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Washington, DC 20002

RESERVATIONS: (202) 741–6008

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

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

15 CFR Parts 730, 732, 742, 746, and 774

[Docket No. 070313058–7059–01]

RIN 0694–AE00

Revisions and Technical Correction to the Export Administration Regulations

AGENCY: Bureau of Industry and Security, Commerce.

ACTION: Final rule; correction.

SUMMARY: This rule amends the Export Administration Regulations (EAR) by making a technical correction to the contact information for the Drug Enforcement Administration. In addition, this rule amends the EAR by making corrections inadvertently omitted in three rules previously published in the **Federal Register**: the August 31, 2006, final rule implementing the rescission of Libya's designation as a state sponsor of terrorism; the November 20, 2006, final rule imposing foreign policy controls on surreptitious communications intercepting devices; and the January 26, 2007, final rule imposing restrictions on exports and reexports of luxury goods to the Democratic People's Republic of Korea (North Korea).

DATES: This rule is effective April 24, 2007.

ADDRESSES: Although this is a final rule, comments are welcome and should be sent to *publiccomments@bis.doc.gov*, fax (202) 482–3355, or to Regulatory Policy Division, Bureau of Industry and Security, Room H2705, U.S. Department of Commerce, Washington, DC 20230. Please refer to regulatory identification number (RIN) 0694–AE00 in all comments, and in the subject line of e-mail comments. Comments on the collection of information should be sent to David Rostker, Office of Management and Budget (OMB), by e-mail to *David_Rostker@omb.eop.gov*, or by fax to (202) 395–7285.

FOR FURTHER INFORMATION CONTACT: Steven Emme, Regulatory Policy Division, Bureau of Industry and Security, Telephone: (202) 482–2440.

SUPPLEMENTARY INFORMATION: This rule makes corrections to the Export Administration Regulations (EAR) as described below.

Drug Enforcement Administration Contact Information

Previously, the International Chemical Control Unit and the International Drug Unit of the Drug Enforcement Administration (DEA) oversaw the import and export of listed chemicals used in the production of controlled substances. However, those units of the DEA have merged to form the Office of Diversion Control, Import-Export Unit. As such, the contact information for the DEA is updated in Supplement No. 3 to part 730. This rule removes the contact information for the International Chemical Control Unit and the International Drug Unit of the DEA and replaces them with the contact information for the ''Drug Enforcement Administration, Office of Diversion Control, Import-Export Unit''. Moreover, the telephone number, fax number, and the URL for the homepage of said office of the DEA are included by inserting ''Tel. (202) 307–4916, Fax: (202) 307–4702, Internet: *http://www.deadiversion.usdoj.gov/imp_exp/index.html*'' for ''Chemicals'' and ''Tel. (202) 307–7182 or (202) 307–7181, Fax: (202) 307–7503, Internet: *http://www.deadiversion.usdoj.gov/imp_exp/index.html*.'' for ''Controlled Substances''.

Rescission of Libya's Status as a State Terrorism Sponsor

The August 31, 2006, final rule (71 FR 51714) implemented the rescission of Libya's designation as a state sponsor of terrorism. To reflect that change, this rule removes remaining associations between Libya and the group of terrorist supporting countries that were inadvertently not removed in the August 31, 2006, final rule. In Supplement No. 2 to Part 742, ''Libya'' is removed from the title of ''Anti-Terrorism Controls: Iran, Libya, North Korea, Syria and Sudan Contract Sanctity Dates and Related Policies''. Moreover, ''Libya'' is removed from the introductory text to paragraph (27) of Supplement No. 2 to Part 742, which previously stated: ''For Iran, Syria, Sudan, North Korea, or Libya a license is required for all such equipment described in ECCNs 3B001 and 3B991.''.

Surreptitious Listening Devices

In regard to the November 20, 2006, final rule (71 FR 67034) imposing foreign policy controls on surreptitious communications intercepting devices, this rule corrects the heading to the Export Control Classification Number (ECCN) 5A980 for surreptitious listening devices. The heading of ECCN 5A980, which previously read as ''Communications intercepting devices; and parts and accessories therefor.'', is removed and replaced with ''Devices primarily useful for the surreptitious interception of wire, oral, or electronic communications; and parts and accessories therefor.''.

Restriction of Luxury Goods to North Korea

This rule corrects punctuation, wording, and a mislabeled citation, as well as specific ECCNs, with respect to the January 26, 2007, final rule (72 FR 3722) imposing restrictions on exports and reexports of luxury goods to North Korea. First, in § 732.3, the phrase ''Cuba, Iran, Iraq, North Korea, and Rwanda'' is amended in the first sentence of the introductory text of paragraph (i) to change the ''and'' to an ''or''. Also, the introductory text to section 746.4(a) is corrected by adding a parenthesis to the end of the sentence. Moreover, the introductory text to Supplement No. 1 to part 746 is rephrased to clarify the wording and correct the citation. Thus, it reads ''The following further amplifies the illustrative list of goods set forth in § 746.4(b)(1):'' rather than ''The following further amplifies the illustrative of list luxury goods set forth in § 746.4(c):''.

Additionally, the January 26, 2007, final rule on North Korea further omitted necessary changes to exports or reexports of machetes under ECCN 0A988 and to certain microprocessors in ECCN 3A991. This rule corrects ECCN 0A988 by including North Korea in the license requirement for machetes. As such, the third sentence under ''Control(s)'', which distinguishes

machete controls from conventional military steel helmet controls is deleted, and the second sentence is revised to read: ''A license is required for conventional military steel helmets as described by 0A018.d.1 and for machetes to Iraq, North Korea, and Rwanda.''.

For ECCN 3A991, the first of two License Requirements Notes provided for a No License Required designation for certain microprocessors with a ''Composite Theoretical Performance * * * below 550 MTOPS'' that are exported or reexported to North Korea. This rule corrects that oversight by removing the first License Requirements Note.

Although the Export Administration Act expired on August 20, 2001, the President, through Executive Order 13222 of August 17, 2001, 3 CFR, 2001 Comp., p. 783 (2002), as extended by the Notice of August 3, 2006, 71 FR 44551 (August 7, 2006), has continued the Export Administration Regulations in effect under the International Emergency Economic Powers Act.

Rulemaking Requirements

1. This final rule has been determined to be not significant for purposes of E.O. 12866.

2. Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (PRA), unless that collection of information displays a currently valid Office of Management and Budget (OMB) Control Number. This rule involves a collection of information subject to the requirements of the PRA. This collection has previously been approved by OMB under control number 0694–0088 (Multi-Purpose Application), which carries a burden hour estimate of 58 minutes to prepare and submit form BIS–748. This rule is not expected to result in any change for collection purposes.

3. This rule does not contain policies with Federalism implications as that term is defined under E.O. 13132.

4. The provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, the opportunity for public participation, and a delay in effective date, are inapplicable because this regulation involves a military and foreign affairs function of the United States (5 U.S.C. 553(a)(1)). Further, no other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this final rule. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule under the Administrative Procedure Act or by any other law, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are not applicable. Therefore, this regulation is issued in final form. Although there is no formal comment period, public comments on this regulation are welcome on a continuing basis. Comments should be submitted to Steven Emme, Regulatory Policy Division, Bureau of Industry and Security, Department of Commerce, P.O. Box 273, Washington, DC 20044.

List of Subjects

15 CFR Part 730

Administrative practice and procedure, Advisory committees, Exports, Reporting and recordkeeping requirements, Strategic and critical materials.

15 CFR Part 732

Administrative practice and procedure, Exports, Reporting and recordkeeping requirements.

15 CFR Part 742

Exports, Terrorism.

15 CFR Parts 746 and 774

Exports, Reporting and recordkeeping requirements.

■ Accordingly, parts 730, 732, 742, 746, and 774 of the Export Administration Regulations (15 CFR parts 730–799) are corrected by making the following correcting amendments:

PART 730—[AMENDED]

■ 1. The authority citation for 15 CFR part 730 is revised to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; 10 U.S.C. 7420; 10 U.S.C. 7430(e); 22 U.S.C. 287c; 22 U.S.C. 2151 note, Pub. L. 108–175; 22 U.S.C. 3201 *et seq.*; 22 U.S.C. 6004; 30 U.S.C. 185(s), 185(u); 42 U.S.C. 2139a; 42 U.S.C. 6212; 43 U.S.C. 1354; 46 U.S.C. app. 466c; 50 U.S.C. app. 5; Sec. 901–911, Pub. L. 106–387; Sec. 221, Pub. L. 107–56; E.O. 11912, 41 FR 15825, 3 CFR, 1976 Comp., p. 114; E.O. 12002, 42 FR 35623, 3 CFR, 1977 Comp., p.133; E.O. 12058, 43 FR 20947, 3 CFR, 1978 Comp., p. 179; E.O. 12214, 45 FR 29783, 3 CFR, 1980 Comp., p. 256; E.O. 12851, 58 FR 33181, 3 CFR, 1993 Comp., p. 608; E.O. 12854, 58 FR 36587, 3 CFR, 1993 Comp., p. 179; E.O. 12918, 59 FR 28205, 3 CFR, 1994 Comp., p. 899; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 12947, 60 FR 5079, 3 CFR, 1995 Comp., p. 356; E.O. 12981, 60 FR 62981, 3 CFR, 1995 Comp., p. 419; E.O. 13020, 61 FR 54079, 3 CFR, 1996 Comp. p. 219; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13099, 63 FR 45167, 3 CFR, 1998 Comp., p.208; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; E.O. 13224, 66 FR 49079, 3 CFR, 2001 Comp., p. 786; E.O. 13338, 69 FR 26751, May 13, 2004; Notice of August 3, 2006, 71 FR 44551 (August 7, 2006); Notice of October 27, 2006, 71 FR 64109 (October 31, 2006).

■ 2. Supplement No. 3 to part 730 is amended by revising the ''Drugs, Chemicals and Precursors'' section to read as follows:

Supplement No. 3 to Part 730—Other U.S. Government Departments and Agencies With Export Control Responsibilities

* * * * *

Drugs, Chemicals and Precursors

Chemicals: Drug Enforcement Administration, Office of Diversion Control, Import-Export Unit, Tel. (202) 307–4916, Fax: 202–307–4702, Internet: *http://www.deadiversion.usdoj.gov/imp_exp/index.html*.

21 CFR Parts 1311 Through 1313

Controlled Substances: Drug Enforcement Administration, Office of Diversion Control, Import-Export Unit, Tel. (202) 307–7182 or (202) 307–7181, Fax: (202) 307–7503, Internet: *http://www.deadiversion.usdoj.gov/imp_exp/index.html*.

21 CFR Parts 1311 Through 1313

Drugs and Biologics: Food and Drug Administration, Import/Export, Tel. (301) 594–3150, Fax: (301) 594–0165.

21 U.S.C. 301 *et seq* .

Investigational drugs permitted: Food and Drug Administration, International Affairs, Tel. (301) 443–4480, Fax: (301) 443–0235.

21 CFR 312.1106

* * * * *

PART 732—[AMENDED]

■ 3. The authority citation for 15 CFR part 732 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 3, 2006, 71 FR 44551 (August 7, 2006).

§ 732.3 [Amended]

■ 4. Section 732.3 is amended by revising the phrase ''Cuba, Iran, Iraq, North Korea, and Rwanda'' in the first sentence of the introductory text of paragraph (i) to read ''Cuba, Iran, Iraq, North Korea, or Rwanda''.

PART 742—[AMENDED]

■ 5. The authority citation for 15 CFR part 742 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; 18 U.S.C. 2510 *et seq.*; 22 U.S.C. 3201 *et seq.*; 42 U.S.C. 2139a; Sec.

901–911, Pub. L. 106–387; Sec. 221, Pub. L. 107–56; Sec 1503, Pub.L. 108–11,117 Stat. 559; E.O. 12058, 43 FR 20947, 3 CFR, 1978 Comp., p. 179; E.O. 12851, 58 FR 33181, 3 CFR, 1993 Comp., p. 608; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Presidential Determination 2003–23 of May 7, 2003, 68 FR 26459, May 16, 2003; Notice of August 3, 2006, 71 FR 44551 (August 7, 2006); Notice of October 27, 2006, 71 FR 64109 (October 31, 2006).

■ 6. Supplement No. 2 to part 742, Anti-Terrorism Controls: Iran, Libya, North Korea, Syria and Sudan Contract Sanctity Dates and Related Policies, is amended:

■ a. By revising the heading as set forth below;

■ b. By revising the first sentence of paragraph (c)(27), to read as follows:

Supplement No. 2 to Part 742—Anti-Terrorism Controls: Iran, North Korea, Syria and Sudan Contract Sanctity Dates and Related Policies

(c) * * *

* * * * *

(27) *Semiconductor manufacturing equipment.* For Iran, Syria, Sudan, or North Korea, a license is required for all such equipment described in ECCNs 3B001 and 3B991.

* * * * *

PART 746—[AMENDED]

■ 7. The authority citation for 15 CFR part 746 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; 22 U.S.C. 287c; Sec 1503, Pub. L. 108–11,117 Stat. 559; 22 U.S.C. 6004; Sec. 901–911, Pub. L. 106–387; Sec. 221, Pub. L. 107–56; E.O. 12854, 58 FR 36587, 3 CFR 1993 Comp., p. 614; E.O. 12918, 59 FR 28205, 3 CFR, 1994 Comp., p. 899; E.O. 13222, 3 CFR, 2001 Comp., p. 783; Presidential Determination 2003–23 of May 7, 2003, 68 FR 26459, May 16, 2003; Notice of August 3, 2006, 71 FR 44551 (August 7, 2006); Presidential Determination 2007–7 of December 7, 2006, 72 FR 1899, January 16, 2007.

§ 746.4 [Amended]

■ 8. In paragraph (a) of § 746.4, correct the phrase ''as EAR99 (definitions in part 772 of the EAR.'' to read ''as EAR99 (definitions in part 772 of the EAR).''.

■ 9. In Supplement No. 1 to part 746-Examples of Luxury Goods, amend the introductory text to read as follows:

Supplement No. 1 to Part 746—Examples of Luxury Goods

The following further amplifies the illustrative list of luxury goods set forth in § 746.4(b)(1):

* * * * *

PART 774—[AMENDED]

■ 12. The authority citation for 15 CFR part 774 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; 10 U.S.C. 7420; 10 U.S.C. 7420; 10 U.S.C. 7430(e); 18 U.S.C. 2510 *et seq.*; 22 U.S.C. 287c, 22 U.S.C. 3201 *et seq.*, 22 U.S.C. 6004; 30 U.S.C. 185(s), 185(u); 42 U.S.C. 2139a; 42 U.S.C. 6212; 43 U.S.C. 1354; 46 U.S.C. app. 466c; 50 U.S.C. app. 5; Sec. 901–911, Pub. L. 106–387; Sec. 221, Pub. L. 107–56; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 3, 2006, 71 FR 44551 (August 7, 2006).

Supplement No. 1 to Part 774—The Commerce Control List—[Amended]

■ 13. In Supplement No. 1 to part 774, Category 0—''Nuclear Materials, Facilities, and Equipment [and Miscellaneous Items]'' is amended by revising the ''License Requirements'' section of ECCN 0A988 to read as follows:

0A988 Conventional military steel helmets as described by 0A018.d.1; and machetes.

License Requirements

Reason for Control: UN.

Control(s): UN applies to entire entry. A license is required for conventional military steel helmets as described by 0A018.d.1 and for machetes to Iraq, North Korea, and Rwanda. The Commerce Country Chart is not designed to determine licensing requirements for this entry. See part 746 of the EAR for additional information.

* * * * *

■ 14. In Supplement No. 1 to part 774, Category 3—''Electronics'' is amended by revising the ''License Requirements Notes'' section of 3A991 to read as follows:

3A991 Electronic devices and components not controlled by 3A001.

* * * * *

License Requirements Notes: See 744.17 of the EAR for additional license requirements for commodities classified as 3A991.a.1.

* * * * *

■ 15. In Supplement No. 1 to part 774 (the Commerce Control List), Category 5—Telecommunications, ECCN 5A980 is amended by revising the Heading to read as follows:

5A980 Devices primarily useful for the surreptitious interception of wire, oral, or electronic communications; and parts and accessories therefor.

* * * * *

Dated: April 18, 2007.

Eileen Albanese,

Director, Office of Exporter Services.

[FR Doc. E7–7730 Filed 4–23–07; 8:45 am]

BILLING CODE 3510–33–P

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 249

[Release No. 34–55643]

Technical Amendments to Form BD and Form BDW

AGENCY: Securities and Exchange Commission.

ACTION: Final rule; technical amendments.

SUMMARY: The Securities and Exchange Commission (''Commission'' or ''SEC'') is making technical amendments to Form BD and Form BDW, the uniform broker-dealer registration form and the uniform request for withdrawal from broker-dealer registration, respectively. The technical amendments will update the current list of self-regulatory organizations (''SROs'') and government jurisdictions listed on Form BD and Form BDW, and make conforming changes to the definition ''jurisdiction'' in the forms.

DATES: *Effective Date:* April 23, 2007.

FOR FURTHER INFORMATION CONTACT: Paula Jenson, Deputy Chief Counsel, or Haimera Workie, Branch Chief, at (202) 551–5550, Office of the Chief Counsel, Division of Market Regulation, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549.

SUPPLEMENTARY INFORMATION: Form BD requires an applicant or registrant to indicate the SRO and governmental jurisdiction with which it is registering or registered. For a ''partial withdrawal,'' [1] Form BDW requires the applicant to specify the SRO and governmental jurisdiction from which it is withdrawing.[2] The Commission is making technical amendments to Item 2 of Form BD and Item 3 of Form BDW to update the list of governmental jurisdictions to include the United States Virgin Islands, and to update the

[1] A ''full withdrawal'' terminates registration with the SEC, all SROs, and all jurisdictions. However, a ''partial withdrawal'' terminates registration with specific jurisdictions and SROs, but does not terminate registration with the SEC and at least one SRO and jurisdiction.

[2] Section 15(b) of the Securities Exchange Act of 1934 (''Exchange Act'') provides that broker-dealers can register and withdraw from registration under procedures developed by the Commission. Exchange Act Rule 15b1–1 requires that an application for registration of a broker or dealer that is filed pursuant to Section 15(b) of the Exchange Act be filed on Form BD in accordance with the instructions on the form. Exchange Act Rule 15b6–1 requires that a notice of withdrawal from registration as a broker or dealer filed pursuant to Section 15(b) of the Exchange Act be filed on Form BDW in accordance with the instructions on the form.

list of SROs to include The NASDAQ Stock Market LLC and the International Securities Exchange, LLC, as well as to reflect the name change of The Cincinnati Stock Exchange, Inc. to National Stock Exchange, Inc.[3] and the name change of the Pacific Exchange, Inc. to NYSE Arca, Inc.[4] In addition, we are making conforming changes to the definition of ''jurisdiction'' to include the United States Virgin Islands. ''Jurisdiction'' will be defined as: ''A state, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, or any subdivision or regulatory body thereof.''

I. Certain Findings

Under the Administrative Procedure Act (''APA''), notice of proposed rulemaking is not required when the agency, for good cause, finds ''that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.''[5] The Commission is making technical amendments to Item 2 of Form BD and Item 3 of Form BDW in light of the formation of or name changes to SROs and in light of new requirements for broker-dealer registration in the United States Virgin Islands.[6] The Commission is also making conforming amendments to the definition of ''jurisdiction'' to include the United States Virgin Islands. These technical amendments will update the currently out-of-date list of SROs and government jurisdictions contained in Form BD and Form BDW, as well as provide related changes to the definition of ''jurisdiction'' in the forms. The Commission, therefore, finds that publishing the amendments for comment is unnecessary.[7]

Publication of a substantive rule not less than 30 days before its effective date is required by the APA except as otherwise provided by the agency for good cause.[8] For the same reasons described above with respect to notice and opportunity for comment, the Commission finds that there is good cause for making these technical amendments effective on April 23, 2007.

II. Consideration of Promotion of Efficiency, Competition, and Capital Formation

Section 3(f) of the Exchange Act,[9] provides that whenever the Commission is engaged in rulemaking and is required to consider or determine whether an action is necessary or appropriate in the public interest, the Commission shall consider, in addition to the protection of investors, whether the action will promote efficiency, competition, and capital formation. In addition, Section 23(a)(2) of the Exchange Act requires the Commission, in adopting rules under the Exchange Act, to consider the anticompetitive effects of such rules, if any, and to refrain from adopting a rule that would impose a burden on competition not necessarily or appropriate in furtherance of the purposes of the Exchange Act.[10]

Because the amendments are limited to technical amendments, we do not anticipate that any competitive advantages or disadvantages would be created. We do not expect the amendments, as technical amendments, to have a significant effect on efficiency, or on capital formation or the capital markets resulting from any obligations imposed by the Commission. As previously noted, however, there will be some increased efficiency in the administration of the United States Virgin Islands regulations because adding the United States Virgin Islands to the list of jurisdictions will facilitate the use of these forms by broker-dealers doing business in that jurisdiction and will eliminate the need for separate paper filings of registration forms by these broker-dealers.

III. Statutory Authority

We are adopting the technical amendments to Forms BD and BDW under the authority set forth in the Exchange Act and, in particular, Sections 15(a), 15(b), 17(a), and 23(a) therein.[11]

Text of Form Amendments

List of Subjects in 17 CFR Part 249

Broker-dealers, Reporting and recordkeeping requirements, Securities.

■ For the reasons set out in the preamble, 17 CFR part 249 is amended as follows:

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

■ 1. The authority citation for Part 249 continues to read in part as follows:

Authority: 15 U.S.C. 78a, *et seq.* and 7201 *et seq.*; and 18 U.S.C. 1350, unless otherwise noted.

* * * * *

§ 249.501 [Amended]

■ 2. Form BD (referenced in § 249.501) is amended by:

■ a. In the Explanation of Terms, 1. General section, revising ''JURISDICTION—A state, the District of Columbia, the Commonwealth of Puerto Rico, or any subdivision or regulatory body thereof.'' to read ''JURISDICTION—A state, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, or any subdivision or regulatory body thereof.''; and

■ b. In Item 2, revising the SRO and Jurisdiction tables.

The revision reads as follows:

Form BD

* * * * *

2. * * *

SRO	☐ AMEX	☐ BSE	☐ CBOE	☐ CHX	☐ NSX	☐ NASD	☐ NQX	☐ NYSE	☐ PHLX	☐ ARCA	☐ ISE	☐_____ OTHER (specify)

JUR	☐ Alabama ☐ Alaska ☐ Arizona	☐ Hawaii ☐ Idaho ☐ Illinois	☐ Michigan ☐ Minnesota ☐ Mississippi	☐ North Carolina ☐ North Dakota ☐ Ohio	☐ Texas ☐ Utah ☐ Vermont

[3] Exchange Act Rel. No. 48774 (November 12, 2003), 68 FR 65332 (November 19, 2003).

[4] Exchange Act Rel. No. 53615 (April 7, 2006), 71 FR 19226 (April 13, 2006).

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

[6] The United States Virgin Islands Uniform Securities Act of 2004 (''Uniform Securities Act'') became effective on February 12, 2005. *See* 9 V.I. CODE ANN. §§ 601–672 (2004). The Uniform Securities Act requires registration by broker-dealers. *See* 9 V.I CODE ANN. § 631. Prior to the enactment of the Uniform Securities Act, the United States Virgin Islands did not have regulations that addressed broker-dealer registration and therefore it was not included as a jurisdiction on Form BD and Form BDW. Adding the United States Virgin Islands onto the list of jurisdictions would facilitate the use of these forms by broker-dealers and would eliminate the need for separate paper filings of registration forms by broker-dealers in the United States Virgin Islands.

[7] For similar reasons, the amendments do not require analysis under the Regulatory Flexibility Act or analysis of major rule status under the Small Business Regulatory Enforcement Fairness Act. *See* 5 U.S.C. 601(2) (for purposes of Regulatory Flexibility Act analyses, the term ''rule'' means any rule for which the agency publishes a general notice of proposed rulemaking); 5 U.S.C. 804(3)(C) (for purposes of Congressional review of agency rulemaking, the term ''rule'' does not include any rule of agency organization, procedure, or practice that does not substantially affect the rights or obligations of non-agency parties).

[8] 5 U.S.C. 553(d).

[9] 15 U.S.C. 78c(f).

[10] 15 U.S.C. 78w(a)(2).

[11] 15 U.S.C. 78o(a), 78o(b), 78q(a), and 78w(a).

JURISDICTION	☐ Arkansas ☐ California ☐ Colorado ☐ Connecticut ☐ Delaware ☐ District of Columbia ☐ Florida ☐ Georgia	☐ Indiana ☐ Iowa ☐ Kansas ☐ Kentucky ☐ Louisiana ☐ Maine ☐ Maryland ☐ Massachusetts	☐ Missouri ☐ Montana ☐ Nebraska ☐ Nevada ☐ New Hampshire ☐ New Jersey ☐ New Mexico ☐ New York	☐ Oklahoma ☐ Oregon ☐ Pennsylvania ☐ Puerto Rico ☐ Rhode Island ☐ South Carolina ☐ South Dakota ☐ Tennessee	☐ Virgin Islands ☐ Virginia ☐ Washington ☐ West Virginia ☐ Wisconsin ☐ Wyoming

* * * * *

■ 3. Form BDW (referenced in § 249.501a) is amended by:

■ a. In the Explanation of Terms section, revising ''The term JURISDICTION means a state, the District of Columbia, the Commonwealth of Puerto Rico, or any subdivision or regulatory body thereof.'' to read ''The term JURISDICTION means a state, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, or any subdivision or regulatory body thereof.''; and

■ b. In Item 3, revising the SRO and Jurisdiction tables.

The revision reads as follows:

Form BDW

* * * * *

3. * * *

SRO	☐ AMEX	☐ BSE	☐ CBOE	☐ CHX	☐ NSX	☐ NASD	☐ NQX	☐ NYSE	☐ PHLX	☐ ARCA	☐ ISE	☐_____ OTHER (specify)

JURISDICTION	☐ Alabama ☐ Alaska ☐ Arizona ☐ Arkansas ☐ California ☐ Colorado ☐ Connecticut ☐ Delaware ☐ District of Columbia ☐ Florida ☐ Georgia	☐ Hawaii ☐ Idaho ☐ Illinois ☐ Indiana ☐ Iowa ☐ Kansas ☐ Kentucky ☐ Louisiana ☐ Maine ☐ Maryland ☐ Massachusetts	☐ Michigan ☐ Minnesota ☐ Mississippi ☐ Missouri ☐ Montana ☐ Nebraska ☐ Nevada ☐ New Hampshire ☐ New Jersey ☐ New Mexico ☐ New York	☐ North Carolina ☐ North Dakota ☐ Ohio ☐ Oklahoma ☐ Oregon ☐ Pennsylvania ☐ Puerto Rico ☐ Rhode Island ☐ South Carolina ☐ South Dakota ☐ Tennessee	☐ Texas ☐ Utah ☐ Vermont ☐ Virgin Islands ☐ Virginia ☐ Washington ☐ West Virginia ☐ Wisconsin ☐ Wyoming

* * * * *

By the Commission.

Dated: April 19, 2007.

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E7–7746 Filed 4–23–07; 8:45 am]

BILLING CODE 8010–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 884

[Docket No. 2007N–0120]

Medical Devices; Obstetrical and Gynecological Devices; Classification of Computerized Labor Monitoring System

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is classifying the computerized labor monitoring systems into class II (special controls). Elsewhere in this issue of the **Federal Register**, FDA is announcing the availability of a guidance document entitled, ''Guidance for Industry and FDA Staff; Class II Special Controls Guidance Document: Computerized Labor Monitoring Systems,'' which will serve as the special controls for these devices. The agency is classifying these devices into class II (special controls) in order to provide a reasonable assurance of safety and effectiveness of these devices.

DATES: This rule is effective May 24, 2007. The classification was effective January 30, 2007.

FOR FURTHER INFORMATION CONTACT: Glenn Bell, Center for Devices and Radiological Health (HFZ–470), Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850, 240–276–4100.

SUPPLEMENTARY INFORMATION:

I. What is The Background Of This Rulemaking?

In accordance with section 513(f)(1) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360c(f)(1)), devices that were not in commercial distribution before May 28, 1976, the date of enactment of the Medical Device Amendments of 1976 (the amendments), generally referred to as postamendments devices, are classified automatically by statute into class III without any FDA rulemaking process. These devices remain in class III and require premarket approval, unless the device is classified or reclassified into class I or class II, or FDA issues an order finding the device to be substantially equivalent, in accordance with section 513(i) of the act, to a predicate device that does not require premarket approval. The agency determines whether new devices are substantially equivalent to predicate devices by means of premarket notification procedures in section 510(k) of the act (21 U.S.C. 360(k)) and part 807 (21 CFR part 807) of FDA's regulations.

Section 513(f)(2) of the act provides that any person who submits a premarket notification under section 510(k) of the act for a device that has not previously been classified may, within 30 days after receiving an order classifying the device in class III under section 513(f)(1) of the act, request FDA to classify the device under the criteria set forth in section 513(a)(1) of the act. FDA shall, within 60 days of receiving such a request, classify the device by written order. This classification shall be the initial classification of the device type. Within 30 days after the issuance of an order classifying the device, FDA must publish a notice in the **Federal Register** announcing such classification (section 513(f)(2) of the act).

In accordance with section 513(f)(1) of the act, FDA issued an order on October 5, 2006, classifying the Computerized

Labor Monitoring System in class III, because it was not substantially equivalent to a device that was introduced or delivered for introduction into interstate commerce for commercial distribution before May 28, 1976, or a device that was subsequently reclassified into class I or class II. Barnev Ltd. submitted a petition dated October 15, 2006, requesting classification of the Computerized Labor Monitoring System under section 513(f)(2) of the act. The manufacturer recommended that the device be classified into class II (Ref. 1).

In accordance with section 513(f)(2) of the act, FDA reviewed the petition in order to classify the device under the criteria for classification set forth in 513(a)(1) of the act. Devices are to be classified into class II if general controls, by themselves, are insufficient to provide reasonable assurance of safety and effectiveness, but there is sufficient information to establish special controls to provide reasonable assurance of the safety and effectiveness of the device for its intended use. After review of the information submitted in the petition, FDA determined that computerized labor monitoring systems can be classified into class II with the establishment of special controls. FDA believes that these special controls, in addition to general controls, are adequate to provide reasonable assurance of the safety and effectiveness of the device.

The device is assigned the generic name ''Computerized Labor Monitoring System.'' It is identified as a system intended to continuously measure cervical dilation and fetal head descent and provide a display that indicates the progress of labor. The computerized labor monitoring system includes a monitor and ultrasound transducers. Ultrasound transducers are placed on the maternal abdomen and cervix and on the fetal scalp to provide the matrix of measurements used to produce the display.

FDA has identified the risks to health associated with this type of device as—

A. Patient Injury—tissue injury or bleeding to baby or mother

B. Electrical Hazards—electrical shock

C. Acoustical (ultrasound) Tissue Damage—acoustical heating of tissue due to ultrasound

D. Electromagnetic Interference and Electrostatic Discharge Hazards—electromagnetic emissions interfering with other medical devices or electromagnetic susceptibility causing the device to function improperly due to emissions of other devices

E. Mismanagement of Patient—unattended birth or improper clinical decisions based on device output information

F. Adverse Tissue Reaction—adverse tissue reaction to bio-incompatible materials

G. Infection - bacterial, viral, or fungal infection of baby or mother

FDA believes that the class II special controls guidance document will aid in mitigating the potential risks to health as described in table 1 of this document.

TABLE 1.—RISKS TO HEALTH AND MITIGATION MEASURES

Identified Risk	Mitigation Measures
Patient Injury	Nonclinical Analysis and Testing Software Clinical Information Labeling
Electrical Hazards	Nonclinical Analysis and Testing Electrical Safety Labeling
Acoustical (ultrasound) Tissue Damage	Nonclinical Analysis and Testing Ultrasound Safety Labeling
Electromagnetic Interference and Electrostatic Discharge Hazards	Electromagnetic Compatibility Labeling
Mismanagement of Patient	Nonclinical Analysis and Testing Software Clinical Information Labeling
Adverse Tissue Reaction	Biocompatibility
Infection	Sterilization Information

FDA believes that the special controls, in addition to general controls, address the risks to health identified previously and provide reasonable assurances of the safety and effectiveness of the device type. Thus, on January 30, 2007, FDA issued an order to the petitioner classifying the device into class II. FDA is codifying this classification at 21 CFR 884.2800.

Following the effective date of the final classification rule, manufacturers will need to address the issues covered in the special controls guidance. However, the manufacturer need only show that its device meets the recommendations of the guidance or in some other way provides equivalent assurance of safety and effectiveness.

Section 510(m) of the act provides that FDA may exempt a class II device from the premarket notification requirement under 510(k) of the act, if FDA determines that premarket notification is not necessary to provide reasonable assurance of the safety and effectiveness of the device. For this type of device, FDA has determined that premarket notification is necessary to provide reasonable assurance of the safety and effectiveness of the device and, therefore, the type of device is not exempt from premarket notification requirements. Persons who intend to market this type of device must submit to FDA a premarket notification, prior to marketing the device, which contains information about the computerized

labor monitoring system they intend to market.

II. What is The Environmental Impact Of This Rule?

The agency has determined under 21 CFR 25.34(b) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Thus, neither an environmental assessment nor an environmental impact statement is required.

III. What is The Economic Impact Of This Rule?

FDA has examined the impacts of the final rule under Executive Order 12866 and the Regulatory Flexibility Act (5 U.S.C. 601–612), and the Unfunded Mandates Reform Act of 1995 (Public Law 104–4). Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity). The agency believes that this final rule is not a significant regulatory action under the Executive order.

The Regulatory Flexibility Act requires agencies to analyze regulatory options that would minimize any significant impact of a rule on small entities. Because classification of this device into class II will relieve manufacturers of the cost of complying with the premarket approval requirements of section 515 of the act (21 U.S.C. 360e), and may permit small potential competitors to enter the marketplace by lowering their costs, the agency certifies that the final rule will not have a significant economic impact on a substantial number of small entities.

Section 202(a) of the Unfunded Mandates Reform Act of 1995 requires that agencies prepare a written statement, which includes an assessment of anticipated costs and benefits, before proposing ''any rule that includes any Federal mandate that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more (adjusted annually for inflation) in any one year.'' The current threshold after adjustment for inflation is $122 million, using the most current (2005) Implicit Price Deflator for the Gross Domestic Product. FDA does not expect this final rule to result in any 1–year expenditure that would meet or exceed this amount.

IV. Does This Final Rule Have Federalism Implications?

FDA has analyzed this final rule in accordance with the principles set forth in Executive Order 13132. FDA has determined that the rule does not contain policies that have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. Accordingly, the agency has concluded that the rule does not contain policies that have federalism implications as defined in the Executive order and, consequently, a federalism summary impact statement is not required.

V. How Does This Rule Comply with the Paperwork Reduction Act of 1995?

This final rule contains no collections of information. Therefore, clearance by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 is not required.

VI. What References are on Display?

The following reference has been placed on display in the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852, and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday.

1. Petition from Barnev Ltd., dated October 15, 2006.

List of Subjects in 21 CFR Part 884

Medical devices.

■ Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 884 is amended as follows:

PART 884–OBSTETRICAL AND GYNECOLOGICAL DEVICES

■ 1. The authority citation for 21 CFR part 884 continues to read as follows:

Authority: 21 U.S.C. 351, 360, 360c, 360e, 360j, 371.

■ 2. Section 884.2800 is added to subpart C to read as follows:

§ 884.2800 Computerized Labor Monitoring System.

(a) *Identification*. A computerized labor monitoring system is a system intended to continuously measure cervical dilation and fetal head descent and provide a display that indicates the progress of labor. The computerized labor monitoring system includes a monitor and ultrasound transducers. Ultrasound transducers are placed on the maternal abdomen and cervix and on the fetal scalp to provide the matrix of measurements used to produce the display.

