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**WHEN:** Tuesday, May 8, 2007  
9:00 a.m.–Noon

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Washington, DC 20002

**RESERVATIONS:** (202) 741-6008



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Federal Register

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 1

[Docket No. FAA-2007-27160; Amendment No. 1-56]

RIN 2120-AI97

#### Changes to the Definition of Certain Light-Sport Aircraft

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Direct final rule; request for comments.

**SUMMARY:** This action corrects an unintended consequence created when we adopted the original Light-Sport Aircraft (LSA) Rule; we did not have sufficient information at that time to foresee this difficulty. This action amends the definition of an LSA in two areas. The changes will (1) permit development of lighter-than-air (LTA) LSA, and (2) allow retractable landing gear for LSA intended for operation on water. The LTA change will result in a common land-based LSA maximum takeoff weight limit and allow the LTA LSA industry to design and build safe, functional LTA aircraft. Allowing retractable landing gear for LSA intended for operation on water recognizes the realities of the operation of these LSA and will also enhance the growth of that industry.

**DATES:** Effective June 4, 2007.

Comments for inclusion in the Rules Docket must be received on or before May 21, 2007.

**FOR FURTHER INFORMATION CONTACT:** Larry Werth, Federal Aviation Administration, Aircraft Certification Service, Small Airplane Directorate, ACE-114, 901 Locust, Room 301, Kansas City, MO 64106; telephone 816-329-4147; fax: 816-329-4090; e-mail: [larry.werth@faa.gov](mailto:larry.werth@faa.gov).

**SUPPLEMENTARY INFORMATION:** Later in this preamble under the Additional Information section, we discuss how you can comment on this direct final rule and how we will handle your comments. Included in this discussion is related information about the docket. We also discuss how you can get a copy of this direct final rule and any related rulemaking documents.

#### Authority for This Rulemaking

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

This rulemaking is promulgated under the authority described in subtitle VII, part A, subpart III, section 44701. Under that section, the FAA is charged with 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 establishes minimum standards required in the interest of safety for the design of aircraft.

#### Background

On July 27, 2004, the FAA issued the "Certification of Aircraft and Airmen for the Operation of Light-Sport Aircraft" final rule (69 FR 44772) (hereon referred to as The LSA/Sport Pilot Rule). That rule established a definition for the term "Light-Sport Aircraft" (LSA). Since we adopted that rule, the FAA has been working with the LSA industry in evaluating the overall LSA program. The past two years have seen remarkable growth in the overall LSA program. Over 600 new factory-built airplanes, powered parachutes, and weight-shift control aircraft have received airworthiness certificates. The exceptions to this rapid growth are lighter-than-air (LTA) LSA and LSA intended for operation on water.

In the first area, the FAA has determined the current LTA LSA maximum takeoff weight (MTW) of 660 pounds (300 kilograms) precludes the desired effect of industry design and development of safe LTA LSA. In the second area, the FAA has determined the physical differences between LSA intended for operation on water (amphibious LSA) and land-based LSA

justify allowing retractable landing gear for amphibious LSA. We discuss these determinations in the following paragraphs.

#### Lighter-Than-Air Light-Sport Aircraft

The LSA/Sport Pilot Rule, which became effective September 1, 2004, established an LTA LSA MTW of 660 pounds (300 kilograms). When the FAA originally considered LTA LSA, we determined that airships suitable for sport pilots do not need to meet all the requirements established in FAA-P-8110-2, "Airship Design Criteria".<sup>1</sup> We based the criteria on airship designs that conventionally use low molecular weight lifting gases rather than hot air. We based the weight limit in the final rule on a review of type-certificated free balloons not using hot air as a captive lifting gas. Since publication of the final rule, the FAA has received comments from the LTA aircraft community requesting the addition of aircraft using hot air as a lifting gas.

One commenter recommended the 660 pounds MTW in the current rule be redefined as a "Design Useful Load." The commenter reasons that, for designers of LTA aircraft, this definition would be a rational quantitative objective consistent with standards for sport pilot/light-sport aircraft. The commenter also said the definition would make the envelope volume/size differences between hot-air and low molecular weight lifting gas LSA irrelevant. The commenter provided information that counters the logic used to define weights for LTA aircraft.

Another commenter provided a table comparing envelope volume and maximum gross weight of 26 type-certificated hot air balloons designed for two-place use. The comparison table shows an average envelope volume of 58,615 cubic feet (ranging from 42,000 to 65,000 cubic feet), and an average maximum gross weight of 1,170 pounds (ranging from 870 to 1,433 pounds).

A commenter requested that the 660-pound design useful load be the LTA aircraft design weight criteria. The commenter also asked that existing two-place type-certificated hot air balloons be permitted to have maximum gross weights of at least 1,100 pounds. The commenter believes economics would naturally discourage a "larger" size

<sup>1</sup> Available in the docket.

airship with a useful load of 660 pounds.

We have reconsidered our decision to distinguish hot-air balloons and hot-air based airships from LSA in light of the facts and data presented by the light-sport community. We believe the characteristics and operation of these aircraft are within the standards for sport pilot/light-sport aircraft. Further, we erred in our determination of maximum weight for LTA aircraft as described in the preamble for the final rule. Based on the information presented by the LTA aircraft community, we have determined that the 1,320-pound MTW limit for LSA is applicable to LTA aircraft. This weight includes the structure, uninflated envelope, engine, burner system, fuel, installed equipment and systems, and two occupants. This increased weight limit permits LTA aircraft designers to provide better integrity for the structure that carries the sport pilot and passenger.

We do not agree with the recommendation to establish a definition for “design useful load” as the parameter for LTA aircraft weight. As stated in the notice of proposed rulemaking (NPRM) dated February 5, 2002 (67 FR 5376), and in the preamble for the final rule dated July 27, 2004 (69 FR 44794), the criteria in the LSA definition are intended to be objective characteristics that are easily measured. Design useful load would not be easily verified as a limiting measure.

Under the provisions of the Sport Pilot and Light-Sport Aircraft rule and revised Office of Management and Budget (OMB) Circular A-119, “Federal Participation in the Development and Use of Voluntary Consensus Standards and in Conformity Assessment Activities,” dated February 10, 1998, industry and the FAA have been working with ASTM International (originally formed as the American Society for Testing and Materials) to develop consensus standards for LSA. These consensus standards satisfy the FAA’s goal for airworthiness certification and establish a verifiable minimum safety level for LSA. In addition, use of the consensus standard process assures government and industry discussion and agreement on appropriate standards for the required level of safety.

We have reviewed the particular consensus standards developed for LTA LSA and note that these standards contain provisions for airships and balloons based on hot air or low molecular weight gas.

### Retractable Landing Gear for LSA Intended for Operation on Water

When we drafted the original proposal for LSA appropriate for sport pilots, we were concerned that LSA be simple in design and operation. For aircraft design, low performance within the constraints of light weight and structural integrity were important. For aircraft operation, simple mechanical systems within the constraint of sport pilot training requirements were important. As noted in the preamble to the rule, from an operations perspective, 14 CFR, part 61, § 61.31(e) provides a statement of the aircraft features that the FAA considers in assuring adequate training for a pilot to operate complex aircraft. From the aircraft operations perspective, § 61.31(e) does not dictate that retractable landing gear makes a seaplane complex.

We intended to allow for retractable landing gear for amphibious aircraft. We attempted to differentiate between retractable and repositionable landing gear, but that distinction has caused problems when implementing the rule. The term “repositionable landing gear” was defined in the preamble to the LSA/ Sport Pilot Rule as “\* \* \* wheeled landing gear that allows an aircraft designed for operation on water to takeoff and land from a hard surface and which may be retracted on the ground to permit takeoff and landing on water. Repositionable landing gear remains fixed in its position from takeoff through landing.” This definition did not fully recognize or account for the realities of operation of amphibious LSA. From the aircraft design perspective, we were concerned that malfunction or misuse of retractable landing gear on amphibious aircraft not impose a hazard to the aircraft occupants.

During the original rulemaking, we were willing to accept the prospect that aircraft structure designed for water loads for takeoff or landing would provide occupant protection in the event of a wheels up landing on the ground. Since the original rulemaking, the FAA has received data<sup>2</sup> from the industry showing that a wheels-down water landing accident sometimes results in minor injuries, but typically results in no injuries. The biggest challenge is escaping from the aircraft when a wheels-down landing accident results in the aircraft submerging in water. The simple two-place design configuration of a LSA facilitates easy

exit from the aircraft should such an accident occur.

Considering the relatively safe record of retractable landing gear on amphibious LSA and the physical differences between amphibious and land-based LSA, we believe use of retractable landing gear is appropriate for amphibious LSA. Our expectations for simple, mechanically operated retractable landing gear for sailplanes align with our expectations for operation of amphibious aircraft. (Sailplane fuselages are typically designed for landing loads similar to amphibious aircraft structural design criteria).

Finally, with the current § 1.1 LSA definition, most of the existing fleet of amphibious single- and two-seat ultralight-like aircraft in the LSA fleet cannot be issued an airworthiness certificate under § 21.191(i)(1). These aircraft do not meet the current definition of a LSA since most are equipped with retractable landing gear and not “repositionable” landing gear. Unless the LSA definition is changed to allow retractable landing gear for amphibious LSA before January 31, 2008, these aircraft will be unnecessarily excluded from this category of aircraft.

Czech Air Works (CZAW) petitioned the FAA for an exemption to allow retractable landing gear on its Mermaid amphibious airplane. As part of its request, CZAW provided information concerning the design and operation of amphibious LSA. The petition can be found in Docket No. FAA-2005-23030.

The FAA received approximately 450 comments from 260 commenters. Comments on the petition highlighted the overall benefits for an airplane to be capable of land and water landings. These comments also addressed structural design integrity of amphibious aircraft that provide added protection for aircraft occupants in the event of landing with the landing gear in the wrong position (gear up or down). One commenter pointed out that, without an exemption, manufacturers might sell the aircraft equipped with “beaching gear” (for use only when taxiing to land from water, and vice versa, using a ramp) instead of landing gear. This commenter suggested that pilots may be tempted to use the beaching gear as landing gear, which would compromise safety.

Several commenters objected to the petition for exemption. One commenter said changing gear position would increase risk to occupants of an amphibious LSA. Three commenters said that increasing complexity of LSA would increase risk. Four commenters

<sup>2</sup> See Docket Management System Docket Number FAA-2005-23030. Available at [dms.dot.gov](http://dms.dot.gov).

said the Mermaid aircraft would be seriously damaged if the pilot landed on water with the gear down. One commenter recommended allowing only one change of gear position each flight.

In granting the petition for exemption to allow retractable landing gear for amphibious LSA, the primary concern was to determine if the Mermaid aircraft is as safe as any other aircraft with LSA airworthiness certification. We reviewed the information provided by CZAW and the commenters to the petition for exemption. The FAA found the structural integrity of the Mermaid aircraft is enhanced by its "flying boat" design. This design offers increased protection for the occupants when landing with improperly positioned landing gear. We also found the simple method of actuating and monitoring the position of the landing gear is consistent with the design objectives for LSA.

We agree with the commenters who implied the safety of amphibious aircraft is better served by allowing for retractable rather than repositionable landing gear because of the manner in which amphibious aircraft are operated. We considered the comment that pilots might be tempted to use "beaching gear" (if equipped) as landing gear to be a persuasive argument. Using "beaching gear" as landing gear would compromise safety because it is not designed for landing impact loads.

Several commenters were concerned that retractable landing gear would add to the complexity of amphibious LSA. Commenters were divided on the need for landing gear position indicators for amphibious LSA. We find that a direct-action manual lever to mechanically operate the landing gear or a simple mechanical system is appropriate for amphibious LSA. Currently, sailplanes certificated as LSA are allowed to use a direct-action manual lever to mechanically operate the landing gear. We have determined that this revision to the definition of a LSA recognizes the operational requirements of amphibious LSA and is consistent with the stated design and safety objectives.

#### **The Direct Final Rule Process**

The FAA anticipates that this regulation will not result in adverse or negative comment and, therefore, is issuing it as a direct final rule. The two changes in the definition of LSA will be beneficial to and supported by the LSA industry. Increasing the LTA MTW will result in a common LSA limitation and eliminate the current unnecessary restrictions. Allowing retractable landing gear for amphibious LSA will be beneficial to that portion of the LSA

industry and will enhance the development of safe amphibious LSA.

Unless we receive a written adverse or negative comment, or a written notice of intent to submit an adverse or negative comment within the comment period, the regulation will become effective on the date specified above. After the close of the comment period, the FAA will publish a document in the **Federal Register** that indicates we received no adverse or negative comments and confirms the date the final rule will become effective. If the FAA receives, within the comment period, an adverse or negative comment, or written notice of intent to submit such a comment, we will publish a document withdrawing the direct final rule in the **Federal Register**, and we may publish a notice of proposed rulemaking with a new comment period.

In evaluating any comments received, the FAA will consider only comments supported by valid and reasonable data. Adverse comments that dispute previously established and accepted FAA determinations or decisions will not be considered. Any written notice of intent to submit late comments must contain a reasonable estimate of when that comment will be submitted. We will not delay implementing these changes because comments were not submitted on time.

#### **Paperwork Reduction Act**

The Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)) requires the FAA to consider the impact of paperwork and other information collection burdens imposed on the public. We have determined that there are no current or new requirements for information collection associated with these amendments.

#### **International Compatibility**

The FAA has determined that there are no International Civil Aviation Organization (ICAO) Standards and Recommended Practices that correspond to this regulation.

#### **Regulatory Evaluation, Regulatory Flexibility Determination, International Trade Impact Assessment, and Unfunded Mandates Assessment**

Changes to Federal regulations must undergo several economic analyses. First, Executive Order 12866 directs that each Federal agency shall propose or adopt a regulation only upon a reasoned determination that the benefits of the intended regulation justify its costs. Second, the Regulatory Flexibility Act of 1980 (Pub. L. 96-354) requires agencies to analyze the economic impact of regulatory changes on small

entities. Third, the Trade Agreements Act (Pub. L. 96-39) prohibits agencies from setting standards that create unnecessary obstacles to the foreign commerce of the United States. In developing U.S. standards, the Trade Agreements Act requires agencies to consider international standards and, where appropriate, that they be the basis of U.S. standards. Fourth, the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4) requires agencies to prepare a written assessment of the costs, benefits, and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, of \$100 million or more annually (adjusted for inflation with base year of 1995). This portion of the preamble summarizes the FAA's analysis of the economic impacts of this final rule.

Department of Transportation Order DOT 2100.5 prescribes policies and procedures for simplification, analysis, and review of regulations. If the expected cost impact is so minimal that a proposed or final rule does not warrant a full evaluation, this order permits that a statement to that effect and the basis for it be included in the preamble if a full regulatory evaluation of the cost and benefits is not prepared. Such a determination has been made for this final rule. The reasoning for this determination follows.

We were too restrictive in two areas of the original LSA definition. With this rulemaking action, we are removing a restriction by allowing the LSA to use retractable landing gear when the aircraft is intended for operation on water. This rule will also create a common land-based LSA MTW limit, which will allow the LTA LSA industry to design and build safe, functional LTA aircraft.

The FAA has, therefore, determined that this final rule is not a "significant regulatory action" as defined in section 3(f) of Executive Order 12866, and is not "significant" as defined in DOT's Regulatory Policies and Procedures.

#### **Regulatory Flexibility Determination**

The Regulatory Flexibility Act of 1980 (Pub. L. 96-354) (RFA) establishes "as a principle of regulatory issuance that agencies shall endeavor, consistent with the objectives of the rule and of applicable statutes, to fit regulatory and informational requirements to the scale of the businesses, organizations, and governmental jurisdictions subject to regulation. To achieve this principle, agencies are required to solicit and consider flexible regulatory proposals and to explain the rationale for their

actions to assure that such proposals are given serious consideration." The RFA covers a wide range of small entities, including small businesses, not-for-profit organizations, and small governmental jurisdictions.

Agencies must perform a review to determine whether a rule will have a significant economic impact on a substantial number of small entities. If the agency determines that it will, the agency must prepare a regulatory flexibility analysis as described in the RFA.

However, if an agency determines that a rule is not expected to have a significant economic impact on a substantial number of small entities, section 605(b) of the RFA provides that the head of the agency may so certify and a regulatory flexibility analysis is not required. The certification must include a statement providing the factual basis for this determination, and the reasoning should be clear.

This final rule will not impose any costs on small entities. We were overly restrictive in our original rule. We are removing restrictions to allow retractable landing gear for LSA intended for operation on water and are creating a common land-based LSA MTW limit, which will allow the LTA LSA industry to design and build safe, functional LTA aircraft. Therefore, as the FAA Administrator, I certify that this rule will not have a significant economic impact on a substantial number of small entities.

#### International Trade Impact Assessment

The Trade Agreements Act of 1979 (Pub. L. 96-39) prohibits Federal agencies from establishing any standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. Legitimate domestic objectives, such as safety, are not considered unnecessary obstacles. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards. The FAA has assessed the potential effect of this final rule and has determined that it will have a cost relieving impact on domestic and international entities and thus has a neutral trade impact.

#### Unfunded Mandates Assessment

Title II of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4) requires each Federal agency to prepare a written statement assessing the effects of any Federal mandate in a proposed or final agency rule that may result in an expenditure of \$100 million or more (adjusted annually for inflation with the

base year 1995) in any one year by State, local, and tribal governments, in the aggregate, or by the private sector; such a mandate is deemed to be a "significant regulatory action." The FAA currently uses an inflation-adjusted value of \$128.1 million in lieu of \$100 million. This final rule does not contain such a mandate.

#### Executive Order 13132, Federalism

The FAA has analyzed this final rule under the principles and criteria of Executive Order 13132, Federalism. We determined that this action will not have a substantial direct effect on the States, or the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, we determined that this final rule does not have federalism implications.

#### Environmental Analysis

FAA Order 1050.1E identifies FAA actions that are categorically excluded from preparation of an environmental assessment or environmental impact statement under the National Environmental Policy Act in the absence of extraordinary circumstances. The FAA has determined this proposed rulemaking action qualifies for the categorical exclusion identified in paragraph 312f and involves no extraordinary circumstances.

#### Regulations That Significantly Affect Energy Supply, Distribution, or Use

The FAA has analyzed this final rule under Executive Order 13211, Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use (66 FR 28355, May 18, 2001). We have determined that it is not a "significant energy action" under the executive order because it is not a "significant regulatory action" under Executive Order 12866, and it is not likely to have a significant adverse effect on the supply, distribution, or use of energy.

#### Additional Information

##### *Commenting on This Direct Final Rule*

You may send comments identified by Docket Number FAA-2007-27160 using any of the following methods:

- *DOT Docket Web site:* Go to <http://dms.dot.gov> and follow the instructions for sending your comments electronically.

- *Government-wide rulemaking Web site:* Go to <http://www.regulations.gov> and follow the instructions for sending your comments electronically.

- *Mail:* Docket Management Facility; U.S. Department of Transportation, 400

Seventh Street, SW., Nassif Building, Room PL-401, Washington, DC 20590-0001.

- *Fax:* 1-202-493-2251.
- *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.

#### *Availability of Rulemaking Documents*

You can get an electronic copy using the Internet by:

- (1) Searching the Department of Transportation's electronic Docket Management System (DMS) Web page (<http://dms.dot.gov/search>);
- (2) Visiting the FAA's Regulations and Policy Web page at [http://www.faa.gov/regulations\\_policies/](http://www.faa.gov/regulations_policies/); or
- (3) Accessing the Government Printing Office's Web page at <http://www.gpoaccess.gov/fr/index.html>.

You can also get a copy by sending a request to the Federal Aviation Administration, Office of Rulemaking, ARM-1, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267-9680. Make sure to identify the docket number, notice number, or amendment number of this rulemaking.

#### *Small Business Regulatory Enforcement Fairness Act*

The Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996 requires FAA to comply with small entity requests for information or advice about compliance with statutes and regulations within its jurisdiction. If you are a small entity and you have a question regarding this document, you may contact your local FAA official, or the person listed under the **FOR FURTHER INFORMATION CONTACT** heading at the beginning of the preamble. You can find out more about SBREFA on the Internet at [http://www.faa.gov/regulations\\_policies/rulemaking/sbre\\_act/](http://www.faa.gov/regulations_policies/rulemaking/sbre_act/).

#### **List of Subjects in 14 CFR Part 1**

Air transportation.

#### **The Amendment**

■ In consideration of the foregoing, the Federal Aviation Administration amends part 1 of Title 14, Code of Federal Regulations, as follows:

#### **PART 1—DEFINITIONS AND ABBREVIATIONS**

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

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

■ 2. Amend the definition of "light-sport aircraft" in § 1.1 by removing

paragraph (1)(i), redesignating (1)(ii) and (1)(iii) as (1)(i) and (1)(ii), respectively, and revising paragraph (12) to read as follows:

**§ 1.1 General definitions.**

\* \* \* \* \*  
*Light-sport aircraft* \* \* \*  
 \* \* \* \* \*

(12) Fixed or retractable landing gear, or a hull, for an aircraft intended for operation on water.

\* \* \* \* \*

Issued in Washington, DC, on April 9, 2007.

**Marion C. Blakey,**  
*Administrator.*

[FR Doc. E7-7453 Filed 4-18-07; 8:45 am]

BILLING CODE 4910-13-P

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Food and Drug Administration**

**21 CFR Parts 510 and 522**

**Implantation or Injectable Dosage Form New Animal Drugs; Withdrawal of Approval of NADAs; Estradiol Benzoate**

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is amending the animal drug regulations that reflect approval of two new animal drug applications (NADAs) for a suspension implant of estradiol benzoate microspheres used in steers and heifers fed in confinement for slaughter for increased rate of weight gain and improved feed efficiency, and in suckling beef calves for increased rate of weight gain. In a notice published elsewhere in this issue of the **Federal Register**, FDA has withdrawn approval of the NADAs.

**DATES:** This rule is effective April 19, 2007.

**FOR FURTHER INFORMATION CONTACT:**

Pamela K. Esposito, Center for Veterinary Medicine (HFV-212), Food and Drug Administration, 7519 Standish Pl., Rockville, MD 20855, 240-276-9067; e-mail: [pamela.esposito@fda.hhs.gov](mailto:pamela.esposito@fda.hhs.gov).

**SUPPLEMENTARY INFORMATION:** PR Pharmaceuticals, Inc., 1716 Heath Pkwy., Fort Collins, CO 80524, has requested that FDA withdraw approval of NADA 141-040 for DURALEASE (estradiol benzoate), a suspension implant of estradiol benzoate

microspheres used in steers and heifers fed in confinement for slaughter for increased rate of weight gain and improved feed efficiency and NADA 141-041 for CELERIN-C (estradiol benzoate), a similar product used in suckling beef calves for increased rate of weight gain. This action is requested because the products are no longer manufactured or marketed.

In a notice published elsewhere in this issue of the **Federal Register**, FDA gave notice that approval of NADA 141-040 and NADA 141-041 and all supplements and amendments thereto, were withdrawn, as of September 29, 2006.

Following the withdrawal of approval of these NADAs, PR Pharmaceuticals, Inc., is no longer a sponsor of an approved application. Therefore, 21 CFR 510.600(c) is amended to remove entries for this firm. As provided in the regulatory text of this document, the animal drug regulations are amended to reflect the withdrawal of approval.

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

**List of Subjects**

*21 CFR Part 510*

Administrative practice and procedure, Animal drugs, Labeling, Reporting and recordkeeping requirements.

*21 CFR Part 522*

Animal drugs.

■ Therefore, under the Federal Food, Drug and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR parts 510 and 522 are amended as follows:

**PART 510—NEW ANIMAL DRUGS**

■ 1. The authority citation for 21 CFR part 510 continues to read as follows:

**Authority:** 21 U.S.C. 321, 331, 351, 352, 353, 360b, 371, 379e.

**§ 510.600 [Amended]**

■ 2. In § 510.600, in the table in paragraph (c)(1), remove the entry for “PR Pharmaceuticals, Inc.”; and in the table in paragraph (c)(2) remove the entry for “067210”.

**PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS**

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

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

**§ 522.841 [Removed]**

■ 4. Remove § 522.841.

Dated: April 9, 2007.

**Bernadette Dunham,**

*Deputy Director, Center for Veterinary Medicine.*

[FR Doc. E7-7458 Filed 4-18-07; 8:45 am]

BILLING CODE 4160-01-S

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Food and Drug Administration**

**21 CFR Parts 510 and 558**

**New Animal Drugs For Use in Animal Feed; Withdrawal of Approval of NADAs; Pyrantel; Tylosin; Tylosin and Sulfamethazine**

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is withdrawing approval of three new animal drug applications (NADAs) for intermediate premixes used to manufacture Type C medicated feeds. In a notice published elsewhere in this issue of the **Federal Register**, FDA is withdrawing approval of the NADAs.

**DATES:** This rule is effective April 30, 2007.

**FOR FURTHER INFORMATION CONTACT:**

Pamela K. Esposito, Center for Veterinary Medicine (HFV-212), Food and Drug Administration, 7519 Standish Pl., Rockville, MD 20855, 240-276-9067, e-mail: [pamela.esposito@fda.hhs.gov](mailto:pamela.esposito@fda.hhs.gov).

**SUPPLEMENTARY INFORMATION:** Custom Feed Services Corp., 2100 N. 13th St., Norfolk, NE 68701, has requested that FDA withdraw approval of NADA 121-200 for Tylosin 10 Premix (tylosin), NADA 129-159 for TYLAN 40 Sulfa-G (tylosin and sulfamethazine), and NADA 137-484 for Swine Guard-BN (pyrantel). All are intermediate premixes used to manufacture Type C medicated feeds. This action is requested because the products are no longer manufactured or marketed.

In a final rule published elsewhere in this issue of the **Federal Register**, FDA gives notice that approval of NADA

121–200, NADA 129–159, and NADA 137–484 and all supplements and amendments thereto, is withdrawn, effective April 30, 2007.

Following the withdrawal of approval of these NADAs, Custom Feed Services Corp. is no longer a sponsor of an approved application. Therefore, 21 CFR 510.600(c) is amended to remove entries for this firm. As provided in the regulatory text of this document, the animal drug regulations are amended to reflect the withdrawal of approval.

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

#### List of Subjects

##### 21 CFR Part 510

Administrative practice and procedure, Animal drugs, Labeling, Reporting and recordkeeping requirements.

##### 21 CFR Part 558

Animal drugs, Animal feeds.

■ Therefore, under the Federal Food, Drug and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR parts 510 and 558 are amended as follows:

#### PART 510—NEW ANIMAL DRUGS

■ 1. The authority citation for 21 CFR part 510 continues to read as follows:

**Authority:** 21 U.S.C. 321, 331, 351, 352, 353, 360b, 371, 379e.

##### § 510.600 [Amended]

■ 2. In § 510.600, in the table in paragraph (c)(1), remove the entry for “Custom Feed Services Corp.”; and in the table in paragraph (c)(2) remove the entry for “017473”.

#### PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

■ 3. The authority citation for 21 CFR part 558 continues to read as follows:

**Authority:** 21 U.S.C. 360b, 371.

##### § 558.485 [Amended]

■ 4. In § 558.485, in paragraph (b)(3), remove “017473”.

##### § 558.625 [Amended]

■ 5. In § 558.625, remove and reserve paragraph (b)(68).

##### § 558.630 [Amended]

■ 6. In § 558.630, in paragraph (b)(10), remove “017473”.

Dated: April 9, 2007.

**Bernadette Dunham,**

*Deputy Director, Center for Veterinary Medicine.*

[FR Doc. E7–7460 Filed 4–18–07; 8:45 am]

**BILLING CODE 4160–01–S**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 117

[CGD08–06–013]

RIN 1625–AA09

#### Drawbridge Operation Regulation; Illinois Waterway, Illinois

**AGENCY:** Coast Guard, DHS.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard is revising the drawbridge operations for the Pekin Railroad Drawbridge, Mile 151.2, at Pekin, Illinois and the Chessie Railroad Drawbridge, Mile 254.1 at Seneca, Illinois across the Illinois Waterway. The present regulation found in § 117.393(b) is being revised to reflect the actual procedures that have always been followed. That regulation was intended to be temporary, for test purposes only, and was inadvertently permanently included in the Code of Federal Regulations. This rule eliminates the “Specific Requirements” for remote operation, and the bridge will continue to operate, as required by the Coast Guard, under the “General Requirements”. In addition, the Coast Guard is revising the regulation governing the operation of the Chessie Railroad Drawbridge across the Illinois Waterway, Mile 254.1, at Seneca, Illinois. The existing regulation requires the drawspan to open on signal. This revision is necessary to reflect a change in operating procedure.

**DATES:** This rule is effective on May 21, 2007.

**ADDRESSES:** Comments and material received from the public, as well as documents indicated in the preamble as being available in the docket, are part of docket CGD8–06–013 and are available for inspection or copying at room 2.107(f), in the Robert A. Young Federal Building, Eighth Coast Guard District, 1222 Spruce Street, St. Louis, MO 63103–2832, between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays. Commander (dwb), Eighth Coast Guard District, Bridge Branch maintains the public docket for this rulemaking.

**FOR FURTHER INFORMATION CONTACT:** Mr. Roger K. Wiebusch, Bridge Administrator, (314) 269–2378.

#### SUPPLEMENTARY INFORMATION:

##### Regulatory History

On June 26, 2006, we published a notice of proposed rulemaking (NPRM) entitled Drawbridge Operation Regulation, Illinois Waterway, IL in the **Federal Register** (71 FR 36295). On November 16, 2006, we published a Supplemental notice of proposed rulemaking (SNPRM) entitled Drawbridge Operation Regulation, Illinois Waterway, IL in the **Federal Register** (71 FR 66713). We received no letters commenting on the proposed rules. No public hearing was requested, and none was held.

##### Background and Purpose

A test period to remotely operate the Pekin Railroad Drawbridge, Mile 151.2, across the Illinois Waterway was proposed by the bridge owner. After that test period, it was determined that remote operation was not feasible. The bridge owner withdrew the proposal and the Coast Guard required the continued on-site operation of the bridge. The bridge is not remotely operated. The bridge owner has always maintained an on-site bridge operator for the bridge. However, the regulation allowing the test period was inadvertently published as a permanent change, and can be found in 33 CFR 117.393(b).

This rulemaking corrects the drawbridge operating regulations to reflect Coast Guard approved operating conditions presently adhered to by the bridge owner and waterway users.

33 CFR 117.5 requires the Chessie Railroad Drawbridge, mile 254.1, Illinois Waterway at Seneca, Illinois to open on signal for the passage of vessels. Due to reduced train use, the bridge owner removed the bridgetender, maintains the drawspan in the fully open position and allows train operators to close the bridge. This action was taken without proper Coast Guard notification or approval. The rule improves the navigation safety of bridge operations by establishing a method of operation and communication between vessels and bridge closure personnel.

##### Discussion of Comments and Changes

The Coast Guard received no comment letters in response to either the NPRM or the SNPRM. There were no requests for public meetings. No changes have been made to this final rule.

### Regulatory Evaluation

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

The Coast Guard expects that these changes will have no economic impact on commercial traffic operating on the Illinois Waterway.

The regulation changes will not affect the present safe operation of the bridges.

### Small Entities

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

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

This rule is neutral to all business entities since it affects only how the vessel operators request bridge openings.

### Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we offered to assist small entities in understanding the rule so that they could better evaluate its effects on them and participate in the rulemaking process. Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency’s responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

### Collection of Information

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

### Federalism

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

### Unfunded Mandates Reform Act

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

### Taking of Private Property

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

### Civil Justice Reform

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

### Protection of Children

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

### Indian Tribal Governments

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

responsibilities between the Federal government and Indian tribes.

### Energy Effects

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

### Technical Standards

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

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

### Environment

We have analyzed this rule under Commandant Instruction M16475.1D, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore this rule is categorically excluded under figure 2–1, paragraph 32(e) of the Instruction from further environmental documentation. Paragraph 32(e) excludes the promulgation of operating regulations or procedures for drawbridges from the environmental documentation requirements of NEPA. Since this regulation would alter the normal operating conditions of the drawbridge, it falls within this exclusion. A “Categorical Exclusion

Determination" is available in the docket for inspection or copying where indicated under **ADDRESSES**.

#### List of Subjects in 33 CFR Part 117

Bridges.

#### Regulations

■ For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 117 as follows:

#### PART 117—DRAWBRIDGE OPERATION REGULATIONS

■ 1. The authority citation for part 117 continues to read as follows:

**Authority:** 33 U.S.C. 499; Department of Homeland Security Delegation No. 017.1; 33 CFR 1.05–1(g); section 117.255 also issued under the authority of Pub. L. 102–587, 106 Stat. 5039.

■ 2. Revise § 117.393(b) to read as follows:

#### § 117.393 Illinois Waterway.

\* \* \* \* \*

(b) The draw of the Chessie Railroad Bridge, mile 254.1, at Seneca, Illinois, operates as follows:

(1) The draw is normally maintained in the fully open position, displaying green mid-channel lights to indicate the span is fully open.

(2) When a train approaches the bridge and the draw is in the open position, the train will stop, train operator shall walk out on the bridge and scan the river for approaching vessels.

(3) If a vessel is approaching the bridge, the draw will remain open. The vessel shall contact the train operator on VHF–FM channel 16 and the train operator shall keep the draw in the fully open position until the vessel has cleared the bridge.

(4) If no vessels are observed, the train operator initiates a five minute warning period on VHF–FM radio channel 16 before closing the bridge. The train operator will broadcast the following message: "The Chessie Railroad Bridge at Mile 254.1, Illinois River, will close to navigation in five minutes." The announcement is repeated every minute counting down the time remaining until closure.

(5) At the end of the five minute warning period, and if no vessels are approaching the bridge, the train operator shall sound the siren for 10 seconds, activate the alternate flashing red lights on top of the draw, then lower and lock the draw in place. Red lights shall continue to flash to indicate the draw is closed to navigation.

(6) After the train has cleared the bridge, the draw shall be raised to its

full height and locked in place, the red flashing lights stopped, and the draw lights changed from red to green.

\* \* \* \* \*

Dated: April 3, 2007.

**J.R. Whitehead,**

*Rear Admiral, U.S. Coast Guard Commander,  
Eighth Coast Guard District.*

[FR Doc. E7–7415 Filed 4–18–07; 8:45 am]

**BILLING CODE 4910–15–P**

#### AGENCY FOR INTERNATIONAL DEVELOPMENT

#### 48 CFR Parts 731 and 752

[USAID Acquisition Regulation Acquisition Circular (AIDAC) 2007–1]

**RIN 0412–AA60**

#### Various Administrative Changes to the USAID Acquisition Regulations (AIDAR)

**AGENCY:** United States Agency for International Development.

**ACTION:** Final rule.

**SUMMARY:** The U.S. Agency for International Development (USAID) is amending its Agency for International Development Acquisition Regulation (AIDAR) to: Remove all references to Office of Personnel Management's (OPM) obsolete Executive Service (ES–6) as the contract employee salary threshold and replace with revised terminology; revise the Medical Evacuation (MEDEVAC) Services clause and provisions by deleting the requirement for contractors to purchase MEDEVAC services insurance through a USAID centrally awarded contract; remove clause 752.7016 FAMILY PLANNING AND POPULATION ASSISTANCE ACTIVITIES (AUG 1986); and update the title of Office of Procurement (OP) to Office of Acquisition and Assistance (OAA) throughout.

**DATES:** This rule is effective July 18, 2007 without further action, unless adverse comment is received by May 21, 2007. If adverse comment is received, USAID will publish a timely withdrawal of the rule in the **Federal Register**. Submit comments on or before May 21, 2007.

**ADDRESSES:** Submit comments, identified by title of the Proposed Action, and RIN number by any of the following methods:

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

*Fax:* 202–216–3395.

*Mail:* U.S. Agency for International Development, Office of Acquisition &

Assistance, Policy Division, 1300 Pennsylvania Avenue, NW., Room 7.9–18, Washington, DC 20523–0001.

*Instructions:* All submissions must include the title of the proposed action, and Regulatory Information Number (RIN) for this rulemaking. Please include your name, title, organization, postal address, telephone number, and e-mail address in the text of the message.

#### FOR FURTHER INFORMATION CONTACT:

Carol Ketrick, Telephone: 202–712–1382, e-mail: [cketrick@usaid.gov](mailto:cketrick@usaid.gov).

#### SUPPLEMENTARY INFORMATION: Public Participation:

Because security screening precautions have slowed the delivery and dependability of surface mail to USAID/Washington, USAID recommends sending all comments to the Federal eRulemaking Portal or fax number listed above (all comments must be in writing to be reviewed). All comments will be made available for public review without change, including any personal information provided, from 3 workdays after receipt to finalization of action at <http://www.Regulations.gov>.

#### A. Background

The AIDAR reflects agency policy regarding the maximum annual rate of personnel compensation for contractor employees. The threshold beyond which contract employees' salaries require contracting officer approval is currently stated as being equivalent to OPM's ES–6 level. In 2003, Public Law 108–136 replaced the SES grade structure with a single, open-range "payband"; therefore, the use of the ES–6 level as the threshold for contracting officer approval is no longer possible. USAID has established a new threshold, the "USAID Contractor Salary Threshold" or "USAID CST," which is set forth in the agency's ADS Chapter 302 on Direct Contracting. The change to the AIDAR deletes all references to OPM's obsolete Executive Service (ES–6) level or "ES–6 policy" and replaces it with this updated terminology.

Emergency medical evacuation services are for individuals involved in accidents or suffering a sudden illness at a time when adequate medical facilities are not available at post. USAID implemented AIDAR 752.228–70 "Medical Evacuation (MEDEVAC) Services (Mar 1993)", Appendix D—General Provision 25 "Medical Evacuation (MEDEVAC) Services (Jul 1993)", and Appendix J—General Provision 21 "Medical Evacuation (MEDEVAC) Services (Jul 1993)" which required contractors use USAID's central contract to purchase MEDEVAC

insurance for employees. The central contract incorporated a volume discount for these services, thereby saving insurance costs to the Agency. However, after more than ten years' experience with the centrally-awarded MEDEVAC contract, we have concluded that the difference in rates the Agency obtained through the competitive contracting process and the rates the insurance providers were offering to the general public was negligible and that continuing the central MEDEVAC contract was no longer in the Agency's best interest. USAID did not re-compete a new contract when the last MEDEVAC contract expired in 2003; therefore, the requirement is obsolete. The entire clause and general provisions are revised both to remove the reference to the USAID central MEDEVAC services contract and to update the language overall.

The clause AIDAR 752.7016 FAMILY PLANNING AND POPULATION ASSISTANCE ACTIVITIES (AUG 1986) is removed and the section reserved as the clause was made obsolete by guidance issued under Public Law 105-277 (FY 1999 Foreign Operations Appropriations Act). The Act established new statutory requirements for voluntary family planning projects, known as the Tiahrt Amendment. The Tiahrt Amendment has been included in all subsequent Foreign Operations Appropriations Acts and its requirements will be incorporated by a proposed rule at a later date.

This document also amends the AIDAR to make editorial changes deleting all references to Office of Procurement (M/OP) and replacing with Office of Acquisition and Assistance (M/OAA).

**B. Regulatory Planning and Review**

This is not a significant regulatory action and, therefore, is not subject to review under Section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

**C. Regulatory Flexibility Act**

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), USAID has considered the economic impact of the rule and has determined that its provisions would not have a significant economic impact on a substantial number of small entities.

**D. Paperwork Reduction Act**

The Paperwork Reduction Act does not apply because the proposed changes to the AIDAR do not impose

information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

**List of Subjects in 48 CFR Parts 731 and 752**

Government procurement.

■ For the reasons set forth in the preamble under the authority at Sec. 621, Pub. L. 87-195, 75 Stat. 445 (22 U.S.C. 2381) as amended; E.O. 12163, Sept. 29, 1979, 44 FR 56673; 3 CFR 1979 Comp., p. 435, the U.S. Agency for International Development proposes to amend 48 CFR Chapter 7 as follows:

■ 1. The authority citation for 48 CFR parts 731 and 752 continues to read as follows:

**Authority:** Sec. 621, Pub. L. 87-195, 75 Stat. 445, (22 U.S.C. 2381) as amended; E.O. 12163, Sept. 29, 1979, 44 FR 56673; 3 CFR 1979 Comp., p. 435.

**PART 731—CONTRACT COST PRINCIPLES AND PROCEDURES**

**Subpart 731.2—Contracts With Commercial Organizations**

■ 2. Amend section 731.205-6 by revising paragraph (b) to read as follows:

**731.205-6 Compensation for personal services.**

\* \* \* \* \*

(b) *Salaries and wages.* It is USAID policy that if an employee's base salary plus overseas recruitment incentive, if any (see AIDAR 731.205-70) exceeds the USAID Contractor Salary Threshold (USAID CST), as stated in USAID's Automated Directives System (ADS) Chapter 302 USAID Direct Contracting (available at <http://www.usaid.gov/policy/ads/300/302.pdf>), it will be allowable only if approved in writing by the contracting officer. The contracting officer shall only provide such approval after internal Agency procedures for review/approval of salaries in excess of the USAID CST in ADS 302 have been followed. USAID policies on compensation of third country national or cooperating country national employees are set forth in AIDAR 722.170.

\* \* \* \* \*

**Subpart 731.3—Contracts With Educational Institutions**

■ 3. Amend section 731.371 by revising paragraph (b)(1) to read as follows:

**731.371 Compensation for personal services.**

\* \* \* \* \*

(b) \* \* \*

(1) The policies set forth in AIDAR 731.205-6(b) are also applicable to contracts with a nonprofit organization.

\* \* \* \* \*

**PART 752—SOLICITATION PROVISIONS AND CONTRACT CLAUSES**

■ 4. Amend section 752.228-70 by revising the clause to read as follows:

**752.228-70 Medical Evacuation (MEDEVAC) Services.**

\* \* \* \* \*

Medical Evacuation (MEDEVAC) Services (JUL 2007)

(a) Contractor must provide MEDEVAC service coverage to all U.S. citizen, U.S. resident alien, and Third Country National employees and their authorized dependents (hereinafter "individual") while overseas under a USAID-financed direct contract. USAID will reimburse reasonable, allowable, and allocable costs for MEDEVAC service coverage incurred under the contract. The Contracting Officer will determine the reasonableness, allowability, and allocability of the costs based on the applicable cost principles and in accordance with cost accounting standards.

(b) *Exceptions.* (i) The Contractor is not required to provide MEDEVAC insurance to eligible employees and their dependents with a health program that includes sufficient MEDEVAC coverage as approved by the Contracting Officer.

(ii) The Mission Director may make a written determination to waive the requirement for such coverage. The determination must be based on findings that the quality of local medical services or other circumstances obviate the need for such coverage for eligible employees and their dependents located at post.

(c) Contractor must insert a clause similar to this clause in all subcontracts that require performance by contractor employees overseas.

■ 5. Amend section 752.7007 by revising the date of the clause and paragraph (b) to read as follows:

**752.7007 Personnel Compensation.**

\* \* \* \* \*

Personnel Compensation (JUL 2007)

\* \* \* \* \*

(b) Reimbursement of the employee's base annual salary plus overseas recruitment incentive, if any, which exceed the USAID Contractor Salary Threshold (USAID CST) stated in USAID Automated Directives System

(ADS) Chapter 302 USAID Direct Contracting, must be approved in writing by the Contracting Officer, as prescribed in 731.205-6(b) or 731.371(b), as applicable.

\* \* \* \* \*

752.7016 [Removed and Reserved]

■ 6. Remove and reserve section 752.7016.

Subpart 753.3—Illustration of Forms

■ 7. Amend Appendix D to Chapter 7 as follows:

- A. Revise Section 4, paragraph (e)(3).
■ B. Revise Section 7, paragraph (k)(7).
■ C. Amend Section 12, General Provision 4 by revising the heading and paragraph (b).
■ D. Amend Section 12 by revising General Provision 25.

The revisions read as follows:

Appendix D to Chapter 7—Direct USAID Contracts With a U.S. citizen or a U.S. Resident Alien for Personal Services Abroad

\* \* \* \* \*

4. \* \* \*

\* \* \* \* \*

(e) \* \* \*

(3) This Appendix applies the "USAID Contractor Salary Threshold (USAID CST)" policy in Automated Directives System (ADS) Chapter 302.3.6.8 to salaries for U.S. PSCs. Salaries in excess of the USAID CST, which is equivalent to the maximum rate for Federal agencies without a certified SES performance appraisal system, must be approved by the M/OAA Director in accordance with the approval procedures in ADS 302.3.6.8(e). This approval cannot be re-delegated.

\* \* \* \* \*

7. \* \* \*

\* \* \* \* \*

(k) \* \* \*

(7) The approval for any salary in excess of the "USAID Contractor Salary Threshold (USAID CST)", which is equivalent to the maximum rate for Federal agencies without a certified SES performance appraisal system, in accordance with approval procedures in ADS 302.3.6.8(e) as required in Section 4.(e)(3);

\* \* \* \* \*

12. \* \* \*

4. Workweek And Compensation (Pay Comparability Adjustments) (JUL 2007)

\* \* \* \* \*

(b) Compensation (Pay Comparability Adjustments). The PSC's compensation shall be adjusted to reflect the pay comparability adjustments, which are granted from time to time to U.S. direct-hire employees by Executive Order for the statutory pay systems (usually in January). Any adjustments authorized are subject to the availability of funds and shall not exceed that percentage stated in the Executive Order granting the

adjustment. Further, the adjusted compensation may not exceed the annual "USAID Contractor Salary Threshold (USAID CST)", which is equivalent to the maximum rate for agencies without a certified SES performance appraisal system (or the equivalent hourly rate).

\* \* \* \* \*

25. Medical Evacuation (MEDEVAC) Services (JUL 2007)

(a) The PSC must obtain MEDEVAC service coverage including coverage for authorized dependents while performing personal services abroad.

USAID will reimburse the total cost of MEDEVAC insurance to the PSC. The PSC must provide proof of coverage to the CO in order to receive reimbursement.

(b) Exceptions. (1) A PSC and authorized dependents with a health insurance program that includes sufficient MEDEVAC coverage as approved by the Contracting Officer are not required to obtain MEDEVAC service coverage.

(2) The Mission Director at the post of assignment may make a written determination to waive the requirement for such coverage. The determination must be based on findings that the quality of local medical services or other circumstances obviate the need for such coverage for PSCs and their dependents located at post.

■ 8. Amend Appendix J to Chapter 7 in Section 12 by revising General Provision 21 to read as follows:

Appendix J to Chapter 7: Direct USAID Contracts With Cooperating Country Nationals and With Third Country Nationals for Personal Services Abroad

\* \* \* \* \*

12. \* \* \*

21. MEDICAL EVACUATION (MEDEVAC) SERVICES (JUL 2007)

\* \* \* \* \*

(a) The PSC must obtain MEDEVAC service coverage including coverage for authorized dependents while performing personal services abroad.

(b) Exceptions. (1) A PSC and authorized dependents with a health insurance program that includes sufficient MEDEVAC coverage as approved by the Contracting Officer are not required to obtain MEDEVAC service coverage.

(2) The Mission Director at the post of assignment may make a written determination to waive the requirement for such coverage. The determination must be based on findings that the quality of local medical services or other circumstances obviate the need for such coverage for PSCs and their dependents located at post.

\* \* \* \* \*

■ 9. In Chapter 7:

■ I. Remove the words "Office of Procurement" and add, in their place, "Office of Acquisition and Assistance" each time they appear in the following locations:

- a. 701.105(c).

b. 701.301(a) introductory text.

c. 701.303(c).

d. 701.470 (a)(2).

e. 702.170-3(a).

f. 702.170-10(a)(1)(i).

g. 728.105-1(b)(4).

h. 731.109.

i. 731.770(a).

j. 750.7109-1

k. 750.7110-1.

l. 752.247-70(c)(1).

m. 752.7002(p)(1)(i).

n. Appendix D to Chapter 7, Section 12, General Provision 10, paragraph (n)(1)(i).

o. Appendix J to Chapter 7, Section 12, General Provision 9, paragraph (m).

■ II. In addition to the amendments above, remove "M/OP", and add, in its place, "M/OAA" each time they appear.

a. 701.105(c).

b. 701.301(a) introductory text.

c. 701.303(c).

d. 701.470(a)(2).

e. 701.470(b)(1).

f. 701.470(b)(2).

g. 701.470(b)(3)(i).

h. 701.470(e).

i. 701.470(f)(1).

j. 701.601(a)(1).

k. 701.601(a)(2) introductory text.

l. 701.601(c)(2).

m. 701.602-3(b)(2).

n. 702.170-9.

o. 705.502(a).

p. 706.501.

q. 709.403.

r. 709.503.

s. 714.406-3.

t. 714.406-4.

u. 716.303(c).

v. 726.7005.

w. 728.105-1(b)(4).

x. 733.103-71(a).

y. 733.103-71(c).

z. 733.103-72(a).

aa. 733.103-73(h).

bb. 733.103-73(i).

cc. 734.002-70.

dd. 749.111-70(a)(1).

ee. 749.111-70(b).

ff. 749.111-71(b).

gg. 750.7105.

hh. 750.7109-1.

ii. 750.7110-1.

jj. 750.7110-2.

kk. 750.7110-3 introductory text.

ll. 750.7110-4.

mm. Appendix D to Chapter 7, Section 4, paragraph (e)(3).

Michael F. Walsh, Procurement Executive.

[FR Doc. E7-7437 Filed 4-18-07; 8:45 am]

BILLING CODE 6116-01-P

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****50 CFR Part 229**

[Docket No. 030221039-7084-45; I.D. 041307B]

**Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan**

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

**ACTION:** Temporary rule.

**SUMMARY:** The Assistant Administrator for Fisheries (AA), NOAA, announces temporary restrictions consistent with the requirements of the Atlantic Large Whale Take Reduction Plan's (ALWTRP) implementing regulations. These regulations apply to lobster trap/pot and anchored gillnet fishermen in an area totaling approximately 1,123 nm<sup>2</sup> (3,852 km<sup>2</sup>) in April and approximately 1,366 nm<sup>2</sup> (4,685 km<sup>2</sup>) in May, northeast of Boston, MA, for 15 days. The purpose of this action is to provide protection to an aggregation of northern right whales (right whales).

**DATES:** Effective beginning at 0001 hours April 21, 2007, through 2400 hours May 5, 2007.

**ADDRESSES:** Copies of the proposed and final Dynamic Area Management (DAM) rules, Environmental Assessments (EAs), Atlantic Large Whale Take Reduction Team (ALWTRT) meeting summaries, and progress reports on implementation of the ALWTRP may also be obtained by writing Diane Borggaard, NMFS/Northeast Region, One Blackburn Drive, Gloucester, MA 01930.

**FOR FURTHER INFORMATION CONTACT:** Diane Borggaard, NMFS/Northeast Region, 978-281-9300 x6503; or Kristy Long, NMFS, Office of Protected Resources, 301-713-2322.

**SUPPLEMENTARY INFORMATION:****Electronic Access**

Several of the background documents for the ALWTRP and the take reduction planning process can be downloaded from the ALWTRP web site at <http://www.nero.noaa.gov/whaletrp/>.

**Background**

The ALWTRP was developed pursuant to section 118 of the Marine Mammal Protection Act (MMPA) to reduce the incidental mortality and

serious injury of three endangered species of whales (right, fin, and humpback) due to incidental interaction with commercial fishing activities. In addition, the measures identified in the ALWTRP would provide conservation benefits to a fourth species (minke), which are neither listed as endangered nor threatened under the Endangered Species Act (ESA). The ALWTRP, implemented through regulations codified at 50 CFR 229.32, relies on a combination of fishing gear modifications and time/area closures to reduce the risk of whales becoming entangled in commercial fishing gear (and potentially suffering serious injury or mortality as a result).

On January 9, 2002, NMFS published the final rule to implement the ALWTRP's DAM program (67 FR 1133). On August 26, 2003, NMFS amended the regulations by publishing a final rule, which specifically identified gear modifications that may be allowed in a DAM zone (68 FR 51195). The DAM program provides specific authority for NMFS to restrict temporarily on an expedited basis the use of lobster trap/pot and anchored gillnet fishing gear in areas north of 40° N. lat. to protect right whales. Under the DAM program, NMFS may: (1) require the removal of all lobster trap/pot and anchored gillnet fishing gear for a 15-day period; (2) allow lobster trap/pot and anchored gillnet fishing within a DAM zone with gear modifications determined by NMFS to sufficiently reduce the risk of entanglement; and/or (3) issue an alert to fishermen requesting the voluntary removal of all lobster trap/pot and anchored gillnet gear for a 15-day period and asking fishermen not to set any additional gear in the DAM zone during the 15-day period.

A DAM zone is triggered when NMFS receives a reliable report from a qualified individual of three or more right whales sighted within an area (75 nm<sup>2</sup> (139 km<sup>2</sup>)) such that right whale density is equal to or greater than 0.04 right whales per nm<sup>2</sup> (1.85 km<sup>2</sup>). A qualified individual is an individual ascertained by NMFS to be reasonably able, through training or experience, to identify a right whale. Such individuals include, but are not limited to, NMFS staff, U.S. Coast Guard and Navy personnel trained in whale identification, scientific research survey personnel, whale watch operators and naturalists, and mariners trained in whale species identification through disentanglement training or some other training program deemed adequate by NMFS. A reliable report would be a credible right whale sighting.

On April 11, 2007, an aerial survey reported a sighting of four right whales in the proximity of 42° 27' N. lat. and 70° 28' W. long. This position lies northeast of Boston, MA. After conducting an investigation, NMFS ascertained that the report came from a qualified individual and determined that the report was reliable. Thus, NMFS has received a reliable report from a qualified individual of the requisite right whale density to trigger the DAM provisions of the ALWTRP.

Once a DAM zone is triggered, NMFS determines whether to impose restrictions on fishing and/or fishing gear in the zone. This determination is based on the following factors, including but not limited to: the location of the DAM zone with respect to other fishery closure areas, weather conditions as they relate to the safety of human life at sea, the type and amount of gear already present in the area, and a review of recent right whale entanglement and mortality data.

NMFS has reviewed the factors and management options noted above relative to the DAM under consideration. As a result of this review, NMFS prohibits lobster trap/pot and anchored gillnet gear in this area during the 15-day restricted period unless it is modified in the manner described in this temporary rule. In April, the DAM Zone is bound by the following coordinates:

42° 48'N., 70° 49'W., (NW Corner)  
42° 48'N., 70° 00'W.,  
42° 30'N., 70° 00'W.,  
42° 30'N., 70° 15'W.,  
42° 12'N., 70° 15'W.,  
42° 12'N., 70° 30'W.,  
42° 08'N., 70° 30'W.,  
42° 08'N., 70° 41'W., and follow the coastline north to  
42° 19'N., 70° 54'W.,  
42° 28'N., 70° 54'W., and follow the coastline north to  
42° 48'N., 70° 49'W. (NW Corner)

In May, when SAM West expires, the DAM zone is expanded. The April DAM zone is bounded by the following coordinates:

42° 48'N., 70° 49'W., (NW Corner)  
42° 48'N., 70° 00'W.,  
42° 08'N., 70° 00'W.,  
42° 08'N., 70° 12'W.,  
42° 12'N., 70° 15'W.,  
42° 12'N., 70° 30'W.,  
42° 08'N., 70° 30'W.,  
42° 08'N., 70° 41'W., and follow the coastline north to  
42° 19'N., 70° 54'W.,  
42° 28'N., 70° 54'W., and follow the coastline north to  
42° 48'N., 70° 49'W. (NW Corner)

In addition to those gear modifications currently implemented

under the ALWTRP at 50 CFR 229.32, the following gear modifications are required in the DAM zone. If the requirements and exceptions for gear modification in the DAM zone, as described below, differ from other ALWTRP requirements for any overlapping areas and times, then the more restrictive requirements will apply in the DAM zone. Special note for gillnet fisherman: a portion of this DAM zone overlaps with the year-round Western Gulf of Maine Area Closure for Northeast Multispecies found at 50 CFR 648.81(e). Parts of this DAM zone also overlap with the Northeast Multispecies Rolling Closure Area II and Area III found at 50 CFR 648.81(f)(1)(ii) and 648.81(f)(1)(iii), respectively, and effective April 1–April 30 and May 1–May 30, respectively. Due to these closures, sink gillnet gear is prohibited from these portions of the DAM zone during the respective effective dates.

#### Lobster Trap/Pot Gear

Fishermen utilizing lobster trap/pot gear within the portion of the Northern Inshore State Lobster Waters, Northern Nearshore Lobster Waters, and Stellwagen Bank/Jeffrey's Ledge that overlap with the DAM zone are required to utilize all of the following gear modifications while the DAM zone is in effect:

1. Groundlines must be made of either sinking or neutrally buoyant line. Floating groundlines are prohibited;
2. All buoy lines must be made of either sinking or neutrally buoyant line, except the bottom portion of the line, which may be a section of floating line not to exceed one-third the overall length of the buoy line;
3. Fishermen are allowed to use two buoy lines per trawl; and
4. A weak link with a maximum breaking strength of 600 lb (272.4 kg) must be placed at all buoys.

#### Anchored Gillnet Gear

Fishermen utilizing anchored gillnet gear within the portions of the Other Northeast Gillnet Waters Area and Stellwagen Bank/Jeffrey's Ledge that overlap with the DAM zone are required to utilize all the following gear modifications while the DAM zone is in effect:

1. Groundlines must be made of either sinking or neutrally buoyant line. Floating groundlines are prohibited;
2. All buoy lines must be made of either sinking or neutrally buoyant line, except the bottom portion of the line, which may be a section of floating line not to exceed one-third the overall length of the buoy line;

3. Fishermen are allowed to use two buoy lines per string;

4. Each net panel must have a total of five weak links with a maximum breaking strength of 1,100 lb (498.8 kg). Net panels are typically 50 fathoms (91.4 m) in length, but the weak link requirements would apply to all variations in panel size. These weak links must include three floatline weak links. The placement of the weak links on the floatline must be: one at the center of the net panel and one each as close as possible to each of the bridle ends of the net panel. The remaining two weak links must be placed in the center of each of the up and down lines at the panel ends;

5. A weak link with a maximum breaking strength of 1,100 lb (498.8 kg) must be placed at all buoys; and

6. All anchored gillnets, regardless of the number of net panels, must be securely anchored with the holding power of at least a 22 lb (10.0 kg) Danforth-style anchor at each end of the net string.

The restrictions will be in effect beginning at 0001 hours April 21, 2007, through 2400 hours May 5, 2007, unless terminated sooner or extended by NMFS through another notification in the **Federal Register**.

The restrictions will be announced to state officials, fishermen, ALWTRT members, and other interested parties through e-mail, phone contact, NOAA website, and other appropriate media immediately upon issuance of the rule by the AA.

#### Classification

In accordance with section 118(f)(9) of the MMPA, the Assistant Administrator (AA) for Fisheries has determined that this action is necessary to implement a take reduction plan to protect North Atlantic right whales.

Environmental Assessments for the DAM program were prepared on December 28, 2001, and August 6, 2003. This action falls within the scope of the analyses of these EAs, which are available from the agency upon request.

NMFS provided prior notice and an opportunity for public comment on the regulations establishing the criteria and procedures for implementing a DAM zone. Providing prior notice and opportunity for comment on this action, pursuant to those regulations, would be impracticable because it would prevent NMFS from executing its functions to protect and reduce serious injury and mortality of endangered right whales. The regulations establishing the DAM program are designed to enable the agency to help protect unexpected concentrations of right whales. In order

to meet the goals of the DAM program, the agency needs to be able to create a DAM zone and implement restrictions on fishing gear as soon as possible once the criteria are triggered and NMFS determines that a DAM restricted zone is appropriate. If NMFS were to provide prior notice and an opportunity for public comment upon the creation of a DAM restricted zone, the aggregated right whales would be vulnerable to entanglement which could result in serious injury and mortality. Additionally, the right whales would most likely move on to another location before NMFS could implement the restrictions designed to protect them, thereby rendering the action obsolete. Therefore, pursuant to 5 U.S.C. 553(b)(B), the AA finds that good cause exists to waive prior notice and an opportunity to comment on this action to implement a DAM restricted zone to reduce the risk of entanglement of endangered right whales in commercial lobster trap/pot and anchored gillnet gear as such procedures would be impracticable.

For the same reasons, the AA finds that, under 5 U.S.C. 553(d)(3), good cause exists to waive the 30-day delay in effective date. If NMFS were to delay for 30 days the effective date of this action, the aggregated right whales would be vulnerable to entanglement, which could cause serious injury and mortality. Additionally, right whales would likely move to another location between the time NMFS approved the action creating the DAM restricted zone and the time it went into effect, thereby rendering the action obsolete and ineffective. Nevertheless, NMFS recognizes the need for fishermen to have time to either modify or remove (if not in compliance with the required restrictions) their gear from a DAM zone once one is approved. Thus, NMFS makes this action effective 2 days after the date of publication of this document in the **Federal Register**. NMFS will also endeavor to provide notice of this action to fishermen through other means upon issuance of the rule by the AA, thereby providing approximately 3 additional days of notice while the Office of the **Federal Register** processes the document for publication.

NMFS determined that the regulations establishing the DAM program and actions such as this one taken pursuant to those regulations are consistent to the maximum extent practicable with the enforceable policies of the approved coastal management program of the U.S. Atlantic coastal states. This determination was submitted for review by the responsible state agencies under section 307 of the Coastal Zone

Management Act. Following state review of the regulations creating the DAM program, no state disagreed with NMFS' conclusion that the DAM program is consistent to the maximum extent practicable with the enforceable policies of the approved coastal management program for that state.

The DAM program under which NMFS is taking this action contains policies with federalism implications warranting preparation of a federalism assessment under Executive Order 13132. Accordingly, in October 2001

and March 2003, the Assistant Secretary for Intergovernmental and Legislative Affairs, Department of Commerce, provided notice of the DAM program and its amendments to the appropriate elected officials in states to be affected by actions taken pursuant to the DAM program. Federalism issues raised by state officials were addressed in the final rules implementing the DAM program. A copy of the federalism Summary Impact Statement for the final rules is available upon request (**ADDRESSES**).

The rule implementing the DAM program has been determined to be not significant under Executive Order 12866.

**Authority:** 16 U.S.C. 1361 *et seq.* and 50 CFR 229.32(g)(3)

Dated: April 13, 2007.

**Samuel D. Rauch III,**

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

[FR Doc. 07-1944 Filed 4-16-07; 2:42 pm]

**BILLING CODE 3510-22-S**

# Proposed Rules

Federal Register

Vol. 72, No. 75

Thursday, April 19, 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 AGRICULTURE

### Agricultural Marketing Service

#### 7 CFR Part 28

[Docket No. CN-07-003]

RIN 0581-AC68

#### User Fees for 2007 Crop Cotton Classification Services to Growers

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Proposed rule.

**SUMMARY:** The Agricultural Marketing Service (AMS) is proposing to maintain user fees for cotton producers for 2007 crop cotton classification services under the Cotton Statistics and Estimates Act at the same level as in 2006. This is in accordance with the formula provided in the Uniform Cotton Classing Fees Act of 1987. The 2006 user fee for this classification service was \$1.85 per bale. This proposal would maintain the fee for the 2007 crop at \$1.85 per bale. The proposed fee and the existing reserve are sufficient to cover the costs of providing classification services, including costs for administration and supervision.

**DATES:** Comments must be received on or before May 4, 2007.

**ADDRESSES:** Interested persons are invited to submit written comments concerning this proposed rule to Darryl Earnest, Deputy Administrator, Cotton Program, AMS, USDA, STOP 0224, 1400 Independence Avenue, SW., Washington, DC 20250-0224. Comments should be submitted in triplicate. Comments may also be submitted electronically to: <http://www.regulations.gov>. All comments should reference the docket number and the date and the page of this issue of the **Federal Register**. All comments received will be available for public inspection during regular business hours at the above office in Rm. 2639-South Building, 1400 Independence Avenue, SW., Washington, DC. A copy

of this notice may be found at: <http://www.ams.usda.gov/cotton/rulemaking.htm>.

#### FOR FURTHER INFORMATION CONTACT:

Darryl Earnest, Deputy Administrator, Cotton Program, AMS, USDA, Room 2639-S, STOP 0224, 1400 Independence Avenue, SW., Washington, DC 20250-0224. Telephone (202) 720-2145, facsimile (202) 690-1718, or e-mail [darryl.earnest@usda.gov](mailto:darryl.earnest@usda.gov).

#### SUPPLEMENTARY INFORMATION:

##### Executive Order 12866

This proposed rule has been determined to be not significant for purposes of Executive Order 12866 and therefore has not been reviewed by the Office of Management and Budget (OMB).

##### Executive Order 12988

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. It is not intended to have retroactive effect. This rule would not preempt any state or local laws, regulations, or policies unless they present an irreconcilable conflict with this rule. There are no administrative procedures that must be exhausted prior to any judicial challenge to the provisions of this rule.

##### Regulatory Flexibility Act

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) AMS has considered the economic impact of this action on small entities and has determined that its implementation will not have a significant economic impact on a substantial number of small businesses.

The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions so that small businesses will not be disproportionately burdened. There are an estimated 30,000 cotton growers in the U.S. who voluntarily use the AMS cotton classing services annually, and the majority of these cotton growers are small businesses under the criteria established by the Small Business Administration (13 CFR 121.201). Continuing the user fee at the 2006 crop level as stated will not significantly affect small businesses as defined in the RFA because:

(1) The fee represents a very small portion of the cost-per-unit currently borne by those entities utilizing the

services. (The 2006 user fee for classification services was \$1.85 per bale; the fee for the 2007 crop would be maintained at \$1.85 per bale; the 2007 crop is estimated at 19,900,000 bales).

(2) The fee for services will not affect competition in the marketplace; and

(3) The use of classification services is voluntary. For the 2006 crop, 21,729,000 bales were produced; and, almost all of these bales were voluntarily submitted by growers for the classification service.

(4) Based on the average price paid to growers for cotton from the 2005 crop of 46.9 cents per pound, 500 pound bales of cotton are worth an average of \$234.50 each. The proposed user fee for classification services, \$1.85 per bale, is less than one percent of the value of an average bale of cotton.

##### Paperwork Reduction Act

In compliance with OMB regulations (5 CFR part 1320), which implement the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), the information collection requirements contained in the provisions to be amended by this proposed rule have been previously approved by OMB and were assigned OMB control number 0581-AC43.

It is anticipated that the proposed changes, if adopted, would be made effective July 1, 2007, as provided by the Cotton Statistics and Estimates Act.

##### Fees for Classification Under the Cotton Statistics and Estimates Act of 1927

The user fee charged to cotton producers for High Volume Instrument (HVI) classification services under the Cotton Statistics and Estimates Act (7 U.S.C. 473a) was \$1.85 per bale during the 2006 harvest season as determined by using the formula provided in the Uniform Cotton Classing Fees Act of 1987, as amended by Public Law 102-237. The fees cover salaries, costs of equipment and supplies, and other overhead costs, including costs for administration, and supervision.

This proposed rule establishes the user fee charged to producers for HVI classification at \$1.85 per bale during the 2007 harvest season.

Public Law 102-237 amended the formula in the Uniform Cotton Classing Fees Act of 1987 for establishing the producer's classification fee so that the producer's fee is based on the prevailing method of classification requested by producers during the previous year. HVI classing was the prevailing method of

cotton classification requested by producers in 2006. Therefore, the 2007 producer's user fee for classification service is based on the 2006 base fee for HVI classification.

The fee was calculated by applying the formula specified in the Uniform Cotton Classing Fees Act of 1987, as amended by Public Law 102-237. The 2006 base fee for HVI classification exclusive of adjustments, as provided by the Act, was \$2.45 per bale. An increase of 2.82 percent, or 7 cents per bale, due to the implicit price deflator of the gross domestic product added to the \$2.45 would result in a 2007 base fee of \$2.52 per bale. The formula in the Act provides for the use of the percentage change in the implicit price deflator of the gross national product (as indexed for the most recent 12-month period for which statistics are available). However, gross *national* product has been replaced by gross *domestic* product by the Department of Commerce as a more appropriate measure for the short-term monitoring and analysis of the U.S. economy.

The number of bales to be classed by the United States Department of Agriculture from the 2007 crop is estimated at 19,900,000 bales. The 2007 base fee was decreased 15 percent based on the estimated number of bales to be classed (1 percent for every 100,000 bales or portion thereof above the base of 12,500,000, limited to a maximum decreased adjustment of 15 percent). This percentage factor amounts to a 38 cents per bale reduction and was subtracted from the 2007 base fee of \$2.52 per bale, resulting in a fee of \$2.14 per bale.

However, with a fee of \$2.14 per bale, the projected operating reserve would be 37.2 percent. The Act specifies that the Secretary shall not establish a fee which, when combined with other sources of revenue, will result in a projected operating reserve of more than 25 percent. Accordingly, the fee of \$2.14 must be reduced by 29 cents per bale, to \$1.85 per bale, to provide an ending accumulated operating reserve for the fiscal year of not more than 25 percent of the projected cost of operating the program. This would establish the 2007 season fee at \$1.85 per bale.

Accordingly, § 28.909, paragraph (b) would reflect the continuation of the HVI classification fee at \$1.85 per bale.

As provided for in the Uniform Cotton Classing Fees Act of 1987, as amended, a 5 cent per bale discount would continue to be applied to voluntary centralized billing and collecting agents as specified in § 28.909 (c).

Growers or their designated agents receiving classification data would

continue to incur no additional fees if classification data is requested only once. The fee for each additional retrieval of classification data in § 28.910 would remain at 5 cents per bale. The fee in § 28.910 (b) for an owner receiving classification data from the National database would remain at 5 cents per bale, and the minimum charge of \$5.00 for services provided per monthly billing period would remain the same. The provisions of § 28.910 (c) concerning the fee for new classification memoranda issued from the National database for the business convenience of an owner without reclassification of the cotton will remain the same at 15 cents per bale or a minimum of \$5.00 per sheet.

The fee for review classification in § 28.911 would be maintained at \$1.85 per bale.

The fee for returning samples after classification in § 28.911 would remain at 40 cents per sample.

A 15-day comment period is provided for public comments. This period is appropriate because it is anticipated that the proposed changes, if adopted, would be made effective July 1, 2007, as provided by the Cotton Statistics and Estimates Act.

#### List of Subjects in 7 CFR Part 28

Administrative practice and procedure, Cotton, Cotton samples, Grades, Market news, Reporting and recordkeeping requirements, Standards, Staples, Testing, Warehouses.

For the reasons set forth in the preamble, 7 CFR part 28 is proposed to be amended to read as follows:

#### PART 28—[AMENDED]

1. The authority citation for 7 CFR part 28, subpart D, continues to read as follows:

**Authority:** 7 U.S.C. 471–476.

2. In § 28.909, paragraph (b) is revised to read as follows:

#### § 28.909 Costs.

\* \* \* \* \*

(b) The cost of High Volume Instrument (HVI) cotton classification service to producers is \$1.85 per bale.

\* \* \* \* \*

3. In § 28.911, the last sentence of paragraph (a) is revised to read as follows:

#### § 28.911 Review classification.

(a) \* \* \* The fee for review classification is \$1.85 per bale.

\* \* \* \* \*

Dated: April 13, 2007.

**Lloyd C. Day,**

*Administrator, Agricultural Marketing Service.*

[FR Doc. E7-7401 Filed 4-18-07; 8:45 am]

BILLING CODE 3410-02-P

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[CGD09-07-012]

RIN 1625-AA00

#### Safety Zone; Great Lakes Naval Training Center Harbor, North Chicago, IL

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard proposes to establish a temporary safety zone around Great Lakes Naval Training Center Harbor. This zone is intended to control the movement of vessels on portions of Lake Michigan and Great Lakes Naval Training Center Harbor during the Spill of National Significance (SONS) exercise on June 19 and 20, 2007. This zone is necessary to protect the public from the hazards associated with ships and boats deploying oil containment equipment.

