk rankings suggested by an institution's agency ratings. In this case, market information relating to the cost of the institution's debt obligations and other market-based measures are clearly inconsistent with the risk levels suggested by the institution's long-term debt issuer ratings (as depicted in Chart 1).[7]

[7] This situation might occur when recent changes in an institution's risk profile have not yet been fully reflected in the agency rating, or when investors in an institution's obligations have different views of risk than one or more rating agencies.

Chart 3

Risk Rankings Associated with Other Market Indicators Also Suggest Lower Risk Levels than Those Associated with the Initial Assessment Rate



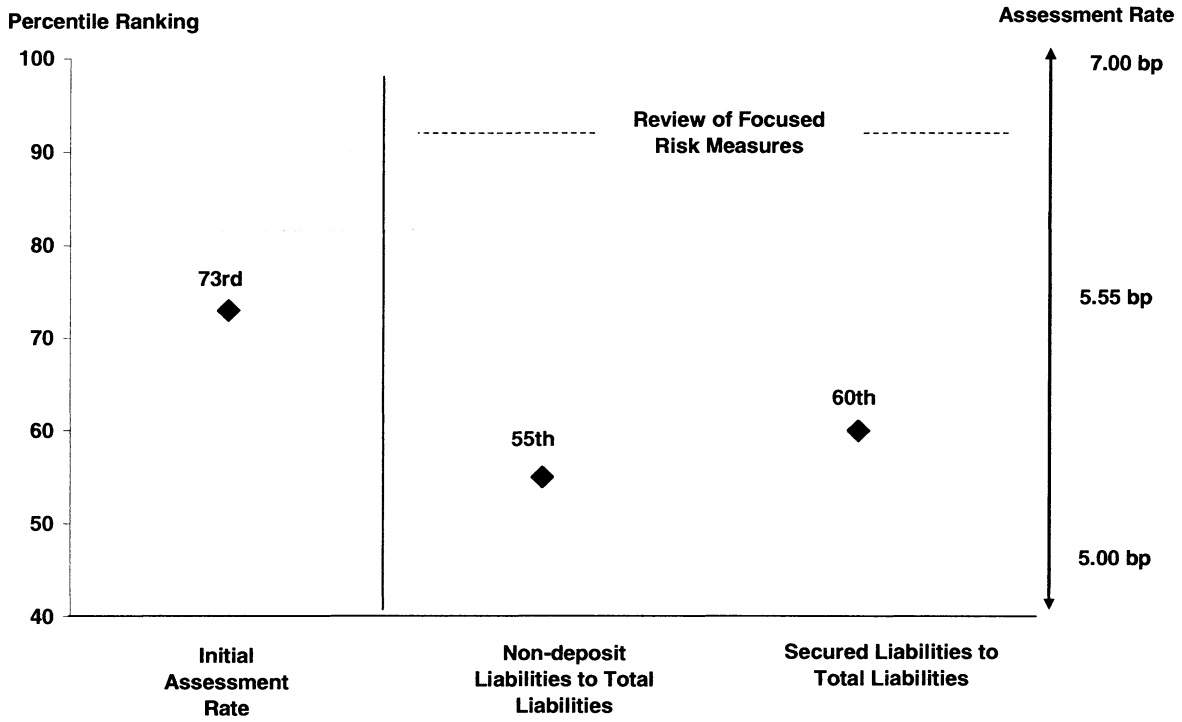
* Moody's Bank Financial Strength Rating.

As with the evaluation of performance risk measures, it is important to consider other factors that may influence any particular market risk measure. For instance, the FDIC will determine how market indicator risk rankings are affected when credit spreads or required rates of return are adjusted to control for differences in maturities, the existence of any embedded options (e.g., callable vs. non-callable), and differences in seniority in the event of default.

Extending the example further, the FDIC would also evaluate an institution's ability to withstand financial stress and the specific components of its loss severity estimates (referred to collectively as stress considerations). Chart 4 illustrates the comparison of rank orderings of two components of an institution's loss severity measure with the rank ordering associated with its initial assessment rate. As with other risk measures previously mentioned, these loss severity components appear to further support a lower level of risk than what is suggested by the initial assessment rate. Specifically, the institution has a higher level of non-deposit liabilities, which could serve as a buffer against losses in the event of failure, than institutions with similar initial assessment rate risk rankings. The institution also has a lower level of secured liabilities, which may take priority to FDIC claims in the event of failure, than institutions with similar initial assessment rate risk rankings.

Chart 4

Risk Rankings Associated with Loss Severity Indicators Further Support Lower Risk Levels Relative to the Risk Rankings Associated with the Initial Assessment Rate



To the extent possible, the FDIC will use stress consideration information to formulate comparisons of risk across institutions. Sources of this information are varied but might include analyses produced by the institution or the primary federal regulator, such as stress test results and capital adequacy assessments, as well as information about the risk characteristics of institution's lending portfolios and other businesses. The types of comparisons that might be possible using this information include evaluating differences between institutions in the level of protection provided by capital and earnings to varying stress scenarios and the implications of these scenarios to loss severity in the event of failure. Other factors that would be considered when making these comparisons are the degree to which results are influenced by differences in stress test assumptions or other model parameters.

To conclude the example, the FDIC would consider lowering this institution's assessment rate to better align its assessment rate with the risk levels suggested by other risk measures. In this case, lower levels of risk are supported by the rank orderings of risk associated with multiple broad-based measures. These rank orderings of risk are further supported by risk rankings derived from a number of financial performance measures, other market indicators, and loss severity components. Before proceeding with any adjustment, however, the FDIC will perform additional analyses and review, including the attainment of corroborating information from the supervisory process, as indicated in the guidelines that follow.

Additional Analytical Guidelines

Guideline 5: Comparisons of risk information will consider normal variations in performance measures and other risk indicators that exist among institutions with differing business lines.

The FDIC recognizes that it would not be reasonable to compare certain indicators across institutions engaged in fundamentally different businesses (e.g., comparing a mortgage lender's profitability and asset quality measures to that of a diversified lender). As a result, the FDIC will consider the effect of business line concentrations in its risk ranking comparisons. One possible way to consider business line concentrations is to evaluate risk rankings when institutions are grouped by their predominant business activity. The FDIC's notice of proposed rulemaking for deposit insurance assessments, issued in July 2006, referenced one possible set of business line groupings that included processing institutions and trust companies, residential mortgage lenders, non-diversified regional institutions, large diversified institutions, and diversified regional institutions.[8] Risk ranking comparisons within these business line groupings is one way the FDIC can control for business line concentrations when making assessment rate adjustment decisions.

Guideline 6: Adjustment will be made only if additional analysis suggests a meaningful risk differential between the institution's initial and adjusted assessment rates.

Where material inconsistencies between initial assessment rates and other risk indicators are present, additional analysis will determine the magnitude of adjustment necessary to

[8] See 71 FR 41910 (July 24, 2006).

align the assessment rate better with the rates of other institutions with similar risk profiles. The objective of this analysis will be to determine the amount of assessment rate adjustment that would be necessary to bring an institution's assessment rate into better alignment with those of other institutions that pose similar levels or risk. This process will entail a number of considerations, including: (1) The number of rank ordering comparisons that identify the institution as a potential outlier relative to institutions with similar assessment rates; (2) the direction and magnitude of differences in rank ordering comparisons; (3) a qualitative assessment of the relative importance of any apparent outlier risk indicators to the overall risk profile of the institution, and (4) an identification of mitigating factors. One example of a mitigating factor might be an institution that has significantly lower profitability measures than other institutions with similarly ranked initial assessment rates, but is engaged in fundamentally lower-risk businesses as evidenced by superior asset quality measures relative to institutions with similarly ranked initial assessment rates.

Based upon these considerations, the FDIC will determine the magnitude of adjustment that would be necessary to better align its assessment rate with institutions that pose similar levels or risk. When the assessment rate adjustment suggested by these considerations is not material, or when there are a number of risk comparisons that offer conflicting or inconclusive evidence of material inconsistencies, no assessment rate adjustment will be made.

V. Controls Over the Assessment Rate Adjustment Process

The FDIC proposes to implement various controls over the adjustment process to ensure fairness and transparency in its pricing decisions. These controls, many of which are contained in the final rule, are enumerated in the guidelines below.

Guideline 7: Decisions to adjust an institution's assessment rate must be well supported.

The FDIC will perform internal reviews of pending adjustments to an institution's assessment rate to ensure the adjustment is justified, well supported, based on the most current information available, and results in an adjusted assessment rate that is consistent with rates paid by other institutions with similar risk profiles.

Guideline 8: *The FDIC will consult with an institution's primary federal regulator and appropriate state banking supervisor prior to making any decision to adjust an institution's initial assessment rate (or prior to removing a previously implemented adjustment). Participation by the primary federal regulator or state banking supervisor in this consultation process should not be construed as concurrence with the FDIC's deposit insurance pricing decisions.*

Consistent with current practice, FDIC analysts and management will consult with the primary federal regulator and state banking supervisors on an ongoing basis regarding risk issues facing large institutions and recent events that may influence an institution's overall risk profile or supervisory ratings. Because of this ongoing contact, the primary federal regulator and state banking supervisor should always be aware when the FDIC views a need for an assessment rate adjustment. Nevertheless, the FDIC will formalize its determinations with the following steps:

1. The FDIC will formally notify the primary federal regulator, and state banking supervisors, of the pending adjustment in advance of the first opportunity to implement any adjustment.
2. Documentation related to any pending adjustment will include a discussion of why the adjusted assessment rate is more consistent with the risk profiles represented by institutions with similar assessment rates.
3. The FDIC will consider any additional information provided by either the primary federal regulator or state banking supervisor prior to proceeding with an adjustment of an institution's assessment rate.

Guideline 9: *The FDIC will give institutions advance notice of any decision to make an upward adjustment to its initial assessment rate, or to remove a previously implemented downward adjustment.*

The FDIC will notify institutions when it intends to make an upward adjustment to its initial assessment rate (or remove a downward adjustment). This notification will include the reasons for the adjustment, when the adjustment would take effect, and provide the institution up to 60 days to respond. Adjustments would not become effective until the quarterly assessment period following the date the notification was made. During this subsequent assessment period, the FDIC will determine whether an adjustment is still warranted based on an institution's response to the notification as well as any subsequent changes to an institution's weighted average CAMELS, long-term debt issuer ratings, financial ratios (when applicable), or other risk measures used to support the adjustment. The FDIC will also consider any actions taken by the institution, during the period for which the institution is being assessed, in response to the FDIC's concerns described in the notice.

Guideline 10: *The FDIC will continually re-evaluate the need for an assessment rate adjustment.*

The FDIC will re-evaluate the need for the adjustment during each subsequent quarterly assessment period. These evaluations will be based on any new information that becomes available, as well as any changes to an institution's weighted average CAMELS, long-term debt issuer ratings, financial ratios (when applicable), or other risk measures used to support the adjustment.

The institution can request a review of the FDIC's decision to adjust its assessment rate.[9] It would do so by submitting a written request for review of the assessment rate assignment, as adjusted, in accordance with 12 CFR 327.4(c). This same section allows an institution to bring an appeal before the FDIC's Assessment Appeals Committee if it disagrees with determinations made in response to a submitted request for review.

VI. Timing of Notifications and Adjustments

Upward Adjustments

As noted above, institutions will be given advance notice when the FDIC determines that an upward adjustment in its assessment rate appears to be warranted. The timing of this advance notification will correspond approximately to the invoice date for an assessment period. For example, an institution would be notified of a pending upward adjustment to its assessment rates covering the period April 1st through June 30th sometime around June 15th. June 15th is the invoice date for the January 1st through March 31st assessment period.[10] Institutions will have up to 60 days to respond to notifications of pending upward adjustments.

The FDIC would notify an institution of its decision to either proceed with or not proceed with the upward adjustment approximately 90 days following the initial notification of a

[9] The institution can also request a review of the FDIC's decision to remove a previous downward adjustment.

[10] Since the intent of the notification is to provide advance notice of a pending upward adjustment, the invoice covering the assessment period January 1st through March 31st in this case would not reflect the upward adjustment.

pending upward adjustment. If a decision were made to proceed with the adjustment, the adjustment would be reflected in the institution's next assessment rate invoice. Extending the example above, if an institution were notified of an upward adjustment on June 15th, it would have 60 days from this date to respond to the notification. If, after evaluating the institution's response and following an evaluation of updated information for the quarterly assessment period ending June 30th, the FDIC decides to proceed with the adjustment, it would communicate this decision to the institution on September 15th, which is the invoice date for the April 1st through June 30th assessment period. In this case, the adjusted rate would be reflected in the September 15th invoice. The adjustment would remain in effect for subsequent assessment periods until the FDIC determined that the adjustment is no longer warranted.[11]

Downward Adjustments

Decisions to lower an institution's assessment rate will not be communicated to institutions in advance. Rather, they would be reflected in the invoices for a given assessment period along with the reasons for the adjustment. Downward adjustments may take effect as soon as the first insurance collection for the January 1st through March 31, 2007 assessment period subject to timely approval of the guidelines by the Board of the FDIC. Downward adjustments will remain in effect for subsequent assessment periods until the FDIC determines that the adjustment is no longer warranted (and subject to the advance notification requirements indicated above for upward adjustments).[12]

VII. Request for Comment

The FDIC seeks comment on all aspects of the proposed guidelines for determining how to make adjustments to the initial assessment rates of large Risk Category I institutions. In particular, the FDIC seeks comments on:

1. Whether the objectives, listed under the heading Broad Objectives, for making assessment rate adjustments are appropriate?

2. Whether the proposed guidelines governing the analytical process are appropriate and sufficient to ensure fairness and consistency in deposit insurance pricing determinations? More specifically:

a. The appropriateness of considering additional risk information, including information pertaining to loss severity, to identify possible inconsistencies between an institution's initial assessment rate and risk measures of institutions with similar assessment rates;

b. The appropriateness of applying greater emphasis on broad-based risk measures than more focused measures when making assessment rate adjustment determinations;

c. The appropriateness of augmenting the analysis of broad-based risk measures with a review of more focused risk measures;

d. The appropriateness of basing adjustment decisions on considerations of multiple risk indicators;

e. The appropriateness of assessing financial performance risk measures relative to other institutions engaged in similar business activities; and

f. The appropriateness of using additional risk information to determine the magnitude of adjustment to an institution's assessment rate that would be necessary to bring its rate into better alignment with institutions with similar risk measures.

3. What information should the FDIC use to evaluate the qualitative loss severity factors enumerated under Guideline 1? For example, in the absence of a final rule that might implement certain requirements relating to deposit account system capabilities as described in the Advanced Notice of Proposed Rulemaking on Large Bank Deposit Insurance Determination Modernization,[13] to what extent should the FDIC consider the existing capabilities of deposit account systems? More specifically, should the FDIC consider whether an institution's systems have the ability to place and remove holds on deposit accounts en masse as well as the ability to readily identify the owner(s) of each deposit account (for example, by using a unique identifier) and identify the ownership category of each deposit account, be included in risk-based pricing determinations? If so, what should be the form of information that would demonstrate the existence of these capabilities, to include the scope of any account testing and the types of assurances that would document any such testing (as one example, an institution could demonstrate these capabilities by performing appropriate testing against a sufficiently large sample of deposit accounts and by confirming positive results of this testing to the FDIC in statement certified by a compliance officer or internal auditor of the institution)? Additionally, what information could the institution provide to assist the FDIC in evaluating the ability of the FDIC to isolate and control the main assets and critical business functions of a failed institution without incurring high costs; the level of an institution's foreign assets relative to its foreign deposits and prospects of foreign governments using these assets to satisfy local depositors and creditors in the event of failure; and the availability of sufficient information on qualified financial contracts to allow the FDIC to identify the counterparties to, and other details about, such contracts in the event of failure?

4. Whether there are additional guidelines that should govern the analytical process to ensure fairness and consistency in deposit insurance pricing determinations?

5. Whether it is appropriate for the FDIC to consider information, such as the results of an institution's stress testing or capital adequacy assessment analyses, that pertains to an institution's ability to withstand adverse events and if so, how such information should be incorporated into the analytical process described in these proposed guidelines?

6. Whether it is appropriate for the FDIC to consider risk information that will be developed from the implementation of proposed international capital standards into its analytical process for determining whether an assessment rate adjustment is appropriate and the magnitude of any such adjustments?

7. Whether it is appropriate for the FDIC to consider the willingness and ability of an institution's parent company or its affiliates to provide financial support to the institution or to mitigate the FDIC's loss in the event of failure? If so, what factors or characteristics might be useful in evaluating such considerations?

8. Whether the FDIC should consider certain additional supervisory information when determining whether a downward adjustment in assessment rates is appropriate? For example, should the FDIC preclude from consideration for a downward adjustment those situations where an institution has an outstanding supervisory order in place that may be less directly related to the institution's

[11] The timeframes and example illustrated here would also apply to a decision by the FDIC to remove a previously implemented downward adjustment as well as a decision to increase a previously implemented upward adjustment (the increase could not cause the total adjustment to exceed the 0.50 basis point limitation).

[12] As noted in the final rule, the FDIC may raise an institution's assessment rate without notice if the institution's supervisory or agency ratings or financial ratios (for institutions without debt ratings) deteriorate.

[13] 71 FR 74857 (December 13, 2006).

safety and soundness (such as a memorandum of understanding or consent and decree order relating to compliance regulations or the Bank Secrecy Act)?

9. Whether the proposed guidelines for controlling the assessment rate adjustment process are sufficient to ensure that adjustment decisions are justified, fully supported, and take into account responses and additional information from the primary federal regulator and the institution?

10. Whether there are additional guidelines that should control the assessment rate adjustment process?

Appendix—Examples of Risk Measures That Will Be Considered in Assessment Rate Adjustment Determinations [14]

Broad-Based Risk Measures

• *Composite and weighted average CAMELS ratings:* the composite rating assigned to an insured institution under the Uniform Financial Institutions Rating System and the weighted average CAMELS rating determined under the final rule.

• *Long-term debt issuer rating:* a current, publicly available, long-term debt issuer rating assigned to an insured institution by Moody's, Standard & Poor's, or Fitch.

• *Financial ratio measure:* the assessment rate determined for large Risk Category I institutions without long-term debt issuer ratings, using a combination of weighted average CAMELS ratings and five financial ratios as described in the final rule.

• *Offsite ratings:* ratings or numerical risk rankings, developed by either supervisors or industry analysts, that are based primarily on off-site data and incorporate multiple measures of insured institutions' risks.

• *Other agency ratings:* current and publicly available ratings, other than long-term debt issuer ratings, assigned by any rating agency that reflect the ability of an institution to perform on its obligations. One such rating is Moody's Bank Financial Strength Rating BFSR, which is intended to provide creditors with a measure of a bank's intrinsic safety and soundness, excluding considerations of external support factors that might reduce default risk, or country risk factors that might increase default risk.

• *Loss severity measure:* an estimate of insurance fund losses that would be incurred in the event of failure. This measure takes into account such factors as estimates of insured and non-insured deposit funding, obligations that would be subordinated to depositor claims, obligations that would be secured or would otherwise take priority claim over depositor claims, the estimated value of assets, prospects for ''ring-fencing'' whereby foreign assets are used to satisfy foreign obligor claims over FDIC claims, and other factors that could affect resolution costs.

Financial Performance and Condition Measures

Profitability

• *Return on assets:* net income (pre- and post-tax) divided by average assets.

• *Return on risk-weighted assets:* net income (pre- and post-tax) divided by average risk-weighted assets.

• *Core earnings volatility:* volatility of quarterly earnings before tax, extraordinary items, and securities gains (losses) measured over one, three, and five years.

• *Net interest margin:* interest income less interest expense divided by average earning assets.

• *Earning asset yield:* interest income divided by average earning assets.

• *Funding cost:* interest expense divided by interest bearing obligations.

• *Provision to net charge-offs:* loan loss provisions divided by losses applied to the loan loss reserve (net of recoveries).