(b) *Classification*. Class II (special controls). The special controls are the FDA guidance document entitled: ''Guidance for Industry and Food and Drug Administration Staff; Class II Special Controls Guidance Document: Computerized Labor Monitoring Systems.'' See § 884.1(e) for availability of this guidance document.

Dated: April 13, 2007.

Linda S. Kahan,

Deputy Director, Center for Devices and Radiological Health.

[FR Doc. E7–7702 Filed 4–23–07; 8:45 am]

BILLING CODE 4160–01–S

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[EPA–HQ–OAR–2002–0093; FRL–8304–2]

RIN 2060–AN10

National Emission Standards for Hazardous Air Pollutants: Surface Coating of Automobiles and Light-Duty Trucks; National Emission Standards for Hazardous Air Pollutants for Surface Coating of Plastic Parts and Products

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action on amendments to the National Emission Standards for Hazardous Air Pollutants: Surface Coating of Automobiles and Light-Duty Trucks (Automobiles and Light-Duty Trucks NESHAP) which were promulgated on April 26, 2004, under the authority of section 112(d) of the Clean Air Act. The direct final rule amends provisions in the Automobiles and Light-Duty Trucks NESHAP to clarify the interaction between the Automobiles and Light-Duty Trucks NESHAP and the National Emission Standards for Hazardous Air Pollutants for Surface Coating of Plastic Parts and Products (Plastic Parts NESHAP), to clarify the meaning of certain regulatory provisions, and to correct certain errors identified in the regulatory text. EPA is also taking direct final action on amendments to the Plastic Parts NESHAP to clarify that screen printing is not subject to that rule.

DATES: The direct final rule is effective on June 25, 2007 without further notice,

unless EPA receives adverse written comment or a public hearing is requested. If we receive adverse comment or a request for a public hearing, we will publish a timely withdrawal in the **Federal Register** informing the public that this rule, or the relevant provisions of this rule, will not take effect. Written comments must be received on or before May 24, 2007 unless a public hearing is requested by May 4, 2007. If a public hearing is requested, written comments must be received on or before June 8, 2007. If anyone contacts EPA requesting to speak at a public hearing, a public hearing will be held on May 9, 2007.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OAR–2002–0093, by one of the following methods:

- *www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *E-mail: a-and-r-docket@epa.gov* and *salman.dave@epa.gov*.
- *Fax:* (202) 566–1741 and (919) 541–0246.
- *Mail:* U.S. Postal Service, send comments to: Air and Radiation Docket (6102T), 1200 Pennsylvania Avenue, NW., Washington, DC 20460. Please include a total of two copies.
- *Hand Delivery:* In person or by courier, deliver comments to: Air and Radiation Docket (6102T), EPA West, Room 3334, 1301 Constitution Avenue, NW., Washington, DC 20004. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information. Please include a total of two copies.

We request that you also send a separate copy of each comment to the contact person listed below (see **FOR FURTHER INFORMATION CONTACT**).

Instructions. Direct your comments to Docket ID No. EPA–HQ–OAR–2002–0093. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *www.regulations.gov*, including any personal information provided, unless the comment includes information claimed to be confidential business information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or e-mail. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through *www.regulations.gov*, your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket, visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm*.

Docket: All documents in the docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, *e.g.*, CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at the Air and Radiation Docket, EPA West Building, Room 3334, 1301 Constitution Ave., NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the Air and Radiation Docket is (202) 566–1742.

FOR FURTHER INFORMATION CONTACT: For further information contact Mr. David Salman, EPA, Office of Air Quality Planning and Standards, Sector Policies and Programs Division, Coatings and Chemicals Group (E143–01), Research Triangle Park, NC 27711; telephone number (919) 541–0859; fax number (919) 541–0246; e-mail address: *salman.dave@epa.gov*.

SUPPLEMENTARY INFORMATION:

Why is EPA using a direct final rule? EPA is publishing this rule without a prior proposed rule because we view this as a noncontroversial action and anticipate no adverse comment. This direct final rule amends provisions in the Automobiles and Light-Duty Trucks NESHAP to clarify the interaction between the Automobiles and Light-Duty Trucks NESHAP and the Plastic Parts NESHAP, to clarify the meaning of certain regulatory provisions, and to correct certain errors identified in the regulatory text. The direct final rule also amends the Plastic Parts NESHAP to clarify that screen printing is not subject to that rule.

However, in the ''Proposed Rules'' section of today's **Federal Register**, we are publishing a separate document that will serve as the proposed rule if adverse comments are received on this direct final rule or a public hearing is requested, and the direct final rule is, therefore, withdrawn. We will not institute a second comment period on the proposed rule. Any parties interested in commenting must do so at this time. For further information about commenting on this direct final rule, see the **ADDRESSES** section of this document.

If EPA receives adverse comment or a public hearing is requested, we will publish a timely withdrawal in the **Federal Register** informing the public that this direct final rule will not take effect. We would address all public comments in any subsequent final rule based on the proposed rule.

If we receive adverse comment on a distinct provision of this rulemaking, we will publish a timely withdrawal in the **Federal Register** indicating which provisions we are withdrawing. The provisions that are not withdrawn will become effective on the date set out above, notwithstanding adverse comment on any other provision.

Submitting CBI. Do not submit this information to EPA through *www.regulations.gov* or e-mail. Clearly mark the part or all of the information that you claim to be CBI. For CBI information on a disk or CD ROM that you mail to EPA, mark the outside of the disk or CD ROM as CBI and then identify electronically within the disk or CD ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

Regulated Entities. Categories and entities potentially regulated by this action include:

Category	NAICS* code	Examples of potentially regulated entities
Industry	336111	Automobile manufacturing.
	336112	Light truck and utility vehicle manufacturing.
	336211	Motor vehicle body manufacturing.
	336120	Heavy duty truck manufacturing.
	323113	Commercial screen printing.

* North American Industry Classification System.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this action. To determine whether your facility is regulated by this action, you should examine the applicability criteria of the rule. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

Worldwide Web (WWW). In addition to being available in the docket, an electronic copy of today's direct final action will also be available on the WWW through the Technology Transfer Network (TTN). Following the Administrator's signature, a copy of the NESHAP will be posted on the TTN's policy and guidance page for newly proposed or promulgated rules at *http://www.epa.gov/ttn/oarpg/*. The TTN at EPA's Web site provides information and technology exchange in various areas of air pollution control.

Public Hearing. If a public hearing is held, it will be held at 10 a.m. at the EPA's Environmental Research Center Auditorium, Research Triangle Park, NC, or at an alternate site nearby.

Judicial Review. Under section 307(b)(1) of the Clean Air Act (CAA), judicial review of the direct final rule amendments is available only by filing a petition for review in the United States Court of Appeals for the District of Columbia Circuit by June 25, 2007. Moreover, under section 307(b)(2) of the CAA, the requirements established by the direct final rule amendments may not be challenged separately in any civil or criminal proceeding brought by EPA to enforce these requirements.

Outline. The information presented in this preamble is organized as follows:

I. Background
II. Amendments
A. Applicability
B. Recordkeeping
C. Electrodeposition Primer
D. Transfer Efficiency
E. Equations
F. Monitoring
G. Uncounted Capture and Control
H. Definitions
III. Statutory and Executive Order Reviews
A. Executive Order 12866, Regulatory Planning and Review
B. Paperwork Reduction Act
C. Regulatory Flexibility
D. Unfunded Mandates Reform Act
E. Executive Order 13132, Federalism
F. Executive Order 13175, Consultation and Coordination With Indian Tribal Governments
G. Executive Order 13045, Protection of Children From Environmental Health Risks and Safety Risks
H. Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use
I. National Technology Transfer and Advancement Act
J. Congressional Review Act

I. Background

On April 26, 2004, we issued the final Automobiles and Light-Duty Trucks NESHAP (69 FR 22602). The final NESHAP established standards to control organic hazardous air pollutant (HAP) emissions from new and existing automobile and light-duty truck surface coating operations. This action amends the final Automobiles and Light-Duty Trucks NESHAP to clarify the interaction between that rule and the Plastic Parts NESHAP, to clarify the meaning of certain regulatory provisions, and to correct certain errors in the regulatory text. On April 19, 2004, we issued the final Plastic Parts NESHAP (69 FR 20968). The final NESHAP established standards to control organic hazardous air pollutant (HAP) emissions from new and existing plastic parts coating operations. Today's action amends the Plastic Parts NESHAP to clarify that screen printing is not subject to that rule. None of the amendments will have any effect on the stringency of the rules.

II. Amendments

All of the amendments discussed below are amendments to the Automobiles and Light-Duty Trucks NESHAP (40 CFR part 63, subpart IIII), except for one amendment to the Plastic Parts NESHAP (40 CFR part 63, subpart PPPP) which is discussed at the end of section II.A. ''*Applicability*.''

A. Applicability

Plastic or composite body parts are used in many automobiles and light-duty trucks. These parts are typically fabricated (molded, stamped, formed, etc.) and prime coated at plastic or composites molding facilities, and then sent to automobile or light-duty truck assembly facilities where they receive an additional prime coat and topcoat. The coating activities at plastic or composites molding facilities were considered in the development of the Plastic Parts NESHAP (40 CFR part 63, subpart PPPP) and are subject to that regulation. The coating activities at automobile or light-duty truck assembly facilities were considered in the development of the final Automobiles and Light-Duty Trucks NESHAP and are subject to that regulation.

The application of ''topcoat to new automobile or new light-duty truck bodies or body parts for new automobiles or new light-duty trucks'' is used as an applicability criterion in 40 CFR 63.3081(b) of the final Automobiles and Light-Duty Trucks NESHAP. The intent of this applicability criterion was to keep the coating of plastic or composite body parts at plastic or composites molding facilities, which is subject to the Plastic Parts NESHAP, from being subject to the Automobiles and Light-Duty Trucks NESHAP. The structure of this applicability criterion was based on our knowledge, at the time, of the application of prime coat to plastic or composite body parts at plastic or composites molding facilities. Specifically, at the time we developed the applicability criterion, we were unaware of any application of topcoat to plastic or composite body parts occurring at plastic or composites molding facilities.

We have since learned that there is some application of topcoat to plastic or composite body parts at plastic or composites molding facilities. The applicability criterion in 40 CFR 63.3081(b) of the Automobiles and Light-Duty Trucks NESHAP, therefore, could have the unintended consequence of making coating at plastic and composite molding facilities subject to Automobiles and Light-Duty Trucks NESHAP. We have amended 40 CFR 63.3081(b) and added a definition of ''plastic or composites molding facility'' to clarify that the application of topcoat to plastic or composite body parts at a

plastic or composites molding facility does not trigger applicability of this subpart as long as all of the body parts topcoated at the plastic or composites molding facility for use in new automobiles or new light-duty trucks were fabricated (molded, stamped, formed, etc.) at that facility or at another plastic or composites molding facility with the same owner or operator, none of the new vehicles in which these body parts are used are assembled at the plastic or composites molding facility, and the plastic or composites molding facility does not topcoat all of the body parts for any single new automobile or new light-duty truck.

We are also amending the Plastic Parts NESHAP because there has been some confusion as to whether that NESHAP regulates screen printing. Specifically, the definition of the term ''coating'' in the Plastic Parts NESHAP includes the word ''ink.'' Some screen printing is done on plastic. Screen printing on plastic, however, is part of the printing and publishing source category. The printing and publishing source category is addressed in the National Emission Standards for the Printing and Publishing Industry (40 CFR part 63, subpart KK). We are, therefore, amending 40 CFR 63.4481 of the Plastic Parts NESHAP to clarify that screen printing is not subject to the Plastic Parts NESHAP.

B. Recordkeeping

After publication of the final Automobiles and Light-Duty Trucks NESHAP, a question was raised about the types of records required to be kept under 40 CFR 63.3130(o). The question was whether these records were limited to operating instructions, or whether other records, such as construction blueprints, also needed to be maintained. We have amended 40 CFR 63.3130(o) to clarify that the operating instructions for each add-on control device and each continuous parameter monitoring system must be kept on-site for the life of the equipment in a location readily available to plant operators and inspectors.

C. Electrodeposition Primer

An electrodeposition primer tank or system typically contains tens of thousands of gallons of material. As a result, monthly material usage for electrodeposition primer is typically determined by tracking additions to the tank or system over the month. This contrasts to other coating operations, such as topcoat or primer-surfacer, where monthly usage of each material is typically determined by tracking additions to a small (*e.g.*, 500 gallon) day tank over the month and the change in the amount of material in the day tank from the beginning of the month to the end of the month.

After publication of the final rule, we were asked if we could clarify that material usage and other parameters relevant to electrodeposition primer are determined based upon additions to the tank or system over the month. We have amended 40 CFR 63.3161(e) to clarify that for electrodeposition primer the mass fraction of organic HAP, density and volume of each material used is to be determined for each material added to the tank or system during the month. We have amended 40 CFR 63.3161(f) to clarify that for electrodeposition primer the volume fraction of coating solids is to be determined for each material added to the tank or system during the month.

The determination of capture efficiency is discussed in 40 CFR 63.3165 of the final rule. The introductory text to 40 CFR 63.3165 of the final rule states that a bake oven air seal is not considered a natural draft opening to a permanent total enclosure or a temporary total enclosure provided the direction of air movement across the interface between the bake oven air seal and the bake oven is into the bake oven. This includes electrodeposition bake oven air seals. Capture of emissions from electrodeposition bake ovens is also discussed in 40 CFR 63.3171(f) of the final rule. After publication of the final rule, we were asked if we could clarify that electrodeposition bake oven air seals were intended to be considered in the same manner under 40 CFR 63.3171(f) as they are considered in 40 CFR 63.3165 introductory text. We have amended 40 CFR 63.3171(f) to clarify that an electrodeposition bake oven air seal is not considered a natural draft opening provided the direction of air movement across the interface between the bake oven air seal and the bake oven is into the bake oven.

D. Transfer Efficiency

The final rule requires that transfer efficiency be determined for many coatings used in automobile or light-duty truck coating operations. The final rule states that transfer efficiency may be determined using ASTM Method D5066–91 (Reapproved 2001), Standard Test Method for Determination of the Transfer Efficiency Under Production Conditions for Spray Application of Automotive Paints-Weight Basis (incorporated by reference, see 40 CFR 63.14), or the guidelines presented in Protocol for Determining Daily Volatile Organic Compound Emission Rate of Automobile and Light-Duty Truck Topcoat Operations, EPA–450/3–88–018 (Docket ID No. OAR–2002–0093 and Docket ID No. A–2001–22). The final rule provides default transfer efficiency values for electrodeposition primer coatings, glass bonding primers, glass bonding adhesives, and final repair coatings. The guidelines provide default transfer efficiency values for certain specialty or low-use coatings such as blackout and interior color.

After publication of the final rule, a question was raised about whether the default transfer efficiency values in the guidelines could be used for chip resistant edge primer, lower body anti-chip coating and underbody anti-chip coating. These types of coatings are not explicitly mentioned in the guidelines, because the guidelines do not discuss primer-surfacer operations in detail. We believe it is appropriate to apply the default transfer efficiency values in the guidelines to these types of coatings and are amending the rule accordingly. Similar to blackout, lower-body anti-chip coating and chip resistant edge primer are applied to relatively small areas of the vehicle. Underbody anti-chip coatings are typically applied with efficient airless applicators. Specifically, we have amended 40 CFR 63.3161(g) to provide default transfer efficiency values for these types of coatings. We have also added definitions of ''chip resistant edge primer,'' ''lower body anti-chip coating,'' and ''underbody anti-chip coating,'' and revised the definitions of ''anti-chip coating,'' ''deadener,'' and ''primer-surfacer'' to better identify the types of coatings for which default transfer efficiency values can be used.

E. Equations

We have corrected Equation 5 in 40 CFR 63.3161(l) by removing ''/100'' from the end of the equation. This division by 100 is incorrect because the transfer efficiency (TE) is expressed as a decimal value rather than as a percentage.

We have revised Equation 4 in § 63.3165(e) by changing the symbol ''Pi'' to ''Pv,i'' to emphasize that the panel test result in this equation is expressed in mass (kg) of volatile organic compounds (VOC) per *volume* (liter) of coating solids deposited. This helps distinguish this equation from Equation 7 in 40 CFR 63.3165(e) where the symbol ''Pm,i'' is used to emphasize that the panel test result in that equation is expressed in *mass* (kg) of VOC per mass (kg) of coating solids deposited.

We have revised the description of the symbol ''$Wvoc_{c,i}$'' in Equations 6 and 7 in 40 CFR 63.3165(e) to specify that the guidelines for combining analytical

VOC content and formulation solvent content are in Section 9 of the Protocol for Determining Daily Volatile Organic Compound Emission Rate of Automobile and Light-Duty Truck Coating Operations (Protocol). The description of the symbol ''$Wvoc_{c,i}$'' in Equations 6 and 7 in 40 CFR 63.3165(e) of the final rule provided only a general reference to the Protocol.

We have corrected Equation 7 in 40 CFR 63.3165(e) by adding a multiplier of ''100'' to the numerator of the equation. This multiplier is needed in order for the result of the equation to be expressed as a percentage.

F. Monitoring

The temperature operating limits for thermal oxidizers, catalytic oxidizers and condensers are identified as ''3-hour'' operating limits in Table 1 of the final rule. The ''3-hour'' specification was inadvertently omitted from 40 CFR 63.3167(a)(2), (b)(2), and (d)(2) of the final rule. We have revised 40 CFR 63.3167(a)(2), (b)(2), and (d)(2) to clarify that these operating limits are 3-hour averages.

Catalyst activity testing and internal inspection of the catalyst are specified in 40 CFR 63.3167(b)(6) of the final Automobiles and Light-Duty Trucks rule. Similar specifications are provided in 40 CFR 63.4567(b)(4) of the Plastic Parts NESHAP. The specifications in the Plastic Parts NESHAP include an explanation of how to proceed if problems are found during annual catalyst activity testing or annual internal inspection of the catalyst. This explanation was inadvertently omitted from the final Automobiles and Light-Duty Trucks rule. We have revised 40 CFR 63.3167(b)(6) to explain how to proceed if problems are found during annual catalyst activity testing or annual internal inspection of the catalyst.

The exceptions provided in 40 CFR 63.3167(f), for capture devices that are part of a PTE or that capture emissions from a downdraft spray booth or from a flashoff area or bake oven associated with a downdraft spray booth, were inadvertently omitted from the entry for ''Emission capture system that is not a PTE'' in Table 1 of the final rule. We have revised Table 1 of the final rule to make the entry for ''Emission capture system that is not a PTE'' consistent with 40 CFR 63.3167(f) of the final rule and to correct a typographical error.

G. Uncounted Capture and Control

Some facilities have capture systems or add-on control devices installed and operated to control VOC emissions which they do not need to take into account in order to demonstrate compliance with the emission limitations for organic hazardous air pollutants in the final rule. After publication of the final rule, we were asked whether testing and monitoring requirements apply to capture systems or add-on control devices that are not taken into account in demonstrating compliance with the emission limitations for organic hazardous air pollutants in the final rule. Other surface coating NESHAP have separate compliance demonstration provisions for ''emission rate without add-on control'' and ''emission rate with add-on control''. We intended to provide the same flexibility in the Automobiles and Light-Duty Trucks NESHAP. We, therefore, have added new sections 40 CFR 63.3169 and 40 CFR 63.3174 and added a definition of ''controlled coating operation'' to clarify that the requirements for capture system or add-on control device reporting, recordkeeping, performance tests, monitoring, operating parameters, capture efficiency, add-on control device efficiency, destruction efficiency, or removal efficiency do not apply to capture systems or add-on control devices which the owner or operator *chooses not* to take into account when demonstrating compliance with the applicable emission limitations. If, at a later date, the owner or operator decides to take any such capture system or add-on control device into account when demonstrating compliance with the emission limitations, then, at that time, the owner or operator must comply with the reporting, recordkeeping, performance tests, monitoring, operating parameters, capture efficiency, add-on control device efficiency, destruction efficiency, or removal efficiency for that capture system or add-on control device.

H. Definitions

In addition to the definition changes described above, we have made several other changes to the definitions in the final rule. After publication of the final rule, we were asked if we could clarify that ''bake oven air seals'' may be present both on bake ovens associated with spray booths and on bake ovens associated with electrodeposition primer operations. We have revised the definition of ''bake oven air seal'' to clarify that both bake ovens associated with spray booth and electrodeposition primer bake ovens may have bake oven air seals. We have also revised the definition of ''spray booth air seal'' to make it consistent with the definition of ''bake oven air seal.'' The definition of ''bake oven air seal'' referred to ''entry or entry vestibule to or an exit or exit vestibule'' whereas the definition of ''spray booth air seal'' inadvertently referred only to ''entry vestibule or exit vestibule.'' We have revised the definition of ''touchup bottle'' to allow the container size to be up to 0.25 liters and to clarify that the applicator may be a brush or other non-atomizing applicator.

III. Statutory and Executive Order Reviews

A. Executive Order 12866, Regulatory Planning and Review

This action is not a ''significant regulatory action'' under the terms of Executive Order 12866 (58 FR 51735, October 4, 1993) and is therefore not subject to review under the Executive Order.

B. Paperwork Reduction Act

This action does not impose any new information collection burden. OMB has previously approved the information collection requirements contained in the existing regulations (40 CFR part 63, subpart IIII) under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501, *et seq.*, and has assigned OMB control number 2060–0550, EPA ICR No. 2045.03. A copy of the Information Collection Request (ICR) may be obtained from Ms. Susan Auby by mail at the Office of Environmental Information, Collection Strategies Division (2822), EPA, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, by e-mail at *auby.susan@epa.gov*, or by calling (202) 566–1672.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in 40 CFR are listed in 40 CFR part 9.

C. Regulatory Flexibility Analysis

The Regulatory Flexibility Act (RFA) generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedure Act or any other statute unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small organizations, and small governmental jurisdictions.

For purposes of assessing the impacts of today's direct final rule on small entities, small entity is defined as: (1) A small business according to Small Business Administration size standards for companies identified by NAICS codes 336111 (automobile manufacturing) and 336112 (light truck and utility vehicle manufacturing) with 1,000 or fewer employees or by NAICS code 323113 (commercial screen printing) with 500 or fewer employees; (2) a small governmental jurisdiction that is a government of a city, county, town, school district, or special district with a population of less than 50,000; and (3) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field. Based on the above definition, there are no small entities presently engaged in automobile and light-duty truck surface coating. While there are small entities presently engaged in commercial screen printing, today's direct final rule amendments would not impose any requirements on commercial screen printers.

After considering the economic impacts of the final rule on small entities, EPA has concluded and hereby certifies that this action will not have a significant economic impact on a substantial number of small entities. This is based on the observation that this action affects no small entities since none are engaged in the surface coating of automobiles and light-duty trucks, and no requirements are imposed on commercial screen printers.

D. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with ''Federal mandates'' that may result in expenditures to State, local, and tribal governments, in the aggregate, or to the private sector, of $100 million or more in any 1 year. Before promulgating a rule for which a written statement is needed, section 205 of the UMRA generally requires us to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective, or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows EPA to adopt an alternative other than the least costly, most cost-effective, or least burdensome alternative if the Administrator publishes with the final rule an explanation why that alternative was not adopted. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

EPA has determined that the direct final rule amendments do not contain a Federal mandate that may result in expenditures of $100 million or more for State, local, and tribal governments, in the aggregate, or the private sector in any 1 year. The direct final rule amendments add no additional burden on sources. Thus, the direct final rule amendments are not subject to the requirements of sections 202 and 205 of the UMRA.

E. Executive Order 13132, Federalism

Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999), requires EPA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.''

The direct final rule amendments do not have federalism implications. They will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132. No facilities subject to the direct final rule amendments are owned by State or local governments. Therefore, State and local governments will not have any direct compliance costs resulting from the direct final rule amendments. Furthermore, the direct final rule amendments do not require these governments to take on any new responsibilities. Thus, Executive Order 13132 does not apply to the direct final rule amendments.

F. Executive Order 13175, Consultation and Coordination With Indian Tribal Governments

Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000), requires EPA to develop an accountable process to ensure ''meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.'' The direct final rule amendments do not have tribal implications as specified in Executive Order 13175. They will not have substantial direct effects on tribal governments, 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, because we are not aware of any Indian tribal governments or communities affected by the direct final rule amendments. Thus, Executive Order 13175 does not apply to the direct final rule amendments.

G. Executive Order 13045, Protection of Children From Environmental Health Risks and Safety Risks

Executive Order 13045 (62 FR 19885, April 23, 1997) applies to any rule that: (1) Is determined to be ''economically significant'' as defined under Executive Order 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

EPA interprets Executive Order 13045 as applying to those regulatory actions that concern health or safety risks, such

that the analysis required under section 5–501 of the Executive Order has the potential to influence the regulation. The direct final rule amendments are not subject to Executive Order 13045 because they are based solely on technology performance.

H. Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

The direct final rule amendments are not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355 (May 22, 2001)) because they are not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act

The direct final rule amendments do not involve technical standards. Therefore, EPA is not considering the use of any VCS.

J. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801, *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing the direct final rule amendments and other required information to the United States Senate, the United States House of Representatives, and the Comptroller General of the United States prior to publication of the direct final rule amendments in the **Federal Register**. A ''major rule'' cannot take effect until 60 days after it is published in the **Federal Register**. The direct final rule amendments are not a ''major rule'' as defined by 5 U.S.C. 804(2). The direct final rule amendments will be effective on June 25, 2007.

List of Subjects in 40 CFR Part 63

Environmental protection, Air pollution control, Hazardous substances, and Reporting and recordkeeping requirements.

Dated: April 18, 2007.

Stephen L. Johnson,

Administrator.

■ For the reasons set out in the preamble, Title 40, chapter I, part 63 of the Code of Federal Regulations is amended as follows:

PART 63—[AMENDED]

■ 1. The authority citation for part 63 continues to read as follows:

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

Subpart IIII—[Amended]

■ 2. Section 63.3081 is amended by revising paragraph (b) to read as follows:

§ 63.3081 Am I subject to this subpart?

* * * * *

(b) You are subject to this subpart if you own or operate a new, reconstructed, or existing affected source, as defined in § 63.3082, that, except as noted in paragraph (b)(1) of this section, is located at a facility which applies topcoat to new automobile or new light-duty truck bodies or body parts for new automobiles or new light-duty trucks, and that is a major source, is located at a major source, or is part of a major source of emissions of hazardous air pollutants (HAP). You are subject to this subpart if you own or operate a new, reconstructed, or existing affected source, as defined in § 63.3082, in which you choose to include, pursuant to § 63.3082(c), any coating operations which apply coatings to new other motor vehicle bodies or body parts for new other motor vehicles; parts intended for use in new automobiles, new light-duty trucks, or new other motor vehicles; or aftermarket repair or replacement parts for automobiles, light-duty trucks, or other motor vehicles; and the affected source is located at a facility that is a major source, is located at a major source, or is part of a major source of emissions of HAP. A major source of HAP emissions is any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit any single HAP at a rate of 9.07 megagrams (Mg) (10 tons) or more per year or any combination of HAP at a rate of 22.68 Mg (25 tons) or more per year.

(1) You are not subject to this subpart if you meet all of the criteria of paragraphs (b)(1)(i) through (iii) of this section:

(i) Your coating operation is located at a plastic or composites molding facility;

(ii) All of the body parts topcoated at your facility for use in new automobiles or new light-duty trucks were fabricated (molded, stamped, formed, etc.) at your facility or at another plastic or composites molding facility which you own or operate, and none of the new vehicles in which these body parts are used are assembled at your facility; and

(iii) You do not topcoat all of the body parts for any single new automobile or new light-duty truck at your facility.

(2) [Reserved]

* * * * *

■ 3. Section 63.3130 is amended by revising paragraph (o) to read as follows:

§ 63.3130 What records must I keep?

* * * * *

(o) For each add-on control device and for each continuous parameter monitoring system, a copy of the equipment operating instructions must be maintained on-site for the life of the equipment in a location readily available to plant operators and inspectors. You may prepare your own equipment operating instructions, or they may be provided to you by the equipment supplier or other third party.

■ 4. Section 63.3161 is amended by:

■ a. Revising paragraph (e);

■ b. Revising paragraph (f) introductory text;

■ c. Adding a new sentence at the end of paragraph (g); and

■ d. Revising paragraph (l) to read as follows:

§ 63.3161 How do I demonstrate initial compliance?

* * * * *

(e) *Determine the mass fraction of organic HAP, density, and volume used.* Follow the procedures specified in § 63.3151(a) through (c) to determine the mass fraction of organic HAP and the density and volume of each coating and thinner used during each month. For electrodeposition primer operations, the mass fraction of organic HAP, density, and volume used must be determined for each material added to the tank or system during each month.

(f) *Determine the volume fraction of coating solids for each coating.* You must determine the volume fraction of coating solids (liter of coating solids per liter of coating) for each coating used during the compliance period by a test or by information provided by the supplier or the manufacturer of the material, as specified in paragraphs (f)(1) and (2) of this section. For electrodeposition primer operations, the volume fraction of solids must be determined for each material added to the tank or system during each month. If test results obtained according to paragraph (f)(1) of this section do not agree with the information obtained under paragraph (f)(2) of this section, the test results will take precedence unless, after consultation, the facility demonstrates to the satisfaction of the enforcement authority that the facility's data are correct.

(g) * * * For blackout, chip resistant edge primer, interior color, in-line repair, lower body anti-chip coatings, or underbody anti-chip coatings, you may assume 40 percent transfer efficiency for air atomized spray, 55 percent transfer efficiency for electrostatic spray and high volume-low pressure spray, and 80 percent transfer efficiency for airless spray.

* * * * *

(l) *Calculate the total volume of coating solids deposited.* Determine the total volume of coating solids deposited, liters, in the combined electrodeposition primer, primer-surfacer, topcoat, final repair, glass bonding primer, and glass bonding adhesive operations plus all coatings and thinners, except for deadener materials and for adhesive and sealer materials that are not components of glass bonding systems used in coating operations added to the affected source pursuant to § 63.3082(c) using Equation 5 of this section:

$$V_{sdep} = \sum_{i=1}^{m} \left(Vol_{c,i}\right)\left(V_{s,i}\right)\left(TE_{c,i}\right) \qquad \text{(Eq. 5)}$$

Where:

V_{sdep} = Total volume of coating solids deposited during the month, liters.

$Vol_{c,i}$ = Total volume of coating, i, used during the month, liters.

$V_{s,i}$ = Volume fraction of coating solids for coating, i, liter solids per liter coating, determined according to § 63.3161(f).

$TE_{c,i}$ = Transfer efficiency of coating, i, determined according to § 63.3161(g), expressed as a decimal, for example 60 percent must be expressed as 0.60.

M = Number of coatings used during the month.

* * * * *

■ 5. Section 63.3165 is amended by:

■ a. Revising Equation 4 in paragraph (e) introductory text;

■ b. Revising Equation 6 in paragraph (e)(2); and

■ c. Revising paragraph (e)(3) to read as follows:

§ 63.3165 How do I determine the emission capture system efficiency?

* * * * *

(e) * * *

$$CE_i = \left(P_{v,i}\right)\left(V_{sdep,i}\right)(100)/\left(VOC_i\right) \qquad \text{(Eq. 4)}$$

Where:

CE_i = Capture efficiency for coating, i, or for the group of coatings, including coating, i, for the flash-off area or bake oven for which the panel test is conducted, percent.

$P_{v,i}$ = Panel test result for coating, i, or for the coating representing coating, i, in the panel test, kg of VOC per liter of coating solids deposited.

$V_{sdep,i}$ = Volume of coating solids deposited per volume of coating used for coating, i, or composite volume of coating solids deposited per volume of coating used for the group of coatings including coating, i, in the spray booth(s) preceding the flash-off area or bake oven for which the panel test is conducted, liter of coating solids deposited per liter of coating used, from Equation 5 of this section.

VOC_i = Mass of VOC per volume of coating for coating, i, or composite mass of VOC per volume of coating for the group of coatings including coating, i, kg per liter, from Equation 6 of this section.

* * * * *

(2) * * *

$$VOC_i = \left(D_{c,i}\right)\left(Wvoc_{c,i}\right) \qquad \text{(Eq. 6)}$$

Where:

VOC_i = Mass of VOC per volume of coating for coating, i, or composite mass of VOC per volume of coating for the group of coatings including coating, i, used during the month in the spray booth(s) preceding the flash-off area or bake oven for which the panel test is conducted, kg VOC per liter coating.

$D_{c,i}$ = Density of coating, i, or average density of the group of coatings, including coating, i, kg coating per liter coating, density determined according to § 63.3151(b).

$Wvoc_{c,i}$ = Mass fraction of VOC in coating, i, or average mass fraction of VOC for the group of coatings, including coating, i, kg VOC per kg coating, determined by Method 24 (appendix A to 40 CFR part 60) or the guidelines for combining analytical VOC content and formulation solvent content presented in Section 9 of ''Protocol for Determining Daily Volatile Organic Compound Emission Rate of Automobile and Light-Duty Truck Topcoat Operations,'' EPA–450/3–88–018 (Docket ID No. OAR–2002–0093 and Docket ID No. A–2001–22).

(3) As an alternative, you may choose to express the results of your panel tests in units of mass of VOC per mass of coating solids deposited and convert such results to a percent using Equation 7 of this section. If you panel test representative coatings, then you may convert the panel test result for each representative coating either to a unique percent capture efficiency for each coating grouped with that representative coating by using coating specific values for the mass of coating solids deposited per mass of coating used, mass fraction VOC, transfer efficiency, and mass fraction solids in Equations 7 and 8 of this section; or to a composite percent capture efficiency for the group of coatings by using composite values for the group of coatings for the mass of coating solids deposited per mass of coating used and average values for the mass of VOC per volume of coating, average values for the group of coatings for mass fraction VOC, transfer efficiency, and mass fraction solids in Equations 7 and 8 of this section. If you panel test each coating, then you must convert the panel test result for each coating to a unique percent capture efficiency for that coating by using coating specific values for the mass of coating solids deposited per mass of coating used, mass fraction VOC, transfer efficiency, and mass fraction solids in Equations 7 and 8 of this section. Panel test results expressed in units of mass of VOC per mass of coating solids deposited must be converted to percent capture efficiency using Equation 7 of this section:

$$CE_i = (P_{m,i})(W_{sdep,i})(100)/(Wvoc_{c,i}) \qquad \text{(Eq. 7)}$$

Where:

CE_i = Capture efficiency for coating, i, or for the group of coatings including coating, i, for the flash-off area or bake oven for which the panel test is conducted, percent.

$P_{m,i}$ = Panel test result for coating, i, or for the coating representing coating, i, in the panel test, kg of VOC per kg of coating solids deposited.

$W_{sdep,i}$ = Mass of coating solids deposited per mass of coating used for coating, i, or composite mass of coating solids deposited per mass of coating used for the group of coatings, including coating, i, in the spray booth(s) preceding the flash-off area or bake oven for which the panel test is conducted, kg of solids deposited per kg of coating used, from Equation 8 of this section.

$Wvoc_{c,i}$ = Mass fraction of VOC in coating, i, or average mass fraction of VOC for the group of coatings, including coating, i, kg VOC per kg coating, determined by Method 24 (appendix A to 40 CFR part 60) or the guidelines for combining analytical VOC content and formulation solvent content presented in Section 9 of ''Protocol for Determining Daily Volatile Organic Compound Emission Rate of Automobile and Light-Duty Truck Topcoat Operations,'' EPA–450/3–88–018 (Docket ID No. OAR–2002–0093 and Docket ID No. A–2001–22).

* * * * *

■ 6. Section 63.3167 is amended by:
■ a. Revising the second sentence of paragraph (a)(2);
■ b. Revising paragraph (b)(2);
■ c. Revising paragraph (b)(6); and
■ d. Revising the second sentence of paragraph (d)(2) to read as follows:

§ 63.3167 How do I establish the add-on control device operating limits during the performance test?

* * * * *

(a) * * *

(2) * * * This average combustion temperature is the minimum 3-hour average operating limit for your thermal oxidizer.