**DATES:** Comments and related material must reach the Coast Guard on or before May 4, 2007.

**ADDRESSES:** You may mail comments and related material to Commander, Coast Guard Sector Lake Michigan (spw), 2420 South Lincoln Memorial Drive, Milwaukee, WI 53207. The Sector Lake Michigan Prevention Department maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at the Sector Lake Michigan Prevention Department between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** CWO Brad Hinken, Prevention Department, Coast Guard Sector Lake Michigan, Milwaukee, WI at (414) 747-7154.

#### SUPPLEMENTARY INFORMATION:

##### Request for Comments

We encourage you to participate in this rulemaking by submitting

comments and related material. If you do so, please include your name and address, identify the docket number for this rulemaking [CGD09-07-012], indicate the specific section of this document to which each comment applies, and give the reason for each comment. Please submit all comments and related material in an unbound format, no larger than 8½ by 11 inches, suitable for copying. If you would like to know they reached us, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this proposed rule in view of them.

#### Public Meeting

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

#### Regulatory Information

The comment period for this rule is only 15 days because the request for the safety zone was not received in time to allow for a longer period. Delaying this rule would be contrary to the public interest of ensuring the safety of vessels during this event and immediate action is necessary to prevent possible loss of life or property.

#### Background and Purpose

This temporary safety zone is necessary to ensure the safety of vessels and people from hazards associated with numerous vessels deploying oil containment booms and conducting diving operations. Based on experiences in other Captain of the Port zones, the Captain of the Port Lake Michigan has determined numerous vessels engaged in the deployment of oil containment booms in close proximity to watercraft pose significant risk to public safety and property. The likely combination of large numbers of recreation vessels and congested waterways could result in serious injuries or fatalities. Establishing a safety zone to control vessel movement around the location of the SONS exercise will help ensure the safety of persons and property at these events and help minimize the associated risks.

#### Discussion of Proposed Rule

A temporary safety zone is necessary to ensure the safety of vessels during the deployment and recovery of oil

containment booms in conjunction with the SONS exercise. The safety zone will be enforced between 8 a.m. and 6 p.m. local time, each day, on June 19 and 20, 2007.

The safety zone for the SONS exercise will encompass all waters of Lake Michigan and Great Lakes Naval Training Center Harbor from the shoreline to 2,200 yards east, 1,900 yards north, and 2,900 yards south of Great Lakes Light 2 (Lightlist number 20285) and bounded by a line with of point origin at 42°20'12" N, 087°48' W; then west to 42°20'12" N, 087°50' W; then south to 42°17' N, 087°50' W; then east to 42°17' N, 087°48' W; then north to the point of origin (NAD 83).

All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on-scene representative. Entry into, transiting, or anchoring within the safety zone is prohibited unless authorized by the Captain of the Port Lake Michigan or his designated on-scene representative. The Captain of the Port or his designated on-scene representative may be contacted via VHF Channel 16.

#### Regulatory Evaluation

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

We expect the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation is unnecessary.

The Coast Guard will only enforce this safety zone for 10 hours a day on the two days specified. This safety zone has been designed to allow vessels to transit unrestricted to portions of the harbor not affected by the zone. The Captain of the Port will allow vessels to enter and depart Great Lakes Naval Training Center Harbor. The Coast Guard expects insignificant adverse impact to mariners from the activation of this zone.

#### Small Entities

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

governmental jurisdictions with populations of less than 50,000.

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

This proposed rule would affect the following entities, some of which might be small entities: The owners of vessels intending to transit or anchor in a portion of Great Lakes Naval Training Center Harbor between 8 a.m. and 6 p.m., local time, on June 19, 2007 and June 20, 2007. The safety zone would not have a significant economic impact on a substantial number of small entities for the following reasons. This rule would be in effect for only 20 hours. Vessel traffic can safely pass around the safety zone and enter and depart Great Lakes Naval Training Center Harbor upon request.

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

#### Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104-121), we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact CWO Brad Hinken, Prevention Department, Coast Guard Sector Lake Michigan, Milwaukee, WI at (414) 747-7154. The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

#### Collection of Information

This proposed rule would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520).

#### Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this proposed rule under that Order and

have determined that it does not have implications for federalism.

#### Unfunded Mandates Reform Act

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

#### Taking of Private Property

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

#### Civil Justice Reform

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

#### Protection of Children

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

#### Indian Tribal Governments

The Coast Guard recognizes the treaty rights of Native American Tribes. Moreover, the Coast Guard is committed to working with Tribal Governments to implement local policies and to mitigate tribal concerns. We have determined that these special local regulations and fishing rights protection need not be incompatible. We have also determined that this proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes. Nevertheless, Indian Tribes that have questions concerning the provisions of

this proposed rule or options for compliance are encouraged to contact the point of contact listed under **FOR FURTHER INFORMATION CONTACT**.

#### Energy Effects

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

#### Technical Standards

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

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

#### Environment

We have analyzed this proposed rule under Commandant Instruction M16475.ID and Department of Homeland Security Management Directive 5100.1, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have made a preliminary determination that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, we believe that this rule should be categorically excluded, under figure 2–1, paragraph (34)(g) of the Instruction, from further environmental documentation because this proposed rule establishes a safety zone.

A preliminary “Environmental Analysis Check List” is available in the docket where indicated under **ADDRESSES**. Comments on this section will be considered before we make the final decision on whether this rule should be categorically excluded from further environmental review.

#### List of Subjects in 33 CFR Part 165

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

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

#### PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

2. Add § 165.T09–012 to read as follows:

#### § 165.T09–012 Safety Zone; Great Lakes Naval Training Center Harbor, North Chicago, IL.

(a) *Location.* The following area is a temporary safety zone: All waters of Lake Michigan and Great Lakes Naval Training Center Harbor, from surface to bottom, from the shoreline to 2,200 yards east, 1,900 yards north, and 2,900 yards south of Great Lakes Light 2 (Lightlist number 20285) and bounded by a line with of point origin at 42°20′12″ N, 087°48′ W; then west to 42°20′12″ N, 087°50′ W; then south to 42°17′ N, 087°50′ W; then east to 42°17′ N, 087°48′ W; then north to the point of origin (NAD 83).

(b) *Effective period.* This regulation is effective from 8 a.m. (local) on June 19, 2007 to 6 p.m. (local) on June 20, 2007. This regulation will be enforced from 8 a.m. (local) to 6 p.m. (local) on June 19, 2007 and from 8 a.m. (local) to 6 p.m. (local) on June 20, 2007.

(c) *Regulations.* (1) In accordance with the general regulations in section 165.23 of this part, entry into, transiting, or anchoring within this safety zone is prohibited unless authorized by the Captain of the Port Lake Michigan, or his designated on-scene representative.

(2) This safety zone is closed to all vessel traffic, except as may be permitted by the Captain of the Port Lake Michigan or his designated on-scene representative.

(3) The “on-scene representative” of the Captain of the Port is any Coast

Guard commissioned, warrant or petty officer who has been designated by the Captain of the Port to act on his behalf. The on-scene representative of the Captain of the Port will be aboard either a Coast Guard or Coast Guard Auxiliary vessel. The Captain of the Port or his designated on-scene representative may be contacted via VHF Channel 16.

(4) Vessel operators desiring to enter or operate within the safety zone must contact the Captain of the Port Lake Michigan or his on-scene representative to obtain permission to do so. Vessel operators given permission to enter or operate in the safety zone must comply with all directions given to them by the

Captain of the Port Lake Michigan or his on-scene representative.

Dated: April 3, 2007.

**Bruce C. Jones,**

*Captain, U.S. Coast Guard, Captain of the Port Lake Michigan.*

[FR Doc. E7-7416 Filed 4-18-07; 8:45 am]

**BILLING CODE 4910-15-P**

# Notices

Federal Register

Vol. 72, No. 75

Thursday, April 19, 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.

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## DEPARTMENT OF AGRICULTURE

### Forest Service

#### California Coast Provincial Advisory Committee

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice of meeting.

**SUMMARY:** The California Coast Provincial Advisory Committee (CCPAC) will meet for one day on April 25, 2007 in Ukiah, California. The purpose of the meeting is to discuss issues relating to implementing the Northwest Forest Plan (NWFP).

**DATES:** The meeting will be held from 10 a.m. to 5 p.m. on April 25, 2007.

**ADDRESSES:** Bureau of Land Management Field Office, 2550 North State Street, Ukiah, California.

**FOR FURTHER INFORMATION CONTACT:** Kathy Allen, Committee Coordinator, USDA, Six Rivers National Forest, 1330 Bayshore Way, Eureka, CA 95501 (707) 441-3557 or [kmallen@fs.fed.us](mailto:kmallen@fs.fed.us).

**SUPPLEMENTARY INFORMATION:** Agenda topics to be covered include: (1) Forest Service Planning Rules; (2) Survey and Manage Update; (3) National Park Service Centennial Initiative; (4) Monitoring Program Update; (5) Lacks Creek Project; (6) Regional Interagency Ecosystem Committee (RIEC) Decisions; (7) Aquatic Conservation Strategy; and (7) NWFP Update.

The meeting is open to the public. Public input opportunity will be provided and individuals will have the opportunity to address the Committee at that time.

Dated: April 13, 2007.

**William Metz,**

*Deputy Forest Supervisor.*

[FR Doc. 07-1934 Filed 4-18-07; 8:45 am]

**BILLING CODE 3410-11-M**

## DEPARTMENT OF AGRICULTURE

### Forest Service

#### Lake Tahoe Basin Federal Advisory Committee

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice of meeting.

**SUMMARY:** The Lake Tahoe Basin Federal Advisory Committee will hold a meeting on April 27, 2007 at the Incline Village General Improvement District boardroom, 893 Southwood Blvd., Incline Village, NV 89451. This Committee, established by the Secretary of Agriculture on December 15, 1998 (64 FR 2876), is chartered to provide advice to the Secretary on implementing the terms of the Federal Interagency Partnership on the Lake Tahoe Region and other matters raised by the Secretary.

**DATES:** The meeting will be held April 27, 2007, beginning at 1 p.m. and ending at 3 p.m.

**ADDRESSES:** The meeting will be held at the Incline Village General Improvement District boardroom, 893 Southwood Blvd., Incline Village, NV 89451.

**FOR FURTHER INFORMATION CONTACT:** Arla Hains, Lake Tahoe Basin Management Unit, Forest Service, 35 College Drive, South Lake Tahoe, CA 96150, (530) 543-2773.

**SUPPLEMENTARY INFORMATION:** Items to be covered on the agenda included: (1) Final recommendations for Southern Nevada Public Land Management Act (SNPLMA) Round 8 Capital projects and Science and Research themes; and, (2) Public Comment. All Lake Tahoe Basin Federal Advisory Committee meetings are open to the public. Interested citizens are encouraged to attend at the above address. Issues may be brought to the attention of the Committee during the open public comment period at the meeting or by filing written statements with the Secretary for the Committee before or after the meeting. Please refer any written comments to the Lake Tahoe Basin Management Unit at the contact address stated above.

This **Federal Register** notice will be published less than 15 calendar days based on these exceptional circumstances: (1) The April 12, 2007 meeting provided a public hearing on this topic; (2) LTFAC members

confirmed that their constituents have been informed and this additional meeting further extends public notification on this topic; and (3) there will be timely meeting notification through the LTBMU Web site.

Dated: April 13, 2007.

**Terri Marceron,**

*Forest Supervisor.*

[FR Doc. 07-1935 Filed 4-18-07; 8:45 am]

**BILLING CODE 3410-11-M**

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## DEPARTMENT OF AGRICULTURE

### Natural Resources Conservation Service

#### Rehabilitation of Multiple Purpose Dam No. 5 of the Poteau River Watershed, Scott County, AR

**AGENCY:** Natural Resources Conservation Service, Department of Agriculture.

**ACTION:** Notice of a Finding of No Significant Impact.

**SUMMARY:** Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Regulations (40 CFR part 1500); and the Natural Resources Conservation Service Regulations (7 CFR part 650); the Natural Resources Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the rehabilitation of Multiple Purpose Dam No. 5 of the Poteau River Watershed, Scott County, Arkansas.

**FOR FURTHER INFORMATION CONTACT:** Kalven L. Trice, State Conservationist, Natural Resources Conservation Service, Rm 3416 Federal Building, 700 West Capital Avenue, Little Rock, AR 72201-3225, Telephone (501) 301-3100.

**SUPPLEMENTARY INFORMATION:** The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Kalven L. Trice, State Conservationist, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project will rehabilitate Multiple Purpose Dam (MPD) No. 5 to maintain the present level of flood control and

water supply benefits and comply with the current dam safety and performance standards.

Rehabilitation of MPD No. 5 will require the dam to be modified to meet current performance and safety standards for a high hazard dam. The modification will consist of:

- Modifying the existing principal spillway inlet by raising the crest from Elev. 713.2 feet to Elev. 714.1 feet to provide 2,100 acre-feet of water supply storage and 316 acre-feet of submerged sediment storage (100-year) and 40 acre feet of aerated sediment storage for a total sediment storage of 356 acre-feet and replacing the drawdown gate and metal trash rack;

- Modifying the vegetated auxiliary spillway by raising the auxiliary spillway crest from the existing Elevation 723.5 feet to Elevation 724.3 feet to meet the requirements for the 100-year Principal Spillway Hydrograph and increasing the width of the auxiliary spillway from the existing 600 feet to 770 feet and

- Raising the top of dam from the existing Elev. 728.5 feet to Elev. 733.2 as required to pass the Probable Maximum Flood (PMF) without overtopping the dam.

All disturbed areas will be planted to plants that have wildlife values. The proposed work will not affect any prime farmland, endangered or threatened species, wetlands, or cultural resources.

Federal assistance will be provided under authority of the Small Watershed Rehabilitation Amendments of 2000 (Section 313, Pub. L. 106-472). Total project cost is estimated to be \$2,048,300, of which \$1,443,300 will be paid from the Small Watershed Rehabilitation funds and \$605,000 from local funds.

The notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Kalven L. Trice, State Conservationist.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register**.

Dated: April 11, 2007.

**Kalven L. Trice,**

*State Conservationist.*

[FR Doc. E7-7405 Filed 4-18-07; 8:45 am]

**BILLING CODE 3410-16-P**

## DEPARTMENT OF AGRICULTURE

### Rural Housing Service

#### Notice of Funds Availability (NOFA) for Section 514 Farm Labor Housing Loans and Section 516 Farm Labor Housing Grants for Off-Farm Housing for Fiscal Year 2007

*Announcement Type:* Initial Notice inviting applications from qualified applicants for Fiscal Year 2007.

*Catalog of Federal Domestic Assistance Numbers (CFDA):* 10.405 and 10.427.

**SUMMARY:** This NOFA announces the timeframe to submit applications for section 514 Farm Labor Housing (FLH) loans and section 516 FLH grants for the construction of new off-farm FLH units and related facilities for domestic farm laborers. The intended purpose of these loans and grants is to increase the number of available housing units for domestic farm laborers. Applications may also include requests for section 521 rental assistance (RA) and operating assistance for migrant units. This document describes the method used to distribute funds, the application process, and submission requirements.

**DATES:** The deadline for receipt of all applications in response to this NOFA is 5 p.m., local time for each Rural Development State Office on June 18, 2007. The application closing deadline is firm as to date and hour. The Agency will not consider any application that is received after the closing deadline. Applicants intending to mail applications must provide sufficient time to permit delivery on or before the closing deadline. Acceptance by a post office or private mailer does not constitute delivery. Facsimile (FAX), COD, and postage due applications will not be accepted.

#### Intergovernmental Review

The construction of new section 516 off-farm FLH is subject to the Intergovernmental Review provisions of 7 CFR part 3015, subpart V which requires intergovernmental consultation with State and local officials.

#### Submission Address

Applicants wishing to apply for assistance must contact the Rural Development State Office serving the place in which they desire to submit an application for off-farm labor housing to receive further information and copies of the application package. Rural Development will date and time stamp incoming applications to evidence timely receipt, and, upon request, will provide the applicant with a written

acknowledgment of receipt. A listing of Rural Development State Offices, their addresses, telephone numbers, and person to contact follows:

**Note:** Telephone numbers listed are not toll-free.

#### Alabama State Office

Suite 601, Sterling Center 4121 Carmichael Road, Montgomery, AL 36106-3683, (334) 279-3455 TDD (334)279-3495, James B. Harris.

#### Alaska State Office

800 West Evergreen, Suite 201, Palmer, AK 99645, (907)761-7740 TDD (907)761-8905, Debbie Andrys.

#### Arizona State Office

Phoenix Courthouse and Federal Building, 230 North First Ave., Suite 206, Phoenix, AZ 85003-1706, (602)280-8766 TDD (602)280-8770, Kathy Wilhelm.

#### Arkansas State Office

700 W. Capitol Ave., Rm. 3416, Little Rock, AR 72201-3225, (501)301-3250 TDD (501)301-3063, Clinton King.

#### California State Office

430 G Street, #4169, Davis, CA 95616-4169, (530) 792-5830 TDD (530) 792-5848, Debra Moretton.

#### Colorado State Office

655 Parfet Street, Room E100, Lakewood, CO 80215, (720) 544-2923 TDD (800)659-2656, Mary Summerfield.

#### Connecticut

Served by Massachusetts State Office.

#### Delaware State Office

1221 College Park Drive, Suite 200, Dover, DE 19904, (302) 857-3615 TDD (302) 857-3585, Pat Baker.

#### Florida & Virgin Islands State Office

4440 NW. 25th Place, Gainesville, FL 32606-6563, (352) 338-3465 TDD (352) 338-3499, Elizabeth M. Whitaker.

#### Georgia State Office

Stephens Federal Building, 355 E. Hancock Avenue Athens, GA 30601-2768, (706) 546-2164 TDD (706) 546-2034, Wayne Rogers.

#### Hawaii State Office

(Services all Hawaii, American Samoa, Guam and Western Pacific), Room 311, Federal Building, 154 Waiianuenue Avenue, Hilo, HI 96720, (808) 933-8305 TDD (808) 933-8321, Jack Mahan.

#### Illinois State Office

2118 W. Park Court, Suite A, Champaign, IL 61821-2986, (217) 403-6222 TDD (217) 403-6240, Barry L. Ramsey.

#### Indiana State Office

5975 Lakeside Boulevard, Indianapolis, IN 46278, (317) 290-3100 (ext. 423) TDD (317) 290-3343, Stephan Dye.

#### Iowa State Office

210 Walnut Street Room 873, Des Moines, IA 50309, (515) 284-4685 TDD (515) 284-4858, Julie Sleeper.

#### Kansas State Office

1303 SW. First American Place, Suite 100, Topeka, KS 66604-4040, (785) 271-2721 TDD (785) 271-2767, Virginia M. Hammersmith.

#### Kentucky State Office

771 Corporate Drive, Suite 200, Lexington, KY 40503, (859) 224-7325 TDD (859) 224-7422, Paul Higgins.

#### Louisiana State Office

- 3727 Government Street, Alexandria, LA 71302, (318) 473-7962 TDD (318) 473-7655, Yvonne R. Emerson.
- Maine State Office**  
967 Illinois Ave., Suite 4, PO Box 405, Bangor, ME 04402-0405, (207) 990-9110 TDD (207) 942-7331, Bob Nadeau.
- Maryland**  
Served by Delaware State Office.
- Massachusetts State Office**  
451 West Street, Amherst, MA 01002, (413) 253-4315 TDD (413) 253-4590, Paul Geoffroy.
- Michigan State Office**  
3001 Coolidge Road, Suite 200, East Lansing, MI 48823, (517) 324-5192 TDD (517) 337-6795, Ghulam R. Sumbal.
- Minnesota State Office**  
375 Jackson Street Building, Suite 410, St. Paul, MN 55101, (651) 602-7782 TDD (651) 602-7826, Peter Lundquist.
- Mississippi State Office**  
Federal Building, Suite 831, 100 W. Capitol Street, Jackson, MS 39269, (601) 965-4325 TDD (601) 965-5850, Darnella Smith-Murray.
- Missouri State Office**  
601 Business Loop 70 West, Parkade Center, Suite 235, Columbia, MO 65203, (573) 876-9305 TDD (573) 876-9480, Colleen James.
- Montana State Office**  
900 Technology Blvd., Suite B, Bozeman, MT 59718, (406) 585-2515 TDD (406) 585-2562, Deborah Chorlton.
- Nebraska State Office**  
Federal Building, Room 152, 100 Centennial Mall N., Lincoln, NE 68508, (402) 437-5594 TDD (402) 437-5093, Phil Willnerd.
- Nevada State Office**  
1390 South Curry Street, Carson City, NV 89703-5146, (775) 887-1222 (ext. 25) TDD (775) 885-0633, Angilla Denton.
- New Hampshire State Office**  
Concord Center, Suite 218, Box 317, 10 Ferry Street, Concord, NH 03301-5004, (603) 223-6046 TDD (603) 229-0536, Jim Fowler.
- New Jersey State Office**  
5th Floor North, Suite 500, 8000 Midlantic Dr., Mt. Laurel, NJ 08054, (856) 787-7740 TDD (856) 787-7784, George Hyatt, Jr.
- New Mexico State Office**  
6200 Jefferson St., NE., Room 255, Albuquerque, NM 87109, (505) 761-4944 TDD (505) 761-4938, Carmen N. Lopez.
- New York State Office**  
The Galleries of Syracuse, 441 S. Salina Street, Suite 357, Syracuse, NY 13202, (315) 477-6419 TDD (315) 477-6447, George N. Von Pless.
- North Carolina State Office**  
4405 Bland Road, Suite 2120, Raleigh, NC 271209, (919) 873-2066 TDD (919) 873-2003, Bill Hobbs.
- North Dakota State Office**  
Federal Building, Room 208, 220 East Rosser, P.O. Box 1737, Bismarck, ND 58502, (701) 530-2049 TDD (701) 530-2113, Kathy Lake.
- Ohio State Office**  
Federal Building, Room 507, 200 North High Street, Columbus, OH 43215-2477, (614) 255-2418 TDD (614) 255-2554, Melodie Taylor-Ward.
- Oklahoma State Office**  
100 USDA, Suite 108, Stillwater, OK 74074-2654, (405) 742-1070 TDD (405) 742-1007, Ivan Graves.
- Oregon State Office**  
1201 NE Lloyd Blvd., Suite 801, Portland, OR 97232, (503) 414-3325 TDD (503) 414-3387, Margo Donelin.
- Pennsylvania State Office**  
One Credit Union Place, Suite 330, Harrisburg, PA 17110-2996, (717) 237-2282 TDD (717) 237-2261, Martha E. Hanson.
- Puerto Rico State Office**  
IBM Building, 654 Munoz Rivera Ave., Suite 601, San Juan, PR 00918, (787) 766-5095 (ext. 254) TDD 1-800-274-1572, Lourdes Colon.
- Rhode Island**  
Served by Massachusetts State Office.
- South Carolina State Office**  
Strom Thurmond Federal Building, 1835 Assembly Street, Room 1007, Columbia, SC 29201, (803) 253-3432 TDD (803) 765-5697, Larry D. Floyd.
- South Dakota State Office**  
Federal Building, Room 210, 200 Fourth Street, SW, Huron, SD 57350, (605) 352-1132 TDD (605) 352-1147, Roger Hazuka or Pam Reilly.
- Tennessee State Office**  
3322 West End Avenue, Suite 300, Nashville, TN 37203-1084, (615) 783-1375 TDD (615) 783-1397, Donald Harris.
- Texas State Office**  
101 South Main St., Suite 102, Temple, TX 76501, (254) 742-9758 TDD (254) 742-9712, Julie Hayes.
- Utah State Office**  
Wallace F. Bennett Federal Building, 125 S. State Street, Room 4311, Salt Lake City, UT 84138, (801) 524-4325 TDD (801) 524-3309, Janice Kocher.
- Vermont State Office**  
City Center, 3rd Floor, 89 Main Street, Montpelier, VT 05602, (802) 828-6021 TDD (802) 223-6365, Heidi Setien.
- Virgin Islands**  
Served by Florida State Office.
- Virginia State Office**  
Culpeper Building, Suite 238, 1606 Santa Rosa Road, Richmond, VA 23229, (804) 287-1596 TDD (804) 287-1753, CJ Michels.
- Washington State Office**  
1835 Black Lake Blvd., Suite B, Olympia, WA 98512, (360) 704-7730 TDD (360) 704-7760, Robert Lund.
- Western Pacific Territories**  
Served by Hawaii State Office.
- West Virginia State Office**  
75 High Street, Room 320, Morgantown, WV 26505-7500, (304) 284-4872 TDD (304) 284-4836, David Cain.
- Wisconsin State Office**  
4949 Kirschling Court, Stevens Point, WI 54481, (715) 345-7608 (ext. 7145) TDD (715) 345-7614, Peter Kohnen.
- Wyoming State Office**  
P.O. Box 11005, Casper, WY 82602-6733, (307) 233-6715 TDD (307) 233-6733, Jack Hyde.
- Division—STOP 0781 (Room 1263-S), U.S. Department of Agriculture—Rural Housing Service, 1400 Independence Ave. SW, Washington, DC 20250-0781, by telephone at (202) 720-1604 (This is not a toll free number.), or via e-mail at [Henry.Searcy@wdc.usda.gov](mailto:Henry.Searcy@wdc.usda.gov).**

**SUPPLEMENTARY INFORMATION:****Overview***Paperwork Reduction Act*

The reporting requirements contained in this NOFA have been approved by the Office of Management and Budget under Control Number 0575-0045.

The FLH program is authorized by the Title V Housing Act of 1949: section 514 (42 U.S.C. 1484) for loans and section 516 (42 U.S.C. 1486) for grants. Tenant subsidies in the form of RA are available through section 521 (42 U.S.C. 1490a). Sections 514 and 516 provide Rural Housing Service (RHS) the authority to make loans and grants for financing off-farm housing to broad-based nonprofit organizations, nonprofit organizations of farmworkers, federally recognized Indian tribes and agencies or political subdivisions of State or local government. In addition, loans may be made to limited partnerships in which the general partner is a nonprofit entity.

**Program Administration****I. Funding Opportunities Description**

Funding for this program comes in the form of a loans, grants and rental assistance. Housing that is constructed with these loans and grants must meet the Agency design and construction standards contained in 7 CFR part 1924, subparts A and C. Once constructed, off-farm FLH must be managed in accordance with the program's regulation, at 7 CFR part 3560. Tenant eligibility is limited to persons who meet the definition of a "domestic farm laborer", a "retired domestic farm laborer," or a "disabled domestic farm laborer," as defined in 7 CFR 3560.11. Farmworkers who are admitted to this country on a temporary basis under the Temporary Agricultural Workers (H-2A Visa) program are not eligible to occupy section 514/516 off-farm FLH.

Operating assistance may be used in lieu of tenant-specific rental assistance in off-farm labor housing projects financed under section 514 or section 516(i) of the Housing Act of 1949 (U.S.C. 1486(i)) that serve migrant farmworkers. To be eligible for the operating assistance, projects must be off-farm FLH projects financed under section 514 or section 516 with units that are for migrant farmworkers (housing units for year-round farmworker households are ineligible)

**FOR FURTHER INFORMATION CONTACT:**

Henry Searcy, Senior Loan Specialist, Multi-Family Housing Processing

and must otherwise meet the requirements of 7 CFR 3560.574. "Migrants or migrant agricultural laborer" is defined in 7 CFR 3560.11. Owners of eligible projects may choose tenant-specific RA or operating assistance, or a combination of both; however, any tenant or unit assisted with operating assistance may not also receive RA.

## II. Award Information

Applications for Fiscal Year (FY) 2007 will only be accepted through the date and time listed in this NOFA.

Because RHS has the ability to adjust loan and grant levels, final loan and grant levels will fluctuate. The estimated funds available for FY 2007 for off-farm housing are: section 514, \$31,937,082 and section 516, \$10,491,000.

Individual requests may not exceed \$3 million (total loan and grant). If RA is available, it will be held in the National Office and will be awarded based on each project's financial structure and need. Section 516 off-farm FLH grants may not exceed 90 percent of the total development cost of the housing. Applications that require leveraged funding must have firm commitments in place for all of the leveraged funding within 1 year of the issuance of a "Notice of Preapplication Review Action," Form AD-622. In order to be eligible for leveraged funding selection points, the commitment for leveraged funds must be submitted with the initial preapplication. If leverage funds are in the form of tax credits, the applicant must document a history of receiving tax credits.

## III. Eligibility Information

### Applicant Eligibility

(1) *To be eligible to receive a section 516 grant for off-farm FLH*, the applicant must be a broad-based nonprofit organization, a nonprofit organization of farm workers, a federally recognized Indian tribe, an agency or political subdivision of a State or local government, or a public agency (such as a housing authority).

(2) *To be eligible to receive a section 514 loan for off-farm FLH*, the applicant must be a broad-based nonprofit organization, a nonprofit organization of farm workers, a federally recognized Indian tribe, an agency or political subdivision of a State or local government, a public agency (such as a housing authority), or a limited partnership which has a nonprofit entity as its sole general partner and:

(a) Be unable to provide the necessary housing from its own resources; and

(b) Except for State or local public agencies and Indian tribes, be unable to obtain similar credit elsewhere at rates that would allow for rents within the payment ability of eligible residents.

(3) Broad-based nonprofit organizations must have a membership that reflects a variety of interests in the area where the housing will be located.

### Cost Sharing or Matching

Section 516 grants for off-farm FLH may not exceed the lesser of 90 percent of the total development cost or the amount provided in 7 CFR 3560.562(c)(2).

### Other Administrative Requirements

The following policies and regulations apply to loans and grants made in response to this NOFA:

(1) The equal opportunity requirements contained in 7 CFR part 1901, subpart E regarding equal opportunity requirements;

(2) The requirements of 7 CFR part 3015, and 7 CFR part 3016 or 7 CFR part 3019 (as applicable), which establish the uniform administrative requirements for grants and cooperative agreements to State and local governments and to nonprofit organizations;

(3) The requirements of 7 CFR part 1901, subpart F regarding historical and archaeological properties;

(4) The environmental assessment requirements contained in 7 CFR part 1940, subpart G regarding environmental assessments;

(5) The requirements contained in 7 CFR part 3560, subpart L regarding the loan and grant authorities of the off-farm FLH program;

(6) The requirements contained in 7 CFR part 1924, subpart A regarding planning and construction;

(7) The requirements contained in 7 CFR part 1924, subpart C regarding the planning and performing of site development work; and

(8) All requirements contained in 7 CFR part 3560 regarding the section 514/516 off-farm FLH program.

## IV. Application and Submission Information

The application process will be in two phases: the initial preapplication (or proposal) and the submission of a formal application. Only those proposals that are selected for funding will be invited to submit formal applications. In the event that a proposal is selected for further processing and the applicant declines, the next highest ranked unfunded preapplication may be selected.

All preapplications for sections 514 and 516 funds must be filed with the

appropriate Rural Development State Office and must meet the requirements of this NOFA. Incomplete preapplications will not be reviewed and will be returned to the applicant. No preapplication will be accepted after 5 p.m., local time for each Rural Development State Office on June 18, 2007 unless date and time is extended by another NOFA published in the **Federal Register**.

If a preapplication is accepted for further processing, the applicant will be expected to submit a complete, formal application prior to the obligation of Agency funds.

### Preapplication Requirements

The preapplication must contain the following:

(1) A summary page listing the following items. This information should be double-spaced between items and not be in narrative form.

- (a) Applicant's name.
- (b) Applicant's Taxpayer Identification Number.
- (c) Applicant's address.
- (d) Applicant's telephone number.
- (e) Name of applicant's contact person, telephone number, and address.
- (f) Amount of loan and grant requested.

(g) For grants, the applicant's Dun and Bradstreet Data Universal Numbering System (DUNS) number. As required by the Office of Management and Budget (OMB), all grant applicants must provide a DUNS number when applying for Federal grants, on or after October 1, 2003. Organizations can receive a DUNS number at no cost by calling the dedicated toll-free DUNS Number request line at 1-866-705-5711. Additional information concerning this requirement is provided in a policy directive issued by OMB and published in the **Federal Register** on June 27, 2003 (68 FR 38402-38405).

(2) A description of the applicant's ability to meet the eligibility requirements stated in this NOFA.

(3) Application for Federal Assistance (Standard Form 424) which can be found online at <http://www.whitehouse.gov/omb/grants/sf424.pdf>.

(4) A current, dated, and signed financial statement showing assets and liabilities with information on the repayment schedule and status of all debts.

(5) Evidence that the applicant is unable to obtain credit from other sources. Letters from credit institutions who normally provide real estate loans in the area should be obtained and these letters should indicate the rates and

terms upon which a loan might be provided.

**Note:** Not required from State or local public agencies or Indian tribes.

(6) A statement concerning the need for a labor housing grant. The statement should include preliminary estimates of the rents required with and without a grant.

(7) A statement of the applicant's experience in operating labor housing or other rental housing. If the applicant's experience is limited, additional information should be provided to indicate how the applicant plans to compensate for this limited experience (i.e., obtaining assistance and advice of a management firm, non-profit group, public agency, or other organization which is experienced in rental management and will be available on a continuous basis).

(8) A brief statement explaining the applicant's proposed method of operation and management (i.e., on-site manager, contracting for management services, etc.). As stated in this NOFA:

(a) The housing must be managed in accordance with the program's management regulation, found in 7 CFR part 3560; and

(b) Tenancy is limited to "domestic farm laborers," "retired domestic farm laborers," and "disabled domestic farm laborers" as defined 7 CFR 3560.

(9) Applicants must provide:

(a) A copy of, or an accurate citation to, the special provisions of State law under which they are organized, a copy of the applicant's charter, their Articles of Incorporation, and their By-laws;

(b) The names, occupations, and addresses of the applicant's members, directors, and officers; and

(c) If a member or subsidiary of another organization, the organization's name, address, and nature of business.

(10) A preliminary survey to identify the supply and demand for labor housing in the market area. The market area must be clearly identified and may include only the area from which tenants can reasonably be drawn for the proposed project. Documentation must be provided to *justify a need within the intended market area for housing for "domestic farm laborers"*, as defined in this NOFA. The preliminary survey should address or include the following items:

(a) The annual income level of farmworker families in the area and the probable income of the farm workers who are apt to occupy the proposed housing;

(b) A realistic estimate of the number of farm workers who are home-based in the area and the number of farm workers

who normally migrate into the area. Information on migratory workers should indicate the average number of months the migrants reside in the area and an indication of what type of family groups are represented by the migrants (i.e., single individuals as opposed to families);

(c) General information concerning the type of labor intensive crops grown in the area and prospects for continued demand for farm laborers (i.e., prospects for mechanization, etc.);

(d) The overall occupancy rate for comparable rental units in the area and the rents charged and customary rental practices for these units (i.e., will they rent to large families, do they require annual leases, etc.);

(e) The number, condition, adequacy, rental rates and ownership of units currently used or available to farm workers;

(f) A description of the units proposed, including the number, type, size, rental rates, amenities such as carpets and drapes, related facilities such as a laundry room or community room and other facilities providing supportive services in connection with the housing and the needs of the prospective tenants such as a health clinic or day care facility, estimated development timeline, estimated total development cost, and applicant contribution; and

(g) The applicant must also identify all other sources of funds, including the dollar amount, source, and commitment status. (Note: A section 516 grant may not exceed 90 percent of the total development cost of the housing.)

(11) A completed Form RD 1940-20, "Request for Environmental Information," and a description of anticipated environmental issues or concerns. The form can be found online at <http://www.rurdev.usda.gov/regs/forms/1940-20.pdf>.

(12) A prepared HUD 935.2, "Affirmative Fair Housing Marketing Plan." The plan will reflect that occupancy is open to all qualified "domestic farm laborers," regardless of which farming operation they work and that they will not discriminate on the basis of race, color, sex, age, disability, marital or familial status or National origin in regard to the occupancy or use of the units. The form can be found online at [http://www.hudclips.org/sub\\_nonhud/html/pdf/forms/935-a.pdf](http://www.hudclips.org/sub_nonhud/html/pdf/forms/935-a.pdf).

(13) Evidence of site control such as an option or sales contract. In addition, a map and description of the proposed site, including the availability of water, sewer, and utilities and the proximity to community facilities and services such

as shopping, schools, transportation, doctors, dentists, and hospitals.

(14) Preliminary plans and specifications, including plot plans, building layouts, and type of construction and materials. The housing must meet the Agency's design and construction standards contained in 7 CFR part 1924, subparts A and C and must also meet all applicable Federal, State, and local accessibility standards.

(15) A Supportive Services Plan describing services that will be provided on-site or made available to tenants through cooperative agreements with service providers in the community, such as a health clinic or day care facility. Off-site services must be accessible and affordable to farm workers and their families. Letters of intent from service providers are acceptable documentation at the preapplication stage.

(16) A proposed operating budget utilizing Form RD 3560-7, "Multiple Family Housing Project Budget/Utility Allowance." The form can be found online at <http://www.rurdev.usda.gov/regs/forms/3560-07.pdf>.

(17) An estimate of development cost utilizing Form RD 1924-13, "Estimate and Certificate of Actual Cost." The form can be found online at <http://www.rurdev.usda.gov/regs/forms/1924-13.pdf>.

(18) Form RD 3560-30, "Certification of No Identity of Interest (IOI)" and Form RD 3560-31, "Identity of Interest Disclosure/Qualification Certification." These forms can be found online at <http://www.rurdev.usda.gov/regs/fmi/fm3560-30.pdf> and <http://www.rurdev.usda.gov/regs/fmi/fm3560-31.pdf>, respectively.

(19) Form HUD 2530, "Previous Participation Certification." The form can be found online at <http://www.hudclips.org/sub?nonhud/html/pdf/forms/2530.pdf>.

(20) If requesting RA or Operating Assistance, Form RD 3560-25, "Initial Request for Rental Assistance or Operating Assistance." The form can be found online at <http://www.rurdev.usda.gov/regs/forms/3560-25.pdf>.

(21) A Sources and Uses Statement showing all sources of funding included in the proposed project. The terms and schedules of all sources included in the project should be included in the Sources and Uses Statement.

(22) A separate one-page information sheet listing each of the "Application Scoring Criteria" contained in this NOFA, followed by the page numbers of all relevant material and documentation that is contained in the proposal that supports the criteria.

(23) Applicants are encouraged, but not required, to include a checklist of all of the application requirements and to have their application indexed and tabbed to facilitate the review process.

**V. Application Review Information**

All applications for sections 514 and 516 funds must be filed with the appropriate Rural Development State Office and must meet the requirements of this NOFA.

*Selection Criteria*

Section 514 loan funds and section 516 grant funds will be distributed to States based on a national competition, as follows:

(1) States will accept, review, and score requests in accordance with the NOFA. The scoring factors are:

(a) The presence and extent of leveraged assistance, including donated land, for the units that will serve program-eligible tenants, calculated as a percentage of the RHS total development cost (TDC). RHS TDC excludes non-RHS eligible costs such as a developer's fee. Leveraged assistance includes, but is not limited to, funds for hard construction costs, section 8 or other non-RHS tenant subsidies, and state or federal funds. A minimum of ten percent leveraged assistance is required to earn points; however, if the total percentage of leveraged assistance is less than ten percent and the proposal includes donated land, two points will be awarded for the donated land. To count as leveraged funds for purposes of the selection criteria, a commitment of funds must be provided with the preapplication. Points will be awarded in accordance with the following table percentages will be rounded to the next higher or lower number. (0 to 20 points)

Percentage	Points
75 or more .....	20
60-74 .....	18
50-59 .....	16
40-49 .....	12
30-39 .....	10
20-29 .....	8
10-19 .....	5
0-9 .....	0

Donated land in proposals with less than ten percent total leveraged assistance: 2 points

(b) Percent of units for seasonal, temporary, migrant housing. (5 points for up to and including 50 percent of the units; 10 points for 51 percent or more.)

(c) The selection criteria includes one optional criteria set by the National Office. The National Office initiative will be used in the selection criteria as follows: Up to 10 points will be

awarded based on the presence of and extent to which a tenant services plan exists that clearly outlines services that will be provided to the residents of the proposed project. These services may include, but are not limited to, transportation related services, on-site English as a Second Language (ESL) classes, move-in funds, emergency assistance funds, homeownership counseling, food pantries, after school tutoring, and computer learning centers. Two points will be awarded for each resident service included in the tenant services plan up to a maximum of 10 points. Plans must detail how the services are to be administered, who will administer them, and where they will be administered. All tenant service plans must include letters of intent that clearly state the service that will be provided at the project for the benefit of the residents from any party administering each service, including the applicant. (0 to 10 points)

(d) In an effort to implement USDA's nationwide initiative to promote renewable energy and energy conservation, Rural Development (RD) has adopted incentives for energy generation and energy conservation. Participation in these nationwide initiatives is voluntary, but is strongly encouraged.

*Energy Generation.* Applicants will be awarded points if the proposal includes the installation of energy generation systems to be funded by a third party. The proposal must include an overview of the energy generation system being proposed. Evidence that an energy generation system has been funded by a third party and that it has a quantifiable positive impact on energy consumption will be required. (5 points)

*Energy Conservation.* Applicants will be awarded points to construct (or substantially rehabilitate) housing that earns the ENERGY STAR label for new residential construction. Units earning the ENERGY STAR label must be independently verified to meet guidelines for energy efficiency as set by the U.S. Environmental Protection Agency. All procedures used in verifying a unit for the ENERGY STAR label must comply with National Home Energy Ratings System (HERS) guidelines. ENERGY STAR guidelines for residential construction apply to homes that are three stories or less and single or low-rise multi-family residential buildings.

The Applicant will include in the narrative an explanation of how they plan to incorporate ENERGY STAR. Construction plans pertaining to energy efficiency must be developed with, reviewed, and accepted by a HERS

certified rater, the contractor, and the owner. Progress inspections must be made at appropriate times by a HERS certified rater to ensure that the housing is being constructed or rehabilitated according to ENERGY STAR specifications. In order to receive final payment, applicants will be required to submit the appropriate rating reports from the HERS rater to RD as evidence that the housing has been constructed to meet the standards of ENERGY STAR. In the event that housing does not meet ENERGY STAR guidelines for new residential construction, the Agency shall, at its discretion, deduct 5 points from future funding proposals. For further information about ENERGY STAR, see <http://www.energystar.gov> or call the following toll-free numbers: (888) 782-7939 or (888) 588-9920 (TTY). (5 points)

(2) Rural Development States Offices will conduct the preliminary eligibility review, score the applications, and forward them to the National Office.

(3) The National Office will rank all requests nationwide and distribute funds to States in rank order, within funding and RA limits. A lottery in accordance with 7 CFR 3560.56(c)(2) will be used for applications with tied point scores when they all cannot be funded. If insufficient funds or RA remain for the next ranked proposal, that applicant will be given a chance to modify their application to bring it within remaining funding levels. This will be repeated for each next ranked eligible proposal until an award can be made or the list is exhausted.

Dated: April 12, 2007.

**Russell T. Davis,**

*Administrator, Rural Housing Service.*

[FR Doc. E7-7444 Filed 4-18-07; 8:45 am]

**BILLING CODE 3410-XV-P**

**DEPARTMENT OF AGRICULTURE**

**Rural Housing Service**

**Notice of Funds Availability (NOFA) for the Section 533 Housing Preservation Grants for Fiscal Year 2007**

*Announcement Type:* Initial Notice inviting applications from qualified applicants for Fiscal Year 2007.

*Catalog of Federal Domestic Assistance Numbers (CFDA):* 10.433.

**SUMMARY:** The Rural Housing Service (RHS) announces that it is soliciting applications under its Housing Preservation Grant (HPG) program. The HPG program is a grant program which provides qualified public agencies, private nonprofit organizations, and other eligible entities grant funds to

assist very low- and low-income homeowners in repairing and rehabilitating their homes in rural areas. In addition, the HPG program assists rental property owners and cooperative housing complexes in repairing and rehabilitating their units if they agree to make such units available to low- and very low-income persons. This action is taken to comply with Agency regulations found in 7 CFR part 1944, subpart N, which require the Agency to announce the opening and closing dates for receipt of preapplications for HPG funds from eligible applicants. The intended effect of this Notice is to provide eligible organizations notice of these dates.

**DATES:** The closing deadline for receipt of all applications in response to this Notice is 5 p.m., local time for each Rural Development State Office on June 18, 2007. The application closing deadline is firm as to *date and hour*. RHS will not consider any application that is received after the closing deadline. Applicants intending to mail applications must provide sufficient time to permit delivery on or before the closing deadline date and time. Acceptance by the United States Postal Service or private mailer does not constitute delivery. Facsimile (FAX) and postage due applications will not be accepted.

#### **SUPPLEMENTARY INFORMATION:**

##### **Paperwork Reduction Act**

The reporting requirements contained in this Notice have been approved by the Office of Management and Budget under Control Number 0575-0115.

##### **Program Administration**

##### **I. Funding Opportunities Description**

The funding instrument for the HPG Program will be a grant agreement. The term of the grant can vary from 1 to 2 years, depending on available funds and demand. No maximum or minimum grant levels have been established at the National level. You should contact the Rural Development State Office to determine the allocation.

##### **II. Award Information**

For Fiscal Year 2007, \$10,125,728 is available for the HPG Program. The total includes \$225,728 in carryover funds. An earmark of \$594,000 has been established for grants located in Empowerment Zones, Enterprise Communities, and Rural Economic Area Partnership (REAP) Zones and other funds will be distributed under a formula allocation to States pursuant to 7 CFR part 1940, subpart L, "Methodology and Formulas for

Allocation of Loan and Grant Program Funds." Decisions on funding will be based on pre-applications.

##### **III. Eligibility Information**

7 CFR part 1944, subpart N provides details on what information must be contained in the preapplication package. Entities wishing to apply for assistance should contact their respective Rural Development State Office to receive further information, the State allocation of funds, and copies of the preapplication package. Eligible entities for these competitively awarded grants include state and local governments, nonprofit corporations, Federally recognized Indian tribes, and consortia of eligible entities.

Federally recognized Indian tribes are exempt from the requirement to consult with local leaders. Pursuant to 7 CFR 1944.674, the tribal applicant must announce the availability of its statement of activities for review in a newspaper, as well as obtain written concurrence of the tribal governing body when program participation is operated only on tribal land.

As part of the application, all applicants must also provide a Dun and Bradstreet Data Universal Numbering System (DUNS) number. As required by the Office of Management and Budget (OMB), all grant applicants must provide a DUNS number when applying for Federal grants, on or after *October 1, 2003*. Organizations can receive a DUNS number at no cost by calling the dedicated toll-free DUNS number request line at 1-866-705-5711. Additional information concerning this requirement is provided in a policy directive issued by OMB and published in the **Federal Register** on *June 27, 2003* (68 FR 38402-38405).

To comply with the President's Management Agenda, the Department of Agriculture is participating as a partner in the new government-wide site in FY 2007 grants.gov. The Web site can be found at [www.grants.gov](http://www.grants.gov). Housing Preservation Grants [Catalog of Federal Domestic Assistance #10.433] is one of the programs included at this Web site. Please note that you must locate the downloadable application package for this program by the CFDA Number or FedGrants Funding Opportunity Number, which can be found at <http://www.fedgrants.gov>. If you are an applicant under the Housing Preservation Grant Program, you may submit your application to the Agency in either electronic or paper format. The deadline for electronic and paper format is based on the local time for each USDA Rural Development State Office.

Users of grants.gov will be able to download a copy of the application package, complete it off line, and then upload and submit the application via the grants.gov site. You may not e-mail an electronic copy of a grant application to RHS; however, the Agency encourages your participation in grants.gov. The following are useful tips and instructions on how to use the Web site:

- 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. RHS strongly recommends that you do not wait until the application deadline date to begin the application process through grants.gov. To use grants.gov, applicants must have a DUNS number.

- You may submit all documents electronically through the Web site, including all information typically included on the Application for Rural Housing Preservation Grants, and all necessary assurances and certifications.

- Your application must comply with any page limit requirements described in this NOFA.

- After you electronically submit your application through the Web site, you will receive an automatic acknowledgement from grants.gov that contains a grants.gov tracking number.

- RHS may request that you provide original signatures on forms at a later date.

- You must meet the closing date and local time deadline. If you experience technical difficulties on the closing date and are unable to meet the 5 p.m. (Washington, DC time) deadline, print out your application and submit it to your State Office.

##### **IV. Application and Submission Information**

Applicants wishing to apply for assistance must make its statement of activities available to the public for comment. The applicant(s) must announce the availability of its statement of activities for review in a newspaper of general circulation in the project area and allow at least 15 days for public comment. The start of this 15-day period must occur no later than 16 days prior to the last day for acceptance of pre-applications by RHS.

Applicants must also contact the Rural Development State Office serving the place in which they desire to submit an application to receive further information and copies of the application package. Rural Development will date and time stamp incoming applications to evidence timely receipt, and, upon request, will provide the

applicant with a written acknowledgment of receipt. A listing of Rural Development State Offices, their addresses, telephone numbers, and person to contact follows:

**Note:** Telephone numbers listed are not toll-free.

- Alabama State Office**  
Suite 601, Sterling Centre, 4121 Carmichael Road, Montgomery, AL 36106-3683, (334) 279-3400, TDD (334) 279-3495, James B. Harris.
- Alaska State Office**  
800 West Evergreen, Suite 201, Palmer, AK 99645, (907) 761-7740, TDD (907) 761-8905, Debbie Andrys.
- Arizona State Office**  
Phoenix Courthouse and Federal Building, 230 North First Ave., Suite 206, Phoenix, AZ 85003-1706, (602) 280-8766, TDD (602) 280-8706, Kathy Wilhelm.
- Arkansas State Office**  
700 W. Capitol Ave., Rm. 3416, Little Rock, AR 72201-3225, (501) 301-3258, TDD (501) 301-3063, Clinton King.
- California State Office**  
430 G Street, #4169, Davis, CA 95616-4169, (530) 934-4614 ext. 123, TDD (530) 792-5848, Linda Eveland.
- Colorado State Office**  
655 Parfet Street, Room E100, Lakewood, CO 80215, (720) 544-2923, TDD (800) 659-2656, Mary Summerfield.
- Connecticut**  
Served by Massachusetts State Office
- Delaware and Maryland State Office**  
1221 College Park Drive, Suite 200, Dover, DE 19904, (302) 857-3615, TDD (302) 857-3585, Pat Baker.
- Florida & Virgin Islands State Office,**  
4440 NW. 25th Place, Gainesville, FL 32606-6563, (352) 338-3465, TDD (352) 338-3499, Elizabeth M. Whitaker.
- Georgia State Office**  
Stephens Federal Building, 355 E. Hancock Avenue, Athens, GA 30601-2768, (706) 546-2164, TDD (706) 546-2034, Wayne Rogers.
- Hawaii State Office**  
(Services all Hawaii, American Samoa, Guam, and Western Pacific), Room 311, Federal Building, 154 Waiianuenue Avenue, Hilo, HI 96720, (808) 933-8300, TDD (808) 933-8321, Gayle Kuheana.
- Idaho State Office**  
Suite A1, 9173 West Barnes Dr., Boise, ID 83709, (208) 378-5628, TDD (208) 378-5644, Miriam Haylett.
- Illinois State Office**  
2118 West Park Court, Suite A, Champaign, IL 61821-2986, (217) 403-6222, TDD (217) 403-6240, Barry L. Ramsey.
- Indiana State Office**  
5975 Lakeside Boulevard, Indianapolis, IN 46278, (317) 290-3100 (ext. 423), TDD (317) 290-3343, Stephen Dye.
- Iowa State Office**  
210 Walnut Street Room 873, Des Moines, IA 50309, (515) 284-4493, TDD (515) 284-4858, Sue Wilhite.
- Kansas State Office**  
1303 SW First American Place, Suite 100, Topeka, KS 66604-4040, (785) 271-2721, TDD (785) 271-2767, Virginia M. Hammersmith.
- Kentucky State Office**  
771 Corporate Drive, Suite 200, Lexington, KY 40503, (859) 224-7325, TDD (859) 224-7422, Beth Moore.
- Louisiana State Office**  
3727 Government Street, Alexandria, LA 71302, (318) 473-7962, TDD (318) 473-7655, Yvonne R. Emerson.
- Maine State Office**  
967 Illinois Ave., Suite 4, P.O. Box 405, Bangor, ME 04402-0405, (207) 990-9110, TDD (207) 942-7331, Bob Nadeau.
- Maryland**  
Served by Delaware State Office.
- Massachusetts, Connecticut, & Rhode Island State Office**  
451 West Street Suite 2, Amherst, MA 01002, (413) 253-4315, TDD (413) 253-4590, Paul Geoffroy.
- Michigan State Office**  
3001 Coolidge Road, Suite 200, East Lansing, MI 48823, (517) 324-5192, TDD (517) 337-6795, Ghulam R. Simbal.
- Minnesota State Office**  
375 Jackson Street Building, Suite 410, St. Paul, MN 55125, (651) 602-7804, TDD (651) 602-7830, Thomas Osborne.
- Mississippi State Office**  
Federal Building, Suite 831, 100 W. Capitol Street, Jackson, MS 39269, (601) 965-4325, TDD (601) 965-5850, Darnella Smith-Murray.
- Missouri State Office**  
601 Business Loop 70 West, Parkade Center, Suite 235, Columbia, MO 65203, (573) 876-9303, TDD (573) 876-9480, Becky Eftink.
- Montana State Office**  
900 Technology Blvd, Suite B, Bozeman, MT 59718, (406) 585-2515, TDD (406) 585-2562, Deborah Chorlton.
- Nebraska State Office**  
Federal Building, room 152, 100 Centennial Mall N, Lincoln, NE 68508, (402) 437-5035, TDD (402) 437-5093, Sharon Kluck.
- Nevada State Office**  
1390 South Curry Street, Carson City, NV 89703-5146, (775) 887-1222 (ext. 25), TDD (775) 885-0633, Angilla Denton.
- New Hampshire State Office**  
Concord Center, Suite 218, Box 317, 10 Ferry Street, Concord, NH 03301-5004, (603) 223-6046, TDD (603) 229-0536, Jim Fowler.
- New Jersey State Office**  
5th Floor North, Suite 500, 8000 Midlantic Drive, Mt. Laurel, NJ 08054, (856) 787-7740, TDD (856) 787-7784, George Hyatt, Jr.
- New Mexico State Office**  
6200 Jefferson St., NE, Room 255, Albuquerque, NM 87109, (505) 761-4944, TDD (505) 761-4938, Carmen N. Lopez.
- New York State Office**  
The Galleries of Syracuse, 441 S. Salina Street, Suite 357 5th Floor, Syracuse, NY 13202, (315) 477-6404, TDD (315) 477-6447, Tia Baker.
- North Carolina State Office**  
4405 Bland Road, Suite 260, Raleigh, NC 27609, (919) 873-2066, TDD (919) 873-2003, William A. Hobbs.
- North Dakota State Office**  
Federal Building, Room 208, 220 East Rosser, PO Box 1737, Bismarck, ND 58502, (701) 530-2046, TDD (701) 530-2113, Barry Borstad.
- Ohio State Office**  
Federal Building, Room 507, 200 North High Street, Columbus, OH 43215-2477, (614) 255-2418, TDD (614) 255-2554, Melodie Taylor-Ward.
- Oklahoma State Office**  
100 USDA, Suite 108, Stillwater, OK 74074-2654, (405) 742-1070, TDD (405) 742-1007, Ivan Graves.
- Oregon State Office**  
1201 NE Lloyd Blvd., Suite 801, Portland, OR 97232, (503) 414-3351, TDD (503) 414-3387, Diana Chappell.
- Pennsylvania State Office**  
One Credit Union Place, Suite 330, Harrisburg, PA 17110-2996, (717) 237-2282, TDD (717) 237-2261, Martha E. Hanson.
- Puerto Rico State Office**  
IBM Building, Suite 601, Munoz Rivera Ave. #654, San Juan, PR 00918, (787) 766-5095 (ext. 249), TDD (787) 766-5332, Lourdes Colon.
- Rhode Island**  
Served by Massachusetts State Office
- South Carolina State Office**  
Strom Thurmond Federal Building, 1835 Assembly Street, Room 1007, Columbia, SC 29201, (803) 253-3432, TDD (803) 765-5697, Larry D. Floyd.
- South Dakota State Office**  
Federal Building, Room 210, 200 Fourth Street, SW., Huron, SD 57350, (605) 352-1132, TDD (605) 352-1147, Roger Hazuka or Pam Reilly.
- Tennessee State Office**  
Suite 300, 3322 West End Avenue, Nashville, TN 37203-1084, (615) 783-1375, TDD (615) 783-1397, Larry Kennedy.
- Texas State Office**  
Federal Building, Suite 102, 101 South Main, Temple, TX 76501, (254) 742-9758, TDD (254) 742-9712, Julie Hayes.
- Utah State Office**  
Wallace F. Bennett Federal Building, 125 S. State Street, Room 4311, Salt Lake City, UT 84138, (801) 524-4325, TDD (801) 524-3309, Janice Kocher.
- Vermont State Office**  
City Center, 3rd Floor 89 Main Street, Montpelier, VT 05602, (802) 828-6021, TDD (802) 223-6365, Heidi Setien.
- Virgin Islands**  
Served by Florida State Office
- Virginia State Office**  
Culpeper Building, Suite 238, 1606 Santa Rosa Road, Richmond, VA 23229, (804) 287-1596, TDD (804) 287-1753, CJ Michels.
- Washington State Office**  
1835 Black Lake Blvd., Suite B, Olympia, WA 98512, (360) 704-7730, TDD (360) 704-7742, Robert L. Lund.
- Western Pacific Territories**  
Served by Hawaii State Office
- West Virginia**  
Parkersburg West Virginia County Office, 91 Boyles Lane, Parkersburg, WV 26104, (304) 422-9070, TDD (304) 284-4836, Penny Thaxton.
- Wisconsin State Office**  
4949 Kirschling Court, Stevens Point, WI 54481, (715) 345-7608 (ext.151), TDD (715) 345-7614, Peter Kohnen.

## Wyoming State Office

PO Box 82601, Casper, WY 82602-5006,  
(307) 233-6715, TDD (307) 233-6733,  
Jack Hyde.

**FOR FURTHER INFORMATION CONTACT:** For general information, applicants may contact Bonnie Edwards-Jackson, Senior Loan Specialist, Multi-Family Housing Processing Division, Rural Housing Service, United States Department of Agriculture, Stop 0781, 1400 Independence Avenue, SW., Washington, DC, 20250-0781, telephone (202) 690-0759 (voice) (this is not a toll free number) or (800) 877-8339 (TDD-Federal Information Relay Service) or via e-mail at,

*Bonnie.Edwards@wdc.usda.gov.*

### V. Application Review Information

All applications for Section 533 funds must be filed with the appropriate Rural Development State Office and must meet the requirements of this Notice and 7 CFR part 1944, subpart N. Pre-applications determined not eligible and/or not meeting the selection criteria will be notified by the Rural Development State Office.

All applicants will file an original and two copies of Standard Form (SF) 424, "Application For Federal Assistance," and supporting information with the appropriate Rural Development State Office. A pre-application package, including SF-424, is available in any Rural Development State Office. All preapplications shall be accompanied by the following information which Rural Development will use to determine the applicant's eligibility to undertake the HPG program and to evaluate the preapplication under the project selection criteria of § 1944.679 of 7 CFR part 1944, subpart N.

(a) A statement of activities proposed by the applicant for its HPG program as appropriate to the type of assistance the applicant is proposing, including:

(1) A complete discussion of the type of and conditions for financial assistance for housing preservation, including whether the request for assistance is for a homeowner assistance program, a rental property assistance program, or a cooperative assistance program;

(2) The process for selecting recipients for HPG assistance, determining housing preservation needs of the dwelling, performing the necessary work, and monitoring/inspecting work performed;

(3) A description of the process for identifying potential environmental impacts in accordance with 7 CFR 1944.672 and the provisions for compliance with Stipulation I, A-G of the Programmatic Memorandum of

Agreement, also known as PMOA, (RD Instruction 2000-FF, available in any Rural Development State Office) in accordance with 7 CFR 1944.673(b);

(4) The development standard(s) the applicant will use for the housing preservation work; and, if not the Rural Development standards for existing dwellings, the evidence of its acceptance by the jurisdiction where the grant will be implemented;

(5) The time schedule for completing the program;

(6) The staffing required to complete the program;

(7) The estimated number of very low- and low-income minority and non-minority persons the grantee will assist with HPG funds; and, if a rental property or cooperative assistance program, the number of units and the term of restrictive covenants on their use for very low- and low-income;

(8) The geographical area(s) to be served by the HPG program;

(9) The annual estimated budget for the program period based on the financial needs to accomplish the objectives outlined in the proposal. The budget should include proposed direct and indirect administrative costs, such as personnel, fringe benefits, travel, equipment, supplies, contracts, and other cost categories, detailing those costs for which the grantee proposes to use the HPG grant separately from non-HPG resources, if any. The applicant budget should also include a schedule (with amounts) of how the applicant proposes to draw HPG grant funds, i.e., monthly, quarterly, lump sum for program activities, etc.;

(10) A copy of an indirect cost proposal as required in 7 CFR parts 3015, 3016, and 3019, when the applicant has another source of federal funding in addition to the Rural Development HPG program;

(11) A brief description of the accounting system to be used;

(12) The method of evaluation to be used by the applicant to determine the effectiveness of its program. The evaluation method should include the requirements for quarterly reports to Rural Development in accordance with 7 CFR § 1944.683(b) and the monitoring plan for rental properties and cooperatives (when applicable) according to 7 CFR § 1944.689;

(13) The source and estimated amount of other financial resources to be obtained and used by the applicant for both HPG activities and housing development and/or supporting activities;

(14) The use of program income, if any, and the tracking system used for monitoring same;

(15) The applicant's plan for disposition of any security instruments held by them as a result of its HPG activities in the event of its loss of legal status;

(16) Any other information necessary to explain the proposed HPG program; and

(17) The outreach efforts outlined in 7 CFR 1944.671(b).

(b) Complete information about the applicant's experience and capacity to carry out the objectives of the proposed HPG program.

(c) Evidence of the applicant's legal existence, including, in the case of a private nonprofit organization, a copy of or an accurate reference to, the specific provisions of State law under which the applicant is organized; a certified copy of the applicant's Articles of Incorporation and Bylaws or other evidence of corporate existence; certificate of incorporation for entities other than public bodies; evidence of good standing from the State when the corporation has been in existence 1 year or more; and the names and addresses of the applicant's members, directors and officers. If other organizations are members of the applicant-organization, or the applicant is a consortium, pre-applications should be accompanied by the names, addresses, and principal purpose of the other organizations. If the applicant is a consortium, documentation showing compliance with paragraph (4)(ii) under the definition of "organization" in 7 CFR 1944.656 must also be included.

(d) For a private nonprofit entity, the most recent audited statement and a current financial statement dated and signed by an authorized officer of the entity showing the amounts and specific nature of assets and liabilities together with information on the repayment schedule and status of any debt(s) owed by the applicant.

(e) A brief statement which includes information about the area to be served and the need for improved housing (including both percentage and the actual number of both low-income and low-income minority households and substandard housing for the area to be covered by HPG funds), the need for the type of housing preservation assistance being proposed, the anticipated use of HPG resources for historic properties, the method of evaluation to be used by the applicant in determining the effectiveness of its efforts.

(f) Applicant must submit an original and one copy of Form RD 1940-20 prepared in accordance with Exhibit F-1 of RD Instruction 1944-N (available in any Rural Development State Office).

(g) Applicant must also submit a description of its process for:

(1) Identifying and rehabilitating properties listed on or eligible for listing on the National Register of Historic Places;

(2) Identifying properties that are located in a floodplain or wetland;

(3) Identifying properties located within the Coastal Barrier Resources System; and

(4) Coordinating with other public and private organizations and programs that provide assistance in the rehabilitation of historic properties (Stipulation I, D, of the PMOA, RD Instruction 2000–FF, available in any Rural Development State Office).

(h) The applicant must also submit evidence of the State Historic Preservation Office's (SHPO) concurrence in the proposal, or in the event of nonconcurrence, a copy of SHPO's comments together with evidence that the applicant has received information from the Advisory Council on Historic Preservation's advice as to how the disagreement might be resolved, and a copy of any advice provided by the Council.

(i) The applicant must submit written statements and related correspondence reflecting compliance with § 1944.674 (a) and (c) of 7 CFR part 1944, subpart N regarding consultation with local government leaders in the preparation of its program and the consultation with local and state government pursuant to the provisions of Executive Order 12372.

(j) The applicant is to make its statement of activities available to the public for comment prior to submission to Rural Development pursuant to § 1944.674 (b) of 7 CFR part 1944, subpart N. The application must contain a description of how the comments (if any were received) were addressed.

(k) The applicant must submit an original and one copy of Form RD 400–1, "Equal Opportunity Agreement," and Form 400–4, "Assurance Agreement," in accordance with § 1944.676 of 7 CFR part 1944, subpart N.

Applicants should review 7 CFR part 1944, subpart N for a comprehensive list of all application requirements.

#### IV. Selection Criteria

The Rural Development State Offices will utilize the project selection criteria for applicants in accordance with § 1944.679.

In addition to the criteria established in 7 CFR part 1944.679 and in an effort to implement USDA's nationwide initiative to promote renewable energy and energy conservation, Rural Development (RD) has adopted

incentives for energy generation and energy conservation. Participation in these nationwide initiatives is voluntary, but is strongly encouraged.

**Energy Generation.** Applicants will be awarded points if the proposal includes the installation of energy generation systems to be funded by a third party. The proposal must include an overview of the energy generation system being proposed. Evidence that an energy generation system has been funded by a third party and that it has a quantifiable positive impact on energy consumption will be required. (5 points)

**Energy Conservation.** Applicants will be awarded points to construct (or substantially rehabilitate) housing that earns the ENERGY STAR label for new residential construction. Units earning the ENERGY STAR label must be independently verified to meet guidelines for energy efficiency as set by the U.S. Environmental Protection Agency. All procedures used in verifying a unit for the ENERGY STAR label must comply with National Home Energy Ratings System (HERS) guidelines. ENERGY STAR guidelines for residential construction apply to homes that are three stories or less and single or low-rise multi-family residential buildings.

The Applicant will include in the narrative an explanation of how they plan to incorporate ENERGY STAR. Construction plans pertaining to energy efficiency must be developed with, reviewed, and accepted by a HERS certified rater, the contractor, and the owner. Progress inspections must be made at appropriate times by a HERS certified rater to ensure that the housing is being constructed or rehabilitated according to ENERGY STAR specifications. In order to receive final payment, applicants will be required to submit the appropriate rating reports from the HERS rater to RD as evidence that the housing has been constructed to meet the standards of ENERGY STAR. In the event that housing does not meet ENERGY STAR guidelines for new residential construction, the Agency shall, at its discretion, deduct 5 points from future funding proposals. For further information about ENERGY STAR, see <http://www.energystar.gov> or call the following toll-free numbers: (888) 782–7939 or (888) 588–9920 (TTY). (5 points)

In the event more than one preapplication receives the same amount of points, those preapplications will then be ranked based on the actual percentage figure used for determining the points. Further, in the event that preapplications are still tied, then those pre-applications still tied will be ranked

based on the percentage for HPG fund use (low to high). Further, for applications where assistance to rental properties or cooperatives is proposed, those still tied will be further ranked based on the number of years the units are available for occupancy under the program (a minimum of 5 years is required).

For this part, ranking will be based from most to least number of years. Finally, if there is still a tie, then a lottery system will be used.

Dated: April 12, 2007.

**Russell T. Davis,**

*Administrator Rural Housing Service.*

[FR Doc. E7–7455 Filed 4–18–07; 8:45 am]

**BILLING CODE 3410–XV–P**

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## DEPARTMENT OF COMMERCE

### International Trade Administration (A–580–816)

#### **Corrosion–Resistant Carbon Steel Flat Products from Korea: Extension of Time Limits for the Preliminary Results of Antidumping Duty Administrative Review**

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

**FOR FURTHER INFORMATION CONTACT:** Victoria Cho at (202) 482–5075, AD/CVD Operations, Office 3, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Ave, NW, Washington, DC 20230.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

On September 29, 2006, the U.S. Department of Commerce ("Department") published a notice of initiation of the administrative review of the antidumping duty order on corrosion-resistant carbon steel flat products from Korea, covering the period August 1, 2005 to July 31, 2006. See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 71 FR 57465 (September 29, 2006). The preliminary results of this review are currently due no later than May 3, 2007.

##### **Extension of Time Limit of Preliminary Results**

Section 751(a)(3)(A) of the Tariff Act of 1930, as amended ("the Act"), requires the Department to make a preliminary determination within 245 days after the last day of the anniversary month of an order or finding for which a review is requested. Section

751(a)(3)(A) of the Act further states that if it is not practicable to complete the review within the time period specified, the administering authority may extend the 245-day period to issue its preliminary results by up to 120 days.

We determine that completion of the preliminary results of this review within the 245-day period is not practicable for the following reasons. This review covers three companies, and to conduct the sales and cost analyses for each company requires the Department to gather, analyze and verify a significant amount of information pertaining to each company's sales practices, manufacturing costs and corporate relationships. Given the number and complexity of issues in this case, and in accordance with section 751(a)(3)(A) of the Act, we are extending the time period for issuing the preliminary results of review by 120 days. Therefore, the preliminary results are now due no later than August 31, 2007. The final results continue to be due 120 days after publication of the preliminary results.

Dated: April 11, 2007.

**Stephen J. Claeys,**

*Deputy Assistant Secretary for Import Administration.*

[FR Doc. E7-7385 Filed 4-18-07; 8:45 am]

BILLING CODE 3510-DS-S

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-888]

#### Notice of Amended Final Results of Antidumping Duty Administrative Review: Floor-Standing, Metal-Top Ironing Tables and Certain Parts Thereof from the People's Republic of China

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

**SUMMARY:** On March 21, 2007, the U.S. Department of Commerce (the Department) published the final results of the administrative review of the antidumping duty order on floor-standing, metal-top ironing tables and certain parts thereof (ironing tables) from the People's Republic of China (PRC), covering the period of review (POR) February 3, 2004, through July 31, 2005. See *Floor-Standing, Metal-Top Ironing Tables and Certain Parts Thereof from the People's Republic of China: Final Results and Final Rescission, In Part, of Antidumping Duty Administrative Review*, 72 FR 13239 (March 21, 2007) (*Final Results*). We are amending our Final Results to

correct ministerial errors made in the calculations of the dumping margins for Since Hardware (Guangzhou) Co., Ltd. (Since Hardware), pursuant to section 751(h) of the Tariff Act of 1930, as amended (the Act).

**EFFECTIVE DATE:** April 19, 2007.

**FOR FURTHER INFORMATION CONTACT:**

Kristina Horgan or Bobby Wong, AD/CVD Operations, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-8173 or (202) 482-0409, respectively.

**SUPPLEMENTARY INFORMATION:**

#### Background

On March 21, 2007, the Department published the *Final Results* and corresponding issues and decision memorandum. See Memorandum to David M. Spooner, Assistant Secretary for Import Administration, from Stephen J. Claeys, Deputy Assistant Secretary for Import Administration, titled *Issues and Decision Memorandum for the Final Results in the First Administrative Review of Floor-Standing, Metal-Top Ironing Tables and Certain Parts Thereof from the People's Republic of China* (March 12, 2007).

On March 27, 2007, Since Hardware filed a timely allegation that the Department made certain ministerial errors in the *Final Results*. On March 27, 2007, petitioner Home Products International, Inc. filed rebuttal comments to the ministerial error allegations submitted by Since Hardware. No other interested party submitted ministerial error allegations or comments.