• *Burden ratio:* overhead expenses less non-interest revenues divided by average assets.

• *Qualitative and mitigating profitability factors:* includes considerations such as earnings prospects and diversification of revenue sources.

Capitalization

• *Tier 1 leverage ratio:* tier 1 capital for Prompt Corrective Action (PCA) divided by adjusted average assets as defined for PCA.

• *Tier 1 risk-based ratio:* PCA tier 1 capital divided by risk-weighted assets.

• *Total risk-based ratio:* PCA total capital divided by risk-weighted assets.

• *Tier 1 growth to asset growth:* annual growth of PCA tier 1 capital divided by annual growth of total assets.

• *Regulatory capital to internally-determined capital needs:* PCA tier 1 and total capital divided by internally-determined capital needs as determined from economic capital models, internal capital adequacy assessments processes (ICAAP), or similar processes.

• *Qualitative and mitigating capitalization factors:* includes considerations such as strength of capital planning and ICAAP processes, and the strength of financial support provided by the parent.

Asset Quality

• *Non-performing assets to tier 1 capital:* nonaccrual loans, loans past due over 90 days, and other real estate owned divided by PCA tier 1 capital.

• *ALLL to loans:* allowance for loan and lease losses plus allocated transfer risk reserves divided by total loans and leases.

• *Net charge-off rate:* loan and lease losses charged to the allowance for loan and lease losses (less recoveries) divided by average total loans and leases.

• *Higher risk loans to tier 1 capital:* sum of sub-prime loans, alternative or exotic mortgage products, leveraged lending, and other high risk lending (e.g., speculative construction or commercial real estate financing) divided by PCA tier 1 capital.

• *Criticized and classified assets to tier 1 capital:* assets assigned to regulatory categories of Special Mention, Substandard, Doubtful, or Loss (and not charged-off) divided by PCA tier 1 capital.

• *EAD-weighted average PD:* weighted average estimate of the probability of default (PD) for an institution's obligors where the weights are the estimated exposures-at-default (EAD). PD and EAD risk metrics can be defined using either the Basel II framework or internally defined estimates.

• *EAD-weighted average LGD:* weighted average estimate of loss given default (LGD) for an institution's credit exposures where the weights are the estimated EADs for each exposure. LGD and PD risk metrics can be defined using either the Basel II framework or internally defined estimates.

• *Qualitative and mitigating asset quality factors:* includes considerations such as the extent of credit risk mitigation in place; underwriting trends; strength of credit risk monitoring; and the extent of securitization, derivatives, and off-balance sheet financing activities that could result in additional credit exposure.

Liquidity and Market Risk Indicators

• *Core deposits to total funding:* the sum of demand, savings, MMDA, and time deposits under $100 thousand divided by total funding sources.

• *Net loans to assets:* loans and leases (net of the allowance for loan and lease losses) divided by total assets.

• *Liquid and marketable assets to short-term obligations and certain off-balance sheet commitments:* the sum of cash, balances due from depository institutions, marketable securities (fair value), federal funds sold, securities purchased under agreement to resell, and readily marketable loans (e.g., securitized mortgage pools) divided by the sum of obligations maturing within one year, undrawn commercial and industrial loans, and letters of credit.

• *Qualitative and mitigating liquidity factors:* includes considerations such as the extent of back-up lines, pledged assets, and the strength of contingency and funds management practices.

• *Earnings and capital at risk to fluctuating market prices:* quantified measures of earnings or capital at risk to shifts in interest rates, changes in foreign exchange values, or changes in market and commodity prices. This would include measures of value-at-risk (VaR) on trading book assets.

• *Qualitative and mitigating market risk factors:* includes considerations of the strength of interest rate risk and market risk measurement systems and management practices, and the extent of risk mitigation (e.g, interest rate hedges) in place.

Other Market Indicators

• *Subordinated debt spreads:* dealer-provided quotes of interest rate spreads paid on subordinated debt issued by insured subsidiaries relative to comparable maturity treasury obligations.

• *Credit default swap spreads:* dealer-provided quotes of interest rate spreads paid by a credit protection buyer to a credit

[14] This listing is not intended to be exhaustive but represents the FDIC's view of the most important risk measures that should be considered in the assessment rate determinations of large Risk Category I institutions. This listing may be revised over time as improved risk measures are developed through an ongoing effort to enhance the FDIC's risk measurement and monitoring capabilities.

protection seller relative to a reference obligation issued by an insured institution.

• *Market-based default indicators:* estimates of the likelihood of default by an insured organization that are based on either traded equity or debt prices.

• *Qualitative market indicators or mitigating market factors:* includes considerations such as agency rating outlooks, debt and equity analyst opinions and outlooks, and the relative level of liquidity of any debt and equity issues used to develop market indicators defined above.

Risk Measures Pertaining to Stress Conditions

Ability To Withstand Stress Conditions

• *Concentration measures:* measures of the level of concentrated risk exposures and extent to which an insured institution's capital and earnings would be adversely affected due to exposures to common risk factors such as the condition of a single obligor, poor industry sector conditions, poor local or regional economic conditions, or poor conditions for groups of related obligors (e.g., subprime borrowers).

• *Results of stress tests or scenario analyses:* measures of the extent of capital, earnings, or liquidity depletion under varying degrees of financial stress such as adverse economic, industry, market, and liquidity events.

• *Qualitative and mitigating factors relating to the ability to withstand stress conditions:* includes considerations such as the comprehensiveness of risk identification and stress testing analyses, the plausibility of stress scenarios considered, and the sensitivity of scenario analyses to changes in assumptions.

Loss Severity Indicators

• *Non-deposit liabilities to total liabilities:* the sum of obligations, such as subordinated debt, that would have a subordinated claim to the institution's assets in the event of failure divided by total liabilities.

• *Secured (priority) liabilities to total liabilities:* the sum of claims, such as trade payables and secured borrowings, that would have priority claim to the institution's assets in the event of failure divided by total liabilities.

• *Foreign deposits to total liabilities:* foreign deposits divided by total liabilities.

• *Extent of insured assets held in foreign units:* amount of assets held in foreign offices.

• *Liquidation value of assets:* estimated value of assets, based largely on historical loss rates experienced by the FDIC on various asset classes, in the event of liquidation.

• *Qualitative and mitigating factors relating to loss severity:* includes considerations such as the sufficiency of information and systems capabilities relating to qualified financial contracts and deposits to facilitate quick and cost efficient resolution, the extent to which critical functions or staff are housed outside the insured entity, and prospects for ring-fencing in the event of failure.

By order of the Board of Directors.

Dated at Washington, DC, this 15th day of February, 2007.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. E7–2906 Filed 2–20–07; 8:45 am]

BILLING CODE 6714–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

National Center for Environmental Health/Agency for Toxic Substances and Disease Registry

The Program Peer Review Subcommittee (PPRS) of the Board of Scientific Counselors (BSC), Centers for Disease Control And Prevention (CDC), National Center for Environmental Health/Agency for Toxic Substances and Disease Registry (NCEH/ATSDR): Teleconference.

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), CDC, NCEH/ATSDR announces the aforementioned subcommittee teleconference meeting:

Time and Date: 9 a.m.–11 a.m. Eastern Standard Time, March 9, 2007.

Place: The teleconference will originate at NCEH/ATSDR in Atlanta, Georgia. To participate, dial 877/315–6535 and enter conference code 383520.

Purpose: Under the charge of the BSC, NCEH/ATSDR, the PPRS will provide the BSC, NCEH/ATSDR with advice and recommendations on NCEH/ATSDR program peer review. They will serve the function of organizing, facilitating, and providing a long-term perspective to the conduct of NCEH/ATSDR program peer review.

Matters To Be Discussed: Review and approve minutes of February 2007 and December 2006; a report on site-specific activities peer review; a discussion of preparedness and emergency response peer review: breadth and approach of the review, and areas of expertise required for the review; nominations for a PPRS panel member, a chairperson, peer reviewers, and partners and customers.

Agenda items are subject to change as priorities dictate.

Supplementary Information: This meeting is scheduled to begin at 9 a.m. Eastern Standard Time. To participate, please dial (877) 315–6535 and enter conference code 383520. Public comment period is scheduled for 10 a.m.–10:15 a.m.

For Further Information Contact: Sandra Malcom, Committee Management Specialist, Office of Science, NCEH/ATSDR, M/S E–28, 1600 Clifton Road, NE., Atlanta, Georgia 30333, telephone 404/498–0622.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities for both CDC and the Agency for Toxic Substances and Disease Registry.

Dated: February 14, 2007.

Elaine Baker,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. E7–2885 Filed 2–20–07; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Proposed Projects

Title: Help America Vote Act (HAVA) Voting Access Annual Report.

OMB No.: New Collection.

Description: An annual report is required by Federal statute (the Help America Vote Act (HAVA) of 2002, Public Law 107–252, Section 291, Payments for Protection and Advocacy Systems, 42 U.S.C. 15461). Each State or Unit of Local Government must prepare and submit an annual report at the end of every fiscal year. The report addresses the activities conducted with the funds provided during the year. The information collected from the annual report will be aggregated into an annual profile of how States have utilized the funds and establish best practices for election officials. It will also provide an overview of the State election goals and accomplishments and permit the Administration on Developmental Disabilities to track voting progress to monitor grant activities.

Respondents: Secretaries of State, Directors, State Election Boards, State Chief Election Officials.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Help America Vote Act (HAVA) Voting Access Annual Report	55	1	24	1,320

Estimated Total Annual Burden Hours: 1,320.

In compliance with the requirements of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above.

Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Administration, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. E-mail address: *information@acf.hhs.gov*. All requests should be identified by the title of the information collection.

The Department specifically requests comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Dated: February 13, 2007.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 07–770 Filed 2–20–07; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Evaluation of the Refugee Social Service (RSS) and Targeted Assistance Formula Grant (TAG) Programs: Data Collection.

OMB No.: 0970–0296.

Description: The Office of Refugee Resettlement (ORR) within the U.S. Department of Health and Human Services (HHS) funds the Refugee Social Services (RSS) and Targeted Assistance Formula Grant (TAG) programs, which are designed to help refugees achieve economic success quickly following their arrival in the United states through employment services, English-language instruction, vocational training, and other social services. ORR is sponsoring a project to (a) Conduct a comprehensive evaluation of the effectiveness of ORR employability services through RSS and TAG, and (b) propose options for institutionalizing ongoing evaluation and performance assessment into the programs.

ORR is requesting renewal of OMB clearance for a survey of refugees that is collecting data on refugees' employment and earnings outcomes. Survey interviews began in July 2006, and are still ongoing. The survey is being conducted in three cities: Houston, Miami, and Sacramento. The survey relies on a mixed-mode data collection method that involves both telephone and in-person interviews. If individuals cannot be reached by phone, an attempt is made to contact them in person. Three hundred refugees from a randomly selected sample in each site will complete the survey, for a total of 900 refugees.

While locating and interviewing this population was expected to be difficult due to their high mobility, achieving the goal of 900 complete responses needed for reliable analysis, while maintaining reasonable response rates, has proven more time-consuming than expected. As of January 26, 2007, 668 refugees have already completed the survey. Conservatively estimating that slightly more than half of the remaining 232 cases are completed before the current clearance expires, about 100 interviews would be needed during the extension period. Consequently, ORR is requesting clearance to continue the survey past its current expiration date in March 2007.

Respondents: Refugees and related populations that qualify for RSS/TAG services who entered the United States between October 1999 and September 2004.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Survey of Refugees	100	1	0.75	75

Estimated Total Annual Burden Hours: 75

Additional Information: Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Administration, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. E-mail address: *infocollection@acf.hhs.gov.* All requests should be identified by the title of the information collection.

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after the publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, FAX: 202–395–6974, Attn: Desk Officer for the Administration for Children and Families.

Dated: February 13, 2007.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 07–771 Filed 2–20–07; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Child Care and Development Fund Plan for States/Territories for FY 2008–2009.

OMB No.: 0970–0114.

Description: The Child Care and Development Fund (CCDF) Plan (the Plan) for States and Territories is required from each CCDF Lead agency in accordance with Section 658E of the Child Care and Development Block Grant Act of 1990, as amended (Pub. L. 101–508, Pub. L. 104–193, and 42 U.S.C. 9858). The implementing regulations for the statutorily required Plan are set forth at 45 CFR 98.10 through 98.18. The Plan, submitted on the ACF–118, is required biennially, and remains in effect for two years. The Plan provides ACF and the public with a description of, and assurance about, the State's or the Territory's child care program. The ACF–118 is currently approved through June 30, 2008, making it available to states and Territories needing to submit Plan Amendments through the end of the FY 2007 Plan Period. However, in July 2007, States and Territories will be required to submit their FY 2008–2009 Plans. Consistent with the statute and regulations, ACF requests extension of the ACF–118 with minor corrections and modifications. The Tribal Plan (ACF–118a) is not affected by this notice.

Respondents: State and Territorial CCDF Lead Agencies.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
ACF–118	56	.5	162.57	4,552

Estimated Total Annual Burden Hours: 4,552

Additional Information: Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Administration, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. E-mail address: *infocollection@acf.hhs.gov.* All requests should be identified by the title of the information collection.

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after the publication of this document in the **Federal Register.** Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, FAX: 202–395–6974, Attn: Desk Officer for the Administration for Children and Families.

Dated: February 13, 2007.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 07–772 Filed 2–20–07; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: State Self-Assessment Review and Report.

OMB No. 0970–0223.

Description: Section 454(15)(A) of the Social Security Act, as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, requires each State to annually assess the performance of its child support enforcement program in accordance with standards specified by the Secretary of the Department of Health and Human Services, and to provide a report of the findings to the Secretary. This information is required to determine if States are complying with Federal child support mandates and providing the best services possible. The report is also intended to be used as a management tool to help States evaluate their programs and assess performance.

Respondent: State Child Support Enforcement Agencies or the Department/Agency/Bureau responsible for Child Support Enforcement in each State.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Self-assessment report	54	1	4	216

Estimated Total Annual Burden Hours: 216.

Additional Information: Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Administration, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. E-mail address: *infocollection@acf.hhs.gov.* All requests should be identified by the title of the information collection.

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after the publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it

within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, FAX: 202–395–6974, Attn: Desk Officer for the Administration for Children and Families.

Dated: February 13, 2007.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 07–773 Filed 2–20–07; 8:45am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUNAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Federal Tax Offset, Administrative Offset, and Passport Denial Program.

OMB No.: 0970–0161.

Description: The Tax Refund Offset and Administration Offset Programs collect past-due child support by intercepting certain Federal payments, including Federal tax refunds, of parents who have been ordered to pay child support and who are behind in paying the debt. The program is a cooperative effort among the Department of Treasury's Financial Management Service (FMS), the Federal Office of Child Support Enforcement (OCSE), and State Child Support Enforcement (CSE) agencies. The Passport Denial program reports non-custodial parents who owe arrears above a threshold to the Department of State (DOS), which will then deny passports to these individuals. On an ongoing basis, CSE agencies submit to OCSE the names, Social Security numbers (SSNs), and the amount(s) of past-due child support of people who are delinquent in making child support payments.

Respondents: State IV–D Agencies.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Input Record	54	52	.3	842
Output Record	54	52	.46	1,292
Payment File	54	26	.27	379
Certification Letter	54	1	.4	22

Estimated Total Annual Burden Hours: 2,535.

Additional Information: Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Administration, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, *Attn:* ACF Reports Clearance Officer. All requests should be identified by the title of the information collection. E-mail address: *infocollection@acf.hhs.gov.*

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register.** Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, Fax: 202–395–6974, Attn: Desk Officer for the Administration for Children and Families.

Dated: February 13, 2007.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 07–774 Filed 2–20–07; 8:45 am]

BILLING CODE 4184–07–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Child Care and Development Fund Quarterly Financial Report (ACF–696).

OMB No.: 0970–0163.

Description: States and Territories use this form to report expenditures for the Child Care and Development fund (CCDF) on a quarterly basis. The form, which is also available electronically through a Web-based application, provides specific data regarding expenditures, obligations, and estimates. It provides states and Territories with a mechanism to request grant awards and certify the availability of State matching funds. Failure to collect this data could seriously compromise the ability of the Administration for Children and Families (ACF) to monitor expenditures. This form may also be used to prepare ACF budget submissions to Congress. Office and Management Budget approval for the current form expires on March 31, 2007.

Respondents: States and Territories that are CCDF grantees.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
ACF–696	56	4	5	1,120

Estimated Total Annual Burden Hours: 1,120.

Additional Information: Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Administration, Office of Information Services, 370 L'Enfant Promende, SW.,

Washington, DC 20447, Attn: ACF Reports Clearance Officer. All requests should be identified by the title of the information collection. E-mail address: *infocollection@acf.hhs.gov.*

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, *Fax:* 202–395–6974, *Attn:* Desk Officer for the Administration for Children and Families.

Dated: February 13, 2007.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 07–775 Filed 2–20–07; 8:45 am]

BILLING CODE 4184–07–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Proposed Projects

Title: Grant Application Data Summary (GADS) Form.

OMB No.: New Collection.

Description: The Grant Application Data Summary (GADS) collects information from applicants seeking grants from the Administration for Native Americans (ANA). ANA awards annual grants in three competitive areas. Previously, ANA collected information using a separate form for each competitive area (OMB No. 0970–0261, OMB No. 0970–0263 and OMB No. 0970–0265). ANA has consolidated the three previous information collections into the single GADS instrument.

Respondents: Tribal Governments, Native Non-profits, Tribal Colleges and Universities.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Grant Application Summary	500	1	.5	250

Estimated Total Annual Burden Hours: 250.

In compliance with the requirements of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administrator for Children and Families, Office of Administration, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, *Attn:* ACF Reports Clearance Officer. E-mail address: *infocollection@acf.hhs.gov.* All requests should be identified by the title of the information collection.

The Department specifically requests comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Dated: February 13, 2007.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 07–776 Filed 2–20–07; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection: Comment Request

In compliance with the requirement for opportunity for public comment on proposed data collection projects (section 3506(c)(2)(A) of Title 44, United States Code, as amended by the Paperwork Reduction Act of 1995, Pub. L. 104–13), the Health Resources and Services Administration (HRSA) publishes periodic summaries of proposed projects being developed for submission to the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995. To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, call the HRSA Reports Clearance Officer on (301) 443–1129.

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

Proposed Project: National Practitioner Data Bank and Healthcare Integrity and Protection Data Bank Market Surveys and Survey of Use of Data Bank Information by Queriers: New

The Health Resources and Services Administration plans to conduct an evaluation of the National Practitioner Data Bank (NPDB) and the Healthcare Integrity and Protection Data Bank (HIPDB). The purpose of these surveys is to conduct a follow-up study to the NPDB User and Non-User Surveys of 2001. In addition, HIPDB users and non-users will be included in this study. The study will evaluate the effectiveness of the NPDB and the HIPDB as flagging systems, sources of information, and decision making tools. It will also determine user satisfaction with the

process, use, and information provided by the NPDB and HIPDB.

Surveys will be administered to entities that report to and/or query the NPDB and HIPDB, including users who query either the NPDB and/or HIPDB and who receive a ''match'', *i.e.* copies of adverse actions concerning a queried practitioner. A sample of Queriers who received a matched response will be surveyed about the information received. NPDB and HIPDB non-users will also be surveyed. Eligible NPDB and HIPDB users will be asked to complete a Web-based Internet survey or a computer-assisted telephone interview (CATI). NPDB and HIPDB non-users will complete either a Web or CATI, or will be transferred to an interactive voice response (IVR) system during the CATI to complete the survey.

Data gathered from the survey will be compared with similar information from previous surveys of users and non-users and will provide HRSA with the information necessary to improve the usability of the NPDB and HIPDB.