* * * * *

(b) * * *

(2) Use all valid data collected during the performance test to calculate and record the average temperature just before the catalyst bed and the average temperature difference across the catalyst bed maintained during the performance test. The minimum 3-hour average operating limits for your catalytic oxidizer are the average temperature just before the catalyst bed maintained during the performance test of that catalytic oxidizer and 80 percent of the average temperature difference across the catalyst bed maintained during the performance test of that catalytic oxidizer, except during periods of low production, the latter minimum operating limit is to maintain a positive temperature gradient across the catalyst bed. A low production period is when production is less than 80 percent of production rate during the performance test of that catalytic oxidizer.

* * * * *

(6) You must develop and implement an inspection and maintenance plan for your catalytic oxidizer(s) for which you elect to monitor according to paragraph (b)(4) or (b)(5) of this section. The plan must address, at a minimum, the elements specified in paragraphs (b)(6)(i) through (iii) of this section.

(i) Annual sampling and analysis of the catalyst activity (*i.e.*, conversion efficiency) following the manufacturer's or catalyst supplier's recommended procedures. If problems are found during the catalyst activity test, you must replace the catalyst bed or take other corrective action consistent with the manufacturer's recommendations.

(ii) Monthly external inspection of the catalytic oxidizer system, including the burner assembly and fuel supply lines for problems and, as necessary, adjust the equipment to assure proper air-to-fuel mixtures.

(iii) Annual internal inspection of the catalyst bed to check for channeling, abrasion, and settling. If problems are found during the annual internal inspection of the catalyst, you must replace the catalyst bed or take other corrective action consistent with the manufacturer's recommendations. If the catalyst bed is replaced and is not of like or better kind and quality as the old catalyst, then you must conduct a new performance test to determine destruction efficiency according to § 63.3166. If a catalyst bed is replaced and the replacement catalyst is of like or better kind and quality as the old catalyst, then a new performance test to determine destruction efficiency is not required and you may continue to use the previously established operating limits for that catalytic oxidizer.

* * * * *

(d) * * *

(2) * * * This average condenser outlet gas temperature is the maximum 3-hour average operating limit for your condenser.

* * * * *

■ 7. Section 63.3169 is added to read as follows:

§ 63.3169 What are the requirements for a capture system or add-on control device which is not taken into account when demonstrating compliance with the applicable emission limitations?

You may have capture systems or add-on control devices which you choose not to take into account when demonstrating compliance with the applicable emission limitations. For any such capture system or add-on control device, you are not required to comply with the requirements of §§ 63.3093, 63.3100, 63.3110, 63.3120, 63.3130, 63.3131, and 63.3160 through 63.3168 with regard to notification, reporting, recordkeeping, performance tests, monitoring, operating parameters, capture efficiency, add-on control device efficiency, destruction efficiency, or removal efficiency. If, at a later date, you decide to take any such capture system or add-on control device into account when demonstrating compliance with the emission limitations, then at that time you must comply with the requirements of §§ 63.3093, 63.3100, 63.3110, 63.3120, 63.3130, 63.3131, and 63.3160 through 63.3168 with regard to notification, recordkeeping, performance tests, monitoring, operating parameters, capture efficiency, add-on control device efficiency, destruction efficiency, and removal efficiency, as applicable, for that capture system or add-on control device.

■ 8. Section 63.3171 is amended by revising paragraph (f) to read as follows:

§ 63.3171 How do I demonstrate initial compliance?

* * * * *

(f) *Capture of electrodeposition bake oven emissions.* You must show that the electrodeposition bake oven meets the criteria in sections 5.3 through 5.5 of Method 204 of appendix M to 40 CFR part 51 and directs all of the exhaust gases from the bake oven to an add-on control device. For purposes of this showing, an electrodeposition bake oven air seal is not considered a natural draft opening provided you demonstrate that the direction of air movement across the interface between the bake oven air seal and the bake oven is into the bake oven. You may use lightweight strips of fabric or paper, or smoke tubes to make such demonstrations. You cannot count air flowing from an electrodeposition bake oven air seal into an electrodeposition bake oven as air flowing through a natural draft opening unless you elect to treat that

electrodeposition bake oven air seal as a natural draft opening.

* * * * *

■ 9. Section 63.3174 is added to read as follows:

§ 63.3174 What are the requirements for a capture system or add-on control device which is not taken into account when demonstrating compliance with the applicable emission limitations?

You may have capture systems or add-on control devices which you choose not to take into account when demonstrating compliance with the applicable emission limitations. For any such capture system or add-on control device, you are not required to comply with the requirements of §§ 63.3093, 63.3100, 63.3110, 63.3120, 63.3130, 63.3131, and 63.3160 through 63.3168 with regard to notification, reporting, recordkeeping, performance tests, monitoring, operating parameters, capture efficiency, add-on control device efficiency, destruction efficiency, or removal efficiency. If, at a later date, you decide to take any such capture system or add-on control device into account when demonstrating compliance with the emission limitations, then at that time you must comply with the requirements of §§ 63.3093, 63.3100, 63.3110, 63.3120, 63.3130, 63.3131, and 63.3160 through 63.3168 with regard to notification, reporting, recordkeeping, performance tests, monitoring, operating parameters, capture efficiency, add-on control device efficiency, destruction efficiency, and removal efficiency, as applicable, for that capture system or add-on control device.

■ 10. Section 63.3176 is amended by:

■ a. Revising the definitions of ''Anti-chip coating,'' ''Bake oven air seal,'' ''Controlled coating operation,'' ''Deadener,'' ''In-line repair,'' ''Primer-surfacer,'' ''Spray booth air seal,'' and ''Touchup bottle.''

■ b. Adding in alphabetical order definitions of ''Chip resistant edge primer,'' ''Lower body anti-chip coating,'' ''Plastic or composites molding facility,'' and ''Underbody anti-chip coating'' to read as follows:

§ 63.3176 What definitions apply to this subpart?

* * * * *

Anti-chip coating means a specialty type of coating designed to reduce stone chipping damage. Anti-chip coating may be applied to broad areas of the vehicle or to selected vehicle surfaces that are most vulnerable to impingement by stones and other road debris. Anti-chip coating is typically applied after the *electrodeposition primer* and before the *topcoat.* Anti-chip coating is a type of *primer-surfacer.*

* * * * *

Bake oven air seal means an entry or entry vestibule to or an exit or exit vestibule from a bake oven which isolates the bake oven from the area immediately preceding (for an entry or entry vestibule) or immediately following (for an exit or exit vestibule) the bake oven. No significant VOC generating activity takes place in a bake oven air seal. Fresh air is supplied into a bake oven air seal and is then directed in part into the bake oven and in part into the area immediately preceding or immediately following the bake oven. All types of bake ovens, including ovens associated with spray booths and electrodeposition primer bake ovens, may have bake oven air seals.

* * * * *

Chip resistant edge primer means an *anti-chip coating* applied to the leading edge of parts such as the hood or roof.

* * * * *

Controlled coating operation means a *coating operation* from which some or all of the organic HAP emissions are routed through a *capture system* and an *add-on control device* which are taken into account when demonstrating compliance with an emission limitation in this subpart.

* * * * *

Deadener means a specialty coating applied to selected vehicle surfaces primarily for the purpose of reducing the sound of road noise in the passenger compartment.

* * * * *

In-line repair means the operation performed and coating(s) applied to correct damage or imperfections in the topcoat on parts that are not yet on a completely assembled motor vehicle. The curing of the coatingspplied in these operations is accomplished at essentially the same temperature as that used for curing the previously applied topcoat. Also referred to as high bake repair or high bake reprocess. In-line repair is considered part of the topcoat operation.

* * * * *

Lower body anti-chip coating means an *anti-chip coating* applied to lower body surfaces such as rocker panels, valence panels, lower portions of doors, or lower portions of fenders.

* * * * *

Plastic or composites molding facility means a facility where the purchase cost of capital equipment used for plastic or composites molding, including presses, tooling, and associated material processing and handling equipment, is greater than the purchase cost of capital equipment used for the surface coating of new automobile or new light-duty truck bodies or body parts for new automobiles or new light-duty trucks.

Primer-surfacer means an intermediate protective coating applied on the *electrodeposition primer* and under the *topcoat.* Primer-surfacer provides adhesion, protection, and appearance properties to the total finish. Primer-surfacer may also be called *guide coat* or *surfacer.*

Anti-chip coating is a type of primer-surfacer.

* * * * *

Spray booth air seal means an entry or entry vestibule to or exit or exit vestibule from a spray booth which isolates the spray booth from the area immediately preceding (for an entry or entry vestibule) or immediately following (for an exit or exit vestibule) the spray booth. No coating application or other VOC generating activity takes place in a spray booth air seal. Fresh air is supplied into a spray booth air seal and is then directed in part into the spray booth and in part into the area immediately preceding or immediately following the spray booth.

* * * * *

Touchup bottle means a coating container with a volume of 0.25 liter or less used with a brush or other non-atomizing applicator.

* * * * *

Underbody anti-chip coating means an *anti-chip coating* applied to the underbody or wheel wells primarily for the purpose of protecting these areas of the vehicle from stone chipping.

* * * * *

■ 11. Table 1 to subpart IIII of part 63 is amended by revising entry 7 to read as follows:

TABLE 1 TO SUBPART IIII OF PART 63—OPERATING LIMITS FOR CAPTURE SYSTEMS AND ADD-ON CONTROL DEVICES

* * * * * *

For the following device * * *	You must meet the following operating limit * * *	And you must demonstrate continuous compliance with the operating limit by
*	* * *	* *
7. Emission capture system that is not a PTE.	a. The average gas volumetric flow rate or duct static pressure in each duct between a capture device and add-on control device inlet in any 3-hour period must not fall below the average volumetric flow rate or duct static pressure limit established for that capture device according to § 63.3167(f). This applies only to capture devices that are not part of a PTE that meets the criteria of § 63.3165(a) and that are not capturing emissions from a downdraft spray booth or from a flashoff area or bake oven associated with a downdraft spray booth.	i. Collecting the gas volumetric flow rate or duct static pressure for each capture device according to § 63.3168(g); ii. Reducing the data to 3-hour block averages; and iii. Maintaining the 3-hour average gas volumetric flow rate or duct static pressure for each capture device at or above the gas volumetric flow rate or duct static pressure limit.

Subpart PPPP—[Amended]

■ 12. Section 63.4481 is amended by revising paragraph (c) introductory text and adding paragraph (c)(17) to read as follows:

§ 63.4481 Am I subject to this subpart?

* * * * *

(c) This subpart does not apply to surface coating or a coating operation that meets any of the criteria of paragraphs (c)(1) through (17) of this section.

* * * * *

(17) Screen printing.

* * * * *

[FR Doc. E7–7760 Filed 4–23–07; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 80

[EPA–HQ–OAR–2006–0841; FRL–8304–1]

RIN 2060–A034

Regulation of Fuels and Fuel Additives: Extension of the Reformulated Gasoline Program to Illinois Portion of the St. Louis, Illinois-Missouri Ozone Nonattainment Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: Under section 211(k)(6) of the Clean Air Act, the Administrator of EPA shall require the sale of reformulated gasoline (RFG) in an ozone nonattainment area classified as marginal, moderate, serious or severe upon the application of the Governor of the state in which the nonattainment area is located. This final action extends the Act's prohibition against the sale of conventional gasoline (*i.e.*, gasoline that is not RFG) to the Illinois portion of the St. Louis, Illinois-Missouri moderate ozone nonattainment area. The Agency will implement this prohibition for refiners and all other persons in the fuel distribution system other than retailers and wholesale purchaser-consumers on June 1, 2007. For retailers and wholesale purchaser-consumers, EPA's final action implements the prohibition on July 1, 2007. As of the compliance date for retailers and wholesale purchaser-consumers, this area will be treated as a covered area for all purposes of the Federal RFG program.

DATES: This final rule is effective April 20, 2007.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–HQ–OAR–2006–0841. All documents in the docket are listed on the *http://www.regulations.gov* Web site. Although listed in the index, some information is not publicly available, *e.g.*, CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *http://www.regulations.gov* or in hard copy at the Air Docket, EPA/DC, EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the Air Docket is (202) 566–1742.

FOR FURTHER INFORMATION CONTACT: Kurt Gustafson, Transportation and Regional Programs Division (Mail Code 6406J), Environmental Protection Agency, 1200 Pennsylvania Ave, NW., Washington, DC 20460; telephone number: 202–343–9219; fax number: 202–343–2800; e-mail address: *gustafson.kurt@epa.gov*.

SUPPLEMENTARY INFORMATION: Under section 211(k)(6) of the Clean Air Act, as amended (Act), the Administrator of EPA must require the sale of reformulated gasoline in an ozone nonattainment area classified as Marginal, Moderate, Serious, or Severe upon the application of the governor of the state in which the nonattainment area is located. This final action extends the prohibition set forth in section 211(k)(5) against the sale of conventional (*i.e.*, non-reformulated) gasoline to the Illinois portion of the St. Louis, Illinois-Missouri moderate ozone nonattainment area. For all persons other than retailers and wholesale purchaser-consumers (*i.e.*, refiners, importers,and distributors), this rule establishes the implementation date of the prohibition in Section 211(k)(5) as June 1, 2007. For retailers and wholesale purchaser-consumers, this rule establishes the implementation date of the prohibition in section 211(k)(5) on July 1, 2007. As of the implementation date for retailers and wholesale purchaser-consumers, the Illinois portion of the St. Louis, Illinois-Missouri ozone nonattainment area will be a covered area for all purposes in the Federal RFG program.

The final preamble and regulatory language are also available electronically from the **Federal Register** Web site or via the docket at the *http://www.regulations.gov* site listed above.

General Information

Does This Action Apply to Me?

This action may affect you if you produce, distribute, or sell gasoline for use in the Illinois portion of the St. Louis, Illinois-Missouri ozone nonattainment area.

The table below gives some examples of entities that may have to comply with the regulations. However, since these are only examples, you should carefully examine these and other existing regulations in 40 CFR part 80. If you have any questions, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section above.

Regulated entities: Entities potentially regulated by this action are those which produce, supply or distribute motor gasoline. Regulated categories and entities include:

Category	NAICS Codes [a]	SIC Codes [b]	Examples of potentially regulated entities
Industry	324110	2911	Petroleum Refiners.
Industry	422710 422720	5171 5172	Gasoline Marketers and Distributors.
Industry	484220 484230	4212 4213	Gasoline Carriers.

[a] North American Industry Classification System (NAICS).
[b] Standard Industrial Classification (SIC) system code.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this action. This table lists the types of entities that EPA is now aware could potentially be regulated by this action. Other types of entities not listed in the table could also be regulated. To determine whether your business is regulated by this action, you should carefully examine the list of areas covered by the reformulated gasoline program in § 80.70 of title 40 of the Code of Federal Regulations. If you have questions regarding the applicability of this action to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

The remainder of this final rulemaking is organized in the following sections:

I. Background
A. Opt-In Provision/Process
B. EPA Procedures and Illinois Opt-In Request
II. Final Action
III. Response to Comments
IV. Environmental Impact
V. Statutory and Executive Order Reviews
A. Executive Order 12866: Regulatory Planning and Review
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I. Background

A. Opt-In Provision/Process

As part of the Clean Air Act Amendments of 1990, Congress added a new subsection (k) to section 211 of the Act. Subsection (k) prohibits the sale of conventional gasoline (*i.e.*, gasoline that EPA has not certified as reformulated) in certain ozone nonattainment areas beginning January 1, 1995. Section 211(k)(10)(D) defines the areas covered by the reformulated gasoline (RFG) program as the nine ozone nonattainment areas having a 1980 population in excess of 250,000 and having the highest ozone design values during the period 1987 through 1989.[1] In addition, under section 211(k)(10)(D), any area reclassified as a severe ozone nonattainment area under section 181(b) is also included in the RFG program. EPA first published final regulations for the RFG program on February 16, 1994. See 59 FR 7716.

Certain other ozone nonattainment areas may be included in the program at the request of the Governor of the State in which the area is located. Section 211(k)(6)(A) provides that upon the application of a Governor, EPA shall apply the prohibition against selling conventional gasoline in ''any area in the State classified under subpart 2 of Part D of Title I as a marginal, moderate, serious or severe'' ozone nonattainment area. Subparagraph 211(k)(6)(A) further provides that EPA is to apply the prohibition as of the date the Administrator ''deems appropriate, not later than January 1, 1995, or 1 year after such application is received, whichever is later.'' In some cases the effective date may be extended for such an area as provided in section 211(k)(6)(B) based on a determination by EPA that there is ''insufficient domestic capacity to produce'' RFG. EPA is to publish a Governor's application in the **Federal Register**.

B. EPA Procedures and Illinois Opt-In Request

EPA received an application July 10, 2006 from the Honorable Rod R. Blagojevich, Governor of the State of Illinois, for the Illinois portion of the St. Louis, Illinois-Missouri ozone nonattainment area to be included in the reformulated gasoline program. The State indicated that the RFG program would provide the area with needed reductions in ozone-forming emissions and air toxics. The Governor requested a January 1, 2007 implementation date. EPA published the Governor's letter in the **Federal Register**, as required by section 211(k)(6). On December 27, 2006 (71 FR 77690) EPA proposed to extend the RFG program to the Illinois portion of the St. Louis, Illinois-Missouri ozone nonattainment area by setting two implementation dates. EPA requested comment on start dates and proposed an effective date of May 1, 2007 for refiners, importers, and distributors and June 1, 2007 for retailers and wholesale purchaser-consumers.

Today EPA is taking final action on that NPRM and establishing effective dates for opt in of the Illinois portion of the St. Louis, Illinois-Missouri ozone nonattainment area to the RFG program. For all persons other than retailers and wholesale purchaser-consumers (i.e., refiners, importers, and distributors), this rule establishes the implementation date of the prohibition in section 211(k)(5) as June 1, 2007. For retailers and wholesale purchaser-consumers, this rule establishes the implementation date of the prohibition in Section 211(k)(5) as July 1, 2007. As of the implementation date for retailers and wholesale purchaser-consumers, the Illinois portion of the St. Louis, Illinois-Missouri ozone nonattainment area will be a covered area for all purposes in the Federal RFG program.

After publication of the NPRM, EPA received a request for a public hearing. EPA published a notice in the **Federal**

[1] Applying these criteria, EPA has determined the nine covered areas to be the metropolitan areas including Los Angeles, Houston, New York City, Baltimore, Chicago, San Diego, Philadelphia, Hartford and Milwaukee.

Register announcing that a public hearing would be held on February 21, 2007, in Chicago, Illinois, and extending the comment period until March 23, 2007 (30 days after the hearing). The transcript of the public hearing has been placed in the docket for this action.

II. Final Action

The Federal RFG program includes seasonal requirements. Summertime RFG must meet certain VOC control requirements to reduce emissions of VOCs, an ozone precursor. Under the RFG program, there are two compliance dates for VOC-controlled RFG. At the refinery level, and all other points in the distribution system other than the retail level, compliance with RFG VOC-control requirements is required from May 1 to September 15. At the retail level (service stations and wholesale purchaser-consumers), compliance is required from June 1 to September 15. See 40 CFR 80.78 (a)(1)(v). Pipeline requirements and demands for RFG from the supply industry drive refineries to establish their own internal compliance date earlier than May so that they can then assure that terminals are capable of meeting the RFG VOC-control requirements by May 1.

EPA regulations specify that the RFG covered areas of certain states that are in ''VOC control Region 1'', while those of other states are in ''VOC control Region 2.'' VOC requirements for the RFG sold in these Regions differ somewhat. EPA regulations also provide that RFG in covered areas which are partially in VOC control Region 1 and partially in VOC control Region 2 are included in VOC control Region 1, except in the case of the Philadelphia-Wilmington-Trenton CMSA which shall be included in VOC control Region 2 (see 40 CFR 80.71(c)). Since the St. Louis, Illinois-Missouri ozone nonattainment area is partially in VOC control Region 2 and partially in VOC control Region 1, the Illinois portion of the St. Louis, Illinois-Missouri nonattainment area opting into the program under this action shall be included in VOC control Region 1. This means that RFG in the Illinois portion of the St. Louis, Illinois-Missouri ozone nonattainment area must comply with the emission standards for VOC control for Region 1 which are slightly more stringent than those for Region 2 (see 40 CFR 80.41).

Based on our evaluation of the appropriate lead time and start date(s) and pursuant to the Governor's letter and the provisions of section 211(k)(6), EPA is today adopting regulations that apply the prohibitions of subsection 211(k)(5) to the Illinois portion of the St. Louis, Illinois-Missouri ozone nonattainment area for all persons other than retailers and wholesale purchaser-consumers as of June 1, 2007. This date applies to the refinery level and all other points in the distribution system other than the retail level. For retailers and wholesale purchaser-consumers, EPA is adopting regulations that apply the prohibitions of subsection 211(k)(5) to the Illinois portion of the St. Louis, Illinois-Missouri ozone nonattainment area on July 1, 2007. As of the implementation date for retailers and wholesale purchaser-consumers, this area will be treated as a covered area for all purposes of the Federal RFG program.

The application of the prohibition of section 211(k)(5) to the Illinois portion of the St. Louis, Illinois-Missouri ozone nonattainment area could take effect no later than July 10, 2007, under section 211(k)(6)(A), which stipulates that the effective program date must be no ''later than January 1, 1995 or 1 year after [the Governor's] application is received, whichever is later.'' The Governor of Illinois's request was dated July 10, 2006.

EPA believes the implementation dates adopted today achieve a reasonable balance between requiring the earliest possible start dates to achieve air quality benefits for the Illinois portion of the St. Louis, Illinois-Missouri ozone nonattainment area and providing adequate lead time for industry to prepare for program implementation. These dates will provide environmental benefits by allowing the Illinois portion of the St. Louis, Illinois-Missouri ozone nonattainment area to achieve VOC reduction benefits for most of the 2007 VOC control season. As in other fuel rules, EPA believes it is appropriate to apply new requirements to refiners and distributors thirty days prior to the date that they are applicable to retailers and wholesale purchasers-consumers. This allows the retailers and wholesale purchasers-consumers time to empty their tanks of the older product they may have purchased immediately before the implementation date for refiners and distributors.

EPA has concluded, based on its analysis of available information, that the refining and distribution industry's capacity to supply Federal RFG to the Illinois portion of the St. Louis, Illinois-Missouri ozone nonattainment area this summer exceeds the estimated demand. EPA has also concluded that the implementation dates adopted today provide adequate lead time to industry to set up storage and sales agreements to ensure supply of RFG to the East St. Louis ozone nonattainment area.

III. Response to Comments

Several parties including the State of Illinois, the State of Missouri, BP, and the Illinois Petroleum Council submitted comments supporting the proposed effective dates. Four parties, an association representing the interests of Independent gasoline marketers, and three retail marketing companies, submitted adverse comments on the proposed rulemaking. The adverse comments also addressed issues that were outside the scope of the proposal (*e.g.*, whether or not RFG should even be implemented). EPA is responding to relevant portions of the adverse comments in this section.

First, the commenters expressed concern that gasoline shortages in the St. Louis area could result from EPA's granting of the opt-in request, due to the need to supply additional reformulated gasoline to the Illinois portion of the St. Louis, Illinois-Missouri nonattainment area (the Missouri portion already uses RFG). The commenters indicated that difficulties already exist in obtaining RFG for the Missouri portion of the St. Louis ozone nonattainment area, and that these difficulties would get worse with additional demand for RFG if EPA finalized its proposed opt-in for the Illinois portion of the St. Louis nonattainment area. Some of the commenters surmised that supply in the area benefits from two supply options: supplies of RFG being available on the Missouri side and low RVP fuel being available on the Illinois side, both of which can be supplied to East St. Louis.

Section 211(k)(6)(A) provides the Administrator broad discretion to establish an appropriate effective date for opt-in areas. The effective date shall be no later than one year after the governor's request to opt in is received, which in this case would be July 10, 2007, unless EPA determines that there is insufficient domestic capacity. Factors EPA generally considers in setting effective dates include, but are not limited to, supply logistics, the number of current and potential suppliers for that market, whether such suppliers have experience producing RFG or the capability to produce RFG, intent of suppliers to withdraw from the market, availability of adequate gasoline volumes, and the amount of lead time needed by suppliers and the distribution industry to set up storage and sales agreements to ensure supply. By evaluating these factors, EPA can make a determination as to whether industry's capacity to supply RFG for an

opt-in area meets or exceeds the demand.

Under section 211(k)(6)(B) the Administrator may determine, after consultation with the Secretary of Energy, that there is ''insufficient domestic capacity'' to produce RFG. Despite the comments received by marketers and retailers, described above, EPA is not making such a determination in this case. EPA has consulted with the Department of Energy (DOE) and with refiners supplying gasoline to the area of concern, and has concluded that there is adequate domestic capability to produce RFG to meet the current demand nationwide as well as the addition of the Illinois portion of the St. Louis, Illinois-Missouri nonattainment area in the summer of 2007.

EPA notes that no comments were received from refiners or bulk terminal operators concerned about storage capacity or supply. We note in the docket that EPA has spoken with the major suppliers to the area and none have expressed supply concerns. To the contrary, the Illinois Petroleum Council submitted written comment in support of the proposal. The elimination of the need to supply an additional grade of fuel (*i.e.* 7.2 RVP fuel now required in East St. Louis) will not adversely impact supply as it is our understanding from consultation with these refiners that the capacity which is currently used to produce the 7.2 psi blend will be converted to produce additional RFG supplies for the Region.

The commenters also expressed concern that the price differential between reformulated gasoline sold in the Illinois side of the St. Louis covered area and that sold on the Missouri side would impact marketers. They also point to a vehicle owner's ability to refuel in either conventional gas areas or the Missouri RFG area where they may expect a lower price. EPA notes that, in this action, it is simply setting an effective date for the Illinois portion of the St. Louis, Illinois-Missouri ozone nonattainment area, and does not have the discretion under Section 211(k)(6) to deny the governor's request to opt in. Therefore, even if a price differential would result in some drivers choosing to refuel in the Missouri portion of the nonattainment area, or a non-covered area, versus the Illinois side, that result would not provide a basis for EPA's denial of the governor's request. Moreover, EPA is setting the effective date for the opt in close to one year from receipt of the governor's request. Additional significant delay is not permitted under the Clean Air Act absent a finding of inadequate supply. As discussed above, EPA has determined that there will not be any RFG supply issues for the opt in area covered by today's rule. In addition, postponing the effective date would likely not affect, in the long-term, any price differential that may exist, and would result in the loss of important and needed emissions reductions for the summer of 2007.

IV. Environmental Impact

The Federal RFG program typically results in reductions in ozone-forming emissions and air toxics. Reductions in ozone precursors are environmentally significant because they lead to reductions in ozone formation, with the associated improvements in human health and welfare. Exposure to ground-level ozone (or smog) can cause respiratory problems, chest pain, and coughing and may worsen bronchitis, emphysema, and asthma. Animal studies suggest that long-term exposure (months to years) to ozone can damage lung tissue and may lead to chronic respiratory illness. Reductions in emissions of toxic air pollutants are environmentally important because they carry significant benefits for human health and welfare primarily by reducing the number of cancer cases each year.

Illinois EPA analyzed the emissions benefits which could be achieved by switching from 7.2 RVP fuel to RFG. Using the U.S. EPA's MOBILE6a model, Illinois projected that year 2010 motor vehicle VOC emissions could be reduced by 5.4 percent and carbon monoxide by 2.2 percent. The use of RFG in the Illinois portion of the St. Louis, Illinois-Missouri nonattainment area would also decrease benzene emissions by 75 tons per year, which equates to a 44 percent reduction from motor vehicles. On a total toxic emissions basis, the use of RFG would reduce emissions of the five primary motor vehicle related air toxics by 63 tons per year in 2010, a total percentage reduction of 23.5 percent.

V. Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning and Review

This action is not a ''significant regulatory action'' under the terms of Executive Order (EO)12866 (58 FR 51735, October 4, 1993) and is therefore not subject to review under the EO. EPA notes that the economic impacts of the RFG program were assessed in EPA's Regulatory Impact Analysis for the 1994 RFG rules. See 59 FR 7810–7811 (February 16, 1994). In that analysis the production cost of RFG was estimated to be 4 to 8 cents more per gallon than conventional gasoline. Since conventional gas regulations have evolved since that time to be more like RFG and since the State has a low RVP requirement that also more closely resembles RFG, EPA expects the costs of RFG in the Illinois portion of the St. Louis, Illinois-Missouri ozone nonattainment area to be at the low end or lower than this range. Nonetheless, using the 4 to 8 cent per gallon estimate, the cost of the program to the area would be significantly lower than the trigger for a significant regulatory action.

B. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

Executive Order (EO) 12898 (59 FR 7629 (Feb. 16, 1994)) establishes Federal executive policy on environmental justice. Its main provision directs Federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States.

EPA has determined that this final rule will not have disproportionately high and adverse human health or environmental effects on minority or low-income populations because it increases the level of environmental protection for all affected populations without having any disproportionately high and adverse human health or environmental effects on any population, including any minority or low-income population.

C. Paperwork Reduction Act

This action does not impose any new information collection burden. Refiners are currently subject to the information collection requirements for Federal reformulated gasoline and conventional gasoline. Today's rule adds an additional ozone nonattainment area as a Federal RFG covered area; the rule does not change the information collection requirements already associated with Federal RFG. However, the Office of Management and Budget (OMB) has previously approved the information collection requirements contained in the existing regulations (see 59 FR 7716, February 16, 1994), under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* and has assigned OMB control number

number 2060–0277 (EPA ICR No. 1951.21). A copy of the OMB approved Information Collection Request (ICR) may be obtained from Susan Auby, Collection Strategies Division; U.S. Environmental Protection Agency (2822T); 1200 Pennsylvania Ave., NW., Washington, DC 20460 or by calling (202) 566–1672.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in 40 CFR are listed in 40 CFR part 9.

D. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedure Act or any other statute unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small organizations, and small governmental jurisdictions.

For purposes of assessing the impacts of today's rule on small entities, small entity is defined as: (1) A small business that has not more than 1,500 employees (as defined by the Small Business Administration's (SBA) regulations at 13 CFR 121.201); (2) a small governmental jurisdiction that is a government of a city, county, town, school district or special district with a population of less than 50,000; and (3) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.

In promulgating the RFG and the related anti-dumping regulations for conventional gasoline, the Agency analyzed the impact of the regulations on small businesses. The Agency concluded that the regulations may possibly have some economic effect on a substantial number of small refiners, but that the regulations may not significantly affect other small entities, such as gasoline blenders, terminal operators, service stations and ethanol blenders. See 59 FR 7810–7811 (February 16, 1994). As stated in the preamble to the final RFG/anti-dumping rule, exempting small refiners from the RFG regulations would result in the failure of meeting CAA standards. 59 FR 7810. However, since most small refiners are located in the mountain states or in California, which has its own RFG program, the vast majority of small refiners are unaffected by the Federal RFG requirements (although all refiners of conventional gasoline are subject to the anti-dumping requirements). Moreover, all businesses, large and small, maintain the option to produce conventional gasoline to be sold in areas not obligated by the Act to receive RFG or those areas which have not chosen to opt into the RFG program. A complete analysis of the effect of the RFG/anti-dumping regulations on small businesses is contained in the Regulatory Flexibility Analysis which was prepared for the RFG and anti-dumping rulemaking, and can be found in the docket for that rulemaking. The docket number is: EPA Air Docket A–92–12.

Today's action will affect only those refiners, importers or blenders of gasoline that choose to produce or import RFG for sale in the Illinois portion of the St. Louis, Illinois-Missouri ozone nonattainment area, and gasoline distributors and retail stations in those areas. As discussed above, EPA determined that, because of their location, the vast majority of small refiners would be unaffected by the RFG requirements. For the same reason, most small refiners will be unaffected by today's action. Other small entities, such as gasoline distributors and retail stations located in the area that will become a covered area as a result of today's action, will be subject to the same requirements as those small entities which are located in current RFG covered areas. The Agency did not find the RFG regulations to significantly affect these entities. Based on this, EPA certifies that this final rule will not have a significant adverse impact on a substantial number of small entities.

E. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with ''Federal mandates'' that may result in expenditures to State, local, and tribal governments, in the aggregate, or to the private sector, of $100 million or more in any one year. Before promulgating an EPA rule for which a written statement is needed, section 205 of the UMRA generally requires EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows EPA to adopt an alternative other than the least costly, most cost-effective or least burdensome alternative if the Administrator publishes with the final rule an explanation why that alternative was not adopted. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

EPA has determined that this rule does not contain a Federal mandate that may result in expenditures of $100 million or more for State, local, and tribal governments, in the aggregate, or the private sector in any one year. Thus, today's rule is not subject to the requirements of sections 202 and 205 of the UMRA. Although EPA does not believe that UMRA imposes requirements for this rulemaking, EPA notes that the environmental and economic impacts of the RFG program were assessed in EPA's Regulatory Impact Analysis for the 1994 RFG rules.

EPA has also determined that this rule contains no regulatory requirements that might significantly or uniquely affect small governments. The rule would only impose requirements on certain refiners and other entities in the gasoline distribution system, and not small governments. The requirements of the rule will be enforced by the Federal

government at the national level. Thus, a small government agency plan did not need to be developed under section 203 of the Unfunded Mandates Reform Act.

F. Executive Order 13132: Federalism

Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999), requires EPA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.''

This rule does not have federalism implications. It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132. The rule would only impose requirements on certain refiners and other entities in the gasoline distribution system, and not on States. The requirements of the rule will be enforced by the Federal government at the national level. Thus, Executive Order 13132 does not apply to this rule.

G. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000), requires EPA to develop an accountable process to ensure ''meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.'' This direct final rule does not have tribal implications, as specified in Executive Order 13175. Today's direct final rule will affect only those refiners, importers or blenders of gasoline that choose to produce or import RFG for sale in the East St. Louis ozone nonattainment area, and gasoline distributors and retail stations in those areas. Thus, Executive Order 13175 does not apply to this rule.

H. Executive Order 13045: Protection of Children From Environmental Health & Safety Risks

Executive Order 13045 ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997) applies to any rule that: (1) Is determined to be ''economically significant'' as defined under EO 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This final rule is not subject to the EO because it is not economically significant as defined in EO 12866, and because the Agency does not have reason to believe the environmental health or safety risks addressed by this action present a disproportionate risk to children.

I. Executive Order 13211: Actions That Significantly Effect Energy Supply

This rule is not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355 (May 22, 2001)) because it is not a significant regulatory action under Executive Order 12866.

J. National Technology Transfer Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (''NTAA''), Public Law 104–113, 12(d) (15 U.S.C. 272 note), directs EPA to use voluntary consensus standards in our regulatory activities unless it would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.*, materials specifications, test methods, sampling procedures, and business practices) developed or adopted by voluntary consensus standards bodies. The NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards. This final rulemaking does not involve technical standards. Therefore, EPA is not considering the use of any voluntary consensus standards.

K. Statutory Authority

The Statutory authority for the action finalized today is granted to EPA by sections 211(c) and (k) and 301 of the Clean Air Act, as amended; 42 U.S.C. 7545(c) and (k) and 7601.

L. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2). This rule will be effective April 20, 2007.

List of Subjects in 40 CFR Part 80

Environmental protection, Air pollution control, Fuel additives, Gasoline, Motor vehicle pollution.

Dated: April 18, 2007.

Stephen L. Johnson,

Administrator.

■ 40 CFR part 80 is amended as follows:

PART 80—[AMENDED]

■ 1. The authority citation for part 80 continues to read as follows:

Authority: 42 U.S.C. 7414, 7545, 7542, and 7601(a).

■ 2. Section 80.70 is amended by adding paragraph (k)(2) to read as follows:

§ 80.70 Covered areas.

* * * * *

(k) * * *

(2) The Illinois portion of the St. Louis, Illinois-Missouri ozone nonattainment area is a covered area beginning on July 1, 2007. The prohibitions of section 211(k)(5) of the Clean Air Act apply to all persons other than retailers and wholesale purchaser-consumers in the Illinois portion of the St. Louis, Illinois-Missouri ozone nonattainment area beginning on June 1, 2007. The prohibitions of section 211(k)(5) of the Clean Air Act apply to retailers and wholesale purchaser-consumers in the Illinois portion of the St. Louis, Illinois-Missouri ozone nonattainment area beginning July 1, 2007.