#### Scope of Order

For purposes of this review, the product covered consists of floor-standing, metal-top ironing tables, assembled or unassembled, complete or incomplete, and certain parts thereof. The subject tables are designed and used principally for the hand ironing or pressing of garments or other articles of fabric. The subject tables have full-height leg assemblies that support the ironing surface at an appropriate (often adjustable) height above the floor. The subject tables are produced in a variety of leg finishes, such as painted, plated, or matte, and they are available with various features, including iron rests, linen racks, and others. The subject ironing tables may be sold with or without a pad and/or cover. All types and configurations of floor-standing, metal-top ironing tables are covered by this review.

Furthermore, this scope specifically covers imports of ironing tables, assembled or unassembled, complete or incomplete, and certain parts thereof. For purposes of this review, the term "unassembled" ironing table means a product requiring the attachment of the leg assembly to the top or the attachment of an included feature such as an iron rest or linen rack. The term "complete" ironing table means product sold as a ready-to-use ensemble consisting of the metal-top table and a pad and cover, with or without additional features, e.g. iron rest or linen rack. The term "incomplete" ironing table means product shipped or sold as a "bare board" – i.e., a metal-top table only, without the pad and cover – with or without additional features, e.g. iron rest or linen rack. The major parts or components of ironing tables that are intended to be covered by this order under the term "certain parts thereof" consist of the metal top component (with or without assembled supports and slides) and/or the leg components, whether or not attached together as a leg assembly. The scope covers separately shipped metal top components and leg components, without regard to whether the respective quantities would yield an exact quantity of assembled ironing tables.

Ironing tables without legs (such as models that mount on walls or over doors) are not floor-standing and are specifically excluded. Additionally, tabletop or countertop models with short legs that do not exceed 12 inches in length (and which may or may not collapse or retract) are specifically excluded.

The subject ironing tables were previously classified under Harmonized Tariff Schedule of the United States (HTSUS) subheading 9403.20.0010. Effective July 1, 2003, the subject ironing tables are classified under new HTSUS subheading 9403.20.0011. The subject metal top and leg components are classified under HTSUS subheading 9403.90.8040. Although the HTSUS subheadings are provided for convenience and for Customs and Border Protection (CBP) purposes, the Department's written description of the scope remains dispositive.

#### Ministerial Errors

A ministerial error is defined in section 751(h) of the Tariff Act of 1930, as amended (the Act), and further clarified in 19 CFR 351.224(f) as "an error in addition, subtraction, or other arithmetic function, clerical error resulting from inaccurate copying, duplication, or the like, and any other similar type of unintentional error

which the Secretary considers ministerial.”

After analyzing all interested parties’ comments, we have determined, in accordance with 19 CFR 351.224(e), that while some alleged errors were not ministerial, by definition, (i.e., surrogate financial ratio calculations and not providing an opportunity for comment on a certain issue), one ministerial error existed with respect to the calculation of the surrogate value for cold-rolled steel that was used in the Since Hardware margin calculation for the *Final Results*. For a detailed discussion of these ministerial error allegations, as well as the Department’s analysis, see Memorandum to James C. Doyle, Office Director, AD/CVD Operations, Office 9, through Christopher D. Riker, Program Manager, AD/CVD Operations, Office 9, from Kristina Horgan and Bobby Wong, International Trade Analysts, AD/CVD Operations, Office 9, titled *2004/2005 Antidumping Duty Administrative Review of Final Results of Antidumping Administrative Review of Floor-standing, Metal-top Ironing Tables and Certain Parts Thereof from the People’s Republic of China: Analysis of Ministerial Error Allegations* (April 12, 2007) (Ministerial Error Allegation Memorandum). The Ministerial Error Allegation Memorandum is on file in the Central Records Unit, room B-099 of the Department of Commerce.

Therefore, in accordance with section 751(h) of the Act and 19 CFR 351.224(e), we are amending the *Final Results* of the administrative review of ironing tables from the PRC. The revised weighted-average dumping margins are listed below. For company-specific calculations, see Memorandum to The File, through Christopher D. Riker, Program Manager, AD/CVD Operations, Office 9, from Bobby Wong, International Trade Analyst, AD/CVD Operations, Office 9, titled *Administrative Review of Floor-standing, Metal-top Ironing Tables and Certain Parts Thereof (Ironing Tables) from the People’s Republic of China (PRC): Since Hardware (Guangzhou) Co., Ltd. (Since Hardware) Amended Final Analysis Memorandum*. The revised final weighted-average dumping margin for Since Hardware is:

Exporter	Margin (percent)
Since Hardware (Guangzhou) Co., Ltd. ....	0.45% ( <i>de minimis</i> )

The Department shall determine, and CBP shall assess, antidumping duties on all appropriate entries based on the

amended final results. For details on the assessment of antidumping duties on all appropriate entries, see *Final Results*.

These amended final results are published in accordance with sections 751(h) and 777(I)(1) of the Act.

Dated: April 12, 2007.

**David M. Spooner,**

*Assistant Secretary for Import Administration.*

[FR Doc. E7-7449 Filed 4-18-07; 8:45 am]

**BILLING CODE 3510-DS-S**

**DEPARTMENT OF COMMERCE**

**International Trade Administration**

**A-570-905**

**Final Determination of Sales at Less Than Fair Value and Partial Affirmative Determination of Critical Circumstances: Certain Polyester Staple Fiber from the People’s Republic of China**

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

**EFFECTIVE DATE:** April 19, 2007

**SUMMARY:** On December 26, 2006, the Department of Commerce (the “Department”) published its preliminary determination of sales at less than fair value (“LTFV”) in the antidumping investigation of certain polyester staple fiber (“PSF”) from the People’s Republic of China (“PRC”). The period of investigation (“POI”) is October 1, 2005, to March 31, 2006. We invited interested parties to comment on our preliminary determination of sales at LTFV. Based on our analysis of the comments we received, we have made changes to our calculations for the mandatory respondents. The final dumping margins for this investigation are listed in the “Final Determination Margins” section below.

**FOR FURTHER INFORMATION CONTACT:** Michael Holton or Paul Walker, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-1324 or (202) 482-0413, respectively.

**Final Determination**

We determine that PSF from the PRC is being, or is likely to be, sold in the United States at LTFV as provided in section 735 of the Tariff Act of 1930, as amended (“the Act”). The estimated margins of sales at LTFV are shown in the “Final Determination Margins” section of this notice.

**SUPPLEMENTARY INFORMATION:**

**Case History**

The Department published its preliminary determination of sales at LTFV on

December 26, 2006. See *Preliminary Determination of Sales at Less Than Fair Value and Partial Affirmative Determination of Critical Circumstances: Certain Polyester Staple Fiber from the People’s Republic of China*, 71 FR 77373 (December 26, 2006) (“*Preliminary Determination*”). Between January 8 and February 16, 2007, the Department conducted verifications of Cixi Jiangnan Chemical Fiber Co. Ltd. (“Cixi Jiangnan”), Far Eastern Industries (Shanghai) Ltd. (“Far Eastern”), Hangzhou Huachuang Co., Ltd. (“Hangzhou Huachuang”), Jiaying Fuda Chemical Fibre Factory (“Fuda”), Ningbo Dafa Chemical Fiber Co., Ltd. (“Ningbo Dafa”) and Zhaoqing Tifo New Fiber Co., Ltd. (“Tifo”). See the “Verification” section below for additional information.

We invited parties to comment on the *Preliminary Determination*. On March 15, 2007, the Petitioners,<sup>1</sup> Insituform Technologies, Inc. (“ITI”), Ashley Furniture Industries, Inc. (“Ashley”), Fibertex Corporation (“Fibertex”)<sup>2</sup>, Far Eastern, Cixi Jiangnan and Ningbo Dafa filed case briefs. On March 20, 2007, the Petitioners, Far Eastern, Cixi Jiangnan and Ningbo Dafa filed rebuttal briefs. All parties that submitted a timely request for a hearing in this case withdrew those requests. Therefore, the Department did not hold a hearing.

**Analysis of Comments Received**

All issues raised in the case and rebuttal briefs by parties to this investigation are addressed in the “Investigation of Certain Polyester Staple Fiber from the People’s Republic of China: Issues and Decision Memorandum,” dated April 10, 2007, which is hereby adopted by this notice (“Issues and Decision Memorandum”). A list of the issues which parties raised and to which we respond in the Issues and Decision Memorandum is attached to this notice as an Appendix. The Issue and Decision Memorandum is a public document and is on file in the Central Records Unit (“CRU”), Main Commerce Building, Room B-099, and is accessible on the Web at <http://www.trade.gov/ia>. The paper copy and electronic version of the memorandum are identical in content.

<sup>1</sup> Dak Americas LLC., Nan Ya Plastics Corporation America, and Wellman, Inc.

<sup>2</sup> ITI, Ashley and Fibertex are interested parties who are U.S. importers of PSF. Ashley and Fibertex submitted joint case briefs.

### Changes Since the Preliminary Determination

Based on our analysis of comments received, we have made changes to the margin calculation for Cixi Jiangnan, Far Eastern and Ningbo Dafa as follows.

We have made the following changes to Cixi Jiangnan's margin calculation:

Other than the issues discussed below, we have determined to not include marine insurance from Cixi Jiangnan's CNF market economy purchases. At verification, Cixi Jiangnan provided information that it did not incur marine insurance. For a detailed analysis of Cixi Jiangnan's margin calculation, see *Final Determination in the Investigation of Certain Polyester Staple Fiber from the People's Republic of China: Analysis Memorandum for Cixi Jiangnan Fiber Co. Ltd.*, dated April 10, 2007.

We have made the following changes to Far Eastern's margin calculation:

Other than the issues discussed below, we have determined to include the additional international freight expense that Far Eastern reported as a minor correction to its market economy international freight expense. Furthermore, we have also determined to make an adjustment to Far Eastern's reported scrap by-product by capping it at the level of scrap it actually produced during the POI. Finally, we have determined to use a surrogate value for Far Eastern's purchases of EG from its affiliated supplier. See below and *Issues and Decision Memorandum at Comment 21*. For a detailed analysis of Far Eastern's margin calculation, see *Final Determination in the Investigation of Certain Polyester Staple Fiber from the People's Republic of China: Analysis Memorandum for Far Eastern Industries (Shanghai) Ltd.*, dated April 10, 2007.

We have made the following changes to Ningbo Dafa's margin calculation:

We have determined that it is appropriate to apply partial facts available to Ningbo Dafa. As noted below in the "Facts Available" Section, we are applying the color-specific market economy purchase prices of Ningbo Dafa's PET flake invoices to the surrogate value of PET flake, based on the CONNUM of the finished PSF. See below and *Issues and Decision Memorandum at Comment 25*. For a detailed analysis of Ningbo Dafa's margin calculation, see *Final Determination in the Investigation of Certain Polyester Staple Fiber from the People's Republic of China: Analysis Memorandum for Ningbo Dafa Chemical Fiber Co., Ltd.*, dated April 10, 2007.

In addition, the Department has made changes to its calculation of the

brokerage and handling, PSF wastes and by-product surrogate values as described in the *Issues and Decision Memorandum at Comments 5 through 9*. Moreover, the Department has made changes to its calculation of surrogate financial ratios as described in the *Issues and Decision Memorandum at Comment 12*. The Department has also revised the surrogate value for labor to \$0.83, using a revised expected wage rate posted on the Department's website on February 2, 2007. Further, the Department determines that it is appropriate to apply the methodology described in the December 27, 2006, **Federal Register** Notice regarding the treatment of negative margin to this investigation. See *Issues and Decision Memorandum at Comment 4 and Final Modification; Calculation of the Weighted-Average Dumping Margin During an Antidumping Investigation*, 71 FR 77722 (December 27, 2006).

### Scope of Investigation

The merchandise subject to this proceeding is synthetic staple fibers, not carded, combed or otherwise processed for spinning, of polyesters measuring 3.3 decitex (3 denier, inclusive) or more in diameter. This merchandise is cut to lengths varying from one inch (25 mm) to five inches (127 mm). The subject merchandise may be coated, usually with a silicon or other finish, or not coated. PSF is generally used as stuffing in sleeping bags, mattresses, ski jackets, comforters, cushions, pillows, and furniture.

The following products are excluded from the scope: (1) PSF of less than 3.3 decitex (less than 3 denier) currently classifiable in the Harmonized Tariff Schedule of the United States ("HTSUS") at subheading 5503.20.0025 and known to the industry as PSF for spinning and generally used in woven and knit applications to produce textile and apparel products; (2) PSF of 10 to 18 denier that are cut to lengths of 6 to 8 inches and that are generally used in the manufacture of carpeting; and (3) low-melt PSF defined as a bi-component fiber with an outer, non-polyester sheath that melts at a significantly lower temperature than its inner polyester core (classified at HTSUS 5503.20.0015).

Certain PSF is classifiable under the HTSUS subheadings 5503.20.0045 and 5503.20.0065. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise under the orders is dispositive.

### Scope Comments

We received scope comments from ITI. However, these scope comments contained untimely and new factual information and were rejected by the Department. See the Department's letter dated March 19, 2007. No other interested party submitted scope comments since the *Preliminary Determination*. Therefore, we have not changed the scope from the *Initiation Notice*. See *Initiation of Antidumping Duty Investigation: Certain Polyester Staple Fiber from the People's Republic of China*, 71 FR 41201 (July 20, 2006) ("Initiation Notice").

### Facts Available

Section 776(a)(2) of the Act provides that if an interested party: (A) withholds information that has been requested by the Department; (B) fails to provide such information in a timely manner or in the form or manner requested, subject to subsections 782(c)(1) and (e) of the Act; (C) significantly impedes a determination under the antidumping statute; or (D) provides such information but the information cannot be verified, the Department shall, subject to subsection 782(d) of the Act, use facts otherwise available in reaching the applicable determination.

Section 782(c)(1) of the Act provides that, if an interested party promptly notifies the Department that it is unable to submit the information in the requested form and manner, together with a full explanation and suggested alternative forms in which such party is able to submit the information, the Department shall take into consideration the ability of the party to submit the information in the requested form and manner and may modify such requirements to the extent necessary to avoid imposing an unreasonable burden on that party.

For this final determination, in accordance with section 776(a)(2)(B) of the Act and 782(c)(1) of the Act, we have determined that the use of neutral facts available is appropriate for Ningbo Dafa's PET flake. See *Issues and Decision Memorandum at Comment 20*. As neutral facts available, we are applying the color-specific, market economy purchase prices of Ningbo Dafa's PET flake invoices to value PET flake, based on the CONNUM of the finished PSF. See *Analysis for the Final Determination of Certain Polyester Staple Fiber from the People's Republic of China: Ningbo Dafa Chemical Fiber Co., Ltd.*, dated April 10, 2007.

### Verification

As provided in section 782(i) of the Act, we verified the information

submitted by the respondents and three separate rate applicants for use in our final determination. See the Department's verification reports on the record of this investigation in the CRU with respect to Cixi Jiangnan, Far Eastern, Hangzhou Huachuang, Fuda, Ningbo Dafa and Tifo. For all verified companies, we used standard verification procedures, including examination of relevant accounting and production records, as well as original source documents provided by respondents.

#### Surrogate Country

In the *Preliminary Determination*, we stated that we had selected India as the appropriate surrogate country to use in this investigation for the following reasons: (1) It is a significant producer of comparable merchandise; (2) it is at a similar level of economic development pursuant to 773(c)(4) of the Act; and (3) we have reliable data from India that we can use to value the factors of production. See *Preliminary Determination*. For the final determination, we received no comments and made no changes to our findings with respect to the selection of a surrogate country.

#### Separate Rates

In proceedings involving non-market-economy ("NME") countries, the Department begins with a rebuttable presumption that all companies within the country are subject to government control and, thus, should be assigned a single antidumping duty deposit rate. It is the Department's policy to assign all exporters of merchandise subject to an investigation in an NME country this single rate unless an exporter can demonstrate that it is sufficiently independent so as to be entitled to a separate rate. See *Final Determination of Sales at Less Than Fair Value: Sparklers from the People's Republic of China*, 56 FR 20588 (May 6, 1991) ("*Sparklers*"), as amplified by *Notice of Final Determination of Sales at Less Than Fair Value: Silicon Carbide from the People's Republic of China*, 59 FR 22585 (May 2, 1994) ("*Silicon Carbide*"), and Section 351.107(d) of the Department's regulations.

In the *Preliminary Determination*, we found that Cixi Jiangnan, Far Eastern and Ningbo Dafa, and the separate rate applicants who received a separate rate ("Separate Rate Applicants") in the *Preliminary Determination* demonstrated their eligibility for separate-rate status. For the final determination, we continue to find that the evidence placed on the record of this investigation by Cixi Jiangnan, Far

Eastern and Ningbo Dafa, and the Separate Rate Applicants demonstrate both a *de jure* and *de facto* absence of government control, with respect to their respective exports of the merchandise under investigation, and, thus are eligible for separate rate status.

#### The PRC-Wide Rate

In the *Preliminary Determination*, the Department found that certain companies and the PRC-wide entity did not respond to our requests information. In the *Preliminary Determination* we treated these PRC producers/exporters as part of the PRC-wide entity because they did not demonstrate that they operate free of government control over their export activities. No additional information has been placed on the record with respect to these entities after the *Preliminary Determination*. The PRC-wide entity has not provided the Department with the requested information; therefore, pursuant to section 776(a)(2)(A) of the Act, the Department continues to find that the use of facts available is appropriate to determine the PRC-wide rate. Section 776(b) of the Act provides that, in selecting from among the facts otherwise available, the Department may employ an adverse inference if an interested party fails to cooperate by not acting to the best of its ability to comply with requests for information. See *Notice of Final Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Flat-Rolled Carbon-Quality Steel Products from the Russian Federation*, 65 FR 5510, 5518 (February 4, 2000). See also, "*Statement of Administrative Action*" accompanying the URAA, H.R. Rep. No. 103-316, vol. 1, at 870 (1994) ("*SAA*"). We determined that, because the PRC-wide entity did not respond to our request for information, it has failed to cooperate to the best of its ability. Therefore, the Department finds that, in selecting from among the facts otherwise available, an adverse inference is appropriate for the PRC-wide entity.

Because we begin with the presumption that all companies within a NME country are subject to government control and because only the companies listed under the "Final Determination Margins" section below have overcome that presumption, we are applying a single antidumping rate - the PRC-wide rate - to all other exporters of subject merchandise from the PRC. Such companies did not demonstrate entitlement to a separate rate. See, e.g., *Synthetic Indigo from the People's Republic of China: Notice of Final Determination of Sales at Less Than Fair Value*, 65 FR 25706 (May 3, 2000).

The PRC-wide rate applies to all entries of subject merchandise except for entries from the respondents which are listed in the "Final Determination Margins" section below (except as noted).

#### Critical Circumstances

In the *Preliminary Determination*, we found that there have been massive imports of the subject merchandise over a relatively short period for Far Eastern. In addition, we relied on a period of six months as the period, which was the maximum duration for the information we had available at that time, for comparison in preliminarily determining whether imports of the subject merchandise were massive.

For the final determination, however, we collected an additional three months of data from the respondents. After analyzing the additional data, we continue to find that Far Eastern had massive imports of PSF over a relatively short period of time. See Memorandum from James C. Doyle, Office Director, to Stephen J. Claeys, Deputy Assistant Secretary, Preliminary Affirmative Determination of Critical Circumstances, (December 15, 2006) at 2-3 ("*Critical Circumstances Memo*"), dated April 10, 2007. Moreover, we continue to find that Ningbo Dafa, Cixi Jiangnan, the Separate Rates Applicants and the PRC-wide entity did not have massive imports of PSF over a relatively short period of time. *Id.*

#### Corroboration

At the *Preliminary Determination*, in accordance with section 776(c) of the Act, we corroborated our adverse facts available ("AFA") margin by comparing the U.S. price and normal values from the petition to the U.S. price and normal values for the respondents. We continue to find that the margin of 44.30 percent has probative value. See Memorandum to the File: Corroboration of the PRC-Wide Facts Available Rate for the Final Determination in the Antidumping Duty Investigation of Certain Polyester Staple Fiber from the People's Republic of China, dated April 10, 2007 ("*Final Corroboration Memo*"). Accordingly, we find that the rate of 44.30 percent is corroborated within the meaning of section 776(c) of the Act.

#### Final Determination Margins

We determine that the following percentage weighted-average margins exist for the POI:

PSF FROM THE PRC - WEIGHTED—  
AVERAGE DUMPING MARGINS

Exporter & Producer	Weighted—Average Deposit Rate
Cixi Jiangnan Chemical Co., Ltd. ....	de minimis
Far Eastern Industries (Shanghai) Ltd. ....	3.47%
Ningbo Dafa Chemical Fiber Co., Ltd. ....	4.86%
Cixi Sansheng Chemical Fiber Co., Ltd. ....	4.44%
Cixi Santai Chemical Fiber Co., Ltd. ....	4.44%
Cixi Waysun Chemical Fiber Co., Ltd. ....	4.44%
Hangzhou Best Chemical Fibre Co., Ltd. ....	4.44%
Hangzhou Hanbang Chemical Fibre Co., Ltd. ....	4.44%
Hangzhou Huachuang Co., Ltd. ....	4.44%
Hangzhou Sanxin Paper Co., Ltd. ....	4.44%
Hangzhou Taifu Textile Fiber Co., Ltd. ....	4.44%
Jiaxiang Fuda Chemical Fibre Factory ....	4.44%
Nantong Luolai Chemical Fiber Co. Ltd. ....	4.44%
Nanyang Textile Co., Ltd. ....	4.44%
Suzhou PolyFiber Co., Ltd. ....	4.44%
Xiamen Xianglu Fiber Chemical Co. ....	4.44%
Zhaoqing Tifo New Fiber Co., Ltd. ....	4.44%
Zhejiang Anshun Pettechs Fibre Co., Ltd. ....	4.44%
Zhejiang Waysun Chemical Fiber Co., Ltd. ....	4.44%
PRC—Wide Rate .....	44.30%

**Disclosure**

We will disclose the calculations performed within five days of the date of publication of this notice to parties in this proceeding in accordance with 19 CFR 351.224(b).

**Continuation of Suspension of Liquidation**

Pursuant to section 735(c)(1)(B) of the Act, we will instruct U.S. Customs and Border Protection (“CBP”) to continue to suspend liquidation of all entries of subject merchandise from Ningbo Dafa, the Separate Rate Applicants and the PRC-wide entity entered, or withdrawn from warehouse, for consumption on or after December 26, 2006, the date of publication of the *Preliminary Determination*. CBP shall continue to require a cash deposit or the posting of a bond equal to the estimated amount by which the normal value exceeds the U.S. price as shown above.

The Department continues to find that critical circumstances exist for Far Eastern therefore, the Department will direct the CBP suspend liquidation of any entries of PSF from the PRC as described in the “Scope of Investigation” section, that are entered, or withdrawn from warehouse, for consumption 90 days before the date of publication of this notice in the **Federal Register**. These suspension of liquidation instructions will remain in effect until further notice.

With respect to Cixi Jiangnan, the Department will instruct CBP not to suspend liquidation of any entries of PSF from the PRC as described in the “Scope of Investigation” section, that are entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**. The Department will not require any cash deposit or posting of a bond for Cixi Jiangnan when the subject merchandise is produced and exported by Cixi Jiangnan. These suspension of liquidation instructions will remain in effect until further notice.

**ITC Notification**

In accordance with section 735(d) of the Act, we have notified the International Trade Commission (“ITC”) of our final determination of sales at LTFV. As our final determination is affirmative, in accordance with section 735(b)(2) of the Act, within 45 days the ITC will determine whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports or sales (or the likelihood of sales) for importation of the subject merchandise. If the ITC determines that material injury or threat of material injury does not exist, the proceeding will be terminated and all securities posted will be refunded or canceled. If the ITC determines that such injury does exist, the Department will issue an antidumping duty order directing CBP to assess antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation.

**Notification Regarding APO**

This notice also serves as a reminder to the parties subject to administrative protective order (“APO”) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of return or destruction of APO materials or conversion to judicial protective order is hereby requested.

Failure to comply with the regulations and the terms of an APO is a sanctionable violation. This determination and notice are issued and published in accordance with sections 735(d) and 777(i)(1) of the Act.

This determination and notice are issued and published in accordance with sections 735(d) and 777(i)(1) of the Act.

Dated: April 10, 2007.

**David M. Spooner,**

*Assistant Secretary for Import Administration.*

**Appendix I****Changes from the Preliminary Determination****General Comments:**

*Comment 1:* Zeroing/Targeted Dumping  
*Comment 2:* Adjustments to Market Economy Purchases—Foreign Inland Freight

*Comment 3:* Adjustments to Market Economy Purchases—Foreign Brokerage & Handling

*Comment 4:* Adjustments to Market Economy Purchases—Application of PRC Duties

**Surrogate Value Comments:**

*Comment 5:* Surrogate Value for Brokerage & Handling

*Comment 6:* Surrogate Value for Waste Inputs

*Comment 7:* Surrogate Value for Polymer Polyester Staple Fiber Waste  
*Comment 8:* Surrogate Value for Lump, Popcorn or X-ray Film

*Comment 9:* Surrogate Value for Scrap Waste By-Product

*Comment 10:* Surrogate Value for Labor  
*Comment 11:* Surrogate Value for Alkali Flake

*Comment 12:* Calculation of Surrogate Financial Ratios

*Comment 13:* General Export Subsidy Countries and Market Economy Inputs

**Company Specific Comments - Cixi Jiangnan:**

*Comment 14:* Cixi Jiangnan’s Sales to Trading Companies

*Comment 15:* Cixi Jiangnan’s International Freight for Its U.S. Sales  
*Comment 16:* Cixi Jiangnan’s Indirect Labor

*Comment 17:* Insurance for Cixi’s Market Economy Purchases

**Company Specific Comments - Far Eastern:**

*Comment 18:* Far Eastern’s Critical Circumstances

*Comment 19:* Far Eastern’s Reported Scrap Offsets

*Comment 20:* Far Eastern's Bank Charges

*Comment 21:* Far Eastern's Market Economy Price for Ethylene Glycol

*Comment 22:* Far Eastern's Market Economy Price Adjustments for Purified Terephthalic Acid ("PTA")

*Comment 23:* Far Eastern's Brokerage and Handling Expenses

#### Company Specific Comments - Ningbo Dafa:

*Comment 24:* Ningbo Dafa's Consumption of Oils

*Comment 25:* Ningbo Dafa's Market Economy Purchases and Factor Usage of PET Flake

[FR Doc. E7-7386 Filed 4-18-07; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-894]

#### Certain Tissue Paper Products from the People's Republic of China: Notice of Extension of Time Limit for Final Results of First Antidumping Duty Administrative Review

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

**EFFECTIVE DATE:** April 19, 2007.

**FOR FURTHER INFORMATION CONTACT:** Kristina Horgan or Bobby Wong, AD/CVD Operations, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-8173 or (202) 482-0409, respectively.

#### SUPPLEMENTARY INFORMATION:

##### Background

On April 9, 2007, the Department of Commerce (the Department) published in the *Federal Register* the preliminary results of this antidumping duty administrative review. See *Certain Tissue Paper Products from the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review*, 72 FR 17477 (April 09, 2007).

##### Extension of Time Limits for Final Results

Pursuant to Section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act), and section 351.213(h)(1) of the Department's regulations, the Department shall issue the final results of review within 120 days after the date

on which the notice of the preliminary results was published in the *Federal Register*. However, if the Department determines that it is not practicable to complete the review within this time period, section 751(a)(3)(A) of the Act and section 351.213(h)(2) of the Department's regulations allow the Department to extend this time period to 180 days.

In the instant review, the Department finds that the current deadline for the final results is impracticable. Specifically, the Department requires additional time to conduct verifications of the exporters and their producers and to review and analyze interested party comments, including issues involving alleged third-country shipments of subject merchandise. As a result, the Department has determined to extend the current time limits of this administrative review. For these reasons, the Department is fully extending the time limit for the completion of these final results until no later than Tuesday, October 9, 2007, in accordance with section 751(a)(3)(A) of the Act.

This notice is issued and published in accordance with sections 751(a)(3)(A) and 777(i)(1) of the Act.

Dated: April 12, 2007.

**Stephen J. Claeys,**

*Deputy Assistant Secretary for Import Administration.*

[FR Doc. E7-7452 Filed 4-18-07; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-580-851]

#### Dynamic Random Access Memory Semiconductors from the Republic of Korea: Extension of Time Limit for Preliminary Results of the Countervailing Duty Administrative Review

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

**EFFECTIVE DATE:** April 19, 2007.

**FOR FURTHER INFORMATION CONTACT:** Yasmin Nair at (202) 482-3813 or David Neubacher at (202) 482-5823; AD/CVD Operations, Office 1, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230.

#### SUPPLEMENTARY INFORMATION:

## Background

On September 29, 2006, the Department published a notice of initiation of administrative review of the countervailing duty order on dynamic random access memory semiconductors from the Republic of Korea, covering the period January 1, 2005 through December 31, 2005. See *Notice of Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 71 FR 57465 (September 29, 2006). On December 11, 2006, the petitioner alleged that Hynix Semiconductor, Inc., received new subsidies.

## Statutory Time Limits

Section 751(a)(3)(A) of the Tariff Act of 1930, as amended ("the Act"), requires the Department of Commerce ("the Department") to issue the preliminary results of an administrative review within 245 days after the last day of the anniversary month of an order for which a review is requested and the final results of review within 120 days after the date on which the preliminary results are published. If it is not practicable to complete the review within the time period, section 751(a)(3)(A) of the Act allows the Department to extend these deadlines to a maximum of 365 days and 180 days, respectively.

## Extension of Time Limits for Preliminary Results

This administrative review is extraordinarily complicated due to the complexity of the countervailable subsidy practices found in the investigation and the new subsidy allegations. Because the Department requires additional time to review, analyze, and possibly verify the information, and to issue supplemental questionnaires, if necessary, it is not practicable to complete this review within the originally anticipated time limit (*i.e.*, by May 3, 2007). Therefore, the Department is extending the time limit for completion of the preliminary results to not later than August 31, 2007, in accordance with section 751(a)(3)(A) of the Act.

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: April 12, 2007.

**Stephen J. Claeys,**

*Deputy Assistant Secretary for Import Administration.*

[FR Doc. E7-7451 Filed 4-18-07; 8:45 am]

BILLING CODE 3510-DS-S

**DEPARTMENT OF COMMERCE****International Trade Administration****Export Trade Certificate of Review**

**ACTION:** Notice of Application to Amend an Export Trade Certificate of Review.

**SUMMARY:** Export Trading Company Affairs ("ETCA") of the International Trade Administration, Department of Commerce, has received an application to amend an Export Trade Certificate of Review ("Certificate"). This notice summarizes the proposed amendment and requests comments relevant to whether the Certificate should be issued.

**FOR FURTHER INFORMATION CONTACT:**

Jeffrey Anspacher, Director, Export Trading Company Affairs, International Trade Administration, (202) 482-5131 (this is not a toll-free number) or e-mail at [oetca@ita.doc.gov](mailto:oetca@ita.doc.gov).

**SUPPLEMENTARY INFORMATION:** Title III of the Export Trading Company Act of 1982 (15 U.S.C. 4001-21) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. An Export Trade Certificate of Review protects the holder and the members identified in the Certificate from state and federal government antitrust actions and from private treble damage antitrust actions for the export conduct specified in the Certificate and carried out in compliance with its terms and conditions. Section 302(b)(1) of the Export Trading Company Act of 1982 and 15 CFR 325.6(a) require the Secretary to publish a notice in the **Federal Register** identifying the applicant and summarizing its proposed export conduct.

**Request for Public Comments**

Interested parties may submit written comments relevant to the determination whether an amended Certificate should be issued. If the comments include any privileged or confidential business information, it must be clearly marked and a nonconfidential version of the comments (identified as such) should be included. Any comments not marked privileged or confidential business information will be deemed to be nonconfidential. An original and five (5) copies, plus two (2) copies of the nonconfidential version, should be submitted no later than 20 days after the date of this notice to: Export Trading Company Affairs, International Trade Administration, U.S. Department of Commerce, Room 7021B, Washington, DC 20230. Information submitted by any person is exempt from disclosure under the Freedom of Information Act (5

U.S.C. 552). However, nonconfidential versions of the comments will be made available to the applicant if necessary for determining whether or not to issue the Certificate. Comments should refer to this application as "Export Trade Certificate of Review, Ferrous Scrap Export Association ("FSEA"), application number 88-3A015."

FSEA's original Certificate was issued on December 12, 1988 (53 FR 51294, December 21, 1988) and previously amended on February 28, 1989 (54 FR 9542, March 7, 1989); and February 5, 1999 (64 FR 6632, February 10, 1999). Also, a name change was announced changing the name of the FSEA Certificate Member "Witte-Chase Corporation" to "Metro Metal Recycling Corp" (55 FR 13581, April 11, 1990). A summary of the current application for an amendment follows.

**Summary of the Application**

*Applicant:* Ferrous Scrap Export Association ("FSEA"), 1209 Orange Street, Wilmington, Delaware 19809.

*Contact:* Fuad Rana, Attorney, Telephone: (202) 662-5348.

*Application No.:* 88-3A015.

*Date Deemed Submitted:* April 5, 2007.

*Proposed Amendment:* FSEA seeks to amend its Certificate to:

1. Add each of the following companies as a new "Member" of the Certificate within the meaning of section 325.2(l) of the Regulations (15 CFR 325.2(l)): Sims Hugo Neu Corporation; HNE Recycling LLC; and HNW Recycling LLC, each located in New York, NY.
2. Change the current Member listing of the trade name "Simsmetal America" to the legal name of "Sims Group USA Corporation", and change the current Member listing of "Southern Scrap Material Co., Ltd." to "Southern Recycling, LLC," due to a company name change.
3. Delete the following companies as "Members" of the Certificate: Metro Metal Recycling Corp., New York, NY, and Proler International Corp., Portland, OR.

Dated: April 13, 2007.

**Jeffrey Anspacher,**

*Director, Export Trading Company Affairs.*

[FR Doc. E7-7411 Filed 4-18-07; 8:45 am]

**BILLING CODE 3510-DR-P**

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration**

[I.D. 032207A]

**Taking of Marine Mammals Incidental to Specified Activities; On-ice Geotechnical Operations in the Beaufort Sea**

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

**ACTION:** Notice of issuance of an incidental harassment authorization.

**SUMMARY:** In accordance with provisions of the Marine Mammal Protection Act (MMPA) as amended, notification is hereby given that an Incidental Harassment Authorization (IHA) to take marine mammals, by harassment, incidental to conducting an on-ice marine geotechnical operations in the U.S. Beaufort Sea, has been issued to ConocoPhillips Alaska, Inc (CPAI) for a period of one year.

**DATES:** This authorization is effective from April 15, 2007, until April 14, 2008.

**ADDRESSES:** A copy of the application, IHA, an Environmental Assessment (EA) for the proposed action, and a list of references used in this document may be obtained by writing to P. Michael Payne, Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910-3225, or by telephoning one of the contacts listed here (see **FOR FURTHER INFORMATION CONTACT**).

**FOR FURTHER INFORMATION CONTACT:**

Shane Guan, Office of Protected Resources, NMFS, (301) 713-2289, ext 137 or Brad Smith, Alaska Region, NMFS, (907) 271-5006.

**SUPPLEMENTARY INFORMATION:****Background**

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce to allow, upon request, the incidental, but not intentional, taking of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed authorization is provided to the public for review.

Permission shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses, and that the permissible methods of taking and requirements pertaining to the mitigation, monitoring, and reporting of such takings are set forth. NMFS has defined "negligible impact" in 50 CFR 216.103 as "...an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival."

Section 101(a)(5)(D) of the MMPA established an expedited process by which citizens of the United States can apply for an authorization to incidentally take small numbers of marine mammals by harassment. Except for certain categories of activities not pertinent here, the MMPA defines "harassment" as:

any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild [Level A harassment]; or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering [Level B harassment].

Section 101(a)(5)(D) establishes a 45-day time limit for NMFS review of an application followed by a 30-day public notice and comment period on any proposed authorizations for the incidental harassment of marine mammals. Within 45 days of the close of the comment period, NMFS must either issue or deny issuance of the authorization.

### Summary of Request

On November 29, 2006, NMFS received an application from CPAI for the taking, by harassment, of a small number of ringed seals (*Phoca hispida*) incidental to conducting geotechnical portions of a site clearance survey just north of Cross Island, in the spring of 2007. The site clearance location will be on the outer continental shelf (OCS) and State of Alaska leases in the U.S. Beaufort Sea. The proposed operation will be active 24 hours per day and use a conventional geotechnical drilling rig.

The purpose of the site clearance is to confirm that the seafloor has soil and surface characteristics that will support the safe set-down of a drill rig, and long-term occupation of the site by such a vessel.

The geographic region of the proposed geotechnical activity encompasses 2 13 km<sup>2</sup> (5 mi<sup>2</sup>) areas in the south central

Alaska Beaufort Sea on the fast ice. The region is about 3 miles (4.8 km) north of Cross Island at approximately 147°57' W and 70°32' N. There will also be a sea ice route directly from Deadhorse to the site, which will be about 24 km (15 miles) long and 0.01 km (35 ft) wide. The closest Eskimo village to the site clearance location is Nuiqsut, which is over 60 miles (97 km) away. Water depths in the proposed project area are typically less than 60 ft (18.2 m).

The proposed geotechnical operation would use a small drill rig that runs either 5-ft (1.5-m) long augers for soil samples or 10-ft (3-m) jointed pipe to recover core samples. The drill rig would use cone penetrometers for cone penetration tests. Sea water circulation and occasionally mud systems would be used on the drill rig to stabilize the hole. This work is part of an overall shallow hazards investigation of the project.

CPAI initially planned to conduct the proposed project between February and April, 2007, however, it has postponed it until April, 2007. If the proposed project cannot be completed by the end of May 2007 due to ice conditions, CPAI will resume the project in February 2008, and complete it in April 2008, under this IHA.

A detailed description of these activities was published in the **Federal Register** on January 22, 2007 (72 FR 2653). No other changes have been made to these proposed activities except the project time described above.

### Comments and Responses

A notice of receipt and request for 30-day public comment on the application and proposed authorization was published on January 22, 2007 (72 FR 2653). During the 30-day public comment period, NMFS received the following comments from one private citizen, the North Slope Borough (NSB), and the Marine Mammal Commission (Commission).

*Comment 1:* One private citizen opposes the project out of concern that marine mammals would be killed by the proposed project in the Beaufort Sea.

*Response:* As described in detail in the **Federal Register** notice of receipt of the application (72 FR 2653, January 22, 2007), no marine mammal will be killed or injured as a result of the proposed on-ice geotechnical operations by CPAI. The project would only result Level B behavioral harassment of a small number of ringed seals. No take by Level A harassment (injury) or death is anticipated or authorized from this project.

*Comment 2:* The Commission recommends that NMFS issue the IHA to CPAI, provided that CPAI be required

to use trained dogs for locating ringed seal lairs and other structures. Both the Commission and the NSB recommend that trained dogs be used to detect and locate ringed seal lairs and other structures. The NSB further states that a single native hunter will not be sufficient for locating lairs and that seal breathing holes are not confined to deformed ice or pressure ridges.

*Response:* While NMFS believes that the use of trained dogs to locate ringed seal lairs during on-ice geotechnical operations is the best method to detect ringed seals in winter, NMFS also believes that the use of experienced subsistence hunters should be an alternative before ringed seal pupping season, starting on March 15, if the CPAI cannot complete the project by then. As for the proposed project, only a limited number of holes in and near a small rig footprint would be drilled, one single experienced hunter is sufficient for detecting seal lairs before March 15. CPAI requested use of an Inupiat hunter since it was successfully used at McCovey for a rolligon operation. Allowing a proven method of using an experienced hunter prior to the ringed seal pupping season is a reasonable alternative to trained dogs. Even though experienced hunters may not be as efficient to detect breathing holes, NMFS does not believe this will cause any mortality or seriously injure ringed seals. However, for activities that occur after March 15th, CPAI will use trained dogs to locate seal lairs.

*Comment 3:* The Commission assumes that CPAI has explored the need for an authorization from the U.S. Fish and Wildlife Service (FWS) to take polar bears (*Ursus maritimus*) incidental to the proposed activities. If not, the Commission states, NMFS may wish to advise CPAI to do so.

*Response:* CPAI states that it has applied for an IHA for the incidental takes of polar bears from the FWS, and that the permit is pending.

*Comment 4:* The Commission recommends that the authorization specify that the operations be suspended immediately if a dead or injured ringed seal is found in the vicinity of the operations and the death or injury could be attributable to the applicant's activities. The Commission further recommends that any suspension should remain in place until NMFS has (1) reviewed the situation and determined that further deaths or serious injuries are unlikely or (2) issued regulations authorizing such takes under section 101(a)(5)(A) of the MMPA.

*Response:* NMFS agrees, and the IHA condition specified that operations be

suspended if a mortality or injury of a marine mammal is detected that may be the result of CPAI's activity.

*Comment 5:* The NSB points out that CPAI did not provide noise information associated with cone penetration test (CPT). The NSB questions whether CPT is somewhat similar to pile driving, which could create a substantial amount of sound in the environment.

*Response:* CPAI states that the CPT work is accomplished using hydraulics. Consistent pressure, provided by hydraulics, is necessary to accurately measure soil properties. Therefore, CPAI states that noise levels generated by CPT work is negligible compared to that of pile driving.

*Comment 6:* The NSB questions NMFS' conclusion that the effects of the proposed geotechnical operations would be short-term within the context of disturbance of ringed seals. The NSB further questions how long any disturbance of seals as a result of the proposed operations might be expected to persist.

*Response:* As described in detail in the **Federal Register** notice (72 FR 2653, January 22, 2007) the proposed geotechnical operations would only last for two weeks during a 3-month period within two small areas of 13 km<sup>2</sup> (5 mi<sup>2</sup>). The analyses of the proposed on-ice geotechnical operations showed the potential to disturb and temporarily displace some ringed seals within the proposed project areas during this short time period. Therefore, NMFS believes that the effects of this action are expected to be limited to short-term and localized behavioral changes involving relatively small numbers of ringed seals.

*Comment 7:* The NSB points out that in CPAI's application, CPAI suggested it only needs an IHA if the work extends past the later part of March, "prior to the birthing season for ringed seal pups." The NSB states that ringed seals are present in the CPAI's operational area throughout the ice-covered season and not just from late March through the ice-covered period. The NSB further states that it is extremely likely that CPAI's operations are causing Level B harassment of ringed seals, assuming they have already begun, and will have impacts in March.

*Response:* Generally, NMFS recommends IHAs for activities that occur after the start of pupping season, and with the exception of ice road construction, activities conducted prior to that time do not require IHAs. Considering the number of other activities that take place on the ice without IHAs (e.g., snow mobiles), NMFS considers this appropriate. However, CPAI is applying for an IHA

for the entire period when its on-ice operations would be conducted. CPAI indicated that it has not started its on-ice geotechnical operations and that it will not do so prior to obtaining an IHA.

*Comment 8:* The NSB does not agree that ringed seals are the only marine mammals that might be taken incidentally as a result of CPAI's on-ice operations. The NSB is concerned that bowhead whales (*Balaena mysticetus*) and belugas (*Delphinapterus leucas*) could be potentially taken as a result of the proposed action. NSB states that bowheads and belugas typically begin passing by Barrow in mid-April, and that in a typical year, bowheads and belugas could be off the project area by mid-April within several days of passing Barrow. The NSB further states that in 2007, ice is very light and there are considerable areas of open water between Barrow and the Bering Sea. The NSB also states that bearded seals (*Erignathus barbatus*) will also be in the Beaufort Sea in April.

*Response:* The nature of the proposed on-ice geotechnical operations would require ice thickness of at least 50 in (1.3 m) to support the heavy equipment and personnel. This is not typical habitat for cetacean species, including bowhead and beluga whales, thus, no cetacean species is likely to be found in the vicinity of the project area. In addition, the proposed project will not use any impact source sources nor airguns, so the generated underwater noises due to the activities are negligible and will not impact on any cetacean species in the vicinity. CPAI will not operate in the area where ice condition is getting thin to allow open lead due to safety concerns.

In regards to bearded seals, NMFS does not believe these species would be affected as a result of the proposed on-ice geotechnical operations due to their rare occurrence in the proposed project areas, and the small size of these areas.

*Comment 9:* The NSB points out that CPAI primarily relied on ringed seal data collected at the Northstar development island (Moulton *et al.*, 2002) for their estimates of numbers of takes of ringed seals. CPAI states that these data are helpful but given that CPAI's activities are in deep water and farther offshore, there is potential for actually a greater numbers of seals in the project area. The NSB suggests that site-specific data on ringed seals are needed for CPAI's project area.

*Response:* In reviewing and making a determination on the issuance of an IHA to SOI for its proposed on-ice R&D project, NMFS used the most recent available and best scientific data regarding ringed seal density in the

proposed project area from works conducted by Kelly and Quakenbush (1990), Frost and Lowry (1999), and Moulton *et al.*, (2002), which was based on studies at the Northstar development. These studies cover a large area of the Beaufort Sea, and the ringed seal population estimates derived from these studies are representative of this species abundance in the proposed project area. NMFS believes that these data provide the best scientific information on ringed seal density and abundance in the proposed project area.

#### **Description of the Marine Mammals Potentially Affected by the Activity**

Ringed seals are the only species of marine mammal that may be present in the proposed project area during the site clearance period. Ringed seals are not listed under the Endangered Species Act (ESA) or designated as depleted under the MMPA. Other marine mammal species under NMFS' jurisdiction that seasonally inhabit the Beaufort Sea, but are not anticipated to occur in the project area during site clearance operations, include the bowhead whales (*Balaena mysticetus*), beluga whales (*Delphinapterus leucas*), bearded seals (*Erignathus barbatus*), and spotted seals (*Phoca largha*). While some of these species begin to enter Beaufort Sea off Point Barrow from the Chukchi Sea during April, the project area is over 160 nm (296 km) east of Point Barrow, thereby making it highly unlikely these species would occur in the project area during the proposed operations. Polar bears also frequent in the Beaufort Sea, but they are not addressed in this application because they are managed by the FWS. CPAI is applying for an IHA for the incidental take of polar bears from the FWS.

A detailed description of ringed seals can be found in the Angliss and Outlaw (2005), which is available at the following URL: <http://www.nmfs.noaa.gov/pr/pdfs/sars/ak2005.pdf>. A more detailed description of this species within the proposed action area is provided in the January 22, 2007, **Federal Register** (72 FR 2653). Therefore, it is not repeated here.

#### **Potential Effects on Marine Mammals and Their Habitat**

The proposed on-ice geotechnical operations have the potential to disturb, including the temporary displacement of, some ringed seals within the proposed project area. Incidental take may result from short-term disturbances by noise and physical activities associated with soil borings, CPT, and rolligon supported support and logistics activities. Pup mortality could occur if

any of these animals were nursing and displacement were protracted. However, it is unlikely that a nursing female would abandon her pup given the normal levels of disturbance from the proposed activities, potential predators, and the typical movement patterns of ringed seal pups among different holes. Seals also use as many as four lairs spaced as far as 3,437 m (11,276 ft) apart. In addition, seals have multiple breathing holes. Pups may use more holes than adults, but the holes are generally closer together than those used by adults. This indicates that adult seals and pups can move away from site clearance activity. All anticipated takes would be Level B harassment, involving short term, temporary changes in behavior including displacement by ringed seals. The number of seals estimated to be taken is calculated based on the most recent density data obtained during ringed seal surveys conducted within the geographic area of the planned operation. Moulton *et al.* (2002) reported that ringed seal densities on landfast ice of Alaskan Beaufort area range from 0.39 – 0.63 seal/km<sup>2</sup>.

The size of the proposed project area is 26 km<sup>2</sup> plus 0.32 km<sup>2</sup> for the travel corridor between the site and Deadhorse with water depths greater than 3 m (9.8 ft) below the sea ice. Areas where water depths are less than 3 m (9.8 ft) were excluded from the calculation since ringed seals typically do not occur in these shallow areas (Moulton *et al.*, 2002). The length of the travel corridor associated is about 16 km (10 mi) and the calculation for its width was doubled (70 ft or 200 m) to account for adjustment of the corridor during the program due to any changes in ice condition. Therefore, it is estimated that between 10 – 17 ringed seals could be taken by Level B harassment as a result of the proposed geotechnical operations. This estimated take number represents less than 0.004 – 0.007 percent of the ringed seal population (estimated minimum 249,000 seals) in the eastern Chukchi and Beaufort seas area. The actual take is likely to be lower as the IHA requires mitigation and monitoring measures to be implemented in the proposed action. No take by Level A harassment (injury) or death is expected or authorized.

The proposed geotechnical operation is not expected to cause any permanent impact on habitat and the prey used by ringed seals. All surface activities will be on sea ice, which will breakup and drift away following spring breakup. Any spills on the ice would be small in size and cleaned up before completing the operations. Similarly, all materials from the camp and drilling activities

will be removed from the site before completion of operations. Drilling will have a negligible impact on the seafloor, since the bore holes will be small and widely spaced, and they will naturally fill in over time due to sediment movement by currents. The operation should have no effect on ringed seal prey species since most disturbances will be on sea ice. Areas containing ice conditions suitable for lairs will be avoided by the rolligons to prevent any destruction of the habitat.

#### Mitigation and Monitoring

All activities will be conducted as far as practicable from any observed ringed seal lairs. Upon commencement of the on-ice geotechnical project, CPAI will establish a route along the proposed travel corridor and work areas to discourage ringed seals from building lairs within the corridor later.

For all activities conducted after March 15, trained dogs will be used to detect and locate ringed seal lairs and other seal structures in the travel corridor and work areas where water depth exceeds 3 m (9.8 ft) under the ice. For activities conducted before March 15, an experienced Inupiat hunter will be hired to serve as a marine mammal observer (MMO) to locate potential lairs and breathing holes in the travel corridor and work areas where water depth exceeds 3 m (9.8 ft) under the ice. The MMO will ride in the lead rolligon. Locations will be flagged, Global Positioning System (GPS) coordinates taken and then delineated on a map.

On subsequent trips after seal surveys, rolligon drivers will use the map, pre-programmed GPS coordinates and/or flags to avoid potential lair habitat and breathing holes when traveling the corridor and work areas. The completed map will be provided to NMFS.

#### Potential Effects on Subsistence

The primary subsistence village in the region is Nuiqsut, which is over 60 miles (97 km) away from the proposed project area. Most seal hunting by the village is off the Colville river Delta, between Fish Creek to the west and Pingok Island to the east (Fuller and George, 1997). Seal hunting predominately occurs in the open water during summer, when seals are more readily accessible from small boats (Fuller and George, 1997). In addition, almost all subsistence seal hunts occur during June through August. If a subsistence hunter is encountered in the project area, action will be taken to divert the rolligon away from the hunter. In addition, CPAI will meet with Nuiqsut representatives before commencing geotechnical operations in

2007. The meeting(s) will fulfill the requirement in 50 CFR 216.104(a)(12). The proposed operations will be modified, where possible and practical, to reflect the concerns of the villages and hunters. Taking into account this and all mitigation and monitoring, the proposed geotechnical operations will not have an unmitigable adverse impact on availability of marine mammals for subsistence uses.

#### Reporting

A final report will be submitted to NMFS within 90 days of completing the geotechnical project. The report will contain detailed description of any marine mammal, by species, number, age class, and sex if possible, that is sighted in the vicinity of the proposed project area; location and time of the animal sighted; whether the animal exhibits a behavioral reaction to any on-ice activities or is injured or killed.

#### ESA

NMFS has determined that no species listed as threatened or endangered under the ESA will be affected by this activity and issuing an incidental harassment authorization under section 101(a)(5)(D) of the MMPA for CPAI for this on-ice geotechnical project.

#### National Environmental Policy Act (NEPA)

NMFS prepared an Environmental Assessment in March 2007 and issued a Finding of No Significant Impact on the proposed action.

#### Determinations

For the reasons discussed in this document and in the identified supporting documents, NMFS has determined that the impact of the on-ice geotechnical operations would result, at worst, in the Level B harassment of small numbers of ringed seals, and that such taking will have a negligible impact on this species. NMFS also finds that the action will not have an unmitigable adverse impact on the availability of this species for taking for subsistence uses.

In addition, no take by Level A harassment (injury) or death is anticipated or authorized, and harassment takes should be at the lowest level practicable due to incorporation of the mitigation measures described in this document.

#### Authorization

NMFS has issued an IHA to CPAI for the Level B harassment of small number of ringed seals incidental to conducting on-ice geotechnical operations in the U.S. Beaufort Sea, provided the

previously mentioned mitigation, monitoring, and reporting requirements are incorporated.

Dated: April 13, 2007.

**James H. Lecky,**

*Director, Office of Protected Resources,  
National Marine Fisheries Service.*

[FR Doc. E7-7471 Filed 4-18-07; 8:45 am]

**BILLING CODE 3510-22-S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 041207E]

#### Gulf of Mexico Fishery Management Council; Public Meeting

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

**ACTION:** Notice of a public meeting.

**SUMMARY:** The Gulf of Mexico Fishery Management Council (Council) will convene a meeting of its Ecosystem Scientific and Statistical Committee (SSC) in St. Petersburg, FL.

**DATES:** The meeting will begin at 9 a.m. on Tuesday, May 8, 2007 and conclude by 3 p.m. on Thursday, May 10, 2007.

**ADDRESSES:** The meeting will be held at the Florida Fish & Wildlife Research Institute, 100 8th Avenue, SE, St. Petersburg, FL 33701.

*Council address:* Gulf of Mexico Fishery Management Council, 2203 North Lois Avenue, Suite 1100, Tampa, FL 33607.

**FOR FURTHER INFORMATION CONTACT:** Steven Atran, Population Dynamics Statistician, Gulf of Mexico Fishery Management Council; telephone: (813) 348-1630.

**SUPPLEMENTARY INFORMATION:** The Gulf of Mexico Fishery Management Council (Council) will convene its Ecosystem Scientific and Statistical Committee (SSC), along with other invited ecosystem modeling experts, in St. Petersburg, FL, to conduct a three day workshop to demonstrate the feasibility of using ecosystem modeling as a tool to address fishery management issues. While there are numerous fishery related issues that could potentially be addressed through an ecosystem modeling approach, the SSC identified three primary issues to be the focus of the workshop: (1) Red snapper-shrimp interactions; (2) multi-species (MPA) effects on snapper-grouper; and (3) Gulf of Mexico hypoxic area from drainage from the Mississippi River effects on demersal and pelagic ecosystems. Other

issues identified by the Ecosystem SSC as that could also be selected for evaluation at the workshop, include: (4) the role menhaden as a forage base in the Gulf; (5) impacts of red tide on Gulf of Mexico ecosystem; and (6) impacts of artificial reefs on Gulf of Mexico ecosystem.

Utilizing a preliminary ecosystem model recently developed for the Gulf of Mexico, the workshop will address as many of the issues identified above as is practicable within the time and data constraints of the workshop. Additional issues may also be addressed if time and available data permit. The workshop participants will work with Council staff subsequent to the workshop to develop final reports to the Gulf Council, and a presentation of the results of the workshop will be given to the Gulf Council at one of the Council's regularly scheduled meetings.

Copies of the agenda and other related materials can be obtained by calling (813) 348-1630.

Although other non-emergency issues not on the agendas may come before the SSC for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), those issues may not be the subject of formal action during these meetings. Actions of the SSC will be restricted to those issues specifically identified in the agendas and any issues arising after publication of this notice that require emergency action under Section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take action to address the emergency.

#### Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Tina Trezza at the Council (see **ADDRESSES**) at least 5 working days prior to the meeting.

Dated: April 16, 2007.

**Tracey L. Thompson,**

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

[FR Doc. E7-7418 Filed 4-18-07; 8:45 am]

**BILLING CODE 3510-22-S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 041207F]

#### Gulf of Mexico Fishery Management Council (Council); Public Meetings

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

**ACTION:** Notice of public meetings.

**SUMMARY:** The Council Coordination Committee (CCC) will convene public meeting consisting of representatives of all eight Regional Fishery Management Councils as well as attendees from the National Marine Fisheries Service.

**DATES:** The meeting will be held May 8 - 11, 2007.

**ADDRESSES:** The meeting will be held at the W Hotel, 333 Poydras Street, New Orleans, LA 70130.

*Council address:* Gulf of Mexico Fishery Management Council, 2203 North Lois Avenue, Suite 1100, Tampa, FL 33607.

**FOR FURTHER INFORMATION CONTACT:** Wayne E. Swingle, Executive Director, Gulf of Mexico Fishery Management Council; telephone: (813) 348-1630.

**SUPPLEMENTARY INFORMATION:** The CCC will convene a public meeting consisting of representatives of all eight Regional Fishery Management Councils as well as attendees from the National Marine Fisheries Service. The meeting is being hosted/coordinated by the Gulf Council (see **ADDRESSES**).

#### Tuesday, May 8, 2007

*10:30 a.m. to 5 p.m.* - a meeting of the eight regional fishery management Councils' Administrative Officers (AOs) will be held. The AOs will discuss issues relating to the Councils' Standard Operating Practices and Procedures (SOPPs), NOAA grant requirements, record keeping requirements and options, review and updates of various legal opinions, insurance and liability issues, and other general topics related specifically to the fishery management Councils. Also, the Councils and NMFS will separately review and discuss the following agenda items so that the CCC can come to a consensus on a position and the necessary future action needed.

#### Wednesday, May 9, 2007

*8 a.m.* - the CCC Session will begin with an opening statement and adoption of the agenda;

*8:15 a.m.* - overview of actions needed by Councils and NMFS to comply with

the Magnuson-Stevens Reauthorization Act (MSRA) provisions for the National Standard 1, the requirement for annual catch limits (ACL), accountability measures, rebuilding plans, and reduction of open access fisheries;

10 a.m. - overview of compliance with National Environmental Policy Act (NEPA) and the MSRA;

11:15 a.m. - discussion of fiscal year (FY) 2007 and FY 2008 Council budgets; and

12 noon - the CCC will break to participate in a hands-on restoration work session to aid fishermen who were victims of Hurricane Katrina.

#### Thursday, May 11, 2007

8 a.m. - actions to implement Limited Access Privilege Programs (LAPPS); 9:30 am - actions to implement Council member training;

10:15 a.m. - actions needed to include provisions of MSRA into the Council's Standard Operating Practices and Procedures (SOPPs);

10:45 a.m. - applicability of Fair Labor Standards Act to NOAA observers;

11:15 a.m. - receive a briefing on court cases affecting the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act); the meeting will recess at noon. Friday, May 12, 2007

8 a.m. - U.S. Coast Guard enforcement/safety issues;

8:30 a.m. - items from the preceding Administrative Officer's meeting needing CCC concurrence or discussion;

9:30 a.m. - NOAA's actions under Recreational Data Survey and registry;

10:15 a.m. - update on regulatory streamlining process;

11 a.m. - other Magnuson-Stevens Reauthorization Act (MSRA) timelines affecting Councils;

11:30 a.m. - planning session for the September MSRA Conference/ Workshop/CCC Meeting;

12 noon - scheduling the next CCC meeting;

12:30 p.m. - the meeting will adjourn.

A copy of the agenda and related meeting materials may be obtained by contacting Mr. Wayne Swingle at the Gulf Council (see **ADDRESSES**).

The established times for addressing items on the agenda may be adjusted as necessary to accommodate the timely completion of discussion relevant to the agenda items. In order to further allow for such adjustments and completion of all items on the agenda, the meeting may be extended from, or completed prior to the date established in this notice.

Although other non-emergency issues not on the agendas may come before the CCC for discussion, in accordance with

the Magnuson-Stevens Act, those issues may not be the subject of formal action during these meetings. Actions of the CCC will be restricted to those issues specifically identified in the agendas and any issues arising after publication of this notice that require emergency action under Section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take action to address the emergency.

#### Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Tina Trezza at the Council (see **ADDRESSES**) at least 5 working days prior to the meeting.

Dated: April 16, 2007.

**Tracey L. Thompson,**

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

[FR Doc. E7-7419 Filed 4-18-07; 8:45 am]

**BILLING CODE 3510-22-S**

#### DEPARTMENT OF COMMERCE

##### National Oceanic and Atmospheric Administration

[I.D. 041207D]

##### New England Fishery Management Council; Public Meeting

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

**ACTION:** Notice of a public meeting.

**SUMMARY:** The New England Fishery Management Council (Council) is scheduling a public meeting of its Whiting Committee meeting, in May, 2007, to consider actions affecting New England fisheries in the exclusive economic zone (EEZ).

Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

**DATES:** The meeting will be held on Thursday, May 3, 2007 at 9:30 a.m.

**ADDRESSES:** The meeting will be held at the Holiday Inn, 31 Hampshire Street, Mansfield, MA 02048; telephone: (508) 339-2200; fax: (508) 339-1040.

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

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

**SUPPLEMENTARY INFORMATION:** The Committee will continue development of alternatives for consideration in an amendment to address the management of small mesh multispecies (silver hake, red hake, offshore hake). The committee will also discuss alternatives for limited access qualification criteria and possible approaches for addressing historical fishery participants as well as possible approaches for managing the catch of small mesh multispecies in non-directed fisheries. The committee will continue development of alternatives for specifying Optimum Yield (OY) and discuss alternatives for total allowable catches (TACs) and TAC-based management in the small mesh multispecies fishery. Other topics may be covered at the committee's discretion.

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

#### Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Paul J. Howard, Executive Director, at (978) 465-0492, at least 5 days prior to the meeting date.

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

Dated: April 16, 2007.

**Tracey L. Thompson,**

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

[FR Doc. E7-7417 Filed 4-18-07; 8:45 am]

**BILLING CODE 3510-22-S**

#### DEPARTMENT OF COMMERCE

##### National Oceanic and Atmospheric Administration

[I.D. 041207G]

##### Pacific Fishery Management Council; Public Meeting

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

**ACTION:** Notice of public meeting.

**SUMMARY:** The Pacific Fishery Management Council's (Council) Coastal

Pelagic Species (CPS) advisory bodies will hold meetings, which are open to the public, on May 8–10, 2007. The primary purpose of the meetings is to review the current Pacific mackerel stock assessment and develop harvest guideline and seasonal structure recommendations for the 2007–08 Pacific mackerel fishery.

**DATES:** The Coastal Pelagic Species Management Team (CPSMT) will hold a work session Tuesday, May 8, 2007, from 1 p.m. until business for the day is completed and will reconvene on Wednesday, May 9, 2007, from 8 a.m. until business for the day is completed. The Coastal Pelagic Species Advisory Subpanel (CPSAS) will meet Thursday, May 10, 2007, from 8:30 a.m. until business for the day is completed.

**ADDRESSES:** All meetings will be held at National Marine Fisheries Service, Southwest Regional Office, Glenn M. Anderson Federal Office Building, Suite 4200, Large Conference Room, 501 West Ocean Boulevard, Long Beach, CA 90802; telephone: (562) 980–4000.

*Council address:* Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220–1384.

**FOR FURTHER INFORMATION CONTACT:** Mr. Mike Burner, Pacific Fishery Management Council; telephone: (503) 820–2280.

**SUPPLEMENTARY INFORMATION:** The CPSMT will also review the 2007 CPS Stock Assessment and Fishery Evaluation (SAFE) document. The CPSMT and CPSAS will develop recommendations for Council consideration at its June meeting in Foster City, CA, and address other issues relating to CPS management, including implementation of the reauthorized Magnuson-Stevens Fishery Conservation and Management Act, review of State reduction fishery regulations, the Council's proposed Ecosystem Fishery Management Plan, and CPS fishery sampling methods.

Although non-emergency issues not contained in this notice may arise during the CPSMT and CPSAS meetings, those issues may not be the subject of formal action during this meeting. Formal action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under Section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

### Special Accommodations

The meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Ms. Carolyn Porter at (503) 820–2280 at least 5 days prior to the meeting date.

Entry to the Southwest Regional Office in the Glenn M. Anderson Federal Office Building requires valid picture identification and there are no weapons (including pocket knives), cameras, or cell phones with camera capability allowed.

Dated: April 16, 2007.

**Tracey L. Thompson,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*  
[FR Doc. E7–7420 Filed 4–18–07; 8:45 am]

**BILLING CODE 3510–22–S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 110306B]

#### Small Coastal Shark 2007 Stock Assessment Workshop

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

**ACTION:** Notice.

**SUMMARY:** NMFS announces the date, time, and location for the small coastal shark (SCS) Assessment Workshop, the second of three stock evaluation workshops for the SCS stock assessment to be conducted in 2007. Any potential changes to existing management measures for SCS will be based, in large part, on the results of this 2007 stock assessment. The workshop is open to the public.

**DATES:** The Assessment Workshop will start at 1 p.m. on Monday, May 7, 2007, and will conclude at 1 p.m. on Friday, May 11, 2007.

**ADDRESSES:** The Assessment Workshop will be held at the Bay Point Marriott Resort, 4200 Marriott Drive, Panama City Beach, FL 32408.

**FOR FURTHER INFORMATION CONTACT:** Julie Neer at (850) 234–6541; or Karyl Brewster-Geisz at (301) 713–2347, fax (301) 713–1917.

**SUPPLEMENTARY INFORMATION:** The Atlantic shark fisheries are managed under the authority of the Magnuson-Stevens Fishery Conservation and Management Act. The Consolidated Highly Migratory Species (HMS) Fishery

Management Plan (FMP) (October 2, 2006; 71 FR 58058) is implemented by regulations at 50 CFR part 635.

Stock assessments are periodically conducted to determine stock status relative to current management criteria. Collection of the best available scientific data and conducting stock assessments are critical to determine appropriate management measures for managing stocks. Based on the last SCS stock assessment in 2002, NMFS determined that the SCS complex and three of the species in that complex are not overfished with no overfishing occurring. The only exception was for finetooth sharks, where fishing mortality in some years was above the mortality level associated with producing maximum sustainable yield (MSY). Any potential changes to existing management measures for SCS will be based, in large part, on the results of this 2007 stock assessment.

This assessment will be conducted in a manner similar to the Southeast Data, Assessment, and Review (SEDAR) process. SEDAR is a cooperative process initiated in 2002 to improve the quality and reliability of fishery stock assessments in the South Atlantic, Gulf of Mexico, and U.S. Caribbean. SEDAR emphasizes constituent and stakeholder participation in assessment development, transparency in the assessment process, and a rigorous and independent scientific review of completed stock assessments. SEDAR is organized around three workshops. The first is a Data Workshop where datasets are documented, analyzed, and reviewed, and data for conducting assessment analyses are compiled. The second workshop is an Assessment Workshop where quantitative population analyses are developed and refined and population parameters are estimated. The third and final workshop is a Review Workshop where a panel of independent experts review the data and assessment and recommend the most appropriate values of critical population and management quantities. All workshops are open to the public. More information on the SEDAR process can be found at <http://www.sefsc.noaa.gov/sedar/>. The 2005/2006 large coastal shark stock assessment also followed this process.

NMFS announces the Assessment Workshop, the second of three workshops for the SCS 2007 stock assessment. The Assessment Workshop will be held from May 7 - 11, 2007, at the Bay Point Marriott Resort in Panama City Beach, FL (see **DATES** and **ADDRESSES**). Prospective participants and observers will be contacted with the data workshop details. This workshop is

open to the public. Persons interested in participating or observing the SCS Assessment Workshop should contact Julie Neer (see **FOR FURTHER INFORMATION CONTACT**). Tentative dates for the Review Workshop are August 6 - 10, 2007. The times and locations of these workshops will be announced in a future **Federal Register** notice.

### Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Julie Neer at (850) 234-6541, at least 7 business days prior to the Assessment Workshop.

**Authority:** 16 U.S.C. 971 *et seq.*

Dated: April 13, 2007.

#### Alan D. Risenhoover

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

[FR Doc. E7-7469 Filed 4-18-07; 8:45 am]

**BILLING CODE 3510-22-S**

### COMMODITY FUTURES TRADING COMMISSION

#### Sunshine Act Meetings

**TIME AND DATE:** 11 a.m., Friday, May 4, 2007.

**PLACE:** 1155 21st St., NW., Washington, DC, 9th Floor Commission Conference Room.

**STATUS:** Closed.

**MATTERS TO BE CONSIDERED:** Surveillance Matters.

**CONTACT PERSON FOR MORE INFORMATION:** Eileen A. Donovan, 202-418-5100.

**Eileen A. Donovan,**

*Acting Secretary of the Commission.*

[FR Doc. 07-1955 Filed 4-16-07; 4:11 pm]

**BILLING CODE 6351-01-M**

### COMMODITY FUTURES TRADING COMMISSION

#### Sunshine Act Meetings

**TIME AND DATE:** 11 a.m., Friday, May 18, 2007.

**PLACE:** 1155 21st St., NW., Washington, DC, 9th Floor Commission Conference Room.

**STATUS:** Closed.

**MATTERS TO BE CONSIDERED:** Enforcement Matters.

**CONTACT PERSON FOR MORE INFORMATION:** Eileen A. Donovan, 202-418-5100.

**Eileen A. Donovan,**

*Acting Secretary of the Commission.*

[FR Doc. 07-1956 Filed 4-16-07; 4:11 pm]

**BILLING CODE 6351-01-M**

### COMMODITY FUTURES TRADING COMMISSION

#### Sunshine Act Meetings

**TIME AND DATE:** 11 a.m., Friday, May 25, 2007.

**PLACE:** 1155 21st St., NW., Washington, DC, 9th Floor Commission Conference Room.

**STATUS:** Closed.

**MATTERS TO BE CONSIDERED:** Surveillance Matters.

**CONTACT PERSON FOR MORE INFORMATION:** Eileen A. Donovan, 202-418-5100.

**Eileen A. Donovan,**

*Acting Secretary of the Commission.*

[FR Doc. 07-1957 Filed 4-16-07; 4:11 pm]

**BILLING CODE 6351-01-M**

### COMMODITY FUTURES TRADING COMMISSION

#### Sunshine Act Meetings

**TIME AND DATE:** 11 a.m., Friday, May 11, 2007.

**PLACE:** 1155 21st St., NW., Washington, DC, 9th Floor Commission Conference Room.

**STATUS:** Closed.

**MATTERS TO BE CONSIDERED:** Surveillance Matters.

**CONTACT PERSON FOR MORE INFORMATION:** Eileen A. Donovan, 202-418-5100.

**Eileen A. Donovan,**

*Acting Secretary of the Commission.*

[FR Doc. 07-1958 Filed 4-16-07; 4:11 pm]

**BILLING CODE 6351-01-M**

### DEPARTMENT OF EDUCATION

#### Submission for OMB Review; Comment Request

**AGENCY:** Department of Education.  
**SUMMARY:** The IC Clearance Official, Regulatory Information Management Services, Office of Management invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

**DATES:** Interested persons are invited to submit comments on or before May 21, 2007.

**ADDRESSES:** Written comments should be addressed to the Office of

Information and Regulatory Affairs, Attention: Education Desk Officer, Office of Management and Budget, 725 17th Street, NW., Room 10222, Washington, DC 20503. Commenters are encouraged to submit responses electronically by e-mail to [oir\\_submission@omb.eop.gov](mailto:oir_submission@omb.eop.gov) or via fax to (202) 395-6974. Commenters should include the following subject line in their response "Comment: [insert OMB number], [insert abbreviated collection name, e.g., "Upward Bound Evaluation"]". Persons submitting comments electronically should not submit paper copies.

**SUPPLEMENTARY INFORMATION:** Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The IC Clearance Official, Regulatory Information Management Services, Office of Management, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

Dated: April 16, 2007.

**Angela C. Arrington,**

*IC Clearance Official, Regulatory Information Management Services, Office of Management.*

#### Institute of Education Sciences

**Type of Review:** Extension.  
**Title:** Impact Evaluation of Mandatory-Random Student Drug Testing.

**Frequency:** Survey 5x, records 4x.  
**Affected Public:** Individuals or household.

**Reporting and Recordkeeping Hour Burden:**

**Responses:** 11,603.

**Burden Hours:** 11,758.

**Abstract:** The purpose of this study is to evaluate the impact of mandatory-

random student drug testing on participation in school activities and on substance use. Data collection includes student surveys, school-level records of substance-related incidents, school-level drug testing results, and interviews of school staff. Data will be collected from 52 study schools (randomly assigned to treatment and control groups) and external schools.