ESTIMATED BURDEN ON RESPONDENTS

Respondents	Respondent description	Number of respondents	Responses per respondent	Total responses	Hours per response	Total burden (hours)
NPDB Users Group Survey	Malpractice Payers	228	1	228	.25	57
	Licensing Boards	90	1	90	.25	22.5
	Hospitals (Reporting)	466	1	466	.25	116.5
	Hospitals (Querying)	994	1	994	.25	248.5
	MCOs	90	1	900	.25	225
	Other HCEs (Reporting)	57	1	57	.25	14.25
	Other HCEs (Querying)	976	1	976	.25	244
HIPDB Users Group Survey.	Licensing Boards	231	1	231	.25	57.75
	Government Hospitals	390	1	390	.25	97.5
	MCOs	580	1	580	.25	145
	Other HCEs	260	1	260	.25	65
NPDB Matched Response Surve.	Licensing Boards	55	3	165	.1	16.5
	Hospitals	984	3	2952	.1	295.2
	MCOs	848	3	2544	.1	254.4
	Other HCE's	904	3	2712	.1	271.2
HIPDB Matched Response Survey.	Licensing Boards	4	3	129	.1	12.9
	Hospitals	202	3	606	.1	60.6
	MCOs	432	3	1296	.1	129.6
	Other HCEs	87	3	261	.1	26.1
NPDB Non-User Survey	Licensing Boards	213	1	213	.16	34.1
	MCOs	341	1	341	.16	54.6
	Other HCEs	881	1	881	.16	141
HIPDB Non-User Survey	Licensing Boards	30	1	30	.16	4.8
	MCOs	411	1	411	.16	76.3
	Other HCEs	974	1	974	.16	155.8
Total		11,577		18,687		2826.1

Send comments to Susan G. Queen, Ph.D., HRSA Reports Clearance Officer, Room 10–33, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857. Written comments should be received within 60 days of this notice.

Dated: February 12, 2007.

Caroline Lewis,

Acting Associate Administrator for Administration and Financial Management.

[FR Doc. E7–2856 Filed 2–20–07; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Proposed Collection Comment Request; Monitoring and Evaluation of the NIDA Goes Back to School National Dissemination Campaign; Revision

Summary: In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 concerning opportunity for public comment on proposed collection of information, the National Institute on Drug Abuse (NIDA), the National Institutes of Health (NIH) will publish periodic summaries of proposed projects to be submitted to the Office of Management and Budget (OMB) for review and approval. We are publishing a revised version of the notice that we published in the **Federal Register** on January 30, 2006 (72 FR 4273–4274) to reflect a correction in the data presented in Table A. In the previous notice, we inadvertently calculated the burden totals on the basis of 400 subjects for a single year. We should have calculated the burden totals on the basis of 400 subjects per each of three study years. Today's notice corrects that error.

Proposed Collection

Title: Monitoring and Evaluation of the NIDA Goes Back to School National Dissemination Campaign.

Type of Information Collection Request: New.

Need and Use of Information Collection: This is a request for a one-time clearance to collect information on the use of the NIDA Goes Back to School (NGBTS) dissemination materials that can be requested by interested persons from the NIDA Internet site. The

National Institute on Drug Abuse (NIDA) launched an initiative to increase awareness of the Institute and its mission to bring the power of science to bear on the treatment and prevention of drug abuse and addiction. NIDA has been developing science education materials for grades K–12 for use by students, teachers, parents, school counselors, school health educators, school resources officers, community organizers, and state and local government agencies. The number of requestors has been an average of 7,500 per year. These large numbers indicate that the dissemination reach is considerable. The pattern of requests also indicates that the number of requests increases dramatically in the early weeks after a dissemination activity is launched. The purpose of this information collection is to determine the level of use by school personnel and community leaders who request the NGBTS materials, and if there is a difference in use level between those requestors responding to a campaign activity and those requestors who were not reached by campaign activities. The information will identify barriers to the use of the materials among these occupational groups and the populations they serve. It will help make the materials more productive in raising the awareness of the harms from substance abuse among children, youth, and parents. It will be used to refine the focus of the dissemination activities, so that dissemination resources are used more productively. The information will be collected from requestors who have requested NIDA NGBTS materials using the requestor forms from the NIDA site, from October 2003 to September 2005. All information collection in the evaluation will be conducted on-line. The estimated total time for a survey is 5 minutes. Prior to the monitoring and evaluation study, the information collection instruments will be pilot-tested via telephone interview format, with a sample of 8 individuals who have requested these materials during the chosen study years. The surveys will include the following elements: (1) Use of the NGBTS materials, (2) Opinion of the NGBTS materials, (3) Respondent information on gender, present occupation and its duration, (4) Background information on the school or Organization/Community.

Frequency of Response: This project will be conducted once.

Affected Public: School personnel, and Community Leaders who have requested the NGBTS materials.

Type of Respondent: School personnel, and Community Leaders who have requested the NGBTS materials from the NIDA site.

Estimated Total Annual Number of Respondents: 400.

Estimated Number of Responses per Respondent: 1.

Average Burden Hours per Response: .08.

Estimated Total Annual Burden Hours Requested: 96.0. There are no Capital Costs to report. There are no Operating or Maintenance Costs to report. The estimated annualized burden is summarized below.

Type of respondents	Number of respondents	Frequency of response	Average burden hours per response	Estimated total burden hours requested
Requestors—School Personnel	600	1	0.08	48
Requestors—Community Leaders	600	1	0.08	48
Total	1200			96

Request for Comments: Written comments and/or suggestions from the public and affected agencies are invited on one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (2) the accuracy of the agency'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 other forms of information technology.

For Further Information Contact: To request more information on the proposed project or to obtain a copy of the information collection plans, contact Brian Marquis, Project Officer, National Institute on Drug Abuse, 6001 Executive Boulevard, Room 5216, Bethesda, MD 20892, or call non-toll-free number 301–443–1124; fax 301–443–7397; or by e-mail to *bmarquis@nida.nih.gov.*

Comments Due Date: Comments regarding this information collection are best assured of having their full effect if received within 60 days of the date of this publication.

Dated: February 9, 2007.

Donna Jones,

Budget Officer & Acting Associate Director for Management, National Institute on Drug Abuse.

[FR Doc. E7–2881 Filed 2–20–07; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Proposed Collection; Comment Request; Customer Satisfaction With Educational Programs and Products of the National Cancer Institute

Summary: In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, for opportunity for public comment on proposed data collection projects, the National Cancer Institute (NCI), the National Institutes of Health (NIH) will publish periodic summaries of proposed projects to be submitted to the Office of Management and Budget (OMB) for review and approval.

Proposed Collection

Title: Customer Satisfaction with Educational Programs and Products of the National Cancer Institute.

Type of Information Collection Request: EXTENSION (OMB#0925–0526, expires 2/28/07).

Need and Use of Information Collection: The Office of Communications and Education (OCE) of the National Cancer Institute (NCI) is responsible for the design, implementation, and evaluation of education programs over the entire cancer continuum, including prevention, screening, diagnosis, treatment, survivorship, and palliative care; it also manages NCI initiatives that address specific challenges in cancer research and treatment. To help ensure the relevance, utility, and appropriateness of the many educational programs and products that OCE and NCI produce, OCE intends to collect information on customer

satisfaction with those products through customer satisfaction surveys. By obtaining information from customers on the extent to which materials satisfy their needs, OCE and NCI will be able to systematically establish and follow a feedback loop that provides useful information to revise and enhance educational programs and products so that they attain maximum relevance, utility, appropriateness, and impact. Data will be collected through various means, including telephone, mail, in-person, and web-based surveys.

Frequency of Response: On occasion.

Affected Public: Individuals or households, organizations involved in providing health care services.

Type of Respondents: Health care consumers of NCI educational programs or products, including cancer patients and families, health care professionals, cancer control planners, and policymakers.

The estimated annual burden hours are as follows:

Product	Average sample size	Frequency of response	Average duration (hours)	Estimated total burden requested (hours)
40 different products	450	1	0.1	1800

Request for Comments: Written comments and/or suggestions from the public and affected agencies are invited on one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

For Further Information Contact: To request more information on the proposed project, contact Nina Goodman, Senior Analyst, Office of Communications and Education, NCI, NIH, 6116 Executive Blvd., Suite 400, Rockville, MD 20852, call non-toll-free number 301–435–7789 or e-mail your request to: *goodman@mail.nih.gov.*

Comments Due Date: Comments regarding this information collection are best assured of having their full effect if received within 60 days of the date of this publication.

Dated: February 7, 2007.

Rachelle Ragland-Greene,

NCI Project Clearance Liaison, National Institutes of Health.

[FR Doc. E7–2886 Filed 2–20–07; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Public Teleconference Regarding Licensing and Collaborative Research Opportunities for: PDE11A as a Novel Therapeutic Target for Inherited Form of Cushing Syndrome and Endocrine Tumors; Dr. Constantine A. Stratakis et al. (NICHD)

AGENCY: National Institutes of Health, Public Health Service, HHS.

ACTION: Notice.

Technology Summary

The technology identifies a new form of Cushing Syndrome, ''isolated micronodular adrenocortical disease'' (iMAD), classified as a rare disease, as well as the role of PDE11A gene in this disease. We have identified particular sequence variants of the PDE11A gene causing abnormal or altered function of this gene; these variants are present in higher proportion in patients with iMAD, as well as in patients with other adrenal tumors. Additionally, we suggest that PDE11A can be a potential novel drug target for the treatment of bilateral adrenal hyperplasia, and possibly other endocrine tumors.

Technology Description

Phosphodiesterases (PDEs) are a family of cyclic AMP (cAMP) and/or cyclic GMP (cGMP)-hydrolyzing enzymes that cleave 3′, 5′-cyclic nucleotide monophosphates to 5′-nucleotide monophosphates. The PDE superfamily is large and complex, containing 11 highly related and structurally related gene families and over 60 distinct isoforms. PDE family members hydrolyze exclusively cAMP (PDE4, PDE7, and PDE8), exclusively cGMP (PDE5, PDE6, and PDE9), or both cAMP and cGMP (PDE1, PDE2, PDE3, PDE10, and PDE11). Specifically, PDE11A is a dual-specificity phosphodiesterase and is expressed in several endocrine tissues including the adrenal cortex. Members of the PDE family differ in tissue distribution, inhibitor specificity, and in mode of regulation. The side effects of the PDE inhibitors are contributed by the cross-reactivity of the inhibitors to other isoforms of the PDE.

The invention is the discovery that the PDE 11A gene has statistically significant linkage to ''isolated micronodular adrenocortical disease'' (iMAD), an inherited form of Cushing Syndrome. Patients suffering from the disease have high cortisol levels and infants with this disease may die from related complications, *e.g.*, malignant hypertension or immunosuppression. So far the inventors have identified 3 inactivating mutations of an isoform of the PDE 11A gene, PDE11A4 linked to this particular form of Cushing syndrome; they have also identified several sequence polymorphisms of this gene that may be associated with a variety of adrenal and other conditions. One of these polymorphic variations of the sequence that have been identified leads to an alternate protein product of the PDE11A4 isoform. Such polymorphisms may have important implications for drugs that depend that depend on PDEs functions.

The invention can be separated into three categories:

1. Clinical identification of a new disease termed ''isolated micronodular adrenocortical disease'' (iMAD), an inherited form of Cushing Syndrome.

2. Identification of PDE11A gene and sequence variants for the diagnosis of ''isolated micronodular adrenocortical disease'' (iMAD) a form of Cushing Syndrome and endocrine tumors, i.e. as diagnostic genetic biomarker.

3. Identification of PDE11A as a potential novel drug target for the treatment of bilateral adrenal hyperplasia and other endocrine and

non-endocrine tumors and malignancies.

The inventor is continuing work on the development and functional characterization of the PDE11A and its variants in relation to iMAD and other tumors and malignancies of the endocrine system.

Competitive Advantage of Our Technology

Cushing Syndrome occurs in 5 to 10 per 15 million every year and 27,000 new cases of endocrine tumors are diagnosed every year. Our technology identifies a functional role of PDE11A in a new form of Cushing Syndrome and its possible role in endocrine tumors and/or other cancers. PDE inhibitors have been successfully used in the treatment of erectile dysfunction. Currently, there are three products in the market, which inhibit the different forms of PDEs for the treatment of erectile dysfunction: Sildeafil (Viagra®), Vardenafil (Levitra®) and Tadalafil (Cialis®) manufactured by Pfizer, GlaxoSmithkline/Bayer/Schering-Plough and Lily Icos respectively.

Among the marketed PDE inhibitors, Cialis® targets PDE11A and PDE5A. Most interestingly, Cialis® has no known effects on the adrenal gland and endocrine system and no PDE gene has ever been reported to be associated with endocrine or other human tumor development. Our invention of the variants of PDE11A genes and subsequent new protein PDE11A4 from one of the genetic variants have opened up the possibility of the development of new drugs for iMAD, adrenal hyperplasia and other endocrine tumors and malignancies targeting these proteins.

The three marketed PDE inhibitors mentioned above have exceeded individual worldwide sales figures of 1 billion dollars each in 2007 and have been projected to grow steadily in the next few years. Additionally, the endocrine drug market has been projected to grow to more than 40 billion dollars in the next 5 years. New PDE inhibitors and the ones in the market are all in clinical trials for several diseases such as erectile dysfunction, neurological diseases and cardiovascular diseases.

Our technology suggests that drugs that modulate PDE function can be used in treating iMAD, a rare genetic form of Cushing Syndrome with fatal implications in children. The new PDE11A gene variants that have been identified have diagnostic and therapeutic implications. PCR-based diagnostic tools can be developed to diagnose iMAD and novel antagonists targeting these PDE11A variants can be identified and developed as drugs.

Patent Estate

This technology consists of U.S. Provisional Applications Serial No. 60/761,446 entitled ''PDE11A mutations in Adrenal Diseases'' filed January 24, 2007. A PCT application has also been filed.

Next Step: Teleconference

There will be a teleconference where the principal investigator will explain this technology. Licensing and collaborative research opportunities will also be discussed. If you are interested in participating in this teleconference please call or e-mail Mojdeh Bahar; (301) 435–2950; *baharm@mail.nih.gov.* OTT will then e-mail you the date, time and number for the teleconference.

Dated: February 13, 2007.

Steven M. Ferguson,

Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institutes of Health.

[FR Doc. E7–2884 Filed 2–20–07; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of the Director, National Institutes of Health; Amended Notice of Meeting

Notice is hereby given of a change and additional information for the meeting of the Advisory Committee to the Director, NIH, February 21, 2007, 2:30 to 4 p.m., National Institutes of Health, 9000 Rockville Pike, Bethesda, MD 20892 (Telephone Conference Call) which was published in the **Federal Register** on February 8, 2007, 72 FR 5982.

The meeting will be held from 2:30 p.m. to 4:30 p.m. Also, individuals interested in attending the meeting must contact Dr. Penny W. Burgoon for telephone number and pass code. The meeting is open to the public.

Dated: February 9, 2007.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–763 Filed 2–20–07; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel, Research Demonstration and Dissemination Projects (R18).

Date: March 6, 2007.

Time: 1 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Patricia A. Haggerty, PhD, Scientific Review Administrator, Review Branch/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7194, Bethesda, MD 20892–7924, 301–435–0288, *haggertp@nhibi.nih.gob.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: February 9, 2007.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–761 Filed 2–20–07; 8:45 am]

BILLING CODE 4140–07–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Human Genome Research Institute; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as

amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Human Genome Research Institute Special Emphasis Panel, MOUSE Repository RFA.

Date: March 8, 2007.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hotel Lombardy, 2019 Pennsylvania Ave., NW., Washington, DC 20006.

Contact Person: Ken D. Nakamura, PhD, Scientific Review Administrator, Office of Scientific Review, National Human Genome Research Institute, National Institutes of Health, Bethesda, MD 20892, 301–402–0838.

Name of Committee: National Human Genome Research Institute Special Emphasis Panel, Sequencing Technology RFA.

Date: March 15–16, 2007.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hotel Rouge, 1315 16th Street, NW., Washington, DC 20036.

Contact Person: Ken D. Nakamura, PhD, Scientific Review Administrator, Office of Scientific Review, National Human Genome Research Institute, National Institutes of Health, Bethesda, MD 20892, 301–402–0838.

(Catalogue of Federal Domestic Assistance Program Nos. 93.172, Human Genome Research, National Institutes of Health, HHS)

Dated: February 13, 2007.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–755 Filed 2–20–07; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Child Health and Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel; Maintenance and Operation of a Chemical Synthesis Facility.

Date: February 27, 2007.

Time: 12 p.m. to 1:30 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, 6100 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Hameed Khan, PhD, Scientific Review Administrator, Division of Scientific Review, National Institute of Child Health and Human Development, NIH, 6100 Executive Blvd., Room 5B01, Bethesda, MD 20892, (301) 435–6902, *khanh@mail.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: February 12, 2007.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–751 Filed 2–20–07; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institutes of Child Health and Human Development; 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 Child Health and Human Development Special Emphasis Panel; Nutrient Restriction: Placental and Fetal Brain and Renal Outcomes and Mechanisms.

Date: February 21, 2007.

Time: 1 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6100 Executive Blvd., 5B01, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Gopal M. Bhatnagar, PhD., Scientific Review Administrator, National Institute of Child Health and Human Development, National Institutes of Health, 6100 Bldg., Rm. 5B01, Rockville, MD 20852, (301) 435–6889, *bhatnagg@mail.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute of Child Health and Human Development Initial Review Group, Developmental Biology Subcommittee.

Date: February 26–27, 2007.

Time: 8 a.m. to 5 pm.

Agenda: To review and evaluate grant applications.

Place: Ritz-Carlton Hotel at Pentagon City, 1250 South Hayes Street, Arlington, VA 22202.

Contact Person: Norman Chang, PhD., Scientific Review Administrator, Division of Scientific Review, National Institute of Child Health and Human Development, NIH, 6100 Executive Blvd., Room 5B01, Bethesda, MD 20892, (301) 496–1485, *changn@mail.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute of Child Health and Human Development Initial Review Group; Biobehavioral and Behavioral Sciences Subcommittee.

Date: February 27–28, 2007.

Time: 9 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Marriott at Metro Center, 775 12th Street, NW., Washington, DC 20005.

Contact Person: Marita R. Hopmann, PhD., Scientific Review Administrator, Division of Scientific Review, National Institute of Child Health and Human Development, NIH, 6100 Executive Boulevard, Room 5B01, Bethesda, MD 20892, (301) 435–6911, *hopmannm@mail.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and

Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: February 12, 2007.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–752 Filed 2–20–07; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Initial Review Group, Digestive Diseases and Nutrition C Subcommittee.

Date: March 8–9, 2007.

Open: March 8, 2007, 8 a.m. to 8:30 a.m.

Agenda: To review procedures and discuss policy.

Place: Courtyard by Marriott-Crystal City, 2899 Jefferson Davis Highway, Alexandria, VA 22202.

Closed: March 8, 2007, 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Courtyard by Marriott-Crystal City, 2899 Jefferson Davis Highway, Alexandria, VA 22202.

Closed: March 9, 2007, 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Courtyard by Marriott-Crystal City, 2899 Jefferson Davis Highway, Alexandria, VA 22202.

Contact Person: Dan E. Matsumoto, Scientific Review Administrator, Review Branch, DEA, NIDDK, National Institutes of Health, Room 749, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–8894, *matsumotod@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: February 11, 2007.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–753 Filed 2–20–07; 8:45 am]

BILLING CODE 4140–01–M

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; Ancillary Studies to NIDDK Trials.

Date: March 22, 2007.

Time: 3 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: Maria E. Davila-Bloom, PhD, Scientific Review Administrator, Review Branch, DEA, NIDDK, National Institutes of Health, Room 758, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–7637, *davila-bloomm@extra.niddk.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Training Grants.

Date: March 27, 2007.

Time: 1 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: Michael W. Edwards, PhD, Scientific Review Administrator, Review Branch, DEA, NIDDK, National Institutes of Health, Room 750, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–8886, *edwardsm@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: February 11, 2007.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–754 Filed 2–20–07; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel, Development of Novel Drug Delivery Systems for Treatment Medications.