* * * * *

[FR Doc. E7–7777 Filed 4–23–07; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 65

Changes in Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final rule.

SUMMARY: Modified Base (1% annual-chance) Flood Elevations (BFEs) are finalized for the communities listed below. These modified BFEs will be used to calculate flood insurance premium rates for new buildings and their contents.

DATES: The effective dates for these modified BFEs are indicated on the following table and revise the Flood Insurance Rate Maps (FIRMs) in effect for the listed communities prior to this date.

ADDRESSES: The modified BFEs for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the table below.

FOR FURTHER INFORMATION CONTACT: William R. Blanton, Jr., Engineering Management Section, Mitigation Division, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–3151.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final determinations listed below of the modified BFEs for each community listed. These modified BFEs have been published in newspapers of local circulation and ninety (90) days have elapsed since that publication. The Mitigation Division Director of FEMA resolved any appeals resulting from this notification.

The modified BFEs are not listed for each community in this notice. However, this final rule includes the address of the Chief Executive Officer of the community where the modified BFEs determinations are available for inspection.

The modified BFEs are made pursuant to section 206 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.*, and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The modified BFEs are the basis for the floodplain management measures that the community is required to either adopt or to show evidence of being already in effect in order to qualify or to remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified BFEs, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, State, or regional entities.

These modified BFEs are used to meet the floodplain management requirements of the NFIP and are also used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in these buildings. The changes in BFEs are in accordance with 44 CFR 65.4.

National Environmental Policy Act. This final rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. An environmental impact assessment has not been prepared.

Regulatory Flexibility Act. As flood elevation determinations are not within the scope of the Regulatory Flexibility Act, 5 U.S.C. 601–612, a regulatory flexibility analysis is not required.

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

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

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

List of Subjects in 44 CFR Part 65

Flood insurance, Floodplains, Reporting and recordkeeping requirements.

■ Accordingly, 44 CFR part 65 is amended to read as follows:

PART 65—[AMENDED]

■ 1. The authority citation for part 65 continues to read as follows:

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

§ 65.4 [Amended]

■ 2. The tables published under the authority of § 65.4 are amended as follows:

State and county	Location and case No.	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Arkansas: Benton (FEMA Docket No.: B–7467).	City of Rogers (05–06–0683P).	June 21, 2006; June 28, 2006; *Arkansas Democrat Gazette Rogers Hometown News.*	The Honorable Steve Womack, Mayor, City of Rogers, 300 West Poplar Street, Rogers, Arkansas 72756.	May 25, 2006	050013
California:					
Marin (FEMA Docket No.: B–7467).	City of Novato (05–09–A080P).	January 11, 2006; January 18, 2006; *Novato Advance.*	The Honorable Carole D. Knutson, Mayor, City of Novato, 75 Rowland Way, Suite 200, Novato, California 94945–5054.	April 19, 2006	060178
Merced (FEMA Docket No.: B–7467).	City of Atwater (05–09–0622P).	February 16, 2006; February 23, 2006; *Merced Sun-Star.*	The Honorable Rudy Trevino, Mayor, City of Atwater, 750 Bellevue Road, Atwater, California 95301.	January 26, 2006	060189
Merced (FEMA Docket No.: B–7467).	Unincorporated Areas of Merced County (05–09–0622P).	February 16, 2006; February 23, 2006; *Merced Sun-Star.*	Mr. Demetrios O. Tatum, County Executive Officer, Merced County, Merced County Administration Building, 2222 M Street, Merced, California 95340.	January 26, 2006	060188
Monterey (FEMA Docket No.: B–7467).	City of Marina (05–09–A506P).	May 11, 2006; May 18, 2006; *The Salinas Californian.*	The Honorable Ila Mettee-McCutchon, Mayor, City of Marina, 211 Hillcrest, Marina, California 93933.	August 17, 2006	060727

State and county	Location and case No.	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Placer (FEMA Docket No.: B–7467).	City of Roseville (05–09–1257P).	June 21, 2006; June 28, 2006; *The Press-Tribune*.	The Honorable Gina Garbolino, Mayor, City of Roseville, 311 Vernon Street, Roseville, California 95678.	September 27, 2006	060243
Riverside (FEMA Docket No.: B–7467).	City of Norco (04–09–1444P).	November 16, 2005; November 23, 2005; *The Press-Enterprise*.	Mr. Jeff Allred, City Manager, City of Norco, 2870 Clark Avenue, Norco, California 92860.	February 22, 2006	060256
Riverside (FEMA Docket No.: B–7467).	City of La Quinta (04–09–1145P).	February 9, 2006; February 16, 2006; *The Press-Enterprise*.	The Honorable Donald Adolph, Mayor, City of La Quinta, P.O. Box 1504, La Quinta, California 92247.	January 19, 2006	060709
Riverside (FEMA Docket No.: B–7467).	City of Lake Elsinore (06–09–B090P).	June 15, 2006; June 22, 2006; *The Press-Enterprise*.	The Honorable Robert Magee, Mayor, City of Lake Elsinore, Administrative Office, City Hall, 130 South Main Street, Lake Elsinore, California 92530.	September 21, 2006	060636
San Joaquin (FEMA Docket No.: B–7467).	City of Lathrop (06–09–B114P).	April 27, 2006; May 4, 2006; *The Record*.	The Honorable Apolinar Sangalang, Mayor, City of Lathrop, 16775 Howland Road, Suite 1, Lathrop, California 95330.	April 13, 2006	060738
Santa Clara (FEMA Docket No.: B–7467).	City of Palo Alto (06–09–A606P).	July 19, 2006; July 26, 2006; *Palo Alto Weekly*.	The Honorable Judy Kleinberg, Mayor, City of Palo Alto, 250 Hamilton Avenue, Palo Alto, California 94301.	October 25, 2006	060348
Santa Clara (FEMA Docket No.: B–7467).	City of San Jose (05–09–0938P).	March 16, 2006; March 23, 2006; *San Jose Mercury News*.	The Honorable Ron Gonzales, Mayor, City of San Jose, 200 East Santa Clara Street, San Jose, California 95113.	June 22, 2006	060349
Santa Clara (FEMA Docket No.: B–7467).	City of San Jose (05–09–A216P).	March 23, 2006; March 30, 2006; *San Jose Mercury News*.	The Honorable Ron Gonzales, Mayor, City of San Jose, 200 East Santa Clara Street, San Jose, California 95113.	February 28, 2006	060349
Ventura (FEMA Docket No.: B–7467).	City of Simi Valley (05–09–0780P).	February 2, 2006; February 9, 2006; *Ventura County Star*.	The Honorable Paul Miller, Mayor, City of Simi Valley, 2929 Tapo Canyon Road, Simi Valley, California 93063.	May 11, 2006	060421
Ventura (FEMA Docket No.: B–7467).	City of Simi Valley (06–09–A639P).	May 18, 2006; May 25, 2006; *Ventura County Star*.	The Honorable Paul Miller, Mayor, City of Simi Valley, 2929 Tapo Canyon Road, Simi Valley, California 93063.	August 24, 2006	060421
Adams (FEMA Docket No.: B–7467).	City of Thornton (06–08–A627X).	December 16, 2005; December 23, 2005; *Eastern Colorado News*.	The Honorable Noel Busck, Mayor, City of Thornton, 9500 Civic Center Drive, Thornton, Colorado 80229.	March 24, 2006	080007
Arapahoe (FEMA Docket No.: B–7467).	City of Centennial (05–08–0333P).	January 19, 2006; January 26, 2006; *The Littleton Independent*.	The Honorable Randy Pye, Mayor, City of Centennial, 12503 East Euclid Drive, Suite 200, Centennial, Colorado 80111.	April 27, 2006	080315
Arapahoe (FEMA Docket No.: B–7467).	Unincorporated Areas of Arapahoe County (05–08–0333P).	January 19, 2006; January 26, 2006; *The Littleton Independent*.	The Honorable Lynn Myers, Chair, Arapahoe County Board of Commissioners, 5334 South Prince Street, Littleton, Colorado 80166–0001.	April 27, 2006	080011
Douglas (FEMA Docket No.: B–7467).	Town of Parker (06–08–B014P).	March 30, 2006; April 6, 2006; *Douglas County News-Press*.	The Honorable David Casiano, Mayor, Town of Parker, 20120 East Mainstreet, Parker, Colorado 80138.	March 8, 2006	080310
Douglas (FEMA Docket No.: B–7467).	Town of Parker (06–08–B338P).	August 10, 2006; August 17, 2006; *Douglas County News-Press*.	The Honorable David Casiano, Mayor, Town of Parker, 20120 East Main Street, Parker, Colorado 80138–7334.	July 26, 2006	080310
Douglas (FEMA Docket No.: B–7467).	Unincorporated Areas of Douglas County (06–08–B010P).	May 11, 2006; May 18, 2006; *Douglas County News-Press*.	The Honorable Walter Maxwell, Chairman, Douglas County Board of Commissioners, 100 Third Street, Castle Rock, Colorado 80104.	April 10, 2006	080049
Douglas (FEMA Docket No.: B–7467).	Unincorporated Areas of Douglas County (06–08–B338P).	August 10, 2006; August 17, 2006; *Douglas County News-Press*.	The Honorable Walter Maxwell, Chairman, Douglas County Board of Commissioners, 100 Third Street, Castle Rock, Colorado 80104.	July 26, 2006	080049
El Paso (FEMA Docket No.: B–7467).	City of Colorado Springs (04–08–0651P).	April 19, 2006; April 26, 2006; *El Paso County Advertiser and News*.	The Honorable Lionel Rivera, Mayor, City of Colorado Springs, P.O. Box 1575, Colorado Springs, Colorado 80901.	July 26, 2006	080060
El Paso (FEMA Docket No.: B–7467).	City of Colorado Springs (05–08–0575P).	May 17, 2006; May 24, 2006; *El Paso County Advertiser and News*.	The Honorable Lionel Rivera, Mayor, City of Colorado Springs, P.O. Box 1575, Colorado Springs, Colorado 80901.	August 23, 2006	080060
El Paso (FEMA Docket No.: B–7467).	City of Colorado Springs (05–08–0586P).	March 1, 2006; March 8, 2006; *El Paso County Advertiser and News*.	The Honorable Lionel Rivera, Mayor, City of Colorado Springs, P.O. Box 1575, Colorado Springs, Colorado 80901.	June 7, 2006	080060
El Paso (FEMA Docket No.: B–7467).	City of Colorado Springs (06–08–B006P).	February 22, 2006; March 1, 2006; *El Paso County Advertiser and News*.	The Honorable Lionel Rivera, Mayor, City of Colorado Springs, P.O. Box 1575, Colorado Springs, Colorado 80901.	February 14, 2006	080060
El Paso (FEMA Docket No.: B–7467).	City of Fountain (05–08–0089P).	November 16, 2005; November 23, 2005; *El Paso County Advertiser and News*.	The Honorable Ken Barela, Mayor, City of Fountain, 116 South Main Street, Fountain, Colorado 80817.	February 22, 2006	080061
El Paso (FEMA Docket No.: B–7467).	Unincorporated areas of El Paso County (04–08–0651P).	April 19, 2006; April 26, 2006; *El Paso County Advertiser and News*.	The Honorable Jim Bensberg, Chairman, El Paso County Board of Commissioners, 27 East Vermijo Avenue, Colorado Springs, Colorado 80903.	July 26, 2006	080059

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El Paso (FEMA Docket No.: B–7467).	Unincorporated Areas of El Paso County (05–08–0089P).	November 16, 2005; November 23, 2005; *El Paso County Advertiser and News*.	The Honorable Jim Bensberg, Chairman, El Paso County Board of Commissioners, 27 East Vermijo Avenue, Colorado Springs, Colorado 80903.	February 22, 2006	080059
El Paso (FEMA Docket No.: B–7467).	Unincorporated Areas of El Paso County (05–08–0586P).	March 1, 2006; March 8, 2006; *El Paso County Advertiser and News*.	The Honorable Jim Bensberg, Chairman, El Paso County Board of Commissioners, 27 East Vermijo Avenue, Colorado Springs, Colorado 80903–2208.	June 7, 2006	080059
Florida:					
Hillsborough (FEMA Docket No.: B–7467).	Unincorporated Areas of Hillsborough County (05–04–1536P).	August 24, 2006; August 31, 2006; *St. Petersburg Times*.	Ms. Patricia G. Bean, County Administrator, Hillsborough County, County Center, 26th Floor, 601 East Kennedy Boulevard, Tampa, Florida 33602.	November 30, 2006	120112
Leon (FEMA Docket No.: B–7467).	City of Tallahasee (05–04–2969P).	May 18, 2006; May 25, 2006; *Tallahasee Democrat*.	The Honorable John Marks, Mayor, City of Tallahassee, 300 South Adams Street, Tallahasse, Florida 32301.	August 24, 2006	120144
Orange (FEMA Docket No.: B–7467).	City of Orlando (06–04–BH16P).	June 29, 2006; July 6, 2006; *Orlando Weekly*.	The Honorable Buddy Dyer, Mayor, City of Orlando, P.O. Box 4990, Orlando, Florida 32802.	June 14, 2006	120186
Orange (FEMA Docket No.: B–7467).	City of Winter Park (06–04–BH16P).	June 29, 2006; July 6, 2006; *Orlando Weekly*.	The Honorable Kenneth Marchman, Mayor, City of Winter Park, 401 Park Avenue South, Winter Park, Florida 32789.	June 14, 2006	120188
Orange (FEMA Docket No.: B–7467).	Unincorporated Areas of Orange County (06–04–BH16P).	June 29, 2006; July 6, 2006; *Orlando Weekly*.	The Honorable Richard T. Crotty, Mayor, Orange County, 201 South Rosalind Avenue, Fifth Floor, Orlando, Florida 32801.	June 14, 2006	120179
Pasco (FEMA Docket No.: B–7467).	Unincorporated Areas of Pasco County (05–04–1536P).	August 24, 2006; August 31, 2006; *St. Petersburg Times*.	Mr. John J. Gallagher, County Administrator, Pasco County, West Pasco Government Center, 7530 Little Road, Suite 340, New Port Richey, Florida 34654.	November 30, 2006	120230
Pinellas (FEMA Docket No.: B–7467).	Unincorporated Areas of Pinellas (05–04–1536P).	August 24, 2006; August 31, 2006; *St. Petersburg Times*.	Mr. Steve Spratt, County Administrator, Pinellas County, 315 Court Street, Clearwater, Florida 33756.	November 30, 2006	125139
Polk (FEMA Docket No.: B–7467).	Village of Highland Park (06–04–BP16).	July 27, 2006; August 3, 2006; *The Polk County Democrat*.	The Honorable Earl Sehi, Mayor, Village of Highland Park, 1317 North Highland Park Drive, Lake Wales, Florida 33853.	October 23, 2006	120386
Polk (FEMA Docket No.: B–7467).	City of Lakeland (04–04–B007P).	January 5, 2006; January 12, 2006; *Polk County Democrat*.	The Honorable Ralph L. Fletcher, Mayor, City of Lakeland, 228 South Massachusetts Avenue, Lakeland, Florida 33801–5012.	April 13, 2006	120267
Polk (FEMA Docket No.: B–7467).	City of Lakeland (05–04–2888P).	November 10, 2005; November 17, 2005; *The Polk County Democrat*.	The Honorable Ralph L. Fletcher, Mayor, City of Lakeland, 228 South Massachusetts Avenue, Lakeland, Florida 33801–5012.	October 31, 2005	120267
Polk (FEMA Docket No.: B–7467).	Unincorporated Areas of Polk County (04–04–B007P).	January 5, 2006; January 12, 2006; *Polk County Democrat*.	Mr. Michael Herr, County Manager, Polk County, P.O. Box 9005, Drawer BC01, Bartow, Florida 33831–9005.	April 13, 2006	120261
Polk (FEMA Docket No.: B–7467).	Unincorporated Areas of Polk County (05–04–1186P).	June 5, 2006; June 12, 2006; *The Polk County Democrat*.	Mr. Michael Herr, County Manager, Polk County, P.O. Box 9005, Drawer BC01, Bartow, Florida 33831–9005.	May 19, 2006	120261
Polk (FEMA Docket No.: B–7467).	Unincorporated Areas of Polk County (05–04–1899P).	November 14, 2005; November 21, 2005; *The Polk County Democrat*.	Mr. Michael Herr, County Manager, Polk County, P.O. Box 9005, Drawer BC01, Bartow, Florida 33831–9005.	November 8, 2005	120261
Polk (FEMA Docket No.: B–7467).	Unincorporated Areas of Polk County (05–04–BP16P).	July 27, 2006; August 3, 2006; *The Polk County Democrat*.	Mr. Michael Herr, County Manager, Polk County, P.O. Box 9005, Drawer BC01, Bartow, Florida 33831–9005.	October 23, 2006	120261
Santa Rosa (FEMA Docket No.: B–7467).	Unincorporated Areas of Santa Rosa County (06–04–BA86P).	May 17, 2006; May 24, 2006; *Santa Rosa's Press Gazette*.	The Honorable Robert A. "Bob" Cole, Chairman, Board of County Commissioners, Santa Rosa County, 6495 Caroline Street, Suite M, Milton, Florida 32570.	August 23, 2006	120274
Illinois:					
Adams (FEMA Docket No.: B–7467).	City of Quincy (05–05–2301P).	August 24, 2006; August 31, 2006; *Quincy Herald-Whig*.	The Honorable John A. Spring, Mayor, City of Quincy, 730 Maine Street, Quincy, Illinois 62301.	July 31, 2006	170003
Adams (FEMA Docket No.: B–7467).	Unincorporated Areas of Adams County (05–05–2301P).	August 24, 2006; August 31, 2006; *Quincy Herald-Whig*.	The Honorable Mike McLaughlin, Chairman, Adams County Board, 521 Vermont Street, Quincy, Illinois 62301.	July 31, 2006	170001
Cook (FEMA Docket No.: B–7467).	Unincorporated Areas of Cook County (05–05–1222P).	February 16, 2006; February 23, 2006; *Daily Herald*.	The Honorable John H. Stronger, Jr., President, Cook County Board of Commissioners, 118 North Clark Street, Room 537, Chicago, Illinois 60602.	May 25, 2006	170054

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Kankakee (FEMA Docket No.: B–7467).	Village of Manteno (06–05–BE61P).	June 22, 2006; June 29, 2006; *Daily Journal*.	The Honorable Timothy Nugent, Mayor, Village of Manteno, 269 North Main Street, Manteno, Illinois 60950.	September 28, 2006	170878
Kendall (FEMA Docket No.: B–7467).	Unincorporated Areas of Kendall County (06–05–B570P).	April 13, 2006; April 20, 2006; *Kendall County Record*.	The Honorable Paul Anderson, County Clerk, Kendall County, 111 Fox Street, Yorkville, Illinois 60560.	March 27, 2006	170341
La Salle (FEMA Docket No.: B–7467).	Unincorporated Areas of La Salle County (05–05–1524P).	April 19, 2006; April 26, 2006; *The Mendota Reporter*.	Mr. Glen (Joe) Dougherty, Chairman, La Salle County Board of Commissioners, 707 Etna Road, Ottawa, Illinois 61350.	March 24, 2006	170400
Will (FEMA Docket No.: B–7467).	Village of Plainfield (06–05–B013P).	August 24, 2006; August 31, 2006; *Daily Southtown*.	The Honorable James A. Waldorf, Village President, Village of Plainfield, 14000 West Lockport Street, Plainfield, Illinois 60544.	November 30, 2006	170771
Will (FEMA Docket No.: B–7467).	Unincorporated Areas of Will County (05–05–3131P).	March 23, 2006; March 30, 2006; *Daily Southtown*.	The Honorable Lawrence M. Walsh, Will County Executive, 302 North Chicago Street, Joliet, Illinois 60432.	June 29, 2006	170695
Will (FEMA Docket No.: B–7467).	Unincorporated Areas of Will County (06–05–B013P).	August 24, 2006; August 31, 2006; *Daily Southtown*.	The Honorable Lawrence M. Walsh, Will County Executive, 302 North Chicago Street, Joliet, Illinois 60432.	November 30, 2006	170695
Indiana:					
Bartholomew (FEMA Docket No.: B–7467).	Unincorporated Areas of Bartholomew County (06–05–BD86P).	May 18, 2006; May 25, 2006; *The Republic*.	The Honorable Fred L. Armstrong, Mayor, City of Columbus, Columbus City Hall, 123 Washington Street, Columbus, Indiana 47201.	April 27, 2006	180007
Lake (FEMA Docket No.: B–7467).	Town of St. John (05–05–A422P).	July 20, 2006; July 27, 2006; *Post-Tribune*.	Mr. Stephen Z. Kil, Manager, Town of St. John, 10955 West, 93rd Avenue, St. John, Indiana 46373.	October 26, 2006	180141
LaPorte (FEMA Docket No.: B–7467).	City of Michigan City (06–05–B876P).	July 20, 2006; July 27, 2006; *The News-Dispatch*.	The Honorable Chuck Oberlie, Mayor, City of Michigan City, 100 East Michigan Boulevard, Michigan City, Indiana 46052.	July 31, 2006	180147
Marion (FEMA Docket No.: B–7467).	City of Indianapolis (05–05–0743P).	February 10, 2006; February 17, 2006; *Indianapolis Recorder*.	The Honorable Bart Peterson, Mayor, City of Indianapolis, 2501 City-County Building, 200 East Washington Street, Indianapolis, Indiana 46204.	May 18, 2006	180159
Marion (FEMA Docket No.: B–7467).	City of Indianapolis (05–05–2979P).	April 20, 2006; April 27, 2006; *Indianapolis Newspaper Daily Star*.	The Honorable Bart Peterson, Mayor, City of Indianapolis, 2501 City-County Building, 200 East Washington Street, Indianapolis, Indiana 46204.	May 4, 2006	180159
Kentucky:					
Warren (FEMA Docket No.: B–7467).	City of Bowling Green (05–04–1251P).	March 30, 2006; April 6, 2006; *Park City Daily News*.	The Honorable Elaine Walker, Mayor, City of Bowling Green, P.O. Box 430, Bowling Green, Kentucky 42101.	March 13, 2006	210219
Maine:					
Cumberland (FEMA Docket No.: B–7467).	City of Falmouth (05–01–0287P).	June 22, 2006; June 29, 2006; *Falmouth Community Leader*.	Mr. John D. Harris, Town Manager, Town of Falmouth, 71 Falmouth Road, Falmouth, Maine 04105.	September 28, 2006	230045
Michigan:					
Kalamazoo (FEMA Docket No.: B–7467).	City of Kalamazoo (05–05–2181P).	June 22, 2006; June 29, 2006; *The Kalamazoo Gazette*.	Mr. Kenneth P. Collard, City Manager, City of Kalamazoo, City Hall, 241 West South Street, Kalamazoo, Michigan 49007.	June 26, 2006	260315
Kalamazoo (FEMA Docket No.: B–7467).	City of Portage (05–05–2181P).	June 22, 2006; June 29, 2006; *The Kalamazoo Gazette*.	Mr. Maurice S. Evans, City Manager, City of Portage, City Hall, 7900 South Westmedge Avenue, Portage, Michigan 49002.	June 26, 2006	260577
Wayne (FEMA Docket No.: B–7467).	Township of Canton (05–05–3132P).	February 16, 2006; February 23, 2006; *Canton Eagle*.	The Honorable Thomas J. Yack, Supervisor, Township of Canton, 1150 South Canton Center Road, Canton, Michigan 48188.	January 26, 2006	260219
Minnesota:					
Isanti (FEMA Docket No.: B–7467).	City of Isanti (04–05–B083P).	January 4, 2006; January 11, 2006; *Isanti County News*.	The Honorable David Apitz, Mayor, City of Isanti, P.O. Box 126, Isanti, Minnesota 55040.	April 12, 2006	270199
Isanti (FEMA Docket No.: B–7467).	Unincorporated Areas of Isanti County (04–05–B083P).	January 4, 2006; January 11, 2006; *Isanti County News*.	The Honorable Tom Pagel, Chair, Isanti County Board of Commissioners, Isanti County Government Center, 509–555 18th Avenue Southwest, Cambridge, Minnesota 55008.	April 12, 2006	270197
Mississippi:					
Madison (FEMA Docket No.: B–7467).	City of Madison (06–04–B265P).	June 22, 2006; June 29, 2006; *Madison County Journal*.	The Honorable Mary Hawkins Butler, Mayor, City of Madison, P.O. Box 40, Madison, Mississippi 39130.	May 26, 2006	280229
Madison (FEMA Docket No.: B–7467).	City of Madison (06–04–BC51P).	June 15, 2006; June 22, 2006; *Madison County Journal*.	The Honorable Mary Hawkins Butler, Mayor, City of Madison, P.O. Box 40, Madison, Mississippi 39130–0040.	September 21, 2006	280229

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Madison (FEMA Docket No.: B–7467).	Unincorporated Areas of Madison County (06–04–B265P).	June 22, 2006; June 29, 2006; *Madison County Journal*.	The Honorable Timothy L. Johnson, President, Madison County Board of Supervisors, P.O. Box 608, Canton, Mississippi 39046.	May 26, 2006	280228
Simpson (FEMA Docket No.: B–7467).	City of Magee (05–04–1476P).	December 15, 2005; December 22, 2005;*The Magee Courier*.	The Honorable Jimmy Clyde, Mayor, City of Magee, 123 Main Avenue North, Magee, Mississippi 39111.	November 22, 2005	280158
Ohio:					
Butler (FEMA Docket No.: B–7466).	Unincorporated Areas of Butler County (05–05–A433P).	August 10, 2006; August 17, 2006; *Middletown Journal*.	The Honorable Gregory V. Jolivette, County Commissioner, Butler County, 130 High Street, Sixth Street, Hamilton, Ohio 45011.	November 16, 2006	390037
Franklin (FEMA Docket No.: B–7466).	City of Reynoldsburg (05–05–3716P).	June 1, 2006; June 8, 2006; *The Columbus Dispatch*.	The Honorable Ronald McPherson, Mayor, City of Reynoldsburg, 7232 East Main Street, Reynoldsburg, Ohio 43068.	May 10, 2006	390177
Franklin (FEMA Docket No.: B–7466).	Unincorporated Areas of Franklin County (05–05–3716P).	June 1, 2006; June 8, 2006; *The Columbus Dispatch*.	The Honorable Mary Jo Kilroy, County Commissioner, Franklin County Board of Commissioners, 373 South High Street, Columbus, Ohio 43215.	May 10, 2006	390167
Hamilton (FEMA Docket No.: B–7466).	Unincorporated Areas of Hamilton County (05–05–3352P).	January 18,2006; January 25, 2006; *Hilltop Press*.	The Honorable Phil Heimlich, Chairman, Hamilton County Board of Supervisors, 138 East Court Street, Room 603, Cincinnati, Ohio 45202.	April 26, 2006	390204
Lucas (FEMA Docket No.: B–7466).	Village of Berkey (05–05–3351P).	April 20, 2006; April 27, 2006; *Toledo Legal News*.	The Honorable Barb Huff, Mayor, Village of Berkey, Village of Council Building, 12360 Sylvania-Metamore Road, Berkey, Ohio 43504.	July 27, 2006	390901
Lucas (FEMA Docket No.: B–7466).	Unincorporated Areas of Lucas County (05–05–3351P).	April 20, 2006; April 27, 2006; *Toledo Legal News*.	The Honorable Tina Skeldon Wozniak, President, Lucas County Board of Commissioners, One Government Center, Suite 800, Toledo, Ohio 43604.	July 27, 2006	390359
Medina (FEMA Docket No.: B–7466).	City of Brunswick (06–05–B240P).	August 17, 2006; August 24, 2006; *The Medina Gazette*.	The Honorable Dale Strasser, Mayor, City of Brunswick, 4095 Center Road, Brunswick, Ohio 44212.	November 23, 2006	390380
Montgomery (FEMA Docket No.: B–7466).	City of Clayton (05–05–2903P).	February 15, 2006; February 22, 2006; *Englewood Independent*.	The Honorable Ted Gudorf, Mayor, City of Clayton, 14 West Fourth Street, Dayton, Ohio 45481.	May 24, 2006	390821
Montgomery (FEMA Docket No.: B–7466).	City of Englewood (05–05–2903P).	February 15, 2006; February 22, 2006; *Englewood Independent*.	The Honorable Michael Bowers, Jr., Mayor, City of Englewood, 333 West National Road, Englewood, Ohio 45322–1495.	May 24, 2006	390828
Montgomery (FEMA Docket No.: B–7466).	City of Englewood (06–05–B499P).	July 5, 2006; July 12, 2006; *Englewood Independent*.	The Honorable Michael Bowers, Jr., Mayor, City of Englewood, 333 West National Road, Englewood, Ohio 45322–1495.	October 11, 2006	390828
Montgomery (FEMA Docket No.: B–7466).	Unincorporated Areas of Montgomery County (05–05–4118P).	December 21, 2005; December 28, 2005; *Englewood Independent*.	Ms. Deborah Feldman, Administrator, Montgomery County, 451 West Third Street, Dayton, Ohio 45422.	December 8, 2005	390775
Oklahoma:					
Oklahoma (FEMA Docket No.: B–7474).	City of Edmond (06–06–BD47P).	October 26, 2006; November 2, 2006; *The Edmond Sun*.	The Honorable Saundra Naifeh, Mayor, City of Edmond, P.O. Box 2970, Edmond, Oklahoma 73083.	February 1, 2007	400252
New Mexico:					
Bernalillo (FEMA Docket No.: B–7466).	City of Albuquerque (06–06–B190P).	July 13, 2006; July 20, 2006; *Albuquerque Journal*.	The Honorable Martin Chavez, Mayor, City of Albuquerque, P.O. Box 1293, Albuquerque, New Mexico 87103.	June 27, 2006	350002
Bernalillo (FEMA Docket No.: B–7466).	Unincorporated Areas of Bernalillo County (06–06–B190P).	July 13, 2006; July 20, 2006; *The Albuquerque Journal*.	The Honorable Tim Cummins, County Commissioner, Bernalillo County, One Civic Plaza Northwest, 10th Floor, Albuquerque, New Mexico 87102.	June 27, 2006	350001
South Carolina:					
Charleston (FEMA Docket No.: B–7466).	Town of Mount Pleasant (06–04–B002P).	February 15, 2006; February 22, 2006; *Moultrie News*.	The Honorable Harry M. Hallman, Jr., Mayor, Town of Mount Pleasant, P.O. Box 745, Mount Pleasant, South Carolina 29465.	January 31, 2006	455417
Greenville (FEMA Docket No.: B–7466).	City of Simpsonville (05–04–A572P).	June 29, 2006; July 06, 2006; *The Greenville News*.	The Honorable Dennis C. Waldrop, Mayor, City of Simpsonville, City Hall, 118 Northeast Main Street, Simpsonville, South Carolina 29681.	October 5, 2006	450092
Greenville (FEMA Docket No.: B–7466).	Unincorporated Areas of Greenville County (05–04–A572P).	June 29, 2006; July 6, 2006; *The Greenville News*.	The Honorable Herman G. Kirven, Chairman, Greenville County Council, 313 League Road, Simpsonville, South Carolina 29681.	October 5, 2006	450089
Greenville (FEMA Docket No.: B–7466).	Unincorporated Areas of Greenville County (06–04–B011P).	May 20, 2006; May 25, 2006; *The Greenville News*.	The Honorable Butch Kirven, Chairman, Greenville County Council, Greenville County Square, 301 University Ridge, Simpsonville, South Carolina 29601.	August 24, 2006	450089

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Greenville (FEMA Docket No.: B–7466).	Unincorporated Areas of Greenville County (06–04–B012P).	May 20, 2006; May 26, 2006; *The Greenville News*.	The Honorable Butch Kirven, Chairman, Greenville County Council, County Square, 301 University Ridge, Simpsonville, South Carolina 29601.	August 25, 2006	450089
Horry (FEMA Docket No.: B–7466).	Unincorporated Areas of Horry County (06–04–B138X).	December 22, 2005; December 29, 2005; *Horry Independent*.	The Honorable Elizabeth Gilland, Chairman, Horry County Council, 1511 Elm Street, Conway, South Carolina 29526.	March 30, 2006	450104
Lancaster (FEMA Docket No.: B–7466).	Unincorporated Areas of Lancaster County (05–04–2990P).	February 2, 2006; February 9, 2006; *The Herald*.	Mr. Chappell ''Chap'' Hurst, Jr., County Administrator, Lancaster County, P.O. Box 1809, Lancaster, South Carolina 29721.	May 11, 2006	450120
Richland (FEMA Docket No.: B–7466).	City of Columbia (05–04–A589P).	August 11, 2006; August 18, 2006; *The Columbia Star*.	The Honorable Bob Cobble, Mayor, City of Columbia, P.O. Box 147, Columbia, South Carolina 29217.	November 17, 2006	450172
Richland (FEMA Docket No.: B–7466).	Town of Irmo (05–04–3485P).	May 18, 2006; May 25, 2006; *The Irmo News*.	The Honorable John L. Gibbons, Mayor, Town of Irmo, P.O. Box 406, Irmo, South Carolina 29063.	August 24, 2006	450133
Richland (FEMA Docket No.: B–7466).	Unincorporated Areas of Richland County (05–04–3127P).	March 24, 2006; March 31, 2006; *Columbia Star*.	Mr. T. Cary McSwaim, County Administrator, Richland County, P.O. Box 192, Columbia, South Carolina 29202.	February 24, 2006	450170
Richland (FEMA Docket No.: B–7466).	Unincorporated Areas of Richland County (05–04–3485P).	May 18, 2006; May 25, 2006; *The Irmo News*.	The Honorable Tony Mizzell, Chair, Richland County Council, 2020 Hampton Street, Columbia, South Carolina 29202.	August 24, 2006	450170
Richland (FEMA Docket No.: B–7466).	Unincorporated Areas of Richland County (05–04–A589P).	August 11, 2006; August 18, 2006; *The Columbia Star*.	Mr. J. Milton Pope, Interim County Administrator, Richland County, P.O. Box 192, Columbia, South Carolina 29202.	November 17, 2006	450170
York (FEMA Docket No.: B–7466).	Unincorporated Areas of York County (05–04–2990P).	February 2, 2006; February 9, 2006; *The Herald*.	Mr. Alfred W. ''Al'' Greene, County Manager, York County, P.O. Box 66, York, South Carolina 29745.	May 11, 2006	450193
Tennessee:					
Cheatham (FEMA Docket No.: B–7466).	Town of Ashland City (06–04–A705P).	May 18, 2006; May 25, 2006; *The Ashland City Times*.	The Honorable Gary Norwood, Mayor, Town of Ashland City, P.O. Box 36, Ashland City, Tennessee 37015.	August 23, 2006	470027
Davidson (FEMA Docket No.: B–7466).	City of Forest Hills (05–04–A471P).	June 15, 2006; June 22, 2006; *Nashville Record*.	The Honorable Charles K. Evers, Mayor, City of Forest Hills, 4012 Hillsboro Road, Suite 5, Nashville, Tennessee 37215.	September 21, 2006	470407
Davidson (FEMA Docket No.: B–7466).	Metropolitan Government of Nashville and Davidson County (05–04–2201P).	January 26, 2006; February 2, 2006; *Nashville Record*.	The Honorable Bill Purcell, Mayor, Metropolitan Government of Nashville and Davidson County, 107 Metropolitan Courthouse, Nashville, Tennessee 37201.	January 12, 2006	470040
Davidson (FEMA Docket No.: B–7466).	Metropolitan Government of Nashville and Davidson County (06–04–B137P).	March 23, 2006; March 30, 2006; *Nashville Record*.	The Honorable Bill Purcell, Mayor, Metropolitan Government of Nashville and Davidson County, Metro City Hall, 225 Polk Avenue, Nashville, Tennessee 37203.	June 29, 2006	470040
Henry (FEMA Docket No.: B–7466).	City of Paris (05–04–3184P).	March 30, 2006; April 6, 2006; *Paris Post-Intelligencer*.	The Honorable Larry Crawford, Mayor, City of Paris, P.O. Box 970, Paris, Tennessee 38242.	July 06, 2006	470090
Rutherford (FEMA Docket No.: B–7466).	Unincorporated Areas of Rutherford County (06–04–B427P).	May 25, 2006; June 1, 2006; *The Tennessean*.	The Honorable Nancy R. Allen, County Executive, Rutherford County, County Courthouse, Room 101, Murfreesboro, Tennessee 37130.	August 24, 2006	470165
Shelby (FEMA Docket No.: B–7466).	Town of Collierville (06–04–B865P).	August 24, 2006; August 31, 2006; *The Daily News*.	The Honorable Linda Kerley, Mayor, Town of Collierville, 500 Poplar View Parkway, Collierville, Tennessee 38017.	July 31, 2006	470263
Shelby (FEMA Docket No.: B–7466).	City of Memphis (05–04–0247P).	August 21, 2006; August 28, 2006; *The Commercial Appeal*.	The Honorable Willie W. Herenton, Mayor, City of Memphis, City Hall, 125 North Main Street, Room 700, Memphis, Tennessee 38103.	July 28, 2006	470177
Shelby (FEMA Docket No.: B–7466).	Unincorporated Areas of Shelby County (06–04–B865P).	August 24, 2006; August 31, 2006; *The Daily News*.	The Honorable A.C. Wharton, Jr., Mayor, Shelby County, 160 North Main Street, Suite 850, Memphis, Tennessee 38103.	July 31, 2006	470214
Texas:					
Angelina (FEMA Docket No.: B–7466).	City of Lufkin (05–06–0240P).	March 16, 2006; March 23, 2006; *The Lufkin Daily News*.	The Honorable Louis A. Bronaugh, Mayor, City of Lufkin, P.O. Box 190, Lufkin, Texas 75902–0190.	June 22, 2006	480009
Bell (FEMA Docket No.: B–7466).	City of Killeen (05–06–0514P).	March 23, 2006; March 30, 2006; *Killeen Daily Herald*.	The Honorable Maureen Jouett, Mayor, City of Killeen, 101 North College Street, Third Floor, Killeen, Texas 76541.	March 1, 2006	480031
Bexar (FEMA Docket No.: B–7466).	City of San Antonio (05–06–1455P).	August 24, 2006; August 31, 2006; *Daily Commercial Recorder*.	The Honorable Phil Hardberger, Mayor, City of San Antonio, P.O. Box 839966, San Antonio, Texas 78283–3966.	September 7, 2006	480045