Requests for copies of the information collection submission for OMB review may be accessed from <http://edicsweb.ed.gov>, by selecting the "Browse Pending Collections" link and by clicking on link number 3306. When you access the information collection, click on "Download Attachments" to view. Written requests for information should be addressed to U.S. Department of Education, 400 Maryland Avenue, SW., Potomac Center, 9th Floor, Washington, DC 20202-4700. Requests may also be electronically mailed to [ICDocketMgr@ed.gov](mailto:ICDocketMgr@ed.gov) or faxed to 202-245-6623. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be electronically mailed to [ICDocketMgr@ed.gov](mailto:ICDocketMgr@ed.gov). Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339.

[FR Doc. E7-7441 Filed 4-18-07; 8:45 am]

BILLING CODE 4000-01-P

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## ELECTION ASSISTANCE COMMISSION

### Sunshine Act Meeting Notice

**AGENCY:** United States Election Assistance Commission.

**ACTION:** Notice of public meeting for the Technical Guidelines Development Committee.

**DATE AND TIME:** Monday, May 21, 2007, 9 a.m. to 5:30 p.m. EST. Tuesday, May 22, 2007, 8:30 a.m. to 2 p.m. EST.

**PLACE:** National Institute of Standards and Technology, 100 Bureau Drive, Building 101, Employees Lounge Gaithersburg, Maryland 20899-8900.

**STATUS:** This meeting will be open to the public. There is no fee to attend, but, due to security requirements, advance registration is required. Registration and additional meeting information will be available at <http://www.vote.nist.gov> by May 1, 2007. This meeting will be Web cast.

**SUMMARY:** The Technical Guidelines Development Committee (the "Development Committee") has

scheduled a plenary meeting for May 21st and 22nd, 2007. The Development Committee was established in 2004 to act in the public interest to assist the Executive Director of the U.S. Election Assistance Commission (EAC) in the development of voluntary voting system guidelines. The Development Committee has held eight previous meetings. The proceedings of these plenary sessions are available at <http://vote.nist.gov>. The purpose of the ninth meeting of the Development Committee will be to review and approve a revised draft of recommendations for future voluntary voting system guidelines to the EAC. The draft recommendations respond to tasks defined in resolutions passed at the previous Development Committee meetings as well as a review of an initial draft of recommendations presented at the March 2007 plenary meeting.

**SUPPLEMENTARY INFORMATION:** The Technical Guidelines Development Committee (the "Development Committee") has scheduled a plenary meeting for May 21st and 22nd, 2007. The Committee was established pursuant to 42 U.S.C. 15361, to act in the public interest to assist the Executive Director of the Election Assistance Commission in the development of the voluntary voting system guidelines. The Technical Guidelines Development Committee held their first plenary meeting on July 9, 2004. At this meeting, the Development Committee agreed to a resolution forming three working groups: (1) Human Factors & Privacy; (2) Security & Transparency; and (3) Core Requirements & Testing to gather information and review preliminary reports on issues pertinent to voluntary voting standard recommendations. At subsequent plenary sessions, additional resolutions were debated and adopted by the TGDC. The resolutions define technical work tasks for NIST that assist the TGDC in developing recommendations for voluntary voting system guidelines. The Development Committee approved initial recommendations for voluntary voting system guidelines at the April 20th & 21st, 2005 meeting. The recommendations were formally delivered to the EAC in May 2005 for their review. In September of 2005, the Development Committee began review of preliminary technical reports for the next iteration of voluntary voting system guidelines. The Committee will review, debate and approve draft recommendations for the next iteration of voluntary voting system guidelines at the May 21st and 22nd, 2007 meeting.

**CONTACT INFORMATION:** Allan Eustis 301-975-5099. If a member of the public would like to submit comments concerning the Committee's affairs at any time before or after the meeting, written comments should be addressed to the contact person indicated above, c/o NIST, 100 Bureau Drive, Mail Stop 8970, Gaithersburg, Md 20899 or to [voting@nist.gov](mailto:voting@nist.gov).

**Thomas R. Wilkey,**  
Executive Director, U.S. Election Assistance Commission.

[FR Doc. 07-1982 Filed 4-17-07; 3:45 pm]

BILLING CODE 6820-KF-M

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-8302-1]

### Clean Water Act Section 303(d): Final Agency Action on Eighty Total Maximum Daily Loads (TMDLs)

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of availability.

**SUMMARY:** This notice announces final agency action on eighty TMDLs prepared by EPA Region 6 for waters listed in Louisiana's Red River, Sabine River, and Terrebonne Basins, under section 303(d) of the Clean Water Act (CWA). Documents from the administrative record file for the eighty TMDLs, including TMDL calculations and responses to comments, may be viewed at <http://www.epa.gov/earth1r6/6wq/npdes/tmdl/index.htm>. The administrative record file may be examined by calling or writing Ms. Diane Smith at the address below. Please contact Ms. Smith to schedule an inspection.

**FOR FURTHER INFORMATION CONTACT:** Diane Smith, Environmental Protection Specialist, Water Quality Protection Division, U.S. EPA Region 6, 1445 Ross Avenue, Dallas, TX 75202-2733, (214) 665-2145.

**SUPPLEMENTARY INFORMATION:** In 1996, two Louisiana environmental groups, the Sierra Club and Louisiana Environmental Action Network (plaintiffs), filed a lawsuit in Federal Court against the EPA, styled *Sierra Club, et al. v. Clifford, et al.*, No. 96-0527, (E.D. La.). Among other claims, plaintiffs alleged that EPA failed to establish Louisiana TMDLs in a timely manner. EPA established 63 of these TMDLs pursuant to a consent decree entered in this lawsuit.

**EPA Takes Final Agency Action on Eighty TMDLs**

TMDLs for waters located within the Louisiana river basins:

By this notice EPA is taking final agency action on the following eighty

Subsegment	Waterbody name	Pollutant
100306	Kelly Bayou—AR State Line to Black Bayou	Fecal Coliform.
100309	Cross Bayou	Turbidity, TDS, Chloride, Sulfate, and TSS.
100406	Flat River—Headwaters to Loggy Bayou	Fecal Coliform and TDS.
100602	Boggy Bayou	Turbidity and Sedimentation/siltation.
100603	Wallace Lake	Turbidity and Sedimentation/siltation.
100701	Black Lake Bayou	Turbidity, TDS, and Sedimentation/siltation.
100704	Kepler Creek	TDS.
100707	Castor Creek—Headwaters to Black Lake Bayou	Fecal Coliform.
100708	Unnamed Tributary to Castor Creek near Town of Castor	Sulfate and TDS.
100709	Grand Bayou—Headwaters to Black Lake Bayou	Fecal Coliform.
100710	Unnamed Tributary to Grand Bayou near Town of Hall Summit.	TDS, Chloride, and Sulfate.
100801	Saline Bayou—from its origin near Arcadia to LA Hwy 156 in Winn Parish (scenic).	Fecal Coliform.
100804	Unnamed Tributary to Saline Bayou near Town of Arcadia	TDS and Sulfate.
100901	Nantaches Creek—Headwaters to Nantaches Lake	Fecal Coliform.
101101	Cane River—above Natchitoches to Red River	TDS and Chloride.
101103	Bayou Kisatchie—entrance into Kisatchie National Forest to Old River (scenic).	Fecal Coliform and TDS.
101301	Rigolette Bayou—Headwaters to Red River	Fecal Coliform.
101303	Iatt Creek—Headwaters to Iatt Lake	TDS.
101401	Buhlow Lake (Pineville)	Turbidity.
101601	Bayou Cocodrie—from Little Cross Bayou to Wild Cow Bayou (scenic).	Turbidity.
110202	Pearl Creek—from its origin to its entrance into Sabine River (scenic).	Fecal Coliform.
110401	Bayou Toro—Headwaters to LA Hwy 473	Fecal Coliform.
110402	Bayou Toro—LA Hwy 473 to its entrance into Sabine River	Fecal Coliform.
110501	West Anacoco Creek—Headwaters to Vernon Lake	Fecal Coliform.
110504	Bayou Anacoco—Vernon Lake to Anacoco Lake	Fecal Coliform.
110601	Vinton Waterway	Turbidity.
120101	Bayou Portage	TDS, Chloride, Fecal Coliform, and TSS.
120102	Bayou Poydras	Sediment, Sulfate, TDS, TSS, and Fecal Coliform.
120104	Bayou Grosse Tete	Fecal Coliform and TDS.
120105	Chamberlin Canal	Fecal Coliform, TSS, and Sediment.
120106	Bayou Plaquemine	Turbidity.
120109	Intracoastal Waterway	Fecal Coliform.
120110	Bayou Cholpe	TDS and Sulfate.
120111	Bayou Maringouin—Headwaters to East Atchafalaya Basin Levee.	Fecal Coliform and TDS.
120112	Bayou Fardoche	Fecal Coliform and TDS.
120201	Lower Grand River and Belle River	Fecal Coliform and Sulfate.
120206	Grand Bayou and Little Grand Bayou	Fecal Coliform.
120301	Bayou Terrebonne	Fecal Coliform.
120502	Bayou Grand Caillou	Fecal Coliform.
120503	Bayou Petit Caillou	Fecal Coliform.
120504	Bayou Petit Caillou	Fecal Coliform.
120506	Bayou du Large	Fecal Coliform.
120507	Bayou Chauvin	Fecal Coliform.
120508	Houma Navigation Canal	Fecal Coliform.
120602	Bayou Terrebonne	Fecal Coliform.
120605	Bayou Pointe au Chien	Fecal Coliform.
120606	Bayou Blue	Fecal Coliform.
120701	Bayou Grand Caillou	Fecal Coliform.
120703	Bayou du Large	Fecal Coliform.
120707	Lake Boudreaux	Fecal Coliform.
120708	Lost Lake, Four League Bay	Fecal Coliform.

EPA requested the public to provide EPA with any significant data or information that might impact the eighty Final TMDLs in the **Federal Register** Notice: Volume 71, Number 195, pages 59504–59506 (October 10, 2006). The comments received and the

EPA’s response to comments and the TMDLs may be found at <http://www.epa.gov/earth1r6/6wq/npdes/tmdl/index.htm>.

Dated: April 11, 2007.

**William K. Honker,**  
Deputy Director, Water Quality Protection Division, EPA Region 6.

[FR Doc. E7–7459 Filed 4–18–07; 8:45 am]

**BILLING CODE 6560–50–P**

**FEDERAL COMMUNICATIONS COMMISSION**

[Report No. 2812]

**Petition for Reconsideration of Action in Rulemaking Proceeding**

April 10, 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 May 4, 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 Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems (CC Docket 94-102).

In the Matter of Request for Limited Waiver of Washington RSA No. 8 Limited Partnership.

*Number of Petitions Filed:* 1.

**Marlene H. Dortch,**

*Secretary.*

[FR Doc. E7-7450 Filed 4-18-07; 8:45 am]

**BILLING CODE 6712-01-P**

**FEDERAL RESERVE SYSTEM****Formations of, Acquisitions by, and Mergers of Bank Holding Companies**

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in

the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center Web site at [www.ffiec.gov/nic/](http://www.ffiec.gov/nic/).

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than May 14, 2007.

**A. Federal Reserve Bank of Atlanta** (David Tatum, Vice President) 1000 Peachtree Street, NE., Atlanta, Georgia 30309:

1. *BankCap Special Limited Partner, L.P.; BankCap Special Limited Partner GP, LLC; BankCap Services, L.P.; and BankCap Services GP, LLC*, all of Dallas, Texas; to become bank holding companies by indirectly acquiring up to 49.9 percent of the outstanding shares of Atlantic Capital Bancshares, Inc. and, Atlantic Capital Bank, both of Atlanta, Georgia. Comments regarding this application must be received not later than May 4, 2007.

**B. Federal Reserve Bank of Kansas City** (Donna J. Ward, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198-0001:

1. *Country Bancshares, Inc.*, Jamesport, Missouri; to acquire up to 14 percent of the voting shares of Liberty First Bancshares, Inc., Liberty, Missouri, and thereby indirectly acquire voting shares of Park Bank, Parkville, Missouri, and Liberty First Bank, Liberty, Missouri.

2. *Liberty First Bancshares, Inc.*, Liberty, Missouri; to acquire 100 percent of the voting shares of Park Bank, Parkville, Missouri.

3. *Midwest Regional Bancorp, Inc.*, Festus, Missouri; to become a bank holding company by acquiring 100 percent of the voting shares of Federated Bancshares, Inc., Stilwell, Kansas, and thereby indirectly acquire voting shares of The Bank of Otterville, Otterville, Missouri.

Board of Governors of the Federal Reserve System, April 16, 2007.

**Robert deV. Frierson,**

*Deputy Secretary of the Board.*

[FR Doc. E7-7436 Filed 4-18-07; 8:45 am]

**BILLING CODE 6210-01-S**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES****Centers for Medicare & Medicaid Services****Privacy Act of 1974; Retraction of a New System of Records**

**AGENCY:** Department of Health and Human Services (HHS), Centers for Medicare & Medicaid Services (CMS).

**ACTION:** Notice of Retraction of a New System of Records.

**SUMMARY:** The Centers for Medicare & Medicaid Services CMS inadvertently published a new system of records titled "Master Demonstration, Evaluation, and Research Studies (DERS) for the Office of Research, Development and Information (ORDI)" System No. 09-70-0591 in the **Federal Register** (FR) on Tuesday, April 10, 2007 (72 FR 17918). CMS is withdrawing the Tuesday, April 10, 2007 notification due to the inadvertent inclusion of an existing system of records that should not be deleted from the existing inventory, "End Stage Renal Disease Program Management and Medical Information System," System No. 09-70-0520, last published at 67 FR 41244 (June 17, 2002). The notice of a new system of records will be republished.

**FOR FURTHER INFORMATION CONTACT:**

Inquiries may be directed to: CMS Privacy Officer, Division of Privacy Compliance, Enterprise Architecture and Strategy Group, Office of Information Services, CMS, Room N2-04-27, 7500 Security Boulevard, Baltimore, Maryland 21244-1850. He can also be reached at 410-786-5357 or by e-mail at [walter.stone@cms.hhs.gov](mailto:walter.stone@cms.hhs.gov).

Dated: April 11, 2007.

**William Saunders,**

*Acting Deputy Director, Office of Information Services, Centers for Medicare & Medicaid Services.*

[FR Doc. E7-7400 Filed 4-18-07; 8:45 am]

**BILLING CODE 4120-03-P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES****Centers for Medicare & Medicaid Services****Privacy Act of 1974; Report of a New System of Records**

**AGENCY:** Department of Health and Human Services (HHS), Center for Medicare & Medicaid Services (CMS).

**ACTION:** Notice of a new system of records (SOR).

**SUMMARY:** In accordance with the requirements of the Privacy Act of 1974, we are proposing to establish a new system titled, "Master Demonstration, Evaluation, and Research Studies (DERS) for the Office of Research, Development and Information (ORDI)," System No. 09-70-0591. This notice serves as the Master system for all demonstrations, evaluation, and research studies administered by ORDI. Fifteen existing ORDI demonstration, evaluation, and research studies will be included under this notice and the separate, existing systems of records notices for those studies will be deleted upon the effective date of this notice. DERS will become effective 30 days from the publication of the notice in the **Federal Register**, or 40 days from the date submitted to OMB and the Congress, whichever is later.

With the publication of this master system, ORDI will only be deleting the systems of records listed below as separate stand alone notices to the public. Retention and destruction of the data contained in these systems will follow the schedules listed in this DERS system notice. The existing ORDI systems of records to be included under DERS and which will be deleted by this notice are as follows:

- "Municipal Health Services Program System No. 09-70-0022," 65 **Federal Register** (FR) 37792 (June 16, 2000);
- "Monitoring of the Home Health Agency Prospective Payment Demonstration," System No. 09-70-0048, 65 FR 37792 (June 16, 2000);
- "Person-Level Medicaid Data System, System No. 09-70-0507" last published at 71 FR 60726 (October 16, 2006);
- "Medicare Cancer Registry Record System," System No. 09-70-0509, last published at 71 FR 67133 (November 20, 2006);
- "Evaluations of the Medicaid Reform Demonstrations," System No. 09-70-0523, last published at 71 FR 60540 (October 13, 2006);
- "MMA Section 641 Prescription Drug Benefit Demonstration," System No. 09-70-0545, last published at 69 FR 32587 (June 10, 2004);
- "Medicare Physician Group Practice Demonstration," System No. 09-70-0559, last published at 70 FR 58432 (October 6, 2005);
- "Cancer Prevention and Treatment Demonstration for Ethnic and Racial Minorities," System No. 09-70-0560, last published at 70 FR 57602 (October 3, 2005);
- "Medicare Care Management Performance Demonstration," System

No. 09-70-0562, last published at 70 FR 58442 (October 6, 2005);

- "Rural Hospice Demonstration," System No. 09-70-0563, last published at 71 FR 57968 (October 2, 2006);
- "Medicare Chiropractic Coverage Demonstration and Evaluation," System No. 09-70-0577, last published at 71 FR 41450 (July 21, 2006);
- "Low Vision Rehabilitation Demonstration," System No. 09-70-0582, last published at 71 FR 58621 (October 4, 2006);
- "Medicare Lifestyle Modification Program Demonstration," System No. 09-70-0585, last published at 71 FR 41807 (July 24, 2006);
- "Competitive Bidding for Clinical Laboratory Services," System No. 09-70-0589, last published at 71 FR 60713 (October 16, 2006); and
- "Senior Risk Reduction Demonstration and Evaluation," System No. 09-70-0592, last published at 71 FR 60718 (October 16, 2006).

The purpose of this system is to document, track, monitor, evaluate, and conduct ORDI-administered demonstration, evaluation, and research studies. Information retrieved from this system may be disclosed to: (1) Support regulatory, reimbursement, and policy functions performed within the agency or by a contractor, consultant or CMS grantee; (2) assist another Federal or state agency with information to contribute to the accuracy of CMS's payment of Medicare benefits, enable such agency to administer a Federal health benefits program, or to enable such agency to fulfill a requirement of Federal statute or regulation that implements a health benefits program funded in whole or in part with Federal funds; (3) support an individual or organization for a research project or in support of an evaluation project related to the prevention of disease or disability, the restoration or maintenance of health, or payment related projects; (4) support litigation involving the agency; and (5) combat fraud, waste and abuse in certain Federally-funded health benefits programs. We have provided background information about the new system in the **SUPPLEMENTARY INFORMATION** section below. Although the Privacy Act requires only that CMS provide an opportunity for interested persons to comment on the proposed routine uses, CMS invites comments on all portions of this notice. See "Effective Date" section for comment period.

**DATES:** *Effective Date:* CMS filed a new SOR report with the Chair of the House Committee on Oversight and Government Reform, the Chair of the

Senate Committee on Homeland Security & Governmental Affairs, and the Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB) on April 12, 2007. To ensure that all parties have adequate time in which to comment, the new system will become effective 30 days from the publication of the notice, or 40 days from the date it was submitted to OMB and the Congress, whichever is later. We may defer implementation of this system or one or more of the routine use statements listed below if we receive comments that persuade us to defer implementation.

**ADDRESSES:** The public should send comments to: CMS Privacy Officer, Division of Privacy Compliance, Enterprise Architecture and Strategy Group, Office of Information Services, CMS, Room N2-04-27, 7500 Security Boulevard, Baltimore, Maryland 21244-1850. Comments received will be available for review at this location, by appointment, during regular business hours, Monday through Friday from 9 a.m.-3 p.m., Eastern Time zone.

**FOR FURTHER INFORMATION CONTACT:** James Beyer, Division of Research and Information Dissemination, Information and Methods Group, Office of Research Development and Information, Mail Stop C3-24-01, Centers for Medicare & Medicaid Services, 7500 Security Boulevard, Baltimore, MD 21244-1849. He can be reached by telephone at 410-786-6693, or via e-mail at [James.Beyer@cms.hhs.gov](mailto:James.Beyer@cms.hhs.gov).

**SUPPLEMENTARY INFORMATION:** The DERS system of records will serve as the constructive notice to the Medicare beneficiary population and health care communities on activities related to all demonstrations, evaluation, and research studies administered by ORDI. The consolidation of the existing multiple notices into one master notice will serve the public interest by providing a single clear and concise format, a plain language notification easily understood, a central point of contact for access and correction of record information, and a new web based service to provide detailed information on each separate ORDI project. ORDI currently has 43 active projects and an additional 8 future projects anticipated to be included under DERS. An electronic web based list of current and each new demonstration, evaluation, and research studies administered by ORDI will be made accessible via the CMS public Web site. In addition to the Web based information and notification, other methods of direct notification, CMS will

publish timely modification and updates to DERS as required keeping our Medicare community as informed as possible.

### I. Description of the Proposed System of Records

#### A. Statutory and Regulatory Basis for SOR

The statutory authority for maintenance of this system is given under the provisions of § 1110 of the Social Security Act (the Act), which authorizes research and demonstration projects under Social Security Act programs; § 1115 of the Act, which authorizes Medicaid demonstrations; and § 402 of the Social Security Amendments of 1967 (42 U.S.C. 1395b-1), which authorizes waivers of Medicaid and Medicare provisions under certain demonstrations. Many of the individual studies and demonstrations are specifically mandated in other legislation (§§ 235, 302 (b) [amends section 1847(e) (42 United States Code (U.S.C.) §§ 1395w-3)], 303(d), 409, 410(a), 434, 623(e), 641, 646, 648, 649, 651, 702, and 703 of the Medicare Modernization Act, §§ 121 and 122 of the Benefits Improvement and Protection Act of 2000, the Deficit Reduction Act of 1984, § 5007 of the Deficit Reduction Act of 2005, the Balanced Budget Act of 1997, § 222 of the Consolidated Appropriations Act of 2001, and Conference Report No. 106-1033 for the Consolidated Appropriations Act of 2001. This system also covers all demonstrations, evaluation, and research studies administered by ORDI that may be authorized or mandated by future legislation.

#### B. Collection and Maintenance of Data in the System

The system will collect and maintain records related to Medicare beneficiaries, Medicaid recipients, and physician and providers of services who voluntarily participate in demonstrations, evaluation, and research studies administered by ORDI. In addition, Medicare enrollment data, claims data or provider enrollment information currently maintained in existing systems of records will be used in demonstrations, evaluation, and research studies administered by ORDI. Examples include, but are not limited to: provider name, unique provider identification number, unique demonstration practice identification number, beneficiary name, health insurance claim number, beneficiary demographic and diagnostic information relevant to the project,

types and costs of health services used, and measures of the quality of health care received.

### II. Agency Policies, Procedures, and Restrictions on the Routine Use

A. The Privacy Act permits us to disclose information without an individual's consent if the information is to be used for a purpose that is compatible with the purpose(s) for which the information was collected. Any such disclosure of data is known as a "routine use." The Government will only release DERS information that can be associated with an individual as provided for under "Section III. Proposed Routine Use Disclosures of Data in the System." Both identifiable and non-identifiable data may be disclosed under a routine use. We will only collect the minimum personal data necessary to achieve the purpose of DERS.

CMS has the following policies and procedures concerning disclosures of information that will be maintained in the system. Disclosure of information from the system will be approved only to the extent necessary to accomplish the purpose of the disclosure and only after CMS:

1. Determines that the use or disclosure is consistent with the reason that the data is being collected; e.g., to document, track, monitor, evaluate, and conduct ORDI-administered research, demonstration, and evaluation activities.

2. Determines that:
  - a. The purpose for which the disclosure is to be made can only be accomplished if the record is provided in individually identifiable form;
  - b. The purpose for which the disclosure is to be made is of sufficient importance to warrant the effect and/or risk on the privacy of the individual that additional exposure of the record might bring; and
  - c. There is a strong probability that the proposed use of the data would in fact accomplish the stated purpose(s).

3. Requires the information recipient to:
  - a. Establish administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record;
  - b. Remove or destroy, at the earliest time, all patient-identifiable information; and
  - c. Agree to not use or disclose the information for any purpose other than the stated purpose under which the information was disclosed.

4. Determines that the data are valid and reliable.

### III. Proposed Routine Use Disclosures of Data in the System

A. The Privacy Act allows us to disclose information without an individual's consent if the information is to be used for a purpose that is compatible with the purpose(s) for which the information was collected. Any such compatible use of data is known as a "routine use." The proposed routine uses in this system meet the compatibility requirement of the Privacy Act. We are proposing to establish the following routine use disclosures of information maintained in the system:

1. To agency contractors, consultants or grantees, who have been engaged by the agency to assist in the performance of a service related to this collection and who need to have access to the records in order to perform the activity.

We contemplate disclosing information under this routine use only in situations in which CMS may enter into a contractual or similar agreement with a third party to assist in accomplishing CMS functions relating to purposes for this system.

CMS occasionally contracts out certain of its functions when doing so would contribute to effective and efficient operations. CMS must be able to give a contractor, consultant or grantee whatever information is necessary for the contractor or consultant to fulfill its duties. In these situations, safeguards are provided in the contract prohibiting the contractor, consultant or grantee from using or disclosing the information for any purpose other than that described in the contract and requires the contractor, consultant or grantee to return or destroy all information at the completion of the contract.

2. To another Federal or state agency to:
  - a. Contribute to the accuracy of CMS's proper payment of Medicare benefits;
  - b. Enable such agency to administer a Federal health benefits program, or, as necessary, to enable such agency to fulfill a requirement of a Federal statute or regulation that implements a health benefits program funded in whole or in part with Federal funds; and/or
  - c. Assist Federal/state Medicaid programs within the state.

Other Federal or state agencies, in their administration of a Federal health program, may require DERS information in order to support evaluations and monitoring of Medicare claims information of beneficiaries, including proper reimbursement for services provided.

3. To an individual or organization for a research project or in support of an

evaluation project related to the prevention of disease or disability, the restoration or maintenance of health, or payment related projects.

The DERS data will provide for research or support of evaluation projects and a broader, longitudinal, national perspective of the status of Medicare beneficiaries. CMS anticipates that many researchers will have legitimate requests to use these data in projects that could ultimately improve the care provided to Medicare beneficiaries and the policies that govern their care.

4. To the Department of Justice (DOJ), court or adjudicatory body when:

a. The agency or any component thereof, or

b. Any employee of the agency in his or her official capacity, or

c. Any employee of the agency in his or her individual capacity where the DOJ has agreed to represent the employee, or

d. The United States Government, is a party to litigation or has an interest in such litigation, and, by careful review, CMS determines that the records are both relevant and necessary to the litigation and that the use of such records by the DOJ, court or adjudicatory body is compatible with the purpose for which the agency collected the records.

Whenever CMS is involved in litigation, and occasionally when another party is involved in litigation and CMS policies or operations could be affected by the outcome of the litigation, CMS would be able to disclose information to the DOJ, court or adjudicatory body involved.

5. To a CMS contractor (including, but not necessarily limited to, fiscal intermediaries and carriers) that assists in the administration of a CMS-administered health benefits program, or to a grantee of a CMS-administered grant program, when disclosure is deemed reasonably necessary by CMS to prevent, deter, discover, detect, investigate, examine, prosecute, sue with respect to, defend against, correct, remedy, or otherwise combat fraud, waste or abuse in such program.

We contemplate disclosing information under this routine use only in situations in which CMS may enter into a contractual, grantee, cooperative agreement or consultant relationship with a third party to assist in accomplishing CMS functions relating to the purpose of combating fraud, waste and abuse. CMS occasionally contracts out certain of its functions or makes grants or cooperative agreements when doing so would contribute to effective and efficient operations. CMS

must be able to give a contractor, grantee, consultant or other legal agent whatever information is necessary for the agent to fulfill its duties. In these situations, safeguards are provided in the contract prohibiting the agent from using or disclosing the information for any purpose other than that described in the contract and requiring the agent to return or destroy all information.

6. To another Federal agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States (including any State or local governmental agency), that administers, or that has the authority to investigate potential fraud, waste or abuse in, a health benefits program funded in whole or in part by Federal funds, when disclosure is deemed reasonably necessary by CMS to prevent, deter, discover, detect, investigate, examine, prosecute, sue with respect to, defend against, correct, remedy, or otherwise combat fraud, waste or abuse in such programs.

Other agencies may require DERS information for the purpose of combating fraud, waste and abuse in such Federally-funded programs.

#### B. Additional Provisions Affecting Routine Use Disclosures

To the extent this system contains Protected Health Information (PHI) as defined by HHS regulation "Standards for Privacy of Individually Identifiable Health Information" (45 CFR parts 160 and 164, subparts A and E) 65 FR 82462 (12-28-00). Disclosures of such PHI that are otherwise authorized by these routine uses may only be made if, and as, permitted or required by the "Standards for Privacy of Individually Identifiable Health Information." (See 45 CFR 164.512(a)(1)).

In addition, our policy will be to prohibit release even of data not directly identifiable, except pursuant to one of the routine uses or if required by law, if we determine there is a possibility that an individual can be identified through implicit deduction based on small cell sizes (instances where the patient population is so small that an individual could, because of the small size, use this information to deduce the identity of the beneficiary).

#### IV. Safeguards

CMS has safeguards in place for authorized users and monitors such users to ensure against unauthorized use. Personnel having access to the system have been trained in the Privacy Act and information security requirements. Employees who maintain records in this system are instructed not to release data until the intended recipient agrees to implement

appropriate management, operational and technical safeguards sufficient to protect the confidentiality, integrity and availability of the information and information systems and to prevent unauthorized access.

This system will conform to all applicable Federal laws and regulations and Federal, HHS, and CMS policies and standards as they relate to information security and data privacy. These laws and regulations may apply but are not limited to: the Privacy Act of 1974; the Federal Information Security Management Act of 2002; the Computer Fraud and Abuse Act of 1986; the Health Insurance Portability and Accountability Act of 1996; the E-Government Act of 2002, the Clinger-Cohen Act of 1996; the Medicare Modernization Act of 2003, and the corresponding implementing regulations. OMB Circular A-130, Management of Federal Resources, Appendix III, Security of Federal Automated Information Resources also applies. Federal, HHS, and CMS policies and standards include but are not limited to: all pertinent National Institute of Standards and Technology publications; the HHS Information Systems Program Handbook and the CMS Information Security Handbook.

#### V. Effects of the Proposed System of Records on Individual Rights

CMS proposes to establish this system in accordance with the principles and requirements of the Privacy Act and will collect, use, and disseminate information only as prescribed therein. Data in this system will be subject to the authorized releases in accordance with the routine uses identified in this system of records.

CMS will take precautionary measures to minimize the risks of unauthorized access to the records and the potential harm to individual privacy or other personal or property rights of patients whose data are maintained in this system. CMS will collect only that information necessary to perform the system's functions. In addition, CMS will make disclosure from the proposed system only with consent of the subject individual, or his/her legal representative, or in accordance with an applicable exception provision of the Privacy Act. CMS, therefore, does not anticipate an unfavorable effect on individual privacy as a result of information relating to individuals.

Dated: March 28, 2007.

**Charlene Frizzera,**

*Acting Chief Operating Officer, Centers for Medicare & Medicaid Services.*

**SYSTEM NO. 09-70-0591**

**SYSTEM NAME:**

“Master Demonstration, Evaluation, and Research Studies for the Officer of Research, Development and Information (DERS),” HHS/CMS/ORDI.

**SECURITY CLASSIFICATION:**

Level Three Privacy Act Sensitive Data.

**SYSTEM LOCATION:**

Centers for Medicare & Medicaid Services (CMS) Data Center, 7500 Security Boulevard, North Building, First Floor, Baltimore, Maryland 21244-1850 and at various co-locations of CMS agents.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

The system will collect and maintain records related to Medicare beneficiaries, Medicaid recipients, and physician and providers of services who voluntarily participate in demonstrations, evaluation, and research studies administered by ORDI. In addition, Medicare enrollment data, claims data or provider enrollment information currently maintained in existing systems of records will be used in demonstrations, evaluation, and research studies administered by ORDI.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

The collected information will include, but is not limited to: provider name, unique provider identification number, unique demonstration practice identification number, beneficiary name, health insurance claim number (HICN), beneficiary demographic and diagnostic information relevant to the project, types and costs of health services used, and measures of the quality of health care received.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

The statutory authority for maintenance of this system is given under the provisions of § 1110 of the Social Security Act (the Act), which authorizes research and demonstration projects under Social Security Act programs; § 1115 of the Act, which authorizes Medicaid demonstrations; and § 402 of the Social Security Amendments of 1967 (42 U.S.C. 1395b-1), which authorizes waivers of Medicaid and Medicare provisions under certain demonstrations. Many of the individual studies and demonstrations are specifically

mandated in other legislation (§§ 235, 302 (b) [amends section 1847(e) (42 United States Code (U.S.C.) §§ 1395w-3]), 303(d), 409, 410(a), 434, 623(e), 641, 646, 648, 649, 651, 702, and 703 of the Medicare Modernization Act, §§ 121 and 122 of the Benefits Improvement and Protection Act of 2000, the Deficit Reduction Act of 1984, § 5007 of the Deficit Reduction Act of 2005, the Balanced Budget Act of 1997, § 222 of the Consolidated Appropriations Act of 2001, and Conference Report No. 106-1033 for the Consolidated Appropriations Act of 2001. This system also covers all demonstrations, evaluation, and research studies administered by ORDI that may be authorized or mandated by future legislation.

**PURPOSE(S) OF THE SYSTEM:**

The purpose of this system is to document, track, monitor, evaluate, and conduct ORDI-administered demonstration, evaluation, and research studies. Information retrieved from this system may be disclosed to: (1) Support regulatory, reimbursement, and policy functions performed within the agency or by a contractor, consultant or CMS grantee; (2) assist another Federal or state agency with information to contribute to the accuracy of CMS's payment of Medicare benefits, enable such agency to administer a Federal health benefits program, or to enable such agency to fulfill a requirement of Federal statute or regulation that implements a health benefits program funded in whole or in part with Federal funds; (3) support an individual or organization for a research project or in support of an evaluation project related to the prevention of disease or disability, the restoration or maintenance of health, or payment related projects; (4) support litigation involving the agency; and (5) combat fraud, waste and abuse in certain federally-funded health benefits programs.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OR USERS AND THE PURPOSES OF SUCH USES:**

A. The Privacy Act allows us to disclose information without an individual's consent if the information is to be used for a purpose that is compatible with the purpose(s) for which the information was collected. Any such compatible use of data is known as a “routine use.” The proposed routine uses in this system meet the compatibility requirement of the Privacy Act. We are proposing to establish the following routine use disclosures of information maintained in the system:

1. To agency contractors, consultants or grantees, who have been engaged by the agency to assist in the performance of a service related to this collection and who need to have access to the records in order to perform the activity.

2. To another Federal or state agency to:

a. Contribute to the accuracy of CMS's proper payment of Medicare benefits;

b. Enable such agency to administer a Federal health benefits program, or, as necessary, to enable such agency to fulfill a requirement of a Federal statute or regulation that implements a health benefits program funded in whole or in part with Federal funds; and/or

c. Assist Federal/state Medicaid programs within the state.

3. To an individual or organization for a research project or in support of an evaluation project related to the prevention of disease or disability, the restoration or maintenance of health, or payment related projects.

4. To the Department of Justice (DOJ), court or adjudicatory body when:

a. The agency or any component thereof, or

b. Any employee of the agency in his or her official capacity, or

c. Any employee of the agency in his or her individual capacity where the DOJ has agreed to represent the employee, or

d. The United States Government, is a party to litigation or has an interest in such litigation, and, by careful review, CMS determines that the records are both relevant and necessary to the litigation and that the use of such records by the DOJ, court or adjudicatory body is compatible with the purpose for which the agency collected the records.

5. To a CMS contractor (including, but not necessarily limited to, fiscal intermediaries and carriers) that assists in the administration of a CMS-administered health benefits program, or to a grantee of a CMS-administered grant program, when disclosure is deemed reasonably necessary by CMS to prevent, deter, discover, detect, investigate, examine, prosecute, sue with respect to, defend against, correct, remedy, or otherwise combat fraud, waste or abuse in such program.

6. To another Federal agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States (including any State or local governmental agency), that administers, or that has the authority to investigate potential fraud, waste or abuse in, a health benefits program funded in whole or in part by Federal funds, when disclosure is deemed reasonably necessary by CMS to

prevent, deter, discover, detect, investigate, examine, prosecute, sue with respect to, defend against, correct, remedy, or otherwise combat fraud, waste or abuse in such programs.

#### B. Additional Provisions Affecting Routine Use Disclosures

To the extent this system contains Protected Health Information (PHI) as defined by HHS regulation "Standards for Privacy of Individually Identifiable Health Information" (45 CFR parts 160 and 164, subparts A and E) 65 FR 82462 (12-28-00). Disclosures of such PHI that are otherwise authorized by these routine uses may only be made if, and as, permitted or required by the "Standards for Privacy of Individually Identifiable Health Information." (See 45 CFR 164.512(a)(1)).

In addition, our policy will be to prohibit release even of data not directly identifiable, except pursuant to one of the routine uses or if required by law, if we determine there is a possibility that an individual can be identified through implicit deduction based on small cell sizes (instances where the patient population is so small that an individual could, because of the small size, use this information to deduce the identity of the beneficiary).

#### POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

##### STORAGE:

All records are stored on electronic media.

##### RETRIEVABILITY:

The collected data are retrieved by the name or other identifying information of the participating provider or beneficiary, and may also be retrieved by a distinct identifier such as the HICN, at the individual beneficiary level.

##### SAFEGUARDS:

CMS has safeguards in place for authorized users and monitors such users to ensure against unauthorized use. Personnel having access to the system have been trained in the Privacy Act and information security requirements. Employees who maintain records in this system are instructed not to release data until the intended recipient agrees to implement appropriate management, operational and technical safeguards sufficient to protect the confidentiality, integrity and availability of the information and information systems and to prevent unauthorized access.

This system will conform to all applicable Federal laws and regulations and Federal, HHS, and CMS policies

and standards as they relate to information security and data privacy. These laws and regulations may apply but are not limited to: the Privacy Act of 1974; the Federal Information Security Management Act of 2002; the Computer Fraud and Abuse Act of 1986; the Health Insurance Portability and Accountability Act of 1996; the E-Government Act of 2002, the Clinger-Cohen Act of 1996; the Medicare Modernization Act of 2003, and the corresponding implementing regulations. OMB Circular A-130, Management of Federal Resources, Appendix III, Security of Federal Automated Information Resources also applies. Federal, HHS, and CMS policies and standards include but are not limited to: all pertinent National Institute of Standards and Technology publications; the HHS Information Systems Program Handbook and the CMS Information Security Handbook.

##### RETENTION AND DISPOSAL:

CMS will retain identifiable information maintained in the DERS system of records for a period of 5 years after the end of the research, demonstration, or evaluation project. Data residing with the designated claims payment contractor shall be returned to CMS at the end of the project, with all data then being the responsibility of CMS for adequate storage and security. All claims-related records are encompassed by the document preservation order and will be retained until notification is received from DOJ.

##### SYSTEM MANAGER AND ADDRESS:

Deputy Director, Office of Research Development and Information, Mail Stop C3-18-07, CMS, 7500 Security Boulevard, Baltimore, MD 21244-1849.

##### NOTIFICATION PROCEDURE:

For purpose of access, the subject individual should write to the system manager who will require the system name, employee identification number, tax identification number, national provider number, and for verification purposes, the subject individual's name (woman's maiden name, if applicable), HICN, and/or SSN (furnishing the SSN is voluntary, but it may make searching for a record easier and prevent delay).

##### RECORD ACCESS PROCEDURE:

For purpose of access, use the same procedures outlined in Notification Procedures above. Requestors should also reasonably specify the record contents being sought. (These procedures are in accordance with Department regulation 45 CFR 5b.5(a)(2)).

##### CONTESTING RECORD PROCEDURES:

The subject individual should contact the system manager named above, and reasonably identify the record and specify the information to be contested. State the corrective action sought and the reasons for the correction with supporting justification. (These procedures are in accordance with Department regulation 45 CFR 5b.7).

##### RECORDS SOURCE CATEGORIES:

Data will be collected from Medicare administrative and claims records, patient medical charts, and physician records.

##### SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

#### Appendix A. Current ORDI run Demonstration, Evaluation and Research Activities

The following is a listing of the current ORDI run demonstration, evaluation and research activities at CMS, with the appropriate contact person. A perpetual list of current demonstrations and evaluations will be made accessible through the CMS public Web site (<http://www.cms.hhs.gov>). The list will be amended for each new project that is implemented.

##### 1. ORDI Run Demonstration, Evaluation and Research Activities

- Bundled Case-Mix Adjusted Payment System for End Stage Renal Disease Services Demonstration  
Contact: Henry Bachofer, 410-786-0340
- Cancer Prevention and Treatment Demonstration for Ethnic and Racial Minorities  
Contact: Diane Merriman, 410-786-7237
- Consumer Directed Chronic Outpatient Services  
Contact: Pauline Lapin, 410-786-6883
- Cost-effectiveness of Daily versus Conventional Hemodialysis for the Medicare Population  
Contact: Penny Mohr, 410-786-6502
- Data Collection and Administering the Medicare Health Improvement Survey  
Contact: David Bott, 410-786-0249
- Design and Implementation of a Beneficiary Survey on Access to Selected Prescriptions and Biologicals  
Contact: Penny Mohr, 410-786-6502
- Disease Management for Severely Chronically Ill Medicare Beneficiaries  
Contact: J. Sherwood, 410-786-6651
- End Stage Renal Disease (ESRD) Disease Management Demonstration  
Contact: Sid Mazumdar, 410-786-6673
- Evaluation of Care Management for High Cost Beneficiaries Demonstration  
Contact: David Bott, 410-786-0249
- Evaluation of Second Phase of Oncology Demonstration Program  
Contact: James Menas, 410-786-4507
- Evaluation of the Medicare Preferred Provider Organization Demonstration  
Contact: Victor McVicker, 410-786-6681
- Evaluation of the State Medicaid Reform Demonstrations

- Contact: Paul Boben, 410-786-6629
- Expansion of Coverage of Chiropractic Services Demonstration  
Contact: Carol Magee, 410-786-6611
- Frontier Extended Stay Clinic Demonstration Project  
Contact: Sid Mazumdar, 410-786-6673
- Home Health Agency Prospective Payment Demonstration  
Contact: J. Sherwood, 410-786-6651
- Impact of Payment Reform for Part B Covered Outpatient Drugs and Biologicals  
Contact: Usree Bandyopadhyay, 410-786-6650
- Informatics for Diabetes Education and Telemedicine Demonstration (IDEATel)  
Contact: Diana Ayres, 410-786-7203
- Inhalation Drug Therapy Demonstration  
Contact: Debbie Vanhoven, 410-786-6625
- Life Masters  
Contact: Linda Colantino, 410-786-3343
- Low Vision Rehabilitation Demonstration  
Contact: James Coan, 410-786-9168
- Massachusetts Senior Care Options  
Contact: William Clark, 410-786-1484
- Medical Adult Day Care Services Demonstration  
Contact: Armen Thoumaian, PhD, 410-786-6672
- Medicare + Choice Phase II—PPO Demonstration  
Contact: Debbie Vanhoven, 410-786-6625
- Medicare Advantage CCRC (Erickson) Demonstration  
Contact: Henry Bachofer, 410-786-0340
- Medicare Cancer Registry Record System  
Contact: Gerald Riley, 410-786-6699
- Medicare Care Management Performance Demonstration  
Contact: Jody Blatt, 410-786-6921
- Medicare Clinical Laboratory Services Competitive Bidding Demonstration Project  
Contact: Linda Lebovic, 410-786-3402
- Medicare Coordinated Care Demonstration  
Contact: Cynthia Mason, 410-786-6680
- Medicare Drug Replacement Demonstration  
Contact: Jody Blatt, 410-786-6921
- Medicare Health Care Quality Demonstration Programs  
Contact: Cynthia Mason, 410-786-6680
- Medicare Home Health Independence Demonstration  
Contact: Armen Thoumaian, Ph.D., 410-786-6672
- Medicare Hospital Gainsharing Demonstration  
Contact: Lisa Waters, 410-786-6615
- Medicare Preventive Services—Medicare Lifestyle Modification Program Demonstration  
Contact: Armen Thoumaian, PhD, 410-786-6672
- Mercy Medicare Skilled Nursing Facility Payment Demonstration  
Contact: J. Sherwood, 410-786-6651
- Minnesota Senior Health Options  
Contact: Susan Radke, 410-786-4450
- Municipal Health Services Program Demonstration  
Contact: Michael Henesch, 410-786-6685
- New York Graduate Medical Education Demonstration  
Contact: Sid Mazumdar, 410-786-6673
- Nursing Home Value-Based Purchasing

- Contact: Ronald Lambert, 410-786-6624
- PACE-for-Profit Demonstration  
Contact: Michael Henesch, 410-786-6685
- Payment Development, Implementation and Monitoring for the BIPA Disease Management Demonstration  
Contact: J. Sherwood, 410-786-6651
- Person-Level Medicaid Data System  
Contact: Dave Baugh, 410-786-7716
- Physician Group Practice Demonstration  
Contact: John Pilotte, 410-786-6658
- Premier Hospital Quality Incentive Demonstration  
Contact: Katharine Pirotte, 410-786-6774
- Rural Community Hospital Demonstration  
Contact: Sid Mazumdar, 410-786-6673
- Rural Hospice Demonstration: Quality Assurance Metrics Implementation Support  
Contact: Cindy Massuda, 410-786-0652
- Senior Risk Reduction Demonstration  
Contact: Pauline Lapin, 410-786-6883
- Social Health Maintenance Organization for Long-Term Care Demonstration  
Contact: Thomas Theis, 410-786-6654
- State-based Home Health Agency TPL Payments  
Contact: J. Sherwood, 410-786-6651
- United Mine Workers of America Demonstration  
Contact: Jason Petroski, 410-786-4681
- Utah Graduate Medical Education  
Contact: Sid Mazumdar, 410-786-6673
- Wisconsin Partnership Program  
Contact: James Hawthorne, 410-786-6689

[FR Doc. E7-7403 Filed 4-18-07; 8:45 am]

BILLING CODE 4120-03-P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Medicare & Medicaid Services

#### Privacy Act of 1974; Report of a New System of Records

**AGENCY:** Department of Health and Human Services (HHS), Center for Medicare & Medicaid Services (CMS).

**ACTION:** Notice of a New System of Records (SOR).

**SUMMARY:** In accordance with the requirements of the Privacy Act of 1974, we are proposing to establish a new system titled, "Post-Acute Care Payment Reform / Continuity of Assessment Report and Evaluation Demonstration and Evaluation (PAC-CARE), System No. 09-70-0569." The program is authorized under Section 5008 of the Deficit Reduction Act of 2005, which allows for the establishment of a demonstration program for purposes of understanding costs and outcomes across different post-acute care sites. The PAC-CARE will collect information that will enable CMS to better understand the relationships among patient needs, post-acute care placement, patient outcomes, and post-

acute care related costs in the Medicare program. Anticipated results of the PAC-CARE include a standardized assessment instrument for post-acute care patients and a proposal for site-neutral payment for post-acute care services.

The purpose of this system is to collect and maintain demographic, health, and health resource use related data on the target population of Medicare beneficiaries who require treatment in a designated acute care or post-acute care facility. We will also collect certain identifying information on Medicare providers who provide services to such beneficiaries. Information retrieved from this system may be disclosed to: (1) Support regulatory, reimbursement, and policy functions performed within the agency or by a contractor, grantee, consultant or other legal agent; (2) assist another Federal or state agency with information to contribute to the accuracy of CMS's proper payment of Medicare benefits, enable such agency to administer a Federal health benefits program, or to enable such agency to fulfill a requirement of Federal statute or regulation that implements a health benefits program funded in whole or in part with Federal funds; (3) support an individual or organization for a research project or in support of an evaluation project related to the prevention of disease or disability, the restoration or maintenance of health, or payment related projects; (4) support the functions of Quality Improvement Organizations; (5) support the functions of national accrediting organizations; (6) support litigation involving the agency; and (7) combat fraud, waste, and abuse in certain Federally-funded health benefits programs. We have provided background information about the new system in the **SUPPLEMENTARY INFORMATION** section below. Although the Privacy Act requires only that CMS provide an opportunity for interested persons to comment on the proposed routine uses, CMS invites comments on all portions of this notice. See "Effective Dates" section for comment period.

**DATES:** *Effective Date:* CMS filed a new SOR report with the Chair of the House Committee on Government Reform and Oversight, the Chair of the Senate Committee on Homeland Security & Governmental Affairs, and the Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB) on April 13, 2007. To ensure that all parties have adequate time in which to comment, the new system will become effective 30 days from the publication of

the notice, or 40 days from the date it was submitted to OMB and the Congress, whichever is later. We may defer implementation of this system or one or more of the routine use statements listed below if we receive comments that persuade us to defer implementation.

**ADDRESSES:** The public should address comments to the CMS Privacy Officer, Division of Privacy Compliance, Enterprise Architecture and Strategy Group, Mail-stop N2-04-27, 7500 Security Boulevard, Baltimore, Maryland 21244-1850. Comments received will be available for review at this location by appointment during regular business hours, Monday through Friday from 9 a.m.-3 p.m., eastern time.

**FOR FURTHER INFORMATION CONTACT:** Shannon Flood, Division of Payment Research, Research and Evaluation Group, Office of Research Development & Information, Mail Stop C3-19-26, Centers for Medicare & Medicaid Services, 7500 Security Boulevard, Baltimore, MD 21244-1849. She can be reached by telephone at 410-786-2583, or via e-mail at [Shannon.Flood@cms.hhs.gov](mailto:Shannon.Flood@cms.hhs.gov).

**SUPPLEMENTARY INFORMATION:** Medicare beneficiaries frequently require post-acute care for rehabilitation and recovery following a hospital stay. The level and length of care required varies with the individual patient and the condition(s) requiring hospitalization. The type of care ranges from outpatient therapy to multi-day stays in a variety of post-acute care settings. The PAC-CARE will study Medicare beneficiaries as they are discharged from participating hospitals and move among post-acute care settings. Patient functional assessments will be performed at regular intervals beginning at hospital discharge and continuing as patients move among post-acute care settings until the episode of care has completed. Cost data will be collected from the post-acute care settings, combined with other cost information collected by Medicare Fiscal Intermediaries or Carriers, and combined with claims and patient outcome data to develop a payment reform proposal.

## I. Description of the Proposed System of Records

### A. Statutory and Regulatory Basis for *SOR*

The statutory authority for this system is given under Section 5008 of the Deficit Reduction Act of 2005.

### B. Collection and Maintenance of Data in the System

This system will collect and maintain individually identifiable and other data collected on Medicare beneficiaries who require treatment in a designated acute care or post-acute care facility. We will also collect certain identifying information on Medicare providers who provide services to such beneficiaries. The collected information will include, but is not limited to: Medicare claims and eligibility data, name, address, telephone number, health insurance claims number, race/ethnicity, gender, date of birth, provider name, unique provider identification number, medical record number, as well as clinical, demographic, health/well-being, family and/or caregiver contact information, and background information relating to Medicare issues. Data will be collected from Medicare administrative and claims records, PAC-CARE site administrative data systems, patient medical charts, physician records, and via information submitted by beneficiaries and providers.

## II. Agency Policies, Procedures, and Restrictions on the Routine Use

A. The Privacy Act permits us to disclose information without an individual's consent if the information is to be used for a purpose that is compatible with the purpose(s) for which the information was collected. Any such disclosure of data is known as a "routine use." The Government will only release PAC-CARE information that can be associated with an individual as provided for under "Section III. Proposed Routine Use Disclosures of Data in the System." Both identifiable and non-identifiable data may be disclosed under a routine use. We will only collect the minimum personal data necessary to achieve the purpose of PAC-CARE.

CMS has the following policies and procedures concerning disclosures of information that will be maintained in the system. Disclosure of information from the system will be approved only to the extent necessary to accomplish the purpose of the disclosure and only after CMS:

1. Determines that the use or disclosure is consistent with the reason that the data is being collected; e.g., to collect and maintain demographic, health, and health resource use related data on the target population of Medicare beneficiaries who require treatment in a designated acute care or post-acute care facility. We will also collect certain identifying information

on Medicare providers who provide services to such beneficiaries.

2. Determines that:
  - a. The purpose for which the disclosure is to be made can only be accomplished if the record is provided in individually identifiable form;
  - b. The purpose for which the disclosure is to be made is of sufficient importance to warrant the effect and/or risk on the privacy of the individual that additional exposure of the record might bring; and
  - c. There is a strong probability that the proposed use of the data would in fact accomplish the stated purpose(s).
3. Requires the information recipient to:
  - a. Establish administrative, technical, and physical safeguards to prevent unauthorized use of disclosure of the record;
  - b. Remove or destroy, at the earliest time, all patient-identifiable information; and
  - c. Agree to not use or disclose the information for any purpose other than the stated purpose under which the information was disclosed.
4. Determines that the data are valid and reliable.

## III. Proposed Routine Use Disclosures of Data in the System

A. The Privacy Act allows us to disclose information without an individual's consent if the information is to be used for a purpose that is compatible with the purpose(s) for which the information was collected. Any such compatible use of data is known as a "routine use." The proposed routine uses in this system meet the compatibility requirement of the Privacy Act. We are proposing to establish the following routine use disclosures of information maintained in the system:

1. To agency contractors, consultants or grantees, who have been engaged by the agency to assist in the performance of a service related to this collection and who need to have access to the records in order to perform the activity.

We contemplate disclosing information under this routine use only in situations in which CMS may enter into a contractual or similar agreement with a third party to assist in accomplishing CMS function relating to purposes for this system.

CMS occasionally contracts out certain of its functions when doing so would contribute to effective and efficient operations. CMS must be able to give a contractor, consultant or grantee whatever information is necessary for the contractor or consultant to fulfill its duties. In these situations, safeguards are provided in

the contract prohibiting the contractor, consultant or grantee from using or disclosing the information for any purpose other than that described in the contract and requires the contractor, consultant or grantee to return or destroy all information at the completion of the contract.

2. To another Federal or state agency to:

a. Contribute to the accuracy of CMS's proper payment of Medicare benefits;

b. Enable such agency to administer a Federal health benefits program, or, as necessary, to enable such agency to fulfill a requirement of a Federal statute or regulation that implements a health benefits program funded in whole or in part with Federal funds; and/or

c. Assist Federal/state Medicaid programs within the state.

Other Federal or state agencies, in their administration of a Federal health program, may require PAC-CARE information in order to support evaluations and monitoring of Medicare claims information of beneficiaries, including proper reimbursement for services provided.

3. To an individual or organization for a research project or in support of an evaluation project related to the prevention of disease or disability, the restoration or maintenance of health, or payment related projects.

The PAC-CARE data will provide for research or support of evaluation projects and a broader, longitudinal, national perspective of the status of Medicare beneficiaries. CMS anticipates that researchers may have legitimate requests to use these data in projects that could ultimately improve the care provided to Medicare beneficiaries and the policies that govern their care.

4. To support Quality Improvement Organizations (QIO) in connection with review of claims, or in connection with studies or other review activities conducted pursuant to Part B of Title XI of the Act, and in performing affirmative outreach activities to individuals for the purpose of establishing and maintaining their entitlement to Medicare benefits or health insurance plans.

The QIO may use this data to support quality improvement activities and other QIO responsibilities as detailed in Title XI §§ 1151-1164.

The QIO will work to implement quality improvement programs, provide consultation to CMS, its contractors, and to state agencies. The QIO will assist state agencies in related monitoring and enforcement efforts, assist CMS and intermediaries in program integrity assessment, and prepare summary information for release to CMS.

5. To assist national accrediting organization(s) whose accredited facilities are presumed to meet certain Medicare requirements for inpatient hospital rehabilitation services (e.g., the Joint Commission for the Accreditation of Healthcare Organizations, the American Osteopathic Association, or the Commission on Accreditation of Rehabilitation Facilities). Information will be released to these organizations for only those facilities that they accredit and that participate in the Medicare program and if they meet the following requirements:

a. Provide identifying information for post acute care facilities that have an accreditation status with the requesting deemed organization;

b. Submission of a finder file identifying beneficiaries/patients receiving post acute care services;

c. Safeguard the confidentiality of the data and prevent unauthorized access; and

d. Upon completion of a signed data exchange agreement or a CMS data use agreement.

At this time, CMS anticipates providing accrediting organizations with PAC-CARE information to enable them to target potential identified problems during the organization's accreditation review process of the facility.

6. To the Department of Justice (DOJ), court or adjudicatory body when:

a. The agency or any component thereof, or

b. Any employee of the agency in his or her official capacity, or

c. Any employee of the agency in his or her individual capacity where the DOJ has agreed to represent the employee, or

d. The United States Government, is a party to litigation or has an interest in such litigation, and, by careful review, CMS determines that the records are both relevant and necessary to the litigation and that the use of such records by the DOJ, court or adjudicatory body is compatible with the purpose for which the agency collected the records.

Whenever CMS is involved in litigation, and occasionally when another party is involved in litigation and CMS policies or operations could be affected by the outcome of the litigation, CMS would be able to disclose information to the DOJ, court or adjudicatory body involved.

7. To a CMS contractor (including, but not necessarily limited to, fiscal intermediaries and carriers) that assists in the administration of a CMS-administered health benefits program, or to a grantee of a CMS-administered

grant program, when disclosure is deemed reasonably necessary by CMS to prevent, deter, discover, detect, investigate, examine, prosecute, sue with respect to, defend against, correct, remedy, or otherwise combat fraud, waste, and abuse in such program.

We contemplate disclosing information under this routine use only in situations in which CMS may enter into a contractual, grantee, cooperative agreement or consultant relationship with a third party to assist in accomplishing CMS functions relating to the purpose of combating fraud, waste, and abuse. CMS occasionally contracts out certain of its functions or makes grants or cooperative agreements when doing so would contribute to effective and efficient operations. CMS must be able to give a contractor, grantee, consultant or other legal agent whatever information is necessary for the agent to fulfill its duties. In these situations, safeguards are provided in the contract prohibiting the agent from using or disclosing the information for any purpose other than that described in the contract and requiring the agent to return or destroy all information.

8. To another Federal agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States (including any State or local governmental agency), that administers, or that has the authority to investigate potential fraud, waste, or abuse in, a health benefits program funded in whole or in part by Federal funds, when disclosure is deemed reasonably necessary by CMS to prevent, deter, discover, detect, investigate, examine, prosecute, sue with respect to, defend against, correct, remedy, or otherwise combat fraud, waste, or abuse in such programs.

Other agencies may require PAC-CARE information for the purpose of combating fraud, waste, and abuse in such Federally funded programs.

#### *B. Additional Provisions Affecting Routine Use Disclosures*

To the extent this system contains Protected Health Information (PHI) as defined by HHS regulation "Standards for Privacy of Individually Identifiable Health Information" (45 CFR parts 160 and 164, subparts A and E) 65 FR 82462 (12-28-00). Disclosures of such PHI that are otherwise authorized by these routine uses may only be made if, and as, permitted or required by the "Standards for Privacy of Individually Identifiable Health Information." (See 45 CFR 164.512(a)(1)).

In addition, our policy will be to prohibit release even of data not directly identifiable, except pursuant to one of

the routine uses or if required by law, if we determine there is a possibility that an individual can be identified through implicit deduction based on small cell sizes (instances where the patient population is so small that individuals could, because of the small size, use this information to deduce the identity of the beneficiary).

#### IV. Safeguards

CMS has safeguards in place for authorized users and monitors such users to ensure against unauthorized use. Personnel having access to the system have been trained in the Privacy Act and information security requirements. Employees who maintain records in this system are instructed not to release data until the intended recipient agrees to implement appropriate management, operational and technical safeguards sufficient to protect the confidentiality, integrity and availability of the information and information systems and to prevent unauthorized access.

This system will conform to all applicable Federal laws and regulations and Federal, HHS, and CMS policies and standards as they relate to information security and data privacy. These laws and regulations may apply but are not limited to: the Privacy Act of 1974; the Federal Information Security Management Act of 2002; the Computer Fraud and Abuse Act of 1986; the Health Insurance Portability and Accountability Act of 1996; the E-Government Act of 2002, the Clinger-Cohen Act of 1996; the Medicare Modernization Act of 2003, and the corresponding implementing regulations. OMB Circular A-130, Management of Federal Resources, Appendix III, Security of Federal Automated Information Resources also applies. Federal, HHS, and CMS policies and standards include but are not limited to: all pertinent National Institute of Standards and Technology publications; the HHS Information Systems Program Handbook and the CMS Information Security Handbook.

#### V. Effects of the Proposed System of Records on Individual Rights

CMS proposes to establish this system in accordance with the principles and requirements of the Privacy Act and will collect, use, and disseminate information only as prescribed therein. Data in this system will be subject to the authorized releases in accordance with the routine uses identified in this system of records.

CMS will take precautionary measures to minimize the risks of unauthorized access to the records and

the potential harm to individual privacy or other personal or property rights of patients whose data are maintained in this system. CMS will collect only that information necessary to perform the system's functions. In addition, CMS will make disclosure from the proposed system only with consent of the subject individual, or his/her legal representative, or in accordance with an applicable exception provision of the Privacy Act. CMS, therefore, does not anticipate an unfavorable effect on individual privacy as a result of information relating to individuals.

Dated: April 12, 2007.

**Charlene Frizzera,**

*Acting Chief Operating Officer, Centers for Medicare & Medicaid Services.*

#### SYSTEM NO. 09-70-0569

##### SYSTEM NAME:

"Post-Acute Care Payment Reform/Continuity of Assessment Report and Evaluation Demonstration and Evaluation (PAC-CARE)," HHS/CMS/ORDI.

##### SECURITY CLASSIFICATION:

Level Three Privacy Act Sensitive Data.

##### SYSTEM LOCATION:

Centers for Medicare & Medicaid Services (CMS) Data Center, 7500 Security Boulevard, North Building, First Floor, Baltimore, Maryland 21244-1850 and at various co-locations of CMS agents.

##### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system will collect and maintain individually identifiable and other data collected on Medicare beneficiaries who require treatment in a designated acute care or post-acute care facility. We will also collect certain identifying information on Medicare providers who provide services to such beneficiaries.

##### CATEGORIES OF RECORDS IN THE SYSTEM:

The collected information will include, but is not limited to: Medicare claims and eligibility data, name, address, telephone number, health insurance claims number, race/ethnicity, gender, date of birth, provider name, unique provider identification number, medical record number, as well as clinical, demographic, health/well-being, family and/or caregiver contact information, and background information relating to Medicare issues. Data will be collected from Medicare administrative and claims records, PAC-CARE site administrative data systems, patient medical charts, physician records, and via information

submitted by beneficiaries and providers.

##### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The statutory authority for this system is given under Section 5008 of the Deficit Reduction Act of 2005.

##### PURPOSE(S) OF THE SYSTEM:

The purpose of this system is to collect and maintain demographic, health, and health resource use related data on the target population of Medicare beneficiaries who require treatment in a designated acute care or post-acute care facility. We will also collect certain identifying information on Medicare providers who provide services to such beneficiaries. Information retrieved from this system may be disclosed to: (1) Support regulatory, reimbursement, and policy functions performed within the agency or by a contractor, grantee, consultant or other legal agent; (2) assist another Federal or state agency with information to contribute to the accuracy of CMS's proper payment of Medicare benefits, enable such agency to administer a Federal health benefits program, or to enable such agency to fulfill a requirement of Federal statute or regulation that implements a health benefits program funded in whole or in part with Federal funds; (3) support an individual or organization for a research project or in support of an evaluation project related to the prevention of disease or disability, the restoration or maintenance of health, or payment related projects; (4) support the functions of Quality Improvement Organizations; (5) support the functions of national accrediting organizations; (6) support litigation involving the agency; and (7) combat fraud, waste, and abuse in certain Federally-funded health benefits programs.

##### ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OR USERS AND THE PURPOSES OF SUCH USES:

A. The Privacy Act allows us to disclose information without an individual's consent if the information is to be used for a purpose that is compatible with the purpose(s) for which the information was collected. Any such compatible use of data is known as a "routine use." The proposed routine uses in this system meet the compatibility requirement of the Privacy Act. We are proposing to establish the following routine use disclosures of information maintained in the system:

1. To agency contractors, consultants or grantees, who have been engaged by the agency to assist in the performance of a service related to this collection and

who need to have access to the records in order to perform the activity.

2. To another Federal or state agency to:

a. Contribute to the accuracy of CMS's proper payment of Medicare benefits;

b. Enable such agency to administer a Federal health benefits program, or, as necessary, to enable such agency to fulfill a requirement of a Federal statute or regulation that implements a health benefits program funded in whole or in part with Federal funds; and/or

c. Assist Federal/state Medicaid programs within the state.

3. To an individual or organization for a research project or in support of an evaluation project related to the prevention of disease or disability, the restoration or maintenance of health, or payment related projects.

4. To support Quality Improvement Organizations (QIO) in connection with review of claims, or in connection with studies or other review activities conducted pursuant to Part B of Title XI of the Act, and in performing affirmative outreach activities to individuals for the purpose of establishing and maintaining their entitlement to Medicare benefits or health insurance plans.

5. To assist national accrediting organization(s) whose accredited facilities are presumed to meet certain Medicare requirements for inpatient hospital rehabilitation services (e.g., the Joint Commission for the Accreditation of Healthcare Organizations, the American Osteopathic Association, or the Commission on Accreditation of Rehabilitation Facilities). Information will be released to these organizations for only those facilities that they accredit and that participate in the Medicare program and if they meet the following requirements:

a. Provide identifying information for post acute care facilities that have an accreditation status with the requesting deemed organization;

b. Submission of a finder file identifying beneficiaries/patients receiving post acute care services;

c. Safeguard the confidentiality of the data and prevent unauthorized access; and

d. Upon completion of a signed data exchange agreement or a CMS data use agreement.

6. To the Department of Justice (DOJ), court or adjudicatory body when:

a. The agency or any component thereof, or

b. Any employee of the agency in his or her official capacity, or

c. Any employee of the agency in his or her individual capacity where the DOJ has agreed to represent the employee, or

d. The United States Government, is a party to litigation or has an interest in such litigation, and, by careful review, CMS determines that the records are both relevant and necessary to the litigation and that the use of such records by the DOJ, court or adjudicatory body is compatible with the purpose for which the agency collected the records.

7. To a CMS contractor (including, but not necessarily limited to, fiscal intermediaries and carriers) that assists in the administration of a CMS-administered health benefits program, or to a grantee of a CMS-administered grant program, when disclosure is deemed reasonably necessary by CMS to prevent, deter, discover, detect, investigate, examine, prosecute, sue with respect to, defend against, correct, remedy, or otherwise combat fraud, waste, and abuse in such program.

8. To another Federal agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States (including any State or local governmental agency), that administers, or that has the authority to investigate potential fraud, waste, or abuse in, a health benefits program funded in whole or in part by Federal funds, when disclosure is deemed reasonably necessary by CMS to prevent, deter, discover, detect, investigate, examine, prosecute, sue with respect to, defend against, correct, remedy, or otherwise combat fraud, waste, or abuse in such programs.

B. Additional Provisions Affecting Routine Use Disclosures

To the extent this system contains Protected Health Information (PHI) as defined by HHS regulation "Standards for Privacy of Individually Identifiable Health Information" (45 CFR parts 160 and 164, subparts A and E) 65 FR 82462 (12-28-00). Disclosures of such PHI that are otherwise authorized by these routine uses may only be made if, and as, permitted or required by the "Standards for Privacy of Individually Identifiable Health Information." (See 45 CFR 164.512(a) (1)).

In addition, our policy will be to prohibit release even of data not directly identifiable, except pursuant to one of the routine uses or if required by law, if we determine there is a possibility that an individual can be identified through implicit deduction based on small cell sizes (instances where the patient population is so small that individuals could, because of the small size, use this information to deduce the identity of the beneficiary).

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

All records are stored on electronic media.

**RETRIEVABILITY:**

The collected data are retrieved by an individual identifier; e.g., beneficiary name or HICN.

**SAFEGUARDS:**

CMS has safeguards in place for authorized users and monitors such users to ensure against unauthorized use. Personnel having access to the system have been trained in the Privacy Act and information security requirements. Employees who maintain records in this system are instructed not to release data until the intended recipient agrees to implement appropriate management, operational and technical safeguards sufficient to protect the confidentiality, integrity and availability of the information and information systems and to prevent unauthorized access.

This system will conform to all applicable Federal laws and regulations and Federal, HHS, and CMS policies and standards as they relate to information security and data privacy. These laws and regulations may apply but are not limited to: the Privacy Act of 1974; the Federal Information Security Management Act of 2002; the Computer Fraud and Abuse Act of 1986; the Health Insurance Portability and Accountability Act of 1996; the E-Government Act of 2002, the Clinger-Cohen Act of 1996; the Medicare Modernization Act of 2003, and the corresponding implementing regulations. OMB Circular A-130, Management of Federal Resources, Appendix III, Security of Federal Automated Information Resources also applies. Federal, HHS, and CMS policies and standards include but are not limited to: all pertinent National Institute of Standards and Technology publications; the HHS Information Systems Program Handbook and the CMS Information Security Handbook.

**RETENTION AND DISPOSAL:**

Records will be retained until an approved disposition authority is obtained from the National Archives and Records Administration. All claims-related records are encompassed by the document preservation order and will be retained until notification is received from DOJ.

**SYSTEM MANAGER AND ADDRESS:**

Director, Research and Evaluation Group, Office of Research Development

& Information, Mail Stop C3-19-26, Centers for Medicare & Medicaid Services, 7500 Security Boulevard, Baltimore, MD 21244-1849.

**NOTIFICATION PROCEDURE:**

For purpose of access, the subject individual should write to the system manager who will require the system name, employee identification number, tax identification number, national provider number, and for verification purposes, the subject individual's name (woman's maiden name, if applicable), HICN, and/or SSN (furnishing the SSN is voluntary, but it may make searching for a record easier and prevent delay).

**RECORD ACCESS PROCEDURE:**

For purpose of access, use the same procedures outlined in Notification Procedures above. Requestors should also reasonably specify the record contents being sought. (These procedures are in accordance with Department regulation 45 CFR 5b.5 (a)(2)).

**CONTESTING RECORD PROCEDURES:**

The subject individual should contact the system manager named above, and reasonably identify the record and specify the information to be contested. State the corrective action sought and the reasons for the correction with supporting justification. (These procedures are in accordance with Department regulation 45 CFR 5b.7).

**RECORDS SOURCE CATEGORIES:**

Data will be collected from Medicare administrative and claims records (Outcome and Assessment Information Set, Inpatient Rehabilitation Facilities Patient Assessment Instrument, Long Term Care Minimum Data Set), post-acute care site administrative data systems, patient medical charts, physician records, and via information submitted by beneficiaries and providers.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

[FR Doc. E7-7404 Filed 4-18-07; 8:45 am]

**BILLING CODE 4120-03-P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Food and Drug Administration**

[Docket No. 2007N-0077]

**Withdrawal of Approval of New Animal Drug Applications; Pyrantel; Tylosin; Tylosin and Sulfamethazine**

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is withdrawing approval of three new animal drug applications (NADAs) for intermediate premixes used to manufacture Type C medicated feeds. In a final rule published elsewhere in this issue of the **Federal Register**, FDA is amending the animal drug regulations to remove portions reflecting approval of these NADAs.

**FOR FURTHER INFORMATION CONTACT:**

Pamela K. Esposito, Center for Veterinary Medicine (HFV-212), Food and Drug Administration, 7519 Standish Pl., Rockville, MD 20855, 240-276-9067, e-mail: [pamela.esposito@fda.hhs.gov](mailto:pamela.esposito@fda.hhs.gov).