Date: March 1, 2007.

Time: 1:30 p.m. to 4 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, 6101 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Eric Zatman, Contract Review Specialist, Office of Extramural Affairs, National Institute on Drug Abuse, NIH, DHHS, Room 220, MSC 8401, 6101 Executive Boulevard, Bethesda, MD 20892–8401, (301) 435–1438.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.279, Drug Abuse and Addiction Research Programs, National Institutes of Health, HHS)

Dated: February 13, 2007.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–756 Filed 2–20–07; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to public in accordance with the provisions set forth in section 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel, NRSA for Interdiscplinary Individual Postdoctoral Fellowships for Training in Neurodegeneration Research (F32).

Date: March 20, 2007.

Time: 1 p.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6100 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Meenaxi Hiremath, PhD, Health Scientist Administrator, Office of Extramural Affairs, National Institute on Drug Abuse, National Institutes of Health, DHHS, 6101 Executive Blvd., Suite 220, MSC 8401, Bethesda, MD 20892, 301–402–7964, *mh392g@nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.279, Drug Abuse and Addiction Research Programs, National Institutes of Health, HHS)

Dated: February 13, 2007.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–757 Filed 2–20–07; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of General Medical Sciences Special Emphasis Panel, Pilot Scale Library Meeting.

Date: March 5, 2007.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Doubletree Hotel Bethesda, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: C Craig Hyde, PhD, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, Building 45, Room 3AN18, Bethesda, MD 20892, 301–435–3825, *ch2v@nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives, National Institutes of Health, HHS)

Dated: February 13, 2007.

Anna P. Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–758 Filed 2–20–07; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; 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 on Drug Abuse Special Emphasis Panel, NIDA/L Conflicts.

Date: March 5, 2007.

Time: 1 p.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: Marriott Metro Center, 775 12th Street NW., Washington, DC 20005.

Contact Person: Mark R. Green PhD, Deputy Director, Office of Extramural Affairs, National Institute on Drug Abuse, NIH, DHHS, Room 220, MSC 8401, 6101 Executive Boulevard, Bethesda, MD 20892–8401, (301) 435–1431, *mgreen1@nida.nih.gov*.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel, Clinical Trials Network.

Date: March 26, 2007.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road, NW., Washington, DC 20015.

Contact Person: Mark R. Green, PhD, Deputy Director, Office of Extramural Affairs, National Institute on Drug Abuse, NIH, DHHS, Room 220, MSC 8401, 6101 Executive Boulevard, Bethesda, MD 20892–8401, (301) 435–1431, *mgreen1@nida.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.279, Drug Abuse and Addiction Research Programs, National Institutes of Health, HHS)

Dated: February 9, 2007.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–759 Filed 2–20–07; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel, Metabolomics in Drug Abuse Research.

Date: February 21, 2007.

Time: 1:30 p.m. to 3:30 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, 6101 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Eric Zatman, Contract Review Specialist, Office of Extramural Affairs, National Institute of Drug Abuse, NIH, DHHS, Room 220, MSC 8401, 6101 Executive Boulevard, Bethesda, MD 20892–8401, (301) 435–1438.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.279, Drug Abuse and Addiction Research Programs, National Institutes of Health, HHS)

Dated: February 9, 2007.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–760 Filed 2–20–07; 8:45 am]

BILLING CODE 4140–01–M

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; Conference Grant Review.

Date: February 23, 2007.

Time: 1 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: Atul Sahai, PhD, Scientific Review Administrator, Review Branch, DEA, NIDDK, National Institutes of Health, Room 908, 6707 Democracy Boulevard, Bethesda, MD 20892, (301) 594–2242, *sahaia@niddk.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel, Follow-up of BACH.

Date: March 8, 2007.

Time: 1 p.m. to 2 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: Carol J. Goter-Robinson, PhD, Scientific Review Administrator, Review Branch, DEA, NIDDK, National Institutes of Health, Room 748, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–7791, *goterrobinsonc@extra.niddk.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel, The Genetics Consortium of Inflammatory Bowel Disease.

Date: March 13, 2007.

Time: 1 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: Xiaodu Guo, MD, PhD, Scientific Review Administrator, Review Branch, DEA, NIDDK, National Institutes of Health, Room 910, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–4719, *guox@extra.niddk.nih.gov.*

(Catalogue of Federal Domestic Assistance Program No. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research; National Institutes of Health, HHS)

Dated: February 9, 2007.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–764 Filed 2–20–07; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; 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 pubic in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Special Emphasis Panel; Ad Trials.

Date: February 26, 2007.

Time: 2 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, 2C212, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Ramesh Vemuri, PhD, Scientific Review Office, National Institute on Aging, National Institutes of Health, 7201 Wisconsin Avenue, Suite 2C–212, Bethesda, MD 20892, 301–402–7700, *rv23r@nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute on Aging Special Emphasis Panel, Aging Hormone Trial

Date: February 27–28, 2007.

Time: 7 p.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Ramesh Vemuri, PhD, Scientific Review Office, National Institute on Aging, National Institutes of Health, 7201 Wisconsin Avenue, Suite 2C–212, Bethesda, MD 20892, 301–402–7700, *rv23r@nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing

limitations imposed by the review and funding cycle.

Name of Committee: National Institute on Aging Special Emphasis Panel, RFA AG06–008.

Date: March 2, 2007.

Time: 1 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road, NW., Washington, DC 20015.

Contact Person: Alicja L. Markowska, PhD, DSC, National Institute on Aging, National Institutes of Health, 7201 Wisconsin Avenue, Suite 2C212, Bethesda, MD 20892, 301–496–9666, *markowsa@nia.nih.gov.*

Name of Committee: National Institute on Aging Initial Review Group, Neuroscience of Aging Review Committee.

Date: March 12–13, 2007.

Time: 5 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: The Watergate Hotel, 2650 Virginia Avenue NW., Washington, DC 20037.

Contact Person: Louise L. Hsu, PhD, Health Scientist Administrator, Scientific Review Office, National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue/Suite 2C212, Bethesda, MD 20892, (301) 496–7705, *hsul@exmur.nia.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: February 9, 2007.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–765 Filed 2–20–07; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging, Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Special Emphasis Panel, Age, Gene-Environment Susceptibility—The Rejjavik Study II (Ages—RSII).

Date: February 13, 2007

Time: 9 a.m. to 10 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, 2C212, Bethesda, MD 20814, (Telephone Conference Call).

Contact Person: Alicja L. Markowska, PhD., DSC National Institute on Aging, National Institutes of Health, 7201 Wisconsin Avenue, Suite 2C212, Bethesda, MD 20892, 301–496–9666, *markowsa@nia.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institues of Health, HHS)

Dated: February 9, 2007.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–766 Filed 2–20–07; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; 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: Center for Scientific Review Special Emphasis Panel, Member Conflict: Stress, Social Anxiety and Role Strain in Adults.

Date: February 16, 2007.

Time: 2 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Gayle M. Boyd, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3028–D, MSC 7759, Bethesda, MD 20892, 301–451–9956, *gboyd@mail.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Molecular, Cellular and Developmental Neuroscience Integrated Review Group, Molecular Neuropharmacology and Signaling Study Section.

Date: February 21–22, 2007.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Jurys Washington Hotel, 1500 New Hampshire Avenue, NW., Washington, DC 20032.

Contact Person: Carole L. Jelsema, PhD, Chief and Scientific Review Administrator, MDCN IRG, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4176, MSC 7850, Bethesda, MD 20892, (301) 435–1248, *jelsemac@csr.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Psychological Sequelae of Diagnosis.

Date: February 22, 2007.

Time: 2 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Lee S. Mann, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3186, MSC 7848, Bethesda, MD 20892, 301–435–0677, *mannl@csr.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Fellowships Review: Sensory, Motor and Cognitive Neuroscience.

Date: February 27, 2007.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Jurys Washington Hotel, 1500 New Hampshire Ave., NW., Washington, DC 20036.

Contact Person: Judith A. Finkelstein, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5178, MSC 7844, Bethesda, MD 20892, 301–435–1249, *finkelsj@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, PET Imaging Overflow.

Date: February 28, 2007.

Time: 4 p.m. to 7 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Xiang-Ning Li, MD, PhD, Scientific Review Administrator, Center for

Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5112, MSC 7854, Bethesda, MD 20892, 301–435–1744, *lixiang@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, SBIR/STTR Risk Prevention and Health Behaviors.
Date: March 1, 2007.
Time: 8:30 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Ritz-Carlton Hotel, 1700 Tysons Boulevard, McLean, VA 22102.
Contact Person: Claire E. Gutkin, PhD, MPH, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3138, MSC 7759, Bethesda, MD 20892, 301–594–3139, *gutkincl@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, SBIR/STTR Early Childhood Behaviors and Adolescent/Adult Addictions.
Date: March 2, 2007.
Time: 8:30 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Ritz-Carlton Hotel, 1700 Tysons Boulevard, McLean, VA 22102.
Contact Person: Claire E. Gutkin, PhD, MPH, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3138, MSC 7759, Bethesda, MD 20892, 301–594–3139, *gutkincl@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, NIDDK PAR 06 113.
Date: March 5, 2007.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Crowne Plaza, 8777 Georgia Avenue, Silver Spring, MD 20910.
Contact Person: Daniel F. McDonald, PhD, Scientific Review Administrator, Chief, Renal and Urological Sciences IRG, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4214, MSC 7814, Bethesda, MD 20892, (301) 435–1215, *mcdonald@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Radiation Therapy and Biology SBIR/STTR.
Date: March 5–6, 2007.
Time: 8 a.m. to 11 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).
Contact Person: Bo Hong, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6194, MSC 7804, Bethesda, MD 20892, 301–435–5879, *hongb@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Drug and Discovery and Development Special Emphasis Panel.
Date: March 5, 2007.
Time: 8:30 a.m. to 6 p.m.
Agenda: To review and evaluate grant applications.
Place: St. Gregory Hotel, 2033 M Street, NW., Washington, DC 20036.
Contact Person: Sergei Ruvinov, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4158, MSC 7806, Bethesda, MD 20892, 301–435–1180, *ruvinser@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Fellowships: Diversity Program.
Date: March 7, 2007.
Time: 8 a.m. to 6 p.m.
Agenda: To review and evaluate grant applications.
Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Mt. Vernon, Bethesda, MD 20814.
Contact Person: Abdelouahab Aitouche, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2183, MSC 7818, Bethesda, MD 20892, 301–435–2365, *abdelouahaba@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Diabetes and Obesity.
Date: March 7, 2007.
Time: 10 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).
Contact Person: Krish Krishnan, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6164, MSC 7892, Bethesda, MD 20892, (301) 435–1041, *krishnak@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Immune Mechanisms.
Date: March 7, 2007.
Time: 1 p.m. to 3 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Jian Wang, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4095D, MSC 7812, Bethesda, MD 20892, (301) 435–2778, *wangjia@csr.nih.gov.*

Name of Committee: AIDS and Related Research Integrated Review Group, Behavioral and Social Consequences of HIV/AIDS Study Section.
Date: March 8, 2007.
Time: 8 a.m. to 6 p.m.
Agenda: To review and evaluate grant applications.
Place: The Westwood on Wilshire, 10740 Wilshire Blvd, Los Angeles, CA 90024.
Contact Person: Mark P. Rubert, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5218, MSC 7852, Bethesda, MD 20892, 301–435–1775, *rubertm@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Drug Use and Lifestyle in Adolescents and Adults.
Date: March 8, 2007.
Time: 1 p.m. to 4 p.m.
Agenda: To review and evaluate grant applications.
Place: Beacon Hotel and Corporate Quarters, 1615 Rhode Island Avenue, NW, Washington, DC 20036.
Contact Person: Gayle M. Boyd, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3028–D, MSC 7759, Bethesda, MD 20892, 301–451–9956, *gboyd@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Development of Methods of In Vivo Imaging and Bioengineering Research.
Date: March 12–13, 2007.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road, NW, Washington, DC 20015.
Contact Person: Alexandra M. Ainsztein, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5144, MSC 7840, Bethesda, MD 20892, 301–451–3848, *ainsztea@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Auditory System Development.
Date: March 13, 2007.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).
Contact Person: John Bishop, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5180, MSC 7844, Bethesda, MD 20892, (301) 435–1250, *bishopj@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Mesoderm and Mesenchymal Stem Cells.
Date: March 13, 2007.
Time: 3 p.m. to 4:30 p.m.
Agenda: To review and evaluate grant applications.
Place: 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Chhanda L. Ganguly, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4118, MSC 7802, Bethesda, MD 20892 (301) 435–1739, *gangulyc@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Neurogenetics and Neurogenomics.
Date: March 14, 2007.
Time: 8 a.m. to 6 p.m.
Agenda: To review and evaluate grant applications.
Place: The Watergate, 2650 Virginia Avenue, NW., Washington, DC 20037.
Contact Person: Robert C. Elliott, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3130, MSC 7850, Bethesda, MD 20892, 301–435–3009, *elliotro@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Clocks in Arabidopsis and Neurospora.
Date: March 14, 2007.
Time: 9 a.m. to 12 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Lawrence Baizer, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4152, MSC 7850, Bethesda, MD 20892 (301) 435–1257, *baizerl@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Small Business: Assays, Devices, and Instruments.
Date: March 14–15, 2007.
Time: 9 a.m. to 6 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).
Contact Person: Geoffrey White, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5148, MSC 7849, Bethesda, MD 20892, 301–435–2417, *whitege@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Member Conflicts in Motor Function, Language, and Cognition.
Date: March 14, 2007.
Time: 1 p.m. to 3:30 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Luci Roberts, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3188, MSC 7848, Bethesda, MD 20892, (301) 435–0692, *roberlu@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Cell and Molecular Biology of Kidney Members Conflict Review.
Date: March 14, 2007.
Time: 3 p.m. to 4:30 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Krystyna E. Rys-Sikora, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4016J, MSC 7814, Bethesda, MD 20892, 301–451–1325, *ryssokok@csr.nih.gov*.

Name of Committee: AIDS and Related Research Integrated Review Group, AIDS Discovery and Development of Therapeutics Study Section.
Date: March 15, 2007.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Hotel Washington, Pennsylvania Ave at 15th Street, NW., Washington, DC 20004.
Contact Person: Shiv A. Prasad, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5220, MSC 7852, Bethesda, MD 20892, 301–443–5779, *prasads@csr.nih.gov*.

Name of CommittCee: AIDS and Related Research Integrated Review Group, NeuroAIDS and other End-Organ Diseases Study Section.
Date: March 15, 2007.
Time: 8 a.m. to 6 p.m.
Agenda: To review and evaluate grant applications.
Place: Doubletree Hotel Washington, DC, 1515 Rhode Island Ave., NW., Washington, DC 20005.
Contact Person: Ranga V. Srinivas, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5216, MSC 7852, Bethesda, MD 20892, (301) 435–1167, *srinivar@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Small Business: Digestive Sciences and Bioengineering.
Date: March 15, 2007.
Time: 8 a.m. to 4 p.m.
Agenda: To review and evaluate grant applications.
Place: Bethesda Marriott, 5151 Pooks Hill Road, Bethesda, MD 20814.
Contact Person: Bonnie L. Burgess-Beusse, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2191C, MSC 7818, Bethesda, MD 20892, 301–435–1783, *beusseb@mail.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Chemical and Biophysics SBIR/STTR Panel.
Date: March 15, 2007.
Time: 8:30 a.m. to 6 p.m.
Agenda: To review and evaluate grant applications.
Place: The Beacon Hotel and Corporate Quarters, 1615 Rhode Island Avenue, NW., Washington, DC 20036.
Contact Person: Sergei Ruvinov, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4158, MSC 7806, Bethesda, MD 20892, 301–435–1180, *ruvinser@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Fellowship: Biophysical and Biochemical Sciences.
Date: March 15–16, 2007.
Time: 8:30 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Churchill Hotel, 1914 Connecticut Avenue, NW., Washington, DC 20009.
Contact Person: James W. Mack, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 40401, MSC 7806, Bethesda, MD 20892, 301–435–1747, *mackj2@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Biobehavioral Regulation, Learning and Ethology.
Date: March 15, 2007.
Time: 10:30 a.m. to 11 a.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Cheri Wiggs, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3180, MSC 7848, Bethesda, MD 20892, (301)–435–1261, *wiggsc@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Genetics of Hypertension.
Date: March 15, 2007.
Time: 1 p.m. to 3 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Ai-Ping Zou, PhD, MD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4118, MSC 7814, Bethesda, MD 20892, 301–435–1777, *zouai@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel, CLHP and NSCF Member SEP.
Date: March 15, 2007.
Time: 3 p.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Ellen K. Schwartz, EDD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3168, MSC 7770, Bethesda, MD 20892, 301–435–0681, *schwarte@csr.nih.gov*.

Name of Committee: Surgical Sciences, Biomedical Imaging and Bioengineering Integrated Review Group, Biomedical Computing and Health Informatics Study Section.
Date: March 15–16, 2007.
Time: 7 p.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Bethesda Marriott Suites, 6711 Democracy Boulevard, Bethesda, MD 20817.
Contact Person: Bill Punnag, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5124, MSC 7854, Bethesda, MD 20892, (301) 435–1177, *bunnagb@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Cardiovascular and Sleep Epidemiology Member Conflicts.
Date: March 15, 2007.
Time: 12 p.m. to 2 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Sandra L. Melnick, DRPH, Scientific Review Administrator, Center for

Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3028D, MSC 7770, Bethesda, MD 20892, 301–435–1251, *melnicks@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: February 8, 2007.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–762 Filed 2–20–07; 8:45 am]

BILLING CODE 4140–07–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Prospective Grant of Exclusive License: The Use of Adenovirus Vectors for the Development of Vaccines Against Human Immunodeficiency Virus and Other Infectious Agents

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 (NIH), Department of Health and Human Services (HHS), is contemplating the grant of an exclusive patent license to practice the inventions embodied in Patent Cooperation Treaty Application No. PCT/US02/27592 filed August 29, 2002 and United States National Stage Application Serial No. 10/487,974 filed February 27, 2004, entitled ''New Adenovirus Type 7 Vectors'' [HHS Reference No. E–236–2001/0], and United States Patent Application Serial No. 11/282,319 filed November 17, 2005, entitled ''Improved Replication-Competent Adenovirus Vectors'' [HHS Reference No. E–203–2004/0], to PaxVax, Inc., which has offices in Menlo Park, CA. The patent rights in these inventions have been assigned and/or exclusively licensed to the Government of the United States of America.

The prospective exclusive license territory may be the United States of America, and the field of use may be limited to the development of vaccines against human immunodeficiency virus, human papillomavirus, influenza, malaria, and tuberculosis.

DATES: Only written comments and/or applications for a license which are received by the NIH Office of Technology Transfer on or before April 23, 2007 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: Susan Ano, Ph.D., Technology Licensing Specialist, Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, MD 20852–3804; Telephone: (301) 435–5515; Facsimile: (301) 402–0220; E-mail: *anos@mail.nih.gov.*

SUPPLEMENTARY INFORMATION: The subject application addresses two (2) technologies related to specific techniques for producing adenoviral vectors and application of such vectors for gene transfer, vaccine development and therapeutics. Use of the present technologies in the prevention and/or treatment of disease, especially human immunodeficiency virus (HIV), is the primary focus of the current subject inventions.

The first technology (HHS Reference No. E–236–2001/0) describes a cosmid adenoviral serotype 7 (Ad7) vector for use in the prevention and/or treatment of HIV–1. This invention includes methods for producing and administering both replication-competent and incompetent Ad7. The cosmid Ad7 vector includes an Ad7 genome that can be modified to express specific nucleic acid sequences for production of a desired protein or epitope such as an HIV–1 gene product. This system may be used to generate proteins or epitopes of infectious agents for stimulation of desired immunogenic responses.