State and county	Location and case No.	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Bexar (FEMA Docket No.: B–7466).	City of San Antonio (06–06–B641P).	July 21, 2006; July 28, 2006; *Daily Commercial Recorder*.	The Honorable Phil Hardberger, Mayor, City of San Antonio, P.O. Box 839966, San Antonio, Texas 78283–3966.	October 27, 2006	480045
Bexar (FEMA Docket No.: B–7466).	Unincorporated Areas of Bexar County (05–06–1445P).	January 12, 2006; January 19, 2006; *Daily Commercial Recorder*.	The Honorable Nelson W. Wolff, Bexar County Judge, Bexar County Courthouse, 100 Dolorosa, Suite 120, San Antonio, Texas 78205.	January 5, 2006	480035
Bexar (FEMA Docket No.: B–7466).	Unincorporated Areas of Bexar County (05–06–A520P).	July 14, 2006; July 21, 2006; *Daily Commercial Recorder*.	The Honorable Nelson W. Wolff, Bexar County Judge, Bexar County Courthouse, 100 Dolorosa, Suite 1.20, San Antonio, Texas 78205.	October 20, 2006	480035
Bexar (FEMA Docket No.: B–7466).	Unincorporated Areas of Bexar County (06–06–B271P).	June 22, 2006; June 29, 2006; *Daily Commercial Recorder*.	The Honorable Nelson W. Wolff, Bexar County Judge, Bexar County Courthouse, 100 Dolorosa, Suite 1.20, San Antonio, Texas 78205.	May 31, 2006	480035
Collin (FEMA Docket No.: B–7466).	City of Allen (06–06–B418P).	July 27, 2006; August 3, 2006; *The Allen American*.	The Honorable Stephen Terrell, Mayor, City of Allen, City Hall, 305 Century Parkway, Allen, Texas 75002.	November 2, 2006	480131
Collin (FEMA Docket No.: B–7466).	City of Allen (06–06–B430P).	August 17, 2006; August 24, 2006; *The Allen American*.	The Honorable Stephen Terrell, Mayor, City of Allen, City Hall, 305 Century Parkway, Allen, Texas 75002.	July 31, 2006	480131
Collin (FEMA Docket No.: B–7466).	City of Frisco (06–06–B193P).	September 1, 2006; September 8, 2006; *Frisco Enterprise*.	The Honorable Mike Simpson, Mayor, City of Frisco, 6891 Main Street, Frisco, Texas 75034.	August 24, 2006	480134
Collin (FEMA Docket No.: B–7474).	City of McKinney (06–06–BD88P).	September 21, 2006; September 28, 2006; *McKinney Courier Gazette*.	The Honorable Bill Whitfield, Mayor, City of McKinney, 222 North Tennessee, McKinney, Texas 75069.	October 2, 2006	480135
Dallas (FEMA Docket No.: B–7466).	City of Carrollton (05–06–0086P).	April 5, 2006; April 12, 2006; *Carrollton Leader*.	The Honorable Becky Miller, Mayor, City of Carrollton, 945 East Jackson Road, Carrollton, Texas 75006.	July 12, 2006	480167
Dallas (FEMA Docket No.: B–7466).	City of Garland (05–06–A172P).	July 20, 2006; July 27, 2006; *The Daily Commercial Record*.	The Honorable Bob Day, Mayor, City of Garland, P.O. Box 469002, Garland, Texas 75046.	October 26, 2006	485471
Dallas (FEMA Docket No.: B–7466).	City of Garland (06–06–B043P).	June 22, 2006; June 29, 2006; *The Daily Commercial Record*.	The Honorable Bob Day, Mayor, City of Garland, P.O. Box 469002, Garland, Texas 75046.	May 31, 2006	485471
Dallas (FEMA Docket No.: B–7466).	City of Sachse (06–06–B043P).	June 22, 2006; June 29, 2006; *The Daily Commercial Record*.	The Honorable Michael Felis, Mayor, City of Sachse, 5560 State Highway 78, Sachse, Texas 75048.	May 31, 2006	480186
Dallas (FEMA Docket No.: B–7466).	Unincorporated Areas of Dallas County (05–06–A509P).	May 5, 2006; May 11, 2006; *Dallas Morning News*.	The Honorable Margaret Keliher, Judge, Dallas County, Administration Office, 411 Elm Street, Dallas, Texas 75202.	April 19, 2006	480165
Denton (FEMA Docket No.: B–7466).	Unincorporated Areas of Denton County (05–06–1429P).	April 20, 2006; April 27, 2006; *Fort Worth Star-Telegram*.	The Honorable Mary Horn, Denton County Judge, 110 West Hickory Street, Second Floor, Denton, Texas 76201.	July 27, 2006	480774
Denton & Tarrant (FEMA Docket No.: B–7466).	Unincorporated Areas of Tarrant County (05–06–1429P).	April 20, 2006; April 27, 2006; *Fort Worth Star-Telegram*.	The Honorable Tom Vandergriff, Tarrant County Judge,100 East Weatherford, Suite 502 A, Fort Worth, Texas 76196.	July 27, 2006	480582
Ellis (FEMA Docket No.: B–7466).	Unincorporated Areas of Ellis County (05–06–A558P).	April 13, 2006; April 20, 2006; *The Ellis County Press*.	The Honorable Chad Adams, Judge, Ellis County, 101 West Main Street, Waxahachie, Texas 75165.	July 20, 2006	480798
Ellis (FEMA Docket No.: B–7466).	City of Waxahachie (06–06–B466P).	June 21, 2006; June 28, 2006; *Waxahachie Daily Light*.	The Honorable Jay Barksdale, Mayor, City of Waxahachie, P.O. Box 757, Waxahachie, Texas 75168–0757.	September 27, 2006	480211
Harris (FEMA Docket No.: B–7466).	Unincorporated Areas of Harris County (05–06–1299P).	March 16, 2006; April 6, 2006; *Houston Chronicle*.	The Honorable Robert Eckels, Harris County Judge, 1001 Preston, Suite 911, Houston, Texas 77002.	June 22, 2006	480287
Harris (FEMA Docket No.: B–7474).	Unincorporated areas of Harris County (06–06–B330P).	October 26, 2006; November 2, 2006; *Houston Chronicle*.	The Honorable Robert Eckels, Harris County Judge, 1001 Preston, Suite 911, Houston, TX 77002.	September 29, 2006	480287
Hays (FEMA Docket No.: B–7474).	City of Kyle (06–06–B463P).	October 18, 2006; October 25, 2006; *The Free Press*.	The Honorable Miguel Gonzalez, Mayor, City of Kyle, P.O. Box 40, Kyle, TX 78640.	Jauary 25, 2007	481108
Johnson (FEMA Docket No.: B–7474).	City of Burleson (06–06–A711P).	October 19, 2006; October 26, 2006; *Fort Worth Star-Telegram*.	The Honorable Kenneth Shetter, Mayor, City of Burleson, 141 West Renfro Street, Burleson, TX 76028.	January 25, 2007	485459
Jones and Taylor (FEMA Docket No.: B–7466).	City of Abilene (05–06–1712P).	January 26, 2006; February 2, 2006; *Abilene Reporter News*.	The Honorable Norm Archibald, Mayor, City of Abilene, 717 Byrd Drive, Abilene, Texas 79601.	May 4, 2006	485450
Kendall (FEMA Docket No.: B–7466).	Unincorporated Areas of Kendall County (04–06–A211P).	August 22, 2006; August 29, 2006; *The Boerne Star*.	The Honorable Eddie John Vogt, Kendall County Judge, 204 East San Antonio Street, Boerne, Texas 78006.	November 28, 2006	480417

State and county	Location and case No.	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Lubbock (FEMA Docket No.: B–7466).	City of Wolfforth (05–06–0566P).	February 2, 2006; February 9, 2006; *Lubbock Avalanche-Journal*.	The Honorable L.C. Childers, Mayor, City of Wolfforth, P.O. Box 36, Wolfforth, Texas 79382.	May 11, 2006	480918
Medina (FEMA Docket No.: B–7466).	Unincorporated Areas of Medina County (06–06–BB97P).	August 24, 2006; August 31, 2006; *Hondo Anvil Herald*.	The Honorable James E. Barden, Medina County Judge, Medina County Courthouse, 1100 16th Street, Room 101, Hondo, Texas 78861.	July 31, 2006	480472
Rockwall (FEMA Docket No.: B–7466).	City of Royse (05–06–A064P).	April 12, 2006; April 19, 2006; *Royse City Herald Banner*.	The Honorable Jim Mellody, Mayor, City of Royse City, P.O. Box 638, Royse City, Texas 75189.	July 20, 2006	480548
Tarrant (FEMA Docket No.: B–7466).	City of Arlington (05–06–0568P).	April 20, 2006; April 27, 2006; *Fort Worth Star-Telegram*.	The Honorable Dr. Robert N. Cluck, Mayor, City of Arlington, 101 West Abram Street, Arlington, Texas 76004–0231.	July 27, 2006	485454
Tarrant (FEMA Docket No.: B–7466).	City of Benbrook (05–06–0711P).	February 2, 2006; February 9, 2006; *Benbrook News*.	The Honorable Jerry B. Dittrich, Mayor, City of Benbrook, 911 Winscott Road, Benbrook, Texas 76126.	May 11, 2006	480586
Tarrant (FEMA Docket No.: B–7466).	City of Dalworthington Gardens (05–06–0568P).	April 20, 2006; April 27, 2006; *Fort Worth Star-Telegram*.	The Honorable Albert Taub, Mayor, City of Dalworthington Gardens, 2600 Roosevelt Drive, Arlington, Texas 76016.	July 27, 2006	480013
Tarrant (FEMA Docket No.: B–7466).	City of Fort Worth (05–06–0767P).	December 8, 2005; December 15, 2005; *Fort Worth Star-Telegram*.	The Honorable Michael J. Moncrief, Mayor, City of Fort Worth, 1000 Throckmorton Street, Fort Worth, Texas 76102.	March 16, 2006	480596
Tarrant (FEMA Docket No.: B–7466).	City of Fort Worth (05–06–A227P).	January 12, 2006; January 19, 2006; *Fort Worth Star-Telegram*.	The Honorable Michael J. Moncrief, Mayor, City of Fort Worth, 1000 Throckmorton Street, Fort Worth, Texas 76102.	April 20, 2006	480596
Tarrant (FEMA Docket No.: B–7466).	City of Fort Worth (05–06–A230P).	August 24, 2006; August 31, 2006; *Fort Worth Star-Telegram*.	The Honorable Michael J. Moncrief, Mayor, City of Fort Worth, 1000 Throckmorton Street, Fort Worth, Texas 76102.	November 30, 2006	480596
Tarrant (FEMA Docket No.: B–7474).	City of Fort Worth (05–06–A327P).	May 11, 2006; May 18, 2006; *Fort Worth Star-Telegram*.	The Honorable Michael J. Moncrief, Mayor, City of Fort Worth, 1000 Throckmorton Street, Fort Worth, TX 76102.	August 17, 2006	480596
Tarrant (FEMA Docket No.: B–7474).	City of Fort Worth (06–06–A711P).	October 19, 2006; October 26, 2006; *Fort Worth Star-Telegram*.	The Honorable Michael J. Moncrief, Mayor, City of Fort Worth, 1000 Throckmorton Street, Fort Worth, TX 76102.	January 25, 2007	480596
Tarrant (FEMA Docket No.: B–7466).	City of Fort Worth (06–06–B207P).	August 17, 2006; August 24, 2006; *Fort Worth Star-Telegram*.	The Honorable Michael J. Moncrief, Mayor, City of Fort Worth, 1000 Throckmorton Street, Fort Worth, Texas 76102.	November 23, 2006	480596
Tarrant (FEMA Docket No.: B–7466).	City of Fort Worth (06–06–B029P).	August 24, 2006; August 31, 2006; *Fort Worth Star-Telegram*.	The Honorable Michael J. Moncrief, Mayor, City of Fort Worth, 1000 Throckmorton Street, Fort Worth, Texas 76102.	July 31, 2006	480596
Tarrant (FEMA Docket No.: B–7466).	City of Fort Worth (06–06–BD72P).	August 24, 2006; August 31, 2006; *Fort Worth Star-Telegram*.	The Honorable Michael J. Moncrief, Mayor, City of Fort Worth, 1000 Throckmorton Street, Fort Worth, Texas 76102.	July 31, 2006	480596
tarrant (FEMA Docket No.: B–7474).	City of Fort Worth (06–06–B569P).	May 18, 2006; May 25, 2006; *Fort Worth Star-Telegram*.	The Honorable Michael J. Moncrief, Mayor, City of Fort Worth, 1000 Throckmorton Street, Fort Worth, TX 76102–6311.	August 24, 2006	480596
Tarrant (FEMA Docket No.: B–7466).	City of Fort Worth (06–06–B570P).	July 13, 2006; July 20, 2006; *Fort Worth Star-Telegram*.	The Honorable Michael J. Moncrief, Mayor, City of Fort Worth, 1000 Throckmorton Street, Fort Worth, Texas 76102.	October 19, 2006	480596
Tarrant (FEMA Docket No.: B–7466).	City of Saginaw (06–06–B837P).	July 27, 2006; August 3, 2006; *Northwest Tarrant County Times-Record*.	The Honorable Gary Brinkley, Mayor, City of Saginaw, 333 West McLeroy Boulevard, Saginaw, Texas 76179.	August 11, 2006	480610
Tarrant (FEMA Docket No.: B–7474).	Unincorporated areas of Tarrant County (05–06–A327P).	May 11, 2006; May 18, 2006; *Fort Worth Star-Telegram*.	The Honorable Tom Vandergriff, Tarrant County Judge, 100 East Weatherford, Fort Worth, TX 76196.	August 17, 2006	480582
Tarrant (FEMA Docket No.: B–7474).	Unincorporated areas of Tarrant County (06–06–A711P).	October 19, 2006; October 26, 2006; *Fort Worth Star-Telegram*.	The Honorable Tom Vandergriff, Tarrant County Judge, 100 East Weatherford, Suite 502A, Fort Worth, TX 76196.	January 25, 2007	480582
Travis (FEMA Docket No.: B–7466).	City of Austin (05–06–A031P).	July 27, 2006; August 3, 2006; *Austin American-Statesman*.	The Honorable Will Wynn, Mayor, City of Austin, P.O. Box 1088, Austin, Texas 78767.	June 30, 2006	480624
Travis (FEMA Docket No.: B–7466).	Unincorporated Areas of Travis County (05–06–A031P).	July 27, 2006; August 3, 2006; *Austin American-Statesman*.	The Honorable Samuel T. Biscoe, Travis County Judge, P.O. Box 1748, Austin, Texas 78767–1748.	June 30, 2006	481026
Wisconsin:					

State and county	Location and case No.	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Milwaukee and Washington (FEMA Docket No.: B–7466).	City of Milwaukee (04–05–A652P).	February 23, 2006; March 2, 2006; *Milwaukee Journal Sentinel*.	The Honorable Tom Barrett, Mayor, City of Milwaukee, City Hall, Room 201, 200 East Wells Street, Milwaukee, Wisconsin 53202.	June 1, 2006	550278
Pierce (FEMA Docket No.: B–7466).	Village of Plum City (05–05–1545P).	August 16, 2006; August 23, 2006; *Pierce County Herald*.	The Honorable Douglas E. Watkins, Village President, Village of Plum City, P.O. Box 207, Plum City, Wisconsin 54761.	November 23, 2006	550328
Outagamie (FEMA Docket No.: B–7466).	Unincorporated Areas of Outagamie County (05–05–A000P).	June 1, 2006; June 8, 2006; *The Post-Crescent*.	The Honorable Toby Paltzer, County Executive, Outagamie County, 410 South Walnut Street, Appleton, Wisconsin 54911.	April 28, 2006	550302

(Catalog of Federal Domestic Assistance No. 83.100, ''Flood Insurance.'')

Dated: April 10, 2007.

David I. Maurstad,

Federal Insurance Administrator of the National Flood Insurance Program, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. 07–1979 Filed 4–23–07; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

Final Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final rule.

SUMMARY: Base (1% annual chance) Flood Elevations (BFEs) and modified BFEs are made final for the communities listed below. The BFEs and modified BFEs are the basis for the floodplain management measures that each community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The date of issuance of the Flood Insurance Rate Map (FIRM) showing BFEs and modified BFEs for each community. This date may be obtained by contacting the office where the maps are available for inspection as indicated on the table below.

ADDRESSES: The final BFEs for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the table below.

FOR FURTHER INFORMATION CONTACT: William R. Blanton, Jr., Engineering Management Section, Mitigation Division, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–3151.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final determinations listed below for the modified BFEs for each community listed. These modified elevations have been published in newspapers of local circulation and ninety (90) days have elapsed since that publication. The Mitigation Division Director of FEMA has resolved any appeals resulting from this notification.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67. FEMA has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the proof Flood Insurance Study and FIRM available at the address cited below for each community.

The BFEs and modified BFEs are made final in the communities listed below. Elevations at selected locations in each community are shown.

National Environmental Policy Act. This final rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. An environmental impact assessment has not been prepared.

Regulatory Flexibility Act. As flood elevation determinations are not within the scope of the Regulatory Flexibility Act, 5 U.S.C. 601–612, a regulatory flexibility analysis is not required.

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

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

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

List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

■ Accordingly, 44 CFR part 67 is amended as follows:

PART 67—[AMENDED]

■ 1. The authority citation for part 67 continues to read as follows:

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

§ 67.11 [Amended]

■ 2. The tables published under the authority of § 67.11 are amended as follows:

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD) +Elevation in feet (GUVD 03) Modified
Guam Docket No.: FEMA–D–7674				
Guam		Agana River	At downstream side of Marine Drive (Route 1)	+7
			Approximately 350 feet upstream of O'Brien Drive.	+13

Depth in feet above ground.
*National Geodetic Vertical Datum.
+Guam Vertical Datum 2003.

ADDRESSES

Maps are available for inspection at the Guam Department of Public Works, Government of Guam, 542 North Marine Drive, Building A, Tamuning, Guam.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground modified	Communities affected
Camden County, New Jersey (All Jurisdictions) Docket No.: FEMA–D–7688			
Barton Run Tributary 3	At Kresson Road (County Route 671)	+84	Township of Voorhees.
	Approximately 1,040 feet above Sunset Avenue	+134	
Cooper River	Approximately 180 feet upstream of Kaighns Avenue (County Route 607).	+10	City of Camden, Borough of Collingswood, Township of Cherry Hill, Borough of Gibbsboro, Township of Haddon, Borough of Haddonfield, Borough of Lawnside, Borough of Lindenwold, Township of Pennsauken, Borough of Somerdale, Borough of Tavistock, Township of Voorhees.
	Approximately 155 feet upstream of Gibbsboro Road	+73	
Millard Creek	At the confluence with Cooper River	+64	Borough of Gibbsboro.
	Approximately 500 feet upstream of Gibbsboro Road (County Route 686).	+76	
Newton Creek	Approximately 10 feet downstream of White Horse Pike	+10	Borough of Audubon, Borough of Collingswood, Township of Haddon, Borough of Haddonfield, Borough of Oaklyn.
	Approximately 130 feet upstream of West End Avenue	+47	
Nicholson Branch	At the confluence with Millard Creek	+64	Borough of Gibbsboro, Township of Voorhees.
	Approximately 590 feet upstream of North Lake Drive	+100	
North Branch Cooper River	At the confluence with Cooper River	+14	Township of Cherry Hill, Township of Voorhees.
	Approximately 0.48 mile upstream of Kresson Road (County Route 671).	+86	
South Branch Newton Creek	Approximately 60 feet upstream of abandoned railroad	+10	Borough of Audubon, Township of Haddon, City of Gloucester, Township of Mount Ephraim.
	Approximately 500 feet upstream of State Route 168	+11	
Tributary No. 1 to Cooper River	At the confluence with Cooper River	+38	Township of Cherry Hill.
	At downstream side of Burnt Mill Road	+40	
Tributary No. 2 to Cooper River	At the confluence with Cooper River	+38	Township of Cherry Hill.
	At downstream side of Evesham Road	+60	
Tributary No. 3 to Cooper River	At the confluence with Cooper River	+42	Borough of Lawnside, Borough of Somerdale.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground modified	Communities affected
	Approximately 500 feet upstream of Evesham Road	+55	
Tributary No. 4 to Cooper River	At the confluence with Cooper River	+52	Township of Voorhees.
	At downstream side of Rural Avenue	+52	
Signey Run	Approximately 1,100 feet upstream confluence with North Branch Big Timber Creek.	+16	Township of Gloucester, Borough of Hi-Nella, Borough of Stratford.
	At upstream side of Warwick Road	+42	
Tributary No. 1 to North Branch Cooper River.	At the confluence with North Branch Cooper River	+76	Township of Voorhees.
	At downstream side of Kresson Road	+100	
Tributary No. 2 to North Branch Cooper River.	At the confluence with North Branch Cooper River	+82	Township of Voorhees.
	Approximately 950 feet upstream of confluence with North Branch Cooper River.	+82	
Peter Brook	At the confluence with Newton Creek	+9	Borough of Audubon Park, Borough of Oaklyn.
	At approximately 0.92 mile upstream Newton Creek	+9	
North Branch Big Timber	Approximately 100 feet upstream of East Atlantic Avenue (County Route 727).	+41	Borough of Clementon.
	At approximately 1,630 feet upstream of East Atlantic Avenue (County Route 727).	+41	

Depth in feet above ground.
* National Geodetic Vertical Datum.
+ North American Vertical Datum.

ADDRESSES

Borough of Audubon

Maps are available for inspection at the Borough of Audubon, 606 West Nicholson Road, Audubon, New Jersey.

Borough of Audubon Park

Maps are available for inspection at the Borough of Audubon Park, 20 Road C, Audubon Park, New Jersey.

City of Camden

Maps are available for inspection at the City of Camden Planning Department, 520 Market Street, Room 422, Camden, New Jersey.

Township of Cherry Hill

Maps are available for inspection at the Cherry Hill Township Building, 820 Mercer Street, Cherry Hill, New Jersey.

Borough of Clementon

Maps are available for inspection at the Borough of Clementon, 101Gibbsboro Road, Clementon, New Jersey.

Borough of Collingswood

Maps are available for inspection at the Borough of Collingswood, 678 Haddon Avenue, Collingswood, New Jersey.

Borough of Gibbsboro

Maps are available for inspection at the Gibbsboro Borough Hall, 49 Kirkwood Drive, Gibbsboro, New Jersey.

City of Gloucester

Maps are available for inspection at the City of Gloucester Municipal Building, 313 Monmouth Street, Gloucester, New Jersey.

Township of Gloucester

Maps are available for inspection at the Township of Gloucester Municipal Building, 1261 Chews Landing Road, Blackwood, New Jersey.

Township of Haddon

Maps are available for inspection at the Township of Haddon Municipal Building, 135 Haddon Avenue, Westmont, New Jersey.

Borough of Haddonfield

Maps are available for inspection at the Borough of Haddonfield, 242 Kings Highway East, Haddonfield, New Jersey.

Borough of Hi-Nella

Maps are available for inspection at the Hi-Nella Borough Hall, 100 Wykagl Road, Hi-Nella, New Jersey.

Borough of Lawnside

Maps are available for inspection at the Borough of Lawnside Zoning Department, 4 North Douglas Avenue, Lawnside, New Jersey.

Borough of Lindenwold

Maps are available for inspection at the Borough of Lindenwold Construction Office, 2001 Egg Harbor Road, Lindenwold, New Jersey.

Borough of Mount Ephraim

Maps are available for inspection at the Borough of Mt. Ephraim Tax Office, 121 South Black Horse Pike, Mount Ephraim, New Jersey.

Borough of Oaklyn

Maps are available for inspection at the Borough of Oaklyn, 500 White Horse Pike, Oaklyn, New Jersey 08107.

Township of Pennsauken

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground modified	Communities affected

Maps are available for inspection at the Pennsauken Municipal Building, Administration Office, 5605 North Crescent Boulevard, Pennsauken, New Jersey.

Borough of Somerdale

Maps are available for inspection at the Somerdale Borough Hall, 105 Kennedy Boulevard, Somerdale, New Jersey.

Borough of Stratford

Maps are available for inspection at the Borough of Stratford, 307 Union Avenue, Stratford, New Jersey.

Borough of Tavistock

Maps are available for inspection at the Borough of Tavistock, Remington and Vernick Engineering, 232 Kings Highway, Haddonfield, New Jersey.

Township of Voorhees

Maps are available for inspection at the Township of Voorhees, Municipal Clerk's Office, 620 Berlin Road, Voorhees, New Jersey.

Passaic County, New Jersey (All Jurisdictions)
Docket No.: FEMA–D–7688

Molly Ann Brook	From the downstream side of Sherwood Avenue	+124	Borough of Haledon, Borough of Prospect Park, City of Paterson.
	Approximately 825 feet upstream of the weir	+185	

Depth in feet above ground.
* National Geodetic Vertical Datum.
+ North American Vertical Datum.

ADDRESSES

Borough of Haledon

Maps are available for inspection at the Haledon Borough Hall, 510 Belmont Avenue, Haledon, New Jersey.

Borough of Prospect Park

Maps are available for inspection at the Prospect Park Borough Hall, 106 Brown Avenue, Prospect Park, New Jersey.

City of Paterson

Maps are available for inspection at the Paterson City Hall, 155 Market Street, Passaic, New Jersey.

Somerset County, New Jersey (All Jurisdictions)
Docket Nos.: FEMA–D–7688 and FEMA–D–7660

Chambers Brook #1	At the confluence with North Branch Raritan River	+80	Township of Bedminster.
	Approximately 0.5 mile above the confluence with North Branch Raritan River.	+80	
Chambers Brook #2	At the confluence with North Branch Raritan River	+74	Township of Branchburg.
	Approximately 0.4 mile above the confluence with North Branch Raritan River.	+74	
Cory's Brook	At the confluence with Passaic River	+213	Township of Warren.
	Approximately 1,800 feet upstream of Powder Horn Road	+405	
Cuckles Brook	At the confluence with Raritan River	+39	Township of Bridgewater.
	Approximately 0.92 mile upstream of confluence with Raritan River.	+42	
Dead River	At the confluence with Passaic River	+213	Townships of Bernards and Warren.
	Approximately 300 feet upstream of Allen Road	+269	
Green Brook	At the confluence with Raritan River	+33	Borough of Bound Brook.
	Approximately 200 feet downstream Conrail	+33	
Harrison Brook	At the confluence of Dead River	+220	Township of Bernards.
	Approximately 250 feet upstream of South Award Avenue	+327	
Branch 1	At the confluence with Harrison Brook at Lurlin Drive	+220	Township of Bernards.
		+231	
Branch 2	At the confluence with Harrison Brook	+238	Township of Bernards.
	Approximately 2,875 feet upstream of Quincy Road	+272	
Holland Brook	At the confluence of South Branch Raritan River	+61	Township of Branchburg.
	Approximately 1,000 feet upstream of Old York Road	+90	
Indian Grave Brook	At the confluence with Passaic River	+304	Township of Bernards.
	Approximately 100 feet downstream of County boundary	+610	Borough of Bernardsville.
Middle Brook (to Raritan River)	At the confluence with Raritan River	+38	Township of Bridgewater. Borough of Bound Brook.
	Approximately 100 feet upstream of State Route 22	+74	

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground modified	Communities affected
Millstone River	At the confluence with Raritan River	+41	Township of Franklin
	At the confluence of Royce Brook	+41	Borough of Manville
Moggy Brook	At the confluence with North Branch	+125	Borough of Far Hills.
	Approximately 0.55 mile upstream of the confluence with North Branch Raritan River.	+156	
Neshanic River	At the confluence with South Branch Raritan River	+82	Township of Hillsborough.
	Approximately 1.73 miles upstream of Montgomery Road	+102	
North Branch Raritan River	At the confluence with Raritan River	+61	Boroughs of Bernardsville, Far Hills, Peapack and River Gladstone, Townships of Branchburg, Bedminister and Bridgewater.
	At the Somerset and Morris County boundary	+294	
North Branch Raritan River Tributary C.	At the confluence with North Branch Raritan River	+197	Borough of Bernardsville.
	Approximately 450 feet upstream of confluence with North Branch Raritan River.	+210	
Peters Brook	At the confluence with Raritan River	+48	Township Bridgewater.
	Approximately 900 feet upstream of North Bridge Street	+49	
Pike Run	At the downstream side of Township Line Road	+71	Townships of Montgomery and Hillsborough.
	Approximately 1.1 miles upstream of Pleasant View Road	+114	
Pike Run Tributary	At the confluence with Pike Run	+86	Township of Hillsborough.
	Approximately 500 feet upstream of the confluence with Pike Run.	+86	
Raritan River	At the Somerset and Middlesex County boundary	+18	Townships of Branchburg, Bridgewater, and Franklin, Boroughs of Bound Brook, Manville, Raritan, Somerville, and South Bound Brook.
	At the confluence with North Branch and South Branch Raritan River.	+61	
Ross Brook	At the confluence with Peter's Brook	+48	Township of Bridgewater, Borough of Somerville.
	Approximately 45 feet downstream of Spring Street	+48	
Royce Brook	At the confluence with Millstone River	+41	Borough of Manville.
	Approximately 0.4 mile upstream of confluence with Millstone River.	+41	
Royce Brook	Approximately 6,500 feet upstream of the confluence with Millstone River.	+41	Township of Hillsborough, Borough of Manville.
	Approximately 1,000 feet upstream of East Mountain Road	+136	
Tributary A	At the confluence with Royce Brook	+69	Township of Hillsborough.
	Approximately 200 feet upstream of the confluence with Royce Brook.	+70	
Tributary B	At the confluence with Royce Brook	+50	Township of Hillsborough.
	Approximately 200 feet upstream of the confluence with Royce Brook.	+50	
Tributary C	At the confluence with Royce Brook	+43	Township of Hillsborough.
	Approximately 500 feet upstream of the confluence with Royce Brook.	+45	
South Branch Raritan River	At the confluence with Raritan River	+61	Townships of Branchburg, Bridgewater and Hillsborough.
	At the Somerset and Hunterdon county boundary	+95	
Tributary K	At the confluence with Indian Grave Brook	+455	Borough of Bernardsville.
	Approximately 1,670 feet upstream of Washington Corner Road.	+564	

Depth in feet above ground.
* National Geodetic Vertical Datum.
+North American Vertical Datum.

ADDRESSES

Borough of Bedminster

Maps available for inspection at the Bedminster Township Municipal Building, 130 Hillside Avenue, Bedminster, New Jersey.

Township of Bernards

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground modified	Communities affected

Maps available for inspection at the Bernards Township Engineering Services Building, 277 South Maple Avenue, Basking Ridge, New Jersey.

Borough of Bernardsville

Maps available for inspection at the Bernardsville Municipal Building, 166 Mine Brook Road, Bernardsville, New Jersey.

Borough of Bound Brook

Maps available for inspection at the Bound Brook Borough Municipal Building, 230 Hamilton Street, Bound Brook, New Jersey.

Township of Branchburg

Maps available for inspection at the Branchburg Township Engineering Department, 1077 Route 202 North, Branchburg, New Jersey.

Township of Bridgewater

Maps available for inspection at the Bridgewater Township Code Enforcement Office, 700 Garretson Road, Bridgewater, New Jersey.

Borough of Far Hills

Maps available for inspection at the Far Hills Borough Municipal Building, 6 Prospect Street, Far Hills, New Jersey.

Township of Franklin

Maps available for inspection at the Franklin Township Engineering Department, 475 De Mott Lane, Somerset, New Jersey.

Township of Hillsborough

Maps available for inspection at the Hillsborough Township Municipal Complex, 379 South Branch Road, Hillsborough, New Jersey.

Borough of Manville

Maps available for inspection at the Manville Borough Municipal Building, 325 North Main Street, Manville, New Jersey.

Township of Montgomery

Maps available for inspection at the Montgomery Township Municipal Building, 2261 Van Horne Road, Route 206, Belle Mead, New Jersey.

Borough of Peapack and Gladstone

Maps available for inspection at the Peapack and Gladstone Borough Municipal Building, 1 School Street, Peapack, New Jersey.

Borough of Raritan

Maps available for inspection at the Raritan Borough Municipal Building, 22 First Street, Raritan, New Jersey.

Borough of Somerville

Maps available for inspection at the Somerville Borough Hall, 25 West End Avenue, Somerville, New Jersey.

Borough of South Bound Brook

Maps available for inspection at the Borough of South Bound Brook Municipal Building, 12 Main Street, South Bound Brook, New Jersey.

Township of Warren

Maps available for inspection at the Warren Township Engineering Department, 48 Mountain Boulevard, Warren, New Jersey.

Clinton County, New York (All Jurisdictions)
Docket No.: FEMA–D–7688

AuSable River	Approximately 2.2 miles upstream of Lower Road Bridge	+491	Town of Ausable, Town of Black Brook.
	At the confluence with West Branch AuSable River	+550	
Fern Lake Salmon River	The entire shoreline	+1,225	Town of Black Brook, Town of Peru.
	Approximately 2,750 feet upstream of Fox Farm Road	+306	
	Approximately 1.2 miles upstream of Conners Road	+585	
Saranac River	Approximately 5,100 feet upstream of Ore Bed Road	+1,090	Town of Black Brook.
	Approximately 170 feet upstream of Union Falls Road	+1,414	
West Branch AuSable River	At the confluence with AuSable River	+550	Town of Black Brook.
	Approximately 170 feet upstream of the confluence with AuSable River.	+551	

Depth in feet above ground.
* National Geodetic Vertical Datum.
+North American Vertical Datum.