**SUPPLEMENTARY INFORMATION:** Custom Feed Services Corp., 2100 N. 13th St., Norfolk, NE 68701, has requested that FDA withdraw approval of NADA 121-200 for Tylosin 10 Premix (tylosin), NADA 129-159 for TYLAN 40 Sulfa-G (tylosin and sulfamethazine), and NADA 137-484 for Swine Guard-BN (pyrantel). All are intermediate premixes used to manufacture Type C medicated feeds. This action is requested because the products are no longer manufactured or marketed.

Therefore, under authority delegated to the Commissioner of Food and Drugs, redelegated to the Center for Veterinary Medicine, and in accordance with 21 CFR 514.115 *Withdrawal of approval of applications*, notice is given that approval of NADA 121-200, NADA 129-159, and NADA 137-484, and all supplements and amendments thereto, are hereby withdrawn, effective April 30, 2007.

In a final rule published elsewhere in this issue of the **Federal Register**, FDA is amending the animal drug regulations to reflect the withdrawal of approval of these NADAs.

Dated: April 9, 2007.

**Bernadette Dunham,**

*Deputy Director, Center for Veterinary Medicine.*

[FR Doc. E7-7461 Filed 4-18-07; 8:45 am]

**BILLING CODE 4160-01-S**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Food and Drug Administration**

[Docket No. 2007N-0078]

**Withdrawal of Approval of New Animal Drug Applications; Estradiol Benzoate**

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) has withdrawn approval of two new animal drug applications (NADAs) for a suspension implant of estradiol benzoate microspheres used in steers and heifers fed in confinement for slaughter for increased rate of weight gain and improved feed efficiency, and in suckling beef calves for increased rate of weight gain. In a final rule published elsewhere in this issue of the **Federal Register**, FDA is amending the animal drug regulations to remove portions reflecting approval of these NADAs.

**FOR FURTHER INFORMATION CONTACT:**

Pamela K. Esposito, Center for Veterinary Medicine (HFV-212), Food and Drug Administration, 7519 Standish Pl., Rockville, MD 20855, 240-276-9067; e-mail: [pamela.esposito@fda.hhs.gov](mailto:pamela.esposito@fda.hhs.gov).

**SUPPLEMENTARY INFORMATION: PR**

Pharmaceuticals, Inc., 1716 Heath Pkwy., Fort Collins, CO 80524, has requested that FDA withdraw approval of NADA 141-040 for DURALEASE (estradiol benzoate), a suspension implant of estradiol benzoate microspheres used in steers and heifers fed in confinement for slaughter for increased rate of weight gain and improved feed efficiency and NADA 141-041 for CELERIN-C (estradiol benzoate), a similar product used in suckling beef calves for increased rate of weight gain. This action is requested because the products are no longer manufactured or marketed.

Therefore, under authority delegated to the Commissioner of Food and Drugs, redelegated to the Center for Veterinary Medicine, and in accordance with 21 CFR 514.115, notice is given that approval of NADA 141-040 and NADA 141-041 and all supplements and amendments thereto, were withdrawn as of September 29, 2006.

In a final rule published elsewhere in this issue of the **Federal Register**, FDA is amending the animal drug regulations to reflect the withdrawal of approval of these NADAs.

Dated: April 9, 2007.

**Bernadette Dunham,**

*Deputy Director, Center for Veterinary Medicine.*

[FR Doc. 07-1941 Filed 4-18-07; 8:45 am]

**BILLING CODE 4160-01-S**

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

[Docket No. FR-5117-N-31]

**Notice of Submission of Proposed Information Collection to OMB; Request for Construction Change**

**AGENCY:** Office of the Chief Information Officer, HUD.

**ACTION:** Notice.

**SUMMARY:** The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

Authority for these reports is found in Section 207(b) of the National Housing Act (Pub. L. 470, 48 Stat. 12 U.S.C., 1701 *et seq.*). Contractors, mortgagees submit the information to HUD to obtain approval of the changes in approved contract drawings and/or specifications. The forms are needed by HUD to obtain approval of the changes in approved contract drawings and/or specifications. The forms are needed by HUD to obtain compliance with Article 1.E of the construction contract.

**DATES:** *Comments Due Date:* May 21, 2007.

**ADDRESSES:** Interested persons are invited to submit comments regarding

this proposal. Comments should refer to the proposal by name and/or OMB approval Number (2502-0011) and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202-395-6974.

**FOR FURTHER INFORMATION CONTACT:** Lillian Deitzer, Departmental Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410; e-mail [Lillian\\_L\\_Deitzer@HUD.gov](mailto:Lillian_L_Deitzer@HUD.gov) or telephone (202) 708-2374. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from Ms. Deitzer or from HUD's Web site at <http://www5.hud.gov:63001/po/i/icbts/collectionsearch.cfm>.

**SUPPLEMENTARY INFORMATION:** This notice informs the public that the Department of Housing and Urban Development has submitted to OMB a request for approval of the information collection described below. This notice is soliciting comments from members of the public and affecting agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the

burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

This notice also lists the following information:

*Title of Proposal:* Request for Construction Change.

*OMB Approval Number:* 2502-0011.

*Form Numbers:* HUD-92437, HUD-92441, HUD-92442, HUD-92442-A, HUD-92442-CA, HUD-92442-A-CA.

*Description of the Need for the Information and its Proposed Use:* Authority for these reports is found in Section 207(b) of the National Housing Act (Pub. L. 470, 48 Stat. 12 U.S.C., 1701 *et seq.*). Contractors, mortgagees submit the information to HUD to obtain approval of the changes in approved contract drawings and/or specifications. The forms are needed by HUD to obtain approval of the changes in approved contract drawings and/or specifications. The forms are needed by HUD to obtain compliance with Article 1.E of the construction contract.

*Frequency of Submission:* On occasion.

	Number of respondents	Annual responses	×	Hours per response	=	Burden hours
Reporting Burden .....	900	4.44		5		20,300

*Total Estimated Burden Hours:* 20,300.

*Status:* Extension of currently approved collection.

**Authority:** Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: April 13, 2007.

**Lillian L. Deitzer,**

*Departmental Paperwork Reduction Act Officer, Office of the Chief Information Officer.*

[FR Doc. E7-7407 Filed 4-18-07; 8:45 am]

**BILLING CODE** 4210-67-P

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

[Docket No. FR-5117-N-32]

**Notice of Submission of Proposed Information Collection to OMB; Final Endorsement of Credit Instrument**

**AGENCY:** Office of the Chief Information Officer, HUD.

**ACTION:** Notice.

**SUMMARY:** The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

Schedule of advances made on the project and the final advance to be disbursed immediately upon final endorsement.

**DATES:** *Comments Due Date:* May 21, 2007.

**ADDRESSES:** Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB approval Number (2502-0016) and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202-395-6974.

**FOR FURTHER INFORMATION CONTACT:** Lillian Deitzer, Departmental Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410; e-mail [Lillian\\_L\\_Deitzer@HUD.gov](mailto:Lillian_L_Deitzer@HUD.gov) or telephone (202) 708-2374. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from Ms. Deitzer or from HUD's Web site at <http://>

www5.hud.gov:63001/po/i/icbts/collectionsearch.cfm.

**SUPPLEMENTARY INFORMATION:** This notice informs the public that the Department of Housing and Urban Development has submitted to OMB a request for approval of the information collection described below. This notice is soliciting comments from members of the public and affecting agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of

the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

This notice also lists the following information:  
*Title of Proposal:* Final Endorsement of Credit Instrument.  
*OMB Approval Number:* 2502-0016.  
*Form Numbers:* HUD-92023.  
*Description of the Need for the Information and its Proposed Use:* Schedule of advances made on the project and the final advance to be disbursed immediately upon final endorsement.  
*Frequency of Submission:* On occasion.

	Number of respondents	Annual responses	×	Hours per response	=	Burden hours
Reporting Burden .....	350	1		1		350

*Total Estimated Burden Hours:* 350.  
*Status:* Extension of a currently approved collection.  
**Authority:** Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: April 13, 2007.  
**Lillian L. Deitzer,**  
*Departmental Paperwork Reduction Act Officer, Office of the Chief Information Officer.*  
 [FR Doc. E7-7408 Filed 4-18-07; 8:45 am]  
**BILLING CODE 4210-67-P**

Room 700, Arlington, Virginia 22203; fax 703/358-2281.  
**FOR FURTHER INFORMATION CONTACT:** Division of Management Authority, telephone 703/358-2104.  
**SUPPLEMENTARY INFORMATION:**

**Endangered Species**  
 The public is invited to comment on the following applications for a permit to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*). Written data, comments, or requests for copies of these complete applications should be submitted to the Director (address above).

*Applicant:* Nashville Zoo, Nashville, TN, PRT-149960.

The applicant requests a permit to import one live captive-born female Central American tapir (*Tapirus bairdii*) from the Summit Zoo, Panama City, Panama for the purpose of enhancement of the survival of the species.

*Applicant:* Lucius R. Corbett, Oklahoma City, OK, PRT-145019.

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus pygargus*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

*Applicant:* Ronald A. Machado, Fremont, CA, PRT-145842.

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus pygargus*) culled from a captive herd maintained under the management program of the Republic of South Africa,

for the purpose of enhancement of the survival of the species.  
*Applicant:* Jason L. Carter, Austin, TX, PRT-145476.

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus pygargus*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

*Applicant:* University of Puerto Rico/ Department of Biology—Herbarium, San Juan, PR, PRT-131348.

The applicant requests a permit to export and re-import non-living museum specimens of endangered and threatened species of plants previously accessioned into the applicant's collection for scientific research. This notification covers activities to be conducted by the applicant over a five year period.

**Marine Mammals**

The public is invited to comment on the following applications for a permit to conduct certain activities with marine mammals. The applications were submitted to satisfy requirements of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), and the regulations governing marine mammals (50 CFR part 18). Written data, comments, or requests for copies of the complete applications or requests for a public hearing on these applications should be submitted to the Director (address above). Anyone requesting a hearing should give specific reasons why a hearing would be appropriate. The holding of such a hearing is at the discretion of the Director.

**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

**Receipt of Applications for Permit**

**AGENCY:** Fish and Wildlife Service, Interior.  
**ACTION:** Notice of receipt of applications for permit.

**SUMMARY:** The public is invited to comment on the following applications to conduct certain activities with endangered species and/or marine mammals.

**DATES:** Written data, comments or requests must be received by May 21, 2007.

**ADDRESSES:** Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents within 30 days of the date of publication of this notice to: U.S. Fish and Wildlife Service, Division of Management Authority, 4401 North Fairfax Drive,

*Applicant:* Jeffrey C. Krahl, Wayzata, MN, PRT-149178.

The applicant requests a permit to import a polar bear (*Ursus maritimus*) sport hunted from the Northern Beaufort Sea polar bear population in Canada for personal, noncommercial use.

*Applicant:* Jeremiah P. Burke, Saratoga Springs, NY, PRT-150501.

The applicant requests a permit to import a polar bear (*Ursus maritimus*) sport hunted from the Lancaster Sound polar bear population in Canada for personal, noncommercial use.

Dated: March 30, 2007.

**Lisa J. Lierheimer,**

*Senior Permit Biologist, Branch of Permits, Division of Management Authority.*

[FR Doc. E7-7383 Filed 4-18-07; 8:45 am]

**BILLING CODE 4310-55-P**

**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

**Issuance of Permits**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of issuance of permits for endangered species and/or marine mammals.

**SUMMARY:** The following permits were issued.

**ADDRESSES:** Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents to: U.S. Fish and Wildlife Service, Division of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203; fax 703/358-2281.

**FOR FURTHER INFORMATION CONTACT:**

Division of Management Authority, telephone 703/358-2104.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that on the dates below, as authorized by the provisions of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), and/or the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the Fish and Wildlife Service issued the requested permits subject to certain conditions set forth therein. For each permit for an endangered species, the Service found that (1) the application was filed in good faith, (2) the granted permit would not operate to the disadvantage of the endangered species, and (3) the granted permit would be consistent with the purposes and policy set forth in Section 2 of the Endangered Species Act of 1973, as amended.

**ENDANGERED SPECIES**

Permit No.	Applicant	Receipt of application <b>Federal Register</b> notice	Permit issuance date
134697 .....	Milwaukee County Zoological Gardens .....	72 FR 2540; January 19, 2007 .....	March 23, 2007.
134874 .....	Wildlife Conservation Society .....	72 FR 2538; January 19, 2007 .....	March 22, 2007.
134875 .....	Zoological Society of San Diego/San Diego Zoo .....	72 FR 2539; January 19, 2007 .....	March 19, 2007.
143976 .....	James M. Morris .....	72 FR 8194; February 23, 2007 .....	March 26, 2007.
144848 .....	Dort S. Bigg .....	72 FR 8006; February 22, 2007 .....	March 26, 2007.

**ENDANGERED MARINE MAMMALS AND MARINE MAMMALS**

Permit No.	Applicant	Receipt of application <b>Federal Register</b> notice	Permit issuance date
113725 .....	Mark Clementz, University of Wyoming .....	71 FR 10701; March 2, 2006 .....	March 27, 2007.

Dated: March 30, 2007.

**Lisa J. Lierheimer,**

*Senior Permit Biologist, Branch of Permits, Division of Management Authority.*

[FR Doc. E7-7384 Filed 4-18-07; 8:45 am]

**BILLING CODE 4310-55-P**

**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

**Notice of Availability of the Draft Comprehensive Conservation Plan and Environmental Assessment for Catahoula National Wildlife Refuge**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of availability.

**SUMMARY:** The Fish and Wildlife Service announces that a Draft Comprehensive Conservation Plan and Environmental Assessment (Draft CCP/EA) for Catahoula National Wildlife Refuge is

available for distribution. The National Wildlife Refuge System Administration Act of 1966, as amended by the National Wildlife Refuge System Improvement Act of 1997, requires the Service to develop a comprehensive conservation plan for each national wildlife refuge. This Draft CCP, when final, will describe how the Service intends to manage Catahoula National Wildlife Refuge over the next 15 years.

**DATES:** Written comments must be received at the postal address listed below no later than May 21, 2007.

**ADDRESSES:** To provide written comments or to obtain a copy of the Draft CCP/EA, please write to: Central Louisiana National Wildlife Refuge Complex, 401 Island Road, Marksville, Louisiana 71351; or telephone: 318/253-4238. The Draft CCP/EA may also be accessed and downloaded from the Service's Internet Site: <http://southeast.fws.gov/planning/>.

**SUPPLEMENTARY INFORMATION:** All comments received become part of the official public record. Requests for such comments will be handled in accordance with the Freedom of Information Act and other Service and Departmental policies and procedures.

Catahoula National Wildlife Refuge was established in 1958 primarily as a wintering area for migratory waterfowl. The refuge, located in east-central LaSalle Parish, and west-central Catahoula Parish, Louisiana, about 30 miles northeast of Alexandria, and 12 miles east of Jena, now totals 25,242 acres. The 6,671-acre Headquarters Unit borders nine miles of the northeast shore of Catahoula Lake, a 26,000-acre natural wetland renowned for its large concentrations of migratory waterfowl. The 18,571-acre Bushley Bayou Unit, located eight miles west of Jonesville, was established in May 2001. The acquisition was made possible through a partnership agreement between The

Conservation Fund, American Electric Power, and the Fish and Wildlife Service.

Significant issues addressed in the Draft CCP/EA include: Waterfowl management, bottomland hardwood reforestation and management, refuge access, land acquisition, visitor services (i.e., hunting, fishing, wildlife observation, wildlife photography, and environmental education and interpretation), cultural resources, and minor boundary expansion. The Service developed three alternatives for management of the refuge (alternatives A, B, and C), with Alternative B as the proposed alternative.

Alternative A represents no change from current management of the refuge. Under this alternative, existing refuge management practices and uses would continue. All management actions would be directed towards achieving the refuge's primary purposes, which include: (1) To provide migrating and wintering habitat for migratory waterfowl consistent with the overall objectives of the Mississippi Flyway; (2) to provide nesting habitat for wood ducks; (3) to provide habitat and protection for threatened and endangered species; and (4) to manage bottomland hardwoods and provide habitat for a natural wildlife diversity. Management programs would continue to be developed and implemented with limited baseline biological information. Active wetland management would be implemented by continuing water level manipulations for moist soil. Grassland and forest management actions are designed to provide diversified foraging, resting, and breeding habitat for a variety of species and would be implemented only when resources are available. Land would be acquired from willing sellers within the current 28,254-acre acquisition boundary. Oil and gas operations would continue under current special use permits, with little opportunity to prevent potential risks of spills. There would be no water quality surveys or pollution prevention measures for improving or providing increased protection of refuge lands and water. Hunting and fishing would continue to be the major focus of the public use program, with no expansion of current opportunities.

Alternative B, the proposed alternative, is considered to be the most effective management action for meeting the purposes of the refuge by adding more staff, equipment, and facilities in order to provide greater enhancement and management of habitats and associated plant communities for the greater benefit of wildlife. Extensive wildlife and plant census and inventory

activities would be initiated to obtain the biological information needed to implement management programs on the refuge. The refuge would improve migratory waterfowl habitat, the wood duck nest box program, habitat to support breeding pairs of wading birds, and migration habitat for southbound and northbound shorebirds. Habitat management activities would focus on providing healthy bottomland hardwood forests, moist-soil units, and grasslands needed to achieve wildlife population objectives. Forested habitat would be managed to establish a multi-layered canopy that promotes and maintains structural and plant species diversity and ultimately supports key species of migratory and resident species. To improve habitat for grassland birds, the refuge would work with the Natural Resources Conservation Service to replant the 95-acre Willow Lake area with native warm-season grasses. The refuge would inventory and more aggressively monitor, control, and, where possible, eliminate invasive plants. An archaeological survey to identify potential cultural resources would help in planning for land protection.

The refuge would work closely with partners to acquire or exchange lands with willing in-holding landowners and to expand the current acquisition boundary by 2,824 acres in order to improve access for refuge staff and the public. The refuge would continue to identify and eliminate potential spill risks from oil and gas activities, to continue the refuge special use permit system, and to provide monitoring for first alert in spill events.

Hunting, fishing, wildlife observation, wildlife photography, and environmental education and interpretation opportunities would be improved. Youth hunts, handicap-accessible blinds, improved access for bank fishing, replacement of the observation tower and an additional tower, and supporting environmental-based curricula in the local schools are some of the improvements planned under Alternative B. In addition, the current office facility would be expanded to accommodate an environmental education display and an interpretive display. Additional staff would include a biologist, forester, park ranger (law enforcement), engineering equipment operator, maintenance worker, assistant refuge manager, and park ranger (interpretive) to accomplish objectives for establishing baseline data on refuge resources, for managing habitats, and for adequate protection of wildlife and visitors.

Alternative C would maximize endemic bottomland hardwood forest with minimal management. Under this alternative, there would be no active management of refuge resources. Grasslands would be left fallow and moist-soil units would not be actively managed. Bottomland hardwood forests would be left to mature with no active management. Wood duck nest boxes would be left in place and banding quotas would not typically be met. There would be no active management of marshbird, long-legged wader, shorebird, or forest breeding bird habitat. The refuge would continue to support bald eagle management guidelines when nests are encountered. The refuge would continue to attempt to acquire land from willing sellers within the current 28,254-acre acquisition boundary, but would plan no additional active management for these lands. Oil and gas operations would continue under current special use permits, with little opportunity to prevent potential risks of spills. There would be no water quality surveys or pollution prevention measures for improving or providing increased protection of refuge lands and water. An archaeological survey to determine if there are any cultural resources present would be used in planning for land protection.

A limited amount of deer, duck, and small game hunting would continue and the refuge would maintain current recreational fishing. The current facilities for wildlife observation and photography, such as the observation tower, nature trails, and wildlife drive pull-offs, would be maintained and enhanced. Environmental education and interpretation requests would be increased and would be accommodated with the addition of a park ranger (interpretive). Enforcement of refuge regulations and protection of wildlife and visitors would continue at current levels.

**FOR FURTHER INFORMATION CONTACT:** Tina Chouinard, Planning Team Leader, Central Louisiana National Wildlife Refuge Complex, Telephone: 318/253-4238; Fax: 318/253-7139; e-mail: [tina\\_chouinard@fws.gov](mailto:tina_chouinard@fws.gov); or by writing to the address in the **ADDRESSES** section.

**Authority:** This notice is published under the authority of the National Wildlife Refuge System Improvement Act of 1997, Pub. L. 105-57.

Dated: December 19, 2006.

**Cynthia K. Dohner,**  
Acting Regional Director.

**Editorial Note:** This document was received at the Office of the Federal Register on April 16, 2007.

[FR Doc. E7-7432 Filed 4-18-07; 8:45 am]

**BILLING CODE 4310-55-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[CA 660-07-5101-ER]

#### Notice of Availability of Draft Environmental Impact Statement/ Environmental Impact Report (EIS/EIR) for the Proposed Mountain View IV Wind Energy Project

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of Availability.

**SUMMARY:** In accordance with the National Environmental Policy Act of 1969 (NEPA, 42 U.S.C. 4321 *et seq.*) and the Federal Land Policy and Management Act of 1976 (FLPMA, 43 U.S.C. 1701 *et seq.*), the Bureau of Land Management (BLM), together with the City of Palm Springs, has prepared a Draft EIS/EIR for the Mountain View IV Wind Energy Project and by this notice is announcing the opening of the comment period. The BLM is the lead Federal agency for the preparation of this EIS in compliance with the requirements of NEPA. The City of Palm Springs is the lead agency for the State of California for the preparation of this EIR in compliance with the requirements of the California Environmental Quality Act (CEQA).

**DATES:** To assure that they will be considered, BLM must receive written comments on the Draft EIS/EIR within 45 days following the date the Environmental Protection Agency publishes their Notice of Availability in the **Federal Register**. The BLM will announce future meetings or hearings and any other public involvement activities at least 15 days in advance through public notices, media news releases, and/or mailings.

Documents pertinent to this proposal will be available for public review at the BLM Palm Springs-South Coast Field Office located at 690 W. Garnet Avenue, North Palm Springs, California, during regular business hours of 7:45 a.m. to 4:30 p.m., Monday through Friday, except holidays, and may be published as part of the EIS/EIR. Before including your address, phone number, e-mail address, or other personal identifying

information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

**ADDRESSES:** You may submit comments by any of the following methods:

- *Web Site:* <http://www.blm.gov/ca/palmsprings>.
- *E-mail:* [Greg\\_Hill@ca.blm.gov](mailto:Greg_Hill@ca.blm.gov).
- *Fax:* (760) 251-4899.
- *Mail:* Bureau of Land Management, Palm Springs-South Coast Field Office, 690 W. Garnet Ave., P.O. Box 581260, North Palm Springs, CA 92258.

**FOR FURTHER INFORMATION CONTACT:** For further information contact Greg Hill, Bureau of Land Management, Palm Springs-South Coast Field Office, (760) 251-4840, or by e-mail at [Greg\\_Hill@ca.blm.gov](mailto:Greg_Hill@ca.blm.gov). A copy of the Draft EIS/EIR for the Proposed

Mountain View IV Wind Energy Project is available for review at the BLM Palm Springs-South Coast Field Office at the above address, and at the Palm Springs Public Library located at 300 South Sunrise Way, Palm Springs, CA 92262. Copies are also available via the Internet at <http://www.blm.gov/ca/palmsprings>. Electronic (on CD-ROM) or paper copies may also be obtained by contacting Greg Hill at the aforementioned addresses and phone number.

**SUPPLEMENTARY INFORMATION:** Mountain View Power Partners IV, LLC has applied for a right-of-way on public lands and a conditional use permit on private lands to construct a wind energy generating facility in the Coachella Valley, in Riverside County. The project site is west of Indian Avenue and is within the corporate boundary of the City of Palm Springs and within the planning area for the draft Coachella Valley Multiple Species Habitat Conservation Plan. Operations are expected to last approximately 30 years. The proposed project would install a total of approximately 42 to 50 wind turbines on public and private lands, with a total generating capacity of approximately 49 megawatts. Related structures would include access roads, a 34.5-kV powerline and an electrical substation. If approved, the wind energy generating facility on public lands would be authorized in accordance with Title V of the Federal Land Policy and Management Act of 1976 (USC) and the Federal regulations at 43 CFR part 2800.

The proposed project would take approximately 7 months to construct.

A Notice of Intent (NOI) to Prepare an EIS/EIR was published in the **Federal Register** on June 5, 2006; this NOI invited comments on issues which may have been relevant to preparation of the document. A public scoping meeting was held on June 27, 2006 at the Desert Highland Community Center, in the City of Palm Springs with notice of the meeting published in the Desert Sun newspaper. The meeting was held to help assist in identifying the range of actions, alternatives, mitigation measures, and significant effects to be analyzed in the EIS/EIR.

Dated: February 21, 2007.

**John Kalish,**

Acting Field Manager, Palm Springs-South Coast Field Office.

**Editorial Note:** This document was received at the Office of the Federal Register on April 16, 2007.

[FR Doc. E7-7427 Filed 4-18-07; 8:45 am]

**BILLING CODE 4310-40-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[CO-200-0777-XZ-241A]

#### Notice of Meeting, Front Range Resource Advisory Council (Colorado)

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of Public Meeting.

**SUMMARY:** In accordance with the Federal Land Policy and Management Act (FLPMA) and the Federal Advisory Committee Act of 1972 (FACA), the U.S. Department of the Interior, Bureau of Land Management (BLM) Front Range Resource Advisory Council (RAC), will meet as indicated below.

**DATES:** The meeting will be held May 23, 2007 from 9:15 a.m. to 4 p.m.

**ADDRESSES:** Holy Cross Abbey Community Center, 2951 E. Highway 50, Canon City, Colorado 81212.

**FOR FURTHER INFORMATION CONTACT:** Ken Smith, (719) 269-8500.

**SUPPLEMENTARY INFORMATION:** The 15 member Council advises the Secretary of the Interior, through the Bureau of Land Management, on a variety of planning and management issues associated with public land management in the Royal Gorge Field Office and San Luis Valley, Colorado. Planned agenda topics include: Manager updates on current land management Plan and a briefing on the Ford Creek Project. All meetings are open to the

public. The public is encouraged to make oral comments to the Council at 9:30 a.m. or written statements may be submitted for the Council's consideration. Depending on the number of persons wishing to comment and time available, the time for individual oral comments may be limited. Summary minutes for the Council Meeting will be maintained in the Royal Gorge Field Office and will be available for public inspection and reproduction during regular business hours within thirty (30) days following the meeting. Meeting Minutes and agenda (10 days prior to each meeting) are also available at: [http://www.blm.gov/rac/co/frac/co\\_fr.htm](http://www.blm.gov/rac/co/frac/co_fr.htm).

Dated: April 13, 2007.

**Roy L. Masinton,**

*Royal Gorge Field Manager.*

[FR Doc. 07-1938 Filed 4-18-07; 8:45 am]

**BILLING CODE 4310-JB-M**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[Docket No. ID-200-1120-PH]

#### Advisory Council Meeting

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of May Resource Advisory Council Meeting to be held in Twin Falls District, Idaho.

**SUMMARY:** This notice announces the intent to hold a Resource Advisory Council (RAC) meeting in the Twin Falls District of Idaho on Tuesday, May 15, 2007. The meeting will be held at the Burley BLM Fire Operations Conference Room, Overland Avenue, Burley, Idaho.

**SUPPLEMENTARY INFORMATION:** The Twin Falls District Resource Advisory Council consists of the standard fifteen members residing throughout south central Idaho. Meeting agenda items will include updates on the Jarbidge Field Office RMP effort, Energy Policy Act, Field Offices updates, recreation fee efforts in partnership with the Forest Service and more.

**FOR FURTHER INFORMATION CONTACT:** Sky Buffat, Twin Falls District, Idaho, 400 West F Street, Shoshone, Idaho 83352, (208) 732-7307.

Dated: April 13, 2007.

**Jenifer Arnold,**

*Twin Falls Acting Associate District Manager.*

[FR Doc. E7-7442 Filed 4-18-07; 8:45 am]

**BILLING CODE 4310-GG-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[ES-030-1430-ET; WIES 51517]

#### Notice of Proposed Withdrawal and Transfer of Jurisdiction; Wisconsin

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice.

**SUMMARY:** The Bureau of Land Management has received a petition/application from the United States Fish and Wildlife Service requesting that the Secretary of the Interior withdraw for a 50-year term 328.70 acres of public land from surface entry, and transfer administrative jurisdiction to the Secretary of the Interior, acting through the United States Fish and Wildlife Service, to protect and manage migratory bird and threatened and endangered species habitat. The land is located within the exterior boundaries of the Green Bay Islands National Wildlife Refuge System and was reserved for lighthouse purposes by Executive Orders dated December 11, 1848, and May 28, 1858. These orders will not be disturbed by the proposed withdrawal. This land presently is under the administrative jurisdiction of the United States Coast Guard, which recognizes that wildlife refuge management will make better use of the land than its current outdated use for lighthouse purposes. This notice provides an opportunity to comment on the proposed withdrawal and to request a public meeting.

**DATES:** Comments and requests for a public meeting must be received by July 18, 2007. Electronic format submittals will not be accepted.

**ADDRESSES:** Comments and meeting requests should be sent to the State Director, Bureau of Land Management-Eastern States, 7450 Boston Boulevard, Springfield, Virginia 22153.

**FOR FURTHER INFORMATION CONTACT:** Ida Doup, Bureau of Land Management-Eastern States, 703-440-1541, or at the above stated address.

**SUPPLEMENTARY INFORMATION:** The United States Fish and Wildlife Service has filed a petition/application to withdraw the following described public land from settlement, sale, location, or entry under the public land laws for a 50-year term, subject to valid existing rights:

#### Fourth Principal Meridian

T. 33 N., R. 29 E.,  
Sec. 26, lots 1 and 2;  
Sec. 27, lots 1, 2 and 3.

T. 33 N., R. 29 E.,

Sec. 1, NE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>.

The area described contains 328.70 acres in Door County known as Plum and Pilot Islands.

The purpose of the proposed withdrawal is to protect important native and migratory bird habitat, threatened and endangered species habitat, and historic resources in the Great Lakes Basin Ecosystem. Management of the land would transfer from the United States Coast Guard to the United States Fish and Wildlife Service with the proposed withdrawal.

There are no suitable alternative sites as the lands described lie within the approved boundary of the Green Bay National Wildlife Refuge and contain the resources that need protection.

A right-of-way or cooperative agreement would not provide the necessary administrative controls to adequately protect and manage the area in conjunction with, and on the same basis as the rest of the Refuge, or for the purposes for which the Refuge was established.

No water rights would be needed to fulfill the purpose of the requested withdrawal.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the State Director of the Bureau of Land Management-Eastern States at the address listed above.

Notice is hereby given that an opportunity for a public meeting is afforded in connection with the proposed withdrawal. All interested persons who desire a public meeting for the purpose of being heard on the proposed withdrawal must submit a written request to the State Director, Bureau of Land Management-Eastern States within 90 days from the date of publication of this notice. If the authorized officer determines that a public meeting will be held, a notice of the time and place will be published in the **Federal Register** at least 30 days before the scheduled date of the meeting.

Comments, including names and street addresses of respondents, will be available for public review at the Bureau of Land Management-Eastern States, 7450 Boston Boulevard, Springfield, Virginia 22153, during regular business hours. Individual respondents may request confidentiality. If you wish to withhold your name or address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the

beginning of your comments. Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.

The proposed withdrawal will be processed in accordance with the regulations set forth in 43 CFR part 2300.

(Authority: 43 CFR 2310.3-1)

**Michael D. Nedd,**

*State Director, Eastern States.*

[FR Doc. E7-7429 Filed 4-18-07; 8:45 am]

BILLING CODE 4310-55-P

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[MT-010-1430-ET; WYW 88887]

#### Notice of Proposed Withdrawal Extension and Opportunity for Public Meeting; Wyoming

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice.

**SUMMARY:** The Department of the Interior proposes to extend the duration of Public Land Order (PLO) No. 6665 for an additional 20-year term. PLO No. 6665 withdrew 180 acres of public lands in Big Horn County, Wyoming from settlement, sale, location, or entry under the general land laws, including the United States mining laws to protect the Bureau of Land Management (BLM) Britton Springs Administrative Site and Crooked Creek Natural Area. This notice also gives an opportunity to comment on the proposed action and to request a public meeting. The lands have been and will remain open to mineral leasing.

**DATES:** Comments and requests for a public meeting must be received by July 18, 2007.

**ADDRESSES:** Comments and meeting requests should be sent to the BLM Billings Field Manager, 5001 Southgate Drive, Billings, Montana 59101-4669.

**FOR FURTHER INFORMATION CONTACT:** Janice MaChipiness, BLM, Billings Field Office, (406) 896-5263, or at the above address, or Sandra Ward, BLM, Montana State Office, (406) 896-5052, or at the above address.

**SUPPLEMENTARY INFORMATION:** The withdrawal created by PLO No. 6665 (53 FR 7187) will expire March 6, 2008, unless extended. The Assistant Secretary for Land and Minerals

Management has approved the BLM petition to file an application to extend PLO No. 6665 for an additional 20-year period. The withdrawal was made to protect the Britton Springs Administrative Site and the Crooked Creek Natural Area/National Natural Landmark on public lands described as follows:

#### Sixth Principal Meridian, Wyoming

T. 58 N., R. 95 W.,  
Sec. 20, N $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
Sec. 28, NW $\frac{1}{4}$ .

The areas described aggregate 180 acres in Big Horn County.

The purpose of the proposed extension is to continue the withdrawal created by PLO No. 6665 for an additional 20-year term to protect the Federal investment at the Britton Springs Administrative Site and the paleontological resources in the Crooked Creek Natural Area.

As extended, the withdrawal would not alter the applicability of those public land laws governing the use of lands under lease, license, or permit or governing the disposal of the mineral or vegetative resources other than under the mining laws.

The use of a right-of-way or interagency or cooperative agreement would not adequately protect the paleontological resources and capital improvements in these areas.

There are no suitable alternative sites available. Significant paleontological resources are located at the Crooked Creek site and the Britton Springs site is already constructed in the above-described public land.

There are existing water facilities at the Britton Springs site.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal extension may present their views in writing to the BLM Billings Field Office at the address noted above.

Comments, including names and street addresses of respondents, will be available for public review at the BLM Billings Field Office at the address noted above during regular business hours 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. Before including your address, phone number, e-mail address, or other personal identifying information in your comments, be advised that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold from public review your

personal identifying information, we cannot guarantee that we will be able to do so. Notice is hereby given that an opportunity for a public meeting is afforded in connection with the proposed withdrawal extension. All interested persons who desire a public meeting for the purpose of being heard on the proposed withdrawal extension must submit a written request to the BLM Billings Field Manager within 90 days from the date of publication of this notice. If the authorized officer determines that a public meeting will be held, a notice of the time and place will be published in the **Federal Register** at least 30 days before the scheduled date of the meeting. This withdrawal extension proposal will be processed in accordance with the applicable regulations set forth in 43 CFR 2310.4.

(Authority: 43 CFR 2310.3-1)

Dated: April 5, 2007.

**Theresa Hanley,**

*Chief, Division of Resources.*

[FR Doc. E7-7431 Filed 4-18-07; 8:45 am]

BILLING CODE 4310-55-P

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 731-TA-1103 (Final)]

### Certain Activated Carbon From China Determination

On the basis of the record<sup>1</sup> developed in the subject investigation, the United States International Trade Commission (Commission) determines, pursuant to section 735(b) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)) (the Act), that an industry in the United States is materially injured by reason of imports from China of certain activated carbon,<sup>2</sup>

<sup>1</sup> The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

<sup>2</sup> For purposes of this investigation, the product covered is certain activated carbon defined as a powdered, granular, or pelletized carbon product obtained by "activating" with heat and steam various materials containing carbon, including but not limited to coal (including bituminous, lignite, and anthracite), wood, coconut shells, olive stones, and peat. The thermal and steam treatments remove organic materials and create an internal pore structure in the carbon material. The producer can also use carbon dioxide gas (CO<sub>2</sub>) in place of steam in this process. The vast majority of the internal porosity developed during the high temperature steam (or CO<sub>2</sub> gas) activated process is a direct result of oxidation of a portion of the solid carbon atoms in the raw material, converting them into a gaseous form of carbon.

This definition covers all forms of activated carbon that are activated by steam or CO<sub>2</sub>, regardless of the raw material, grade, mixture, additives, further washing or post-activation chemical treatment (chemical or water washing,

Continued

provided for in subheading 3802.10.00 of the Harmonized Tariff Schedule of the United States, that have been found by the Department of Commerce (Commerce) to be sold in the United States at less than fair value (LTFV).

### Background

The Commission instituted this investigation effective March 8, 2006, following receipt of a petition filed with the Commission and Commerce by Calgon Carbon Corporation, Pittsburgh, PA, and Norit Americas, Inc., Marshall, TX. The final phase of the investigation was scheduled by the Commission following notification of a preliminary determination by Commerce that imports of certain activated carbon from China were being sold at LTFV within the meaning of section 733(b) of the Act (19 U.S.C. 1673b(b)). Notice of the scheduling of the final phase of the Commission's investigation and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of November 16, 2006 (71 FR

chemical impregnation or other treatment), or product form. Unless specifically excluded, this definition covers all physical forms of certain activated carbon, including powdered activated carbon ("PAC"), granular activated carbon ("GAC"), and pelletized activated carbon.

Excluded from this definition are chemically-activated carbons. The carbon-based raw material used in the chemical activation process is treated with a strong chemical agent, including but not limited to phosphoric acid, zinc chloride sulfuric acid or potassium hydroxide, that dehydrates molecules in the raw material, and results in the formation of water that is removed from the raw material by moderate heat treatment. The activated carbon created by chemical activation has internal porosity developed primarily due to the action of the chemical dehydration agent. Chemically activated carbons are typically used to activate raw materials with a lignocellulosic component such as cellulose, including wood, sawdust, paper mill waste and peat.

To the extent that an imported activated carbon product is a blend of steam and chemically activated carbons, products containing 50 percent or more steam (or CO<sub>2</sub> gas) activated carbons are within this definition, and those containing more than 50 percent chemically activated carbons are outside this definition. This exclusion language regarding blended material applies *only* to mixtures of steam and chemically activated carbons.

Also excluded from this definition are reactivated carbons. Reactivated carbons are previously used activated carbons that have had adsorbed materials removed from their pore structure after use through the application of heat, steam and/or chemicals.

Also excluded from this definition is activated carbon cloth. Activated carbon cloth is a woven textile fabric made of or containing activated carbon fibers. It is used in masks and filters and clothing of various types where a woven format is required.

Any activated carbon meeting the physical description of subject merchandise provided above that is not expressly excluded from this definition is included within the definition.

66793). The hearing was held in Washington, DC, on February 27, 2007, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determination in this investigation to the Secretary of Commerce on April 16, 2007. The views of the Commission are contained in USITC Publication 3913 (April 2007), entitled *Certain Activated Carbon from China: Investigation No. 731-TA-1103 (Final)*.

Issued: April 13, 2007.

By order of the Commission.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

[FR Doc. E7-7468 Filed 4-18-07; 8:45 am]

**BILLING CODE 7020-02-P**

### INTERNATIONAL TRADE COMMISSION

[Inv. No. 337-TA-592]

#### In the Matter of Certain Nand Flash Memory Devices and Components Thereof, and Products Containing Same; Notice of a Commission Determination Not To Review an Initial Determination Terminating the Investigation

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination ("ID") of the presiding administrative law judge ("ALJ") terminating the above-captioned investigation under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). The Commission has terminated the investigation based on a settlement agreement.

**FOR FURTHER INFORMATION CONTACT:** Clint Gerdine, Esq., telephone 202-708-2310, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436. Copies of all nonconfidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone 202-205-2000. General information concerning the Commission may also be obtained by accessing its Internet server (<http://www.usitc.gov>). The public record for this investigation may be viewed on the Commission's

electronic docket (EDIS) at <http://edis.usitc.gov>. Hearing-impaired persons are advised that information on the matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810.

**SUPPLEMENTARY INFORMATION:** The Commission instituted this investigation on February 15, 2007, based on a complaint filed on January 9, 2007, by Toshiba Corporation ("Toshiba") of Japan. 72 FR 7457-8. 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 NAND flash memory devices and components thereof, and products containing same, by reason of infringement of U.S. Patent No. 6,703,658; U.S. Patent No. 6,424,588; and U.S. Patent No. 5,627,782. The complaint names two respondents: Hynix Semiconductor Inc. of Korea and Hynix Semiconductor America Inc. of San Jose, California (collectively "Hynix"). The complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

On March 22, 2007, respondent Hynix filed a joint motion to terminate the investigation on the basis of a settlement agreement. The Commission Investigative Attorney filed a response in support of the motion on March 30, 2007.

The ALJ issued the subject ID on April 3, 2007, granting the joint motion for termination. No party petitioned for review of the ID pursuant to 19 CFR 210.43(a), and the Commission found no basis for ordering a review on its own initiative pursuant to 19 CFR 210.44. Accordingly, the Commission has determined not to review the ID.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in sections 210.21(a)(2), (b) and 210.42(h)(3) of the Commission's Rules of Practice and Procedure.

Issued: April 16, 2007.

By order of the Commission.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

[FR Doc. E7-7467 Filed 4-18-07; 8:45 am]

**BILLING CODE 7020-02-P**

**INTERNATIONAL TRADE  
COMMISSION**

[Investigation No. 337-TA-553]

**In the Matter of Certain NAND Flash  
Memory Devices and Products  
Containing Same; Notice of  
Determination To Grant the Joint  
Motion To Terminate the Investigation  
on the Basis of Settlement****AGENCY:** U.S. International Trade  
Commission.**ACTION:** Notice.**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined to grant the joint motion to terminate the above-captioned investigation based on settlement.**FOR FURTHER INFORMATION CONTACT:** Michelle Walters, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 708-5468. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server at <http://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810.**SUPPLEMENTARY INFORMATION:** The Commission instituted this investigation on November 25, 2005, based on a complaint filed by Hynix Semiconductor Inc. of Korea; Hynix Semiconductor America Inc. of San Jose, California; and Hynix Semiconductor Manufacturing America Inc. of Eugene, Oregon (collectively, "Hynix"). The complaint, as supplemented and amended, alleged violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain NAND flash memory devices and products containing the same by reason of infringement of certain claims of United States Patent Nos. 5,509,995 and 5,869,404.

On November 20, 2006, the presiding administrative law judge ("ALJ") issued his final initial determination ("ID"), finding no violation of section 337 by respondents Toshiba Corporation of Japan; Toshiba America Electronic Components, Inc. of Irvine, California; Toshiba America Information Systems, Inc. of Irvine, California; and Toshiba America Consumer Products, L.L.C. of Wayne, New Jersey (collectively, "Toshiba"). The Commission determined to review the ALJ's ID on January 11, 2007.

On March 21, 2007, Hynix and Toshiba jointly moved to terminate the investigation based on settlement. In the same motion papers, Hynix and Toshiba jointly moved to vacate the ID issued by the ALJ. In addition, Hynix withdrew its motion for sanctions against Toshiba, filed on August 18, 2006. On March 30, 2007, the Commission investigative attorney filed a response to the joint motion to terminate based on settlement, recommending that the Commission grant the motion.

Having examined the record of this investigation, the Commission has determined to grant the joint motion to terminate the investigation. In addition, the Commission has determined to deny the joint motion to vacate the ALJ's final ID.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in section 210.21 of the Commission's Rules of Practice and Procedure (19 CFR 210.21).

Issued: April 16, 2007.

By order of the Commission.

**Marilyn R. Abbott,***Secretary to the Commission.*

[FR Doc. E7-7464 Filed 4-18-07; 8:45 am]

**BILLING CODE 7020-02-P****DEPARTMENT OF JUSTICE****Notice of Lodging of Consent Decree  
Under the Comprehensive  
Environmental Response,  
Compensation and Liability Act**

Under 28 CFR 50.7, notice is hereby given that on April 2, 2007, a proposed consent decree with defendant BOC Group, Inc., was lodged in the civil action *United States v. The BOC Group, Inc.*, Civil Action No. 07-5163-FDB, in the United States District Court for the Western District of Washington.

In this action the United States sought, pursuant to Sections 106 and 107 of the Comprehensive Environmental Response, Compensation

and Liability Act ("CERCLA"), 42 U.S.C. 9606 & 9607, to recover costs incurred in response to releases of hazardous substances at the Boomsnub/Airco Superfund Site ("the Site") in Vancouver, Washington, and to require defendant BOC Group, Inc. to implement EPA's selected remedy at the Site.

The proposed consent decree will resolve the United States' claims against defendant BOC Group, Inc. Under the terms of the proposed consent decree, defendant BOC Group, Inc. will implement the remedy for the Site as required in the proposed consent decree, and pay \$6.65 million to the Hazardous Substances Superfund.

In return, the United States will grant BOC Group, Inc. a covenant not to sue under CERCLA with respect to the Site.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to the proposed consent decree with defendant BOC Group, Inc. in *United States v. The BOC Group, Inc.*, D.J. Ref. 90-11-2-1018/2.

The proposed consent decree may be examined at the office of the United States Attorney, 1201 Pacific Avenue, Suite 700, Tacoma, Washington. During the public comment period, the proposed consent decree may be examined on the following Department of Justice Web site: [http://www.usdoj.gov/enrd/Consent\\_Decrees.html](http://www.usdoj.gov/enrd/Consent_Decrees.html) and may be obtained upon request from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611 or by faxing a request to Tonia Fleetwood, fax no. (202) 514-0097, phone confirmation number (202) 514-1547. In requesting a copy please refer to the referenced case and enclose a check in the amount of \$19.50 (25 cents per page reproduction costs), payable to the U.S. Treasury.

Public comments may be submitted by e-mail to the following e-mail address: [pubcommentees.enrd@usdoj.gov](mailto:pubcommentees.enrd@usdoj.gov).

**Robert Maher,***Assistant Chief, Environmental Enforcement  
Section, Environment and Natural Resources  
Division.*

[FR Doc. 07-1923 Filed 4-18-07; 8:45 am]

**BILLING CODE 4410-15-M**

**DEPARTMENT OF JUSTICE****Notice of Lodging of Consent Decree Under the Comprehensive Environmental Response, Compensation and Liability Act**

Under 28 CFR 50.7, notice is hereby given that on March 29, 2007, a proposed consent decree with defendant MidAmerican Energy Company was lodged in the civil action *United States v. MidAmerican Energy Company*, Civil Action No. 07-2019, in the United States District Court for the Northern District of Iowa.

In this action the United States sought, pursuant to Sections 106 and 107 of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. 9606 & 9607, to recover costs incurred in response to releases of hazardous substances at the Waterloo Coal-Gas Superfund Site ("the Site") in Waterloo, Iowa, and to require defendant MidAmerican to implement EPA's selected remedy at the Site.

The proposed consent decree will resolve the United States' claims against defendant MidAmerican. Under the terms of the proposed consent decree, defendant MidAmerican will implement the remedy for the Site as required in the proposed consent decree, and pay \$87,117.25 to the United States.

In return, the United States will grant MidAmerican a covenant not to sue under CERCLA with respect to the Site.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to the proposed consent decree with defendant MidAmerican Energy Company in *United States v. MidAmerican Energy Company*, D.J. Ref. 90-11-08733.

The proposed consent decree may be examined at the office of the United States Attorney, 401 First Street, SE., Suite 400, Cedar Rapids, IA 52401-1825. During the public comment period, the Consent Decree may be examined on the following Department of Justice Web site: [http://www.usdoj.gov/enrd/Consent\\_Decrees.html](http://www.usdoj.gov/enrd/Consent_Decrees.html) and may be obtained upon request from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611 or by faxing a request to Tonia Fleetwood, fax no. (202) 514-0097, phone confirmation number (202)

514-1547. In requesting a copy please refer to the referenced case and enclose a check in the amount of \$26.75 (25 cents per page reproduction costs), payable to the U.S. Treasury.

Public comments may be submitted by e-mail to the following e-mail address: [pubcomment-ees.enrd@usdoj.gov](mailto:pubcomment-ees.enrd@usdoj.gov).

**Robert Maher,**

*Assistant Chief, Environmental Enforcement Section, Environment and Natural Resources Division.*

[FR Doc. 07-1925 Filed 4-18-07; 8:45 am]

**BILLING CODE 4410-15-M**

**DEPARTMENT OF JUSTICE****Notice of Lodging of Consent Decree Under the Clean Air Act**

Notice is hereby given that on April 3, 2007, a proposed Consent Decree ("Decree") in *United States and Nevada Division of Environmental Protection v. Nevada Power Company*, Civil Action No. 2:07-CV-417, was lodged with the United States District Court for the District of Nevada.

In this action the United States asserted claims against Nevada Power Company ("NPC"), pursuant to Section 113(b) of the Clean Air Act (the "Act"), 42 U.S.C. 7413(b), as amended, for injunctive relief and the assessment of civil penalties for violations of the Act and the Act's implementing regulations, including requirements established in the State of Nevada's State Implementation Plan and NPC's Title V Operating Permit, for numerous violations of visible air pollutants limits (opacity limits), as well as numerous additional violations of sampling, testing, monitoring, recordkeeping, and reporting requirements, facility operating requirements, New Source Performance Standards, and sulfur and sulfur dioxide emissions limits at NPC's Reid Gardner Generating Station, located near Moapa, Nevada ("Reid Gardner Station"), approximately 50 miles northeast of Las Vegas, Nevada. The Nevada Division of Environmental Protection ("NDEP") joins the United States in the complaint and in the Decree.

The Decree requires that NPC pay a \$1.11 million civil penalty, \$340,000 to be paid to the United States and \$770,000 to be paid to NDEP. The Decree further requires that NPC undertake injunctive relief tailored to prevent future opacity violations at Reid Gardner Station, including the installation of natural gas igniters for Units 1-4, construction of a gas pipeline to the facility, and the addition of

baghouses to control emissions from Units 1, 2, and 3. The Decree specifies that NPC must implement an Environmental Management Plan at Reid Gardner Station and conduct an audit to assess its compliance with its Title V Permit and the Act. Under the terms of the settlement NPC will also perform a supplemental environmental project for the United States, requiring the permanent retirement of a minimum of 282 tons of annual NO<sub>x</sub> emissions from Reid Gardner Station.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either e-mailed to [pubcomment-ees.enrd@usdoj.gov](mailto:pubcomment-ees.enrd@usdoj.gov) or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *United States and Nevada Division of Environmental Protection v. Nevada Power Company*, D.J. Ref. 90-5-2-1-08653.

The Decree may be examined at the Office of the United States Attorney for the District of Nevada, located at 333 South Las Vegas Blvd., Lloyd George Federal Building, Las Vegas, Nevada, and at U.S. EPA Region 9, located at 75 Hawthorne Street, San Francisco, California. During the public comment period, the Decree, may also be examined on the following Department of Justice Web-Site, [http://www.usdoj.gov/enrd/Consent\\_Decrees.html](http://www.usdoj.gov/enrd/Consent_Decrees.html). A copy of the Decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611 or by faxing or e-mailing a request to Tonia Fleetwood ([tonia.fleetwood@usdoj.gov](mailto:tonia.fleetwood@usdoj.gov)), fax no. (202) 514-0097, phone confirmation number (202) 514-1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of \$24.00 (25 cents per page reproduction cost) payable to the U.S. Treasury or, if by e-mail or faxed, forward a check in that amount to the Consent Decree Library at the stated address. In requesting a copy exclusive of appendices to the Decree, please enclose a check in the amount of \$11.25 (25 cents per page reproduction costs) payable to the U.S. Treasury.

**Henry Friedman,**

*Assistant Chief, Environmental Enforcement Section, Environment and Natural Resources Division.*

[FR Doc. 07-1924 Filed 4-18-07; 8:45 am]

**BILLING CODE 4410-15-M**

**DEPARTMENT OF JUSTICE**

**Notice of Lodging of Consent Decree Pursuant to the Clean Air Act**

Notice is hereby given that on April 4, 2007, a proposed consent decree in *United States and Illinois v. PennTex Resources Illinois, Inc. and Rex Energy Operating Corp.*, Civil Action No. 07-0241, was lodged with the United States District Court for the Southern District of Illinois.

In this civil action brought pursuant to the Clean Air Act, 42 U.S.C. 7603, the United States sought to prevent the emission of hydrogen sulfide in amounts that may present an imminent and substantial endangerment to human health, welfare or the environment from oil production facilities owned by PennTex Resources Illinois, Inc. and operated by Rex Energy Operating Corp. near the towns of Bridgeport and Petrolia in Lawrence County, Illinois. The State of Illinois joined this action as co-plaintiff asserting a claim under state law to prevent air pollution. Under the proposed consent decree, PennTex and Rex Energy will install vapor control measures to collect hydrogen sulfide from eight gathering facilities and destroy them in elevated flares.

The Department of Justice will accept comments relating to the proposed consent decree for a period of thirty (30) days from the date of publication of this notice. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and mailed either electronically to [pubcommentees.enrd@usdoj.gov](mailto:pubcommentees.enrd@usdoj.gov) or in hard copy to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611. Comments should refer to *United States and Illinois v. PennTex Resources Illinois, Inc. and Rex Energy Operating Corp.*, Civil Action No. 07-0241, (S.D. Ill.) and D.J. Reference No. 90-5-2-1-08915.

The proposed consent decree may be examined at: (1) The Office of the United States Attorney for the Southern District of Illinois, Nine Executive Drive, Fairview Heights, Illinois 62208, (618) 628-3700; and (2) the United States Environmental Protection Agency (Region 5), 77 West Jackson Boulevard, Chicago, Illinois 60604-3590 (contact Mary T. McAullife (312) 886-6237)). During the comment period, the proposed consent decree may also be examined on the following Department of Justice Web site: [http://www.usdoj.gov/enrd/Consent\\_Decree.html](http://www.usdoj.gov/enrd/Consent_Decree.html). A copy of the proposed consent decree may also be obtained by mail from the Department

of Justice Consent Decree Library, P.O. Box 7611, Washington, DC 20044-7611 or by faxing or e-mailing a request to Tonia Fleetwood ([tonia.fleetwood@usdoj.gov](mailto:tonia.fleetwood@usdoj.gov)), fax no. (202) 514-0097, phone confirmation number (202) 514-1547. In requesting a copy from the Consent Decree Library, please refer to the referenced case and D.J. Reference No. 90-5-2-1-08915, and enclose a check in the amount of \$23.25 for the consent decree (93 pages at 25 cents per page reproduction costs), made payable to the U.S. Treasury.

**William D. Brighton**,  
Assistant Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 07-1926 Filed 4-18-07; 8:45 am]

**BILLING CODE 4410-15-M**

**LEGAL SERVICES CORPORATION**

**Sunshine Act Meetings of the Board of Directors and Four of the Board's Committees**

**TIMES AND DATES:** The Legal Services Corporation Board of Directors and four of its Committees will meet on April 27-28, 2007 in the order set forth in the following schedule, with each meeting commencing shortly after adjournment of the immediately preceding meeting. Members of the public may attend the open portions or listen to them live by calling (toll-free) 1-877-352-5208. Those joining the meetings by telephone are requested to mute their telephones to eliminate background noises.

**MEETING SCHEDULE**

Friday, April 27, 2007	Time <sup>1</sup>
1. Provision for the Delivery of Legal Services Committee (Provisions Committee) .....	1:30 p.m.
2. Operations & Regulations Committee <sup>2</sup> .....	
Saturday, April 28, 2007	Time
3. Annual Performance Reviews Committee (Performance Reviews Committee) .....	8:30 a.m.
4. Operations & Regulations Committee (continued) .....	

<sup>1</sup> Please note that the meetings will be held in the Central Time zone.

<sup>2</sup> The Operations & Regulations Committee meeting will be conducted over a two-day period and is noticed accordingly herein.

<sup>3</sup> It is LSC's goal to begin the Board of Directors meeting at approximately 1 p.m., after a brief lunch break. Depending on the length of the preceding meetings, however, it is possible that the Board's meeting could begin earlier or later than 1 p.m.

**MEETING SCHEDULE—Continued**

5. Finance Committee .....	
6. Board of Directors <sup>3</sup> .....	

**LOCATION:** The Peabody Hotel, Three State Street, Little Rock, Arkansas.

**STATUS OF MEETINGS:** Open, except as noted below.

- *Status: April 28, 2007 Performance Reviews Committee Meeting—Closed.* The meeting of the Performance Reviews Committee may be closed to the public pursuant to a vote of the Board of Directors authorizing the Committee to meet in executive session to consider and act on the performance evaluation of the LSC Inspector General for calendar year 2006. The closing will be authorized by the relevant provision(s) of the Government in the Sunshine Act [5 U.S.C. 552b(c)(6)] and the Legal Services Corporation's corresponding regulation, 45 CFR 1622.5(e). A verbatim written transcript of the session will be made. The transcript of any portions of the closed session falling within the relevant provision of the Government in the Sunshine Act [5 U.S.C. 552b(c)(6)] and the corresponding provision of LSC's implementing regulation [45 CFR 1622.5(e)] will not be available for public inspection. The transcript of any portions not falling within this provision will be available for public inspection. A copy of the General Counsel's Certification that the closing is authorized by law will be available upon request.

- *Status: April 28, 2007 Board of Directors Meeting—Open*, except that a portion of the meeting of the Board of Directors may be closed to the public pursuant to a vote of the Board of Directors to hold an executive session. At the closed session, the Board will consider and may act on the General Counsel's report on litigation to which the Corporation is or may become a party, and will receive a briefing from the Inspector General (IG).<sup>4</sup> A verbatim written transcript of the session will be made. The transcript of any portions of the closed session falling within the relevant provision(s) of the Government in the Sunshine Act [5 U.S.C. 552b(c)(10)] and LSC's implementing regulation 45 CFR 1622.5(h) will not be available for public inspection. The

<sup>4</sup> Any portion of the closed session consisting solely of staff briefings does not fall within the Sunshine Act's definition of the term "meeting" and, therefore, the requirements of the Sunshine Act do not apply to such portion of the closed session. 5 U.S.C. 552(b)(a)(2) and (b). See also 45 CFR 1622.2 & 1622.3.

transcript of any portions not falling within this provision will be available for public inspection.

**MATTERS TO BE CONSIDERED:**

**Friday, April 27, 2007**

**Provision for the Delivery of Legal Services Committee**

*Agenda*

1. Approval of agenda.
2. Approval of the Committee's meeting minutes of January 19, 2007.
3. Staff Report on the LSC Private Attorney Involvement Action Plan—*Help Close the Justice Gap: Unleash the Power of Pro Bono.*

a. Consider and act on recommending proposed Resolutions to the Board and related materials on private attorney involvement.

b. Updates on other Action Plan activities.

4. Panel presentation on recruitment and retention challenges facing Arkansas LSC-funded programs.

**Presenters:**

- Jean Turner Carter—Executive Director, Center for Arkansas Legal Services (CALs).
  - Lee Richardson—Executive Director, Legal Aid of Arkansas (LAA).
  - Teresa Franklin—Staff Attorney at LAA receiving an LSC LRAP.
  - Charles W. Goldner, Jr.—Dean and Professor of Law, UALR William H. Bowen School of Law.
5. Public comment.
  6. Consider and act on other business.
  7. Consider and act on adjournment of meeting.

**Operations and Regulations Committee**

*Agenda*

1. Approval of agenda.
2. Approval of the minutes of the Committee's March 20, 2007 meeting.
3. Consider and act on recommendation to the Board for the adoption of Employee Handbook.
4. Consider and act on whether to recommend to the Board for their consideration any or all of the following four resolutions offered by Director Bernice Phillips:
  - (a) Resolution Establishing the Board of Directors' Right of Access to Corporation Records;
  - (b) Resolution Clarifying the Authority of the Board Chairman and Committee Chairmen;
  - (c) Resolution Establishing That No Director Can Direct Staff to Withhold Corporation Records from Other Directors; and
  - (d) Resolution Giving the Board Unrestricted Access to Corporation

Employees that Report to or Serve the Board.

5. Presentation by OIG on independent private accountants and OIG review of their work.

6. Status report on locality pay.

7. Consider and act on a 2007 regulatory agenda.

a. Staff Report.

b. OIG Comment.

c. Public Comment.

8. Consider and act on other business.

9. Other public comment.

10. Consider and act on adjournment of meeting.

**Saturday, April 28, 2007**

**Annual Performance Reviews Committee**

*Agenda*

**Closed Session**

1. Approval of agenda.
2. Approval of minutes of the Committee's meeting of January 20, 2007.
3. Consider and act on annual performance review of LSC Inspector General—Meet with Kirt West.
4. Consider and act on other business.
5. Consider and act on adjournment of meeting.

**Operations & Regulations Committee (Continued)**

*Agenda*

1. Approval of agenda.
2. Approval of the minutes of the Committee's March 20, 2007 meeting.
3. Consider and act on recommendation to the Board for the adoption of Employee Handbook.
4. Consider and act on whether to recommend to the Board for their consideration any or all of the following four resolutions offered by Director Bernice Phillips:
  - (a) Resolution Establishing the Board of Directors' Right of Access to Corporation Records;
  - (b) Resolution Clarifying the Authority of the Board Chairman and Committee Chairmen;
  - (c) Resolution Establishing That No Director Can Direct Staff to Withhold Corporation Records from Other Directors; and
  - (d) Resolution Giving the Board Unrestricted Access to Corporation Employees that Report to or Serve the Board.
5. Presentation by OIG on independent private accountants and OIG review of their work.
6. Status report on locality pay.
7. Consider and act on a 2007 regulatory agenda.

a. Staff Report.

b. OIG Comment.

c. Public Comment.

8. Consider and act on other business.

9. Other public comment.

10. Consider and act on adjournment of meeting.

**Finance Committee**

*Agenda*

1. Approval of agenda.
2. Approval of the minutes of the Committee's meeting of January 20, 2007.
3. Presentation by the Inspector General of the Fiscal Year 2006 Annual Financial Audit.
4. Consider and act on adoption of the Consolidated Operating Budget for FY 2007 and recommend Resolution #2007-004 to the full Board.
  - Presentation by David Richardson, Treasurer/Comptroller.
  - 5. Presentation on LSC's Financial Reports for the first six months of FY 2007.
    - Presentation by David Richardson, Treasurer/Comptroller.
    - Presentation by Kirt West, Inspector General.
    - Comments by Charles Jeffress, Chief Administrative Officer.
  - 6. Financial Reporting to the Finance Committee
    - Mike McKay, Chair, Finance Committee.
  - 7. Report on FY 2008 appropriations process.
    - Presentation by Charles Jeffress, Chief Administrative Officer.
  - 8. Consider and act on other business.
  - 9. Public comment.

**Board of Directors**

*Agenda*

**Open Session**

1. Approval of agenda.
2. Approval of minutes of the Board's meeting of January 20, 2007.
3. Approval of minutes of the Executive Session of the Board's meeting of January 20, 2007.
  4. Chairman's Report.
  5. Members' Reports.
  6. President's Report.
  7. Inspector General's Report.
  8. Consider and act on the report of the Provision for the Delivery of Legal Services Committee.
  9. Consider and act on the report of the Finance Committee.
  10. Consider and act on the report of the Operations & Regulations Committee.
  11. Consider and act on the report of the Performance Reviews Committee.

12. Consider and act on scheduling of a telephonic meeting of the Board for 2 p.m. (EDT) on May 29, 2007, for the purpose of taking up the IG's Semiannual Report to Congress for the six-month period ending April 30, 2007.

13. Consider and act on other business.

14. Public comment.

15. Consider and act on whether to authorize an executive session of the Board to address items listed below under *Closed Session*.

#### Closed Session

16. Consider and act on General Counsel's report on potential and pending litigation involving LSC.

17. IG report to the Board.

18. Consider and act on motion to adjourn meeting.

**CONTACT PERSON FOR INFORMATION:** Patricia D. Batie, Manager of Board Operations, at (202) 295-1500.

**SPECIAL NEEDS:** Upon request, meeting notices will be made available in alternate formats to accommodate visual and hearing impairments. Individuals who have a disability and need an accommodation to attend the meeting may notify Patricia D. Batie, at (202) 295-1500.

Dated: April 17, 2007.

**Victor M. Fortuno,**

*Vice President for Legal Affairs, General Counsel & Corporate Secretary.*

[FR Doc. 07-1980 Filed 4-17-07; 2:35 pm]

**BILLING CODE 7050-01-P**

## NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

### National Endowment for the Arts; Arts Advisory Panel

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Arts Advisory Panel to the National Council on the Arts will be held at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC, 20506 as follows (ending time is approximate):

Literature (application review): May 17, 2007. A portion of this meeting, from 3:30 p.m. to 4:15 p.m., will be open to the public for policy discussion. The remainder of the meeting, from 9 a.m. to 3:30 p.m. and from 4:15 p.m. to 6:30 p.m., will be closed.

The closed portions of meetings are for the purpose of Panel review, discussion, evaluation, and recommendations on financial assistance under the National Foundation on the Arts and the

Humanities Act of 1965, as amended, including information given in confidence to the agency. In accordance with the determination of the Chairman of February 21, 2007, these sessions will be closed to the public pursuant to subsection (c)(6) of section 552b of Title 5, United States Code.

Any person may observe meetings, or portions thereof, of advisory panels that are open to the public, and if time allows, may be permitted to participate in the panel's discussions at the discretion of the panel chairman. If you need special accommodations due to a disability, please contact the Office of AccessAbility, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202/682-5532, TDY-TDD 202/682-5496, at least seven (7) days prior to the meeting.

Further information with reference to these meetings can be obtained from Ms. Kathy Plowitz-Worden, Office of Guidelines & Panel Operations, National Endowment for the Arts, Washington, DC, 20506, or call 202/682-5691.

Dated: April 13, 2007.

**Kathy Plowitz-Worden,**

*Panel Coordinator, Panel Operations, National Endowment for the Arts.*

[FR Doc. E7-7456 Filed 4-18-07; 8:45 am]

**BILLING CODE 7537-01-P**

## NUCLEAR REGULATORY COMMISSION

### Notice of Availability of Draft Interim Staff Guidance Document HLWRS-IG-04, "Preclosure Safety Analysis—Human Reliability Analysis"

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of availability.

**FOR FURTHER INFORMATION CONTACT:** Jon Chen, Project Manager, Project Management Branch B, Division of High-Level Waste Repository Safety, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Telephone: (301) 415-5526; fax number: (301) 415-5399; e-mail: [jcc2@nrc.gov](mailto:jcc2@nrc.gov).

#### SUPPLEMENTARY INFORMATION:

#### I. Introduction

The Yucca Mountain Review Plan (YMRP) (July 2003, NUREG-1804, Revision 2) provides guidance for U.S. Nuclear Regulatory Commission (NRC) staff to evaluate a U.S. Department of Energy (DOE) license application for a geologic repository. NRC has prepared Interim Staff Guidance (ISG) to update

and supplement the guidance provided in the YMRP.

NRC is soliciting public comments on Draft HLWRS-IG-04 "Preclosure Safety Analysis—Human Reliability Analysis", which will be considered in the final version, or subsequent revisions, to HLWRS-IG-04.

#### II. Summary

The purpose of this notice is to provide the public with an opportunity to review and comment on draft HLWRS-IG-4, which is to supplement the YMRP, for the NRC staff review of human reliability analysis (HRA) contained in the DOE preclosure safety analysis. Specifically, this ISG identifies additional NRC guidance available to aid the HRA review and provides additional considerations in areas of the license application review that are potentially affected by HRA. This ISG revises Sections 2.1.1.2, 2.1.1.3, 2.1.1.4, 2.1.1.6, 2.1.1.7, 2.5.5, and 2.5.6 of the YMRP.

#### III. Further Information

The documents related to this action are available electronically at NRC's Electronic Reading Room, at <http://www.nrc.gov/reading-rm.html>. From this site, a member of the public can access NRC's Agencywide Documents Access and Management System (ADAMS), which provides text and image files of NRC's public documents. The ADAMS accession number for the document related to this notice is provided in the following table. If an individual does not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room (PDR) Reference staff, at 1-800-397-4209, or (301) 415-4737, or by e-mail, at [pdr@nrc.gov](mailto:pdr@nrc.gov).

ISG	ADAMS accession No.
Draft HLWRS-IG-04, "Preclosure Safety Analysis—Human Reliability Analysis".	ML070820387

This document may also be viewed electronically on the public computers located at NRC's PDR, O-1F21, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852. The PDR reproduction contractor will copy documents, for a fee. Comments and questions on draft HLWRS-IG-04 should be directed to the NRC contact listed below by June 4, 2007. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be

given to comments received after this date.

*Contact:* Tina Ghosh, Systems Performance Analyst, Technical Review Directorate, High-Level Waste Repository Safety, Division of the Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Comments can also be submitted by telephone, fax, or e-mail, which are as follows: telephone: (301) 415-5000; fax number: (301) 415-5399; or e-mail: [stg1@nrc.gov](mailto:stg1@nrc.gov).

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

For the Nuclear Regulatory Commission.

**N. King Stablein,**

*Chief, Project Management Branch B, Division of High-Level Waste Repository Safety, Office of Nuclear Material Safety and Safeguards.*

[FR Doc. E7-7466 Filed 4-18-07; 8:45 am]

BILLING CODE 7590-01-P

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**OFFICE OF PERSONNEL  
MANAGEMENT**

**Submission for OMB Review;  
Comment Request for Reinstatement,  
With Change of a Previously Approved  
Information Collection, for Which  
Approval Has Expired; SF 3106 and SF  
3106A**

**AGENCY:** Office of Personnel Management.

**ACTION:** Notice.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104-13, May 22, 1995), this notice announces that the Office of Personnel Management (OPM) has submitted to the Office of Management and Budget (OMB) a request for reinstatement, with change of a previously approved information collection for which approval has expired. SF 3106, Application for Refund of Retirement Deductions/Federal Employees Retirement System (FERS), is used by former Federal employees under FERS, to apply for a refund of retirement deductions withheld during Federal employment, plus any interest provided by law. SF 3106A, Current/Former Spouse(s) Notification of Application for Refund of Retirement Deductions Under FERS, is used by refund applicants to notify their current/former spouse(s) that they are applying for a refund of retirement deductions, which is required by law.

Approximately 17,000 SF 3106 forms will be processed annually. The SF 3106 takes approximately 30 minutes to complete for a total of 8,500 hours annually. Approximately 13,600 SF

3106A forms will be processed annually. The SF 3106A takes approximately 5 minutes to complete for a total of 1,133 hours. The total annual burden is 9,633 hours.

For copies of this proposal, contact Mary Beth Smith-Toomey on (202) 606-8358, FAX (202) 418-3251 or via e-mail to [MaryBeth.Smith-Toomey@opm.gov](mailto:MaryBeth.Smith-Toomey@opm.gov). Please include a mailing address with your request.

**DATES:** Comments on this proposal should be received within 30 calendar days from the date of this publication.

**ADDRESSES:** Send or deliver comments to—

Pamela S. Israel, Chief, Operations Support Group, Center for Retirement and Insurance Services, U.S. Office of Personnel Management, 1900 E Street, NW., Room 3349, Washington, DC 20415-3540; and

Brenda Aguilar, OPM Desk Officer, Office of Information & Regulatory Affairs, Office of Management and Budget, New Executive Office Building, NW., Room 10235, Washington, DC 20503.

**FOR INFORMATION REGARDING**

**ADMINISTRATIVE COORDINATION—CONTACT:**

Cyrus S. Benson, Team Leader, Publications Team, RIS Support Services/Support Group, (202) 606-0623.

U.S. Office of Personnel Management.