The second invention (HHS Reference No. E–203–2004/0) discloses improvements upon replication-competent Ad vectors, which serve to produce high level expression of any gene of interest, *i.e.*, a transgene. This system incorporates a novel hybrid gene regulatory unit comprising a CMV promoter and an adenovirus tripartite leader sequence for regulation of transgene expression. Additionally, the present disclosure provides methods of producing and administering the described adenoviral expression vectors, containing the nucleic acid sequence of significant HIV–1 proteins as transgenes for stimulation of an immune response to HIV–1.

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 within ninety (90) days from the date of this published notice, unless 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: February 12, 2007.

Steven M. Ferguson,

Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institutes of Health.

[FR Doc. E7–2883 Filed 2–20–07; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES); Fourteenth Regular Meeting; Provisional Agenda; Announcement of Public Meeting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: We, the United States, as a Party to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), will attend the fourteenth regular meeting of the Conference of the Parties to CITES (CoP14) in The Hague, The Netherlands, June 3–15, 2007. Currently, the United States is developing its negotiating positions on proposed resolutions, decisions, and amendments to the CITES Appendices (species proposals), as well as other agenda items that have been submitted by other Party countries and the CITES Secretariat for consideration at CoP14. With this notice we announce the provisional agenda for CoP14, solicit your comments on the items on the provisional agenda, and announce a public meeting to discuss the items on the provisional agenda.

DATES: The public meeting will be held on April 9, 2007, at 1:30 p.m. In developing the U.S. negotiating positions on proposed resolutions, decisions, and species proposals, and other agenda items submitted by other Party countries and the CITES Secretariat for consideration at CoP14, we will consider written information

and comments you submit if we receive them by April 23, 2007.

ADDRESSES: *Public Meeting:* The public meeting will be held in the Rachel Carson Room at the Department of the Interior at 18th and C Streets, NW., Washington, DC. Directions to the building can be obtained by contacting the Division of Management Authority (see **FOR FURTHER INFORMATION CONTACT**, below). Due to building security at the Department of the Interior, persons planning to attend the meeting must notify the Division of Management Authority by March 30, 2007, to allow us sufficient time to provide the building security staff with a list of persons planning to attend. For more information, see ''Announcement of Public Meeting'' under **SUPPLEMENTARY INFORMATION**.

Comment Submission: Comments pertaining to proposed resolutions, decisions, and/or agenda items should be sent to the Division of Management Authority; U.S. Fish and Wildlife Service; 4401 North Fairfax Drive; Room 700; Arlington, VA 22203; or via E-mail at: *cop14@fws.gov;* or via fax at: 703–358–2298. Comments pertaining to species proposals should be sent to the Division of Scientific Authority; U.S. Fish and Wildlife Service; 4401 North Fairfax Drive; Room 750; Arlington, VA 22203; or via E-mail at: *scientificauthority@fws.gov;* or via fax at: 703–358–2276. Comments and materials received will be available for public inspection, by appointment, from 8 a.m. to 4 p.m., Monday through Friday, at either the Division of Management Authority or the Division of Scientific Authority.

FOR FURTHER INFORMATION CONTACT: For information pertaining to proposed resolutions, decisions, and agenda items contact: Acting Chief, Branch of CITES Operations, Division of Management Authority; phone 703–358–2095; fax 703–358–2298; E-mail: *cop14@fws.gov.* For information pertaining to species proposals contact: Acting Chief, Division of Scientific Authority; phone 703–358–1708; fax 703–358–2276; E-mail: *scientificauthority@fws.gov.*

SUPPLEMENTARY INFORMATION:

Background

The Convention on International Trade in Endangered Species of Wild Fauna and Flora, hereinafter referred to as CITES or the Convention, is an international treaty designed to control and regulate international trade in certain animal and plant species that are now or potentially may become threatened with extinction. These species are listed in Appendices to CITES, which are available on the CITES Secretariat's Web site at *http://www.cites.org/eng/app/index.shtml.* Currently, 169 countries, including the United States, are Parties to CITES. The Convention calls for biennial meetings of the Conference of the Parties, which reviews its implementation, makes provisions enabling the CITES Secretariat in Switzerland to carry out its functions, considers amendments to the list of species in Appendices I and II, considers reports presented by the Secretariat, and makes recommendations for the improved effectiveness of CITES. Any country that is a Party to CITES may propose amendments to Appendices I and II, and draft resolutions, and decisions, and/or agenda items for consideration by all the Parties.

This is our third in a series of **Federal Register** notices that, together with announced public meetings, provide you with an opportunity to participate in the development of the U.S. negotiating positions for CoP14. We published our first CoP14-related **Federal Register** notice on January 20, 2006 (71 FR 3319), and with it we requested information and recommendations on species proposals and proposed resolutions, decisions, and agenda items for the United States to consider submitting for consideration at CoP14. We published our second such **Federal Register** notice on November 7, 2006 (71 FR 65126), and with it we requested information and recommendations on species proposals, proposed resolutions, proposed decisions, and other agenda items that the United States was considering submitting for consideration at CoP14. You may obtain information on the above **Federal Register** notices from the following sources: for information on proposed resolutions, decisions, and agenda items, contact the Division of Management Authority (**ADDRESSES**); and for information on species proposals, contact the Division of Scientific Authority (**ADDRESSES**). Our regulations governing this public process are found in 50 CFR 23.31–23.39.

CoP14 is scheduled to be held in The Hague, The Netherlands, June 3–15, 2007. On January 4, 2007, the United States submitted to the CITES Secretariat, for consideration at CoP14, its species proposals, proposed resolutions, proposed decisions, and other agenda items. These documents are available on our Web site at *http://www.fws.gov/international.*

Announcement of Provisional Agenda for CoP14

The provisional agenda for CoP14 is currently available on the CITES Secretariat's Web site at *http://www.cites.org/eng/cop/14/doc/index.shtml.* The working documents associated with the items on the provisional agenda, such as proposed resolutions, proposed decisions, and discussion documents, are also available on the Secretariat's Web site. To view the working document associated with a particular agenda item, access the provisional agenda at the above Web site, locate the particular agenda item, and click on the document link for that agenda item in the column entitled ''Document.'' Finally, the species proposals that will be considered at CoP14 are available on the Secretariat's Web site at *http://www.cites.org/eng/cop/14/raw_props.shtml.* We look forward to receiving your comments on the items on the provisional agenda.

Announcement of Public Meeting

We will hold a public meeting to discuss with you the items on the provisional agenda for CoP14. The public meeting will be held on the date specified in **DATES** at the address specified in **ADDRESSES**. You can obtain directions to the building by contacting the Division of Management Authority (see **FOR FURTHER INFORMATION CONTACT**, above). Please note that the Rachel Carson Room is accessible to the handicapped and all persons planning to attend the meeting will be required to present photo identification when entering the building. Due to building security in the Department of the Interior, persons planning to attend the meeting must notify the Division of Management Authority by March 30, 2007. Persons who plan to attend the meeting and who require interpretation for the hearing impaired must notify the Division of Management Authority by March 21, 2007.

Future Actions

Through an additional notice and Web site posting in advance of CoP14, we will inform you about tentative U.S. negotiating positions on proposed resolutions, proposed decisions, species proposals, and other agenda items that were submitted by other Party countries and the CITES Secretariat for consideration at CoP14.

Authors: The primary authors of this notice are Frank Kohn and Clifton Horton, Division of Management Authority; under the authority of the U.S. Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: February 2, 2007.

Mamie A. Parker,

Acting Director.

[FR Doc. E7–2872 Filed 2–20–07; 8:45 am]

BILLING CODE 4310–55–P

INTERNATIONAL TRADE COMMISSION

[Inv. No. 337–TA–593]

In the Matter of Certain Digital Cameras and Component Parts Thereof; Notice of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on January 19, 2007, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of St. Clair Intellectual Property Consultants, Inc., of Grosse Pointe, Michigan. Letters supplementing the Complaint were filed on February 7 and February 9, 2007. The complaint, as supplemented, alleges violations of section 337 in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain digital cameras and component parts thereof by reason of infringement of claim 16 of U.S. Patent No. 5,138,459; claims 1–3, 8, 10, 12, and 16–18 of U.S. Patent No. 6,094,219; claim 1 of U.S. Patent No. 6,233,010; claims 1–4 of U.S. Patent No. 6,323,899; and claims 5, 6, and 9–12 of U.S. 6,496,222. The complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

The complainant requests that the Commission institute an investigation and, after the investigation, issue a permanent exclusion order and permanent cease and desist orders.

ADDRESSES: The complaint and supplements, except for any confidential information contained therein, are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Room 112, Washington, DC 20436, telephone 202–205–2000. Hearing impaired individuals are advised that information on this matter can be obtained 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 at *http://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.*

FOR FURTHER INFORMATION CONTACT: David O. Lloyd, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205–2576.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2006).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on February 13, 2007, *ordered that*—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain digital cameras and component parts thereof by reason of infringement of one or more of claim 16 of U.S. Patent No. 5,138,459; claims 1–3, 8, 10, 12, and 16–18 of U.S. Patent No. 6,094,219; claim 1 of U.S. Patent No. 6,233,010; claims 1–4 of U.S. Patent No. 6,323,899; and claims 5, 6, and 9–12 of U.S. 6,496,222; and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is St. Clair Intellectual Property Consultants, Inc., 16845 Kercheval Avenue, Suite No. 2, Grosse Pointe, Michigan 48230.

(b) The respondent is the following entity alleged to be in violation of section 337, and is the party upon which the complaint is to be served: Eastman Kodak Company, 343 State Street, Rochester, New York 14650.

(c) The Commission investigative attorney, party to this investigation, is David O. Lloyd, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, SW., Room 401–M, Washington, DC 20436; and

(3) For the investigation so instituted, the Honorable Robert L. Barton, Jr., is designated as the presiding administrative law judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(d) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of the respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of a limited exclusion order or cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: February 14, 2007.

Marilyn R. Abbott,

Secretary.

[FR Doc. 07–749 Filed 2–20–07; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–60,916]

AVX Corporation Raleigh, NC; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on February 7, 2007 in response to a petition filed by a company official on behalf of workers at AVX Corporation, Raleigh, North Carolina.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 9th day of February, 2007.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E7–2865 Filed 2–20–07; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–60,267]

Guide Louisiana, LLC, Including Onsite Leased Workers of Securitex, Ouachita Parish School Board, Continental Design & Engineering, Prestige Technical Services, and GE Manufacturing, Monroe, LA; Amended 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 (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 November 17, 2006, applicable to workers of Guide Louisiana LLC, Monroe, Louisiana.

At the request of the State agency representative, the Department reviewed the certification for workers of the subject firm. New information shows that leased workers of Securitex, Ouachita Parish School Board, Continental Design & Engineering, Prestige Technical Services, and GE Manufacturing were employed on-site at the Monroe, Louisiana location of Guide Corporation.

Based on these findings, the Department is amending this certification to include leased workers of Securitex, Ouachita Parish School Board, Continental Design & Engineering, Prestige Technical Services and GE Manufacturing working on-site at Guide Louisiana LLC, Monroe, Louisiana.

The intent of the Department's certification is to include all workers employed at Guide Louisiana LLC, Monroe, Louisiana, who were involved in production and were adversely affected by increased customer imports.

The amended notice applicable to TA–W–60,267 is hereby issued as follows:

All workers of Guide Louisiana LLC, including on-site leased workers of Securitex, Ouachita Parish School Board, Continental Design & Engineering, Prestige Technical Services and GE Manufacturing, Monroe, Louisiana, who became totally or partially separated from employment on or after November 19, 2006, through November 17, 2008, 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 in Washington, DC, this 9th day of February 2007.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E7–2864 Filed 2–20–07; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–60,931]

Renfro Charleston, LLC, a/k/a Charleston Hosiery, Inc., Fort Payne, AL; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on February 9, 2007 in response to a worker petition filed by a company official on behalf of workers at Renfro Charleston, LLC, a/k/a Charleston Hosiery, Inc., Fort Payne, Alabama.

The petitioning group of workers is covered by an active certification (TA–W–56,770), which expires on April 7, 2007. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, DC this 9th day of February, 2007.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E7–2862 Filed 2–20–07; 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 trade adjustment assistance for workers (TA–W) number and alternative trade adjustment assistance (ATAA) by (TA–W) number issued during the period of February 5 through February 9, 2007.

In order for an affirmative determination to be made for workers of a primary firm and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(a) of the Act must be met.

I. Section (a)(2)(A) all of the following must be satisfied:

A. A significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm, have become totally or partially separated, or are threatened to become totally or partially separated;

B. The sales or production, or both, of such firm or subdivision have decreased absolutely; and

C. Increased imports of articles like or directly competitive with articles produced by such firm or subdivision have contributed importantly to such workers' separation or threat of separation and to the decline in sales or production of such firm or subdivision; or

II. Section (a)(2)(B) both of the following must be satisfied:

A. A significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm, have become totally or partially separated, or are threatened to become totally or partially separated;

B. There has been a shift in production by such workers' firm or subdivision to a foreign country of articles like or directly competitive with articles which are produced by such firm or subdivision; and

C. One of the following must be satisfied:

1. The country to which the workers' firm has shifted production of the articles is a party to a free trade agreement with the United States;

2. The country to which the workers' firm has shifted production of the articles to a beneficiary country under the Andean Trade Preference Act, African Growth and Opportunity Act, or the Caribbean Basin Economic Recovery Act; or

3. There has been or is likely to be an increase in imports of articles that are like or directly competitive with articles which are or were produced by such firm or subdivision.

Also, in order for an affirmative determination to be made for secondarily affected workers of a firm and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group

eligibility requirements of Section 222(b) of the Act must be met.

(1) Significant number or proportion of the workers in the workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) The workers' firm (or subdivision) is a supplier or downstream producer to a firm (or subdivision) that employed a group of workers who received a certification of eligibility to apply for trade adjustment assistance benefits and such supply or production is related to the article that was the basis for such certification; and

(3) Either—

(A) The workers' firm is a supplier and the component parts it supplied for the firm (or subdivision) described in paragraph (2) accounted for at least 20 percent of the production or sales of the workers' firm; or

(B) A loss or business by the workers' firm with the firm (or subdivision) described in paragraph (2) contributed importantly to the workers' separation or threat of separation.

In order for the Division of Trade Adjustment Assistance to issue a certification of eligibility to apply for Alternative Trade Adjustment Assistance (ATAA) for older workers, the group eligibility requirements of Section 246(a)(3)(A)(ii) of the Trade Act must be met.

1. Whether a significant number of workers in the workers' firm are 50 years of age or older.

2. Whether the workers in the workers' firm possess skills that are not easily transferable.

3. The competitive conditions within the workers' industry (i.e., conditions within the industry are adverse).

Affirmative Determinations for Worker Adjustment Assistance

The following certifications have been issued. The date following the company name and location of each determination references the impact date for all workers of such determination.

The following certifications have been issued. The requirements of Section 222(a)(2)(A) (increased imports) of the Trade Act have been met.

TA–W–60,791; Vintage Verandah, Inc., Lamp Division, Marion, AR: January 18, 2006.

TA–W–60,881; Schnadig Corporation, Des Plaines, IL: January 31, 2006.

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–60,639; Hospira Worldwide, Inc., Hospira Sedation Division, North Billerica, MA: December 15, 2005.

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–60,710; Crane Plumbing LLC, Vitreous China Division, Hearne, TX: January 4, 2006.

TA–W–60,771; Burlington House Weaving Plant, Burlington House Division, A Subsidiary of International Textile Group, Reidsville, NC: January 25, 2007.

TA–W–60,771A; Burlington House Pioneer Plant, Burlington House Division, A Subsidiary of International Textile Group, Burlington, NC: December 23, 2006.

TA–W–60,782; EMSIG Manufacturing Corp., Long Island City, NY: January 3, 2006.

TA–W–60,790; Model Crafts, LLC, Bogalusa, LA: January 18, 2006.

TA–W–60,804; Fedders North America, Inc., Effingham, IL: December 28, 2006.

TA–W–60,668; ZF Lemforder, Inc., F Division, Brewer, ME: December 15, 2005.

TA–W–60,676; Staver Foundry, Inc., Virginia, MN: December 27, 2005.

TA–W–60,697; St. Croix Manufacturing, LLC, Leased Workers of Mastersons, Grantsburg, WI: December 12, 2005.

TA–W–60,702; Knitech LLC, Fort Payne, AL: December 7, 2005.

TA–W–60,779; Kitty Sportswear, Inc., Freeport, NY: January 16, 2006.

TA–W–60,868; Pine Hosiery Mills, Inc., Star, NC: January 30, 2006.

The following certifications have been issued. The requirements of Section 222(a)(2)(B) (shift in production) and Section 246(a)(3)(A)(ii) of the Trade Act have been met.

TA–W–60,573; Teva Pharmaceuticals, Leased Workers of Kelly Services and DM Leasing, Cidra, PR: November 22, 2005.

TA–W–60,707; Dyno Nobel, Inc., Simsbury, CT: January 5, 2006.

TA–W–60,724; General Electric Lighting, Inc., Conneaut Base Plant, Conneaut, OH: January 9, 2006.

TA–W–60,750; White Rodgers, Batesville, AR: January 11, 2006.

TA–W–60,810; Interstate Steel Company, Division of National Material L.P., Des Plaines, IL: January 12, 2006.

TA–W–60,817; Fleetwood Folding Trailers, Inc., Somerset, PA: January 23, 2006.

TA–W–60,839; Johnco Hosiery, A Subsidiary of VI Prewett and Son, Fort Payne, AL: January 22, 2006.

TA–W–60,846; M and B Metal Products Company, Inc., Leeds Division, Leeds, AL: January 26, 2006.

TA–W–60,492; Anderson Global, Inc., A Wholly Owned Subsidiary of Shape Dynamics, Inc., Muskegon Heights, MI: November 27, 2005.

TA–W–60,836; Velsicol Chemical Corp., Chattanooga, TN: January 24, 2006.

TA–W–60,874; Superior Furniture Company, Lowell, MI: January 26, 2006.

The following certifications have been issued. The requirements of Section 222(b) (supplier to a firm whose workers are certified eligible to apply for TAA) and Section 246(a)(3)(A)(ii) of the Trade Act have been met.

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) 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. Workers at the firm are 50 years of age or older.

None.

The Department has determined that criterion (2) of Section 246 has not been met. Workers at the firm possess skills that are easily transferable.

TA–W–60,639; Hospira Worldwide, Inc., Hospira Sedation Division, North Billerica, MA: December 15, 2005.

TA–W–60,791; Vintage Verandah, Inc., Lamp Division, Marion, AR: January 18, 2006.

TA–W–60,881; Schnadig Corporation, Des Plaines, IL: January 31, 2006.

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.

None.

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–60,653; Progress Casting Group, Inc., Twin Cities Division, Plymouth, MN.

TA–W–60,694; Stover Industries, Inc., Pt. Pleasant, WV.

TA–W–60,758; Bosch Security System, Inc., Lancaster, PA.

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–60,398; Chilton Products, Plastic Products Group, A Subsidiary of Western Industries, Chilton, WI.

TA–W–60,536; Accotex, Inc., Formerly Known as Day International, Mauldin, SC.

TA–W–60,562; Seagate Technology LLC, Recording Heads Division, Bloomington, MN.

TA–W–60,565; Briggs and Stratton Power Products Group, LLC, Home Power Products Division, Jefferson, WI.

TA–W–60,777; J and M Plating, Inc., Leased Workers of Albion Personnel Services, Albion, MI.

The investigation revealed that the predominate cause of worker separations is unrelated to criteria (a)(2)(A)(I.C.) (increased imports) and (a)(2)(B)(II.C) (shift in production to a foreign country under a free trade agreement or a beneficiary country under a preferential trade agreement, or there has been or is likely to be an increase in imports).

None.

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA–W–60,759; Charter Communications, Inc., Irwindale, CA.

TA–W–60,769; Airfoil Technologies International, Compton, CA.