ADDRESSES

Town of Ausable

Maps are available for inspection at the Ausable Town Office, 111 Ausable Street, Keeseville, New York.

Town of Black Brook

Maps are available for inspection at the Black Brook Town Office, 18 North Main Street, Ausable Forks, New York.

Town of Peru

Maps are available for inspection at the Peru Town Office, 3036 Main Street, Peru, New York.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground modified	Communities affected
Westchester County, New York (All Jurisdictions) Docket No.: FEMA–D–7686			
Barney Brook	Approximately 10 feet downstream of Buckhout Street	+26	Village of Irvington.
	Approximately 0.19 mile upstream of Fieldpoint Drive	+352	
Barney Brook Tributary	At the confluence with Barney Brook	+98	Village of Irvington.
	Approximately 0.40 mile upstream of Easy Clinton Avenue	+268	
Beaver Swamp Brook	Upstream side of East Boston Post Road	+21	Village of Mamaroneck, City of Rye, Town of Harrison.
	Approximately 470 feet upstream of Park Drive South	+80	
Blind Brook	Approximately 100 feet upstream of Oakland Beach Avenue	+13	City of Rye, Town of Harrison, Village of Rye Brook.
	Approximately 0.4 mile upstream of Lincoln Avenue	+363	
Branch Brook	Upstream side of Main Street	+282	Village of Mount Kisco, Town of Bedford.
	Approximately 160 feet upstream of Wood Road	+405	
Brentwood Brook	At the confluence with Beaver Swamp Brook	+33	Town of Harrison, Village of Mamaroneck.
	Approximately 500 feet upstream of Sterling Road	+122	
Bronx River	At the Westchester/Bronx boundary	+66	Town of Eastchester, City of White Plains, City of Yonkers, City of Mount Vernon, Town of Greenburgh, Town of Mount Pleasant, Town of North Castle, Village of Bronxville, Village of Scarsdale, Village of Tuckahoe.
	Approximately 0.52 mile upstream of Bronx River Parkway	+208	
Brown Brook	At the confluence of Muscoot Reservoir	+201	Town of Somers.
	Approximately 0.59 mile upstream of Warren Street	+425	
Byram River Reach 1	Approximately 0.45 mile downstream of New England Highway	+12	Village of Port Chester.
	Approximately 700 feet upstream of Hillside Avenue	+18	
Caney Brook	Approximately 0.74 mile downstream of Long Hill Road	+219	Village of Briarcliff Manor.
	Approximately 57 feet downstream of Scarborough Road	+325	
Clove Brook	Upstream side of Taconic State Parkway (North Bound)	+244	Town of Mount Pleasant.
	Approximately 0.28 mile upstream of Taconic State Parkway	+267	
Croton River	Approximately 700 feet upstream of U.S. Highway 9	+8	Town of Ossining, Town of Cortlandt, Village of Croton-on-Hudson.
	Approximately 0.70 mile upstream of Quaker Bridge Road	+53	
East Branch Blind Brook	At the confluence with Blind Brook	+35	Village of Rye Brook.
	Approximately 250 feet upstream of Rockridge Drive	+143	
East Branch Mamaroneck Branch.	Approximately 65 feet downstream of Anderson Hill Road	+134	Town of Harrison.
	Approximately 0.76 mile upstream of Old Lake Street	+252	
East Branch Sheldrake River	At the confluence with Sheldrake River	+59	Town of Mamaroneck.
	Approximately 1,420 feet upstream of Winding Brook Drive	+99	
Fly Kill Brook	At the confluence with Saw Mill River	+231	Town of Mount Pleasant.
	Approximately 130 feet downstream of Livingston Street	+248	
Furnace Brook	At the upstream side of Cortlandt Road	+7	Town of Brook Cortlandt.
	Approximately 450 feet upstream of Maple Avenue	+307	
Grassy Sprain Brook	At the confluence with Bronx River	+84	City of Yonkers.
	Approximately 0.74 mile upstream of Bronx River Parkway	+84	
Hillside Avenue Brook	At the confluence with East Branch Blind Brook	+132	Village of Rye Brook.
	Approximately 145 feet upstream of Hillandale Road	+202	
Hutchinson River	Approximately 800 feet upstream of East Sanford Boulevard	+13	Village of Scarsdale, City of Mount Vernon, City of New Rochelle, Town of Eastchester, Village of Pelham, Village of Pelham Manor.
	Approximately 0.6 mile upstream of Grand Boulevard	+226	
Kensico Road Tributary	At the confluence with Nanny Hagan Brook	+250	Town of Mount Pleasant.
	Approximately 500 feet upstream of Kensico Road	+352	

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground modified	Communities affected
Kil Brook	At the confluence with Sing Sing Creek	+186	Village of Ossining, Town of Ossining.
	Approximately 290 feet upstream of Brookside Lane	+480	
Kisco River	At the confluence with New Croton Reservoir	+205	Town of New Castle.
	Approximately 0.3 mile upstream of Lake Road	+205	
Knollwood Brook	Approximately 350 feet upstream of Woodside Avenue	+233	Town of Greenburgh.
	Approximately 0.2 mile upstream of Knollwood Road	+270	
Lecount Creek	Confluence with Lower Mamaroneck River	+31	Town of Harrison.
	Approximately 455 feet upstream of West Street	+34	
Leroy Avenue Brook	Approximately 665 feet downstream of U.S. Highway 9	+87	Village of Tarrytown.
	Approximately 280 feet upstream of Loh Avenue	+234	
Lower Mamaroneck River	At the upstream side of East Prospect Avenue	+17	Village of Mamaroneck, Town of Harrison.
	Approximately 800 feet upstream of Winfield Avenue	+48	
Lower Pocantico River	Approximately 0.21 mile downstream of Devries Avenue	+16	Village of Sleepy Hollow, Town of Mount Pleasant.
	Approximately 0.76 mile upstream of Gory Brook Road	+142	
Mamaroneck River Upper Reach.	Approximately 1,300 feet downstream of Interstate 287 On-Ramp.	+143	Town of Harrison, City of White Plains.
	Approximately 300 feet upstream of Lake Street	+179	
Mianus River	Approximately 1.0 mile downstream of Millers Mill Road	+330	Town of North Castle, Town of Bedford, Town of Pound Ridge.
	Approximately 0.5 mile downstream of Brookwood Road	+360	
Mohegan Outlet	Approximately 0.47 mile downstream of Foothill Street	+195	Town of Cortlandt, Town of Yorktown.
	Approximately 50 feet upstream of East Main Street	+451	
Nanny Hagen Brook	Approximately 425 feet upstream of confluence with Saw Mill	+250	Town of Mount Pleasant, Village of Pleasantville.
	Approximately 0.3 mile upstream of Marble Avenue	+263	
Nelson Creek	At the confluence with Brentwood Brook	+65	Town of Harrison.
	Approximately 0.6 mile upstream of Union Avenue	+125	
New Croton Reservoir	Entire shoreline within community	+205	Town of New Castle, Town of Bedford, Town of Cortlandt, Town of Somers, Town of Yorktown.
Peekskill Hollow Brook Tributary	Approximately 50 feet upstream of confluence with Peekskill Hollow Brook.	+64	Town of Cortlandt.
	Approximately 1 mile upstream of East Main Street	+313	
Plum Brook	Approximately 35 feet downstream of Somerstown Road	+198	Town of Somers.
	At the Westchester/Putnam County boundary	+503	
Tributary 1	At confluence with Plum Brook	+403	Town of Somers.
	Approximately 190 feet upstream of Lake Shore Drive	+458	
Saw Mill River	Approximately 430 feet downstream of New School Street	+48	Village of Dobbs Ferry, City of Yonkers, Town of Greenburgh, Town of Mount Pleasant, Town of New Castle, Village of Ardsley, Village of Elmsford, Village of Hastings-on-Hudson, Village of Irvington, Village of Pleasantville.
	Approximately 0.35 mile upstream of Kipp Street	+399	
Saw Mill River West Channel	At the confluence with Saw Mill River	+122	Village of Dobbs Ferry.
	At the confluence from Saw Mill River	+127	
Sheldrake River	At the confluence with Lower Mamaroneck River	+26	Town of Mamaroneck, Village of Mamaroneck, Village of Scarsdale, City of New Rochelle.
	Approximately 30 feet downstream of Catherine Road	+240	
Sing Sing Creek	At the confluence with Hudson River	+7	Village of Ossining, Town of Ossining.
	Approximately 0.3 mile upstream of Marble Place	+186	
South Fox Meadow Brook	Approximately 50 feet downstream of Bronx River Parkway	+157	Village of Scarsdale.
	Approximately 0.24 mile upstream of Oxford Road	+223	

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground modified	Communities affected
Sunnyside Brook	Approximately 175 feet upstream of Metro North Railroad	+8	Village of Irvington, Town of Greenburgh, Village of Tarrytown.
	Approximately 0.22 mile upstream of Sunnyside Place	+347	
Tibbetts Brook	Approximately 0.23 mile downstream of McLean Avenue	+29	City of Yonkers.
	Approximately 0.52 mile upstream of McLean Avenue	+37	
Troublesome Brook	At the confluence with Bronx River	+104	City of Yonkers.
	Approximately 0.23 mile upstream of Maria Lane	+169	
Unnamed Tributary to Plum Brook.	At the confluence with Plum Brook	+275	Town of Somers.
	Approximately 430 feet upstream of Dunhill Road	+294	
Upper Pocantico River	Approximately 530 feet downstream of Beech Hill Road	+229	Village of Briarcliff Manor, Town of Mount Pleasant, Town of Ossining.
	Approximately 800 feet upstream of Chappaqua Road	+273	
Wickers Creek	At the Metro North Railroad	+7	Village of Dobbs Ferry.
	Approximately 910 feet downstream of Broadway (U.S. Route 9).	+92	
Woodlands Road Brook 1	At the confluence with Brentwood Brook	+69	Town of Harrison.
	Approximately 350 feet upstream of Woodlands Road	+92	
Brook 2	At the confluence with Woodlands Road Brook 1	+72	Town of Harrison.
	Approximately 150 feet upstream of Woodlands Road	+92	

Depth in feet above ground.
* National Geodetic Vertical Datum.
+ North American Vertical Datum.

ADDRESSES

City of Mount Vernon

Maps are available for inspection at the Mount Vernon City Hall, Room 108, 1 Roosevelt Square, Mount Vernon, New York.

City of New Rochelle

Maps are available for inspection at the New Rochelle City Department of Public Works, 515 North Avenue, New Rochelle, New York.

City of Rye

Maps are available for inspection at the Rye City Engineering Department, 1051 Bost Post Road, Rye, New York.

City of White Plains

Maps are available for inspection at the White Plains City Planning Department, 255 Main Street, White Plains, New York.

City of Yonkers

Maps are available for inspection at the Yonkers City Hall, Engineering Department, Room 315, 40 South Broadway, Yonkers, New York.

Town of Bedford

Maps are available for inspection at the Bedford Town Planning Office, 425 Cherry Street, Bedford Hills, New York.

Town of Cortlandt

Maps are available for inspection at the Cortlandt Town Engineering Department, 1 Heady Street, Cortlandt, New York.

Town of Eastchester

Maps are available for inspection at the Eastchester Town Building and Planning Department, 40 Mill Road, Eastchester, New York.

Town of Greenburgh

Maps are available for inspection at the Greenburgh Town Engineering Department, 177 Hillside Avenue, Greenburgh, New York.

Town of Harrison

Maps are available for inspection at the Harrison Town Engineering Department, 1 Heineman Place, Harrison, New York.

Town of Mamaroneck

Maps are available for inspection at the Mamaroneck Village Building Department, 740 West Boston Post Road, Mamaroneck, New York.

Town of Mount Pleasant

Maps are available for inspection at the Mount Pleasant Town Construction and Zoning Office, 1 Town Hall Plaza, Valhalla, New York.

Town of New Castle

Maps are available for inspection at the New Castle Town Building Department, 200 South Greeley Avenue, Chappaqua, New York.

Town of North Castle

Maps are available for inspection at the North Castle Town Building Department, 17 Bedford Road, Armonk, New York.

Town of Ossining

Maps are available for inspection at the Ossining Town Building Department, 101 Route 9A, Ossining Town Operations Center, Ossining, New York.

Town of Pound Ridge

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground modified	Communities affected

Maps are available for inspection at the Pound Ridge Town Building Department, Town House, 179 Westchester Avenue, Pound Ridge, New York.

Town of Scarsdale

Maps are available for inspection at the Scarsdale Building Department, 1001 Post Road, Scarsdale, New York.

Town of Somers

Maps are available for inspection at the Somers Town House Engineering Department, 335 Route 202, Somers, New York.

Town of Yorktown

Maps are available for inspection at the Yorktown Town Engineering Department, 363 Underhill Avenue, Yorktown Heights, New York.

Village of Ardsley

Maps are available for inspection at the Ardsley Village Building Department, 507 Ashford Avenue, Ardsley, New York.

Village of Briarcliff Manor

Maps are available for inspection at the Briarcliff Village Engineer's Office, 1111 Pleasantville Road, Briarcliff, New York.

Village of Bronxville

Maps are available for inspection at the Bronxville Village Engineer's Office, 200 Pondfield Road, Bronxville, New York.

Village of Croton-on-Hudson

Maps are available for inspection at the Croton-on-Hudson Village Engineering Department, 1 Van Wyck Street, Croton-on-Hudson, New York.

Village of Dobbs Ferry

Maps are available for inspection at the Dobbs Ferry Village Engineering Department, 112 Main Street, Dobbs Ferry, New York.

Village of Elmsford

Maps are available for inspection at the Elmsford Village Hall, 15 South Stone Avenue, Elmsford, New York.

Village of Hastings-on-Hudson

Maps are available for inspection at the Hastings-on-Hudson Village Building Department, 7 Maple Avenue, Hastings-on-Hudson, New York.

Village of Irvington

Maps are available for inspection at the Irvington Village Building Department, 85 Main Street, Irvington, New York.

Village of Mamaroneck

Maps are available for inspection at the Mamaroneck Village Building Department, 169 Mount Pleasant Avenue, Mamaroneck, New York.

Village of Mount Kisco

Maps are available for inspection at the Mount Kisco Village Hall, 104 Main Street, Mount Kisco, New York.

Village of Ossining

Maps are available for inspection at the Ossining Village Building Department, 101 Route 9A, Ossining Village Operations Center, Ossining, New York.

Village of Pelham

Maps are available for inspection at the Pelham Village Hall, 195 Sparks Avenue, Pelham, New York.

Village of Pelham Manor

Maps are available for inspection at the Pelham Manor Village Hall, 4 Penfield Place, Pelham Manor, New York.

Village of Pleasantville

Maps are available for inspection at the Pleasantville Village Building Department, 80 Wheeler Avenue, Pleasantville, New York.

Village of Port Chester

Maps are available for inspection at the Port Chester Village Clerk's Office, 10 Pearl Street, Port Chester, New York.

Village of Rye Brook

Maps are available for inspection at the Rye Brook Village Building Department, 938 King Street, Rye Brook, New York.

Village of Scarsdale

Maps are available for inspection at the Scarsdale Village Engineering Department, 1001 Post Road, Scarsdale, New York.

Village of Sleepy Hollow

Maps are available for inspection at the Sleepy Hollow Village Inspector's Office, 28 Beekman Avenue, Sleepy Hollow, New York.

Village of Tarrytown

Maps are available for inspection at the Tarrytown Village Building Department, 21 Wildey Street, Tarrytown, New York.

Village of Tuckahoe

Maps are available for inspection at the Tuckahoe Village Hall, 65 Main Street, Tuckahoe, New York.

Caswell County, North Carolina and Incorporated Areas
Docket Nos. FEMA–D–7630 and FEMA–D–7682

Bear Branch	At the confluence with Moon Creek	+426	Caswell County (Unicorporated Areas).

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground modified	Communities affected
	Approximately 2.6 miles upstream of the confluence with Moon Creek.	+469	
Tributary 1	At the confluence with Bear Branch	+432	Caswell County (Unincorporated Areas).
	Approximately 900 feet upstream of the confluence with Bear Branch.	+432	
	At the confluence with Bear Branch	+457	Caswell County (Unincorporated Areas).
Tributary 2	Approximately 0.6 mile upstream of the confluence with Bear Branch.	+480	
Benaja Creek	At the confluence with South Country Line Creek	+430	Caswell County (Unincorporated Areas).
	Approximately 0.5 mile upstream of the confluence with South Country Line Creek.	+437	
Benton Branch	At the confluence with Stony Creek	+603	Caswell County (Unincorporated Areas).
	Approximately 0.5 mile upstream of Senior Allred Road	+680	
Tributary 1	At the confluence with Benton Branch	+619	Caswell County (Unincorporated Areas).
	Approximately 1.7 miles upstream of the confluence with Benton Branch.	+707	
Tributary 2	At the confluence with Benton Branch	+634	Caswell County (Unincorporated Areas).
	Approximately 1.0 mile upstream of Simmons Road	+725	
Burkes Creek	At the confluence with Penson Creek	+462	Caswell County (Unincorporated Areas).
	Approximately 150 feet upstream of Oakview Loop Road (SR 1156).	+570	
Burlington Reservoir	Backwater area approximately 0.8 mile west along Caswell/Alamance County boundary from Tom's Creek Crossing County boundary.	+579	Caswell County (Unincorporated Areas).
Byrds Creek	At the confluence with South Country Line Creek	+457	Caswell County (Unincorporated Areas).
	Approximately 2.6 miles upstream of Fitch Road (SR 1751)	+581	
Cane Creek	At the confluence with Dan River	+384	Caswell County (Unincorporated Areas).
	Approximately 250 feet upstream of Mountain Hill Road (SR 1527).	+384	
Cobbs Creek	At the Caswell/Person County boundary	+422	Caswell County (Unincorporated Areas).
	Approximately 75 feet upstream of Old Durham Road (SR 1700).	+536	
Tributary 1	At the confluence with Cobbs Creek	+436	Caswell County (Unincorporated Areas).
	Approximately 1.5 miles upstream of the confluence with Cobbs Creek.	+495	
Country Line Creek	Approximately 0.6 mile downstream of Broad Street	+377	Caswell County (Unincorporated Areas), Town of Milton, Town of Yanceyville.
	Approximately 1.4 miles upstream of Camp Springs Road (SR 1146).	+603	
Tributary 1	At the confluence with Country Line Creek	+377	Caswell County (Unincorporated Areas), Town of Milton.
	Approximately 0.5 mile upstream of Doll Branch Road (SR 1538).	+461	
Tributary 10	At the confluence with Country Line Creek	+426	Caswell County (Unincorporated Areas).
	Approximately 0.6 mile upstream of the confluence with Country Line Creek.	+447	
Tributary 11	At the confluence with Country Line Creek	+431	Caswell County (Unincorporated Areas).
	Approximately 2.1 miles upstream of NC Highway 62	+504	
Tributary 12	At the confluence with Country Line Creek	+499	Caswell County (Unincorporated Areas).

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground modified	Communities affected
	Approximately 0.8 mile upstream of the confluence with Country Line Creek.	+499	
Tributary 13	At the confluence with Country Line Creek	+499	Caswell County (Unincorporated Areas).
	Approximately 1.8 miles upstream of the confluence with Country Line Creek.	+537	
Tributary 14	At the confluence with Country Line Creek	+500	Caswell County (Unincorporated Areas).
	Approximately 1.7 miles upstream of the confluence with Country Line Creek.	+557	
Tributary 15	At the confluence with Country LIne Creek	+500	Caswell County (Unincorporated Areas).
	Approximately 1.4 miles upstream of the confluence with Country Line Creek.	+529	
Tributary 16	At the confluence with Country Line Creek	+511	Caswell County (Unincorporated Areas).
	Approximately 2.1 miles upstream of the confluence with Country Line Creek.	+586	
Tributary 16A	At the confluence with Country Line Creek Tributary 16	+518	Caswell County (Unincorporated Areas).
	Approximately 0.7 mile upstream of the confluence with Country Line Creek Tributary 16.	+548	
Tributary 17	At the confluence with Country Line Creek	+531	Caswell County (Unincorporated Areas).
	Approximately 0.7 mile upstream of the confluence with Country Line Creek.	+559	
Tributary 18	At the confluence with Country Line Creek	+538	Caswell County (Unincorporated Areas).
	Approximately 0.6 mile upstream of the confluence with Country Line Creek.	+561	
Tributary 19	At the confluence with Country Line Creek	+542	Caswell County (Unincorporated Areas).
	Approximately 1.1 miles upstream of the confluence with Country Line Creek.	+591	
Tributary 19A	At the confluence with Country Line Creek Tributary 19	+550	Caswell County (Unincorporated Areas).
	Approximately 1.3 miles upstream of the confluence with Country Line Creek Tributary 19.	+605	
Tributary 2	At the confluence with Country Line Creek	+377	Caswell County (Unincorporated Areas).
	Approximately 0.5 mile upstream of the confluence with Country Line Creek.	+378	
Tributary 3	At the confluence with Country Line Creek	+390	Caswell County (Unincorporated Areas).
	Approximately 1.4 miles upstream of the confluence with Country Line Creek.	+414	
Tributary 4	At the confluence with Country Line Creek	+392	Caswell County (Unincorporated Areas).
	Approximately 1.2 miles upstream of the confluence with Country Line Creek.	+409	
Tributary 5	At the confluence with Country Line Creek	+395	Caswell County (Unincorporated Areas).
	Approximately 0.7 mile upstream of the confluence with Country Line Creek.	+401	
Tributary 6	At the confluence with Country Line Creek	+407	Caswell County (Unincorporated Areas).
	Approximately 0.5 mile upstream of the confluence with Country Line Creek.	+409	
Tributary 7	At the confluence with Country Line Creek	+408	Caswell County (Unincorporated Areas).
	Approximately 1.4 miles upstream of the confluence with Country Line Creek.	+456	
Tributary 8	At the confluence with Country Line Creek	+412	Caswell County (Unincorporated Areas).
	Approximately 0.9 mile upstream of the confluence with Country Line Creek.	+432	

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground modified	Communities affected
Tributary 9	At the confluence with Country Line Creek	+417	Caswell County (Unincorporated Areas).
	Approximately 1.4 miles upstream of the confluence with Country Line Creek.	+451	
Coy Creek	At the confluence with Dan River	+388	Caswell County (Unincorporated Areas).
	Approximately 1.1 miles upstream of the confluence with Dan River.	+392	
Dan River (downstream reach)	Approximately 250 feet downstream of North Broad Street (SR 57).	+378	Caswell County (Unincorporated Areas), Town of Milton.
	Approximately 1.0 mile upstream of the confluence of Hogans Creek.	+395	
Dan River (near Williamson Creek).	At the NC/VA State boundary	+466	Caswell County (Unincorporated Areas).
	At the Caswell/Rockingham County boundary	+470	
Tributary 1	At the North Carolina/Virginia State boundary	+466	Caswell County (Unincorporated Areas).
	Approximately 1.2 miles upstream of the North Carolina/Virginia State boundary.	+479	
East Prong Moon Creek	At the confluence with Moon Creek	+432	Caswell County (Unincorporated Areas).
	Approximately 2.7 miles upstream of Hodges Dairy Road	+547	
Tributary 1	At the confluence with East Prong Moon Creek	+498	Caswell County (Unincorporated Areas).
	Approximately 400 feet upstream of James Foster Road (SR 1312).	+517	
Tributary 2	At the confluence with East Prong Moon Creek	+501	Caswell County (Unincorporated Areas).
	Approximately 0.8 mile upstream of the confluence with East Prong Moon Creek.	+528	
Tributary 3	At the confluence with East Prong Moon Creek	+503	Caswell County (Unincorporated Areas).
	Approximately 2.4 miles upstream of the confluence with East Prong Moon Creek.	+570	
Glasby Branch	At the confluence with Cane Creek	+384	Caswell County (Unincorporated Areas).
	At the Caswell County, NC/Pittsylvania County, VA State boundary.	+408	
Grays Branch	At the confluence with Stony Creek	+618	Caswell County (Unincorporated Areas).
	Approximately 1.5 miles upstream of Shaw Road	+738	
Tributary 1	At the confluence with Grays Branch	+623	Caswell County (Unincorporated Areas).
	Approximately 2.1 miles upstream of the confluence with Grays Branch.	+724	
Tributary 2	At the confluence with Grays Branch	+641	Caswell County (Unincorporated Areas).
	Approximately 2.9 miles upstream of Underwood Road	+754	
Hogans Creek	At the confluence with Dan River	+393	Caswell County (Unincorporated Areas).
	Approximately 1,000 feet upstream of the Rockingham/Caswell County boundary.	+476	
Tributary 1	At the confluence with Hogans Creek	+397	Caswell County (Unincorporated Areas).
	Approximately 120 feet downstream of NC Highway 86	+418	
Tributary 1A	At the confluence with Hogans Creek Tributary 1	+399	Caswell County (Unincorporated Areas).
	Approximately 740 feet upstream of the confluence with Hogans Creek Tributary 1.	+404	
Tributary 2	At the confluence with Hogans Creek	+400	Caswell County (Unincorporated Areas).
	Approximately 0.4 mile upstream of NC Highway 86	+417	
Tributary 3	At the confluence with Hogans Creek	+420	Caswell County (Unincorporated Areas).
	Approximately 200 feet downstream of Chigger Ridge Road	+420	

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground modified	Communities affected
Tributary 4	At the Rockingham/Caswell County boundary	+476	Caswell County (Unincorporated Areas).
	Approximately 1,500 feet upstream of the Rockingham/Caswell County boundary.	+479	
Hostler Branch	At the confluence with Country Line Creek	+507	Caswell County (Unincorporated Areas).
	Approximately 4.9 miles upstream of NC Highway 150	+637	
Tributary 1	At the confluence with Hostler Branch	+531	Caswell County (Unincorporated Areas).
	Approximately 0.7 mile upstream of the confluence with Hostler Branch.	+556	
Hughes Mill Creek	Approximately 0.5 mile upstream of the confluence with Jordan Creek.	+610	Caswell County (Unincorporated Areas).
	Approximately 1.2 miles upstream of North Carolina Highway 62.	+657	
Hyco Creek	Approximately 1.9 miles of the confluence with Kilgore Creek (into Hyco Creek).	+413	Caswell County (Unincorporated Areas).
	Approximately 2.0 miles upstream of Gunn Poole Road (SR 1767).	+572	
Tributary 1	At the confluence with Hyco Creek	+522	Caswell County (Unincorporated Areas).
	Approximately 1.2 miles upstream of the confluence with Hyco Creek.	+586	
Hyco Lake	Entire shoreline within Caswell County	+413	Caswell County (Unincorporated Areas).
Kilgore Creek (into Country Line Creek.	At the confluence with Country Line Creek	+386	Caswell County (Unincorporated Areas).
	Approximately 1.2 miles upstream of Jack Pointer Road (SR 1557).	+430	
Kilgore Creek (into Hyco Creek)	At the confluence with Hyco Creek	+427	Caswell County (Unincorporated Areas).
	Approximately 2.1 miles upstream of US 158	+562	
Little Wolf Island Creek	At the confluence with Wolf Island Creek	+472	Caswell County (Unincorporated Areas).
	Approximately 0.6 mile upstream of the confluence with Wolf Island Creek.	+475	
Lick Fork Creek	At the confluence with Hogans Creek	+470	Caswell County (Unincorporated Areas).
	At the Rockingham/Caswell County boundary	+470	
Little Rattlesnake Creek	At the confluence with Dan River	+383	Caswell County (Unincorporated Areas).
	Approximately 1,500 feet upstream of Old Saterfield Road (SR 1534).	+459	Caswell County (Unincorporated Areas).
Lynch Creek	At the confluence with Hyco Creek	+477	Caswell County (Unincorporated Areas).
	Approximately 1.5 miles upstream of Dave Smith Road (SR 1771).	+565	
Tributary 1	At the confluence with Lynch Creek	+512	Caswell County (Unincorporated Areas).
	Approximately 2.1 miles upstream of the confluence with Lynch Creek.	+606	
Tributary 2	At the confluence with Lynch Creek	+536	Caswell County (Unincorporated Areas).
	At the Caswell/Alamance County boundary	+617	
Moon Creek	At the confluence with Dan River	+391	Caswell County (Unincorporated Areas).
	Approximately 700 feet upstream of Big Oak Farm Road (SR 1303).	+504	
Tributary 1	Approximately 1.2 miles upstream of the confluence with Moon Creek.	+514	Caswell County (Unincorporated Areas).
Tributary 2	At the confluence with Moon Creek	+393	Caswell County (Unincorporated Areas).
	Approximately 1,800 feet upstream of the confluence with Moon Creek.	+395	
Tributary 3	At the confluence with Moon Creek	+401	Caswell County Creek (Unincorporated Areas).

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground modified	Communities affected
	Approximately 0.8 mile upstream of the confluence with Moon Creek.	+436	
Tributary 4	At the confluence with Moon Creek	+403	Caswell County (Unincorporated Areas).
	Approximately 1,400 feet upstream of the Confluence with Moon Creek.	+408	
Tributary 5	At the confluence with Moon Creek	+414	Caswell County (Unincorporated Areas).
	Approximately 0.6 mile upstream of the confluence with Moon Creek.	+435	
Tributary 6	At the confluence with Moon Creek	+415	Caswell County (Unincorporated Areas).
	Approximately 1,350 feet upstream of the confluence with Moon Creek.	+425	
Nats Fork	At the confluence with Country Line Creek	+500	Caswell County (Unincorporated Areas).
	Approximately 0.8 mile upstream of the confluence with Country Line Creek.	+503	
Negro Creek	At the confluence with Hyco Creek	+489	Caswell County (Unincorporated Areas).
	Approximately 0.8 mile upstream of the confluence of Negro Creek Tributary 2.	+617	Caswell County (Unincorporated Areas).
Tributary 1	At the confluence with Negro Creek	+499	Caswell County (Unincorporated Areas).
	Approximately 1.3 miles upstream of Gunn Poole Road (SR 1767).	+635	
Tributary 2	At the Confluence With Negro Creek	+592	Caswell County (Unincorporated Areas).
	Approximately 0.8 mile upstream of the confluence with Negro Creek.	+643	
North Fork Rattlesnake Creek	At the confluence with Rattlesnake Creek	+389	Caswell County (Unincorporated Areas).
	Approximately 3.2 miles upstream of Slade Road	+543	
Panthers Branch	At the confluence with Hyco Creek	+475	Caswell County (Unincorporated Areas).
	Approximately 1.7 miles Areas) upstream of Barnwell Road (SR 1774).	+634	
Tributary 1	At the confluence with Panthers Branch	+500	Caswell County (Unincorporated Areas).
	Approximately 2.4 miles upstream of the confluence with Panthers Branch.	+620	
Penson Creek	At the confluence with South Country Line Creek	+452	Caswell County (Unincorporated Areas).
	Approximately 0.9 mile upstream of Badgett Sisters Parkway (SR 1156).	+593	
Pumpkin Creek	At the North Carolina/Virginia State boundary	+443	Caswell County (Unincorporated Areas).
	Approximately 1.3 miles upstream of the North Carolina/Virginia State boundary.	+472	
Rattlesnake Creek	At the confluence with Dan River	+389	Caswell County (Unincorporated Areas).
	At the confluence of North Fork and South Fork Rattlesnake Creeks.	+389	
Tributary 1	At the confluence with Rattlesnake Creek	+389	Caswell County (Unincorporated Areas).
	Approximately 0.7 mile upstream of the confluence with Rattlesnake Creek.	+396	
Tributary 2	At the confluence with Rattlesnake Creek	+389	Caswell County (Unincorporated Areas).
	Approximately 1.9 miles upstream of the confluence with Rattlesnake Creek.	+436	
Tributary 2A	At the confluence with Rattlesnake Creek	+389	Caswell County (Unincorporated Areas).
	Approximately 1.6 miles upstream of the confluence with Rattlesnake Creek Tributary 2.	+470	

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground modified	Communities affected
Reedy Fork Creek	Approximately 1.2 miles downstream on the confluence with Reedy Fork Creek Tributary 1.	+413	Caswell County (Unincorporated Areas).
	Approximately 4.9 miles upstream of US 158	+550	
Tributary 1	At the confluence with Reedy Fork Creek	+426	Caswell County (Unincorporated Areas).
	Approximately 0.7 mile upstream of the confluence with Reedy Fork Creek.	+451	
Tributary 2	At the confluence with Reedy Fork Creek	+437	Caswell County (Unincorporated Areas).
	Approximately 0.7 mile upstream of the confluence with Reedy Fork Creek.	+453	
South Country Line Creek	At the confluence with Country Line Creek	+426	Caswell County (Unincorporated Areas).
	Approximately 3.7 miles upstream of Rascoe Dameron Road (SR 1759).	+594	
Tributary 1	At the confluence with Country Line Creek	+446	Caswell County (Unincorporated Areas).
	Approximately 875 feet upstream of the confluence with South Country Line Creek.	+446	
Tributary 2	At the confluence with South Country Line Creek	+450	Caswell County (Unincorporated Areas).
	Approximately 2.9 miles upstream of the confluence with South Country Line Creek.	+552	
Tributary 2A	At the confluence with South Country Line Creek Tributary 2	+463	Caswell County (Unincorporated Areas).
	Approximately 1.8 miles upstream of the confluence with South Country Line Creek Tributary 2.	+536	
Tributary 2A1	At the confluence South Country Line Creek Tributary 2A	+476	Caswell County (Unincorporated Areas).
	Approximately 0.4 mile upstream of the confluence with South Country Line Creek Tributary 2A.	+506	
Tributary 3	At the confluence with South Country Line Creek	+486	Caswell County (Unincorporated Areas).
	Approximately 0.9 mile upstream of the confluence with South Country Line Creek.	+532	
Tributary 4	At the confluence with South Country Line Creek	+518	Caswell County (Unincorporated Areas).
	Approximately 1.4 miles upstream of the confluence with South Country Line Creek.	+574	
South Fork Rattlesnake Creek	At the confluence with Rattlesnake Creek	+389	Caswell County (Unincorporated Areas), Town of Yanceyville.
	Approximately 600 feet downstream of Fire Tower Road	+536	
South Hyco Creek	Approximately 1,300 feet downstream from the toe of South Hyco Dam.	+445	Caswell County (Unincorporated Areas).
	At the Caswell/Orange County boundary	+590	
Tributary 2	At the Caswell/Person boundary	+553	Caswell County (Unincorporated Areas).
	Approximately 700 feet upstream of the Caswell/Person County boundary.	+572	
Stony Creek	Approximately 0.3 mile downstream of the Caswell/Alamance County boundary.	+595	Caswell County (Unincorporated Areas).
	Approximately 2.4 miles upstream of Moore Road	+712	
Sugar Tree Creek	At the confluence with South Hyco Creek	+486	Caswell County (Unincorporated Areas).
	Approximately 2.5 miles upstream of Wrenn Road	+599	
Tardy Branch	At the confluence with Wolf Island Creek	+468	Caswell County (Unincorporated Areas).
	Approximately 0.9 mile upstream of the confluence with Wolf Island Creek.	+480	
Toms Creek	At the Caswell/Alamance boundary	+596	Caswell County (Unincorporated Areas).
	Approximately 0.6 mile upstream of Kerr's Chapel Road	+637	
West Prong Moon Creek	At the confluence with East Prong Moon Creek	+478	Caswell County (Unincorporated Areas).
	Approximately 250 feet upstream of Jones Road (SR 1315)	+531	

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground modified	Communities affected
Wolf Island Creek	At the confluence with Dan River	+468	Caswell County (Unincorporated Areas).
	At the Caswell/Rockingham County boundary	+484	

Depth in feet above ground.
* National Geodetic Vertical Datum.
+ North American Vertical Datum.