**Tricia Hollis,**  
*Chief of Staff.*

[FR Doc. 07-1950 Filed 4-18-07; 8:45 am]

BILLING CODE 6325-38-M

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**OFFICE OF PERSONNEL  
MANAGEMENT**

**Submission for OMB Review;  
Comment Request For Extension  
Without Change, of a Currently  
Approved Collection: SF 3104 and SF  
3104B**

**AGENCY:** Office of Personnel Management.

**ACTION:** Notice.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104-13, May 22, 1995), this notice announces that the Office of Personnel Management (OPM) has submitted to the Office of Management and Budget (OMB) a request for extension without change, of a currently approved collection. SF 3104, Application for Death Benefits-Federal Employees Retirement System (FERS), is used by persons applying for death benefits which may be payable under FERS because of the death of an employee,

former employee, or retiree who was covered by FERS at the time of his/her death or separation from Federal Service. SF 3104A, Survivor Supplement (FERS) [attached to the SF 3104] requests information from the survivor which is used by OPM to determine entitlement to a survivor annuity supplement (supplementary annuity). SF 3104B, Documentation and Elections in Support of Application for Death Benefits when Deceased was an Employee at the Time of Death, is used by applicants for death benefits under FERS if the deceased was a Federal employee at the time of death.

It is estimated that approximately 9,607 SF 3104s will be processed annually. This form requires approximately 60 minutes to complete. An annual burden of 9,607 hours is estimated. Approximately 3,759 SF 3104Bs are expected to be processed annually. It is estimated that the form requires approximately 60 minutes to complete. An annual burden of 3,759 hours is estimated. The total annual burden is 13,366.

For copies of this proposal, contact Mary Beth Smith-Toomey on (202) 606-8358, Fax (202) 418-3251 or via E-mail to [MaryBeth.Smith-Toomey@opm.gov](mailto:MaryBeth.Smith-Toomey@opm.gov). Please include a mailing address with your request.

**DATES:** Comments on this proposal should be received within 30 calendar days from the date of this publication.

**ADDRESSES:** Send or deliver comments to—Pamela S. Israel, Chief, Operations Support Group, Center for Retirement and Insurance Services, U.S. Office of Personnel Management, 1900 E Street, NW., Room 3349, Washington, DC 20415-3540 and Brenda Aguilar, OPM Desk Officer, Office of Information & Regulatory Affairs, Office of Management and Budget, New Executive Office Building, NW., Room 10235, Washington, DC 20503.

**FOR INFORMATION REGARDING**

**ADMINISTRATIVE COORDINATION—CONTACT:**

Cyrus S. Benson, Team Leader, Publications Team, RIS Support Services/Support Group. (202) 606-0623.

U.S. Office of Personnel Management.

**Tricia Hollis,**  
*Chief of Staff.*

[FR Doc. E7-7425 Filed 4-18-07; 8:45 am]

BILLING CODE 6325-38-P

**OFFICE OF PERSONNEL  
MANAGEMENT****Submission for OMB Review;  
Comment Request for Extension of a  
Currently Approved Information  
Collection: SF 3112****AGENCY:** Office of Personnel  
Management.**ACTION:** Notice.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104-13, May 22, 1995), this notice announces that the Office of Personnel Management (OPM) has submitted to the Office of Management and Budget (OMB) a request for extension of a currently approved information collection. Standard Form 3112, CSRS/FERS Documentation in Support of Disability Retirement Application, collects information from applicants for disability retirement so that OPM can determine whether to approve a disability retirement. The applicant will only complete Standard Forms 3112A and 3112C. Standard Forms 3112B, 3112D and 3112E, will be completed by the immediate supervisor and the employing agency of the applicant.

Approximately 12,100 applicants for disability retirement complete this application annually. The SF 3112C requires approximately 60 minutes to complete. A burden of 12,100 hours is estimated for SF 3112C. SF 3112A is used each year by approximately 1,350 persons who are not Federal employees. SF 3112A requires approximately 30 minutes to complete and a burden of 675 hours is estimated for SF 3112A.

All 12,100 respondents must use SF 3112C; of the 12,100, only 1,350 of the applicants are not Federal Employees and use SF 3112A. The total annual burden for SF 3112 is 12,775 hours.

For copies of this proposal, contact Mary Beth Smith-Toomey on (202) 606-8358, Fax (202) 418-3251 or via E-mail to [MaryBeth.Smith-Toomey@opm.gov](mailto:MaryBeth.Smith-Toomey@opm.gov). Please include a mailing address with your request.

**DATES:** Comments on this proposal should be received within 30 calendar days from the date of this publication.

**ADDRESSES:** Send or deliver comments to—Pamela S. Israel, Chief, Operations Support Group, Center for Retirement and Insurance Services, U.S. Office of Personnel Management, 1900 E Street, NW., Room 3349, Washington, DC 20415-3540 and Brenda Aguilar, OPM Desk Officer, Office of Information & Regulatory Affairs, Office of Management and Budget, New Executive Office Building, NW., Room 10235, Washington, DC 20503.

**FOR INFORMATION REGARDING  
ADMINISTRATIVE COORDINATION—CONTACT:**  
Cyrus S. Benson, Team Leader,  
Publications Team, RIS Support  
Services/Support Group, (202) 606-  
0623.

U.S. Office of Personnel Management.

**Tricia Hollis,**  
*Chief of Staff.*

[FR Doc. E7-7426 Filed 4-18-07; 8:45 am]

**BILLING CODE 6325-38-P****SECURITIES AND EXCHANGE  
COMMISSION****Proposed Collection; Comment  
Request**

*Upon Written Request, Copies Available  
From:* Securities and Exchange  
Commission, Office of Filings and  
Information Services, Washington, DC  
20549.

**Extension:**

Rule 15a-4; SEC File No. 270-7; OMB  
Control No. 3235-0010.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission ("Commission") is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Rule 15a-4 (17 CFR 240.15a-4) under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) (the "Exchange Act") permits a natural person member of a securities exchange who terminates his or her association with a registered broker-dealer to continue to transact business on the exchange while the if the exchange files a statement indicating that there does not appear to be any ground for disapproving the application. The total annual burden imposed by Rule 15a-4 is approximately 106 hours, based on approximately 25 responses (25 Respondents x 1 Response/ Respondent), each requiring approximately 4.23 hours to complete.

The Commission uses the information disclosed by applicants in Form BD: (1) To determine whether the applicant meets the standards for registration set forth in the provisions of the Exchange Act; (2) to develop a central information resource where members of the public may obtain relevant, up-to-date information about broker-dealers, municipal securities dealers and government securities broker-dealers, and where the Commission, other regulators and SROs may obtain

information for investigatory purposes in connection with securities litigation; and (3) to develop statistical information about broker-dealers, municipal securities dealers and government securities broker-dealers. Without the information disclosed in Form BD, the Commission could not effectively implement policy objectives of the Exchange Act with respect to its investor protection function.

The statement submitted by the exchange assures the Commission that the applicant, in the opinion of the exchange, is qualified to transact business on the exchange during the time that the applications are reviewed.

Written 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. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Comments should be directed to: R. Corey Booth, Director/Chief Information Officer, Securities and Exchange Commission, c/o Shirley Martinson, 6432 General Green Way, Alexandria, Virginia 22312 or send an e-mail to: [PRA\\_Mailbox@sec.gov](mailto:PRA_Mailbox@sec.gov). Comments must be submitted within 60 days of this notice.

Dated: April 11, 2007.

**Florence E. Harmon,***Deputy Secretary.*

[FR Doc. E7-7421 Filed 4-18-07; 8:45 am]

**BILLING CODE 8010-01-P**

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-55624; File No. SR-NSX-2007-04]

### Self-Regulatory Organizations; National Stock Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Extend the Effective Period for Rule 2.12 Regarding Third-Party Routing Services in Respect of Orders Entered Into NSX BLADE

April 12, 2007.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”)<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on April 3, 2007, the National Stock Exchange, Inc. (“NSX” or “Exchange”) filed with the Securities and Exchange Commission (“Commission”) the proposed rule change as described in Items I and II below, which Items have been substantially prepared by NSX. The Exchange has filed the proposal as a “non-controversial” rule change pursuant to Section 19(b)(3)(A) of the Act<sup>3</sup> and Rule 19b-4(f)(6) thereunder,<sup>4</sup> which renders it effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is proposing to extend the effective period for Rule 2.12, which describes the terms under which the Exchange provides routing services procured from a third party with respect to orders entered into its new state of the art trading system, NSX BLADE. The text of the proposed rule change is available at NSX, the Commission’s Public Reference Room, and <http://www.nsx.com>.

#### II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NSX included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. NSX has prepared summaries, set forth in Sections A, B,

and C below, of the most significant aspects of such statements.

#### A. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

##### 1. Purpose

The Exchange is proposing to amend Exchange Rules 2.11 and 2.12 to extend the effective period for Rule 2.12 (relating to the Exchange’s use of a third party to provide outbound routing of orders from the Exchange to other trading centers (“Routing Services”)) through June 30, 2007, and to delay the effectiveness of Rule 2.11 (relating to the outbound routing function of the Exchange’s affiliate, NSX Securities, LLC (“NSX Securities”)) until July 1, 2007.

Rule 2.11 provides for certain terms and conditions under which NSX Securities, an affiliate of the Exchange, will provide Routing Services. Rule 2.11 was approved by the Commission in connection with the approval of the Exchange’s new trading rules relating to NSX BLADE on August 31, 2006.<sup>5</sup> The Exchange subsequently filed and received approval for the addition of Rule 2.12, which provides for terms and conditions of the Exchange’s use of a third party to provide Routing Services.<sup>6</sup>

Rule 2.12 currently provides that it is effective through February 28, 2007, with Rule 2.11 becoming effective on March 1, 2007. In connection with the rule filing adding Rule 2.12,<sup>7</sup> the Exchange requested this finite period of effectiveness so that the Exchange could offer routing services through NSX BLADE while NSX Securities completed its registration process as a broker-dealer with the National Association of Securities Dealers, Inc. (and thus became available to provide routing services),<sup>8</sup> and while the Exchange evaluated its options for providing routing services to ETP Holders.

In the instant rule filing, the Exchange is proposing to extend the effectiveness of Rule 2.12 through June 30, 2007, and to delay the effectiveness of Rule 2.11 until July 1, 2007, in order to allow the Exchange more time to evaluate its options for providing routing services to

<sup>5</sup> See Securities Exchange Act Release No. 54391 (August 31, 2006), 71 FR 52836 (September 7, 2006) (SR-NSX-2006-08).

<sup>6</sup> See Securities Exchange Act Release No. 54808 (November 21, 2006), 71 FR 69163 (November 29, 2006) (SR-NSX-2006-15).

<sup>7</sup> *Id.*

<sup>8</sup> In January 2007, NSX Securities’ application for registration as a broker-dealer was approved by the National Association of Securities Dealers, Inc. As of March 1, 2007, the Exchange had not yet begun using NSX Securities for routing services.

ETP Holders. The ability to route orders entered into NSX BLADE to away markets for execution at the best available prices is a key feature of NSX’s new system.

The Exchange intends to provide routing services in accordance with Rule 2.12 until June 30, 2007, unless the Exchange, with the Commission’s approval, amends Rule 2.12 before such date. During such time period, the Exchange intends to evaluate its options for providing routing services. At the conclusion of such time period, the Exchange may decide to (i) Continue the approach provided for in Rule 2.12 on a permanent basis, and not use NSX Securities as the outbound router (by filing a proposed rule change to delete Rule 2.11 and renumbering Rule 2.12); (ii) use the Exchange’s original approach of NSX Securities as an outbound router and discontinue the approach provided for in Rule 2.12 (by filing a proposed rule change to delete Rule 2.12) or (iii) file a proposed rule change to allow ETP Holders to use either NSX Securities or the approach provided for in proposed Rule 2.12 for outbound routing.

##### 2. Statutory Basis

NSX believes the proposed rule change is consistent with Section 6(b) of the Act,<sup>9</sup> in general, and furthers the objectives of Section 6(b)(5) of the Act,<sup>10</sup> in particular, which requires, among other things, that the rules of an exchange be designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

#### B. Self-Regulatory Organization’s Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

#### C. Self-Regulatory Organization’s Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were either solicited or received.

### III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing rule change does not: (1) Significantly affect the protection of investors or the public

<sup>9</sup> 15 U.S.C. 78f(b).

<sup>10</sup> 15 U.S.C. 78f(b)(5).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>4</sup> 17 CFR 240.19b-4(f)(6).

interest; (2) impose any significant burden on competition; and (3) become operative for 30 days after the date of this filing, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act<sup>11</sup> and Rule 19b-4(f)(6) thereunder.<sup>12</sup>

A proposed rule change filed under 19b-4(f)(6) normally may not become operative prior to 30 days after the date of filing.<sup>13</sup> However, Rule 19b-4(f)(6)(iii)<sup>14</sup> permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has requested that the Commission waive the 30-day operative delay. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest because such waiver would permit the Exchange to immediately update the effective dates for NSX Rules 2.11 and 2.12. For this reason, the Commission designates the proposed rule change to be operative upon filing with the Commission.<sup>15</sup>

At any time within 60 days of the filing of such proposed rule change the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors or otherwise in furtherance of the purposes of the Act.

#### IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

##### *Electronic Comments*

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an e-mail to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File

Number SR-NSX-2007-04 on the subject line.

##### *Paper Comments*

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549-1090.

All submissions should refer to File Number SR-NSX-2007-04. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of the filing also will be available for inspection and copying at the principal office of NSX. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-NSX-2007-04 and should be submitted on or before May 10, 2007.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>16</sup>

**Florence E. Harmon,**

*Deputy Secretary.*

[FR Doc. E7-7422 Filed 4-18-07; 8:45 am]

**BILLING CODE 8010-01-P**

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-55631; File No. SR-NSX-2006-16]

### Self-Regulatory Organizations; National Stock Exchange, Inc.; Notice of Filing of Proposed Rule Change and Amendment No. 1 Thereto Regarding the Annual Certification of Compliance and Supervisory Processes

April 13, 2007.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act")<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on November 22, 2006, the National Stock Exchange, Inc. ("NSX" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. On April 9, 2007, the NSX filed Amendment No. 1 to the proposed rule change ("Amendment No. 1").<sup>3</sup> The Commission is publishing this notice to solicit comments on the proposed rule change, as amended, from interested persons.

#### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to adopt NSX Rule 5.7 and accompanying Interpretations and Policies .01 (Annual Compliance and Supervision Certification) to require each Equity Trading Permit ("ETP") Holder's Chief Executive Officer ("CEO") to certify annually to having in place a process to establish, maintain, review, modify, and test policies and procedures reasonably designed to achieve compliance with applicable Rules of the Exchange, and federal securities laws and regulations. The text of the proposed rule and interpretation is set forth below. Proposed new language is italicized.

\* \* \* \* \*

#### CHAPTER V.

##### SUPERVISION

\* \* \* \* \*

#### Rule 5.7. Annual Certification of Compliance and Supervisory Processes

*Each ETP Holder shall have its chief executive officer (or equivalent officer) certify annually, as set forth in*

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> Amendment No. 1, which supplemented the original filing, the NSX provided more information regarding the certification process and corrected a grammatical error.

<sup>11</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>12</sup> 17 CFR 240.19b-4(f)(6).

<sup>13</sup> 17 CFR 240.19b-4(f)(6)(iii). In addition, Rule 19b-4(f)(6)(iii) requires that a self-regulatory organization submit to the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. NSX has satisfied the five-day pre-filing notice requirement.

<sup>14</sup> *Id.*

<sup>15</sup> For the purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

<sup>16</sup> 17 CFR 200.30-3(a)(12).

*Interpretations and Policies .01, that the ETP Holder has in place processes to establish, maintain, review, test and modify written compliance policies and written supervisory procedures reasonably designed to achieve compliance with applicable Rules of the Exchange and federal securities laws and regulations.*

*Interpretations and Policies .01 Annual Compliance and Supervision Certification*

*The Exchange is issuing this interpretation to Rule 5.7, which requires that the ETP Holder's chief executive officer (or equivalent officer) execute annually a certification that the ETP Holder has in place processes to establish, maintain, review, test and modify written compliance policies and written supervisory procedures reasonably designed to achieve compliance with applicable Rules of the Exchange and federal securities laws and regulations. The certification for each ensuing year shall be effected no later than on the anniversary date of the previous year's certification. The certification shall state the following:*

*Annual Compliance and Supervision Certification*

*The undersigned is the chief executive officer (or equivalent officer) of [name of ETP Holder corporation/partnership/sole proprietorship] (the "ETP Holder"). As required by Rule 5.7, the undersigned makes the following certification:*

*1. The ETP Holder has in place processes to:*

*(a) Establish, maintain and review policies and procedures reasonably designed to achieve compliance with applicable Rules of the National Stock Exchange, Inc. and federal securities laws and regulations;*

*(b) Modify such policies and procedures as business, regulatory and legislative changes and events dictate; and*

*(c) Test the effectiveness of such policies and procedures on a periodic basis, the timing and extent of which is reasonably designed to ensure continuing compliance with Rules of the National Stock Exchange, Inc. and federal securities laws and regulations.*

*2. The undersigned chief executive officer (or equivalent officer) has conducted one or more meetings with the chief compliance officer in the preceding 12 months, the subject of which satisfy the obligations set forth in Interpretations and Policies .01 to Rule 5.7.*

*3. The ETP Holder's processes, with respect to paragraph 1 above, are*

*evidenced in a report reviewed by the chief executive officer (or equivalent officer), chief compliance officer, and such other officers as the ETP Holder may deem necessary to make this certification. The final report has been submitted to the ETP Holder's board of directors and audit committee or will be submitted to the ETP Holder's board of directors and audit committee (or equivalent bodies) at the earlier of their next scheduled meetings or within 45 days of the date of execution of this certification.*

*4. The undersigned chief executive officer (or equivalent officer) has consulted with the chief compliance officer and other officers as applicable (referenced in paragraph 3 above) and such other employees, outside consultants, lawyers and accountants, to the extent deemed appropriate, in order to attest to the statements made in this certification.*

\* \* \* \* \*

*The Exchange provides the following guidance in completing the Certification above. Included in the processes requirement is an obligation on the part of the ETP Holder to conduct one or more meetings annually between the chief executive officer (or equivalent officer) and the chief compliance officer to: (1) Discuss and review the matters that are subject of the certification; (2) discuss and review the ETP Holder's compliance efforts as of the date of such meetings; and (3) identify and address significant compliance problems and plans for emerging business areas.*

*The report required in paragraph 3 of the certification must document the ETP Holder's processes for establishing, maintaining, reviewing, testing and modifying compliance policies, that are reasonably designed to achieve compliance with applicable NSX rules and federal securities laws and regulations, and any principal designated by the ETP Holder may prepare the report. The report must be produced prior to execution of the certification and be reviewed by the chief executive officer (or equivalent officer), chief compliance officer and any other officers the ETP Holder deems necessary to make the certification and must be provided to the ETP Holder's board of directors and audit committee in final form either prior to execution of the certification or at the earlier of their next scheduled meetings or within 45 days of execution of the certification. The report should include the manner and frequency in which the processes are administered, as well as the identification of officers and supervisors who have responsibility for such*

*administration. The report need not contain any conclusions produced as a result of following the processes set forth therein. The report may be combined with any other compliance report or other similar report required by any other self-regulatory organization provided that: (1) Such report is clearly titled in a manner indicating that it is responsive to the requirements of the certification and Rule 5.7; (2) an ETP Holder that submits a report for review in response to a NSX request must submit the report in its entirety; and (3) the ETP Holder makes such report in a timely manner, i.e., annually.*

\* \* \* \* \*

**II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change**

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

*A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

**1. Purpose**

It is critical that each NSX ETP Holder understand the importance of employing comprehensive and effective compliance policies and written supervisory procedures. Compliance with applicable NSX rules and Federal securities laws and regulations is the foundation of ensuring investor protection and market integrity and is essential to the efficacy of self-regulation. Consequently, the Exchange is proposing to adopt Rule 5.7, that would require ETP Holders to have their CEOs, or equivalent officer, certify annually to having in place processes to establish, maintain, review, modify, and test policies and procedures reasonably designed to achieve compliance with applicable NSX rules, and Federal securities laws and regulations.<sup>4</sup>

<sup>4</sup>This new rule should not impose substantial new obligations on NSX ETP Holders as the National Association of Securities Dealers, Inc. ("NASD") and the New York Stock Exchange LLC ("NYSE") have implemented similar rules. See NASD Rule 3013(b) and Interpretative Material—3013 ("IM 3013") (effective Dec. 1, 2004; amendment to IM 3013 effective March 17, 2006); NYSE Rule 342.30 (effective Nov. 16, 2005). As a

Specifically, the proposed rule change would require the CEO to certify annually that senior executive management has in place processes to: (1) Establish and maintain policies and procedures reasonably designed to achieve compliance with applicable NSX rules and Federal securities laws and regulations; (2) modify such policies and procedures as business, regulatory and legislative changes and events dictate; and (3) test the effectiveness of such policies and procedures on a periodic basis, the timing of which is reasonably designed to ensure continuing compliance with applicable NSX rules, and Federal securities laws and regulations. The proposed rule change further would require the CEO to certify that those processes are evidenced in a report that has been reviewed by those executing the certification, as well as the member's board of directors and audit committee. The proposed rule change also would create a new Interpretation and Policy .01 to Rule 5.7, which sets forth the language of the certification and gives further guidance as to the requirements and limitations of the rule.

The proposed rule change states that included in this processes requirement is an obligation on the part of the ETP Holder to conduct one or more meetings annually between the CEO (or equivalent officer) and the chief compliance officer to: (1) Discuss and review the matters that are subject of the certification; (2) discuss and review the ETP Holder's compliance efforts as of the date of such meetings; and (3) identify and address significant compliance problems and plans for emerging business areas. The CEO also may be the same person as the chief compliance officer.

As noted in the proposed rule change, the periodic and content requirements for meetings between the CEO (or equivalent officer) and the chief compliance officer, as well as the pertinent requirements of paragraphs 3 and 4 of the certification, are intended to indicate the unique and integral role of the chief compliance officer both in the discharge of certain compliance processes and the reporting requirements that are the subject matter of the certification and in providing a reliable basis upon with the CEO can execute the certification. The chief compliance officer is the primary advisor to the ETP Holder on its overall compliance scheme and the

particularized rules, policies and procedures that the ETP Holder adopts. This is because the chief compliance officer should have an expertise in the process of: (1) Gaining an understanding of the products, services or line functions that need to be the subject of written compliance policies and written supervisory procedures; (2) identifying the relevant rules, regulations, laws and standards of conduct pertaining to such products, services or line functions based on experience and/or consultation with those persons who have a technical expertise in such areas of the ETP Holder's business; (3) developing, or advising other business persons charged with the obligation to develop, policies and procedures that are reasonably designed to achieve compliance with those relevant rules, regulations, laws and standards of conduct; (4) evidencing the supervision by the line managers who are responsible for the execution of compliance policies; and (5) developing programs to test compliance with the ETP Holder's policies and procedures.

It is that expertise in the process of compliance that makes the chief compliance officer an indispensable party to enable the CEO to reach the conclusions stated in the certification. Consequently, any certification made by a CEO under circumstances where the chief compliance officer has concluded, after consultation, that there is an inadequate basis for making such certification would be, without limitation, conduct inconsistent with the observance of the high standards of commercial honor, and the just and equitable principles of trade—a violation of NSX Rule 3.1. Beyond the certification requirement, it is the intention of both Rule 5.7 and Interpretations and Policies .01 to foster regular and significant interaction between senior management and the chief compliance officer regarding the ETP Holder's comprehensive compliance program.

The chief compliance officer and other compliance officers that report to the chief compliance officer (as described in the sentence that immediately follows) shall perform the compliance functions contemplated under paragraphs 3 and 4 of the certification. Nothing herein is intended to limit or discourage the participation of other employees both within and outside the ETP Holder's compliance department in any aspect of the ETP Holder's compliance programs or processes, including those matters discussed herein. However, it is understood that the chief compliance officer and, where applicable, the most

senior compliance officers having primary compliance department responsibility for each of the ETP Holder's business segments, will retain responsibility for the compliance functions contemplated by paragraphs 3 and 4 of the certification.

As may be necessary to render their views and advice, the chief compliance officer and the other officers referenced in paragraph 3 of the certification who consult with the CEO (or equivalent officer) pursuant to paragraph 4, shall, in turn, consult with other employees, officers, outside consultants, lawyers and accountants.

The Exchange recognizes that supervisors with business line responsibility are accountable for the discharge of an ETP Holder's compliance policies and written supervisory procedures. The signatory to the certification is certifying only as to having processes in place to establish, maintain, review, test and modify the ETP Holder's written compliance and supervisory policies and procedures and the execution of this certification and any consultation rendered in connection with such certification does not by itself establish business line responsibility.

The requirement that an ETP Holder's processes include providing the report to the board of directors and audit committee (required by paragraph 3 of the certification) does not apply to ETP Holders that do not utilize these types of governing bodies and committees in the conduct of their business.<sup>5</sup>

The report required in paragraph 3 of the certification must document the ETP Holder's processes for establishing, maintaining, reviewing, testing and modifying compliance policies, that are reasonably designed to achieve compliance with applicable NSX rules and Federal securities laws and regulations. Any principal designated by the ETP Holder may prepare the report. The report must be produced prior to execution of the certification and be reviewed by the CEO (or equivalent officer), chief compliance officer and any other officers the ETP Holder deems necessary to make the certification and must be provided to the ETP Holder's board of directors and audit committee in final form either prior to execution of the certification, at the earlier of their next scheduled meetings or within 45 days of execution of the certification. The report should include the manner and frequency in which the processes are administered,

<sup>5</sup> As a part of their process, ETP Holders must have the report reviewed by their governing bodies and committees that serve similar functions in lieu of a board of directors and audit committee.

result, a similar requirement is already in place for NASD and NYSE member firms, addressing member firms' compliance with the rules of those self-regulatory organizations. The first certifications pursuant to those rules were due by April 1, 2006.

as well as the identification of officers and supervisors who have responsibility for such administration. The report need not contain any conclusions produced as a result of following the processes set forth therein. The report may be combined with any other compliance report or other similar report required by any other self-regulatory organization provided that: (1) Such report is clearly titled in a manner indicating that it is responsive to the requirements of the certification and Rule 5.7; (2) an ETP Holder that submits a report for review in response to a NSX request must submit the report in its entirety; and (3) the ETP Holder makes such report in a timely manner, for example, annually.

In summary, this proposal recognizes that responsibility for discharging compliance policies and written supervisory procedures rests with business line supervisors. The proposal also clarifies that execution of the certification does not by itself establish a signatory as having such line supervisory responsibility. The proposal also sets forth the particulars regarding the report that must evidence a member's compliance processes. It states that the report must be produced prior to execution of the certification and reviewed by the CEO, and such other officers as the member deems necessary. The report also must include the manner and frequency in which the processes are administered and identify those officers and supervisors with responsibility for such administration. The report need not contain conclusions that result from following the specified processes, such as compliance deficiencies. Additionally, the report may be combined with other reports required by a self-regulatory organization, provided the report is made annually, clearly indicates in the title that it contains the information required by Rule 5.7, and that the entire report is provided in response to any regulatory request for all or part of the combined report. Finally, with respect to review of the report, this clarifies that review by a member's board of directors and audit committee only applies to those members whose corporate governance structure have such or similar governing bodies and committees—it does not impose a requirement that members create them if they do not currently exist.

ETP Holders should understand that the requirements of Rule 5.7 and Interpretations and Policies .01 represent, in part, a principle-based requirement to certify that the ETP Holder has in place processes to establish, maintain, review, test and modify written compliance policies and

written supervisory procedures reasonably designed to achieve compliance with applicable NSX rules and Federal securities laws and regulations. Consequently, compliance with the periodic and content requirements of the Interpretation pertaining to meetings between the CEO (or equivalent officer) and the chief compliance officer does not satisfy the full extent of these principle-based obligations that will vary with the facts and circumstances of an ETP Holder's business activities and organizational structure. Moreover, NSX emphasizes the testing aspect of this principle-based requirement; an integral purpose of NSX rules pertaining to supervision is that ETP Holders adopt policies and procedures that are effective as to both the scope of, and the achievement of compliance with, applicable NSX rules, and Federal securities laws and regulations.

NSX believes the proposal provides an effective mechanism to compel substantial and purposeful interaction between senior management and compliance personnel, thereby enhancing the quality of ETP Holders' supervisory and compliance systems. NSX further believes the rule change imposes the minimal additional burden on ETP Holders that is necessary to achieve the proposal's purpose, as the firms are already obligated to provide similar certifications in connection with rules of other self-regulatory organizations.

## 2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,<sup>6</sup> in general, and furthers the objectives of Section 6(b)(5)<sup>7</sup> of the Act, in particular, in that it is designed to promote just and equitable principles of trade, to prevent fraudulent and manipulative acts and practices, and, in general, to protect investors and the public interest. NSX believes that that the proposed rule change is consistent with the provisions of the Act noted above in that it will enhance focus on ETP Holders' compliance and supervision systems, thereby decreasing the likelihood of fraud and manipulative acts and increasing investor protection.

### B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change would impose any burden on competition that is not

necessary or appropriate in furtherance of the purposes of the Act.

### C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

### III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the publication of this notice in the **Federal Register** or within such longer period (i) As the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the NSX consents, the Commission will:

(A) By order approve the proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

### IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

#### Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an e-mail to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-NSX-2006-16 on the subject line.

#### Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549-1090.

All submissions should refer to File No. SR-NSX-2006-16. This file number should be included in the subject line if e-mail is used. To help the Commission process and review comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the

<sup>6</sup> 15 U.S.C. 78(f)(b).

<sup>7</sup> 15 U.S.C. 78f(b)(5).

proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filings also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to file number SR-NSX-2006-16 and should be submitted on or before May 10, 2007.

For the Commission by the Division of Market Regulation, pursuant to the delegated authority.<sup>8</sup>

**Florence E. Harmon,**

*Deputy Secretary.*

[FR Doc. E7-7428 Filed 4-18-07; 8:45 am]

**BILLING CODE 8010-01-P**

## SMALL BUSINESS ADMINISTRATION

### Small Business Size Standards: Waiver of the Nonmanufacturer Rule

**AGENCY:** U.S. Small Business Administration.

**ACTION:** Notice Denying a Request for a Waiver of the Nonmanufacturer Rule for Re-Refining Used Petroleum Lubricating Oils (MIL-PRF-2104; Type 10W, Type 15W40, Type 30W and Type 40W).

**SUMMARY:** The U.S. Small Business Administration (SBA) is denying the request for a class waiver of the Nonmanufacturer Rule for Re-Refining Used Petroleum Lubricating Oils (MIL-PRF-2104; Type 10W, Type 15W40, Type 30W and Type 40W), under the NAICS code 324191. The basis for this denial is that SBA has determined that this request is for a product in a specific solicitation, rather than for a class of products within a subdivision within a North American Industry Classification, as is required for class waivers under 13 CFR 121.1202(d).

**DATES:** This notice is effective immediately.

**FOR FURTHER INFORMATION CONTACT:** Sarah L. Ayers, Program Analyst, by telephone at (202) 205-6413; by FAX at (202) 292-3771; or by e-mail at [sarah.ayers@sba.gov](mailto:sarah.ayers@sba.gov).

**SUPPLEMENTARY INFORMATION:** The SBA received a request on December 12, 2006, to waive the Nonmanufacturer

Rule for Re-Refining Used Petroleum Lubricating Oils (MIL-PRF-2104; Type 10W, Type 15W40, Type 30W and Type 40W) prompted by a Defense Supply Center Richmond (DSCR) solicitation.

In response, on January 5, 2007, SBA published in the **Federal Register**, Vol. 72, No. 3, a notice of intent to waive the Nonmanufacturer Rule for Re-Refining Used Petroleum Lubricating Oils (MIL-PRF-2104; Type 10W, Type 15W40, Type 30W and Type 40W). SBA explained in the notice that it was soliciting comments and sources of small business manufacturers for the products described in the request. SBA received one comment. The commenter indicated that one company currently supplies re-refined engine oils to the Federal government, and this same company also supplies several distributors with re-refined lubricating oils. The commenter also indicated the knowledge of two other companies that have supplied re-refined lubricating oils to the Federal market within the last 24 months. However, these companies did not wish to identify themselves or their contracting history to SBA for review. Based on SBA's review of the comments received, and its further examination of the waiver request, SBA is denying the requested class waiver because it does not seek a waiver for a "class of products" within the contemplation of 13 CFR 121.1202(d). In particular, a "class of products" for purposes of the class waiver procedures provided in 13 CFR 121.1204(a), is comprised of products within a "subdivision under a NAICS Industry Number." See 13 CFR 121.1202(d). By contrast, the individual waiver procedures under 13 CFR 121.1204(b) apply when a request for a waiver of the Nonmanufacturer Rule is "for a product in a specific solicitation." See 13 CFR 121.1203. Since the instant request is "for a product in a specific solicitation," it is governed by the procedures for an individual waiver under 13 CFR 121.1204(b). According to that provision, only a contracting officer may request an individual waiver for a specific solicitation.

SBA is therefore denying the instant request for a class waiver because it constitutes a request for an "individual waiver for a product in a specific solicitation," which must be initiated by a contracting officer pursuant to 13 CFR 121.1204(b).

**Authority:** 15 U.S.C. 637(a)(17).

**Arthur E. Collins,**

*Acting Director for Government Contracting.*

[FR Doc. E7-7454 Filed 4-18-07; 8:45 am]

**BILLING CODE 8025-01-P**

## DEPARTMENT OF STATE

[Public Notice 5780]

### Bureau of Educational and Cultural Affairs (ECA) Request for Grant Proposals: Fellowships in the Visual Arts, Film, and Architecture and Urban Design

*Announcement Type:* New Cooperative Agreement.

*Funding Opportunity Number:* ECA/PE/C/CU-07-60.

*Catalog of Federal Domestic*

*Assistance Number:* 00.000.

*Key Dates:*

*Application Deadline:* May 29, 2007.

*Executive Summary:* The Bureau of Educational and Cultural Affairs will award up to three Cooperative Agreements to support programs for short residency and training programs in the United States for emerging and mid-career visual artists, film artists, and architecture and urban design professionals from selected countries. Each Cooperative Agreement may support artists from one or more of the three categories. The foreign participants will be nominated by the Public Affairs Sections of U.S. Embassies, in consultation with the grantee. Grantees will develop 30-60 day programs in the United States for the nominated participants, individually or in small groups. Each program should be built around a residency experience, which may be supplemented by other program elements designed to enhance and expand upon the activities of the residency. The goal of each project is to increase cross-cultural understanding internationally by providing program participants with an in-depth exposure to their professional discipline as practiced in the United States; outreach to U.S. colleagues and publics, and opportunities for creation and exhibition of their work.

#### I. Funding Opportunity Description:

*Authority:*

Overall grant making authority for this program is contained in the Mutual Educational and Cultural Exchange Act of 1961, Public Law 87-256, as amended, also known as the Fulbright-Hays Act. The purpose of the Act is "to enable the Government of the United States to increase mutual understanding between the people of the United States and the people of other countries \* \* \*; to strengthen the ties which unite us with other nations by demonstrating the educational and cultural interests, developments, and achievements of the people of the United States and other nations \* \* \* and thus to assist in the

<sup>8</sup> 17 CFR 200.30-3(a)(12).

development of friendly, sympathetic and peaceful relations between the United States and the other countries of the world." The funding authority for the program above is provided through legislation.

*Purpose:*

The Bureau of Educational and Cultural Affairs (ECA), Office of Citizen Exchanges, Cultural Programs Division offers a new funding opportunity for organizations to develop short residency and training programs in the United States for emerging and mid-career visual artists, film artists, and architecture and urban design professionals from selected countries. The Bureau expects to award up to three Cooperative Agreements, one for work with each category of artist, and expects each Cooperative Agreement to be approximately \$250,000 to \$500,000, including administrative costs. Each proposal may include artists from one of the three categories. Applicants may submit separate proposals in up to two categories. Contingent on the quality of the proposals submitted and their responsiveness to this RFGP, the Bureau anticipates providing funding under this RFGP for each of the three categories of artists. For the purpose of this RFGP, visual arts includes artistic production in all media of the visual arts; and film includes all aspects of production in film and electronic media, including features, short films, and documentaries.

The Bureau seeks to increase cross-cultural understanding internationally by providing program participants with an in-depth exposure to their professional discipline as practiced in the U.S.; outreach to U.S. colleagues and publics, and opportunities for creation and exhibition of their work. We will select innovative programs for emerging and mid-career professionals in the visual arts, film, and architecture and urban design that will introduce them to the diversity of cultural expression in the United States, in particular in their chosen medium of expression; provide them with hands-on and direct experience with new techniques and technology in the arts; offer opportunities for interaction with U.S. artists and other arts professionals in their discipline; assist them with the development of their careers; familiarize them with the business aspects of their respective fields, including measures to protect artists' rights; and offer them opportunities to share their work with U.S. audiences. Both practicing artists and curators and historians of the disciplines concerned may be included in these projects.

Proposals may include programs for individual artists or for defined small groups of artists. Each proposal will include several programs. The proposal should describe the proposed programs, explain how they reflect the diversity of U.S. culture, and show how they respond to the needs and interests of artists coming from a variety of countries and backgrounds. A program may be for artists in a specific discipline (painting, sculpture, animation, etc.) or for groups of artists working in different disciplines. In general, all participants will have at least limited capacity in English.

Each program may be 30–60 days in length. Applicants should explain their rationale for the length of the program proposed, keeping in mind that longer programs will of necessity reduce the total number of program participants. Programs should be centered around an artistic residency, customized to meet the needs and interests of the participants, that includes the foreign program participants as peers of U.S. colleagues. Applicants should include other activities that will enhance the residency experience, which may include site visits; meetings with U.S. artists, curators, designers, architects, film directors, cinematographers, and other professionals; public presentations of the work of the program participants; workshops for U.S. youth, artists, and arts educators. All programs should include the opportunity for the participants to create works and to share their creation with U.S. colleagues and with the public. Program activities complementary to the residency may take place in one or more locations in the U.S. This project does not include program activities outside the U.S. Participation in university courses for credit may not be included in proposals, and participation in conferences will be considered only if it is clearly relevant to the professional background of the participants and represents only a small part of a larger program. Programs that exclusively involve participation in summer institutes or other structured training situations are not acceptable and will not be funded.

The Bureau welcomes public presentation of the art work of program participants and recognizes its value to mutual understanding. Proposals should include opportunities for presentation and for public programs, such as panel discussions and other opportunities for program participants to discuss their work with U.S. audiences. While Bureau funds may be used to support public programming, long-standing ECA practice is that Bureau funds are not used for the public presentation of art

works in the United States, including such costs as shipping, framing, installation, gallery rental, or security. Cost sharing may be used for presentation costs and should be so noted in the budget.

Proposals should include sample programs with day-by-day schedules. Proposals should also indicate the willingness and ability of the applicant to design or adjust specific programs to meet the professional goals of the program participants. Key U.S. partner institutions should be identified and, where possible, letters of support should be provided in the proposal.

Program participants will be emerging and mid-career professional artists in the visual arts, film, and architecture and urban design, generally aged 20–40 years from countries identified by the Bureau. ECA intends that the program will be highly competitive and that the Participants will be nominated by the Public Affairs Section of U.S. Embassies, in consultation with local cultural institutions, the ECA program office and the grantee. Proposals should describe the proposed consultative role of local cultural institutions and the grantee in the nomination and selection process.

Nominations will demonstrate the candidate's record of accomplishment in the chosen discipline, the benefits he or she will gain from the program, and the impact on cultural relations between the U.S. and the country concerned. (Grantees will be encouraged to propose names to the Public Affairs section in target countries as part of the recruitment process.) In general, participants will not have extensive or recent experience in the U.S. The grantee may request nominations from a group of countries for a specific program and, if the total number of nominations received is greater than the funding allows for that program, may select from among the nominees, with the approval of the program office.

Applicants may suggest preferred countries and regions from which to draw participants, however, because the priority countries may change at any time, applicants must state that they are prepared to work with program participants from any country or region. ECA will determine the priority or target countries for recruitment of program participants. Priority countries will be those in all world regions of greatest importance to the Department of State's public diplomacy mission of building mutual understanding. Currently, our key priorities for cultural exchange programs (subject to change as noted) include countries with significant Muslim populations in North Africa, the

Middle East, South and Central Asia, Southeast Asia, and Europe; China, selected countries in Latin America, and certain major countries in Africa.

However, while priority countries may change, it is unlikely that we will include countries whose artistic community has substantial and ongoing contact with their counterparts in the U.S.

*Currently, priority countries for this project are:*

Africa (sub-Saharan): Kenya, Senegal, South Africa, Zimbabwe.

East Asia and the Pacific: China, Indonesia, Malaysia, Philippines.

Europe: Azerbaijan, Turkey.

Near East and North Africa: Algeria, Egypt, Iran, Iraq, Jordan, Lebanon, Morocco, Saudi Arabia, Syria, West Bank/Gaza, Yemen.

South and Central Asia: India, Kyrgyzstan, Nepal, Pakistan, Tajikistan, and Uzbekistan.

Western Hemisphere: Brazil, Colombia, Ecuador, Peru, Venezuela.

Potential program participants will have at least a working knowledge of English, sufficient to carry out the residency program without interpretation. Applicants may propose interpretation for selected ancillary program elements. Normally, the applicant will provide the interpreter for these activities; costs for the interpreter may be included in the budget.

We expect that this project will lead to greater artist-to-artist and institution-to-institution contact and collaboration across international borders. Proposals should describe mechanisms for measuring, supporting and enhancing this cooperation during the grant period and beyond.

In the Cooperative Agreements issued under this RFGP, the Bureau program office (ECA/PE/C/CU—the Cultural Programs Division) and U.S. Embassies abroad are substantially involved in program activities above and beyond routine grant monitoring. ECA program office and U.S. Embassy activities and responsibilities for this program are as follows:

- ECA will determine the priority or target countries for recruitment of program participants. Priority countries will be those in all world regions of greatest importance to the Department of State's public diplomacy mission of building mutual understanding.

- Embassies will nominate all program participants, in consultation with local cultural institutions, ECA and the grantee. The grantee may propose names for consideration by Embassy Public Affairs Sections and will have the opportunity to review the biographic

information submitted and advise if a specific nominee does not appear to have attained an appropriate professional level.

- The ECA program office will review the proposed program schedules for each program participant or group of participants.

- Embassies will showcase the participating artists and their work, including work developed in or as a result of their experience in the U.S., following the artists' return to the home country.

## II. Award Information

*Type of Award:* Cooperative Agreement. ECA's level of involvement in this program is listed under number I above.

*Fiscal Year Funds:* FY-2007.

*Approximate Total Funding:* \$750,000–\$1.5 million.

*Approximate Number of Awards:* Up to three.

*Approximate Average Award:* \$250,000–\$500,000.

*Floor of Award Range:* \$250,000.

*Anticipated Award Date:* Pending availability of funds, September 15, 2007.

*Anticipated Project Completion Date:* September 15, 2009.

*Additional Information:* Pending successful implementation of this program and the availability of funds in subsequent fiscal years, it is ECA's intent to renew the cooperative agreements for two additional fiscal years, before openly competing them again.

## III. Eligibility Information

### III.1. Eligible Applicants

Applications may be submitted by public and private non-profit organizations meeting the provisions described in Internal Revenue Code section 26 U.S.C. 501(c)(3).

### III.2. Cost Sharing or Matching Funds

There is no minimum or maximum percentage required for this competition.

However, the Bureau encourages applicants to provide maximum levels of cost sharing and funding in support of its programs.

When cost sharing is offered, it is understood and agreed that the applicant must provide the amount of cost sharing as stipulated in its proposal and later included in an approved grant agreement. Cost sharing may be in the form of allowable direct or indirect costs. For accountability, you must maintain written records to support all costs which are claimed as your

contribution, as well as costs to be paid by the Federal government. Such records are subject to audit. The basis for determining the value of cash and in-kind contributions must be in accordance with OMB Circular A-110, (Revised), Subpart C.23—Cost Sharing and Matching. In the event you do not provide the minimum amount of cost sharing as stipulated in the approved budget, ECA's contribution will be reduced in like proportion.

### III.3. Other Eligibility Requirements

(a) Bureau grant guidelines require that organizations with less than four years experience in conducting international exchanges be limited to \$60,000 in Bureau funding. ECA anticipates awarding three cooperative agreements, in an amount of \$250,000 or more to support program and administrative costs required to implement this exchange program. Therefore, organizations with less than four years experience in conducting international exchanges are ineligible to apply under this competition. The Bureau encourages applicants to provide maximum levels of cost sharing and funding in support of its programs.

(b) Arts experience: Applicants must demonstrate expertise in, and show experience programming in the artistic disciplines (contemporary visual arts, fiction or documentary film, and/or architecture and design) appropriate to their proposal, as well as experience in the administration of substantial residency programs in the arts.

(c) Iran vetting: The Department of State is expanding its cultural exchange programs with the people of Iran. ECA has received a license, under the Iran sanctions regulations, from the Department of the Treasury, Office of Foreign Assets Control (OFAC) covering its own and its grantees' exchange programs. A condition of that license is that grantees must submit information on their Boards of Directors and key personnel involved in the project, together with similar information on their sub-grantees, for vetting. Because it is likely that participants from Iran will be included in every cooperative agreement funded under this RFGP, all applicants must be vetted before an award can be made. For further information, see section VI.1.b below.

## IV. Application and Submission Information

**Note:** Please read the complete **Federal Register** announcement before sending inquiries or submitting proposals. Once the RFGP deadline has passed, Bureau staff may not discuss this competition with applicants

until the proposal review process has been completed.

#### IV.1 Contact Information To Request an Application Package

Please contact Ms. Proctor, Cultural Programs Division, ECA/PE/C/CU, U.S. Department of State, SA-44, 301 4th Street, SW., Washington, DC 20547, 202-203-7488, [ProctorLM@state.gov](mailto:ProctorLM@state.gov), to request a Solicitation Package. Please refer to the Funding Opportunity Number ECA/PE/C/CU-07-60 located at the top of this announcement when making your request.

Alternatively, an electronic application package may be obtained from [grants.gov](http://grants.gov). Please see section IV.3f for further information.

The Solicitation Package contains the Proposal Submission Instruction (PSI) document which consists of required application forms, and standard guidelines for proposal preparation.

Please refer to the Funding Opportunity Number ECA/PE/C/CU-07-60 located at the top of this announcement on all other inquiries and correspondence.

#### IV.2. To Download a Solicitation Package Via Internet

The entire Solicitation Package may be downloaded from the Bureau's Web site at <http://exchanges.state.gov/education/rfgps/menu.htm>. Please read all information before downloading.

#### IV.3. Content and Form of Submission

Applicants must follow all instructions in the Solicitation Package. The original and 10 copies of the application should be sent per the instructions under IV.3e. "Submission Dates and Times section" below.

IV.3a. You are required to have a Dun and Bradstreet Data Universal Numbering System (DUNS) number to apply for a grant or cooperative agreement from the U.S. Government. This number is a nine-digit identification number, which uniquely identifies business entities. Obtaining a DUNS number is easy and there is no charge. To obtain a DUNS number, access <http://www.dunandbradstreet.com> or call 1-866-705-5711. Please ensure that your DUNS number is included in the appropriate box of the SF-424 which is part of the formal application package.

IV.3b. All proposals must contain an executive summary, proposal narrative and budget.

Please Refer to the Solicitation Package. It contains the mandatory Proposal Submission Instructions (PSI) document for additional formatting and technical requirements.

IV.3c. You must have nonprofit status with the IRS at the time of application. If your organization is a private nonprofit which has not received a grant or cooperative agreement from ECA in the past three years, or if your organization received nonprofit status from the IRS within the past four years, you must submit the necessary documentation to verify nonprofit status as directed in the PSI document. Failure to do so will cause your proposal to be declared technically ineligible.

IV.3d. Please take into consideration the following information when preparing your proposal narrative:

#### V.3d.1 Adherence to All Regulations Governing the J Visa

The Office of Citizen Exchanges of the Bureau of Educational and Cultural Affairs is the official program sponsor of the exchange program covered by this RFGP, and an employee of the Bureau will be the "Responsible Officer" for the program under the terms of 22 CFR part 62, which covers the administration of the Exchange Visitor Program (J visa program). Under the terms of 22 CFR part 62, organizations receiving grants under this RFGP will be third parties "cooperating with or assisting the sponsor in the conduct of the sponsor's program." The actions of grantee program organizations shall be "imputed to the sponsor in evaluating the sponsor's compliance with" 22 CFR part 62. Therefore, the Bureau expects that any organization receiving a grant under this competition will render all assistance necessary to enable the Bureau to fully comply with 22 CFR part 62 *et seq.*

The Bureau of Educational and Cultural Affairs places great emphasis on the secure and proper administration of Exchange Visitor (J visa) Programs and adherence by grantee program organizations and program participants to all regulations governing the J visa program status. Therefore, proposals should *explicitly state in writing* that the applicant is prepared to assist the Bureau in meeting all requirements governing the administration of Exchange Visitor Programs as set forth in 22 CFR part 62. If your organization has experience as a designated Exchange Visitor Program Sponsor, the applicant should discuss their record of compliance with 22 CFR part 62 *et seq.*, including the oversight of their Responsible Officers and Alternate Responsible Officers, screening and selection of program participants, provision of pre-arrival information and orientation to participants, monitoring of participants, proper maintenance and

security of forms, recordkeeping, reporting and other requirements.

The Office of Citizen Exchanges of ECA will be responsible for issuing DS-2019 forms to participants in this program.

A copy of the complete regulations governing the administration of Exchange Visitor (J) programs is available at <http://exchanges.state.gov> or from: United States Department of State, Office of Exchange Coordination and Designation, ECA/EC/ECD-SA-44, Room 734, 301 4th Street, SW., Washington, DC 20547, *Telephone:* (202) 203-5029, *FAX:* (202) 453-8640.

#### IV.3d.2 Diversity, Freedom and Democracy Guidelines

Pursuant to the Bureau's authorizing legislation, programs must maintain a non-political character and should be balanced and representative of the diversity of American political, social, and cultural life. "Diversity" should be interpreted in the broadest sense and encompass differences including, but not limited to ethnicity, race, gender, religion, geographic location, socio-economic status, and disabilities. Applicants are strongly encouraged to adhere to the advancement of this principle both in program administration and in program content. Please refer to the review criteria under the 'Support for Diversity' section for specific suggestions on incorporating diversity into your proposal. Public Law 104-319 provides that "in carrying out programs of educational and cultural exchange in countries whose people do not fully enjoy freedom and democracy," the Bureau "shall take appropriate steps to provide opportunities for participation in such programs to human rights and democracy leaders of such countries." Public Law 106-113 requires that the governments of the countries described above do not have inappropriate influence in the selection process. Proposals should reflect advancement of these goals in their program contents, to the full extent deemed feasible.

#### IV.3d.3 Program Monitoring and Evaluation

Proposals must include a plan to monitor and evaluate the project's success, both as the activities unfold and at the end of the program. The Bureau recommends that your proposal include a draft survey questionnaire or other technique plus a description of a methodology to use to link outcomes to original project objectives. The Bureau expects that the grantee will track participants or partners and be able to respond to key evaluation questions,

including satisfaction with the program, learning as a result of the program, changes in behavior as a result of the program, and effects of the program on institutions (institutions in which participants work or partner institutions). The evaluation plan should include indicators that measure gains in mutual understanding as well as substantive knowledge.

Successful monitoring and evaluation depend heavily on setting clear goals and outcomes at the outset of a program. Your evaluation plan should include a description of your project's objectives, your anticipated project outcomes, and how and when you intend to measure these outcomes (performance indicators). The more that outcomes are "smart" (specific, measurable, attainable, results-oriented, and placed in a reasonable time frame), the easier it will be to conduct the evaluation. You should also show how your project objectives link to the goals of the program described in this RFGP.

Your monitoring and evaluation plan should clearly distinguish between program *outputs* and *outcomes*. *Outputs* are products and services delivered, often stated as an amount. Output information is important to show the scope or size of project activities, but it cannot substitute for information about progress towards outcomes or the results achieved. Examples of outputs include the number of people trained or the number of seminars conducted. *Outcomes*, in contrast, represent specific results a project is intended to achieve and is usually measured as an extent of change. Findings on outputs and outcomes should both be reported, but the focus should be on outcomes.

We encourage you to assess the following four levels of outcomes, as they relate to the program goals set out in the RFGP (listed here in increasing order of importance):

1. Participant satisfaction with the program and exchange experience.
2. Participant learning, such as increased knowledge, aptitude, skills, and changed understanding and attitude. Learning includes both substantive (subject-specific) learning and mutual understanding.
3. Participant behavior, concrete actions to apply knowledge in work or community; greater participation and responsibility in civic organizations; interpretation and explanation of experiences and new knowledge gained; continued contacts between participants, community members, and others.
4. Institutional changes, such as increased collaboration and partnerships, policy reforms, new

programming, and organizational improvements.

**Please note:** Consideration should be given to the appropriate timing of data collection for each level of outcome. For example, satisfaction is usually captured as a short-term outcome, whereas behavior and institutional changes are normally considered longer-term outcomes.

Overall, the quality of your monitoring and evaluation plan will be judged on how well it (1) specifies intended outcomes; (2) gives clear descriptions of how each outcome will be measured; (3) identifies when particular outcomes will be measured; and (4) provides a clear description of the data collection strategies for each outcome (i.e., surveys, interviews, or focus groups). (Please note that evaluation plans that deal only with the first level of outcomes [satisfaction] will be deemed less competitive under the present evaluation criteria.)

Grantees will be required to provide reports analyzing their evaluation findings to the Bureau in their regular program reports. All data collected, including survey responses and contact information, must be maintained for a minimum of three years and provided to the Bureau upon request.

IV.3e. Please take the following information into consideration when preparing your budget:

IV.3e.1. Applicants must submit a comprehensive budget for the entire program. There must be a summary budget as well as breakdowns reflecting both administrative and program budgets. Applicants may provide separate sub-budgets for each program component, phase, location, or activity to provide clarification.

IV.3e.2. Allowable costs for the program include the following:

1. Travel. International and domestic airfare; visas; transit costs; ground transportation costs. Please note that all air travel must be in compliance with the Fly America Act. There is no charge for J-1 visas for participants in Bureau sponsored programs.

2. Per Diem. It is anticipated that residency programming will be economical with costs substantially below published Federal per diem rates. For U.S.-based programming outside the residency site, organizations may use, as a maximum, the published Federal per diem rates for individual U.S. cities. Domestic per diem rates may be accessed at: <http://policyworks.gov/org/main/mt/homepage/mtt/perdiem/perd03d.html>. ECA requests applicants to budget realistic costs that reflect the local economy and do not exceed Federal per diem rates. No programming

in foreign areas is anticipated under this RFGP.

3. Interpreters. Interpreters will not be authorized for the residency program, as participants will be expected to have sufficient English for the residency. Interpreters may be authorized, where justified, for selected activities complementary to the residency itself. Applicants should hire their own locally based interpreters for these activities. State Department interpreters will not normally be available for these activities.

4. Book and Cultural Allowances. Foreign participants are entitled to a one-time cultural allowance of \$150 per person, plus a book allowance of \$50. U.S. program staff, trainers or participants are not eligible to receive these benefits.

5. Consultants. Consultants may be used to provide specialized expertise or to make presentations. Honoraria rates should not exceed \$250 per day. Organizations are encouraged to cost-share rates that would exceed that figure. Subcontracting organizations may also be employed, in which case the written agreement between the prospective grantee and sub-grantee should be included in the proposal. Such sub-grants should detail the division of responsibilities and proposed costs, and subcontracts should be itemized in the budget.

6. Room Rental. The rental of meeting space should not exceed \$250 per day. Any rates that exceed this amount should be cost shared.

7. Materials. Proposals may contain costs to purchase, develop and translate materials for participants. Costs for high quality translation of materials should be anticipated and included in the budget. Grantee organizations should expect to submit a copy of all program materials to ECA, and ECA support should be acknowledged on all materials developed with its funding.

8. Equipment. Applicants may propose to use grant funds to purchase equipment, such as computers and printers; these costs should be justified in the budget narrative. Costs for furniture are not allowed.

9. Working Meal. Normally, no more than one working meal may be provided during the program. Per capita costs may not exceed \$15–\$25 for lunch and \$20–\$35 for dinner, excluding room rental. The number of invited guests may not exceed participants by more than a factor of two-to-one.

10. Return Travel Allowance. A return travel allowance of \$70 for each foreign participant may be included in the budget. This allowance would cover

incidental expenses incurred during international travel.

11. **Health Insurance.** Foreign participants will be covered during their participation in the U.S. program by the ECA-sponsored Accident and Sickness Program for Exchanges (ASPE), for which the grantee must enroll them. Details of that policy can be provided by the contact officers identified in this solicitation. The premium is paid by ECA and should not be included in the grant proposal budget. However, applicants are permitted to include costs for travel insurance for U.S. participants in the budget.

12. **In-country Travel Costs for Visa Processing Purposes.** Given the requirements associated with obtaining J-1 visas for ECA-supported participants, applicants should include costs for any travel associated with visa interviews or DS-2019 pick-up.

13. **Administrative Costs.** Costs necessary for the effective administration of the program may include salaries for grantee organization employees, benefits, and other direct and indirect costs per detailed instructions in the Application Package. While there is no rigid ratio of administrative to program costs, proposals in which the administrative costs do not exceed 25% of the total requested ECA grant funds will be more competitive under the cost effectiveness and cost sharing criterion, per item V.1 below. Proposals should show strong administrative cost sharing contributions from the applicant, the in-country partner and other sources.

Please refer to the Solicitation Package for complete budget guidelines and formatting instructions.

#### IV.3F. Application Deadline and Methods of Submission:

*Application Deadline Date:* Tuesday, May 29, 2007.

*Reference Number:* ECA/PE/C/CU-07-60.

#### *Methods of Submission:*

*Applications may be submitted in one of two ways:*

1. In hard-copy, via a nationally recognized overnight delivery service (i.e., DHL, Federal Express, UPS, Airborne Express, or U.S. Postal Service Express Overnight Mail, etc.), or
2. Electronically through <http://www.grants.gov>.

Along with the Project Title, all applicants must enter the above Reference Number in Box 11 on the SF-424 contained in the mandatory Proposal Submission Instructions (PSI) of the solicitation document.

#### IV.3f.1 Submitting Printed Applications

Applications must be shipped no later than the above deadline. Delivery services used by applicants must have in-place, centralized shipping identification and tracking systems that may be accessed via the Internet and delivery people who are identifiable by commonly recognized uniforms and delivery vehicles. Proposals shipped on or before the above deadline but received at ECA more than seven days after the deadline will be ineligible for further consideration under this competition. Proposals shipped after the established deadlines are ineligible for consideration under this competition. ECA will *not* notify you upon receipt of application. It is each applicant's responsibility to ensure that each package is marked with a legible tracking number and to monitor/confirm delivery to ECA via the Internet. Delivery of proposal packages *may not* be made via local courier service or in person for this competition. Faxed documents will not be accepted at any time. Only proposals submitted as stated above will be considered.

**Important note:** When preparing your submission please make sure to include one extra copy of the completed SF-424 form and place it in an envelope addressed to "ECA/EX/PM".

The original and ten (10) copies of the application should be sent to: U.S. Department of State SA-44, Bureau of Educational and Cultural Affairs, *Ref.:* ECA/PE/C/CU-07-60, Program Management, ECA/EX/PM, Room 534, 301 4th Street, SW., Washington, DC 20547.

Applicants submitting hard-copy applications must also submit the "Executive Summary" and "Proposal Narrative" sections of the proposal in text (.txt) format on a PC-formatted disk. The Bureau will provide these files electronically to the appropriate Public Affairs Section(s) at the U.S. embassy(ies) for its(their) review.

#### IV.3f.2 Submitting Electronic Applications

Applicants have the option of submitting proposals electronically through [Grants.gov](http://www.grants.gov) (<http://www.grants.gov>).

Complete solicitation packages are available at [Grants.gov](http://www.grants.gov) in the "Find" portion of the system. Please follow the instructions available in the 'Get Started' portion of the site (<http://www.grants.gov/GetStarted>).

Several of the steps in the [Grants.gov](http://www.grants.gov) registration process could take several weeks. Therefore, applicants should

check with appropriate staff within their organizations immediately after reviewing this RFGP to confirm or determine their registration status with [Grants.gov](http://www.grants.gov).

Once registered, the amount of time it can take to upload an application will vary depending on a variety of factors including the size of the application and the speed of your Internet connection. Therefore, we strongly recommend that you not wait until the application deadline to begin the submission process through [Grants.gov](http://www.grants.gov).

Direct all questions regarding [Grants.gov](http://www.grants.gov) registration and submission to: [Grants.gov](http://www.grants.gov) Customer Support  
*Contact Center Phone:* 800-518-4726.  
*Business Hours:* Monday-Friday, 7 a.m.-9 p.m. Eastern Time.

*E-mail:* [support@grants.gov](mailto:support@grants.gov).

Applicants have until midnight (12 a.m.), Washington, DC time, of the closing date to ensure that their entire application has been uploaded to the [Grants.gov](http://www.grants.gov) site. There are no exceptions to the above deadline. Applications uploaded to the site after midnight of the application deadline date will be automatically rejected by the [grants.gov](http://www.grants.gov) system, and will be technically ineligible.

Applicants will receive a confirmation e-mail from [grants.gov](http://www.grants.gov) upon the successful submission of an application. ECA will *not* notify you upon receipt of electronic applications.

It is the responsibility of all applicants submitting proposals via the [Grants.gov](http://www.grants.gov) web portal to ensure that proposals have been received by [Grants.gov](http://www.grants.gov) in their entirety, and ECA bears no responsibility for data errors resulting from transmission or conversion processes.

IV.3f.3 An applicant may submit no more than two proposals under this competition; only one proposal may be submitted for each category of artists included in this RFGP (visual arts; film; architecture and urban design).

IV.3g. Intergovernmental Review of Applications: Executive Order 12372 does not apply to this program.

## V. Application Review Information

### V.1. Review Process

The Bureau will review all proposals for technical eligibility. Proposals will be deemed ineligible if they do not fully adhere to the guidelines stated herein and in the Solicitation Package. All eligible proposals will be reviewed by the program office, as well as the Public Diplomacy section overseas, where appropriate. Eligible proposals will be subject to compliance with Federal and Bureau regulations and guidelines and

forwarded to Bureau grant panels for advisory review. Proposals may also be reviewed by the Office of the Legal Adviser or by other Department elements. Final funding decisions are at the discretion of the Department of State's Assistant Secretary for Educational and Cultural Affairs. Final technical authority for assistance awards (cooperative agreements) resides with the Bureau's Grants Officer.

#### Review Criteria

Technically eligible applications will be competitively reviewed according to the criteria stated below. These criteria are not rank ordered and all carry equal weight in the proposal evaluation:

##### 1. *Quality of the program idea:*

Proposals should exhibit originality, substance, precision, and relevance to the Bureau's mission. Proposals must show high artistic merit of the organizations and activities included.

2. *Institutional Capacity:* The institution must demonstrate a successful record of providing residency opportunities for visual artists, film artists, and/or architects and urban designers, as appropriate to the proposal. The institution must show its professional capacity to manage high-quality arts exchange programs. Proposed personnel and institutional resources should be adequate and appropriate to achieve the program or project's goals, with sufficient background in the disciplines concerned. Proposals should demonstrate an institutional record of successful exchange programs in the arts, including responsible fiscal management.

3. *Program Planning:* Detailed agenda and relevant work plan should demonstrate substantive undertakings and logistical capacity. Agenda and plan should adhere to the program overview and guidelines described above. Program objectives should be clearly stated, reasonable, feasible, and flexible. Proposals should explain how they will be adapted to meet the needs of participants from countries or world regions selected by ECA, and clearly demonstrate how the institution will meet the program's objectives and plan.

4. *Cost-effectiveness and Cost-sharing:* The overhead and administrative components of the proposal, including salaries and honoraria, should be kept as low as possible. All other items should be necessary and appropriate. Proposals should maximize cost-sharing through other private sector support as well as institutional direct funding contributions.

5. *Support of Diversity:* Proposals should demonstrate substantive support

of the Bureau's policy on diversity. Achievable and relevant features should be cited in both program administration (selection of participants, program venue and audience, and program evaluation) and program content (orientation and wrap-up sessions, program meetings, resource materials and follow-up activities).

6. *Project Evaluation:* Proposals should include a plan to evaluate the program's success, both as the activities unfold and at the end of the program. A draft survey questionnaire or other technique plus description of a methodology used to link outcomes to original project objectives is recommended.

#### VI. Award Administration Information

##### VI.1a. Award Notices:

Final awards cannot be made until funds have been appropriated by Congress, allocated and committed through internal Bureau procedures. Successful applicants will receive an Assistance Award Document (AAD) from the Bureau's Grants Office. The AAD and the original grant proposal with subsequent modifications (if applicable) shall be the only binding authorizing document between the recipient and the U.S. Government. The AAD will be signed by an authorized Grants Officer, and mailed to the recipient's responsible officer identified in the application.

Unsuccessful applicants will receive notification of the results of the application review from the ECA program office coordinating this competition.

##### VI.1b. Iran Vetting:

A critical component of the Administration's Iran policy is the support for indigenous Iranian voices calling for freedom. President Bush himself has pledged this support and the State Department has made the awarding of grants for this purpose a key component of its Iran policy. As a condition of licensing these activities, the Office of Foreign Assets Control (OFAC) has requested the Department of State to follow certain procedures to effectuate the goals of Sections 481(b), 531(a), 571, 582, and 635(b) of the Foreign Assistance Act of 1961 (as amended); 18 U.S.C. §§ 2339A and 2339B; Executive Order 13224; and Homeland Security Presidential Directive 6. These licensing conditions mandate that the Department conduct a vetting of potential Iran democracy grantees and sub-grantees for counter-terrorism purposes. To conduct this vetting the Department will collect information from grantees and sub-grantees regarding the identity and

background of their key employees and Boards of Directors.

Should your proposal be ultimately recommended for funding, to fulfill these requirements and include Iranians in this proposed exchange, your organization will need to submit the names of your Board and principle officers as well as the names of any sub-grantees for the vetting described above on Form DS-4100 which will be provided at the appropriate time.

**Note:** To assure that planning for the inclusion of Iran complies with requirements, please contact Mr. Mark Larsen at 202-453-8154 or Mr. Daniel Schuman at 202-453-8167 for additional information.

##### VI.2 Administrative and National Policy Requirements:

Terms and Conditions for the Administration of ECA agreements include the following:

Office of Management and Budget Circular A-122, "Cost Principles for Nonprofit Organizations."

Office of Management and Budget Circular A-21, "Cost Principles for Educational Institutions."

OMB Circular A-87, "Cost Principles for State, Local and Indian Governments".

OMB Circular No. A-110 (Revised), Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and other Nonprofit Organizations.

OMB Circular No. A-102, Uniform Administrative Requirements for Grants-in-Aid to State and Local Governments.

OMB Circular No. A-133, Audits of States, Local Government, and Non-profit Organizations

Please reference the following Web sites for additional information:

<http://www.whitehouse.gov/omb/grants>.

<http://exchanges.state.gov/education/grantsdiv/terms.htm#article1>.

##### VI.3. Reporting Requirements:

You must provide ECA with a hard copy original plus two copies of the following reports:

1. A final program and financial report no more than 90 days after the expiration of the award;

2. Quarterly program and financial reports showing activities carried out and expenses incurred in the calendar quarter.

Grantees will be required to provide reports analyzing their evaluation findings to the Bureau in their regular program reports. (Please refer to IV. Application and Submission Instructions (IV.3.d.3) above for Program Monitoring and Evaluation information.

All data collected, including survey responses and contact information, must

be maintained for a minimum of three years and provided to the Bureau upon request.

All reports must be sent to the ECA Grants Officer and ECA Program Officer listed in the final assistance award document.

### VII. Agency Contacts

For questions about this announcement: For film programs, contact Ms. Susan Cohen at 202-203-7509, [CohenSL@state.gov](mailto:CohenSL@state.gov). For visual arts or architecture and design programs, contact: Ms. Leanne Mella at 202-203-7497, [MellaLA@state.gov](mailto:MellaLA@state.gov). The address for both program officers is Cultural Programs Division, ECA/PE/C/CU, U.S. Department of State, SA-44, 301 4th Street, SW., Room 567, Washington, DC 20547.

All correspondence with the Bureau concerning this RFGP should reference the above title and number ECA/PE/C/CU-07-60.

Please read the complete **Federal Register** announcement before sending inquiries or submitting proposals. Once the RFGP deadline has passed, Bureau staff may not discuss this competition with applicants until the proposal review process has been completed.

### VIII. Other Information

#### Notice:

The terms and conditions published in this RFGP are binding and may not be modified by any Bureau representative. Explanatory information provided by the Bureau that contradicts published language will not be binding. Issuance of the RFGP does not constitute an award commitment on the part of the Government. The Bureau reserves the right to reduce, revise, or increase proposal budgets in accordance with the needs of the program and the availability of funds. Awards made will be subject to periodic reporting and evaluation requirements per section VI.3 above.

Dated: April 12, 2007.

#### C. Miller Crouch,

*Principal Deputy Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.*

[FR Doc. E7-7462 Filed 4-18-07; 8:45 am]

BILLING CODE 4710-05-P

## DEPARTMENT OF STATE

### [Public Notice 5779]

#### Bureau of Educational and Cultural Affairs (ECA) Request for Grant Proposals: International Visitor Leadership Program Assistance Awards

*Announcement Type:* New Cooperative Agreement.

*Funding Opportunity Number:* ECA/PE/V-08-01.

*Catalog of Federal Domestic Assistance Number:* 19.402.

*Key Dates:* October 1, 2007–September 30, 2008 (pending availability of funds).

*Application Deadline:* June 12, 2007.

*Executive Summary:* The Office of International Visitors, Division of Professional and Cultural Exchanges, Bureau of Educational and Cultural Affairs (ECA/PE/V), United States Department of State (DoS) announces an open competition for two assistance awards to develop and implement International Visitor Leadership Programs (IVLP). The IVLP seeks to increase mutual understanding between the U.S. and foreign publics through carefully designed professional programs for approximately 4,500 foreign visitors per year from all regions of the world. The two awards will fund programming for a minimum of 610 and a maximum of 1,576 International Visitors (IVs). Award A will fund up to approximately 1,576 visitors (\$4,570,886), of which approximately 1,436 visitors (\$4,286,136) will be through core administrative funding; approximately 120 visitors (\$220,890) will be through additional seasonal administrative funding, if required; and approximately 20 visitors (\$63,860) will be for administrative support of the PL 80-402 Training Fellowship Program. Award B will fund up to approximately 610 visitors (\$1,122,760), of which approximately 490 visitors (\$843,310) will be through core administrative funding and approximately 120 visitors (\$279,449) will be through additional seasonal administrative funding, if required. Applicant organizations may bid on one or both awards. Pending availability of funds, one assistance award will be made for each category described above. If an organization is interested in bidding on more than one award, a separate proposal and budget is required for each award. See Project Objectives, Goals, and Implementation (POGI) for definitions of program-related terminology.

The intent of this announcement is to provide the opportunity for organizations to develop and implement

a variety of programs for International Visitors from multiple regions of the world. Please refer to the POGI for a breakdown of regions. The award recipients will function as national program agencies (NPAs) and will work closely with Department of State (DoS) Bureau staff, who will guide them through programmatic, procedural, and budgetary issues for the full range of IVL programs. (Hereafter, the terms "award recipient" and "national program agency" will be used interchangeably to refer to the grantee organization[s].)

### I. Funding Opportunity Description

*Authority:* Overall grant making authority for this program is contained in the Mutual Educational and Cultural Exchange Act of 1961, Public Law 87-256, as amended, also known as the Fulbright-Hays Act. The purpose of the Act is "to enable the Government of the United States to increase mutual understanding between the people of the United States and the people of other countries \* \* \*; to strengthen the ties which unite us with other nations by demonstrating the educational and cultural interests, developments, and achievements of the people of the United States and other nations \* \* \* and thus to assist in the development of friendly, sympathetic and peaceful relations between the United States and the other countries of the world." The funding authority for the program above is provided through legislation.