TA–W–60,808; Invista S.A.R.L., Nylon Apparel Filament Fibers Group, A Subsidiary of Koch Industries, Inc., Chattanooga, TN.

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 February 5 through February 9, 2007. Copies of these determinations are available for inspection in Room C–5311, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 during normal business hours or will be mailed to persons who write to the above address.

Ralph Dibattista,

Director, Division of Trade Adjustment Assistance.

[FR Doc. E7–2863 Filed 2–20–07; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

Labor Certification Process for the Temporary Employment of Aliens in Agriculture and Logging in the United States: 2007 Adverse Effect Wage Rates, Allowable Charges for Agricultural and Logging Workers' Meals, and Maximum Travel Subsistence Reimbursement

AGENCY: Employment and Training Administration, Department of Labor.

ACTION: Notice of Adverse Effect Wage Rates (AEWRs), allowable charges for meals, and maximum travel subsistence reimbursement for 2007.

SUMMARY: The Employment and Training Administration (ETA) of the U.S. Department of Labor (Department or DOL) is issuing this Notice to announce the 2007 AEWRs for employers seeking to employ temporary or seasonal nonimmigrant foreign workers to perform agricultural labor or services (H–2A workers) or logging (H–2 logging workers); the allowable charges for 2007 that employers seeking H–2A workers and H–2 logging workers may levy upon their workers when three meals a day are provided by the employer; and the maximum travel subsistence reimbursement which a worker with receipts may claim in 2007.

AEWRs are the minimum wage rates the Department has determined must be offered and paid by employers of H–2A workers or H–2 logging workers to U.S. and foreign workers. AEWRs are established in order to prevent the employment of these foreign workers from adversely affecting wages of similarly employed U.S. workers. The Department also announces the minimum and maximum charge of travel subsistence expenses a worker may claim in 2007.

EFFECTIVE DATE: February 21, 2007.

FOR FURTHER INFORMATION CONTACT: William L. Carlson, Administrator, Office of Foreign Labor Certification, U.S. Department of Labor, Room C–4312, 200 Constitution Avenue, NW., Washington, DC 20210. *Telephone*: 202–693–3010 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: The U.S. Citizenship and Immigration Services may not approve an employer's petition for admission of H–2A workers or H–2 logging workers in the United States unless the petitioner has received from DOL an H–2A or H–2 labor certification, as appropriate. Approved labor certifications attest: (1) There are not sufficient U.S. workers who are able, willing, and qualified and who will be available at the time and place needed to perform the labor or services involved in the petition; and (2) the employment of the foreign worker in such labor or services will not adversely affect the wages and working conditions of workers in the U.S. similarly employed. 8 U.S.C. 1101(a)(15)(H)(ii)(a),1184(c), and 1188.

DOL's regulations for the H–2A and H–2 program require employers to offer and pay their U.S., H–2A, and H–2 workers no less than the appropriate hourly AEWR in effect at the time the work is performed. 20 CFR 655.102(b)(9)

and 655.202(b)(9). *See also* 20 CFR 655.107, 20 CFR 655.207, and the preamble of the Final Rule, 54 FR 28037–28047 (July 5, 1989), which explains in great depth the purpose and history of AEWRs, DOL's policy in setting AEWRs, and the AEWR computation methodology at 20 CFR 655.107(a). *See also* 52 FR 20496, 20502–20505 (June 1, 1987).

A. Adverse Effect Wage Rates for 2007

AEWRs are the minimum wage rates which must be offered and paid to U.S. and foreign workers by employers of H–2A workers or H–2 logging workers. Employers of H–2A workers must pay the highest of (i) the AEWR in effect at the time the work is performed, (ii) the applicable prevailing wage, or (iii) the statutory minimum wage, as specified in the regulations. 20 CFR 655.102(b)(9). As U.S. Department of Agriculture (USDA) regional surveys are not available for logging occupations, employers of H–2 logging workers must pay at least the prevailing wage in the area of intended employment, which is deemed to be the AEWR. 20 CFR 655.202(b)(9) and 20 CFR 655.207(a).

Except as otherwise provided in 20 CFR part 655, subpart B, the region-wide AEWR for all agricultural employment (except those occupations deemed inappropriate under the special circumstance provisions of 20 CFR 655.93) for which temporary H–2A certification is being sought, is equal to the annual weighted average hourly wage rate for field and livestock workers (combined) for the region as published annually by the USDA. 20 CFR 655.107(a). USDA does not provide data on Alaska.

20 CFR 655.107(a) requires the Assistant Secretary, Employment and Training Administration, to publish USDA field and livestock worker (combined) wage data as AEWRs in a **Federal Register** Notice. Accordingly, the 2007 AEWRs for agricultural work performed by U.S. and H–2A workers on or after the effective date of this Notice are set forth in the table below:

TABLE.—2007 ADVERSE EFFECT WAGE RATES

State	2007 AEWR
Alabama	8.51
Arizona	8.27
Arkansas	8.01
California	9.20
Colorado	8.64
Connecticut	9.50
Delaware	9.29
Florida	8.56
Georgia	8.51
Hawaii	10.32
Idaho	8.76
Illinois	9.88
Indiana	9.88
Iowa	9.95
Kansas	9.55
Kentucky	8.65
Louisiana	8.01
Maine	9.50
Maryland	9.29
Massachusetts	9.50
Michigan	9.65
Minnesota	9.65
Mississippi	8.01
Missouri	9.95
Montana	8.76
Nebraska	9.55
Nevada	8.64
New Hampshire	9.50
New Jersey	9.29
New Mexico	8.27
New York	9.50
North Carolina	9.02
North Dakota	9.55
Ohio	9.88
Oklahoma	8.66
Oregon	9.77
Pennsylvania	9.29
Rhode Island	9.50
South Carolina	8.51
South Dakota	9.55
Tennessee	8.65
Texas	8.66
Utah	8.64
Vermont	9.50
Virginia	9.02
Washington	9.77
West Virginia	8.65
Wisconsin	9.65
Wyoming	8.76

For all logging employment, the AEWR shall be the prevailing wage rate in the area of intended employment, and the employer is required to pay at least that rate. 20 CFR 655.207(a).

B. Allowable Meal Charges

Among the minimum benefits and working conditions which DOL requires employers to offer their U.S., H–2A, and H–2 logging workers are three meals a day or free and convenient cooking and kitchen facilities. 20 CFR 655.102(b)(4) and 655.202(b)(4). Where the employer provides meals, the job offer must state the charge, if any, to the worker for meals.

DOL has published at 20 CFR 655.102(b)(4) and 655.111(a) the methodology for determining the maximum amounts that H–2A agricultural employers may charge their U.S. and foreign workers for meals. The same methodology is applied at 20 CFR 655.202(b)(4) and 655.211(a) to H–2 logging employers. These rules provide for annual adjustments of the previous year's allowable charges based upon Consumer Price Index (CPI) data.

Each year, the maximum charges allowed by 20 CFR 655.102(b)(4) and 655.202(b)(4) are adjusted by the same percentage as the twelve-month percent change in the CPI for all Urban Consumers for Food (CPI–U for Food). ETA may permit an employer to charge workers no more than the higher maximum amount set forth in 20 CFR 655.111(a) and 655.211(a), as applicable, for providing them with three meals a day, if justified and sufficiently documented. Each year, the higher maximum amounts permitted by 20 CFR 655.111(a) and 655.211(a) are changed by the same percentage as the twelve-month percent change in the CPI–U for Food. The program's regulations require DOL to make the annual adjustments and to publish a Notice in the **Federal Register** each calendar year, announcing annual adjustments in allowable charges that may be made by agricultural and logging employers for providing three meals daily to their U.S. and foreign workers. The 2006 rates were published in the **Federal Register** at 71 FR 13633 (March 16, 2006).

DOL has determined the percentage change between December of 2005, and December of 2006, for the CPI–U for Food was 2.4 percent. Accordingly, the maximum allowable charges under 20 CFR 655.102(b)(4), 655.202(b)(4), 655.111, and 655.211 were adjusted using this percentage change, and the new permissible charges for 2007 are as follows: (1) Charges under 20 CFR 655.102(b)(4) and 655.202(b)(4) shall be no more than $9.52 per day, unless ETA has approved a higher charge pursuant to 20 CFR 655.111 or 655.211 and (2) charges under 20 CFR 655.111 and 655.211 shall be no more than $11.80 per day, if the employer justifies the charge and submits to ETA the documentation required to support the higher charge.

C. Maximum Travel Subsistence Expense

The regulations at 20 CFR 655.102(b)(5) establish that the minimum daily travel subsistence expense, for which a worker is entitled to reimbursement, is equivalent to the employer's daily charge for three meals or, if the employer makes no charge, the amount permitted under 20 CFR 655.102(b)(4). The regulation is silent about the maximum amount to which a qualifying worker is entitled.

The Department established the maximum meals component of the standard Continental United States (CONUS) per diem rate established by the General Services Administration

(GSA) and published at 41 CFR Pt. 301, Appendix A. The CONUS meal component is now $39.00 per day. Workers who qualify for travel reimbursement are entitled to reimbursement up to the CONUS meal rate for related subsistence when they provide receipts. In determining the appropriate amount of subsistence reimbursement, the employer may use the GSA system under which a traveler qualifies for meal expense reimbursement per quarter of a day. Thus, a worker whose travel occurred during two quarters of a day is entitled, with receipts, to a maximum reimbursement of $19.50. If a worker has no receipts, the employer is not obligated to reimburse above the minimum stated at 20 CFR 655.102(b)(4) as specified above.

Signed in Washington, DC this 13th day of February, 2007.

Emily Stover DeRocco,

Assistant Secretary, Employment and Training Administration.

[FR Doc. E7–2859 Filed 2–20–07; 8:45 am]

BILLING CODE 4510–30–P

NUCLEAR REGULATORY COMMISSION

[EA–07–014]

In the Matter of Dairyland Power Cooperative: La Crosse Boiling Water Reactor; Order Imposing Additional Security Measures (Effective Immediately)

I

The Licensee, Dairyland Power Cooperative, holds a license issued by the U.S. Nuclear Regulatory Commission (NRC or Commission) for La Crosse Boiling Water Reactor, in accordance with the Atomic Energy Act of 1954, as amended, and 10 CFR part 50, authorizing it to possess and transfer items containing radioactive material quantities of concern. This Order is being issued to all such Licensees who may transport radioactive material quantities of concern under the NRC's authority to protect the common defense and security. The Orders require compliance with specific additional security measures to enhance the security for transport of certain radioactive material quantities of concern.

II

On September 11, 2001, terrorists simultaneously attacked targets in New York, NY, and Washington, DC, utilizing large commercial aircraft as weapons. In response to the attacks and intelligence information subsequently obtained, the Commission issued a number of Safeguards and Threat Advisories to Licensees in order to strengthen Licensees' capabilities and readiness to respond to a potential attack on this regulated activity. The Commission has also communicated with other Federal, State and local government agencies and industry representatives to discuss and evaluate the current threat environment in order to assess the adequacy of the current security measures. In addition, the Commission commenced a comprehensive review of its safeguards and security programs and requirements.

As a result of its initial consideration of current safeguards and security requirements, as well as a review of information provided by the intelligence community, the Commission has determined that certain security measures are required to be implemented by Licensees as prudent, interim measures to address the current threat environment in a consistent manner. Therefore, the Commission is imposing requirements, as set forth in Attachment A [1] of this Order, on the Licensee. These additional security measures, which supplement existing regulatory requirements, will provide the Commission with reasonable assurance that the common defense and security continue to be adequately protected in the current threat environment. These additional security measures will remain in effect until the Commission determines otherwise.

The Commission recognizes that the Licensee may have already initiated many of the measures set forth in Attachment A to this Order in response to previously issued Safeguards and Threat Advisories or on its own. It is also recognized that some measures may not be possible or necessary for all shipments of radioactive material quantities of concern, or may need to be tailored to accommodate the Licensee's specific circumstances to achieve the intended objectives and avoid any unforeseen effect on the safe transport of radioactive material quantities of concern.

Although the security measures implemented by Licensees in response to the Safeguards and Threat Advisories have been adequate to provide reasonable assurance of adequate protection of common defense and security, in light of the continuing threat environment, the Commission concludes that the security measures must be embodied in an Order, consistent with the established regulatory framework. The Commission has determined that the security measures contained in Attachment A of this Order contain Safeguards Information and will not be released to the public as per Order entitled, ''Issuance of Order Imposing Requirements for the Protection of Certain Safeguards Information,'' issued on November 15, 2006, to the Licensee. To provide assurance that Licensees are implementing prudent measures to achieve a consistent level of protection to address the current threat environment, the Licensee shall implement the requirements identified in Attachment A to this Order. In addition, pursuant to 10 CFR 2.202, I find that in light of the common defense and security matters identified above, which warrant the issuance of this Order, the public health and safety require that this Order be immediately effective.

III

Accordingly, pursuant to Sections 53, 81, 149, 161b, 161i, 161o, 182 and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.202 and 10 CFR part 50, *it is hereby ordered, effective immediately, that the licensee shall comply with the following:*

A. The Licensee shall, notwithstanding the provisions of any Commission regulation or license to the contrary, comply with the requirements described in Attachment A to this Order. The Licensee shall immediately start implementation of the requirements in Attachment A to the Order and shall complete implementation by August 11, 2007 or before the first shipment of radioactive material quantities of concern, whichever is sooner.

B.1. The Licensee shall, within twenty (20) days of the date of this Order, notify the Commission, (1) If it is unable to comply with any of the requirements described in Attachment A, (2) if compliance with any of the requirements is unnecessary in its specific circumstances, or (3) if implementation of any of the requirements would cause the Licensee to be in violation of the provisions of any Commission regulation or its license. The notification shall provide the Licensee's justification for seeking relief from or variation of any specific requirement.

2. If the Licensee considers that implementation of any of the requirements described in Attachment A to this Order would adversely impact

[1] Attachment A contains Safeguards Information and will not be released to the public.

the safe transport of radioactive material quantities of concern, it must notify the Commission, within twenty (20) days of this Order, of the adverse safety impact, the basis for its determination that the requirement has an adverse safety impact, and either a proposal for achieving the same objectives specified in the Attachment A requirement in question, or a schedule for modifying the activity to address the adverse safety condition. If neither approach is appropriate, the Licensee must supplement its response to Condition B.1 of this Order to identify the condition as a requirement with which it cannot comply, with attendant justifications as required in Condition B.1.

C. The Licensee shall report to the Commission when it has achieved full compliance with the requirements described in Attachment A.

D. Notwithstanding any provisions of the Commission's regulations to the contrary, all measures implemented or actions taken in response to this order shall be maintained until the Commission determines otherwise.

Licensee responses to Conditions B.1, B.2, and C above shall be submitted to the Document Control Desk, ATTN: Director, Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555. In addition, Licensee submittals that contain Safeguards Information shall be properly marked and handled in accordance with Licensee's Safeguards Information or Safeguards Information—Modified Handling program.

The Director, Office of Federal and State Materials and Environmental Management Programs, may, in writing, relax or rescind any of the above conditions upon demonstration by the Licensee of good cause.

IV.

In accordance with 10 CFR 2.202, the Licensee must, and any other person adversely affected by this Order may, submit an answer to this Order, and may request a hearing on this Order, within twenty (20) days of the date of this Order. Where good cause is shown, consideration will be given to extending the time to request a hearing. A request for extension of time in which to submit an answer or request a hearing must be made in writing to the Director, Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and include a statement of good cause for the extension. The answer may consent to this Order. Unless the answer consents to this Order, the answer shall, in writing and under oath or affirmation, specifically set forth the matters of fact and law on which the Licensee or other person adversely affected relies and the reasons as to why the Order should not have been issued. Any answer or request for a hearing shall be submitted to the Secretary, Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, ATTN: Rulemakings and Adjudications Staff, Washington, DC 20555. Copies also shall be sent to the Director, Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555, to the Assistant General Counsel for Materials Litigation and Enforcement, to the Office of Enforcement at the same address, to the Regional Administrator for NRC Region III, at the address specified in Appendix A to 10 CFR Part 73, and to the Licensee if the answer or hearing request is by a person other than the Licensee. Because of possible delays in delivery of mail to United States Government offices, it is requested that answers and requests for hearing be transmitted to the Secretary of the Commission either by means of facsimile transmission to 301–415–1101 or by e-mail to *hearingdocket@nrc.gov* and also to the Office of the General Counsel either by means of facsimile to 301–415–3725 or by e-mail to *OGCMailCenter@nrc.gov.* If a person other than the Licensee requests a hearing, that person shall set forth with particularity the manner in which his interest is adversely affected by this Order and shall address the criteria set forth in 10 CFR 2.309.

If a hearing is requested by the Licensee or a person whose interest is adversely affected, the Commission will issue an Order designating the time and place of any hearing. If a hearing is held, the issue to be considered at such hearing shall be whether this Order should be sustained.

Pursuant to 10 CFR 2.202(c)(2)(i), the Licensee, may, in addition to demanding a hearing, at the time the answer is filed or sooner, move the presiding officer to set aside the immediate effectiveness of the Order on the grounds that the Order, including the need for immediate effectiveness, is not based on adequate evidence but on mere suspicion, unfounded allegations, or error.

In the absence of any request for hearing, or written approval of an extension of time in which to request a hearing, the provisions specified in Section III above shall be final twenty (20) days from the date of this Order without further order or proceedings. If an extension of time for requesting a hearing has been approved, the provisions specified in Section III shall be final when the extension expires if a hearing request has not been received. *An answer or a request for hearing shall not stay the immediate effectiveness of this order.*

Dated this 12th day of February, 2007.
For the Nuclear Regulatory Commission.

Charles L. Miller,

Director, Office of Federal and State Materials and Environmental Management Programs.

[FR Doc. E7–2878 Filed 2–20–07; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Notice of Sunshine Act Meetings

DATES: Weeks of February 19, 26, March 5, 12, 19, 26, 2007.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and closed.

MATTERS TO BE CONSIDERED:

Week of February 19, 2007

Wednesday, February 21, 2007

9:30 a.m.
Discussion of Security Issues (Closed—Ex. 1).

Week of February 26, 2007—Tentative

Tuesday, February 27, 2007

1:30 p.m.
Discussion of Security Issues (Closed—Ex. 1) (Tentative).

Wednesday, February 28, 2007

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 March 5, 2007—Tentative

Monday, March, 5, 2007

1 p.m.
Meeting with Department of Energy on New Reactor Issues (Public Meeting).

This meeting will be webcast live at the Web address—*http://www.nrc.gov*.

Tuesday, March 6, 2007

1 p.m.
Discussion of Management Issues (Closed—Ex. 2).

Wednesday, March 7, 2007

9:30 a.m.

Briefing on Office of Nuclear Security and Incident Response (NSIR) Programs, Performance, and Plans (Public Meeting), (Contact: Miriam Cohen, 301 415–0260).

This meeting will be webcast live at the Web address—*http://www.nrc.gov*.

1 p.m.

Discussion of Security Issues (Closed—Ex. 1 and 3).

Thursday, March 8, 2007.

10 a.m.

Briefing on Office of Nuclear Materials Safety and Safeguards.(NMSS) Programs, Performance, and Plans (Public Meeting), (Contact: Gene Peters, 301 415–5248).

This meeting will be webcast live at the Web address—*http://www.nrc.gov*.

1 p.m.

Briefing on Office of Nuclear Reactor Regulation (NRR) Programs, Performance, and Plans (Public Meeting) (Contact: Reginald Mitchell, 301 415–1275).

This meeting will be webcast live at the Web address— *http://www.nrc.gov*.

Week of March 12, 2007—Tentative

There are no meetings scheduled for the Week of March 12, 2007.

Week of March 19, 2007—Tentative

Tuesday, March 20, 2007

1:30 p.m.

Briefing on Office of Information Services (OIS) Programs, Performance, and Plans (Public Meeting) (Contact: Edward Baker, 301 415–8700).