ADDRESSES

Caswell County (Unincorporated Areas)

Maps available for inspection at the Caswell County Planning Department, 144 Main Street, Yanceyville, North Carolina.

Town of Milton

Maps are available for inspection at the Caswell County Planning Department, 144 Main Street, Yanceyville, North Carolina.

Town of Yanceyville

Maps are available for inspection at the City of Yanceyville Planning Office, 200 East Church Street, Yanceyville, North Carolina.

Gaston County, North Carolina and Incorporated Areas
Docket Nos.: FEMA–D–7672 and FEMA–D–7688

Abbey Creek	At the upstream side of Hazeline Avenue	+577	Gaston County (Unincorporated Areas), City of Belmont.
	Approximately 350 feet upstream of Interstate 85	+701	
Abernathy Creek	At the confluence with Crowders Creek	+707	Gaston County (Unincorporated Areas), City of Kings Mountain.
	Approximately 1.3 miles upstream of Interstate 85	+805	
Beaverdam Creek	Approximately 700 feet upstream of the confluence with South Fork Catawba River.	+716	Gaston County (Unincorporated Areas), City of Cherryville, City of High Shoals.
	Approximately 500 feet Shoals downstream of Dallas Cherryville Highway (State Road 279).	+834	
Tributary 1	Approximately 350 feet upstream of the confluence with Beaverdam Creek.	+842	Gaston County (Unincorporated Areas), City of Cherryville.
	Approximately 1,350 feet upstream of the confluence of Beaverdam Creek Tributary 1A.	+870	
Tributary 1A	At the confluence with Beaverdam Creek Tributary 1	+857	Gaston County (Unincorporated Areas), City of Cherryville.
	Approximately 1,590 feet upstream of the confluence with Beaverdam Creek Tributary 1.	+876	
Blackwood Creek	At the confluence with Crowders Creek	+662	Gaston County (Unincorporated Areas), City of Gastonia.
	Approximately 0.9 mile upstream of the confluence with Crowders Creek.	+673	
Burton Branch	Approximately 1,150 feet upstream of the confluence with Long Creek.	+663	Gaston County (Unincorporated Areas), City of Gastonia, Town of Ranlo.
	Approximately 0.4 mile upstream of Ridge Avenue	+720	
Carpenters Branch	At the confluence with Little Long Creek	+735	Gaston County (Unincorporated Areas), Town of Dallas.
	Approximately 0.9 mile upstream of the confluence with Little Long Creek.	+774	
Catawba Creek	Approximately 500 feet downstream of Gaston County, North Carolina/York County, South Carolina State boundary.	+571	Gaston County (Unincorporated Areas), City of Gastonia.
	Approximately 830 feet downstream of Union New Hope Road (State Road 2435).	+588	
Catawba Creek Tributary	At the confluence with Catawba Creek	+571	Gaston County (Unincorporated Areas).

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground modified	Communities affected
	Approximately 500 feet downstream of Catawba Cove Drive (State Road 2650).	+583	
Tributary 1	At the confluence with Catawba Creek	+571	Gaston County (Unincorporated Areas).
	Approximately 1.1 miles upstream of the confluence with Catawba Creek.	+590	
Tributary 2	At the confluence with Catawba Creek	+580	Gaston County (Unincorporated Areas).
	Approximately 60 feet upstream of Rufus Ratchford Road (State Road 2431).	+601	
Tributary 3	Approximately 400 feet upstream of the confluence with Catawba Creek.	+611	Gaston County (Unincorporated Areas).
	Approximately 130 feet downstream of Driftwood Drive (State Road 2840).	+636	
Tributary 4	Approximately 300 feet upstream of the confluence with Catawba Creek.	+626	Gaston County (Unincorporated Areas), City of Gastonia.
	Approximately 0.8 mile upstream of Woodbridge Drive	+753	
Catawba River	Approximately 1.6 miles upstream of State Highway 16	+656	Gaston County (Unincorporated Areas), City of Mount Holly.
	At the Lincoln/Gaston County boundary	+665	
Tributary 1	Approximately 1,005 feet upstream of the confluence with Catawba River.	+576	Gaston County (Unincorporated Areas), City of Mount Holly.
	Approximately 230 feet downstream of Beatty Drive	+643	
Tributary 2	Approximately 1,300 feet upstream of the confluence with Catawba River.	+576	Gaston County (Unincorporated Areas), City of Mount Holly.
	Approximately 600 feet upstream of Missouri Lane	+585	
Tributary 3	Approximately 925 feet upstream of the confluence with Catawba River.	+581	Gaston County (Unincorporated Areas), City of Mount Holly.
	Approximately 1.1 miles upstream of the Railroad	+677	
Coley Creek	Approximately 100 feet downstream of Colt Thornburg Road (State Road 1802).	+667	Gaston County (Unincorporated Areas).
	Approximately 40 feet downstream of Cloninger Road (State Road 1805).	+673	
Crowders Creek	At the confluence with South Fork Crowders Creek	+639	Gaston County (Unincorporated Areas), City Gastonia, City of Kings Mountain.
	Approximately 1.0 mile upstream of the confluence of McGill Creek.	+806	
Durharts Creek Tributary 1	Approximately 350 feet upstream of the confluence with Durharts Creek.	+594	Gaston County (Unincorporated Areas), Town of Cramerton.
	Approximately 0.7 mile Upstream of the Confluence with Durharts Creek.	+636	
Dutchmans Creek	Approximately 50 feet upstream of the confluence of South Stanley Creek.	+597	Gaston County (Unincorporated Areas), City of Mount Holly.
	At the confluence of Leepers Creek and Killian Creek	+624	
Ferguson Branch	At the confluence with Crowders Creek	+657	Gaston County (Unincorporated Areas).
	Approximately 1.0 mile upstream of the confluence with Ferguson Branch.	+689	
First Creek	Approximately 950 feet upstream of the confluence with Abernathy Creek.	+771	Gaston County (Unincorporated Areas).
	Approximately 0.6 mile upstream of the confluence with Abernathy Creek.	+779	
Fites Creek	Approximately 1.0 mile upstream of Perfection Avenue	+675	Gaston County (Unincorporated Areas).
	Approximately 1.6 miles upstream of Perfection Avenue	+701	

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground modified	Communities affected
Tributary 1	Approximately 150 feet upstream of the confluence with Fites Creek.	+609	Gaston County (Unincorporated Areas), City of Belmont, City of Mount Holly.
	Approximately 900 feet upstream of Acme Road (State Road 2032).	+694	
Tributary 1A	At the confluence with Fites Creek Tributary 1	+649	Gaston County (Unincorporated Areas)
	Approximately 0.4 mile upstream of the confluence with Fites Creek Tributary 1.	+671	City of Belmont, City of Mount Holly.
Gilliam Creek	Approximately 150 feet downstream of the Cleveland/Gaston County boundary.	+802	Gaston County (Unincorporated Areas), City of Cherryville.
	Approximately 1.3 miles upstream of the confluence of Gilliam Creek Tributary 2.	+856	
Tributary 1	Approximately 150 feet downstream of the confluence of Gilliam Creek Tributary 1A.	+800	Gaston County (Unincorporated Areas), City of Cherryville.
	At the downstream side of West Colonial Drive	+863	
Tributary 1A	At the confluence with Gilliam Creek Tributary 1	+801	Gaston County (Unincorporated Areas), City of Cherryville.
	Approximately 0.4 mile upstream of the confluence with Gilliam Creek Tributary 1.	+832	
Tributary 2	At the confluence with Gilliam Creek	+810	Gaston County (Unincorporated Areas).
	Approximately 160 feet upstream of the Cleveland/Gaston County boundary.	+812	
Hoyle Creek	Approximately 50 feet upstream of Old Willis School Road (State Road 1836).	+656	Gaston County (Unincorporated Areas), City of High Shoals.
	Approximately 900 feet upstream of the confluence of Hoyle Creek Tributary 1.	+745	
Indian Creek	At the Lincoln/Gaston County boundary	+781	Gaston County (Unincorporated Areas), City of Cherryville.
	At the confluence of Lick Fork Creek	+790	
Tributary 3	At the confluence with Indian Creek	+785	Gaston County (Unincorporated Areas), City of Cherryville.
	Approximately 0.7 mile upstream of Robert Road	+819	
Johnson Creek	At the confluence with Catawba River	+660	Gaston County (Unincorporated Areas).
	At the Lincoln/Gaston County boundary	+664	
Killian Creek	At the confluence with Dutchmans Creek and Leepers Creek	+624	Gaston County (Unincorporated Areas).
	At the Lincoln/Gaston County Boundary	+635	
Leepers Creek	At the confluence with Dutchmans Creek and Killian Creek	+624	Gaston County (Unincorporated Areas).
	At the Lincoln/Gaston County boundary	+635	
Lick Fork Creek	At the confluence with Indian Creek	+790	Gaston County (Unincorporated Areas), City of Cherryville.
	Approximately 125 feet upstream of Vernon Street	+878	
Tributary 1	At the confluence with Lick Fork Creek	+806	Gaston County (Unincorporated Areas), City of Cherryville.
	Approximately 1.8 miles upstream of the confluence with Lick Fork Creek.	+894	
Little Beaverdam Creek	At the confluence with Beaverdam Creek	+764	Gaston County (Unincorporated Areas).
	Approximately 200 feet downstream of Tryon Courthouse Road.	+899	
Little Hoyle Creek	At the confluence with Hoyle Creek	+666	Gaston County (Unincorporated Areas).
	Approximately 1.1 miles upstream of Rhyne Road	+711	

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground modified	Communities affected
Little Long Creek	Approximately 460 feet downstream of the confluence of Carpenters Branch.	+734	Gaston County (Unincorporated Areas), Town of Dallas.
	Approximately 970 feet upstream of Puetts Chapel Road	+859	
Long Creek	Approximately 50 feet upstream of State Highway 274/Tryon Courthouse Road.	+773	Gaston County (Unincorporated Areas), City of Bessemer City.
	Approximately 0.5 mile upstream of Sunnyside Shady Rest Road (State Road 1409).	+906	
Tributary 6	Approximately 650 feet upstream of the confluence with Long Creek.	+759	Gaston County (Unincorporated Areas).
	Approximately 50 feet downstream of Bess Town Road	+782	
Tributary 6A	At the confluence with Long Creek Tributary 6	+770	Gaston County (Unincorporated Areas).
	Approximately 0.7 mile upstream of the confluence with Long Creek Tributary 6.	+784	
Tributary 6B	At the confluence with Long Creek Tributary 6	+773	Gaston County (Unincorporated Areas).
	Approximately 130 feet downstream of Abel Road (State Road 1447).	+782	
Lutz Branch	Approximately 1,300 feet upstream of the confluence	+685	Gaston County (Unincorporated Areas), City of High Shoals.
	At the Lincoln/Gaston County boundary	+738	
Mauney Creek	At the confluence with Hoyle Creek	+656	Gaston County (Unincorporated Areas), Town of Stanley.
	Approximately 190 feet downstream of Mauney Road	+689	
McGill Branch	At the confluence with Crowders Creek	+647	Gaston County (Unincorporated Areas).
	Approximately 0.8 mile upstream of Lewis Road (State Road 1126).	+775	
McGill Creek	At the confluence with Crowders Creek	+770	Gaston County (Unincorporated Areas), City of Gastonia, City of Kings Mountain.
	Approximately 250 feet downstream of the Cleveland/Gaston County boundary.	+878	
Muddy Fork	Approximately 700 feet downstream of the Cleveland/Gaston County boundary.	+823	Gaston County (Unincorporated Areas), City of Cherryville.
	Approximately 0.6 mile upstream of the Cleveland/Gaston County boundary.	+851	
Tributary 5	Approximately 140 feet downstream of Doc Wehunt Road	+818	Gaston County (Unincorporated Areas), City of Cherryville.
	Approximately 2,680 feet upstream of Doc Wehunt Road	+843	
South Fork Catawba River Tributary 1.	Approximately 0.5 mile upstream of the confluence with South Fork Catawba River.	+571	Gaston County (Unincorporated Areas).
	Approximately 1.4 miles upstream of the confluence with South Fork Catawba River.	+571	
Tributary 2	Approximately 1,100 feet upstream of the confluence with South Fork Catawba River.	+584	Gaston County (Unincorporated Areas), City of Belmont, Town of McAdenville.
	Approximately 340 feet downstream of Fairway Highway	+630	
South Fork Crowders Creek	At the Gaston County North Carolina/York County, South Carolina State boundary.	+618	Gaston County (Unincorporated Areas), City of Gastonia.
	Approximately 0.7 mile upstream of Lewis Road (State Route 1126).	+707	
Tributary 1	At the confluence with South Fork Crowders Creek	+619	Gaston County (Unincorporated Areas).
	Approximately 0.5 mile upstream of the confluence with South Fork Crowders Creek.	+628	
Tributary 2	At the confluence with South Fork Crowders Creek	+630	Gaston County (Unincorporated Areas).

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground modified	Communities affected
	Approximately 200 feet upstream of the Gaston County, North Carolina/York County, South Carolina State boundary.	+633	
Tributary 4	At the confluence with South Fork Crowders Creek	+660	Gaston County (Unincorporated Areas).
	At the Gaston County, North Carolina/York County, South Carolina State boundary.	+664	
Tributary 5	At the confluence with South Fork Crowders Creek	+675	Gaston County (Unincorporated Areas).
	Approximately 0.9 mile upstream of Sparrow Springs Road (State Road 1125).	+705	
South Stanley	Approximately 180 feet upstream of the confluence with Dutchmans Creek.	+597	Gaston County (Unincorporated Areas), City of Mount Holly, Town of Stanley.
	Approximately 650 feet upstream of the confluence of South Stanley Creek Tributary 1.	+650	
Tributary 1	At the confluence with South Stanley Creek	+645	Gaston County (Unincorporated Areas), Town of Stanley.
	Approximately 2,200 feet upstream of the Railroad	+738	
Stanley Creek	At the confluence with Dutchmans Creek	+600	Gaston County (Unincorporated Areas), City of Mount Holly Town of Stanley.
	Approximately 1.5 miles upstream of Blacksnake Road	+699	
Sulphur Branch	At the upstream side of Cherry Street	+707	Gaston County (Unincorporated Areas), City of High Shoals.
	Approximately 0.4 mile upstream of Ross Road	+816	
Taylors Creek	Approximately 900 feet upstream of Woodlawn Avenue	+591	Gaston County (Unincorporated Areas), City of Mount Holly.
	Approximately 60 feet downstream of Lamplighter Lane (State Road 2171).	+681	
Tributary 1	At the confluence with Taylors Creek	+618	Gaston County (Unincorporated Areas).
	Approximately 0.6 mile upstream of the confluence of Taylors Creek Tributary 1A.	+656	
Tributary 1A	At the confluence with Taylors Creek Tributary 1	+635	Gaston County (Unincorporated Areas).
	Approximately 0.4 mile upstream of the confluence with Taylors Creek Tributary 1.	+653	
Tributary A	At the confluence with South Fork Crowders Creek	+635	Gaston County (Unincorporated Areas), City of Gastonia.
	Approximately 230 feet upstream of Huffman Road	+746	
Tributary B	At the confluence with Tributary A	+719	Gaston County (Unincorporated Areas), City of Gastonia.
	Approximately 0.5 mile upstream of the confluence with Tributary B–1.	+784	
Tributary B–1	At the confluence with Tributary B	+737	Gaston County (Unincorporated Areas), City of Gastonia.
	Approximately 1,840 feet upstream of the confluence with Tributary B.	+758	
Tributary L–4	Approximately 0.6 mile upstream of the confluence with Long Creek.	+682	Gaston County (Unincorporated Areas), Town of Dallas.
	Approximately 1,900 feet upstream of Old Dallas Highway	+727	
Tributary L–4–2	At the confluence with Tributary L–4	+715	Town of Dallas.
	Approximately 300 feet upstream of West Robinson Street	+744	
Tributary R–1	At the confluence with Crowders Creek	+665	Gaston County (Unincorporated Areas), City of Gastonia.
	Approximately 50 feet upstream of Torrence Road	+670	

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground modified	Communities affected
Tributary R–5	Approximately 1,050 feet upstream of the confluence with Crowders Creek.	+689	Gaston County (Unincorporated Areas), City of Bessemer City, City of Gastonia.
	Approximately 0.5 mile upstream of Oates Road	+823	
Unnamed Tributary 1 to Long Creek.	At the confluence with Long Creek	+774	Gaston County (Unincorporated Areas).
	Approximately 750 feet upstream of the confluence with Long Creek.	+774	
Unnamed Tributary to Tributary A.	At the confluence with Tributary A	+638	Gaston County (Unincorporated Areas).
	Approximately 0.5 mile upstream of the confluence with Tributary A.	+645	

Depth in feet above ground.
* National Geodetic Vertical Datum.
+ North American Vertical Datum.

ADDRESSES

City of Belmont
Maps are available for inspection at the City of Belmont Planning and Zoning Department, 37 North Main Street, Belmont, North Carolina.
City of Bessemer City
Maps are available for inspection at the City of Bessemer City Hall, 132 West Virginia Avenue, Bessemer City, North Carolina.
City of Cherryville
Maps are available for inspection at the Cherryville City Hall, 116 South Mountain Street, Cherryville, North Carolina.
City of Gastonia
Maps are available for inspection at the City of Gastonia Engineering Department, 150 South York Street, Gastonia, North Carolina.
City of High Shoals
Maps are available for inspection at the High Shoals City Hall, 101 Thompkins Street, High Shoals, North Carolina.
City of Kings Mountain
Maps are available for inspection at the Kings Mountain City Hall, 101 West Gold Street, Kings Mountain, North Carolina.
City of Lowell
Maps are available for inspection at the Lowell City Hall, 101 West First Street, Lowell, North Carolina.
City of Mount Holly
Maps are available for inspection at the Mount Holly City Hall, 131 South Main Street, Mount Holly, North Carolina.
Town of Cramerton
Maps are available for inspection at the Cramerton Town Hall, 155 North Main Street, Cramerton, North Carolina.
Town of Dallas
Maps are available for inspection at the Dallas Town Hall, 210 North Holland Street, Dallas, North Carolina.
Town of McAdenville
Maps are available for inspection at the McAdenville Town Hall, 125 Main Street, McAdenville, North Carolina.
Town of Ranlo
Maps are available for inspection at the Ranlo Town Hall, 1624 Spencer Mountain Road, Gastonia, North Carolina.
Town of Stanley
Maps are available for inspection at the Stanley Town Hall, 114 South Main Street, Stanley, North Carolina.
Gaston County (Unincorporated Areas)
Maps are available for inspection at the Gaston County Administration Office, 128 West Main Avenue, Gastonia, North Carolina.

Martin County, North Carolina and Incorporated Areas
Docket Nos.: FEMA–D–7686 and FEMA–B–7465

Bear Grass Swamp	At the confluence with Tranters Creek	+31	Martin County (Unincorporated Areas)
	Approximately 0.5 mile upstream of Lee Road	+41	
Beaverdam Creek	Approximately 200 feet downstream of Alternate U.S. Highway 64.	+42	Martin County (Unincorporated Areas), Town of Williamston.
	Approximately 0.7 mile upstream of Alternate U.S. Highway 64	+52	
Collie Swamp	At the confluence with Tranters Creek	+34	Martin County (Unincorporated Areas).
	Approximately 1.1 miles upstream of the confluence of Huskanaw Swamp.	+47	

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground modified	Communities affected
Tributary 1	At the confluence with Collie Swamp	+34	Martin County (Unincorporated Areas).
	Approximately 1.5 miles upstream of the confluence with Collie Swamp.	+38	
Tributary 2	At the confluence with Collie Swamp	+34	Martin County (Unincorporated Areas).
	Approximately 0.7 mile upstream of Race Track Road	+39	
Tributary 4	At the confluence with Collie Swamp	+40	Martin County (Unincorporated Areas).
	Approximately 1.1 miles upstream of the confluence of Collie Swamp Tributary 7.	+45	
Tributary 5	At the confluence with Collie Swamp	+41	Martin County (Unincorporated Areas).
	Approximately 0.9 mile upstream of the confluence with Collie Swamp.	+45	
Tributary 6	At the confluence with Collie Swamp	+41	Martin County (Unincorporated Areas).
	Approximately 1.5 miles upstream of the confluence of Collie Swamp.	+43	
Tributary 7	At the confluence with Collie Swamp Tributary 4	+40	Martin County (Unincorporated Areas).
	Approximately 0.9 mile upstream of the confluence with Collie Swamp.	+47	
Conoho Creek	Approximately 3.0 miles upstream of the confluence with Roanoke River.	+14	Martin County (Unincorporated Areas).
	Approximately 1.7 miles upstream of Iron Mine Springs Road	+81	
Tributary 1	At the confluence with Conoho Creek	+32	Martin County (Unincorporated Areas), Town of Hamilton.
	Approximately 2.4 miles upstream the confluence with Conoho Creek.	+58	
Tributary 2	At the confluence with Conoho Creek	+41	Martin County (Unincorporated Areas).
	Approximately 900 feet upstream of State Route 1325	+74	
Tributary 2A	At the confluence with Conoho Creek Tributary 2	+44	Martin County (Unincorporated Areas).
	Approximately 250 feet upstream of Cox Road	+63	
Tributary 3	At the confluence with Conoho Creek	+43	Martin County (Unincorporated Areas).
	Approximately 670 feet upstream of Haislip Road	+68	
Crisp Creek	Approximately 2.9 miles downstream of the confluence of Crisp Creek.	+59	Martin County (Unincorporated Areas).
	Approximately 500 feet upstream of the confluence of Crisp Creek Tributary.	+70	
Dog Branch	At the confluence with Ready Branch	+20	Martin County (Unincorporated Areas), Town of Williamston.
	Approximately 1,800 feet upstream of Highways 13 and 64	+39	
Etheridge Swamp	At the confluence with Conoho Creek	+51	Martin County (Unincorporated Areas), Town of Oak City.
	Approximately 2.4 miles upstream of Edmondson Road	+82	
Tributary 1	At the confluence with Etheridge Swamp	+56	Martin County (Unincorporated Areas).
	Approximately 0.4 mile upstream of County Line Road	+88	
Tributary 2	At the confluence with Etheridge Swamp	+57	Martin County (Unincorporated Areas).
	Approximately 1,700 feet upstream of Edmondson Road	+69	
Tributary 3	At the confluence with Etheridge Swamp	+60	Martin County (Unincorporated Areas).
	Approximately 0.5 mile upstream of Edmondson Road	+71	
Tributary 3A	At the confluence with Etheridge Tributary 3	+60	Martin County (Unincorporated Areas).
	Approximately 0.5 mile upstream of Edmondson Road	+69	
Flat Swamp	At the confluence with Tranters Creek	+39	Martin County (Unincorporated Areas).
	Approximately 1,400 feet upstream of Matthew Road	+65	

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground modified	Communities affected
Tributary	At the confluence with Flat Swamp	+47	Martin County (Unincorporated Areas), Town of Robersonville.
	Approximately 0.9 mile upstream of Vanderford Road	+65	
Hardison Mill Creek	At the confluence with Sweetwater Creek	+16	Martin County (Unincorporated Areas).
	Approximately 2.5 miles upstream of E. H. Williams Road (State Route 1538).	+41	
Tributary 1	At the confluence with Hardison Mill Creek	+21	Martin County (Unincorporated Areas).
	Approximately 100 feet downstream of Fairview Church Road (State Route 1514).	+23	
Tributary 2	At the confluence with Hardison Mill Creek	+23	Martin County (Unincorporated Areas).
	Approximately 1,100 feet upstream of Beasley Road	+43	
Huskanaw Swamp	At the confluence with Collie Swamp	+43	Martin County (Unincorporated Areas).
	Approximately 900 feet upstream of Perkins Road	+55	
Long Creek	At the confluence with Hardison Mill Creek	+22	Martin County (Unincorporated Areas).
	Approximately 1,400 feet upstream of Hollow Pond Road	+38	
Tributary 1	At the confluence with Long Creek	+28	Martin County (Unincorporated Areas).
	Approximately 0.5 mile upstream of the confluence with Long Creek.	+34	
Peter Swamp	At the confluence with Sweetwater Creek	+11	Martin County (Unincorporated Areas).
	Approximately 0.5 mile upstream of Railroad	+20	
Tributary	At the confluence with Peter Swamp	+17	Martin County (Unincorporated Areas).
	Approximately 1,200 feet upstream of the confluence with Peter Swamp.	+22	
Ready Branch	At the confluence with Sweetwater Creek	+17	Martin County (Unincorporated Areas).
	Approximately 0.8 mile upstream of Bear Grass Road	+45	
Roanoke River	At the Martin/Washington/Bertie County boundary	+7	Martin County (Unincorporated Areas), Town of Hamilton, Town of Jamesville, Town of Williamston.
	At the Martin/Halifax/Bertie County boundary	+28	
Tributary 4	At the confluence with Roanoke River	+28	Martin County (Unincorporated Areas).
	Approximately 1,500 feet upstream of the confluence of Roanoke River Tributary 4A.	+42	
Tributary 4A	At the confluence with Roanoke River Tributary 4	+28	Martin County (Unincorporated Areas).
	Approximately 1,800 feet upstream of the confluence with Roanoke River Tributary 4.	+50	
Ross Swamp	At the confluence with Collie Swamp	+42	Martin County (Unincorporated Areas).
	Approximately 1.3 miles upstream of Vanderford Road	+61	
Skewakee Gut Canal	At the confluence with Roanoke River	+11	Martin County (Unincorporated Areas), Town of Williamston.
	Approximately 1,300 feet upstream of West Main Street (State Route 1445).	+74	
Smithwick Creek	At the confluence with Sweetwater Creek	+17	Martin County (Unincorporated Areas).
	Approximately 4.0 miles upstream of Smithwick Creek Church Road.	+43	
Sweetwater Creek	At the confluence with Roanoke River	+11	Martin County (Unincorporated Areas), Town of Williamston.
	At the confluence of Ready Branch and Smithwick Creek	+17	
Tranters Creek	At the confluence of Bear Grass Swamp	+31	Martin County (Unincorporated Areas).
	At the confluence of Flat Swamp	+39	

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground modified	Communities affected
Turkey Swamp	At the confluence of Bear Grass Swamp	+31	Martin County (Unincorporated Areas).
	Approximately 1.0 mile upstream of Jack Robinson Road	+43	
Tributary 1	At the confluence with Turkey Swamp	+34	Martin County (Unincorporated Areas).
	Approximately 0.7 mile upstream of the confluence with Turkey Swamp.	+41	
Welch Creek	At the confluence with Roanoke River	+7	Martin County (Unincorporated Areas).
	Approximately 2.5 miles upstream of the confluence of Welch Creek Tributary 2.	+13	

Depth in feet above ground.
* National Geodetic Vertical Datum.
+ North American Vertical Datum.

ADDRESSES

Town of Hamilton

Maps are available for inspection at the Hamilton Town Office, 101 North Front Street, Hamilton, North Carolina.

Town of Jamesville

Maps are available for inspection at the Jamesville Town Hall, 1211 Water Street, Jamesville, North Carolina.

Town of Oak City

Maps are available for inspection at the Oak City Town Hall, 109 Commerce Street, Oak City, North Carolina.

Town of Robersonville

Maps are available for inspection at the Robersonville Town Hall, 114 South Main Street, Robersonville, North Carolina.

Town of Williamston

Maps are available for inspection at the Williamston Town Hall, Zoning Department, 106 East Main Street, Williamston, North Carolina.

Unincorporated Areas of Martin County

Maps are available for inspection at the Martin County Government Center, Building Inspections Department, 305 East Main Street, Williamston, North Carolina.

Washington County, North Carolina and Incorporated Areas
Docket Nos.: FEMA–D–7640 and FEMA–D–7578

Beaver Dam Branch	At the confluence with Kendrick Creek	+6	Washington County (Unincorporated Areas), Town of Roper.
	Approximately 1.9 miles upstream of Cross Road	+10	
Tributary 1	At the confluence with Beaver Dam Branch	+6	Washington County (Unincorporated Areas), Town of Roper.
	Approximately 0.5 mile upstream of Highway 64	+16	
Chapel Swamp	Upstream side of Loop Road/Beasley Road Crossing	+6	Washington County (Unincorporated Areas).
	Approximately 0.7 mile upstream of Beasley Road Extension	+10	
Conaby Creek	Approximately 1.4 miles upstream of Roosevelt Avenue	+24	Washington County (Unincorporated Areas).
	Approximately 1.6 miles upstream of Roosevelt Avenue	+28	
Tributary	At the upstream side of Route 32	+25	Washington County (Unincorporated Areas).
	Approximately 0.7 mile upstream of Askew Lane	+31	
Tributary 1	Approximately 400 feet downstream of Shelly Drive	+10	Washington County (Unincorporated Areas), Town of Plymouth.
	Approximately 0.8 mile upstream of Roxie Reese Road	+18	
Tributary 1A	Approximately 850 feet upstream of the confluence with Conaby Creek Tributary 1.	+10	Washington County (Unincorporated Areas), Town of Plymouth.
	Approximately 1.4 miles upstream of the confluence with Conaby Creek Tributary 1.	+11	
Kendricks Creek	Approximately 1.1 miles downstream of the confluence with Beaver Dam Branch.	+6	Washington County (Unincorporated Areas), Town of Roper.
	Approximately 0.6 mile upstream of West Mill Pond Road	+12	

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground modified	Communities affected
Lee's Mill Creek	Upstream side of U.S. Highway 64/NC 32	+6	Washington County (Unincorporated Areas).
	Approximately 0.5 mile upstream of Backwoods Road	+11	
Main Canal	At the confluence with Kendricks Creek	+6	Washington County (Unincorporated Creek Areas), Town of Roper.
	Approximately 0.8 mile upstream of Highway 64/NC 32	+12	
Pleasant Grove Creek	At the upstream side of U.S. Highway 64/NC 32	+6	Washington County (Unincorporated Areas).
	Approximately 1.6 miles upstream of Holly Neck Road	+10	
Pungo River Canal	Approximately 2.6 miles downstream of Route 99	+8	Washington County (Unincorporated Areas).
	Approximately 700 feet downstream of Route 99	+10	
Tributary to Conaby Creek	Just upstream of Garrett Island Road	+14	Washington County (Unincorporated Areas), town of Plymouth.
	Approximately 0.5 mile upstream of Garrett Island Road	+14	
Welch Creek	Approximately 4.7 miles upstream of the confluence with Roanoke River.	+7	Washington County (Unincorporated Areas).
	Approximately 2.3 miles upstream of the confluence with Welch Creek Tributary 2.	+13	
Tributary	At the upstream side of Long Ridge Road	+20	Washington County (Unincorporated Areas).
	Approximately 0.4 mile upstream of Long Ridge Road	+22	
Tributary 2	At the confluence with Welch Creek	+7	Washington County (Unincorporated Areas).
	Approximately 0.8 mile upstream of the confluence with Welch Creek.	+34	

Depth in feet above ground.
* National Geodetic Vertical Datum.
+ North American Vertical Datum.

ADDRESSES

Town of Plymouth

Maps are available for inspection at the Washington County Permits, Inspections and Emergency Management Department, 205 East Main Street, Plymouth, North Carolina.

Town of Roper

Maps are available for inspection at the Roper Town Hall, 301 West Buncombe Street, Roper, North Carolina.

Unincorporated Areas of Washington County

Maps are available for inspection at the Washington County Permits, Inspections and Emergency Management Department, 205 East Main Street, Plymouth, North Carolina.

Windham County, Vermont (All Jurisdictions)
Docket Nos.: FEMA–D–7660 and FEMA–D–7688

Broad Brook	At upstream side of State Route 142	+229	Town of Vernon.
Connecticut River	Approximately 0.81 mile upstream of Vernon Dam	+227	Village of Belows Falls, Town of Brattleboro, Town of Dummerston, Town of Putney, Town of Rockingham, Town of Vernon, Town of Westminister.
	Approximatey 7.42 miles upstream of Bellows Falls Dam	+305	
Saxtons River	At the confluence with the Connecticut River	+257	Town of Athens, Village of Bellows Falls, Town of Grafton, Town of Westminister.
	Approximately 1,950 feet upstream of the confluence of Weaver Brook.	+590	
Wardsboro Brook	Approximately 1,060 feet upstream of the upstream crossing of Vermont Route 100.	+923	Town of Jamaica, Town of Wardsboro.
	Approximately 1,380 feet upstream of the upstream crossing of Vermont Route 100.	+927	

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground modified	Communities affected
West River	At the confluence with the Connecticut River	+232	Town of Brattleboro, Town of Brookline, Town of Dummerston, Town of Jamaica.
	Upsteam side of Ball Mountain Dam	+1,020	
Whetstone Brook	At the confluence with the Connecticut River	+231	Town of Brattleboro.
	Approximately 240 feet upstream of Boston and Maine Railroad.	+234	
Williams River	Downstream side of U.S. Highway 5/Missing Link Road	+301	Town of Rockingham.
	At the confluence with the Connecticut River	+301	

Depth in feet above ground.
* National Geodetic Vertical Datum.
+ North American Vertical Datum.

ADDRESSES

Town of Athens

Maps are available for inspection at the Athens Town Office, 25 Brookline Road, Athens, Vermont.

Village of Bellows Falls and Town of Rockingham

Maps are available for inspection at the Bellows Falls and Rockingham Village and Town Hall, 7 Square, 3rd Floor, Bellows Falls, Vermont.

Town of Brattleboro

Maps are available for inspection at the Brattleboro Planning Services Department, 230 Main Street, Suite 202, Brattleboro, Vermont.

Town of Brookline

Maps are available for inspection at the Brookline Town Office, 736 Grassy Brook Road, Brookline, Vermont.

Town of Dummerston

Maps are available for inspection at the Dummerston Town Hall, 1523 Middle Road, East Dummerston, Vermont.

Town of Grafton

Maps are available for inspection at the Grafton Town Office, 117 Main Street, Grafton, Vermont.

Town of Jamaica

Maps are available for inspection at the Jamaica Town Hall, 17 Pike Falls Road, Jamaica, Vermont.

Town of Putney

Maps are available for inspection at the Putney Town Hall, 127 Main Street, Putney, Vermont.

Town of Vernon

Maps are available for inspection at the Vernon Town Office, 567 Governor Hunt Road, Vernon, Vermont.

Town of Wardsboro

Maps are available for inspection at the Wardsboro Town Hall, 71 Main Street, Wardsboro, Vermont.

Town of Westminster

Maps are available for inspection at the Westminster Town Hall, 3651 U.S. Route 5, Westminster, Vermont.

Windsor County, Vermont
Docket Nos.: FEMA–D–7660 and FEMA–D–7688

Black River	Approximately 0.65 mile upstream of Ricks Road	+1,318	Town of Plymouth.
	Approximately 0.88 mile upstream of Ricks Road	+1,337	
Connecticut River	Approximately 1.91 miles downstream of confluence of the Black River.	+305	Town of Hartland, Town of Springfield, Town of Weathersfield
	Approximately 2.27 miles upstream of confluence of Lulls Brook.	+335	Town of Windsor.
Gulf Stream Brook	Approximately 0.98 mile upstream of confluence of North Bridgewater Brook.	+873	Town of Pomfret.
	Approximately 1.04 miles upstream of confluence of North Bridgewater Brook.	+875	
Mill Brook	At the confluence with the Connecticut River	+328	Town of Reading, Town of Windsor.
	Approximately 1,500 feet upstream of Windsor Mineral Company Private Bridge.	+845	
North Branch Black River	Approximately 0.48 mile upstream of Markwell Road	+653	Town of Cavendish, Town of Reading.
	Approximately 760 feet downstream of confluence of Knapp Brook.	+682	

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground modified	Communities affected
Ottauquechee River	Approximately 0.94 mile upstream of Taftsville Dam	+657	Town of Bridgewater, Town of Pomfret.
	Approximately 1,840 feet upstream of confluence of Curtis Hollow Brook.	+815	
Second Branch White River	Approximately 1.24 miles upstream of State Route 14	+525	Town of Bethel, Town of Royalton.
	Approximately 0.86 mile downstream of Stove Hill Road	+527	
White River	Approximately 0.79 mile downstream of State Routes 12 and 107/River Street.	+531	Town of Bethel, Town of Stockbridge.
	Approximately 3.56 miles downstream of Liberty Hill Road	+754	

Depth in feet above ground.
* National Geodetic Vertical Datum.
+ North American Vertical Datum.