*Purpose:* Program Information.

*Overview:* The International Visitor Leadership Program seeks to increase mutual understanding between the U.S. and foreign publics through carefully designed professional programs. IVL programs support U.S. foreign policy objectives. Participants are current or potential foreign leaders in government, politics, media, education, science, labor relations, non-government organizations (NGOs), the arts, and other key fields. They are selected by officers of U.S. embassies overseas and are approved by the DoS staff in Washington, DC. Since the program's inception in 1940, there have been over 140,000 distinguished participants in the program. Over 225 program alumni subsequently became heads of state or government in their home countries. All IVL programs must maintain a non-partisan character.

The Bureau seeks proposals from nonprofit organizations for development and implementation of professional programs for Bureau-sponsored International Visitors to the U.S. Once the awards are made, separate proposals will be required for each group project [Single Country (SCP), Sub-Regional

(SRP), Regional (RP), and Multi-Regional (MRP)] as well as less formal proposals for Individual and Individuals Traveling Together (ITT) programs. At this time, proposals are not required for Voluntary Visitor (VolVis) programs. Each program will be focused on a substantive theme. Some typical IVL program themes are: (1) U.S. foreign policy; (2) U.S. government and political system; (3) economic development; (4) education; (5) media; (6) information technology; (7) freedom of information; (8) NGO management; (9) women's issues; (10) tolerance and diversity; (11) counterterrorism; (12) democracy and human rights; (13) rule of law; (14) international crime; and (15) environmental issues. IVL programs must conform to all Bureau requirements and guidelines. Please refer to the Program Objectives, Goals, and Implementation (POGI) document for a more detailed description of each type of IVL program.

*Guidelines:* Goals and objectives for each specific IVL program will be shared with the award recipients at an appropriate time following the announcement of the assistance awards. DoS will provide close coordination and guidance throughout the duration of the awards. Award recipients will consult closely with the responsible ECA/PE/V program officer throughout the development, implementation, and evaluation of each IVL program. Prospective program agencies should demonstrate the potential to develop the following types of programs.

1. Programs must contain substantive meetings that focus on foreign policy goals and program objectives and are presented by experts. Meetings, site visits, and other program activities should promote dialogue between participants and their U.S. professional counterparts. Programs must be balanced to show different sides of an issue.

2. Most programs will be three weeks long and will begin in Washington, DC, with an orientation and overview of the issues and a central examination of federal policies regarding these issues. Well-paced program itineraries usually include visits to four or five communities. Program itineraries ideally include urban and rural small communities in diverse geographical and cultural regions of the U.S., as appropriate to the program theme.

3. Programs should provide opportunities for participants to experience the diversity of American society and culture. Participants in RPs or MRPs are divided into smaller sub-groups for simultaneous visits to different communities, with subsequent

opportunities to share their experiences with the full group once it is reunited.

4. Programs should provide opportunities for the participants to share a meal or similar experience (home hospitality) in the homes of Americans of diverse occupational, age, gender, and ethnic groups. Some individual and group programs might include an opportunity for an overnight stay (home stay) in an American home.

5. Programs should provide opportunities for participants to address student, civic and professional groups in relaxed and informal settings.

6. Participants should have appropriate opportunities for site visits and hands-on experiences that are relevant to program themes. The award recipients may propose professional "shadowing" experiences with U.S. professional colleagues for some programs (a typical shadowing experience means spending a half- or full-workday with a professional counterpart).

7. Programs should also allow time for participants to reflect on their experiences and, in group programs, to share observations with program colleagues. Participants should have opportunities to visit cultural and tourist sites.

8. The award recipients must make arrangements for community visits through affiliates of the National Council for International Visitors (NCIV). In cities where there is no such council, the award recipients will arrange for coordination of local programs.

*Qualifications:*

1. Proposals must demonstrate a minimum of four years of successful experience in coordinating international exchanges.

2. Proposals must demonstrate the ability to develop and administer IVL programs.

3. Proposals must demonstrate an applicant's broad knowledge of international relations and U.S. foreign policy issues.

4. Proposals must demonstrate an applicant's broad knowledge of the United States and U.S. domestic issues.

5. Award recipients must have a Washington, DC, presence. Applicants who do not currently have a Washington, DC, presence must include a detailed plan in their proposal for establishing such a presence by October 1, 2007. The costs related to establishing such a presence must be borne by the award recipient. No such costs may be included in the budget submission in this proposal. The award recipient must have e-mail capability, access to Internet resources, and the ability to exchange

data electronically with all partners involved in the International Visitor Leadership program.

6. Proposals must demonstrate that an applicant has an established resource base of programming contacts and the ability to keep this resource base continuously updated. This resource base should include speakers, thematic specialists, or practitioners in a wide range of professional fields in both the private and public sectors.

7. All proposals must demonstrate sound financial management.

8. All proposals must contain a sound management plan to carry out the volume of work outlined in the Project Objectives, Goals, and Implementation guidelines (POGI). This plan should include an appropriate staffing pattern and a work plan/timeframe.

9. Proposals must describe capacity to employ additional staff during particularly busy months of the IVLP cycle and to assume additional projects, if requested. Award A must include separate proposals and budgets for: (a) Three seasonal staff teams (two 4-month and one 7-month) and (b) administration of the PL 80-402 Training Fellowship Program. (See the POGI document for more details on this program.) Award B must include a separate proposal and budget for two 7-month seasonal staff teams.

10. Applicants must include in their proposal narrative a discussion of "lessons learned" from past exchange coordination experiences, and how these will be applied in implementing the International Visitor Leadership Program.

11. Award recipients must have the capability to utilize the world wide Web for the electronic retrieval of program data from the Department of State's IVLP website. The award recipient's office technology must be capable of exchanging information with all partners involved in the International Visitor Leadership program. The award recipient must have the capability to electronically communicate through eNPA (Electronic National Program Agency), the software application that allows award recipients to share information and data electronically through the Department of State's Exchange Visitor Database (EVDB-e) and with the Councils for International Visitors (CIVs), as well as to produce a national program book and other supporting documents (e.g., appointment requests and confirmations, participant welcome letters, and mailing labels) generated directly into Microsoft Word.

12. Applicants must include as a separate attachment under TAB G of their proposals the following:

a. Samples of at least two schedules for international exchange or training programs that they have coordinated within the past four years that they are particularly proud of and that they feel demonstrate their organization's competence and abilities to conduct the activities outlined in the RFGP;

b. Samples of orientation and evaluation materials used in past international exchange or training programs.

*Requirements for Past Performance References:*

Instead of Letters of Endorsement, DoS will use past performance as an indicator of an applicant's ability to successfully perform the work. TAB E of the proposal must contain between three and five references who may be called upon to discuss recently completed or ongoing work performed for professional exchange programs (which may include the IVL program). The reference must contain the information outlined below. Please note that the requirements for submission of past performance information also apply to all proposed sub-recipients when the total estimated cost of the sub-award is over \$100,000.

At a minimum, the applicant must provide the following information for each reference:

- Name of the reference organization.
- Project name.
- Project description.
- Performance period of the contract/grant.
- Amount of the contract/grant.
- Technical contact person and telephone number for referenced organization.
- Administrative contact person and telephone number for referenced organization.

DoS may contact representatives from the organizations cited in the examples to obtain information on the applicant's past performance. DoS also may obtain past performance information from sources other than those identified by the applicant.

*Personnel:* Applicants must include complete and current resumes of the key personnel who will be involved in the program management, design, and implementation of IVL programs. Each resume is limited to two pages per person.

*Budget Guidelines:*

Applicants are required to submit a comprehensive line-item administrative budget in accordance with the instructions in the Solicitation Package (Proposal Submission Instructions.) The

submission must include a summary budget and a detailed budget showing all administrative costs. Proposed staffing and costs associated with staffing must be appropriate to the requirements outlined in the RFGP and in the Solicitation Package. Cost sharing is encouraged and should be shown in the budget presentation.

The Department of State is seeking proposals from public and private nonprofit organizations that are not already in communication with DoS regarding an FY-2008 assistance award from ECA/PE/V. All applicants must have a minimum of four years' experience conducting international exchanges, an ability to closely consult with DoS staff throughout program administration, and proven fiscal management integrity. Please refer to the Solicitation Package for complete budget guidelines and formatting instructions.

The Bureau of Educational and Cultural Affairs, as sponsor and manager of the International Visitor Leadership Program, plays a significant role in the planning, implementation, and evaluation of all types of International Visitor Leadership Programs and is responsible for all communication with overseas missions. The Bureau will provide close coordination and guidance throughout the duration of the awards. Award recipients will consult closely with the responsible ECA/PE/V program officer throughout the development, implementation, and evaluation of each IVL program.

All liaison shall be with the designated elements of the DoS relative to the following responsibilities incurred by the recipient under this agreement:

A. Program—Bureau of Educational and Cultural Affairs, Office of International Visitors, Community Resources Division, ECA/PE/V/C.

B. Financial—Bureau of Educational and Cultural Affairs, Grants Division, ECA-IIP/EX/G.

**II. Award Information:**

*Type of Award:* Cooperative Agreement.

ECA's level of involvement in this program is listed under number I above.

*Fiscal Year Funds:* FY-2008 (pending availability of funds).

*Approximate Total Funding:* \$5,693,646—Administrative funding only; program funds provided as needed.

*Number of Awards:* Two.

*Approximate Average Award:* \$2,846,823.

*Floor of Award Range:* \$1,122,760 (610 visitors).

*Ceiling of Award Range:* \$4,570,886 (1,576 visitors).

*Anticipated Award Date:* Pending availability of funds, October 1, 2007.

*Anticipated Project Completion Date:* September 30, 2008.

*Additional Information:* Pending successful implementation of this program and the availability of funds in subsequent fiscal years, it is ECA's intent to renew these cooperative agreements for five additional fiscal years, before openly competing them again.

**III. Eligibility Information**

*III.1. Eligible Applicants*

Applications may be submitted by public and private non-profit organizations meeting the provisions described in Internal Revenue Code section 26 U.S.C. 501(c)(3).

*III.2. Cost Sharing or Matching Funds*

There is no minimum or maximum percentage required for this competition. However, the Bureau encourages applicants to provide maximum levels of cost sharing and funding in support of its programs.

When cost sharing is offered, it is understood and agreed that the applicant must provide the amount of cost sharing as stipulated in its proposal and later included in an approved grant agreement. Cost sharing may be in the form of allowable direct or indirect costs. For accountability, award recipients must maintain written records to support all costs which are claimed as its contribution, as well as costs to be paid by the Federal government. Such records are subject to audit. The basis for determining the value of cash and in-kind contributions must be in accordance with OMB Circular A-110, (Revised), Subpart C.23—Cost Sharing and Matching. In the event the recipient organization does not provide the minimum amount of cost sharing as stipulated in the approved budget, ECA's contribution will be reduced in like proportion.

*III.3. Other Eligibility Requirements*

a. Bureau cooperative agreement guidelines require that organizations with less than four years experience in conducting international exchanges be limited to \$60,000 in Bureau funding. ECA anticipates awarding two cooperative agreements: Award A is an amount up to \$4,570,886; Award B is an amount up to \$1,122,760 to support program and administrative costs required to implement this exchange

program. Therefore, organizations with less than four years experience in conducting international exchanges are ineligible to apply under this competition. Program costs will be transferred directly to the award recipient based upon International Visitor workload, and should not be included in the proposal. The Bureau encourages applicants to provide maximum levels of cost sharing and funding in support of its programs.

b. **Technical Eligibility:** All proposals must comply with the technical eligibility requirements specified in the Proposal Submission Instructions (PSI) and the Project Objectives, Goals, and Implementation (POGI) documents. Failure to do so will result in proposals being declared technically ineligible and given no further consideration in the review process.

#### IV. Application and Submission Information

**Note:** Please read the complete **Federal Register** announcement before sending inquiries or submitting proposals. Once the RFGP deadline has passed, Bureau staff may not discuss this competition with applicants until the proposal review process has been completed.

##### IV.1. Contact Information to Request an Application Package

Please contact the Office of International Visitors, Community Relations Division (ECA/PE/V/C), Room 247, U.S. Department of State, SA-44, 301 4th Street, SW., Washington, DC, 20547, telephone (202) 203-7193, fax (202) 453-8631 number, or e-mail [LampherMC@state.gov](mailto:LampherMC@state.gov) to request a Solicitation Package. Please refer to the Funding Opportunity Number (ECA/PE/V-08-01) located at the top of this announcement when making your request. Alternatively, an electronic application package may be obtained from [grants.gov](http://grants.gov). Please see section IV.3f for further information.

The Solicitation Package contains the Proposal Submission Instruction (PSI) document which consists of required application forms and standard guidelines for proposal preparation.

It also contains the Project Objectives, Goals and Implementation (POGI) document, which provides specific information, award criteria and budget instructions tailored to this competition.

Please specify Michelle Lampher and refer to the Funding Opportunity Number (ECA/PE/V-08-01) located at the top of this announcement on all other inquiries and correspondence.

##### IV.2. To Download a Solicitation Package Via Internet

The entire Solicitation Package may be downloaded from the Bureau's Web site at <http://exchanges.state.gov/education/rfgps/menu.htm> or from the Grants.gov Web site at <http://www.grants.gov>.

Please read all information before downloading.

##### IV.3. Content and Form of Submission

Applicants must follow all instructions in the Solicitation Package. The application should be submitted per the instructions under IV.3f. "Application Deadline and Methods of Submission" section below.

IV.3a. You are required to have a Dun and Bradstreet Data Universal Numbering System (DUNS) number to apply for a grant or cooperative agreement from the U.S. Government. This number is a nine-digit identification number which uniquely identifies business entities. Obtaining a DUNS number is easy and there is no charge. To obtain a DUNS number, access <http://www.dunandbradstreet.com> or call 1-866-705-5711. Please ensure that your DUNS number is included in the appropriate box of the SF-424 which is part of the formal application package.

IV.3b. All proposals must contain an executive summary, proposal narrative and budget.

Please Refer to the Solicitation Package. It contains the mandatory Proposal Submission Instructions (PSI) document and the Project Objectives, Goals and Implementation (POGI) document for additional formatting and technical requirements.

IV.3c. You must have nonprofit status with the IRS at the time of application. If your organization is a private nonprofit which has not received a grant or cooperative agreement from ECA in the past three years, or if your organization received nonprofit status from the IRS within the past four years, you must submit the necessary documentation to verify nonprofit status as directed in the PSI document. Failure to do so will cause your proposal to be declared technically ineligible.

IV.3d. Please take into consideration the following information when preparing the proposal narrative:

IV.3d.1 Adherence to all regulations governing the J Visa: The Bureau of Educational and Cultural Affairs is placing renewed emphasis on the secure and proper administration of Exchange Visitor (J visa) Programs and adherence by grantees and sponsors to all regulations governing the J visa.

Therefore, proposals should demonstrate the applicant's capacity to meet all requirements governing the administration of the Exchange Visitor Programs as set forth in 22 CFR part 62, including the oversight of Responsible Officers and Alternate Responsible Officers, screening and selection of program participants, provision of pre-arrival information and orientation to participants, monitoring of participants, proper maintenance and security of forms, recordkeeping, reporting and other requirements. The Office of International Visitors (ECA/PE/V) will be responsible for issuing DS-2019 forms to participants in this program.

A copy of the complete regulations governing the administration of Exchange Visitor (J) programs is available at <http://exchanges.state.gov> or from: United States Department of State, Office of Exchange Coordination and Designation, ECA/EC/ECD-SA-44, Room 734, 301 4th Street, SW., Washington, DC 20547, Telephone: (202) 203-5029, FAX: (202) 453-8640.

Please refer to Solicitation Package for further information.

IV.3d.2. Diversity, Freedom and Democracy Guidelines Pursuant to the Bureau's authorizing legislation, programs must maintain a non-political character and should be balanced and representative of the diversity of American political, social, and cultural life. "Diversity" should be interpreted in the broadest sense and encompass differences including, but not limited to ethnicity, race, gender, religion, geographic location, socio-economic status, and disabilities. Applicants are strongly encouraged to adhere to the advancement of this principle both in program administration and in program content. Please refer to the review criteria under the 'Support for Diversity' section for specific suggestions on incorporating diversity into your proposal. Public Law 104-319 provides that "in carrying out programs of educational and cultural exchange in countries whose people do not fully enjoy freedom and democracy," the Bureau "shall take appropriate steps to provide opportunities for participation in such programs to human rights and democracy leaders of such countries." Public Law 106-113 requires that the governments of the countries described above do not have inappropriate influence in the selection process. Proposals should reflect advancement of these goals in their program contents, to the full extent deemed feasible.

#### IV.3d.3. Program Monitoring and Evaluation

Successful monitoring and evaluation depend heavily on setting clear objectives and outcomes at the outset of a program. In support of the Bureau's evaluation goals, the Office of International Visitors will administer a post-program evaluation survey to each International Visitor upon conclusion of the program.

In addition, applicants must monitor and evaluate the program's success, both as activities unfold and at the end of each program. (See Project Objectives, Goals and Implementation (POGI) document.) Proposal submissions should include a monitoring and evaluation plan that demonstrates: An understanding of overall IVLP goals, as well as the objectives of assigned projects; the anticipated results and outcomes, including specific changes in International Visitors' behavior, knowledge, skills, and status resulting from the program activities; and the link between the outcomes and the original project objectives.

Proposals should further demonstrate how applicants will obtain an understanding of the goals and objectives of each assigned IVL program, and how applicants will review and analyze the outcomes and results upon conclusion of each IVL program. For regional and multi-regional programs, participation at a final oral evaluation session is expected and a final program report is required. (See Project Objectives, Goals and Implementation (POGI) document.) Proposal submissions should demonstrate how award recipients will apply the feedback provided by International Visitors to strengthen the overall goals and objectives of the International Visitor Leadership Program.

#### IV.3d.4. Program Management

Proposals should describe the applicant's plans for: Overall program management, staffing, coordination with ECA and PAS or any other requirements, sustainability etc.

IV.3e. Please take the following information into consideration when preparing the proposed budget:

IV.3e.1. Applicants must submit a comprehensive budget for the entire program. Funding levels are listed under Section II of this announcement. There must be a summary budget as well as breakdowns reflecting both administrative and program budgets. Applicants may provide separate sub-budgets for each program component, phase, location, or activity to provide clarification.

IV.3e.2. Allowable costs for the program include the following:

- (1) Staff Salaries and Benefits;
- (2) Office and Program Supplies;
- (3) Telephone and Communications;
- (4) Staff Travel and Per Diem;
- (5) ADP Equipment Maintenance and IT Costs;
- (6) Indirect Costs

Please refer to the Solicitation Package for complete budget guidelines and formatting instructions.

#### IV.3F. Application Deadline and Methods of Submission

*Application Deadline Date:* Tuesday, June 12, 2007.

*Reference Number:* ECA/PE/V-08-01.

*Methods of Submission:* Applications may be submitted in one of two ways:

1. In hard-copy, via a nationally recognized overnight delivery service (i.e., DHL, Federal Express, UPS, Airborne Express, or U.S. Postal Service Express Overnight Mail), or
2. Electronically through <http://www.grants.gov>.

Along with the Project Title, all applicants must enter the above Reference Number in Box 11 on the SF-424 contained in the mandatory Proposal Submission Instructions (PSI) of the solicitation document.

#### IV.3f.1 Submitting Printed Applications

Applications must be shipped no later than the above deadline. Delivery services used by applicants must have in-place, centralized shipping identification and tracking systems that may be accessed via the Internet and delivery people who are identifiable by commonly recognized uniforms and delivery vehicles. Proposals shipped on or before the above deadline but received at ECA more than seven days after the deadline will be ineligible for further consideration under this competition. Proposals shipped after the established deadlines are ineligible for consideration under this competition. ECA will *not* notify you upon receipt of application. It is each applicant's responsibility to ensure that each package is marked with a legible tracking number and to monitor/confirm delivery to ECA via the Internet. Delivery of proposal packages *may not* be made via local courier service or in person for this competition. Faxed documents will not be accepted at any time. Only proposals submitted as stated above will be considered.

**Important note:** When preparing your submission please make sure to include one extra copy of the completed SF-424 form and place it in an envelope addressed to "ECA/EX/PM".

The original and 10 copies of the application should be sent to: U.S. Department of State, SA-44, Bureau of Educational and Cultural Affairs, *Ref.:* ECA/PE/V-08-01, Program Management, ECA/EX/PM, Room 534, 301 4th Street, SW., Washington, DC 20547.

#### IV.3f.2 Submitting Electronic Applications

Applicants have the option of submitting proposals electronically through [Grants.gov](http://www.grants.gov) (<http://www.grants.gov>). Complete solicitation packages are available at [Grants.gov](http://www.grants.gov) in the "Find" portion of the system. Please follow the instructions available in the "Get Started" portion of the site (<http://www.grants.gov/GetStarted>).

Several of the steps in the [Grants.gov](http://www.grants.gov) registration process could take several weeks. Therefore, applicants should check with appropriate staff within their organizations immediately after reviewing this RFGP to confirm or determine their registration status with [Grants.gov](http://www.grants.gov). Once registered, the amount of time it can take to upload an application will vary depending on a variety of factors including the size of the application and the speed of your Internet connection. Therefore, we strongly recommend that you not wait until the application deadline to begin the submission process through [Grants.gov](http://www.grants.gov).

Direct all questions regarding [Grants.gov](http://www.grants.gov) registration and submission to: [Grants.gov](http://www.grants.gov) Customer Support.

*Contact Center Phone:* 800-518-4726.

*Business Hours:* Monday-Friday, 7 a.m.-9 p.m. Eastern Time.

*E-mail:* [support@grants.gov](mailto:support@grants.gov).

Applicants have until midnight (12 a.m.), Washington, DC time, of the closing date to ensure that their entire application has been uploaded to the [Grants.gov](http://www.grants.gov) site. There are no exceptions to the above deadline. Applications uploaded to the site after midnight of the application deadline date will be automatically rejected by the [Grants.gov](http://www.grants.gov) system and will be technically ineligible.

Applicants will receive a confirmation e-mail from [Grants.gov](http://www.grants.gov) upon the successful submission of an application. ECA will *not* notify you upon receipt of electronic applications.

It is the responsibility of all applicants submitting proposals via the [Grants.gov](http://www.grants.gov) web portal to ensure that proposals have been received by [Grants.gov](http://www.grants.gov) in their entirety. ECA bears no responsibility for data errors resulting from transmission or conversion processes.

IV.3g. Intergovernmental Review of Applications: Executive Order 12372 does not apply to this program.

## V. Application Review Information

### V.1. Review Process

The Bureau will review all proposals for technical eligibility. Proposals will be deemed ineligible if they do not fully adhere to the guidelines stated herein and in the Solicitation Package. All eligible proposals will be reviewed by the program office. Eligible proposals will be subject to compliance with Federal and Bureau regulations and guidelines and forwarded to Bureau grant panels for advisory review. Proposals may also be reviewed by the Office of the Legal Adviser or by other Department elements. Final funding decisions are at the discretion of the Department of State's Assistant Secretary for Educational and Cultural Affairs. Final technical authority for assistance awards or cooperative agreements resides with the Bureau's Grants Officer.

### V.2. Review Criteria

Technically eligible applications will be competitively reviewed according to the criteria stated below. These criteria are not rank ordered and all carry equal weight in the proposal evaluation:

1. *Evidence of Understanding/Program Planning:* The proposal should convey that the applicant has a good understanding of the overall goals and objectives of the IVL program. It should exhibit originality, substance, and precision, and be responsive to the requirements stated in the RFGP and the Solicitation Package. The proposal should contain a detailed and relevant work plan that demonstrates substantive intent and logistical capacity. The agenda and plan should adhere to the program overview and guidelines described in the RFGP and the POGI.

2. *Support of Diversity:* Proposals should demonstrate substantive support of the Bureau's policy on diversity. Achievable and relevant features should be cited in both program administration (selection of participants, program venue and program evaluation) and program content (orientation and wrap-up sessions, program meetings, resource materials and follow-up activities).

3. *Institutional Capacity:* The award recipient must have a Washington, DC presence. Applicants who do not currently have a Washington, DC presence must include a detailed plan in their proposal for establishing such a presence by October 1, 2007. The costs related to establishing such a presence must be borne by the award recipient.

No such costs may be included in the budget submission in this proposal. The proposal should clearly demonstrate the applicant's capability for performing the type of work required by the IVL program and how the institution will execute its program activities to meet the goals of the IVL program. It should reflect the applicant's ability to design and implement, in a timely and creative manner, professional exchange programs which encompass a variety of project themes. Proposed personnel and institutional resources should be adequate and appropriate to achieve the program goals. The proposal must demonstrate that the applicant has or can recruit adequate and well-trained staff. All recipients must submit their IVL program and national itinerary data electronically to the DoS by utilizing either the eNPA tool provided by the Department or the mandated standard data format submission that has been established as an interface to existing legacy systems.

4. *Institution's Record/Ability:* The proposal should demonstrate an institutional record of a minimum of four years of successful experience in conducting IVL or other professional exchange programs, which are similar in nature and magnitude to the scope of work outlined in this solicitation. The applicant must demonstrate the potential for programming IVL participants from multiple regions of the world. Applicants should demonstrate that their organizations would consult with DoS program officers on a regular basis to ensure that the assigned visitor projects would consistently meet program objectives. Proposals should demonstrate an institutional record of successful exchange programs, including responsible fiscal management and full compliance with all reporting requirements for past Bureau cooperative agreements as determined by Bureau Grants Staff. The Bureau will consider the past performance of prior recipients and the demonstrated potential of new applicants.

5. *Project Evaluation:* Proposals should include a plan to evaluate the activity's success, both as the activities unfold and at the end of the program. A description of the methodology to be used to link outcomes to original project objectives is recommended.

6. *Cost-effectiveness:* The overhead and administrative components of the proposal, including salaries and honoraria, should be kept as low as possible. This includes acquiring and retaining capable staff. All other costs, such as building maintenance, should be necessary and appropriate.

7. *Cost-sharing:* Proposals should maximize cost-sharing through other private sector support as well as institutional direct funding contributions.

## VI. Award Administration Information

### VI.1. Award Notices

Final awards cannot be made until funds have been appropriated by Congress, and allocated and committed through internal Bureau procedures. Successful applicants will receive an Assistance Award Document (AAD) from the Bureau's Grants Office. The AAD and the original grant proposal with subsequent modifications (if applicable) shall be the only binding authorizing document between the recipient and the U.S. Government. The AAD will be signed by an authorized Grants Officer and mailed to the recipient's responsible officer identified in the application.

Unsuccessful applicants will receive notification of the results of the application review from the ECA program office coordinating this competition.

### VI.2. Administrative and National Policy Requirements

Terms and Conditions for the Administration of ECA agreements include the following:

Office of Management and Budget Circular A-122, Cost Principles for Nonprofit Organizations.

Office of Management and Budget Circular A-21, Cost Principles for Educational Institutions.

OMB Circular A-87, Cost Principles for State, Local and Indian Governments.

OMB Circular No. A-110 (Revised), Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and other Nonprofit Organizations.

OMB Circular No. A-102, Uniform Administrative Requirements for Grants-in-Aid to State and Local Governments.

OMB Circular No. A-133, Audits of States, Local Government, and Non-profit Organizations.

Please reference the following Web sites for additional information:

<http://www.whitehouse.gov/omb/grants>.

<http://exchanges.state.gov/education/grantsdiv/terms.htm#articleI>.

### VI.3. Mandatory Reporting Requirements

Award recipients must provide ECA with a hard copy original plus one copy of the following reports:

1. A final program and financial report no more than 90 days after the expiration of the award. This report must disclose cost sharing and be certified by the award recipient's chief financial officer or an officer of comparable rank.

2. Quarterly financial reports within thirty (30) days following the end of the calendar year quarter. These reports should itemize separately International Visitor costs, Voluntary Visitor costs, English Language Officer/Interpreter costs for International Visitors, English Language Officer/Interpreter costs for Voluntary Visitors, special project costs by projects, and administrative costs for the previous quarter on a cash basis. These reports should also list separately the number of English Language Officers/Interpreters accompanying International Visitors, and the number of English Language Officers/Interpreters accompanying Voluntary Visitors for whom funds are expended. Quarterly financial reports must be certified by the award recipient's chief financial officer or an officer of comparable rank. For further information, please refer to the 2008 Program Objectives, Goals, and Implementation (POGI) document.

3. Such operating, statistical, and financial information relating to the program as may be requested by the DoS to meet its reporting requirements and answer inquiries concerning the operation of the IVL program, as stipulated in the FY 2008 Program Objectives, Goals, and Implementation.

4. Reports analyzing evaluation findings should be provided to the Bureau in award recipient's regular program reports. (Please refer to IV. Application and Submission Instructions (IV.3.d.3) above for Program Monitoring and Evaluation information. All data collected must be maintained for a minimum of three years and provided to the Bureau upon request.

All reports must be sent to the ECA Grants Officer and ECA Program Officer listed in the final assistance award document.

#### VII. Agency Contacts

For questions about this announcement, contact: Michelle Lampher, Office of International Visitors, Community Relations Division, Room 247, Reference Number ECA/PE/V-08-01, U.S. Department of State, SA-44, 301 4th Street, SW., Washington, DC 20547, telephone 202-203-7193, fax 202-453-8631, or e-mail [LampherMC@state.gov](mailto:LampherMC@state.gov).

All correspondence with the Bureau concerning this RFGP should reference the above title and number ECA/PE/V-

08-01. Please read the complete announcement before sending inquiries or submitting proposals. Once the RFGP deadline has passed, Bureau staff may not discuss this competition with applicants until the proposal review process has been completed.

#### VIII. Other Information

##### Notice:

The terms and conditions published in this RFGP are binding and may not be modified by any Bureau representative. Explanatory information provided by the Bureau that contradicts published language will not be binding. Issuance of the RFGP does not constitute an award commitment on the part of the Government. The Bureau reserves the right to reduce, revise, or increase proposal budgets in accordance with the needs of the program and the availability of funds. Awards made will be subject to periodic reporting and evaluation requirements per section VI.3 above.

Dated: April 12, 2007.

##### C. Miller Crouch,

*Principal Deputy Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.*

[FR Doc. E7-7463 Filed 4-18-07; 8:45 am]

BILLING CODE 4710-05-P

#### TENNESSEE VALLEY AUTHORITY

##### Final Environmental Impact Statement—Nolichucky Reservoir Flood Remediation Project

**AGENCY:** Tennessee Valley Authority (TVA).

**ACTION:** Issuance of Record of Decision.

**SUMMARY:** This notice is provided in accordance with the Council on Environmental Quality's regulations (40 CFR parts 1500 to 1508) and TVA's procedures implementing the National Environmental Policy Act. TVA has decided to adopt Alternative A—No Action, the preferred alternative identified in its Final Environmental Impact Statement (EIS), Nolichucky Reservoir Flood Remediation Project. In implementing Alternative A, TVA would continue to provide updated flood level information to local agencies and individuals. This would not preclude TVA working with individual landowners to address problems in the future. TVA would take no other action to address the impacts of flooding of private land and property around Nolichucky Reservoir.

##### FOR FURTHER INFORMATION CONTACT:

Charles P. Nicholson, NEPA Program Manager, Environmental Stewardship &

Policy, Tennessee Valley Authority, 400 West Summit Hill Drive WT 11B, Knoxville, Tennessee 37902-1401; telephone (865) 632-3582 or e-mail [cpnicholson@tva.gov](mailto:cpnicholson@tva.gov).

##### SUPPLEMENTARY INFORMATION:

Nolichucky Dam was built by the Tennessee Eastern Electric Company in 1913 at mile 46 on the Nolichucky River, about 7.5 miles south of Greeneville, Greene County, Tennessee. Nolichucky Reservoir, also known as Davy Crockett Lake, extends upstream about 6 miles from the dam. TVA acquired the project in 1945 and operated it as a single-purpose power production facility. By 1945, sand and silt from mining in the upper Nolichucky watershed in western North Carolina had begun to fill the reservoir. The sediment in the reservoir continued to accumulate to the point that TVA removed the electric generators from service between 1965 and 1972. Since 1972, the project has been jointly managed by TVA, the Tennessee Wildlife Resources Agency, and local organizations for wildlife management, environmental education, and recreation.

The Federal government owns approximately 1,400 acres of land under and around Nolichucky Reservoir and holds easements giving it the right to flood an additional 370 acres of land along this part of the river. At the time TVA acquired these landrights in 1945, the landrights did not include all of the area affected by Nolichucky Dam during flood events. Since then, the 100-year flood elevation has increased up to 10 feet due to the accumulated sediment in the reservoir. The federal landrights include about 54 percent of the area within the present 500-year floodplain and about 63 percent of the area within the 100-year floodplain.

TVA published a Notice of Intent to prepare this EIS in the **Federal Register** on January 12, 2000. Public and agency scoping meetings were held on January 20, 2000; 52 people attended the public scoping meeting. Scoping comments were received from one Federal agency, one nongovernmental organization, and seven individuals. Following a series of agency and public workshops, the Draft EIS was released in January 2002 and the Notice of Availability of the Draft EIS was published in the **Federal Register** on February 8, 2002. TVA held a public meeting on the Draft EIS in on February 21, 2002 and accepted comments through March 29, 2002. Comments on the Draft EIS were received from 65 individuals. Two federal agencies and three state agencies. The Notice of Availability for

the Final EIS was published in the **Federal Register** on November 3, 2006.

### Alternatives Considered

TVA identified four alternatives in the EIS.

Under Alternative A—No Action, TVA would provide updated flood level information to local agencies and individuals but would not take any other actions to address flood impacts on nonfederal lands. TVA would continue to maintain Nolichucky Dam and Powerhouse as required by federal dam safety regulations and to preserve their historic value. TVA would maintain the reservoir's recreational uses through agreements with other agencies and organizations that provide for wildlife management, environmental education, and public parks.

Under Alternative B—Acquire Landrights, TVA would address flood impacts on nonfederal lands by acquiring either fee title or easements with the right to flood all of the nonfederal land within the present 500-year floodplain around Nolichucky Reservoir (about 1,060 acres). If TVA acquired fee title, TVA would buy the affected land and all structures built on it and would hold all rights concerning use of that land. If TVA acquired only a flowage easement, TVA would buy the right to overflow and flood specific parts of the property on an intermittent and temporary basis. The owner could continue to use the easement land in many ways, but would relinquish the right to build structures below a specific elevation and would have to receive TVA approval prior to developing the affected land. TVA would maintain the reservoir's recreational uses through agreements with other agencies and organizations that provide for wildlife management, environmental education, and public parks. Most new land acquired in fee would probably be added to the existing wildlife management area. TVA would continue to maintain Nolichucky Dam and Powerhouse as required by federal dam safety regulations and to preserve their historic value. This alternative could be implemented within 3 years and would cost between \$15 and \$20 million.

Under Alternative C—Lower Nolichucky Dam, TVA would address flood impacts on nonfederal lands by lowering the Nolichucky Dam spillway after removing or stabilizing sediment in the reservoir. The spillway would be lowered by about 40 feet so that the 500-year flood elevation would only affect land already in federal ownership or covered by flowage easement. This would reduce the reservoir pool area from 455 to about 160 acres and convert

much of it into a more riverine environment. All federal land around the reservoir would remain in public ownership and would continue to be used for wildlife management, environmental education, and public parks. TVA would continue to maintain Nolichucky Dam and Powerhouse as required by federal dam safety regulations and to preserve their historic value. This alternative would require 5 to 10 years to implement and cost between \$45 and \$70 million.

Under Alternative D—Remove Nolichucky Dam, TVA would address flood impacts on nonfederal lands by removing all visible components of Nolichucky Dam and Powerhouse and removing or stabilizing sediment in the reservoir. In accordance with historic preservation requirements, TVA would document the dam and powerhouse and preserve qualifying equipment. Up to 19,000 acre-feet (30 million cubic yards) would be removed from the reservoir area and deposited on nearby lands. In cooperation with appropriate state and local agencies, TVA would determine how the federal lands would be used, probably as parts of modified versions of the existing wildlife management, environmental education, and public park areas. This alternative would require 10 to 12 years to implement and cost between \$90 and \$150 million.

TVA did not identify a preferred alternative in the Draft EIS. TVA identified Alternative A—No Action as the preferred alternative in the Final EIS.

### Comments on the Final EIS

TVA received comments on the Final EIS from the Environmental Protection Agency, the Tennessee Wildlife Resources Agency, and one individual affected by the flooding. The Tennessee Wildlife Resources Agency expressed a preference for Alternative B. The Environmental Protection Agency did not express a preference for any alternative and noted the positive and negative aspects of each alternative. They did, however, suggest further consideration of Alternative B. TVA has carefully considered Alternative B and, as described below, decided to adopt Alternative A.

The Environmental Protection Agency requested a more detailed analysis of the potential impacts of the preferred No Action Alternative on minority and low-income populations. The Environmental Justice analysis in the FEIS was based on relatively large census tracts and concluded that the action alternatives would not result in disproportionate impacts on minority and low-income populations. TVA has

repeated this analysis for minority populations using data from smaller census blocks adjoining Nolichucky Reservoir. Minority populations made up about 1.2 percent of the year 2000 population of 578 persons in these blocks. This proportion is well below the national, state, and county levels, and below that of the larger census tracts in which the blocks are located. The population within this area is well dispersed and there are few concentrations of residents within the floodplain. Data on low-income populations are not available for individual census blocks. A small cluster of low-cost housing occurs in the floodplain on the right bank of the reservoir; housing on the left bank is widely dispersed with no similar clusters. Due to the low percentage of minority populations, the low poverty level in much of the area, and the scattered location of housing in most of the area, no disproportionate effect on minority or low-income populations is anticipated.

### Decision

TVA has decided to adopt Alternative A—No Action.

Alternative A—No Action was selected over the other alternatives because it would result in few, if any, additional adverse environmental impacts, and could be implemented at little cost to TVA. As described in the FEIS, TVA has determined that the rate of sediment inflow into Nolichucky Reservoir has greatly decreased in recent years, and the present sediment inflow rate is likely close to the sand dredging removal rate of around 70,000 tons per year. Based on this sediment inflow rate, there is little potential for flood damage to lands and existing structures within the floodplain to markedly increase in the future, even in the absence of sand dredging. TVA, however, would continue to permit qualified sand dredging operations to operate in the reservoir, further reducing the potential for increased future flood damages. While the risk of flooding would slowly decrease under this alternative assuming sand dredging continues, the risk of flooding non-federal property would continue. Community awareness of flood risk, however, has increased in part because of this EIS process, and because TVA has provided updated flood level information to the community. In the event that flooding of some property occurs in the future, TVA would address it on a case by case basis as it has in the past.

In reaching this decision, TVA has carefully considered both the comments

and concerns voiced by the public and the results of the impact analyses. There was some support for each alternative. Based on the comments TVA received during the scoping and EIS review processes, there was strong public support for maintaining the reservoir and the existing recreational uses of the reservoir and adjacent public lands; Alternative A does this.

Alternatives C and D would eliminate the dam-related flooding. In doing so, they would partially or fully eliminate the reservoir and many of its current recreational uses. They would also destroy the wetlands habitats around the reservoir, and adversely affect the Nolichucky River downstream of the dam. While Alternative B would not have the adverse impacts of Alternatives C and D, it would cost \$15 to \$20 million to implement and could result in the relocation of many homeowners or restrictions on use of their property. None of the alternatives would restore the recreational benefits that once existed at Nolichucky Reservoir and have since been lost due to the accumulation of sediment.

TVA has determined that the implementation of Alternative A would not affect historic properties and has consulted with the Tennessee State Historic Preservation Officer (SHPO) in accordance with Section 106 of the National Historic Preservation Act. The SHPO concurred with TVA's determination on April 28, 2005. The U.S. Fish and Wildlife Service (USFWS) also concurred that implementation of Alternative A would not adversely affect federally listed or proposed endangered or threatened species.

#### Environmentally Preferred Alternative

Alternative B is the environmentally preferred alternative because it would accomplish the project purpose of alleviating the flood impacts on private land and property, would not involve any adverse impacts on the surrounding natural and human environment, would increase the land area available for public recreation, and would enhance the conservation of many resources. Even though Alternative B is the environmentally preferred alternative, Alternative A also would not have adverse environmental impacts.

#### Mitigation

Alternative A—No Action that TVA has selected is not anticipated to adversely affect natural or human resources, and consequently TVA has determined that no associated mitigation measures are necessary. TVA does commit, however, to providing updated flood level information to local

agencies and individuals so that they are better aware of flooding risks.

Dated: April 13, 2007.

**Kathryn J. Jackson,**

*Executive Vice President, River System Operations & Environment.*

[FR Doc. E7-7439 Filed 4-18-07; 8:45 am]

**BILLING CODE 8120-08-P**

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## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

[OST-2007-27909]

#### Advisory Committee on Impacts of Climate Variability and Change on Transportation Systems and Infrastructure—Gulf Coast Case Study

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice of meeting of advisory committee.

**SUMMARY:** This document announces the second meeting of the Advisory Committee on Impacts of Climate Variability and Change on Transportation Systems and Infrastructure—Gulf Coast Case Study to the U.S. Department of Transportation (the "Advisory Committee"). The purpose of this meeting is to advise the Secretary of Transportation on the design, implementation and final report of Synthesis and Assessment Product 4.7, which examines how a changing climate might affect transportation infrastructure and services in the Gulf Coast. This research is being conducted under the Climate Change Science Program.

**DATES:** The second meeting of the Advisory Committee is scheduled for May 16-17, 2007, from 8 a.m. until 5 p.m. each day.

**ADDRESSES:** The meeting will be held at the Tremont House, 2300 Ship's Mechanic Row, Galveston, Texas 77550. Phone: 409-763-0300.

**FOR FURTHER INFORMATION CONTACT:** Mr. Michael Savonis, the Designated Federal Official, Office of Natural and Human Environment, 202-366-2080, ([michael.savonis@dot.gov](mailto:michael.savonis@dot.gov)), Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590.

#### SUPPLEMENTARY INFORMATION:

##### Background

Through consultation with transportation professionals, researchers, and partners, the U.S. Department of Transportation (DOT) has identified a need within the transportation community for improved

information about climate variability and change when making transportation decisions. A sound transportation system is vital to the nation's social and economic future. Investments in transportation are substantial, and result in infrastructure that is designed to last for decades. Transportation plans and designs should therefore be carefully considered and well informed by a range of factors, including consideration of climate variability and change. Climate also affects the safety, operations, and maintenance of transportation infrastructure and systems. This research will investigate the potential impacts of climate variability and change on transportation infrastructure and its operation, and provide guidance as to how transportation planners and decision makers may incorporate this information into transportation planning decisions to ensure a reliable and robust future transportation network.

The Gulf Coast Study was selected by DOT as the first of a series of research activities that the Center will pursue to address these research priorities. This initial product will focus on the low-lying Gulf of Mexico coastal region, which has little topographic relief but it is heavily populated. In addition, the area's transportation modes are both unique and economically significant. For example, the Ports of New Orleans and Houston are the top two ranking U.S. ports in tonnage. Roughly two thirds of all U.S. oil imports are transported through this region. Pipelines traversing the region transport over 90 percent of domestic Outer Continental Shelf oil and gas. Almost half of the Nation's repetitive flood damage claims are paid to homeowners and businesses in this region, and the efficacy of evacuation during storms is an important determinant of the safety and well-being of the region's population. This region is subject to the direct effects of hurricanes and tropical storms. Given its low elevation, the area is also particularly vulnerable to flooding and storm surges that accompany hurricanes and tropical storms. These effects may be exacerbated by global sea level rise and local land subsidence.

To carry out this study, the U.S. DOT published a notice of intent to form an Advisory Committee in the **Federal Register** on June 22, 2006 (71 FR 35986). That notice, consistent with the requirements of the Federal Advisory Committee Act (FACA), announced the establishment of the Committee and invited comments on the nominations for membership.

The U.S. DOT anticipates that this will be the last meeting of this Advisory Committee. Interested persons shall be permitted to attend, appear before, or file statements for the record.

Attendance will necessarily be limited by the size of the meeting room.

The agenda topic for this meeting will include a review of the draft report.

Issued this 13th Day of April, 2007 in Washington, DC.

**Robert DeHaan,**

*Deputy Assistant Secretary for Transportation Policy.*

[FR Doc. E7-7435 Filed 4-18-07; 8:45 am]

**BILLING CODE 4910-9X-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2007-27389]

#### Notice of Request for Comments on Renewal of a Currently Approved Information Collection: FMCSA COMPASS Portal Customer Satisfaction Assessment

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.

**ACTION:** Notice; request for information.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, FMCSA announces its plan to submit the new Information Collection Request (ICR) described below to the Office of Management and Budget (OMB) for review and approval. This information collection involves the assessment of FMCSA's strategic decision to integrate its Information Technology (IT) with its business processes using portal technology to consolidate its systems and databases and launch a modernization initiative to create the FMCSA COMPASS Portal. The information to be collected will be used to assess the satisfaction of Federal, State and industry customers with the FMCSA COMPASS Portal. The Agency published a **Federal Register** notice allowing for a 60-day comment period on the ICR in October 2006 (71 FR 61824, Oct. 19, 2006). The Agency did not receive any comments from the public that were responsive to this notice.

**DATES:** Please send your comments by May 21, 2007. OMB must receive your comments by this date in order to act quickly on the ICR.

**ADDRESSES:** You may submit comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725

Seventeenth Street, NW., Washington, DC 20503, *Attention:* DOT/FMCSA Desk Officer.

**FOR FURTHER INFORMATION CONTACT:** Mr. Bill Coleman, Federal Motor Carrier Safety Administration, 400 Seventh Street, SW., Washington, DC 20590; phone: (202) 366-4440; fax: (202) 493-0679; e-mail: [bill.coleman@dot.gov](mailto:bill.coleman@dot.gov). Office hours are from 9 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

#### **SUPPLEMENTARY INFORMATION:**

*Title:* FMCSA Portal Customer Satisfaction Assessment.

*OMB Control Number:* 2126-xxxx.

*Type of Request:* Approval of a new information collection.

*Respondents:* Federal, State, and motor carrier industry customers/users.

*Estimated Number of Respondents:* 142,691 [140,000 motor carrier industry respondents + 2,691 State government users = 142,691].

*Estimated Time per Response:* 5 minutes per response.

*Frequency of Response:* Three times per year (or every 120 days).

*Estimated Total Annual Burden:* 25,106 hours [(5 minutes to complete survey × 3 times per year/60 minutes × 140,000 annual industry respondents × .70 (70%) response rate = 24,500) + (5 minutes to complete survey × 3 times per year/60 minutes × 2,691 State government users × .90 (90%) response rate) = 25,106].

*Background:* Title II, section 207 of the E-Government Act of 2002, (Pub. L. 107-347, April 17, 2003) requires Government agencies to improve the methods by which government information, including information on the Internet, is organized, preserved, and made accessible to the public. FMCSA has made a strategic decision to integrate its IT with its business processes as it consolidates its systems and databases and launches a modernization initiative called COMPASS. COMPASS is FMCSA's agency-wide initiative to improve its business processes; integrate them with the Agency's information systems; and make them more seamless, secure, and supportive of the Agency's mission of saving lives in the years to come.

FMCSA's 21 information systems are currently operational. However, having this many stand-alone systems has led to data quality concerns, a need for excessive IDs and passwords, and significant operational and maintenance costs. Integrating our information technologies with our business processes will, in turn, improve our operations considerably, particularly in terms of data quality, ease of use, and reduction of maintenance costs.

In early 2007, FMCSA will launch the first of a series of releases of new IT applications to its Federal, State, and industry customers. Over the coming years, more than 15 releases are planned, with four planned for the next 3 years. These releases will use "portal technology" to pull together numerous services and functions on a single screen and provide tailored services that seek to meet the needs of specific constituencies within our customer universe. The FMCSA COMPASS Portal will entail considerable expenditure of Federal Government dollars over the years and fundamentally impact the nature of the relationship between the Agency and its Federal, State, and industry customers. Consequently, the Agency intends to conduct regular and ongoing assessments of customer satisfaction with COMPASS.

The primary purposes of this assessment are to determine the extent to which newly released FMCSA COMPASS Portal services meet the needs of Agency customers, identify and prioritize additional modifications, and determine the extent that the Portal has affected FMCSA's relationships with its main customer groups. The assessment will address:

- Overall customer satisfaction;
- Customer satisfaction with specific items;
- Performance of contractor (for the system) against established objectives;
- Desired adjustments and modifications to systems;
- Value of investment to FMCSA and DOT;
- Features that customers like best; and
- Customer ideas for improving the site.

*Public Comments Invited:* You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the FMCSA's performance; (2) the accuracy of the estimated burden; (3) ways for the FMCSA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized without reducing the quality of the collected information.

Issued on: April 10, 2007.

**D. Marlene Thomas,**

*Associate Administrator, Administration.*

[FR Doc. E7-7410 Filed 4-18-07; 8:45 am]

**BILLING CODE 4910-EX-P**

**DEPARTMENT OF TRANSPORTATION****National Highway Traffic Safety Administration**

[Docket No. NHTSA 2006–26280; Notice 2]

**The Braun Corporation, Grant of Petition for Decision of Inconsequential Noncompliance**

The Braun Corporation (Braun) has determined that certain wheelchair lifts it produced in 2005 through 2006 do not comply with S6.4.9 of 49 CFR 571.403, Federal Motor Vehicle Safety Standard (FMVSS) No. 403, "Platform lift systems for motor vehicles." Pursuant to 49 U.S.C. 30118(d) and 30120(h), Braun has petitioned for a determination that this noncompliance is inconsequential to motor vehicle safety and has filed an appropriate report pursuant to 49 CFR part 573, "Defect and Noncompliance Reports." Notice of receipt of a petition was published, with a 30-day comment period, on December 13, 2006, in the *Federal Register* (71 FR 74993). The National Highway Traffic Safety Administration (NHTSA) received no comments. To view the petition and all supporting documents, go to: <http://dms.dot.gov/search/searchFormSimple.cfm> and enter Docket No. NHTSA–2006–26280.

Affected are a total of approximately 15,992 model NL, NCL, and NVL wheelchair lifts produced between April 1, 2005 and July 19, 2006. S6.4.9.7 of FMVSS No. 403 requires:

When tested in accordance with S7.12.1, each handrail must withstand 445 N (100 pounds force) applied at any point and in any direction on the handrail without more than 25 mm (1 inch) of displacement relative to the platform surface. After removal of the load, the handrail must exhibit no permanent deformation.

In addition, S6.4.9.9 of FMVSS No. 403 requires:

When tested in accordance with S7.12.2, each handrail must withstand 1,112 N (250 lbf) applied at any point and in any direction on the handrail without sustaining any failure, such as cracking, separation, fracture, or more than 100 mm (4 inches) of displacement of any point on the handrails relative to the platform surface.

The noncompliant lifts do not meet the displacement requirements of S6.4.9.7 and S6.4.9.9.

Braun described its noncompliance as follows:

Following compliance tests conducted by the National Highway Traffic Safety Administration at MGA Research Corporation in Burlington, Wisconsin, The Braun Corporation has confirmed through its investigation that it manufactured and distributed approximately 15,992 wheelchair

lifts (from April 1, 2005 to July 19, 2006) whose handrails are unable to meet the requirements for displacement as defined in S6.4.9.7 and S6.4.9.9 of the standard.

Braun has corrected the problem that caused these errors so that they will not be repeated in future production.

Braun believes that this noncompliance is inconsequential to motor vehicle safety and that no corrective action is warranted. Braun stated that:

The non-complying wheelchair lifts continue to meet the requirements set forth in the Americans with Disabilities Act (ADA). In other words, they are able to withstand "a force of 100 pounds concentrated at any point on the handrail without permanent deformation of the rail or its supporting structure." . . . The Braun Corporation has never received a claim or complaint of handrail failure resulting in an injury. . . . [T]he handrails have been utilized hundreds of millions, if not billions of times without incident. . . . [A]ny modifications, or upgrades imposed to ensure compliance with FMVSS 403 would appear to provide a statistically insignificant enhancement."

When NHTSA proposed handrail requirements in July 2000, it stated that the 445 N (100 lb) force applied at any point and in any direction on the handrail is to ensure that handrails are stable and have adequate clearance around them. The 445 N (100 lb) force is a test that represents normal use and the resulting deflections should not cause the passenger to become unstable or allow his hands which are grasping the handrails to interact with any portion of the vehicle. Such results would be a safety concern. The 1,112 N (250 lb) force is a test that assures that handrails are sufficiently strong to prevent catastrophic failure. If a handrail is overloaded, it is allowed to deflect further, however, it would be undesirable for the handrail to fracture which could cause it to collapse. The July 27, 2000 supplemental notice of proposed rulemaking (SNPRM) (65 FR 46228) and the December 2002 final rule (67 FR 79416) have the same handrail requirements and test procedures. In addition to these functional requirements, maximum displacement limits are specified. In NHTSA's compliance test on the Braun lift, the 445 N (100 lb) force was applied downward on the handrail and the deflection of 51 mm exceeded the requirement's limit of 25 mm. The 1,112 N (250 lb) force was applied downward and the deflection of 124 mm exceeded the requirement's limit of 100 mm. During application of the 1,112 N (250 lb) force, however, the handrail did not exhibit cracking, separation or fracture. Although the Braun lift handrail, when

tested with a downward force, exceeded the displacement limits by 26 mm at 445 N (100 lb) and 24 mm at 1,112 N (250 lb), the handrail gradually deflected downward and did not fail catastrophically. This type of failure would not cause the passenger to become unstable, adversely interact with the vehicle, or pose a safety concerns that the handrail requirements were intended to address. NHTSA is reviewing its laboratory test procedure as applicable to the handrail protocols to assess compliance with S6.4.9. It is anticipated that future tests will specify placement and direction of forces that will be more focused to address worst-case handrail displacement and real-world safety problems.

In consideration of the foregoing, NHTSA has decided that the petitioner has met its burden of persuasion that the noncompliance described is inconsequential to motor vehicle safety. Accordingly, Braun's petition is granted and the petitioner is exempted from the obligation of providing notification of, and a remedy for, the noncompliances.

**Authority:** 49 U.S.C. 30118, 30120; delegations of authority at CFR 1.50 and 501.8.

Issued on: April 12, 2007.

**Daniel C. Smith,**

*Associate Administrator for Enforcement.*

[FR Doc. E7–7412 Filed 4–18–07; 8:45 am]

**BILLING CODE 4910–59–P**

**DEPARTMENT OF TRANSPORTATION****Pipeline and Hazardous Materials Safety Administration****Office of Hazardous Materials Safety; Notice of Application for Special Permits**

**AGENCY:** Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

**ACTION:** List of Applications for Special Permits.

**SUMMARY:** In accordance with the procedures governing the application for, and the processing of, special permits from the Department of Transportation's Hazardous Material Regulations (49 CFR part 107, subpart B), notice is hereby given that the Office of Hazardous Materials Safety has received the application described herein. Each mode of transportation for which a particular special permit is requested is indicated by a number in the "Nature of Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel,

4—Cargo aircraft only, 5—Passenger-carrying aircraft.

**DATES:** Comments must be received on or before May 21, 2007.

*Address Comments to:* Record Center, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of

comments is desired, include a self-addressed stamped postcard showing the special permit number.

**FOR FURTHER INFORMATION CONTACT:** Copies of the applications are available for inspection in the Records Center, Nassif Building, 400 7th Street SW., Washington, DC or at <http://dms.dot.gov>.

This notice of receipt of applications for special permit is published in

accordance with Part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on April 12, 2007.

**Delmer Billings,**

*Director, Special Permits & Approvals Programs, Office of Hazardous Materials, Special Permits & Approvals.*

**NEW SPECIAL PERMITS**

Application number	Docket number	Applicant	Regulation(s) affected	Nature of special permits thereof
14487-N	.....	Osmose Inc. Millington, TN.	49 CFR 173.212 .....	To authorize the one-way transportation in commerce of Arsenic trioxide, Division 6.1, PG II in non-DOT specification drums. (mode 1)
14492-N	.....	Tankbouw Rootselaar B.V. The Netherlands.	49 CFR 178.276(a)(1) and (a)(2).	To authorize the manufacture, mark, sale and use of non-DOT specifications portable tanks conforming with the 2004 edition (+2005 Addenda) of Section VIII, Division 1 of the ASME Code for the transportation in commerce of certain Division 2.1 and 2.2 hazardous materials. (modes 1, 2, 3)
14493-N	.....	Thermacore, Inc. Lancaster, PA.	49 CFR 173.306(e) .....	To authorize the transportation in commerce of non-DOT specification containers (heat pipes) containing anhydrous ammonia for use in specialty cooling applications (modes 1, 2, 3, 4)
14494-N	.....	Airgas, Inc. Cheyenne, WY.	49 CFR 172.202, 172.301(a), and 172.301(c).	To authorize the transportation in commerce of cylinders that are marked with obsolete proper shipping descriptions to allow for their return. (modes 1, 2, 3, 4, 5)
14495-N	.....	GE Healthcare Arlington Heights, IL.	49 CFR 173.302(a), 175.3.	To authorize the transportation in commerce of a Division 2.2 gas in a non-DOT specification cylinder (modes 1, 4)
14496-N	.....	Oilphase Division, Schlumberger Eval. & Production (UK) Ltd Dyce, Aberdeen, UK.	49 CFR 173.201(c), 173.202(c), 173.203(c), 172.301(f), 173.302(a), 173.304(d), 173.304(d), 175.3.	To authorize the manufacture, marking, sale and use of non-DOT specifications cylinders similar to a DOT 3A for the transportation of Division 2.1 and 2.3 gases. (modes 1, 2, 3, 4)
14499-N	.....	Optimus International.	49 CFR 173.304a(d)(3)(ii) AB.	To authorize the manufacture, marking, sale and use of non-DOT specification, nonrefillable inside containers similar to DOT-2P for certain Division 2.1 flammable gases. (modes 1, 2, 3, 4)
14500-N	.....	Northwest Respiratory Services St. Paul, MN.	49 CFR 172.203(a); 177.834(h).	To authorize the loading and unloading of DOT 4L cylinders without unloading them from a vehicle. (mode 1)
14504-N	.....	Medis Technologies Ltd. New York, NY.	49 CFR 175.10(a) .....	To authorize passengers and crewmembers on aircraft to carry on baggage containing micro fuel cell systems with a small quantity of sodium/potassium borohydride solution, a Class 8, PG II liquid and a small quantity of potassium hydroxide electrolyte solution, a Class 8, PG II liquid. (mode 5)

[FR Doc. 07-1931 Filed 4-18-07; 8:45 am]

**BILLING CODE 4909-60-M**

**DEPARTMENT OF TRANSPORTATION**

**Pipeline and Hazardous Materials Safety Administration**

**Office of Hazardous Materials Safety; Notice of Delays in Processing of Special Permits Applications**

**AGENCY:** Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

**ACTION:** List of Applications Delayed more than 180 days.

**SUMMARY:** In accordance with the requirements of 49 U.S.C. 5117(c), PHMSA is publishing the following list of special permit applications that have been in process for 180 days or more. The reason(s) for delay and the expected completion date for action on each application is provided in association with each identified application.

**FOR FURTHER INFORMATION CONTACT:** Delmer Billings, Office of Hazardous Materials Special Permits and Approvals, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590-0001, (202) 366-4535.

**Key to "Reason for Delay"**

1. Awaiting additional information from applicant.
2. Extensive public comment under review.
3. Application is technically complex and is of significant impact or precedent-setting and requires extensive analysis.
4. Staff review delayed by other priority issues or volume of special permit applications.

**Meaning of Application Number Suffixes**

- N—New application.
- M—Modification request.

PM—Party to application with modification request.

Issued in Washington, DC, on April 9, 2007.

**Delmer Billings,**

*Director, Special Permits & Approvals Programs, Office of Hazardous Materials, Special Permits & Approvals.*

**MODIFICATION TO SPECIAL PERMITS**

Application number	Applicant	Reason for delay	Estimated date of completion
10481-M .....	M-1 Engineering Limited, Bradford, West Yorkshire .....	4	05-31-2007
14314-N .....	North American Automotive Hazmat Action Committee .....	1	04-30-2007
14343-N .....	Valero St. Charles, Norco, LA .....	1	04-30-2007
14385-N .....	Kansas City Southern Railway Company, Kansas City, MO .....	4	04-30-2007
14398-N .....	Lyondell Chemical Company, Houston, TX .....	4	04-30-2007
14402-N .....	Lincoln Composites, Lincoln, NE .....	1	12-31-2007

[FR Doc. 07-1932 Filed 4-18-07; 8:45 am]  
BILLING CODE 4910-60-M

**DEPARTMENT OF TRANSPORTATION**

**Pipeline and Hazardous Materials Safety Administration**

**Office of Hazardous Materials Safety; Notice of Applications for Modification of Special Permit.**

**AGENCY:** Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

**ACTION:** List of Applications for Modification of Special Permit.

**SUMMARY:** In accordance with the procedures governing the application for, and the processing of, special permits from the Department of Transportation's Hazardous Material Regulations (49 CFR part 107, subpart B), notice is hereby given that the Office of Hazardous Materials Safety has

received the application described herein. This notice is abbreviated to expedite docketing and public notice. Because the sections affected, modes of transportation, and the nature of application have been shown in earlier **Federal Register** publications, they are not repeated here. Request of modifications of special permits (e.g., to provide for additional hazardous materials, packaging design changes, additional mode of transportation, etc.) are described in footnotes to the application number. Application numbers with the suffix "M" denote a modification request. There applications have been separated from the new application for special permits to facilitate processing.

**DATES:** Comments must be received on or before May 4, 2007.

*Address Comments to:* Record Center, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the special permit number.

**FOR FURTHER INFORMATION CONTACT:** Copies of the application are available for inspection in the Records Center, Nassif Building, 400 7th Street, SW., Washington, DC or at <http://dms.dot.gov>.

This notice of receipt of applications for modification of special permit is published in accordance with Part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on April 12, 2007.

**Delmer Billings,**

*Director, Special Permits & Approvals Programs, Office of Hazardous Materials, Special Permits & Approvals.*

**MODIFICATION SPECIAL PERMITS**

Application number	Docket number	Applicant	Regulation(s) affected	Nature of special permit thereof
10698-M ..	.....	Worthington Cylinders—Wisconsin (formerly Western Industries, Inc.) Chilton, WI.	49 CFR 173.304(a)(2); 178.50 ....	To modify the special permit to authorize charging of the cylinders with an additional Division 2.2 gas.
11215-M ..	.....	Orbital Sciences Corporation, Mojave, CA.	49 CFR Part 172, Subparts C, D; 172.101, Special Provision 109.	To modify the special permit to authorize the transportation in commerce of additional Division 1.4B, 1.4C explosives and Division 2.2 gases and to establish alternative landing sites.
12222-M ..	.....	iSi GmbH A-1217, Vienna .....	49 CFR 173.304(a)(2) .....	To modify the special permit to authorize the transportation in commerce of DOT 39 Specification cylinders, containing a Division 2.2 gas, with a filling density maximum of 75% Carbon Dioxide.
12274-M ..	.....	Snow Peak, Inc, Clackamas, OR	49 CFR 172.301, 173.302a(b)(2), (b)(3) and (b)(4); 180.205(c) and (g) and 180.209(a).	To modify the special permit to authorize larger non-DOT specification nonrefillable inside containers.
12399-M ..	.....	BOC Gases, Murray Hill, NJ .....	49 CFR 173.34(e)(1); 173.34(e)(3); 173.34(e)(4); 173.34(e)(8); 173.34(e)(14); 173.34(e)(15)(vi).	To modify the special permit to authorize removal of a test procedure for cylinders no longer in use by the applicant.

## MODIFICATION SPECIAL PERMITS—Continued

Application number	Docket number	Applicant	Regulation(s) affected	Nature of special permit thereof
14172-M ..	.....	Pacific Bio-Material Management, Inc. d/b/a Pacific Scientific Transport, Fresno, CA.	49 CFR 173.196 and 173.199 ....	To modify the special permit to authorize additional customers outside of the current radius specified in the permit, to allow more than two freezers on each dedicated transport vehicle and to authorize more than seven shipments per year.
14393-M ..	.....	Hamilton Sundstrand, Windsor Locks, CT.	49 CFR 173.30(e)(iii), (iv), (v) and (vi); 173.307(a)(4)(iv).	To modify the special permit to authorize an increase in the maximum size of the cylinders integrated in the cooling unit.
14396-M ..	.....	Matheson Tri-Gas, Parsippany, NJ.	49 CFR 173.192(a) .....	To modify the special permit to authorize an additional Division 2.3 material to be transported in certain DOT specification and non-DOT specification cylinders not normally authorized for cargo vessel transportation, for export only.
14418-M ..	.....	Department of Defense, Ft. Eustis, VA.	49 CFR 172.301; 172.400; 172.504(a).	To reissue the special permit originally issued on an emergency basis for the transportation in commerce of a water reactive material in special packaging as Unitized Group Ration—Express (UGR-E) without being subject to Subchapter C of the Hazardous Materials Regulations.
14447-M ..	.....	California Tank Lines, Inc., Stockton, CA.	49 CFR 177.834 .....	To modify the special permit to authorize the unloading of DOT Specification MC 330 and 331 while the hose is still attached.
14476-M ..	.....	BP Products North America, Inc. (formerly BP Amoco Oil), Texas City, TX.	49 CFR 173.202, 173.203, 173.312, and 173.213.	To reissue the special permit originally issued on an emergency basis for the transportation in commerce of certain hazardous materials in non-DOT specification heat exchanger pressure vessels and heat exchanger tube bundles.
14488-M ..	.....	Sanofi Pasteur, Swiftwater, PA ...	49 CFR 173.24(b)(1) .....	To reissue the special permit originally issued on an emergency basis for the transportation in commerce of an influenza vaccine in a custom stainless steel batch reactor at a constant pressure of 1–5 psig by use of a cylinder feeding air into the reactor.

[FR Doc. 07–1933 Filed 4–18–07; 8:45 am]

BILLING CODE 4909–60–M

## DEPARTMENT OF TRANSPORTATION

### Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA—2006—25803]

#### Pipeline Safety: Grant of Waiver; Kinder Morgan Louisiana Pipeline, LLC

**AGENCY:** Pipeline and Hazardous Materials Safety Administration (PHMSA); DOT.

**ACTION:** Notice; Grant of Waiver.

**SUMMARY:** The Pipeline and Hazardous Materials Safety Administration (PHMSA) is granting Kinder Morgan Louisiana Pipeline, LLC (KMLP) a waiver of compliance from the Federal pipeline safety regulations for a new natural gas transmission pipeline. The regulations establish the maximum stress level and overpressure protection limits for natural gas pipelines.

#### FOR FURTHER INFORMATION CONTACT:

Alan Mayberry at (202) 366–5124, or by e-mail at [Alan.Mayberry@dot.gov](mailto:Alan.Mayberry@dot.gov) or Wayne Lemoi at (404) 832–1160, or by e-mail at [Wayne.Lemoi@dot.gov](mailto:Wayne.Lemoi@dot.gov).

#### SUPPLEMENTARY INFORMATION:

##### Waiver Request

*Pipeline Operator:* Kinder Morgan Louisiana Pipeline, LLC (KMLP) petitioned PHMSA on August 2, 2006 for a waiver of compliance with the Federal pipeline safety regulations limiting the operating stress levels for Class 1 locations along the Leg 1 segment of the KMLP pipeline in Louisiana. This waiver would allow KMLP to operate a new natural gas transmission pipeline at a maximum allowable operating pressure (MAOP) corresponding to a pipe stress level up to 80 percent of the steel pipe's specified minimum yield strength (SMYS) in rural areas along the pipeline route. SMYS is defined as the level of stress where steel transitions from elastic to plastic deformation. The

current maximum SMYS level allowed on pipelines in Class 1 locations is 72 percent according to 49 CFR 192.111. Because the proposed operating stress level of 80 percent is higher than the upper limit of the required overpressure protection under existing regulations (i.e., 10 percent over MAOP or 75 percent SMYS), KMLP proposes increasing the overpressure protection limit to 104 percent of the pipeline MAOP or 83 percent SMYS. The pipeline MAOP will be 1,440 psig.

#### Public Notice

On November 22, 2006 PHMSA published notice of this waiver request in the **Federal Register** (71 FR 67704) inviting interested persons to comment on the request. We did not receive any comments for or against this waiver request as a result of this notice. We also requested and received supplemental information from KMLP. The waiver request, **Federal Register** notice, supplemental information from KMLP, and all other pertinent documents are

available for review in the DOT's Document Management System (DMS), Docket Number PHMSA-2006-25803.

### Waiver Analysis

#### Background

On January 6, 2006 PHMSA issued a meeting notice and a call for papers in the **Federal Register** (71 FR 977) to seek public input on raising the MAOP on certain natural gas transmission pipelines. On March 21, 2006 PHMSA conducted a public meeting where subject matter experts from across the U.S. and other countries presented papers describing technical issues and experiences with operating pipelines above 72 percent SMYS. After receiving favorable public responses and comments from the meeting, PHMSA began developing criteria for the design and operation of pipelines above 72 percent SMYS.

PHMSA previously issued three waivers allowing operators to operate natural gas transmission pipelines above 72 percent SMYS. The waivers were granted with conditions that require operators to meet certain specified safety criteria. The safety criteria were developed from information received from the public meeting, industry best practices and internal research. KMLP used information gathered from these prior waiver grants along with internal procedures to develop its waiver petition.

#### Waiver Findings

PHMSA concludes that granting a waiver to KMLP is not inconsistent with pipeline safety and achieves a level of safety equal to or better than a similar pipeline designed and operated under existing regulations. The analysis concluded the following:

(1) KMLP's waiver application describes actions for the proposed pipeline life cycle addressing pipe and material quality, construction quality control, pre-in service strength testing, the Supervisory Control and Data Acquisition (SCADA) System, operations and maintenance and integrity management. The aggregate affect of these actions provides for more inspections and oversight than would occur on a pipeline installed under existing regulations.

(2) The actions proposed in KMLP's waiver application are consistent with prior waiver grants.

(3) The safety criteria contained in this waiver grant requires KMLP to more closely inspect and monitor this pipeline than a similar pipeline installed without a waiver.

#### Waiver Grant

PHMSA grants a waiver of compliance with §§ 192.111 and 192.201(a)(2)(i) to Kinder Morgan Louisiana Pipeline, LLC for Class 1 locations along the Leg 1 segment of the KMLP pipeline. The Leg 1 segment is a 137-mile, 42-inch pipeline, originating at the Sabine Pass Liquefied Natural Gas (LNG) terminal and extending to Evangeline Parish, Louisiana. Approximately 92 percent of the Leg 1 segment is located in Class 1 locations. For the purpose of this waiver, the *waiver area* is defined as the pipeline right-of-way for the Class 1 locations along the entire 137-mile Leg 1 segment of the KMLP pipeline.

#### Waiver Conditions

*This waiver is granted with the following conditions:*

(1) *Steel Properties:* The skelp/plate must be micro alloyed, fine grain, fully killed steel with calcium treatment and continuous casting.

(2) *Manufacturing Standards:* The pipe must be manufactured according to American Petroleum Institute Specification 5L (API 5L), product specification level 2 (PSL 2), supplementary requirements (SR) for maximum operating pressures and minimum operating temperatures. Pipe carbon equivalents must be at or below 0.25 percent based on the material chemistry parameter (Pcm) formula.