This meeting will be webcast live at the Web address—*http://www.nrc.gov*.

Week of March 26, 2007—Tentative

Wednesday, March 28, 2007

10 a.m.

Discussion of Security Issues (Closed—Ex. 1, 2, & 3) (Tentative).

Thursday, March 29, 2007.

9:30 a.m.

Briefing on Office of Federal and State Materials and Environmental Management (FSME) Programs, Performance, and Plans (Public Meeting) (Tentative).

This meeting will be webcast live at the Web address—*http://www.nrc.gov*.

1:30 p.m.

Discussion of Security Issues (Closed—Ex. 1, 3, & 9).

* * * * *

* * *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.

* * * * *

The NRC Commission Meeting Schedule can be found on the Internet at: *http://www.nrc.gov/what-we-do/policy-making/schedule.html*.

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The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need consistent 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, Deborah Chan, at 301–415–7041, TDD: 301–415–2100, or by e-mail at *DLC@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: February 15, 2007.

R. Michelle Schroll,

Office of the Secretary.

[FR Doc. 07–799 Filed 2–16–07; 2:18 pm]

BILLING CODE 7590–01–P

NUCLEAR WASTE TECHNICAL REVIEW BOARD

Board Panel Meeting

March 14, 2007—Berkeley, California; The U.S. Nuclear Waste Technical Review Board's Panel on Postclosure Performance will meet to discuss U.S. Department of Energy studies related to infiltration at Yucca Mountain in Nevada.

Pursuant to its authority under section 5051 of Public Law 100–203, Nuclear Waste Policy Amendments Act of 1987, the U.S. Nuclear Waste Technical Review Board will meet in Berkeley, California, on Wednesday, March 14, 2007. The meeting agenda will focus on the U.S. Department of Energy's (DOE) infiltration estimates for the proposed repository site for spent nuclear fuel and high-level radioactive waste at Yucca Mountain in Nevada. The Board will review the results of nw infiltration studies undertaken by DOE. DOE conducted the new studies because of quality assurance questions that were raised about DOE's previous infiltration analyses. Information from the meeting will be used by the Board to evaluate effects of the new analyses on the technical validity of DOE infiltration estimates. The Board is charged by Congress with reviewing the technical and scientific validity of activities undertaken by DOE related to nuclear waste disposal, as stipulated in the Nuclear Waste Policy Amendments Act of 1987.

The meeting will be held at the Doubletree Hotel & Executive Meeting Center, 200 Marina Blvd.; Berkeley, CA 94710; *tel:* 510–548–7920; *fax:* 510–548–7944. A block of rooms has been reserved at the hotel for meeting participants. When making a reservation, please state that you are attending the Nuclear Waste Technical Review Board meeting. Reservations should be made by February 23, 2007, to ensure receiving the meeting rate.

The meeting is scheduled to begin at 8 a.m. and to conclude at approximately 6 p.m. Presentations will be made by technical and scientific investigators from the University of Nevada-Reno, the U.S. Geological Survey, and DOE and its contractors.

Time will be set aside at the end of the meeting for public comments. Those wanting to speak are encouraged to sign the ''Public Comment Register'' at the check-in table. A time limit may have to be set on individual remarks, but written comments of any length may be submitted for the record. Interested parties also will have the opportunity to submit questions in writing to the Board. Questions submitted by meeting attendees that are relevant to the discussion may be posed by Board members, as time permits.

A final agenda detailing meeting times, topics, and participants is available on the Board's Web site, *http://www.nwtrb.gov*. Copies of the meeting agenda also can be requested by telephone.

Transcripts of the meetings will be available on the Board's Web site, by e-mail, on computer disk, and on a library-loan basis in paper format from Davonya Barnes of the Board's staff, beginning on April 9, 2007.

For more information, please contact Karyn Severson, NWTRB External Affairs, 2300 Clarendon Blvd., Suite 1300; Arlington, VA 22202; *tel:* 703–235–4473; *fax:* 703–235–4495; *severson@nwtrb.gov*.

Dated: February 13, 2007.

C.W. Di Bella,

Acting Executive Director, Nuclear Waste Technical Review Board.

[FR Doc. 07–739 Filed 2–20–07; 8:45 am]

BILLING CODE 6820–AM–M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket No. WTO/DS–358]

WTO Dispute Settlement Proceeding Regarding China—Certain Measures Granting Refunds, Reductions or Exemptions From Taxes and Other Payments

AGENCY: Office of the United States Trade Representative.

ACTION: Notice; request for comments.

SUMMARY: The Office of the United States Trade Representative (USTR) is providing notice that on February 2, 2007, in accordance with the Marrakesh Agreement Establishing the World Trade Organization (WTO Agreement), the United States requested consultations regarding certain measures granting refunds, reductions or exemptions from taxes and other payments owed to the government by enterprises in China. That request may be found at *http://www.wto.org* contained in a document designated as WT/DS358/1. USTR invites written comments from the public concerning the issues raised in this dispute.

DATES: Although USTR will accept any comments received during the course of the consultations, comments should be submitted on or before March 12, 2006 to be assured of timely consideration by USTR.

ADDRESSES: Comments should be submitted (i) electronically, to *FR0507@ustr.eop.gov*, with ''China Prohibited Subsidies (DS358)'' in the subject line, or (ii) by fax, to Sandy McKinzy at (202) 395–3640, with a confirmation copy sent electronically to the electronic mail address above, in accordance with the requirements for submission set out below.

FOR FURTHER INFORMATION CONTACT: Arun Venkataraman, Associate General Counsel, Office of the United States Trade Representative, 600 17th Street, NW., Washington, DC (202) 395–5694.

SUPPLEMENTARY INFORMATION: Section 127(b) of the Uruguay Round Agreements Act (URAA) (19 U.S.C. 3537(b)(1)) requires that notice and opportunity for comment be provided after the United States submits or receives a request for the establishment of a WTO dispute settlement panel. In an effort to provide additional opportunity for comment, USTR is providing notice that consultations have been requested pursuant to the WTO Understanding on Rules and Procedures Governing the Settlement of Disputes (''DSU''). If such consultations should fail to resolve the matter and a dispute settlement panel is established pursuant to the DSU, such panel, which would hold its meetings in Geneva, Switzerland, would be expected to issue a report on its findings and recommendations within six to nine months after it is established.

Major Issues Raised by the United States

On February 2, 2007, the United States requested consultations with China regarding certain measures granting refunds, reductions or exemptions from taxes and other payments owed to the government by enterprises in China. These measures include the following, as well as any amendments and related or implementing measures:

1. Circular of the State Administration of Taxation Concerning Transmitting the Interim Measure for the Administration of Tax Refunds to Enterprises with Foreign Investment for Their Domestic Equipment Purchases;
2. Circular of the Ministry of Finance and the State Administration of Taxation Concerning the Issue of Tax Credit for Business Income Tax for Homemade Equipment Purchased by Enterprises with Foreign Investment and Foreign Enterprises, read in conjunction with Circular of the State Administration of Taxation on Printing and Distributing the Measures Concerning Business Income Tax Credit on the Investment of Enterprises with Foreign Investment and Foreign Enterprises by Way of Purchasing Homemade Equipment;
3. Circular on Distribution of Interim Measures Concerning Reduction and Exemption of Enterprise Income Tax for Investment in Domestically Made Equipment for Technological Renovation;
4. Articles 75(7) and 75(8) of the Rules for Implementation of the Income Tax Law of the People's Republic of China on Enterprises with Foreign Investment and Foreign Enterprises, read in conjunction with Articles 8 and 9 of the Provisions of the State Council on the Encouragement of Foreign Investment and Articles 6 and 8 of the Income Tax Law of the People's Republic of China on Enterprises with Foreign Investment and Foreign Enterprises;
5. Article 73(6) of the Rules for Implementation of the Income Tax Law of the People's Republic of China on Enterprises with Foreign Investment and Foreign Enterprises, read in conjunction with Articles 6 and 7 of the Income Tax Law of the People's Republic of China on Enterprises with Foreign Investment and Foreign Enterprises and Section XIII of the Catalogue for the Guidance of Foreign Investment Industries;
6. Article 81 of the Rules for Implementation of the Income Tax Law of the People's Republic of China on Enterprises with Foreign Investment and Foreign Enterprises, read in conjunction with Articles 6 and 10 of the Income Tax Law of the People's Republic of China on Enterprises with Foreign Investment and Foreign Enterprises and Article 10 of the Provisions of the State Council on the Encouragement of Foreign Investment;
7. Article 3 of the Provisions of the State Council on the Encouragement of Foreign Investment;
8. Articles 3 and 6 of the Circular of the People's Bank of China, the State Administration of Foreign Exchange, the Ministry of Foreign Trade and Economic Cooperation and the State Administration of Taxation Concerning Printing and Distribution Detailed Rules on Rewarding and Punishment Concerning Provisional Regulations over Examination of Export Collections of Foreign Exchange;
9. Circular of the State Council Concerning the Adjustment in the Taxation Policy of Imported Equipment, read in conjunction with and Section XIII of the Catalogue for the Guidance of Foreign Investment Industries;

The above laws and regulations of China appear to constitute subsidies prohibited under WTO rules. Specifically, the first three items above appear to be import substitution subsidies, conditioning income tax and value-added tax refunds on the recipient's purchase of domestic over imported goods. The last six items appear to be export subsidies, to the extent that they offer refunds, reductions or exemptions from taxes and other payments owed to the government, on the condition that the beneficiary enterprises meet certain export performance criteria. Furthermore, by conditioning financial incentives on an enterprise's purchase of domestic over imported equipment, the three import substitution subsidies also appear to treat imported products less favorably than domestic products.

USTR believes these measures are inconsistent with China's obligations under Article 3 of the Agreement on Subsidies and Countervailing Measures, Article III of the General Agreement on

Tariffs and Trade 1994, Article 2 of the Agreement on Trade-Related Investment Measures, as well as Parts I.1.2, I.7.2–7.3, and I.10.3 of the Protocol on the Accession of the People's Republic of China, including paragraphs 167 and 203 of the Working Party Report.

Public Comment: Requirements for Submissions

Interested persons are invited to submit written comments concerning the issues raised in the dispute. Comments should be submitted (i) electronically, to *FR0507@ustr.eop.gov,* with ''China Prohibited Subsidies (DS358)'' in the subject line, or (ii) by fax, to Sandy McKinzy at (202) 395–3640, with a confirmation copy sent electronically to the electronic mail address above.

USTR encourages the submission of documents in Adobe PDF format as attachments to an electronic mail. Interested persons who make submissions by electronic mail should not provide separate cover letters; information that might appear in a cover letter should be included in the submission itself. Similarly, to the extent possible, any attachments to the submission should be included in the same file as the submission itself, and not as separate files.

Comments must be in English. A person requesting that information contained in a comment submitted by that person be treated as confidential business information must certify that such information is business confidential and would not customarily be released to the public by the commenter. Confidential business information must be clearly designated as such and ''BUSINESS CONFIDENTIAL'' must be marked at the top and bottom of the cover page and each succeeding page. Persons who submit confidential business information are encouraged also to provide a non-confidential summary of the information.

Information or advice contained in a comment submitted, other than business confidential information, may be determined by USTR to be confidential in accordance with section 135(g)(2) of the Trade Act of 1974 (19 U.S.C. 2155(g)(2)). If the submitter believes that information or advice may qualify as such, the submitter—

(1) Must clearly so designate the information or advice;

(2) Must clearly mark the material as ASUBMITTED IN CONFIDENCE at the top and bottom of the cover page and each succeeding page; and

(3) Is encouraged to provide a non-confidential summary of the information or advice.

Pursuant to section 127(e) of the URAA (19 U.S.C. 3537(e)), USTR will maintain a file on this dispute settlement proceeding, accessible to the public, in the USTR Reading Room, which is located at 1724 F Street, NW., Washington, DC 20508. The public file will include non-confidential comments received by USTR from the public with respect to the dispute; if a dispute settlement panel is convened, the U.S. submissions to that panel, the submissions, or non-confidential summaries of submissions, to the panel received from other participants in the dispute, as well as the report of the panel; and, if applicable, the report of the Appellate Body. The USTR Reading Room is open to the public, by appointment only, from 10 a.m. to noon and 1 p.m. to 4 p.m., Monday through Friday. An appointment to review the public file (Docket WTO/DS–358, China Prohibited Subsidies Dispute) may be made by calling the USTR Reading Room at (202) 395–6186.

Daniel Brinza,

Assistant United States Trade Representative for Monitoring and Enforcement.

[FR Doc. E7–2855 Filed 2–20–07; 8:45 am]

BILLING CODE 3190–W7–P

SMALL BUSINESS ADMINISTRATION

Data Collection Available for Public Comments and Recommendations

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Small Business Administration's intentions to request approval on a new and/or currently approved information collection.

DATES: Submit comments on or before April 23, 2007.

ADDRESSES: Send all comments regarding whether this information collection is necessary for the proper performance of the function of the agency, whether the burden estimates are accurate, and if there are ways to minimize the estimated burden and enhance the quality of the collection, to Carol Fendler, Systems Accountant, Office of Investment, Small Business Administration, 409 3rd Street, SW., 6th Floor, Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: Carol Fendler, Systems Accountant, Office of Investment 202–205–7559 *carol.fendler@sba.gov*. Curtis B. Rich, Management Analyst, 202–205–7030 *curtis.rich@sba.gov*.

SUPPLEMENTARY INFORMATION:

Title: ''Size Status Declaration''.

Description of Respondents: New Licensees.

Form No.: 480.

Annual Responses: 4,200.

Annual Burden: 700.

Title: ''Stockholders' Confirmation (Corporation); Ownership Confirmation (Partnership)''.

Description of Respondents: Newly Licensed SBIC'S.

Form Nos.: 1405, 1405A.

Annual Responses: 600.

Annual Burden: 600.

ADDRESSES: Send all comments regarding whether this information collection is necessary for the proper performance of the function of the agency, whether the burden estimates are accurate, and if there are ways to minimize the estimated burden and enhance the quality of the collection, to Sandra Johnston, Office of Financial Assistance, Small Business Administration, 409 3rd Street, SW., 8th Floor, Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: Sandra Johnston, Program Analyst, Office of Financial Assistance 202–205–7528 *sandra.johnston@sba.gov*. Curtis B. Rich, Management Analyst, 202–205–7030 *curtis.rich@sba.gov*.

SUPPLEMENTARY INFORMATION:

Title: ''CDC Annual Report Guide''.

Description of Respondents: Certified Development Companies.

Form No.: 1253.

Annual Responses: 1.

Annual Burden: 7,500.

ADDRESSES: Send all comments regarding whether this information collection is necessary for the proper performance of the function of the agency, whether the burden estimates are accurate, and if there are ways to minimize the estimated burden and enhance the quality of the collection, to Leo Sanchez, Senior Analyst, Office of Government Contracting & Business Development, Small Business Administration, 409 3rd Street, SW., 8th Floor, Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: Leo Sanchez, Senior Analyst, Office of Government Contracting & Business Development 202–205–7528 *leo.sanshez@sba.gov*. Curtis B. Rich, Management Analyst, 202–205–7030 *curtis.rich@sba.gov*.

SUPPLEMENTARY INFORMATION:

Title: ''8(a) SDB Paper and Electronic Application''.

Description of Respondents: 8(a) SDB Companies.

Form No.: 1010, 1010B, 1010C, 2065.
Annual Responses: 8,400.
Annual Burden: 36,210.

Jacqueline White,
Chief, Administrative Information Branch.
[FR Doc. E7–2867 Filed 2–20–07; 8:45 am]
BILLING CODE 8025–01–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[DOT Docket No. 2006–26230]

Notice of Request for Renewal of a Previously Approved Collection

AGENCY: Office of the Secretary, DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended) this notice announces that the Information Collection Request (ICR) abstracted below which will be forwarded to the Office of Management and Budget (OMB) for renewal. The ICR describes the nature of the information collection and its expected burden. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on November 2, 2006 (71 FR 64605). No comments were received.

DATES: Comments on this notice must be received by March 23, 2007 and sent to the attention of the DOT/OST Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, Docket library, Room 10102, 725 17th Street, NW., Washington, DC 20503 or *oira_submission@omb.eop.gov* (e-mail).

FOR FURTHER INFORMATION CONTACT: Mr. Robert C. Ashby, Office of the Secretary, Office of Assistant General Counsel for Regulation and Enforcement, Department of Transportation, 400 Seventh St., SW., Washington, DC 20590 (202) 366–9310, (voice), 202–366–9313 (fax) or at *bob.ashby@ost.dot.gov.*

SUPPLEMENTARY INFORMATION:

Title: Report of DBE Awards and Commitments.

OMB Control Number: 2105–0510.

Affected Public: DOT financially-assisted state and local transportation agencies.

Frequency of response: Once a year.

Estimated Total Burden on Respondents: 1,311,000.

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

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Issued in Washington, DC on February 6, 2007.

Patricia Lawton,
IT Investment Management Office, Department of Transportation.
[FR Doc. 07–598 Filed 2–20–07; 8:45 am]
BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Notice of Request for Renewal of a Previously Approved Collection

AGENCY: Office of the Secretary, DOT.

ACTION: Notice; correction.

SUMMARY: The Office of Drug and Alcohol Policy and Compliance published a document in the **Federal Register** on August 4, 2006, concerning a request for an extension of a previously approved information collection. We are correcting the document as set forth below. Also, in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended), this notice announces that the Information Collection Request (ICR) abstracted below which will be forwarded to the Office of Management and Budget (OMB) for renewal. The ICR describes the nature of the information collection and its expected burden. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on August 4, 2006 (71 FR 44345). No comments were received.

DATES: Comments on this notice must be received by March 23, 2007 and sent to the attention of the DOT/OST Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, Docket library, Room 10102, 725 17th Street, NW., Washington, DC 20503 or *oira_submission@omb.eop.gov* (e-mail).

FOR FURTHER INFORMATION CONTACT: Bohdan Baczara, Office of Drug and Alcohol Policy and Compliance, 400 Seventh Street, SW., Washington, DC 20590; 202–366–3784 (voice), 202–366–3897 (fax), or *bohdan.baczara@dot.gov* (e-mail).

Correction

In the August 4, 2006, **Federal Register** [71 FR 44345] correct the Estimated Number of Respondents and Estimated Total Number Burden on Respondents.

SUPPLEMENTARY INFORMATION:

Title: Procedures for Transportation Drug and Alcohol Testing Program.

OMB Control Number: 2105–0529.

Affected Entities: Transportation Industry (*i.e.*, Federal Aviation Administration, Federal Transit Administration, Federal Railroad Administration, Federal Motor Carrier Safety Administration and the Pipeline and Hazardous Materials Safety Administration) and the United States Coast Guard when calculating their random testing rates.

Frequency of Response: Once a year.

Number of Respondents: 2,783,195.

Annual Estimated Burden Hours on Respondents: 695,300.

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

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Issues in Washington, DC on February 6, 2007.

Patricia Lawton,
IT Investment Management Office, Department of Transportation.
[FR Doc. 07–600 Filed 2–20–07; 8:45 am]
BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

PS–ACE100–2005–50001, Final Policy Statement on Applying Advisory Circular 20–152, ''RTCA, Inc., Document RTCA/DO–254, Design Assurance Guidance for Airborne Electronic Hardware,'' to Title 14 Code of Federal Regulations, Part 23 Aircraft

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of issuance of policy.

SUMMARY: This notice announces the issuance of PS–ACE100–2005–50001. This Final Policy Statement sets up Federal Aviation Administration (FAA) certification policy on applying Advisory Circular (AC) 20–152 to complex airborne electronic hardware (CEH) installed in part 23 aircraft or in airships. This was issued for Public Comment on January 26, 2006. When possible, comments received were used to modify the draft policy.

DATES: Proposed PS–ACE100–2005–50001 was issued by the Manager, Small Airplane Directorate on January 6, 2006.

How To Obtain Copies: A paper copy of PS–ACE100–2005–50001 may be obtained by contacting Mr. Robin L. Sova, Standards Office, Small Airplane Directorate, Aircraft Certification Service, Kansas City, Missouri 64106, telephone (816) 329–4133, fax (816) 329–4090. The policy will also be available on the Internet at *http://www.airweb.faa.gov/policy.*

Issued in Kansas City, Missouri on January 26, 2007.

Kim Smith,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. E7–2898 Filed 2–20–07; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Opportunity for Public Comment on Surplus Property Release at Augusta—Daniel Field, Augusta, GA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: Under the provisions of Title 49, U.S.C. Section 47153(c), notice is being given that the FAA is considering a request from the General Aviation Commission and Augusta—Daniel Field to waive the requirement that 97,217 square feet of surplus property, located at Augusta—Daniel Field, be used for aeronautical purposes.

DATES: Comments must be received on or before March 23, 2007.

ADDRESSES: Comments on this notice may be mailed or delivered in triplicate to the FAA at the following address: Atlanta Airports District Office, Attn: Aimee A. McCormick, Program Manager, 1701 Columbia Ave., Campus Bldg., Suite 2–260, Atlanta, GA 30337–2747.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Buster Boshears, Executive Director, Augusta—Daniel Field at the following address: 1775 Highland Ave., Augusta, GA 30904.

FOR FURTHER INFORMATION CONTACT: Aimee McCormick, Program Manager, Atlanta Airports District Office, 1701 Columbia Ave., Campus Bldg., Suite 2–260, Atlanta, GA 30337–2747, (404) 305–7143. The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA is reviewing a request by the General Aviation Commission and the Augusta—Daniel Field to release 97,217 square feet of surplus property at Augusta—Daniel Field. The proper will be purchased as a permanent easement to construct a 36-inch water main. The net proceeds from the sale of this property will be used for airport purposes. The proposed use of this property is compatible with airport operations.

Any person may inspect the request in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT**. In addition, any person may, upon request, inspect the request, notice and other documents germane to the request in person at the General Aviation Commission and the Augusta—Daniel Field.

Issued in Atlanta, Georgia on February 6, 2007.

Scott L. Seritt,

Manager, Atlanta Airports District Office, Southern Region.

[FR Doc. 07–778 Filed 2–20–07; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement; Bradford County, FL

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an Environmental Impact Statement (EIS) will be prepared for a proposed highway project in Bradford County, Florida.

FOR FURTHER INFORMATION CONTACT: Greg Hall, Transportation Engineer, Federal Highway Administration, 545 John Knox Road, Suite 200, Tallahassee, Florida 32303, Telephone: (850) 942–9650, extension 3033.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Florida Department of Transportation will prepare an EIS for a proposal to improve US 301 (SR 200) in Bradford County. The proposed improvement would involve US 301 through the City of Starke. The study corridor is approximately 9 miles long. The proposed improvement is considered necessary to provide for existing and projected traffic demand. Alternatives under consideration include: (1) Taking no action; (2) widening US 301 to a six lane divided roadway with auxiliary lanes within the City of Starke; and (3) utilizing a rural corridor on a new alignment which would serve as a by-pass around the City of Starke.

Coordination with appropriate Federal, State, and local agencies, and with private organizations and citizens who have expressed interest in this proposal has been undertaken and will continue. A series of public meetings has been held in Bradford County. In addition, a public hearing will be held in the future. Public notice will be given of the time and place of the hearing. The Draft EIS will be made available for public and agency review and comment. There are no plans to hold a formal scoping meeting after this notice of intent to prepare an EIS. The information gained through agency meetings, the Florida Efficient Transportation Decision Making (ETDM) process, and public involvement will be used for scoping. The ETDM process is approved by FHWA as meeting the streamlining requirements of Section 6002 of Safe, Accountable, Flexible, Efficient Transportation Equity Act: A legacy for user (SAFETEA–LU).

To ensure that the full range of issues related to the proposed action is 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 Research, Planning and Construction. The regulations

implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Issued on: February 12, 2007.

David C. Gibbs,

Division Administrator, Tallahassee, Florida.

[FR Doc. 07–767 Filed 2–20–07; 8:45 am]

BILLING CODE 4910–22–M

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34839]

Norfolk Southern Corporation and Norfolk Southern Railway Company—Control and Consolidation Exemption—Algers, Winslow and Western Railway Company

AGENCY: Surface Transportation Board, DOT.

ACTION: Notice of exemption.

SUMMARY: The Board grants an exemption, under 49 U.S.C. 10502, from the prior approval requirements of 49 U.S.C. 11323, *et seq.*, for Norfolk Southern Corporation and Norfolk Southern Railway Company (collectively, NS), to acquire control of Algers, Winslow and Western Railway Company (AWW) and to consolidate AWW into NS following the acquisition. The exemption is granted subject to the employee protective conditions in *New York Dock Ry.—Control—Brooklyn Eastern Dist.,* 360 I.C.C. 60 (1979), and the condition that NS adhere to its pledge to preserve the Oakland City, IN interchange and honor existing contracts involving AWW.

DATES: This exemption will be effective on March 23, 2007. Petitions to stay must be filed by March 5, 2007. Petitions to reopen must be filed by March 13, 2007.

ADDRESSES: Send an original and 10 copies of all pleadings, referring to STB Finance Docket No. 34839, to: Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423–0001. In addition, send one copy of pleadings to Richard A. Allen, Zuckert, Scoutt & Rasenberger, LLP, 888 Seventeenth Street, NW., Suite 700, Washington, DC 20006.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 565–1609 [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1–800–877–8339].

SUPPLEMENTARY INFORMATION: Additional information is contained in the Board's decision. A copy of the decision is available on the Board's Web site at *http://www.stb.dot.gov.* To purchase a copy of the full decision, write to, e-mail or call: ASAP Document Solutions, 9332 Annapolis Rd., Suite 103, Lanham, MD 20706; e-mail *asapdc@verizon.net;* telephone (202) 306–4004. [Assistance for the hearing impaired is available through FIRS at 1–800–877–8339].

Board decisions and notices are available on our Web site at *http://www.stb.dot.gov.*

Decided: February 13, 2007.

By the Board, Chairman Nottingham, Vice Chairman Buttrey, and Commissioner Mulvey.

Vernon A. Williams,

Secretary.

[FR Doc. E7–2887 Filed 2–20–07; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

February 14, 2007.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 11000, 1750 Pennsylvania Avenue, NW., Washington, DC 20220.

Dates: Written comments should be received on or before March 23, 2007 to be assured of consideration.

Internal Revenue Service (IRS)

OMB Number: 1545–XXXX.

Type of Review: New Collection.

Title: Form 13614–NR, Nonresident Alien Intake and Interview Sheet.

Form: 13614–NR.

Description: The completed form is used by screeners, preparers, or others involved in the return preparation process to more accurately complete tax returns of International Students and Scholars. These persons need assistance having their returns prepared so they can fully comply with the law.

Respondents: Individuals or households.

Estimated Total Burden Hours: 141,260 hours.

OMB Number: 1545–1459.

Type of Review: Extension.

Title: Program Sponsor Agreement for Continuing Education for Enrolled Agents.

Form: 8498.

Description: This information relates to the approval of continuing professional education programs for the individuals enrolled to practice before the Internal Revenue Service (enrolled agents).

Respondents: Individuals or households.

Estimated Total Burden Hours: 300 hours.

OMB Number: 1545–0746.

Title: LR–100–78 (Final) Creditability of Foreign Taxes.

Type of Review: Extension.

Description: The information needed is a statement by the taxpayer that it has elected to apply the safe harbor formula of section 1.901–2A(e) of the foreign tax credit regulations. This statement is necessary in order that the IRS may properly determine the taxpayer's tax liability.

Respondents: Businesses and other for-profit institutions, Farms.

Estimated Total Burden Hours: 37 hours.

OMB Number: 1545–1864.

Title: IRS e-file Signature Authorization for Form 1120.

Form: 8879–C.

Type of Review: Extension.

Description: Form 8879–C authorizes an officer of a corporation and an electronic return originator (ERO) to use a personal identification number (PIN) to electronically sign a corporation's electronic income tax return and, if applicable, Electronic Funds Withdrawal Consent.

Respondents: Businesses or other for-profit institutions.

Estimated Total Burden Hours: 50,673 hours.

OMB Number: 1545–1738.

Title: Revenue Procedure 2001–29, Leveraged Leases.

Type of Review: Extension.

Description: Revenue Procedure 2001–29 sets forth the information and representations required to be furnished by taxpayers in requests for an advance ruling that a leveraged lease transaction is, in fact, a valid lease for federal income tax purposes.

Respondents: Businesses and other for-profit institutions.

Estimated Total Burden Hours: 800 hours.

OMB Number: 1545–1316.

Title: Filing Assistance Program (Do you have to file a tax return?).

Form: 9452.

Type of Review: Extension.

Description: The Reduce Unnecessary Filing (RUF) Program was initiated in 1992. Each year approximately 72% of the taxpayers contacted through the RUF Program stop filing unnecessary returns. This has reduced taxpayer burden and been cost effective for the service. This is in accord with the Service's compliance and burden reduction initiatives.

Respondents: Individuals or households.

Estimated Total Burden Hours: 825,000 hours.

OMB Number: 1545–1867.

Title: S Corporation Declaration and Signature for Electronic Filing.

Form: 8453–S.

Type of Review: Extension.

Description: Form 8453–S is used to authenticate and authorize transmittal of an electronic Form 1120S.

Respondents: Businesses and other for-profit institutions.

Estimated Total Burden Hours: 10,530 hours.

Clearance Officer: Glenn P. Kirkland, (202) 622–3428, Internal Revenue Service, Room 6516, 1111 Constitution Avenue, NW., Washington, DC 20224.

OMB Reviewer: Alexander T. Hunt, (202) 395–7316, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

Robert Dahl,

Treasury PRA Clearance Officer.

[FR Doc. E7–2879 Filed 2–20–07; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Additional Designation of Entities Pursuant to Executive Order 13382

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Treasury Department's Office of Foreign Assets Control (''OFAC'') is publishing the names of three newly-designated persons whose property and interests in property are blocked pursuant to Executive Order 13382 of June 28, 2005, ''Blocking Property of Weapons of Mass Destruction Proliferators and Their Supporters.''

DATES: The designation by the Secretary of the Treasury of the two entities and one individual identified in this notice pursuant to Executive Order 13382 is effective on January 9, 2007.

FOR FURTHER INFORMATION CONTACT: Assistant Director, Compliance Outreach & Implementation, Office of Foreign Assets Control, Department of the Treasury, Washington, DC 20220, tel.: 202/622–2490.

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

This document and additional information concerning OFAC are available from OFAC's Web site (*http://www.treas.gov/ofac*) or via facsimile through a 24-hour fax-on-demand service, tel.: (202) 622–0077.

Background

On June 28, 2005, the President, invoking the authority, *inter alia,* of the International Emergency Economic Powers Act (50 U.S.C. 1701–1706) (''IEEPA''), issued Executive Order 13382 (70 FR 38567, July 1, 2005) (the ''Order''), effective at 12:01 a.m. eastern daylight time on June 29, 2005. In the Order, the President took additional steps with respect to the national emergency described and declared in Executive Order 12938 of November 14, 1994, regarding the proliferation of weapons of mass destruction and the means of delivering them.

Section 1 of the Order blocks, with certain exceptions, all property and interests in property that are in the United States, or that hereafter come within the United States or that are or hereafter come within the possession or control of United States persons, of: (1) The persons listed in an Annex to the Order; (2) any foreign person determined by the Secretary of State, in consultation with the Secretary of the Treasury, the Attorney General, and other relevant agencies, to have engaged, or attempted to engage, in activities or transactions that have materially contributed to, or pose a risk of materially contributing to, the proliferation of weapons of mass destruction or their means of delivery (including missiles capable of delivering such weapons), including any efforts to manufacture, acquire, possess, develop, transport, transfer or use such items, by any person or foreign country of proliferation concern; (3) any person determined by the Secretary of the Treasury, in consultation with the Secretary of State, the Attorney General, and other relevant agencies, to have provided, or attempted to provide, financial, material, technological or other support for, or goods or services in support of, any activity or transaction described in clause (2) above or any person whose property and interests in property are blocked pursuant to the Order; and (4) any person determined by the Secretary of the Treasury, in consultation with the Secretary of State, the Attorney General, and other relevant agencies, to be owned or controlled by, or acting or purporting to act for or on behalf of, directly or indirectly, any person whose property and interests in property are blocked pursuant to the Order.

On January 9, 2007, the Secretary of the Treasury, in consultation with the Secretary of State, the Attorney General, and other relevant agencies, designated three persons whose property and interests in property are blocked pursuant to Executive Order 13382.

The list of additional designees follows:

1. BANK SEPAH, IMAM KHOMEINI SQUARE, P.O. Box 11364–9569, Tehran, Iran; all offices worldwide [NPWMD].

2. BANK SEPAH INTERNATIONAL PLC, 5/7 Eastcheap, London EC3M 1JT, United Kingdom [NPWMD].

3. DERAKHSHANDEH, AHMAD, c/o BANK SEPAH, No. 33 Hormozan Building, Pirozan St., Sharak Ghods, Tehran, Iran; DOB 11 Aug 1956; POB Iran [NPWMD].

Dated: February 9, 2007.

Adam J. Szubin,

Director, Office of Foreign Assets Control.

[FR Doc. E7–2880 Filed 2–20–07; 8:45 am]

BILLING CODE 4811–42–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Additional Designation of Entities Pursuant to Executive Order 13382

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Treasury Department's Office of Foreign Assets Control (''OFAC'') is publishing the names of three newly-designated persons whose property and interests in property are blocked pursuant to Executive Order 13382 of June 28, 2005, ''Blocking Property of Weapons of Mass Destruction Proliferators and Their Supporters.''

DATES: The designation by the Secretary of the Treasury of the three persons identified in this notice pursuant to Executive Order 13382 is effective on January 4, 2007.

FOR FURTHER INFORMATION CONTACT: Assistant Director, Compliance Outreach & Implementation, Office of Foreign Assets Control, Department of the Treasury, Washington, DC 20220, tel.: 202/622–2490.

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

This document and additional information concerning OFAC are available from OFAC's Web site (*http://www.treas.gov/ofac*) or via facsimile through a 24-hour fax-on-demand service, tel.: (202) 622–0077.

Background

On June 28, 2005, the President, invoking the authority, *inter alia,* of the International Emergency Economic Powers Act (50 U.S.C. 1701–1706) (''IEEPA''), issued Executive Order 13382 (70 FR 38567, July 1, 2005) (the ''Order''), effective at 12:01 a.m. eastern daylight time on June 29, 2005. In the Order, the President took additional steps with respect to the national emergency described and declared in Executive Order 12938 of November 14, 1994, regarding the proliferation of weapons of mass destruction and the means of delivering them.

Section 1 of the Order blocks, with certain exceptions, all property and interests in property that are in the United States, or that hereafter come within the United States or that are or hereafter come within the possession or control of United States persons, of: (1) The persons listed in an Annex to the Order; (2) any foreign person determined by the Secretary of State, in consultation with the Secretary of the Treasury, the Attorney General, and other relevant agencies, to have engaged, or attempted to engage, in activities or transactions that have materially contributed to, or pose a risk of materially contributing to, the proliferation of weapons of mass destruction or their means of delivery (including missiles capable of delivering such weapons), including any efforts to manufacture, acquire, possess, develop, transport, transfer or use such items, by any person or foreign country of proliferation concern; (3) any person determined by the Secretary of the Treasury, in consultation with the Secretary of State, the Attorney General, and other relevant agencies, to have provided, or attempted to provide, financial, material, technological or other support for, or goods or services in support of, any activity or transaction described in clause (2) above or any person whose property and interests in property are blocked pursuant to the Order; and (4) any person determined by the Secretary of the Treasury, in consultation with the Secretary of State, the Attorney General, and other relevant agencies, to be owned or controlled by, or acting or purporting to act for or on behalf of, directly or indirectly, any person whose property and interests in property are blocked pursuant to the Order.

On January 4, 2007, the Secretary of the Treasury, in consultation with the Secretary of State, the Attorney General, and other relevant agencies, designated three persons whose property and interests in property are blocked pursuant to Executive Order 13382.

The list of additional designees follows:

1. HIGHER INSTITUTE OF APPLIED SCIENCE AND TECHNOLOGY (a.k.a. HIAST; a.k.a INSTITUT DES SCIENCES APPLIQUEES ET DE TECHNOLOGIE; a.k.a. INSTITUT SUPERIEUR DES SCIENCES APPLIQUEES ET DE TECHNOLOGIE; a.k.a. ISAT; a.k.a ISSAT), P.O. Box 31983, Barzeh, Damascus (Syria) [NPWMD]

2. ELECTRONICS INSTITUTE, P.O. Box 4470, Damascus (Syria) [NPWMD]

3. NATIONAL STANDARDS AND CALIBRATION LABORATORY (a.k.a. NSCL; a.k.a NATIONAL CALIBRATION CENTRE), P.O. Box 4470, Damascus (Syria) [NPWMD]

Dated: February 9, 2007.

Adam J. Szubin,

Director, Office of Foreign Assets Control.

[FR Doc. E7–2882 Filed 2–20–07; 8:45 am]

BILLING CODE 4811–42–P

Corrections

Federal Register
Vol. 71, No. 34
Wednesday, February 21, 2007

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.

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 86 and 600

[EPA-HP-OAR-2005-0169; FRL-8257-5]

RIN 2060-AN14

Fuel Economy Labeling of Motor Vehicles: Revisions to Improve Calculation of Fuel Economy Estimates

Correction

In rule document 06–9749 beginning on page 77872 in the issue of Wednesday, December 27, 2006, make the following corrections:

§ 86.244–94 [Corrected]

1. On page 77926, in the third column, in § 86.244–94, in the second line from the bottom of the section, ''CH4'' should read ''CH_4''.

§ 600.114–08 [Corrected]

2. On page 77941, in § 600.114–08(c)(1)(ii)(B) the equation is corrected to read as follows:

$$\text{(B) Running FC} = 1.007 \times \left[\frac{0.79}{\text{US06 Highway FE}} - \frac{0.21}{\text{HFET FE}}\right] + 0.133 \times 0.377 \times \left[\frac{1}{\text{SC03 FE}} - \left(\frac{0.61}{\text{Bag } 3_{75}\text{ FE}} + \frac{0.39}{\text{Bag } 4_{75}\text{ FE}}\right)\right]$$

§ 600.315–08 [Corrected]

3. On page 77954. in the first column, in § 600.315–08(g)(1)(i), in the first line, ''*W4–*;'' should read ''*W4–*''.

4. On the same page, in the same column, in § 600.315–08(g)(1)(ii), in the first line, ''*H201–;*'' should read ''*H201–*''.

5. On the same page, in the same column, in § 600.315–08(g)(1)(iii), in the first line, ''*L205–;*'' should read ''*L205–*''.

6. On the same page, in the same column, in § 600.315–08(g)(2)(i)(B), in the first line, ''L211–;'' should read ''L211–''.

7. On the same page, in the same column, in § 600.315–08(g)(2)(ii), in the first line, ''W4–;'' should read ''W4–''.

8. On the same page, in the same column, in § 600.315–08(g)(2)(iii), in the first line, ''H198–;'' should read ''H198–''.

[FR Doc. C6–9749 Filed 2–20–07; 8:45 am]

BILLING CODE 1505–01–D

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[FR Doc. C6–9749 Filed 2–20–07; 8:45 am]

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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*.

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H.R. 434/P.L. 110–4

To provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958 through July 31, 2007, and for other purposes. (Feb. 15, 2007; 121 Stat. 7; 1 page)

H.J. Res. 20/P.L. 110–5

Making further continuing appropriations for the fiscal year 2007, and for other purposes. (Feb. 15, 2007; 121 Stat. 8; 53 pages)

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