(3) *Fracture Control:* API 5L, the American Society of Mechanical Engineers B31.8 Standard (ASME B31.8) and other specifications and standards address the steel pipe toughness properties needed to resist crack initiation, crack propagation and to ensure crack arrest during a pipeline failure caused by a fracture. KMLP must institute an overall fracture control plan addressing steel pipe properties necessary to resist crack initiation and crack propagation and to arrest a fracture within eight pipe joints with a 99 percent occurrence probability or within five pipe joints with a 90 percent occurrence probability. The plan must include acceptable Charpy Impact and Drop Weight Tear Test values, which are measures of a steel pipeline's toughness and resistance to fracture. The fracture control plan, which must be submitted to PHMSA Headquarters, must be in accordance with API 5L, Appendix F and must include the following tests:

(a) SR 5A—Fracture Toughness Testing for Shear Area: Test results must indicate at least 85 percent minimum average shear area for all X-70 heats and 80 percent minimum shear area for all

X-80 heats with a minimum result of 80 percent shear area for any single test and must ensure ductile fracture and arrest;

(b) SR 5B—Fracture Toughness Testing for Absorbed Energy; and

(c) SR 6—Fracture Toughness Testing by Drop Weight Tear Test: Test results must be at least 80 percent of the average shear area for all heats with a minimum result of 60 percent of the shear area for any single test and must ensure a ductile fracture.

The above fracture initiation, propagation and arrest plan must account for the entire range of pipeline operating temperatures, pressures and gas compositions planned for the pipeline diameter, grade and operating stress levels, including maximum pressures and minimum temperatures for shut-in conditions associated with the waiver area. Where the use of stress factors, pipe grade, operating temperatures and gas composition make fracture toughness calculations non-conservative, correction factors must be used. If the fracture control plan of the pipe in the waiver area does not meet these specifications, KMLP must submit to PHMSA Headquarters an alternative plan providing an acceptable method to resist crack initiation, crack propagation and to arrest ductile fractures in the waiver area.

(4) *Steel Plate Quality Control:* The steel mill and/or pipe rolling mill must incorporate a comprehensive plate/coil mill and pipe mill inspection program to check for defects and inclusions that could affect the pipe quality. This program must include a plate (body and all ends) ultrasonic testing (UT) inspection program to check for imperfections such as laminations. An inspection protocol for centerline segregation evaluation using a test method referred to as slab macro-etching must be employed to check for inclusions that may form as the steel plate cools after it has been cast. A minimum of one macro-etch test must be performed from the first heat (manufacturing run) of each sequence (approximately 4 heats) and graded on the Mannesmann scale or equivalent. Test results with a Mannesmann scale rating of one or two out of a possible five are acceptable.

(5) *Pipe Seam Quality Control:* A quality assurance program must be instituted for pipe weld seams. The pipe weld seam tests must meet the minimum requirements for tensile strength in API 5L for the appropriate pipe grade properties. A pipe weld seam hardness test using the Vickers hardness testing of a cross-section from the weld seam must be performed on one length

of pipe from each heat. The weld seam and heat affected zone hardness must be a maximum of 280 Vickers hardness. The hardness tests must include a minimum of three readings for each heat affected zone, three readings in the weld metal and two readings in each section of pipe base metal for a total of 13 readings. The pipe weld seam must be 100 percent UT inspected after expansion and hydrostatic testing per APL 5L.

(6) *Puncture Resistance*: Steel pipe must be puncture resistant to 65 tons. Puncture resistance will be calculated based on industry established calculations such as the Pipeline Research Council International's "Reliability Based Prevention of Mechanical Damage to Pipelines" calculation method.

(7) *Mill Hydrostatic Test*: The pipe must be subjected to a mill hydrostatic test pressure of 95 percent SMYS or greater for 10 seconds.

(8) *Pipe Coating*: The application of a corrosion resistant coating to the steel pipe must be subject to a coating application quality control program. The program must address pipe surface cleanliness standards, blast cleaning, application temperature control, adhesion, cathodic disbondment, moisture permeation, bending, minimum coating thickness, coating imperfections and coating repair.

(9) *Field Coating*: A field girth weld joint coating application specification and quality standards to ensure pipe surface cleanliness, application temperature control, adhesion quality, cathodic disbondment, moisture permeation, bending, minimum coating thickness, holiday detection and repair quality must be implemented in field conditions. Field joint coatings must be non-shielding to cathodic protection (CP). Field coating applicators must use valid coating procedures and be trained to use these procedures.

(10) *Coatings for Trenchless Installation*: Coatings used for directional bore, slick bore and other trenchless installation methods must resist abrasions and other damages that may occur due to rocks and other obstructions encountered in this installation technique.

(11) *Bends Quality*: Certification records of factory induction bends and/or factory weld bends must be obtained and retained. All bends, flanges and fittings must have carbon equivalents (CE) below 0.42 or a pre-heat procedure prior to welding for CE above 0.42.

(12) *Fittings*: All pressure rated fittings and components (including flanges, valves, gaskets, pressure vessels and compressors) must be rated for a

pressure rating commensurate with the MAOP and class location of the pipeline. Designed fittings (including tees, elbows and caps) must have the same design factors as the adjacent pipe class location.

(13) *Design Factor—Stations*: Compressor and meter stations must be designed using a design factor of 0.50 in accordance with § 192.111.

(14) *Temperature Control*: The compressor station discharge temperature must not exceed 120° Fahrenheit or a temperature below the maximum long-term operating temperature for the pipe coating.

(15) *Overpressure Protection Control*: Mainline pipeline overpressure protection must not exceed 104 percent MAOP.

(16) *Welding Procedures*: The appropriate PHMSA regional office must be notified within 14 days of the beginning of welding procedure qualification activities. Automated or manual welding procedure documentation must be submitted to the same PHMSA regional office.

(17) *Depth of Cover*: The soil cover must be a minimum of 36 inches in all areas. In areas where threats from chisel plowing or other activities are threats to the pipeline, the top of the pipeline must be installed at least one foot below the deepest penetration above the pipeline. If a routine patrol or other observed conditions indicate the possible loss of cover over the pipeline, KMLP must perform a depth of cover study and replace cover as necessary to meet the minimum depth of cover requirements specified herein.

(18) *Construction Quality*: A construction quality assurance plan to ensure quality standards and controls must be maintained throughout the construction phase for inspection, pipe hauling and stringing, field bending, welding, non-destructive examination (NDE) of girth welds, field joint coating, pipeline coating integrity tests, lowering of the pipeline in the ditch, padding materials to protect the pipeline, backfilling, alternating current (AC) interference mitigation and CP systems. All girth welds must be non-destructively examined (NDE) by radiography or alternative means. The NDE examiner must have all required certifications which must be current.

(19) *Interference Currents Control*: Control of induced AC from parallel electric transmission lines and other interference issues that may affect the pipeline must be incorporated into the design of the pipeline and addressed during the construction phase. Issues identified and not originally addressed in the design phase must be brought to

PHMSA Headquarters' attention. An induced AC program to protect the pipeline from corrosion caused by stray currents must be in place within six months after placing the pipeline in service.

(20) *Test Level*: The pre-in service hydrostatic test pressure on 0.8 designed Class 1 location pipe must be equal to or greater than 125 percent of the MAOP and produce a hoop stress of at least 100 percent SMYS.

(21) *Assessment of Test Failures*: Any pipe failure occurring during the pre-in service hydrostatic test must undergo a root cause failure analysis to include a metallurgical examination of the failed pipe. The results of this examination must preclude a systemic pipeline material issue and the results must be reported to PHMSA Headquarters and the appropriate PHMSA regional office.

(22) *SCADA System Capabilities*: A SCADA system to provide remote monitoring and control of the entire pipeline system must be employed.

(23) *SCADA Procedures*: A detailed procedure for establishing and maintaining accurate SCADA set points must be established to ensure the pipeline operates within acceptable design limits at all times.

(24) *Mainline Valve Control*: Mainline valves located on either side of a pipeline segment containing a High Consequence Area (HCA) where personnel response time to the valve exceeds one hour must be remotely controlled by the SCADA system. The SCADA system must be capable of opening and closing the valve and monitoring the valve position, upstream pressure and downstream pressure. As an alternative, a leak detection system for mainline valve control is acceptable.

(25) *Leak Reporting*: KMLP must notify the appropriate PHMSA regional office within 24 hours of any non-reportable leaks occurring on the pipeline.

(26) *Annual Reporting*: Following approval of the waiver, KMLP must annually report the following:

(a) The results of any in-line inspection (ILI) and the results of any direct assessment performed within the waiver area during the previous year;

(b) Any new integrity threats identified within the waiver area during the previous year;

(c) Any encroachment in the waiver area, including the number of new residences or public gathering areas;

(d) Any class or HCA changes in the waiver area during the previous year;

(e) Any reportable incidents associated with the waiver area that occurred during the previous year;

(f) Any leaks on the pipeline in the waiver area that occurred during the previous year;

(g) A list of all repairs on the pipeline in the waiver area made during the previous year;

(h) On-going damage prevention initiatives on the pipeline in the waiver area and a discussion of their success or failure;

(i) Any changes in procedures used to assess and/or monitor the pipeline operating under this waiver; and

(j) Any company mergers, acquisitions, transfers of assets, or other events affecting the regulatory responsibility of the company operating the pipeline to which this waiver applies.

(27) *Pipeline Inspection*: The pipeline must be capable of passing ILI tools. All headers and other segments covered under this waiver that do not allow the passage of an ILI device must have a corrosion mitigation plan.

(28) *Gas Quality Monitoring*: Gas quality monitoring equipment must be installed to permit the operator to manage and limit the introduction of contaminants and free liquids into the pipeline. An acceptable gas quality monitoring and mitigation program must be instituted to not exceed the following limits:

(a) H<sub>2</sub>S (0.25 grains per 100 standard cubic feet or 4 parts per million, maximum);

(b) CO<sub>2</sub> (3 percent maximum);

(c) H<sub>2</sub>O (less than or equal to 7 pounds per million standard cubic feet and no free water); and

(d) Other deleterious constituents that may impact the integrity of the pipeline must be instituted.

(29) *Gas Quality Control*: Filters/separators must be installed at locations where gas is received into the pipeline where the incoming gas stream quality includes potentially deleterious constituents to minimize the entry of contaminants and to protect the integrity of downstream pipeline segments.

(30) *Cathodic Protection*: The initial CP system must be operational within 12 months of placing the pipeline in service.

(31) *Interference Current Surveys*: Interference surveys must be performed within six months of placing the pipeline in service to ensure compliance with applicable NACE International Standard Recommended Practices 0169 and 0177 (NACE RP 0169 and NACE RP 0177) for interference current levels. If interference currents are found, KMLP will determine if there have been any adverse effects to the pipeline and mitigate the effects as necessary. KMLP

will report to PHMSA the results of any negative finding and the associated mitigative efforts.

(32) *Corrosion Surveys*: Corrosion surveys of the affected pipeline must be completed within six months of placing the respective CP system(s) in operation to ensure adequate external corrosion protection per NACE RP 0169. The survey must also address the proper number and location of CP test stations as well as AC interference mitigation and AC grounding programs per NACE RP 0177.

(33) *Verification of Cathodic Protection*: An interrupted close interval survey (CIS) must be performed in concert with ILI for all HCA pipeline mileage in accordance with 49 CFR 192 Subpart O reassessment intervals. At least one CP test station must be located within each HCA with a maximum spacing between test stations of one-half mile within an HCA. If any annual test station reading fails to meet 49 CFR 192 Subpart I requirements, remedial actions must occur within six months. Remedial actions must include a CIS on each side of the affected test station and all modifications to the CP system necessary to ensure adequate external corrosion control.

(34) *Pipeline Markers*: KMLP must employ line-of-sight markings on the pipeline in the waiver area except in agricultural areas or large water crossings such as lakes where line of sight signage is not practical. The marking of pipelines is also subject to Federal Energy Regulatory Commission orders or environmental permits and local restrictions.

(35) *Pipeline Patrolling*: Pipeline patrolling must be conducted at least monthly to inspect for excavation activities, ground movement, wash-outs, leakage or other activities and conditions affecting the safe operation of the pipeline.

(36) *Monitoring of Ground Movement*: An effective monitoring/mitigation plan must be in place to monitor for and mitigate issues of unstable soil and ground movement.

(37) *Review of Risk Assessment Calculations*: A copy of the C-FER PIRAMID risk analysis report regarding the pipe subject to this waiver must be submitted to PHMSA Headquarters.

(38) *Initial ILI*: KMLP must perform a baseline ILI in association with the construction of the pipeline using a high-resolution Magnetic Flux Leakage (MFL) tool to be completed within three years of placing the pipeline in service. KMLP must also run a geometry tool after the backfill of the pipeline and after the dewatering from the hydrostatic strength test but not later

than six months after placing the pipeline in service.

(39) *Future ILI*: A second high-resolution MFL inspection must be performed and completed on the pipe subject to this waiver within the first reassessment interval required by 49 CFR Subpart O, regardless of HCA classification. Future ILI must be performed on a frequency consistent with Subpart O for the entire pipeline covered by this waiver.

(40) *Direct Assessment Plan*: Headers, mainline valve bypasses and other sections covered by this waiver that cannot accommodate ILI tools must be part of a Direct Assessment (DA) plan or other acceptable integrity monitoring method.

(41) *Initial CIS*: A CIS must be performed on the pipeline within two years of the pipeline in-service date. The CIS results must be integrated with the baseline ILI to determine whether further action is needed.

(42) *Damage Prevention Program*: The Common Ground Alliance's damage prevention best practices must be incorporated into the KMLP damage prevention program.

(43) *Class 2 and 3 Pipe*: Pipe installed in Class 2 and Class 3 locations must use stress factors of 0.60 and 0.50 as required in § 192.111. Pipe in road and railroad crossings must meet the requirements of § 192.111. Future class changes must meet the requirements of §§ 192.609 and 192.611.

(44) *Anomaly Evaluation and Repair*: Anomaly evaluations and repairs must be performed based upon the following:

(a) *Anomaly Response Time*  
—Any waiver area anomaly with a failure pressure ratio (FPR) equal to or less than 1.1 must be treated as an "immediate repair condition" per 49 CFR 192, Subpart O.  
—Any waiver area anomaly with a FPR equal to or less than 1.25 must be repaired within 12 months.

(b) *Anomaly Repair Criteria*  
—All other pipe segments with anomalies not repaired must be reassessed according to Subpart O and ASME B31.8S requirements and class location factor. Each anomaly not repaired, as an immediate repair, must have a corrosion growth rate and ILI tool tolerance assigned to it per the Gas Integrity Management Program (IMP) to determine the maximum re-inspection interval.  
—KMLP must confirm the remaining strength (R-STRENG) effective area method, R-STRENG-0.85dL, and ASME B31G assessment methods are valid for the pipe diameter, wall thickness, grade, operating

pressure, operating stress level and operating temperature. KMLP must also use the most conservative method until confirmation of the proper method is made to PHMSA Headquarters.

—Dents in the pipe in the waiver area must be evaluated and repaired per 49 CFR 192.309(b) for initial ILI and per 49 CFR 192.933(d) for future ILI.

(45) *Preliminary Report*: A preliminary report describing the results, completion dates and status of the waiver conditions must be completed for the pipeline and submitted to PHMSA Headquarters and the appropriate PHMSA regional office prior to commencing construction of the pipeline.

(46) *Completion Report*: A completion report describing the results, completion dates and status of the outstanding waiver conditions must be submitted to PHMSA Headquarters and the appropriate regional office within 180 days after completion of the pipeline.

(47) *ILI Reports*: A report must be submitted for the pipeline after the baseline ILI (MFL and Geometry) run has been performed with assessment and integration of the results. A report must also be submitted upon completion of the second ILI run. These reports must be submitted to PHMSA Headquarters and the appropriate PHMSA regional office.

(48) *Potential Impact Radius Calculation Updates*: If the pipeline operating pressures and gas quality are determined to be outside the parameters of the C-FER Study, a revised study with the updated parameters must be incorporated into the IMP.

#### Waiver Limitations

Should KMLP fail to comply with any conditions of the waiver, or should PHMSA determine this waiver is no longer appropriate or that the waiver is inconsistent with pipeline safety, PHMSA may revoke this waiver and require KMLP to comply with regulatory requirements of §§ 192.111 and 192.201(a)(2)(i).

**Authority**: 49 U.S.C. 60118(c)(1) and 49 CFR 1.53.

Issued in Washington, DC on April 13, 2007.

**Jeffrey D. Wiese,**

*Acting Associate Administrator for Pipeline Safety.*

[FR Doc. E7-7414 Filed 4-18-07; 8:45 am]

**BILLING CODE 4910-60-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 35014]

#### Suffolk & Southern Rail Road LLC— Sublease and Operation Exemption— Brookhaven Rail Terminal

Suffolk & Southern Rail Road LLC (Suffolk), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to sublease from Custom Recycling LLC (Custom), a noncarrier, and to operate 1,280 feet of rail line located at the Brookhaven Rail Terminal at Yaphank, Suffolk County, NY. There are no mileposts on the line. Custom currently leases the line from Nicolita Realty LLC, also a noncarrier and owner of the line. As a result of this transaction, Suffolk will provide common carrier service over this line of railroad, which currently is being served as industry trackage by the New York & Atlantic Railway, a Class III rail carrier.<sup>1</sup>

Suffolk certifies that its projected annual revenues as a result of this transaction will not exceed those that would qualify it as a Class III rail carrier and will not exceed \$5 million.

The earliest this transaction may be consummated is the May 3, 2007 effective date of the exemption (30 days after the exemption was filed).

If the verified notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions for stay must be filed no later than April 26, 2007 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 35014, must be filed with the Surface Transportation Board, 395 E Street, SW., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on John D. Heffner, John D. Heffner, PLLC, 1920 N Street, NW., Suite 800, Washington, DC 20036.

Board decisions and notices are available on our Web site at <http://www.stb.dot.gov>.

Decided: April 12, 2007.

<sup>1</sup> Suffolk intends to engage an existing short line railroad to provide service over the line and notes that such carrier will file a notice of exemption for Board authority before commencing operations.

By the Board, David M. Konschnik,  
Director, Office of Proceedings.

**Vernon A. Williams,**  
*Secretary.*

[FR Doc. E7-7430 Filed 4-18-07; 8:45 am]

**BILLING CODE 4915-01-P**

## DEPARTMENT OF THE TREASURY

### Office of the Comptroller of the Currency

#### Agency Information Collection Activities: Proposed Information Collection; Comment Request

**AGENCY**: Office of the Comptroller of the Currency (OCC), Treasury.

**ACTION**: Notice and request for comment.

**SUMMARY**: The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to comment on a proposed information collection, as required by the Paperwork Reduction Act of 1995. An agency may not conduct or sponsor, and a respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. The OCC is soliciting comment concerning a proposed information collection titled, "Survey of Minority Owned National Banks."

**DATES**: Comments must be submitted on or before June 18, 2007.

**ADDRESSES**: Communications Division, Office of the Comptroller of the Currency, Public Information Room, Mailstop 1-5, Attention: 1557-NEW, 250 E Street, SW., Washington, DC 20219. In addition, comments may be sent by fax to (202) 874-4448, or by electronic mail to [regs.comments@occ.treas.gov](mailto:regs.comments@occ.treas.gov). You can inspect and photocopy the comments at the OCC's Public Information Room, 250 E Street, SW., Washington, DC 20219. You can make an appointment to inspect the comments by calling (202) 874-5043.

Additionally, you should send a copy of your comments to OCC Desk Officer, 1557-NEW, by mail to U.S. Office of Management and Budget, 725 17th Street, NW., #10235, Washington, DC 20503, or by fax to (202) 395-6974.

**FOR FURTHER INFORMATION CONTACT**: You may request additional information or a copy of the collection and supporting documentation submitted to OMB by contacting: Mary Gottlieb or Camille Dickerson, (202) 874-5090, Legislative and Regulatory Activities Division,

Office of the Comptroller of the Currency, 250 E Street, SW., Washington, DC 20219.

**SUPPLEMENTARY INFORMATION:**

*Title:* Survey of Minority Owned National Banks.

*OMB Control No.:* New collection.

*Type of Review:* Regular review.

*Description:* The OCC is committed to assessing its efforts to provide supervisory support, technical assistance, education, and outreach to the Minority Owned National Banks (MONBs) under its supervision. To perform this assessment, it is necessary to obtain, from the individual MONBs, feedback on the effectiveness of OCC's current efforts and suggestions for enhancing its supervisory efforts and assistance going forward. The OCC will use the information it gathers to assess the needs of MONBs, and OCC's current efforts to meet those needs. The OCC will also use the information to focus and enhance its supervisory, technical assistance, education and outreach activities with respect to MONBs.

*Affected Public:* Businesses or other for-profit.

*Burden Estimates:*

*Estimated Number of Respondents:* 40.

*Estimated Number of Responses:* 40.

*Estimated Annual Burden:* 80 hours.

*Frequency of Response:* On occasion.

*Comments:* Comments submitted in response to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record.

Comments are invited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility;

(b) The accuracy of the agency's estimate of the burden of the collection of information;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of the collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or startup costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: April 16, 2007.

**Stuart Feldstein,**

*Assistant Director, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency.*

[FR Doc. E7-7448 Filed 4-18-07; 8:45 am]

**BILLING CODE 4810-33-P**

**DEPARTMENT OF THE TREASURY****Internal Revenue Service****Proposed Collection; Comment Request for Announcement 2004-43**

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Announcement 2004-43, Election of Alternative Deficit Reduction Contribution.

**DATES:** Written comments should be received on or before June 18, 2007 to be assured of consideration.

**ADDRESSES:** Direct all written comments to Glenn P. Kirkland, Internal Revenue Service, room 6516, 1111 Constitution Avenue, NW., Washington, DC 20224.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the announcement should be directed to Carolyn N. Brown at Internal Revenue Service, room 6516, 1111 Constitution Avenue, NW., Washington, DC 20224, or at (202) 622-6688, or through the Internet at [Carolyn.N.Brown@irs.gov](mailto:Carolyn.N.Brown@irs.gov).

**SUPPLEMENTARY INFORMATION: Title:** Election of Alternative Deficit Reduction Contribution.

*OMB Number:* 1545-1884.

*Announcement Number:* Announcement 2004-43.

*Abstract:* Announcement 2004-43 describes the notice that must be given by an employer to plan participants and beneficiaries and to the Pension Benefit Guaranty Corporation within 30 days of making an election to take advantage of the alternative deficit reduction contribution described in Pub. L., 108-18, and gives a special transition rules for the 1st quarter.

*Current Actions:* There are no changes being made to the announcement at this time.

*Type of Review:* Extension of a currently approved collection.

*Affected Public:* Business or other for-profit organizations, and Not-for-profit institutions.

*Estimated Number of Respondents:* 200.

*Estimated Time per Respondent:* 60 hours.

*Estimated Total Annual Burden Hours:* 12,000.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

*Request for Comments:* Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record.

*Comments Are Invited On:* (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: April 3, 2007.

**Glenn P. Kirkland,**

*IRS Reports Clearance Officer.*

[FR Doc. E7-7388 Filed 4-18-07; 8:45 am]

**BILLING CODE 4830-01-P**

**DEPARTMENT OF THE TREASURY****Internal Revenue Service****Proposed Collection; Comment Request for Form 8874-A**

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed

and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 8874-A, Notice of Qualified Equity Investment for New Markets Credit.

**DATES:** Written comments should be received on or before June 18, 2007 to be assured of consideration.

**ADDRESSES:** Direct all written comments to Glenn Kirkland Internal Revenue Service, room 6512, 1111 Constitution Avenue, NW., Washington, DC 20224.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the form and instructions should be directed to Larnice Mack at Internal Revenue Service, room 6512, 1111 Constitution Avenue, NW., Washington, DC 20224, or at (202) 622-3179, or through the Internet at [Larnice.Mack@irs.gov](mailto:Larnice.Mack@irs.gov).

**SUPPLEMENTARY INFORMATION:**

*Title:* Notice of Qualified Equity Investment for New Markets Credit.

*OMB Number:* 1545-2065.

*Form Number:* 8874-A.

*Abstract:* New modernized e-file return for partnerships. Internal Revenue Code Sections 6109 and 6103.w code section 45N. 45N was added by section 405 of the Tax Relief and Health Care Act of 2006. The new form provides a means for the qualified mining company to compute and claim the credit.

*Current Actions:* There are no changes being made to the form at this time.

*Type of Review:* Extension of a currently approved collection.

*Affected Public:* Individual or households, Business or other for-profit.

*Estimated Number of Respondents:* 500.

*Estimated Time Per Respondent:* 5 hours.

*Estimated Total Annual Burden Hours:* 2,510.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

*Request for Comments:* Comments submitted in response to this notice will be summarized and/or included in the

request for OMB approval. All comments will become a matter of public record.

*Comments are Invited on:* (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: April 2, 2007.

**Glenn Kirkland,**

*IRS Reports Clearance Officer.*

[FR Doc. E7-7389 Filed 4-18-07; 8:45 am]

**BILLING CODE 4830-01-P**

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### Proposed Collection; Comment Request for Form 8874-B

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 8874-B, Notice of Recapture Event for New Markets Credit.

**DATES:** Written comments should be received on or before June 18, 2007 to be assured of consideration.

**ADDRESSES:** Direct all written comments to Glenn Kirkland, Internal Revenue Service, room 6512, 1111 Constitution Avenue NW., Washington, DC 20224.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the form and instructions should be directed to Larnice Mack at Internal Revenue Service, room 6512, 1111 Constitution Avenue NW.,

Washington, DC 20224, or at (202) 622-3179, or through the Internet at [Larnice.Mack@irs.gov](mailto:Larnice.Mack@irs.gov).

**SUPPLEMENTARY INFORMATION:**

*Title:* Notice of Recapture Event for New Markets Credit.

*OMB Number:* 1545-2066.

*Form Number:* 8874-B.

*Abstract:* New modernized e-file return for partnerships. Internal Revenue Code Sections 6109 and 6103.

*Current Actions:* There are no changes being made to the form at this time.

*Type of Review:* Extension of a currently approved collection.

*Affected Public:* Individual or households, Business or other for-profit.

*Estimated Number of Respondents:* 500.

*Estimated Time Per Respondent:* 5 hours; 31 minutes.

*Estimated Total Annual Burden Hours:* 2,755.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

*Request for Comments:* Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record.

*Comments are invited on:* (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: April 2, 2007.

**Glenn Kirkland,**

*IRS Reports Clearance Officer.*

[FR Doc. E7-7390 Filed 4-18-07; 8:45 am]

**BILLING CODE 4830-01-P**

**DEPARTMENT OF THE TREASURY****Internal Revenue Service**

[TD 9212]

**Proposed Collection; Comment Request for Regulations Project****AGENCY:** Internal Revenue Service (IRS), Treasury.**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, TD 9212, Source of Compensation for Labor or Personal Services.

**DATES:** Written comments should be received on or before June 18, 2007 to be assured of consideration.

**ADDRESSES:** Direct all written comments to Glenn P. Kirkland, Internal Revenue Service, room 6516, 1111 Constitution Avenue, NW., Washington, DC 20224.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the form and instructions should be directed to R. Joseph Durbala, (202) 622-3634, at Internal Revenue Service, room 6516, 1111 Constitution Avenue, NW., Washington, DC 20224, or through the Internet at [RJoseph.Durbala@irs.gov](mailto:RJoseph.Durbala@irs.gov).

**SUPPLEMENTARY INFORMATION:**

**Title:** Source of Compensation for Labor or Personal Services.

**OMB Number:** 1545-1900.

**Regulation Project Number:** TD 9212.

**Abstract:** This document contains final regulations that describe the proper basis for determining the source of compensation for labor or personal services performed partly within and partly without the United States. These final regulations will affect individuals who earn compensation for labor or personal services performed partly within and partly without the United States and are needed to provide appropriate guidance regarding the determination of the proper source of that compensation.

**Current Actions:** There is no change in the paperwork burden previously approved by OMB. This form is being submitted for renewal purposes only.

**Type of Review:** Extension of a currently approved collection.

**Affected Public:** Individuals and households, and businesses and other for-profit organizations.

**Estimated Number of Respondents:** 20,000.

**Estimated Time Per Respondent:** 30 minutes.

**Estimated Total Annual Burden Hours:** 10,000.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

**Request for Comments:** Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record.

**Comments are invited on:** (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: April 11, 2007.

**Glenn P. Kirkland,**

*IRS Reports Clearance Officer.*

[FR Doc. E7-7391 Filed 4-18-07; 8:45 am]

**BILLING CODE 4830-01-P**

**DEPARTMENT OF THE TREASURY****Internal Revenue Service****Proposed Collection; Comment Request for Forms 945, 945-A, and 945-V****AGENCY:** Internal Revenue Service (IRS), Treasury.**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 945, Annual Return of Withheld Federal Income Tax; Form 945-A, Annual Record of Federal Tax Liability; and Form 945-V, Form 945 Payment Voucher.

**DATES:** Written comments should be received on or before June 18, 2007 to be assured of consideration.

**ADDRESSES:** Direct all written comments to Glenn P. Kirkland, Internal Revenue Service, room 6516, 1111 Constitution Avenue, NW., Washington, DC 20224.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the forms and instructions should be directed to R. Joseph Durbala at Internal Revenue Service, room 6516, 1111 Constitution Avenue, NW., Washington, DC 20224, or at (202) 622-3634, or through the Internet at [RJoseph.Durbala@irs.gov](mailto:RJoseph.Durbala@irs.gov).

**SUPPLEMENTARY INFORMATION:** **Title:** Annual Return of Withheld Federal Income Tax (Form 945), Annual Record of Federal Tax Liability (Form 945-A), and Form 945 Payment Voucher (Form 945-V).

**OMB Number:** 1545-1430.

**Form Numbers:** 945, 945-A, and 945-V.

**Abstract:** Form 945 is used to report income tax withholding on nonpayroll payments including backup withholding and withholding on pensions, annuities, IRAs, military retirement, and gambling winnings. Form 945-A is used to report nonpayroll tax liabilities. Form 945-V is a payment voucher that is used by those taxpayers who submit a payment with their return.

**Current Actions:** There is no change in the paperwork burden previously approved by OMB. This form is being submitted for renewal purposes only.

**Type of Review:** Revision of a currently approved collection.

**Affected Public:** Business or other for-profit organizations, individuals or households, not-for-profit institutions, farms, and Federal, state, local or tribal governments.

**Estimated Number of Respondents:** 193,468.

**Estimated Time Per Respondent:** 10 hours, 44 minutes.

*Estimated Total Annual Burden Hours:* 2,077,017.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

*Request for Comments:* Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record.

*Comments are Invited on:* (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: April 10, 2007.

**Glenn P. Kirkland,**

*Reports Clearance Officer.*

[FR Doc. E7-7392 Filed 4-18-07; 8:45 am]

**BILLING CODE 4830-01-P**

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

[PS-127-86; PS-128-86; PS-73-88]

#### Proposed Collection; Comment Request for Regulation Project

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed

and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, PS-127-86, PS-128-86, and PS-73-88 (TD 8644), Generation-Skipping Transfer Tax (§§ 26.2601-1, 26.2632-1, 26.2642-1, 26.2642-2, 26.2642-3, 26.2642-4, 26.2652-2, and 26.2662-1).

**DATES:** Written comments should be received on or before June 18, 2007 to be assured of consideration.

**ADDRESSES:** Direct all written comments to Glenn P. Kirkland, Internal Revenue Service, Room 6516, 1111 Constitution Avenue NW., Washington, DC 20224.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection should be directed to Carolyn N. Brown, at (202) 622-6688, or at Internal Revenue Service, room 6516, 1111 Constitution Avenue NW., Washington, DC 20224, or through the Internet, at [Carolyn.N.Brown@irs.gov](mailto:Carolyn.N.Brown@irs.gov).

#### SUPPLEMENTARY INFORMATION:

*Title:* Generation-Skipping Transfer Tax.

*OMB Number:* 1545-0985.

*Regulation Project Number:* PS-127-86; PS-128-86; PS-73-88.

*Abstract:* This regulation provides rules relating to the effective date, return requirements, definitions, and certain rules covering the generation-skipping transfer tax. The information required by the regulation will require individuals and/or fiduciaries to report information on Forms 706, 706NA, 706GS (D), 706GS (D-1), 706GS (T), 709, and 843 in connection with the generation skipping transfer tax. The information will facilitate the assessment of the tax and taxpayer examinations.

*Current Actions:* There is no change to this existing regulation.

*Type of Review:* Extension of OMB approval.

*Affected Public:* Individuals and households, and Business or other for-profit organizations.

*Estimated Number of Respondents:* 7,500.

*Estimated Time Per Respondent:* 30 minutes.

*Estimated Total Annual Burden Hours:* 3,750.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information

displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

*Request for Comments:* Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record.

*Comments are invited on:* (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: April 3, 2007.

**Glenn P. Kirkland,**

*IRS Reports Clearance Officer.*

[FR Doc. E7-7393 Filed 4-18-07; 8:45 am]

**BILLING CODE 4830-01-P**

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### Proposed Collection; Comment Request for Form 8923

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 8923, Mine Rescue Team Training Credit.

**DATES:** Written comments should be received on or before June 18, 2007 to be assured of consideration.

**ADDRESSES:** Direct all written comments to Glenn Kirkland Internal Revenue Service, room 6512, 1111 Constitution Avenue, NW., Washington, DC 20224.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the form and instructions should be directed to Larnice Mack at Internal Revenue Service, room 6512, 1111 Constitution Avenue, NW., Washington, DC 20224, or at (202) 622-3179, or through the Internet at [Larnice.Mack@irs.gov](mailto:Larnice.Mack@irs.gov).

**SUPPLEMENTARY INFORMATION:**

*Title:* Mine Rescue Team Training Credit.

*OMB Number:* 1545-2067.

*Form Number:* 8923.

*Abstract:* Form 8923, Mine Rescue Team Training Credit, was developed to carry out the provisions of new code section 45N. 45N was added by section 405 of the Tax Relief and Health Care Act of 2006. The new form provides a means for the qualified mining company to compute and claim the credit.

*Current Actions:* There are no changes being made to the form at this time.

*Type of Review:* Extension of a currently approved collection.

*Affected Public:* Business or other for-profit.

*Estimated Number of Respondents:* 200.

*Estimated Time Per Respondent:* 1 hour; 28 minutes.

*Estimated Total Annual Burden Hours:* 292.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

*Request for Comments:* Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the

information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: April 2, 2007.

**Glenn Kirkland,**

*IRS Reports Clearance Officer.*

[FR Doc. E7-7394 Filed 4-18-07; 8:45 am]

**BILLING CODE 4830-01-P**

**DEPARTMENT OF THE TREASURY**

**Internal Revenue Service**

**[REG-107151-00]**

**Proposed Collection; Comment Request for Regulations Project**

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, REG-107151-00 (TD 9035), Constructive Transfers and Transfers of Property to a Third-Party on Behalf of a Spouse (§ 1.1041-2).

**DATES:** Written comments should be received on or before June 18, 2007 to be assured of consideration.

**ADDRESSES:** Direct all written comments to Glenn P. Kirkland, Internal Revenue Service, room 6516, 1111 Constitution Avenue NW., Washington, DC 20224.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the form and instructions should be directed to R. Joseph Durbala, (202) 622-3634, at Internal Revenue Service, room 6516, 1111 Constitution Avenue NW., Washington, DC 20224, or through the Internet at [RJoseph.Durbala@irs.gov](mailto:RJoseph.Durbala@irs.gov).

**SUPPLEMENTARY INFORMATION:** *Title:* Constructive Transfers and Transfers of Property to a Third-Party on Behalf of a Spouse (§ 1.1041-2).

*OMB Number:* 1545-1751.

*Regulation Project Number:* REG-107151-00.

*Abstract:* The regulation sets forth the required information that will permit spouses or former spouses to treat a redemption by a corporation of stock of one spouse or former spouse as a transfer of that stock to the other spouse or former spouse in exchange for the redemption proceeds and a redemption of the stock from the latter spouse or a former spouse in exchange for the redemption proceeds.

*Current Actions:* There is no change in the paperwork burden previously approved by OMB. This form is being submitted for renewal purposes only.

*Type of Review:* Extension of a currently approved collection.

*Affected Public:* Individuals and households, and businesses and other for-profit organizations.

*Estimated Number of Respondents:* 1000.

*Estimated Time Per Respondent:* 30 minutes.

*Estimated Total Annual Burden Hours:* 500.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

*Request for Comments:* Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record.

*Comments are invited on:* (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: April 11, 2007.

**Glenn P. Kirkland,**

*IRS Reports Clearance Officer.*

[FR Doc. E7-7395 Filed 4-18-07; 8:45 am]

**BILLING CODE 4830-01-P**

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

[REG-149524-03]

#### Proposed Collection; Comment Request for Regulation Project

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing proposed regulation, REG-149524-03, (NPRM) LIFO Recapture Under Section 1363(d).

**DATES:** Written comments should be received on or before June 18, 2007 to be assured of consideration.

**ADDRESSES:** Direct all written comments to Glenn P. Kirkland, Internal Revenue Service, room 6516, 1111 Constitution Avenue NW., Washington, DC 20224.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the regulations should be directed to Carolyn N. Brown, at (202) 622-6688, or at Internal Revenue Service, room 6516, 1111 Constitution Avenue NW., Washington, DC 20224, or through the Internet, at [Carolyn.N.Brown@irs.gov](mailto:Carolyn.N.Brown@irs.gov).

#### SUPPLEMENTARY INFORMATION:

*Title:* (NPRM) LIFO Recapture Under Section 1363(d).

*OMB Number:* 1545-1906.

*Regulation Project Number:* REG-149524-03.

*Abstract:* Section 1.1363-2(e)(ii) allows a partnership to elect to adjust the basis of its inventory to take account of LIFO recapture. Section 1.1363-2(e)(3) provides guidance on how to make this election.

*Current Actions:* There is no change to this existing regulation.

*Type of review:* Extension of a currently approved collection.

*Affected Public:* Business or other for-profit organizations and Individuals or households.

*Estimated Number of Respondents/Recordkeepers:* 100.

*Estimated Time Per Respondent/Recordkeeper:* 2 hrs.

*Estimated Total Annual Reporting/Recordkeeping Burden Hours:* 200.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

*Request for Comments:* Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record.

*Comments are invited on:* (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: April 3, 2007.

**Glenn P. Kirkland,**

*IRS Reports Clearance Officer.*

[FR Doc. E7-7396 Filed 4-18-07; 8:45 am]

**BILLING CODE 4830-01-P**

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

[REG-106177-97]

#### Proposed Collection; Comment Request for Regulation Project

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing proposed regulation, REG-106177-97, Qualified State Tuition Programs.

**DATES:** Written comments should be received on or before June 18, 2007 to be assured of consideration.

**ADDRESSES:** Direct all written comments to Glenn P. Kirkland, Internal Revenue Service, room 6516, 1111 Constitution Avenue NW., Washington, DC 20224.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the regulations should be directed to Carolyn N. Brown, at (202) 622-6688, or at Internal Revenue Service, room 6516, 1111 Constitution Avenue NW., Washington, DC 20224, or through the Internet, at [Carolyn.N.Brown@irs.gov](mailto:Carolyn.N.Brown@irs.gov).

#### SUPPLEMENTARY INFORMATION:

*Title:* Qualified State Tuition Programs.

*OMB Number:* 1545-1614.

*Regulation Project Number:* REG-106177-97.

*Abstract:* This regulation affects qualified tuition programs (QTPs) described in Code section 529 and individuals receiving distributions from the programs. Information will be used by the IRS and individuals receiving QTP distributions to verify compliance with section 529 and to determine the taxable amount of a distribution.

*Current Actions:* There is no change to this existing regulation.

*Type of review:* Extension of OMB approval.

*Affected Public:* State, local or tribal governments and individuals or households.

*Estimated Number of Respondents/Recordkeepers:* 52.

*Estimated Time Per Respondent/Recordkeeper:* 81,889 hrs, 37 minutes.

*Estimated Total Annual Reporting/Recordkeeping Burden Hours:* 4,258,260.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information

displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

*Request for Comments:* Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record.

*Comments are invited on:* (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: April 3, 2007.

**Glenn P. Kirkland,**

*IRS Reports Clearance Officer.*

[FR Doc. E7-7397 Filed 4-18-07; 8:45 am]

BILLING CODE 4830-01-P

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

[REG-209274-85]

#### Proposed Collection; Comment Request for Regulation Project

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Pub. L. 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing notice of proposed rulemaking and temporary regulation, REG-209274-85 (TD 8033) Tax Exempt Entity Leasing (§ 1.168).

**DATES:** Written comments should be received on or before June 18, 2007 to be assured of consideration.

**ADDRESSES:** Direct all written comments to Glenn Kirkland, Internal Revenue Service, room 6512, 1111 Constitution Avenue NW., Washington, DC 20224.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the regulations should be directed to Larnice Mack at Internal Revenue Service, room 6512, 1111 Constitution Avenue NW., Washington, DC 20224, or at (202) 622-3179, or through the Internet at Larnice.Mack@irs.gov.

#### SUPPLEMENTARY INFORMATION:

*Title:* Tax-Exempt Entity Leasing.

*OMB Number:* 1545-0923.

*Regulation Project Number:* REG-209274-85.

*Abstract:* These regulations provide guidance to persons executing lease agreements involving tax-exempt entities under 168(h) of the Internal Revenue Code. The regulations are necessary to implement Congressionally enacted legislation and elections for certain previously tax-exempt organizations and certain tax-exempt controlled entities.

*Current Actions:* There are no change to these existing regulations.

*Type of Review:* Extension of OMB approval.

*Affected Public:* Not-for-profit institutions and state, local or tribal governments.

*Estimated Number of Respondents:* 4,000.

*Estimated Time Per Respondent:* 30 minutes.

*Estimated Total Annual Burden Hours:* 2,000.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

*Request for Comments:* Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the

agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: April 2, 2007.

**Glenn Kirkland,**

*IRS Reports Clearance Officer.*

[FR Doc. E7-7398 Filed 4-18-07; 8:45 am]

BILLING CODE 4830-01-P

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### Proposed Collection; Comment Request for Form 8879-B

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 8879-B, IRS e-file Signature Authorization for Form 1065-B.

**DATES:** Written comments should be received on or before June 18, 2007 to be assured of consideration.

**ADDRESSES:** Direct all written comments to Glenn P. Kirkland, Internal Revenue Service, room 6516, 1111 Constitution Avenue NW., Washington, DC 20224.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the form and instructions should be directed to R. Joseph Durbala, (202) 622-3634, at Internal Revenue Service, room 6516, 1111 Constitution Avenue NW., Washington, DC 20224, or through the Internet at RJoseph.Durbala@irs.gov.

#### SUPPLEMENTARY INFORMATION:

*Title:* IRS e-file Signature Authorization for Form 1065-B.

*OMB Number:* 1545-2043.

Form Number: 8879-B.

**Abstract:** A general partner or a limited liability company member manager (LLC member manager) and an electronic return originator (ERO) use Form 8879-B when the general partner or LLC member manager wants to use a personal identification number (PIN) to electronically sign an electing large partnership's electronic income tax return, and, if applicable, consent to an electronic funds withdrawal.

**Current Actions:** There is no change in the paperwork burden previously approved by OMB. This form is being submitted for renewal purposes only.

**Type of Review:** Extension of a currently approved collection.

**Affected Public:** Businesses and other for-profit organizations.

**Estimated Number of Respondents:** 60.

**Estimated Time Per Respondent:** 4 hours 17 minutes.

**Estimated Total Annual Burden Hours:** 258.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

**Request for Comments:** Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: April 11, 2007.

**Glenn P. Kirkland,**

*IRS Reports Clearance Officer.*

[FR Doc. E7-7402 Filed 4-18-07; 8:45 am]

**BILLING CODE 4830-01-P**

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### Proposed Collection; Comment Request for Form 4562

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 4562, Depreciation and Amortization (Including Information on Listed Property).

**DATES:** Written comments should be received on or before June 18, 2007 to be assured of consideration.

**ADDRESSES:** Direct all written comments to Glenn P. Kirkland, Internal Revenue Service, room 6516, 1111 Constitution Avenue, NW., Washington, DC 20224.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the form and instructions should be directed to R. Joseph Durbala at Internal Revenue Service, room 6516, 1111 Constitution Avenue, NW., Washington, DC 20224, or at (202) 622-3634, or through the Internet at [RJoseph.Durbala@irs.gov](mailto:RJoseph.Durbala@irs.gov).

#### SUPPLEMENTARY INFORMATION:

**Title:** Depreciation and Amortization (Including Information on Listed Property).

**OMB Number:** 1545-0172.

**Form Number:** Form 4562.

**Abstract:** Form 4562 is used to claim a deduction for depreciation and amortization; to make the election to expense certain tangible property under Internal Revenue Code section 179; and to provide information on the business/investment use of automobiles and other listed property. The form provides the IRS with the information necessary to determine that the correct depreciation deduction is being claimed.

**Current Actions:** There are no changes being made to Form 4562 at this time.

**Type of Review:** Extension of a currently approved collection.

**Affected Public:** Business or other for-profit organizations, farms, and individuals.

**Estimated Number of Respondents:** 4,800,000.

**Estimated Time Per Respondent:** 45 hours, 11 minutes.

**Estimated Total Annual Burden Hours:** 217,399,275.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

**Request for Comments:** Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: April 10, 2007.

**Glenn P. Kirkland,**

*Reports Clearance Officer.*

[FR Doc. E7-7406 Filed 4-18-07; 8:45 am]

**BILLING CODE 4830-01-P**

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### Open Meeting of the Taxpayer Advocacy Panel Earned Income Tax Credit Issue Committee

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice.

**SUMMARY:** An open meeting of the Taxpayer Advocacy Panel Earned Income Tax Credit Issue Committee will be conducted (via teleconference). The Taxpayer Advocacy Panel is soliciting public comments, ideas and suggestions on improving customer service at the Internal Revenue Service.

**DATES:** The meeting will be held Monday, May 14, 2006.

**FOR FURTHER INFORMATION CONTACT:** Audrey Y. Jenkins at 1-888-912-1227 (toll-free), or 718-488-2085 (non toll-free).

**SUPPLEMENTARY INFORMATION:** Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel Earned Income Tax Credit Issue Committee will be held Monday, May 14, 2007 from 10:30 a.m. to 11:30 a.m. ET via a telephone conference call. The public is invited to make oral comments. Individual comments will be limited to 5 minutes. Due to limited conference lines, notification of intent to participate in the telephone conference call meeting must be made in advance Ms. Audrey Y. Jenkins at 1-888-912-1227 or (718) 488-2085. Written comments may be sent to Audrey Y. Jenkins, TAP Office, 10 MetroTech Center, 625 Fulton Street, Brooklyn, NY 11201 or post comments to the Web site: <http://www.improveirs.org>.

The agenda will include various IRS issues.

Dated: April 12, 2007.

**John Fay,**

*Acting Director, Taxpayer Advocacy Panel.*

[FR Doc. E7-7399 Filed 4-18-07; 8:45 am]

**BILLING CODE 4830-01-P**

## DEPARTMENT OF THE TREASURY

### Office of Thrift Supervision

#### Submission for OMB Review; Comment Request—Savings Association Holding Company Report H-(b)11

**AGENCY:** Office of Thrift Supervision (OTS), Treasury.

**ACTION:** Notice and request for comment.

**SUMMARY:** The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review and approval, as required by the Paperwork Reduction Act of 1995. OTS is soliciting public comments on the proposal.

**DATES:** Submit written comments on or before May 21, 2007.

**ADDRESSES:** Send comments, referring to the collection by title of the proposal or by OMB approval number, to OMB and OTS at these addresses: Office of Information and Regulatory Affairs, Attention: Desk Officer for OTS, U.S. Office of Management and Budget, 725-17th Street, NW., Room 10235, Washington, DC 20503, or by fax to (202) 395-6974; and Information Collection Comments, Chief Counsel's Office, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, by fax to (202) 906-6518, or by e-mail to [infocollection.comments@ots.treas.gov](mailto:infocollection.comments@ots.treas.gov). OTS will post comments and the related index on the OTS Internet Site at <http://www.ots.treas.gov>. In addition, interested persons may inspect comments at the Public Reading Room, 1700 G Street, NW., by appointment. To make an appointment, call (202) 906-5922, send an e-mail to [public.info@ots.treas.gov](mailto:public.info@ots.treas.gov), or send a facsimile transmission to (202) 906-7755.

**FOR FURTHER INFORMATION CONTACT:** For further information or to obtain a copy of the submission to OMB, please contact Marilyn K. Burton at [marilyn.burton@ots.treas.gov](mailto:marilyn.burton@ots.treas.gov), (202) 906-6467, or facsimile number (202) 906-6518, Litigation Division, Chief Counsel's Office, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552.

**SUPPLEMENTARY INFORMATION:** OTS may not conduct or sponsor an information collection, and respondents are not required to respond to an information collection, unless the information collection displays a currently valid OMB control number. As part of the approval process, we invite comments on the following information collection.

*Title of Proposal:* Savings Association Holding Company Report H-(b)11.

*OMB Number:* 1550-0060.

*Form Number:* H-(b)11.

*Regulation requirement:* 12 CFR 584.1(a)(2).

*Description:* The H-(b)11 form is used to aid OTS in its role as consolidated supervisor of savings and loan holding companies. It will aid OTS in determining whether savings and loan holding companies are engaging in activities that violate applicable statutes and regulations or may prove injurious to any subsidiary savings association. In addition, with this submission, OTS is clarifying reporting expectations and making plain language changes in the instructions to this form.

*Type of Review:* Renewal.

*Affected Public:* Savings and Loan Holding Companies.

*Estimated Number of Respondents:* 1,012.

*Estimated Burden Hours per Response:* 2 hours.

*Estimated Frequency of Response:* Quarterly.

*Estimated Total Burden:* 8,096 hours.

*Clearance Officer:* Marilyn K. Burton, (202) 906-6467, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552.

*OMB Reviewer:* Desk Officer for OTS, Fax: (202) 395-6974, U.S. Office of Management and Budget, 725-17th Street, NW., Room 10235, Washington, DC 20503.

Dated: April 13, 2007.

**Deborah Dakin,**

*Senior Deputy Chief Counsel, Regulations and Legislation Division.*

[FR Doc. E7-7465 Filed 4-18-07; 8:45 am]

**BILLING CODE 6720-01-P**

## DEPARTMENT OF VETERANS AFFAIRS

### Privacy Act of 1974; System of Records

**AGENCY:** Department of Veterans Affairs (VA).

**ACTION:** Notice of amendment to an existing System of Records.

**SUMMARY:** As required by the Privacy Act of 1974 (title 5, United States Code (U.S.C.), Section 552a(e)), notice is hereby given that the Department of Veterans Affairs (VA) is amending the system of records currently entitled, "Shipboard Hazard and Defense Integrated Database—VA" (128VA008A) as set forth in the **Federal Register** 68 FR 56379. VA is amending the system by revising the System Number, System Name, System Location, Categories of Individuals Covered by the System, Categories of Records in the System, Authority for Maintenance of the System, Purpose, and Routine Uses of Records Maintained in the System, including Categories of Users and the Purposes of Such Uses, the System Manager, System Address and Notification and Records Access sections of the system notice. VA is republishing the system notice in its entirety.

**DATES:** Comments on the amendment of this system of records must be received no later than May 21, 2007. If no public comment is received, the new system will become effective May 21, 2007.

**ADDRESSES:** Written comments may be submitted through

*www.Regulations.gov*; by mail or hand-delivery to the Director, Regulations Management (00REG), U. S. Department of Veterans Affairs, 810 Vermont Ave., NW., Room 1068, Washington, DC 20420; or by fax to (202) 273-9026. Copies of comments received will be available for public inspection in the Office of Regulation Policy and Management, Room 1063B, between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays). Please call (202) 273-9515 for an appointment. In addition, during the comment period, comments may be viewed online through the Federal Docket Management System.

**FOR FURTHER INFORMATION CONTACT:** Dat Tran, Director, Data Development and Analysis Service, (008A3), U.S. Department of Veterans Affairs, 810 Vermont Ave., NW., Washington, DC 20420, (202) 273-6482.

**SUPPLEMENTARY INFORMATION:**

**I. Description of the Proposed Amendments to Systems of Records “Shipboard Hazard and Defense Integrated Database—VA” (128VA008A)**

The System Name is changed from “Shipboard Hazard and Defense Integrated Database—VA” to the “Chemical and Biological Agent Exposure Database—VA” because the Department of Defense (DoD) will provide VA with individually-identified data on individuals whom DoD identifies as having been exposed (or possibly exposed) to chemical and biological agents while on active duty. The System Number is changed from 128VA008A to 128VA008 to reflect the current office within the VA Office of Policy and Planning (OPP), previously known as the Office of Policy, Planning, and Preparedness, that is the System Manager for the system of records.

VA is changing the System Location to reflect the fact that OPP also stores copies of electronic data on a secured server in VA’s Austin Automation Center. VA is also amending the Storage and Safeguards portions of the notice to provide relevant information about the storage and safeguards for electronic data stored at the Austin Automation Center.

The Categories of Individuals Covered in the System portion of the System notice is amended to include all veterans, not just Project Shipboard Hazard and Defense (Project SHAD) and Project 112 veterans, whom DoD identifies as having been exposed (or possibly exposed) to chemical and biological agents while on active duty.

VA is expanding the Categories of Records in the System Section to

include protected health information received from VA’s Veterans Health Administration (VHA), financial-related information (*i.e.*, VA and other Federal benefits etc.) for benefits utilization reports, as well as additional data elements from select VA databases currently providing information for this system of records. VA is also simplifying the description of the categories of records in the system by listing the various types of records maintained rather than continuing the current “laundry list” of records. For example, the new notice states that VA will maintain “personal identifiers” rather than listing name, social security number and veteran service number as is done in the current notice. VA is not deleting any records from the Categories of Records in the System.

The Authority for Maintenance of the System was previously the general regulatory authority of the Secretary of Veterans Affairs, section 501 of title 38, U.S.C. VA is revising this section of the notice to read title 38, U.S.C. 527, which mandates that the Department engage in gathering and conducting statistical analysis on data in order to evaluate and improve the delivery of title 38 benefits to America’s veterans and their dependents.

VA is amending the Purposes section of the notice to reflect the duties that OPP performs with the data under section 527 of title 38, U.S.C.

VA is amending the Policies and Practices for Storing, Retrieving, Accessing, Retaining, and Disposing of Records in the System to reflect the change in how OPP stores records in VA Central Office. VA is also providing information concerning the data stored on the secured server at the Austin Automation Center.

Retrievability is amended to state the other data fields by which OPP will retrieve information from this system of records.

Safeguards are changed to reflect a new storage location, and enhanced security measures adopted since VA last published this notice.

The Systems Managers, Addresses, Notification, and Records Access Procedures Sections are amended to reflect new point of contact information and organizational name changes.

The Department has made minor edits to the System Notice for grammar and clarity purposes to reflect plain language, including changes to routine uses. These changes are not, and are not intended to be, substantive, and are not further discussed or enumerated.

**II. Proposed Routine Use of Disclosures of Data in the System**

VA is rewriting existing routine uses in the System using plain language. The use of plain language in these routine uses does not, and is not intended to, change the disclosures authorized under these routine uses. VA is amending, deleting, rewriting and reorganizing the order of the routine uses in this system of records, as well as adding new routine uses.

VA is amending the preamble before the listing of routine uses to state that the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule must also permit disclosure of individually-identifiable information from the system of records before OPP may disclose records under the routine use.

Routine Use Number 1 is not changed substantively.

VA is deleting current routine use number 2 because the Agency does not disclose information from this system of records under this routine use.

VA is deleting current routine use number 3 because the Agency does not disclose information from this system of records under this routine use.

VA is not amending current routine use number 4 substantively, but is renumbering it as routine use number 2 in the amended system of records notice.

VA is not amending current routine use number 5, but is renumbering it as routine use number 8 in the amended system of records notice.

VA is amending current routine use number 6 and renumbering it as routine use number 3. The new routine use states prior to disclosure that OPP will determine: (A) That the disclosure does not violate legal or policy limitations under which the record was provided, collected, or obtained; (B) that the study purpose (1) cannot be reasonably accomplished unless the record is provided in individually-identifiable form, and (2) warrants the risk to the privacy of the individual that additional exposure of the record might bring; and (C) that the recipient has agreed that (1) It will establish (if it hasn’t already) reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, (2) it will remove or destroy the information that identifies the individual at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the study, unless the recipient has presented adequate justification of a study or health nature for retaining such information, and (3)

it will make no further use or disclosure of the record except (a) In emergency circumstances affecting the health or safety of any individual, (b) for use in another study, under these same conditions, and only with prior written authorization of the Department, (c) for disclosure to a properly identified person for the purpose of an audit related to the study, if information that would enable veterans or their dependents to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or (d) when required by law. VA will secure a written statement attesting to the recipient's understanding of, and willingness to abide by, these provisions.

In an effort to obtain health and other information, OPP may disclose limited individual identification information to another Federal agency for the purpose of matching and acquiring information held by that agency. Records that are matched with information owned by another Federal agency, such as DoD, will not be used for determining eligibility of benefits or services through VA or another Federal agency.

VA is renumbering current routine use number 7 as routine use number 4 and amending it to more accurately reflect the conditions under which VA, on its own initiative, may disclose information from this system of records for law enforcement purposes.

VA is deleting current routine use number 8 because VA does not anticipate releasing information from this system of records for the purpose stated in current routine use number 8.

VA is renumbering current routine use number 9 as routine use number 5, and amending it to more clearly state when OPP will disclose information to the Department of Justice or may itself disclose records in litigation involving the United States. In determining whether to disclose records under this routine use, VA will comply with the guidance promulgated by the Office of Management and Budget (OMB) in a May 24, 1985, memorandum entitled "Privacy Act Guidance—Update" currently posted at <http://www.whitehouse.gov/omb/inforeg/guidance1985.pdf>.

Routine use number 6 is a new routine use authorizing OPP to disclose individually-identifiable information to contractors or other entities that will provide services to OPP for which the recipient needs that information in order to perform the services.

Routine use number 7 is a new routine use that states the circumstances, and to whom, VA may disclose records in order to respond to,

and minimize possible harm to individuals as a result of a data breach. This routine use is promulgated in order to meet VA's statutory duties under title 38, U.S.C. 5724 and the Privacy Act.

### III. Compatibility of the Proposed Routine Uses

The Privacy Act permits VA to disclose information about individuals without their authorization for a routine use when the information will be used for a purpose that is compatible with the purpose for which we collected the information. In all of the routine use disclosures, either the recipient of the information will use the information in connection with a matter relating to one of VA's programs, will use the information to provide a benefit to VA, or the disclosure is required by law.

The notice of intent to publish and an advance copy of the system notice have been sent to the appropriate Congressional committees and to the Director of OMB as required by title 5 U.S.C. 552a(r) (Privacy Act) and guidelines issued by OMB (65 FR 77677), December 12, 2000.

Approved: April 5, 2007.

**Gordon H. Mansfield,**  
*Deputy Secretary of Veterans Affairs.*

#### 128VA008

##### SYSTEM NAME:

Chemical and Biological Agent Exposure Database—VA".

##### SYSTEM LOCATION:

One location for electronic and paper records, following VA-approved procedures, is in the Office of the Director, Data Development and Analysis Service, (008A3), U.S. Department of Veterans Affairs, 810 Vermont Ave., NW., Washington, DC 20420. Additionally, electronic records are also placed on the Department of Veterans Affairs' (VA's) secured server which is housed at VA's Austin Automation Center, 1615 Woodward St., Austin, TX 78772. Records necessary for a contractor to perform under a VA-approved contract are located at the respective contractor's facility.

##### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Veterans identified by DoD or another government agency as having been exposed to any type of chemical (including psycho-chemical) and biological agents during active duty.

##### CATEGORIES OF RECORDS IN THE SYSTEM:

The records include personal identifiers, residential and professional contact data, population demographics, military service-related data, financial-

related data, claims processing codes and information, and other VA and non-VA Federal benefit information. Additionally, some records may contain DoD health care-related data or VHA-originated health care information.

##### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 38, U.S.C 527.

##### PURPOSE(S):

To measure and evaluate on a continuing basis all programs authorized under title 38, U.S.C., including analysis and review of policy and planning issues affecting VA programs, in order to support legislative, regulatory and policy recommendations, initiatives and decisions affecting VA programs and activities.

##### ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To the extent that records contained in the system include information protected by Title 45, Code of Federal Regulations (CFR) Parts 160 and 164 (*i.e.*, individually identifiable health information) and title 38, U.S.C. 7332 (*i.e.*, medical treatment information related to drug abuse, alcoholism or alcohol abuse, sickle cell anemia or infection with the human immunodeficiency virus), that information cannot be disclosed under a routine use unless there is also specific statutory authority in title 38, U.S.C. 7332 and regulatory authority in Title 45, CFR Parts 160 and 164 permitting disclosure.

1. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

2. Any disclosure from the system of records may be made to the National Archives and Records Administration (NARA) in records management inspections under title 44, U.S.C.

3. Any system records may be disclosed to a Federal agency for the conduct of research and data analysis to perform a statutory purpose of that Federal agency upon the prior written request of that agency, provided that there is legal authority under all applicable confidentiality statutes and regulations to provide the data and OPP has determined prior to the disclosure that OPP data handling requirements are satisfied. OPP may disclose limited individual identification information to another Federal agency for the purpose of matching and acquiring information held by that agency for OPP to use for the purposes stated for this system of records.

4. VA may disclose on its own initiative any information in this system, except the names and home addresses of veterans and their dependents, which is relevant to a suspected or reasonably imminent violation of law, whether civil, criminal or regulatory in nature and whether arising by general or program statute or by regulation, rule or order issued pursuant thereto, to a Federal, State, local, tribal, or foreign agency charged with the responsibility of investigating or prosecuting such violation, or charged with enforcing or implementing the statute, regulation, rule or order. On its own initiative, VA may also disclose the names and addresses of veterans and their dependents to a Federal agency charged with the responsibility of investigating or prosecuting civil, criminal or regulatory violations of law, or charged with enforcing or implementing the statute, regulation, rule or order issued pursuant thereto.

5. VA may disclose information in this system of records to the Department of Justice (DoJ), either on VA's initiative or in response to DoJ's request for the information, after either VA or DoJ determines that such information is relevant to DoJ's representation of the United States or any of its components in legal proceedings before a court or adjudicative body, provided that, in each case, the agency also determines prior to disclosure that disclosure of the records to the DoJ is a use of the information contained in the records that is compatible with the purpose for which VA collected the records. VA, on its own initiative, may disclose records in this system of records in legal proceedings before a court or administrative body after determining that the disclosure of the records to the court or administrative body is a use of the information contained in the records that is compatible with the purpose for which VA collected the records.

6. Any system records may be disclosed to individuals, organizations, private or public agencies, or other entities or individuals with whom VA has a contract or agreement for the performance of the services identified in the contract or agreement. The person performing the agreement or contract (or employees of the person) also may disclose records covered by the contract or agreement to any secondary entity or individual to perform an activity necessary to provide to VA the service identified in the contract or agreement as permitted under the contract or agreement.

7. VA may, on its own initiative, disclose information when VA reasonably believes that there may have

been a data breach with respect to information in the system such that the confidentiality or integrity of information in the system of records may have been compromised to such agencies, entities, and persons who are reasonably necessary to assist in connection with the Department's efforts to respond to the suspected or confirmed data breach and prevent, minimize, or remedy such harm, including conduct of any risk analysis, or provision of credit protection services as provided in title 38, U.S.C. 5724.

8. Disclosure of information, excluding names and address (unless furnished by the requestor) for research purposes determined to be necessary and proper, may be made to epidemiological and other research facilities approved by the Under Secretary for Health.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

VA will not disclose information to consumer reporting agencies.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

OPP's secured records are maintained electronically or remain in textual form. All portable storage devices and media are kept in a safe when not in immediate use. The devices and other media are located in a combination-locked safe which is secured inside a key-accessed room at the U.S. Department of Veterans Affairs, 810 Vermont Ave., NW., Washington, DC 20420. Other electronic data are placed on VA's segregated server which is housed at VA's Austin Automation Center, 615 Woodward St., Austin, TX 78772. Information stored on paper is kept locked in file cabinets when not in immediate use. Databases are temporarily placed on a secured server inside a restricted network area for data match purposes only. Information that resides on a segregated server is kept behind cipher locked doors with limited access. Requestors of OPP stored health information within VA, or from external individuals, contractors, organizations, and/or agencies with whom VA has a contract or agreement, must provide an equivalent level of security protection and comply with all applicable VA policies and procedures for storage and transmission as codified in VA directives such as but not limited to VA Directive 6504.

**RETRIEVABILITY:**

OPP's records may be retrieved by using a social security number, military

service number, VA claim or file number, non-VA Federal benefit identifiers, and other personal identifiers.

**SAFEGUARDS:**

This list of safeguards furnished in this system of records is a general statement of measures taken to protect data in this system of records and is not an exclusive list of measures taken. Other policies and protections apply. For example, HIPAA guidelines for protecting health information will be followed by adopting health-care-industry best practices in order to provide adequate safeguards. Further, VA policy directives that specify the standards that will be applied to protect information will be reviewed by VA staff and contractors through mandatory data privacy and security training annually.

All VA offices are protected from unauthorized access by security personnel seven days a week. Entrances and exits are monitored by security cameras and protected by an alarm system. All VA staff and visitors are required to either have a VA-issued employment identification card or a temporary visitor identification badge. All work stations are secured during daytime and evening hours.

Electronic data located in Washington, DC, are stored in a combination-key-locked safe which is secured inside a limited-access room. Authorized employee access to the limited-access room and the safe is based upon strict business needs as determined by the Assistant Secretary for Policy and Planning. Textual data are stored in key-locked cabinets inside secured rooms. Access to the server in Austin, TX, is generally limited by appropriate locking devices and restricted to authorized VA personnel.

Access to health information provided by VHA pursuant to a Business Associate Agreement (BAA) is restricted to those OPP employees and contractors who have a need for the information in the performance of their official duties related to the terms of the BAA. As a general rule, full sets of health care information are not provided for use unless authorized by the Assistant Secretary for Policy and Planning. File extracts provided for specific official uses will be limited to the minimum necessary records and contain only the information fields needed for the analysis. Data used for analyses will have individual identifying characteristics removed whenever possible.

Security complies with applicable Federal Information Processing

Standards (FIPS) issued by the National Institute of Standards and Technology (NIST). Health information files containing unique identifiers such as social security numbers are encrypted to NIST verified FIPS 140–2 standard or higher for storage, transport, or transmission. All files stored or transmitted on laptops, workstations, or data storage devices are encrypted. Files are kept encrypted at all times except when data are in immediate use. These methods are applied in accordance with HIPAA Privacy and Security regulations.

All data requests must be received in writing, vetted through a review board, concurred on by the Assistant Secretary for Policy and Planning, and released under the auspices of a signed data use agreement. File extracts provided for specific official uses will be limited to contain only the information fields needed for the analysis. Data used for analyses will have individual identifying characteristics removed or encrypted whenever possible. Unencrypted sensitive variables will only be used for analysis as a last resort.

In the event of a contract or special project, VA may secure the services of contractors and/or subcontractors. In such cases, VA will maximize the utilization of encrypted data when possible. Contractors and their subcontractors are required to maintain the same level of security as VA staff for health care information that has been disclosed to them. Any data disclosed to a contractor or subcontractor to perform authorized analyses requires the use of

Data Use Agreements (DUAs), Non-Disclosure Statements and BAAs to protect health information. Unless explicitly authorized in writing by VA, sensitive or protected data made available to the contractor and subcontractors shall not be divulged or made known in any manner to other parties or to any person. Other Federal or State agencies requesting health care information need to provide DUAs to protect data.

**RETENTION AND DISPOSAL:**

Records are destroyed or deleted when no longer needed for administrative, legal, audit, or other operational purposes in accordance with applicable, approved records disposition authority.

If the Archivist has not approved disposition authority for any records covered by the system notice, the System Manager will take immediate action to obtain an approved records disposition authority in accordance with VA Handbook 6300.1, Records Management Procedures. The records may not be destroyed until VA obtains an approved records disposition authority.

**SYSTEM MANAGER(S) AND ADDRESS(ES):**

OPP's system manager is the Director, Data Development and Analysis Service, (008A3), U.S. Department of Veterans Affairs, 810 Vermont Ave., NW., Washington, DC 20420.

**NOTIFICATION PROCEDURE:**

An individual who wishes to determine whether a record is being

maintained in this system under his or her name or other personal identifier, or wants to determine the contents of such record, should submit a written request to the Director, Office of Data Development and Analysis, (008A3), U.S. Department of Veterans Affairs, 810 Vermont Ave., NW., Washington, DC 20420. Such requests must contain a reasonable description of the records requested. In addition, identification of the individual requesting the information will be required in the written request and will minimally consist of the requester's name, signature, social security number, address, telephone number, and return address.

**RECORD ACCESS PROCEDURES:**

Individuals seeking information regarding access to and contesting of records maintained by OPP under his or her name or other personal identifier may write the System Manager named above and specify the information being requested or contested.

**CONTESTING RECORDS PROCEDURES:**

(See Notification procedure above.)

**RECORD SOURCE CATEGORIES:**

Information is obtained from VHA patient medical records, various automated record systems providing clinical and managerial support to VA health care facilities, records from VA's Veterans Benefits Administration, DoD, and other Federal agencies.

[FR Doc. E7-7440 Filed 4-18-07; 8:45 am]

**BILLING CODE 8320-01-P**

# Corrections

Federal Register

Vol. 72, No. 75

Thursday, April 19, 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.

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## DEPARTMENT OF JUSTICE

### Antitrust Division

#### Notice Pursuant to the National Cooperative Research and Production Act of 1993—LiMo Foundation

##### *Correction*

In notice document 07-1727 appearing on page 17583 in the issue of

Monday, April 9, 2007, make the following correction:

In the second column, in the second full paragraph, in the fourth line, "JAPAN;" should read "JAPAN; NTT DoCoMo Inc., Tokyo, JAPAN;".

[FR Doc. C7-1727 Filed 4-18-07; 8:45 am]

BILLING CODE 1505-01-D

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-55589- File No. SR-ISE-2007-18]

### Self-Regulatory Organizations; International Securities Exchange, LLC; Notice of Filing of Proposed Rule Change Relating to Customer Orders on the Book

#### *Correction*

In notice document E7-6870 beginning on page 18498, in the issue of Thursday, April 12, 2007, make the following correction:

On page 18499, in the first column, in the first paragraph, on the last line, "May 2, 2007" should read "May 3, 2007".

[FR Doc. Z7-6870 Filed 4-18-07; 8:45 am]

BILLING CODE 1505-01-D



# Federal Register

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**Thursday,  
April 19, 2007**

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**Part II**

## **The President**

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**Proclamation 8126—Honoring the Victims  
of the Tragedy at Virginia Tech**



## Title 3—

Proclamation 8126 of April 17, 2007

## The President

## Honoring the Victims of the Tragedy at Virginia Tech

By the President of the United States of America

## A Proclamation

Our Nation grieves with those who have lost loved ones at Virginia Tech. We hold the victims in our hearts. We lift them up in our prayers, and we ask a loving God to comfort those who are suffering.

As a mark of respect for the victims of the senseless acts of violence perpetrated on Monday, April 16, 2007, by the authority vested in me as President of the United States by the Constitution and the laws of the United States of America, I hereby order that the flag of the United States shall be flown at half-staff at the White House and upon all public buildings and grounds, at all military posts and naval stations, and on all naval vessels of the Federal Government in the District of Columbia and throughout the United States and its Territories and possessions until sunset, Sunday, April 22, 2007. I also direct that the flag shall be flown at half-staff for the same length of time at all United States embassies, legations, consular offices, and other facilities abroad, including all military facilities and naval vessels and stations.

IN WITNESS WHEREOF, I have hereunto set my hand this seventeenth day of April, in the year of our Lord two thousand seven, and of the Independence of the United States of America the two hundred and thirty-first.



# Reader Aids

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**S. 494/P.L. 110-17**

NATO Freedom Consolidation Act of 2007 (Apr. 9, 2007; 121 Stat. 73)

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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 "PLUS" (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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