ADDRESSES

Town of Bethel
Maps available for inspection at the Bethel Town Office, 134 South Main Street, Bethel, Vermont.
Town of Bridgewater
Maps available for inspection at the Bridgewater Town Office, 7335 U.S. Route 4, Bridgewater, Vermont.
Town of Cavendish
Maps available for inspection at the Cavendish Town Office, 37 High Street, Cavendish, Vermont.
Town of Hartland
Maps available for inspection at the Town of Hartland Clerk's Office, Damon Hall, 1 Quechee Road, Hartland, Vermont.
Town of Plymouth
Maps available for inspection at the Plymouth Town Office, 68 Town Office Road, Plymouth, Vermont.
Town of Pomfret
Maps available for inspection at the Pomfret Town Office, 5188 Pomfret Road, North Pomfret, Vermont.
Town of Reading
Maps available for inspection at the Reading Town Office, Robinson Hall, 799 Vermont Route 106, Reading, Vermont.
Town of Royalton
Maps available for inspection at the Royalton Town Office, 23 Alexander Place, Suite 1, South Royalton, Vermont.
Town of Springfield
Maps available for inspection at the Springfield Town Office, 96 Main Street, Springfield, Vermont.
Town of Stockbridge
Maps available for inspection at the Town of Stockbridge Clerk's Office, 1722 Vermont Route 100, Stockbridge, Vermont.
Town of Weathersfield
Maps available for inspection at the Town of Weathersfield, Martin Memorial Hall, 5259 Route 5, Ascutney, Vermont.
Town of Windsor
Maps available for inspection at the Windsor Town Office, 29 Union Street, Windsor, Vermont.

(Catalog of Federal Domestic Assistance No. 83.100, ''Flood Insurance.'')

Dated: April 10, 2007.

David I. Maurstad,

Federal Insurance Administrator of the National Flood Insurance Program, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. 07–1978 Filed 4–23–07; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

46 CFR Parts 12 and 15

[USCG–2007–27761]

RIN 1625–AB16

Large Passenger Vessel Crew Requirements

AGENCY: Coast Guard, DHS.

ACTION: Interim rule with request for comments.

SUMMARY: The Coast Guard is amending its regulations on merchant mariner documentation to implement section 3509 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Warner Act), which allows for the issuance of merchant mariner documents (MMDs) to certain non-resident aliens for service in the stewards departments of U.S.-flag large passenger vessels endorsed for coastwise trade. Coast Guard regulations currently prohibit the Coast Guard from issuing MMDs, which are required for service on large passenger vessels, to non-immigrant aliens. This interim rule

amends Coast Guard regulations to allow the Coast Guard to issue MMDs to qualified non-resident aliens who are authorized to be employed in the United States. This rule also sets the requirements that these aliens must meet in order to qualify for MMDs, and the requirements for the large passenger vessels that may choose to hire these aliens. This interim rule only applies to large passenger vessels, as defined under the Warner Act.

DATES: This interim rule is effective April 24, 2007. Comments and related material must reach the Docket Management Facility on or before July 23, 2007.

ADDRESSES: You may submit comments identified by Coast Guard docket number USCG–2007–27761 to the Docket Management Facility at the U.S. Department of Transportation. To avoid duplication, please use only one of the following methods:

(1) *Web Site: http://dms.dot.gov*.

(2) *Mail:* Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590–0001.

(3) *Fax:* 202–493–2251.

(4) *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. The telephone number is 202–366–9329.

(5) *Federal eRulemaking Portal: http://www.regulations.gov*.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call LCDR Derek D'Orazio, Coast Guard, telephone 202–372–1405. If you have questions on viewing or submitting material to the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–493–0402.

SUPPLEMENTARY INFORMATION:

Table of Contents

The **SUPPLEMENTARY INFORMATION** section of this interim final rule sets forth the basis, purpose and particulars of this rulemaking action and is organized as follows:

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IV. Regulatory Requirements
A. Administrative Procedure Act
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List of Subjects

I. Public Participation and Request for Comments

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

Submitting comments: If you submit a comment, please include your name and address, identify the docket number for this rulemaking (USCG–2007–27761), indicate the specific section of this document to which each comment applies, and give the reason for each comment. You may submit your comments and material by electronic means, mail, fax, or delivery to the Docket Management Facility at the address under **ADDRESSES**; but please submit your comments and material by only one means. If you submit them by mail or delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit them by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this rule in view of them.

Viewing comments and documents: To view comments, as well as documents mentioned in this preamble as being available in the docket, go to *http://dms.dot.gov* at any time, click on ''Simple Search,'' enter the last five digits of the docket number for this rulemaking, and click on ''Search.'' You may also visit the Docket Management Facility in 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.

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

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

II. Background and Purpose

Title 46 U.S.C. 8103 generally requires that unlicensed seamen on documented vessels must be of the following status: (a) Citizens of the United States; (b) lawful permanent residents; or (c) foreign nationals enrolled in the United States Merchant Marine Academy. No more than 25 percent of such unlicensed seamen may be lawful permanent residents.

On October 17, 2006, Congress enacted the John Warner National Defense Authorization Act for Fiscal Year 2007 (Warner Act), Public Law 109–364, sec. 3509, 120 Stat. 2518. Section 3509 of the Warner Act (46 U.S.C. 8103(k)) amends 46 U.S.C. 8103 to permit large passenger vessels to also employ non-resident aliens who are authorized to work in the United States. The statute maintains a cap so that no more than twenty-five percent of the unlicensed seamen on any large passenger vessel are aliens, whether admitted to the United States as lawful permanent residents or otherwise allowed to be employed in the United States as nonresident aliens. ''Large passenger vessel'' is defined under the Warner Act to mean ''a vessel of more than 70,000 gross tons, as measured under section 14302 of this title, with capacity for at least 2,000 passengers and documented with a coastwise endorsement under chapter 121 of this title.''

The Warner Act also contains the following qualifications and restrictions on non-resident aliens serving as unlicensed seamen on large passenger vessels:

1. Non-resident aliens may not perform watchstanding, engine room duty watch, or vessel navigation functions;

2. Non-resident aliens must be aliens employable in the United States under the Immigration and Nationality Act of 1952, as amended (8 U.S.C. 1101 *et seq.*) (INA), including an alien crewman described in § 101(a)(15)(D)(i) of the INA (8 U.S.C. 1101(a)(15)(D)(i));

3. Non-resident aliens must have been employed, for a period of at least one

year, on a passenger vessel, including a foreign flag passenger vessel, under the same common ownership or control as the U.S.-flag vessel they will be working on, as certified by the owner or managing operator of such vessel;

4. Non-resident aliens must have no record of material disciplinary actions during such employment as verified in writing by the owner or managing operator of such vessel;

5. Non-resident aliens must have successfully completed a United States Government security check of the relevant domestic and international databases, as appropriate, or any other national security-related information or database (which is required for a MMD or Transportation Worker Identification Credential (TWIC));

6. Non-resident aliens must have successfully undergone an employer background check for which the owner or managing operator provides a signed report that describes the background checks undertaken. The background check must consist of a search of all information that is reasonably and legally available to the owner or managing operator in the seaman's country of citizenship and any other country in which the seaman receives employment referrals, or resides. The report must be kept on the vessel and available for inspection, and the information derived from the background check must be made available upon request;

7. Non-resident aliens may not be citizens or temporary or permanent residents of a country designated by the United States as a sponsor of terrorism or any other country that the Secretary of Homeland Security, in consultation with the Secretary of State and the heads of other appropriate United States agencies, determines to be a security threat to the United States; and

8. Non-resident aliens may only serve for an aggregate period of 36 months of actual service on all authorized U.S.-flag large passenger vessels combined. Once this 36-month limitation has been reached, the merchant mariner's document becomes invalid and the individual's employer must return it to the Coast Guard, and the individual is no longer authorized service in a position requiring a merchant mariner's document on any U.S.-flag large passenger vessel.

Under current law, all individuals serving in the steward's department on passenger vessels of 100 gross register tons (GRT) or more must hold a merchant mariner's document (MMD). 46 U.S.C. 8701. The only exception is for entertainment personnel employed for a period of 30 days or less per year, who are exempt from the MMD requirement.

Coast Guard regulations governing the issuance of MMDs currently prohibit the issuance of MMDs to non-resident aliens. See 46 CFR part 12. The Coast Guard, through this interim rule, is amending its regulations to authorize the issuance of MMDs to non-resident aliens authorized to work in the United States who meet the criteria of the Warner Act and the requirements set forth in this rule.

III. Discussion of Interim Rule

To implement 46 U.S.C. 8103(k), the Coast Guard is revising its regulations within 46 CFR subchapter B. This interim rule will add a new 46 CFR subpart 12.40. Companies that wish to hire non-resident aliens must meet the requirements specified in new § 12.40–7, subject to the civil penalty provisions specified in 46 U.S.C. 8103(f) for any violation of the section.

The new subpart adds definitions for ''large passenger vessel,'' ''non-resident alien,'' and ''steward's department.'' It also contains citizenship and identity requirements for non-resident aliens employed as unlicensed seamen by large passenger vessels, in lieu of the requirements of 46 CFR 12.02–10, 12.02–12, and 12.02–14. In addition to those citizenship and identity requirements, this rule establishes the requirement that non-resident alien applicants satisfy the requirements of the Warner Act (discussed above), and stipulates how mariners, and the companies that employee them, must satisfy those requirements. The company must submit the additional required merchant mariner application information to the Coast Guard on the employee's behalf.

Title 46 U.S.C. 8103(k)(3)(A) states that non-resident aliens may not be citizens or temporary or permanent residents of a country designated by the United States as a sponsor of terrorism. The Coast Guard interprets this to mean that non-resident aliens may not be citizens or residents of a country designated by the United States as a sponsor of terrorism under section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)), or section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371). Under new section 12.40–11(c), the Coast Guard will not issue MMDs to non-resident aliens that are citizens or residents (temporary or permanent) of countries listed on the Department of State's ''State Sponsors of Terrorism'' list. The list, as of the date of publication of this rule, may be found at *http://www.state.gov/s/ct/c14151.htm*.

The Warner Act also allows the Secretary of Homeland Security, upon consultation with the Secretary of State and the heads of other appropriate United States agencies, to determine that other countries present a security threat to the United States for purpose of determining eligibility for employment of non-resident aliens. DHS has initiated this consultation and may add more countries or lists of countries in the future as a result of these consultations.

The interim rule also adds 46 CFR 15.530, which provides company responsibilities associated with employment of non-resident aliens on their vessels relative to the International Labor Organization's Merchant Shipping (Minimum Standards) Convention of 1976. Title 46 CFR 15.530 also requires that no more than 25 percent of the unlicensed seamen on a large passenger vessel be aliens, whether admitted to the United States for permanent residence or otherwise employable in the United States as non-resident aliens. This limitation is also mandated by 46 U.S.C. 8103(k)(2).

Only three U.S.-flag vessels currently fall within the definition of ''large passenger vessel'' under 48 U.S.C. 8103(k), each of which are owned by the same cruise line.[1] Because the statute limits the non-resident aliens who are eligible for employment on large passenger vessels to aliens who have otherwise been employed by that cruise line for one year, and such aliens cannot compose more than 25% of the number of unlicensed seamen on such vessels, the Coast Guard believes that approximately 600 to 800 non-resident aliens could be transferred to employment on one of the three large passenger vessels within the first year of the rule taking effect.

The Coast Guard notes that, although the Warner Act refers to section 101(a)(15)(d) of the INA (which defines aliens authorized for crew visas), it does not waive any provision or requirement of the INA pertaining to visas or employment eligibility for non-resident aliens. In addition, we note that all affected aliens must comply with any required identification, tracking and reporting programs, including DHS's United States Visitor and Immigrant Status Indicator Technology Program (US–VISIT) and the National Security Entry-Exit Registration System (NSEERS). The Coast Guard is promulgating this interim rule under its

[1] The Coast Guard notes, however, that on April 11, 2007, the cruise line announced that it would be reflagging one of these three vessels to a foreign flag in the near future; ultimately reducing the number of eligible vessels to two.

authority to issue MMDs, and only to that extent.

IV. Regulatory Requirements

A. Administrative Procedure Act

The Coast Guard has determined that good cause exists to implement this rule as an interim rule under the Administrative Procedure Act, 5 U.S.C. 553(b). The Coast Guard, under this interim rule, is implementing a Congressional directive that does not provide Coast Guard with discretion in the issuance of MMDs to non-resident aliens as a class. Further, as discussed above, this rule will only directly regulate one party at this time—the owner of the three vessels that fall within the statutory definition of ''large passenger vessels.'' The Coast Guard has consulted with that carrier during the development of this interim rule. In addition, under the current statutory restrictions, only aliens already employed by this company can be transferred to employment on one of the three eligible passenger vessels. Given the limited regulatory impact of this rule, we do not believe there will be significant public interest in this interim rule.

Accordingly, the Coast Guard has determined that delaying implementation of this rule to allow public comment prior to implementation would be impracticable and unnecessary. 5 U.S.C. 553(b). For reasons stated above, the Coast Guard also finds that good cause exists under 5 U.S.C. 553(d)(3) for making this rule effective less than 30 days after publication in the **Federal Register**.

The Coast Guard, however, values public input to the regulatory process, and for this reason we are inviting post-effective-date comments on this interim rule. We may change this rule as a result of the comments we receive.

B. Regulatory Evaluation

Executive Order 12866 requires agencies to assess the costs and benefits of significant regulatory actions as defined in Section 3(f). At this time, we expect this interim rule will not be an economically significant action under Section 3(f)(1) of the Order (i.e., an annual effect of $100 million or more on the economy).

The Coast Guard is promulgating this rulemaking as mandated by Congress through the Warner Act, see ''Background and Purpose'' section for more information about this legislation.

The rule creates an exemption to allow qualified non-resident aliens to obtain MMDs for employment as unlicensed seamen in the steward's departments of large passenger vessels, as entertainment and service personnel, including wait staff, hotel housekeeping staff, and food handlers. Currently, only U.S. citizens, lawful permanent residents, and foreign nationals enrolled at the U.S. Merchant Mariner Academy can obtain MMDs as unlicensed seamen (and no more than 25 percent of these unlicensed seamen may be lawful permanent residents). This rule will permit non-resident aliens to also obtain MMDs for employment as unlicensed seamen on large passenger vessels, except no more than 25 percent of the unlicensed seamen on a large passenger vessel can be aliens (whether non-resident aliens or lawful permanent residents). The rule further requires that the non-resident aliens may only be employed in the steward's department of the large passenger vessel.

Although the Warner Act, and this interim rule, allow large passenger vessels to hire non-immigrant aliens, neither the Act nor this rule mandate that they do so. Accordingly, there are no mandatory costs to large passenger vessels resulting from this interim rule. Rather, a company will only choose to avail itself of the exemption if the benefits to the company from the hiring of non-resident aliens are greater than the costs.

The following is an assessment of the affected population, an industry profile, and an evaluation of the direct and indirect impacts of the rule. The only company affected by this rulemaking, discussed below, provided us with aggregated business data to protect proprietary and confidential business information and details of their business operations. The industry estimates discussed herein are preliminary and may not reflect the actual impacts after industry implements the alternative compliance method.

i. Affected Population

Vessel Owners

The rule will affect owners of large passenger vessels more than 70,000 gross tons, with a capacity of at least 2,000 passengers, and documented with a coastwise endorsement (e.g. U.S.-flag vessel). Vessel owners will be able to hire non-resident aliens to comprise up to 25 percent of the unlicensed seamen onboard their vessels, but only in the steward's department. The rule allows vessel owners to hire only those non-resident aliens that have been employed, for a period of not less than one year, on a passenger vessel, including a foreign flag passenger vessel, under the same common ownership, control or managing ownership as the U.S.-flag vessel on which they will be working, see the ''Discussion of Interim Rule'' section for more detail on the conditions and restrictions for hiring non-resident aliens.

Based on Coast Guard data, we determined there are three large passenger vessels currently in service that meet the qualifications of this rule. Norwegian Cruise Line America (NCLA) operates these vessels in coastwise service in the Hawaiian Islands. NCLA is a brand of the Miami-based Norwegian Cruise Line Corporation (NCL), which itself is a subsidiary of Star Cruises Limited of Hong Kong. NCLA announced on April 11, 2007, that it would be removing one of the three vessels from U.S. flag service and re-flagging for foreign service.

At this time, we have no information to suggest that additional companies will enter into coastwise service with large passenger vessels, and we do not expect NCLA to expand its coastwise fleet of large passenger vessels because of this rule. This is due to the costs associated with flagging and operating vessels of this nature in the United States.

Unlicensed Mariners

The rule affects unlicensed mariners working on or applying for work on these vessels. This rule allows vessel owners to employ non-resident aliens on their vessels, capped at 25 percent of the overall total of unlicensed seamen per vessel. This rule also indirectly affects unions that maintain the collective bargaining agreements for these mariners in terms of changes in membership. Based on information from NCLA, the Coast Guard anticipates that we will issue MMDs to approximately 600 to 800 non-resident aliens within the first year of the rule. By the end of the second year of the rule, the Coast Guard estimates that we will issue an additional 900 to 1,200 MMDs to support non-resident alien crew shift change and reserve. After this two-year implementation period, NCLA intends to maintain an average annual full compliment of 1,500 to 2,000 onboard, shift, and reserve non-resident alien crewmembers under this rule.

Government Resources

The rule will also affect Coast Guard and potentially other government resources used to process, review, and issue documentation to unlicensed mariners and non-resident aliens affected by this rule. We estimate that certain Coast Guard Regional Examination Centers (RECs) in the Hawaiian Islands and West Coast may

incur increased processing burden to accommodate industry participation in this rulemaking, especially in the first two years as mentioned below. We anticipate that the requirements of this rule and the ultimate issuance of MMDs to non-resident aliens will involve additional processing exceeding the current processing for U.S. residents to ensure that background checks and applications meet security requirements. The additional Coast Guard burden at the RECs will be proportional to the number of applications submitted by vessel owners on behalf of non-resident aliens.

At this time, however, we anticipate that this rule will not substantially change the annual total number of MMD applications received or the total number of MMDs issued by the Coast Guard. Based on correspondence between NCLA and the Coast Guard, NCLA stated that this rule would stabilize the crew situation onboard the three vessels and reduce turnover rates. NCLA claims that the potential workforce stability that results from this rule will eventually reduce the number of MMD applications that the Coast Guard processes for NCLA crews.

ii. Industry Profile

Based on industry information, the number of overall Hawaii cruise ship passengers grew from 240,800 in 2004 to about 398,000 in 2005. In 2006, approximately 408,500 cruise passengers visited Hawaii onboard 56 cruise ships, including NCLA's three U.S.-flag vessels. Capacity has also increased over the past several years and passenger costs have decreased. Competition from cruises with foreign crews have pushed prices down, in particular those offering 15-day cruises from the West Coast.

Based on industry information, in general the cruise industry has historically consisted of foreign flag vessels, as opposed to U.S.-flag vessels, employing mariners from a variety of foreign countries in lower wage scales and for longer hours than U.S. mariners. NCLA must operate their U.S.-flag fleet with mostly U.S. citizens and residents, driving labor costs higher for NCLA than for cruise lines operating foreign flag vessels with foreign mariners.

Based on industry information, the cost structure for operating the affected U.S.-flag vessels will be higher than operating foreign flag vessels due to the high labor costs associated with hiring and maintaining U.S. crews. NCLA claims that high crew costs and increased industry capacity directly contribute to the decrease in the profitability of their U.S.-flag fleet.

According to NCLA, the annual turnover rate for U.S. unlicensed mariners working as hospitality staff on these vessels has been as high as 200 percent suggesting the undesirability by U.S. unlicensed mariners to work in hospitality positions and under the five months on and one month off crew shift conditions on the domestic vessels. NCLA has recently reported that the current turnover rate for the U.S. unlicensed mariners has fallen to 110 percent. NCLA has stated that the high turnover rate and the associated costs of maintaining an all U.S. crew is the only reason why they are participating in the alternative compliance method. As turnover occurs for the U.S. crew, we expect NCLA to employ the full contingent of non-resident aliens allowed by this rule.

iii. Direct Impacts

We expect most of the direct costs of the rule will be borne by NCLA. The rule will require companies to perform an employer-conducted background check and submit additional required merchant mariner application information to the Coast Guard on the employee's behalf. However, NCLA participation in this alternative compliance method is voluntary and NCLA will only participate if the net benefits of doing so are positive. We estimate the benefit to NCLA from participating in this rule to be the cost savings made through reduced turnover and decreased startup training since the non-resident alien hired under this program will have experience aboard foreign flag vessels.

We have not estimated the overall effectiveness of this rule in reducing turnover rates or labor costs for NCLA. NCLA provided preliminary information that suggests they could reduce turnover rates by about 25 to 35 percent annually resulting in a potential reduction in labor costs by approximately $5 to $10 million annually; however, these are preliminary estimates and NCLA cannot estimate the actual reduction in turnover rates and labor costs until they implement the alternative compliance program. Being that NCLA is the only company directly regulated by this rulemaking and these estimates are based on proprietary and confidential business information, the Coast Guard and DHS cannot substantiate these estimates. This reduction in labor cost is the estimated cost savings or net benefit for NCLA to participate in the alternative MMD citizenship compliance method of this rule.

Indirect Impacts

We reviewed potential indirect impacts of this rule on labor conditions and prevailing wages for U.S. unlicensed mariners and non-resident aliens employed under the rule.

We do not have information to suggest that NCLA will replace U.S. mariners currently employed in the steward's department on these vessels with non-resident aliens. In addition, NCLA must still employ U.S. residents for at least 75 percent of the total unlicensed seamen onboard their U.S.-flag vessels. Given the high turnover rate among the U.S. crew, we expect NCLA will still face challenges recruiting and maintaining their required U.S. resident hospitality staff onboard these vessels.

The Act does not mandate nor does the rule require that owners and operators bear responsibilities associated with conditions of employment and shipboard living arrangements for non-resident aliens on their vessels. The United States is signatory to the International Labor Organization's Merchant Shipping (Minimum Standards) Convention of 1976 (ILO 147), which establishes shipboard conditions of employment and shipboard living arrangements. Since the United States is signatory to this Convention, participating owners and operators must comply with the requirements of the convention in their employment of all mariners onboard.

The Act does not mandate that participating owners and operators pay the non-resident aliens the same prevailing wages as the U.S. crew. However, United States' responsibilities under the International Labor Organization's Merchant Shipping (Minimum Standards) Convention of 1976 (including the Conventions in the Annex), require that seamen can negotiate compensation and that seamen have the right to enter into collective bargaining agreements. Based on industry information, the sole affected owner (NCLA) has entered into a collective bargaining agreement with the current U.S. crew and intends on employing non-resident aliens under the same agreement. This rule does not require participating owners to extend current labor agreements to non-resident aliens employed under this program. The collective bargaining agreement between the affected owner and the union will determine non-resident alien employment compensation and pay.

We are interested in the potential impacts from this rule on industry and mariners, and we request public comment on these potential impacts. If you think that this rulemaking would

have a significant economic impact, please submit a comment to the Docket Management Facility at the address under **ADDRESSES**. In your comment, explain why, how, and to what degree you think this rule would have an economic impact on you.

C. Small Entities

The Regulatory Flexibility Act (''RFA''; 5 U.S.C. 601–612, as amended) requires agencies to consider whether regulatory actions would have a significant economic impact on a substantial number of small entities. RFA analysis is not required when a rule is exempt from notice and comment rulemaking under 5 U.S.C. 553(b). The Coast Guard determined that this rule is exempt from notice and comment rulemaking pursuant to 5 U.S.C. 553(b)(B). Therefore, an RFA analysis is not required for this rule. The Coast Guard, nonetheless, expects that this interim rule will not have a significant economic impact on a substantial number of small entities.

This interim rule will affect owners and operators of, and unlicensed seamen working on or applying for work on, large passenger vessels of more than 70,000 gross tons, with a capacity of at least 2,000 passengers, and documented with a coastwise endorsement. This rulemaking will also indirectly affect unions for unlicensed mariners.

We have determined that individual mariners and the unions affected by this rule are not small entities under the definition of a small entity in the RFA. We also determined that the unions are not directly regulated by the rule.

Owners and operators affected by this rule will most likely be classified under one of the following North American Industry Classification System (NAICS) 6-digit codes for water transportation: 483114—Coastal and Great Lakes Passenger Transportation or 483112—Deep Sea Passenger Transportation. According to the Small Business Administration's size standards, a U.S. company classified under these NAICS codes and employing less than 500 employees is considered a small entity.

Based on Coast Guard data, we have determined that there is only one company affected by this rule. We researched company size and revenue data using proprietary and public business databases and found that this company employs more than 500 employees and is not considered a small entity by the Small Business Administration's size standards. In addition, we found that this company was a subsidiary of a large foreign-owned corporation. See the ''Regulatory Evaluation'' section for more information about the effected vessel owner.

Therefore, 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. If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule will have a significant economic impact on it, please submit a comment to the Docket Management Facility at the address under **ADDRESSES**. In your comment, explain why you think it qualifies and how and to what degree this rule would economically affect it.

D. 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 interim 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 LCDR Derek D'Orazio at 202–372–1405. 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.

E. Collection of Information

Under the Paperwork Reduction Act (44 U.S.C. 3501–3520), the Office of Management and Budget (OMB) reviews agency collection of information requirements. As part of its review, OMB evaluates the practical utility of the information in light of the burden imposed by its collection. Collection of information requirements include reporting, recordkeeping, notification, and other similar requirements. This interim rule will require employers to submit employee information to the Coast Guard before the Coast Guard will issue an MMD for their employees. However, we expect only one company will be affected by this requirement each year, as there is only one company in a position to take advantage of these regulations. As such, this rule contains no new collection of information under the Paperwork Reduction Act.

F. 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.

States may not regulate in categories reserved for regulation by the Coast Guard. All of the categories covered in 46 U.S.C. 3306, 3703, 7101, and 8101 (design, construction, alteration, repair, maintenance, operation, equipping, personnel qualification, and manning of vessels), as well as the reporting of casualties and any other category in which Congress intended the Coast Guard to be the sole source of a vessel's obligations, are within the field foreclosed from regulation by the States. *See United States* v. *Locke* and *Intertanko* v. *Locke*, 529 U.S. 89 (March 6, 2000). This interim rule deals with personnel qualifications and the manning requirements on large passenger vessels. Because the States may not regulate within these categories, preemption under Executive Order 13132 is not an issue.

G. 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 discuss the effects of this rule elsewhere in this preamble.

H. Taking of Private Property

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

I. 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.

J. Protection of Children

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

K. Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian

tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

L. 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 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.

M. 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.

N. Environment

We have analyzed this rule under Commandant Instruction M16475.lD 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)(c), of the Instruction, from further environmental documentation. This paragraph excludes regulatory actions concerning the training, qualifying, licensing, and disciplining of maritime personnel from further environmental documentation, and this interim rule concerns the licensing of maritime personnel. An ''Environmental Analysis Check List'' and a ''Categorical Exclusion Determination'' are available in the docket where indicated under the ''Public Participation and Request for Comments'' section of this preamble. 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

46 CFR Part 12

Penalties, Reporting and recordkeeping requirements, Schools, Seamen.

46 CFR Part 15

Reporting and recordkeeping requirements, Seamen, Vessels.

■ Accordingly, 46 CFR Chapter I is amended as follows:

PART 12—CERTIFICATION OF SEAMEN

■ 1. Add new Subpart 12.40 to read as follows:

Subpart 12.40—Non-resident Alien Unlicensed Members of the Steward's Department on U.S.-Flag Large Passenger Vessels

Sec.
12.40–1 Purpose of rules.
12.40–3 Definitions.
12.40–5 General application requirements.
12.40–7 Employer requirements.
12.40–9 Basis for denial.
12.40–11 Citizenship and identity.
12.40–13 Restrictions.
12.40–15 Alternative means of compliance.

Authority: 31 U.S.C. 9701; 46 U.S.C. 2101, 2103, 2110, 7301, 7302, 7503, 7505, 7701 and 8103; Department of Homeland Security Delegation No. 0170.1.

§ 12.40–1 Purpose of rules.

The rules in this subpart implement 46 U.S.C. 8103(k) by establishing requirements for the issuance of merchant mariner's documents, valid only for service in the steward's department of U.S.-flag large passenger vessels, to non-resident aliens.

§ 12.40–3 Definitions.

As used in this subpart:

Large passenger vessel means a vessel of more than 70,000 gross tons, as measured under 46 U.S.C. 14302 and documented under the laws of the United States, with capacity for at least 2,000 passengers and a coastwise endorsement under 46 U.S.C. chapter 121.

Non-resident alien means an individual who is not a citizen or alien lawfully admitted to the United States for permanent residence, but who is employable in the United States under the Immigration and Nationality Act (8 U.S.C. 1101 *et seq.*), including an alien crewman described in section 101(a)(15)(D)(i) of that Act who meets the requirements of 46 U.S.C. 8103(k)(3)(A).

Steward's department means the department that includes entertainment personnel and all service personnel, including wait staff, housekeeping staff, and galley workers, as defined in the vessel security plan approved by the Secretary under 46 U.S.C. 70103(c). These personnel may also be referred to as members of the hotel department on a large passenger vessel.

§ 12.40–5 General application requirements.

(a) Unless otherwise expressly specified in this subpart, non-resident alien applicants for Coast Guard-issued merchant mariner's documents are subject to all applicable requirements contained in this subchapter.

(b) No application from a non-resident alien for a merchant mariner's document issued pursuant to this subpart will be accepted unless the applicant's employer satisfies all of the requirements of § 12.40–7.

§ 12.40–7 Employer requirements.

(a) The employer must submit the following to the Coast Guard, as a part of the applicant's merchant mariner's document application, on behalf of the applicant:

(1) A signed report that contains all material disciplinary actions related to the applicant, such as, but not limited to, violence or assault, theft, drug and alcohol policy violations, and sexual harassment, along with an explanation of the criteria used by the employer to determine the materiality of those actions;

(2) A signed report regarding an employer-conducted background check. The report must contain:

(i) A statement that the applicant has successfully undergone an employer-conducted background check;

(ii) A description of the employer-conducted background check, including all databases and records searched. The background check must, at a minimum, show that the employer has reviewed all information reasonably and legally available to the owner or managing operator, including the review of available court and police records in the applicant's country of citizenship, and any other country in which the

applicant has received employment referrals, or resided, for the past 20 years prior to the date of application; and,

(iii) All information derived from the employer-conducted background check.

(3) The employer-conducted background check must be conducted to the satisfaction of the Coast Guard for a merchant mariner's document to be issued to the applicant.

(b) If a merchant mariner's document is issued to the applicant, the report and information required in paragraph (a)(2) of this section must be securely kept by the employer on the U.S.-flag large passenger vessel, or U.S.-flag large passenger vessels, on which the applicant is employed. The report and information must remain on the last U.S.-flag large passenger vessel on which the applicant was employed until such time as the merchant mariner's document is returned to the Coast Guard in accordance with paragraph (d) of this section.

(c) If a merchant mariner's document or a transportation worker identification credential (TWIC) is issued to the applicant, each merchant mariner's document and TWIC must be securely kept by the employer on the U.S.-flag large passenger vessel on which the applicant is employed. The employer must maintain a detailed record of the seaman's total service on all authorized U.S.-flag large passenger vessels, and must make that information available to the Coast Guard upon request, to demonstrate that the limitations of § 12.40–13(c) have not been exceeded.

(d) In the event that the seaman's merchant mariner's document and/or TWIC expires, the seaman's visa status terminates, the seaman serves onboard the U.S.-flag large passenger vessel(s) for 36 months in the aggregate as a nonimmigrant crewman, the employer terminates employment of the seaman or if the seaman otherwise ceases working with the employer, the employer must return the merchant mariner's document to the Coast Guard and/or the TWIC to the Transportation Security Administration within 10 days of the event.

(e) In addition to the initial material disciplinary actions report and the initial employer-conducted background check specified in paragraph (a) of this section, the employer must:

(1) Submit an annual material disciplinary actions report to update whether there have been any material disciplinary actions related to the applicant since the last material disciplinary actions report was submitted to the Coast Guard.

(i) The annual material disciplinary actions report must be submitted to the satisfaction of the Coast Guard in accordance with the same criteria set forth in paragraph (a)(1) of this section, except that the period of time examined for the material disciplinary actions report need only extend back to the date of the last material disciplinary actions report; and

(ii) The annual material disciplinary actions report must be submitted to the Coast Guard on or before the anniversary of the issuance date of the merchant mariner's document.

(2) Conduct a background check each year that the merchant mariner's document is valid to search for any changes that might have occurred since the last employer-conducted background check was performed:

(i) The annual background check must be conducted to the satisfaction of the Coast Guard in accordance with the same criteria set forth in paragraph (a)(2) of this section, except that the period of time examined during the annual background check need only extend back to the date of the last background check; and

(ii) All information derived from the annual background check must be submitted to the Coast Guard on or before the anniversary of the issuance date of the merchant mariner's document.

(f) The employer is subject to the civil penalty provisions specified in 46 U.S.C. 8103(f) for any violation of this section.

§ 12.40–9 Basis for denial.

In addition to the requirements for a merchant mariner's document established elsewhere in this subchapter, and the basis for denial established in § 12.02–4 of this part, an applicant for a merchant mariner's document issued pursuant to this subpart must:

(a) Have been employed, for a period of at least one year, on a foreign-flag passenger vessel, or foreign flag passenger vessels, that are under the same common ownership or control as the U.S.-flag large passenger vessel, or U.S.-flag large passenger vessels, on which the applicant will be employed upon issuance of a merchant mariner's document under this subpart.

(b) Have no record of material disciplinary actions during the employment required under paragraph (a) of this section, as verified in writing by the owner or managing operator of the U.S.-flag large passenger vessel, or U.S.-flag large passenger vessels, on which the applicant will be employed.

(c) Have successfully completed an employer-conducted background check, to the satisfaction of both the employer and the Coast Guard.

(d) Meet the citizenship and identity requirements of § 12.40–11.

§ 12.40–11 Citizenship and identity.

(a) In lieu of the requirements of §§ 12.02–10, 12.02–12 and 12.02–14 of this part, a non-resident alien may apply for a Coast Guard-issued merchant mariner's document, endorsed and valid only for service in the steward's department of a U.S.-flag large passenger vessel as defined in this subpart, if he or she is employable in the United States under the Immigration and Nationality Act (8 U.S.C. 1101, *et seq.*), including an alien crewman described in section 101 (a)(15)(D)(i) of that Act.

(b) To meet the citizenship and identity requirements of this subpart, an applicant must present an unexpired passport issued by the government of the country of which the applicant is a citizen or subject; and either a valid U.S. C–1/D Crewman Visa or other valid U.S. visa or authority deemed acceptable by the Coast Guard.

(c) Any non-resident alien applying for a merchant mariner's document under this subpart may not be a citizen of, or a temporary or permanent resident of, a country designated by the Department of State as a ''State Sponsor of Terrorism'' pursuant to section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)) or section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371).

§ 12.40–13 Restrictions.

(a) A merchant mariner's document issued to a non-resident alien under this subpart authorizes service only in the steward's department of the U.S.-flag large passenger vessel(s), that is/are under the same common ownership and control as the foreign-flag passenger vessel(s), on which the non-resident alien served to meet the requirements of § 12.40–9(a):

(1) The merchant mariner's document will be endorsed for service in the steward's department in accordance with § 12.25–10 of this part;

(2) The merchant mariner's document may also be endorsed for service as a food handler if the applicant meets the requirements of § 12.25–20 of this part; and

(3) No other rating or endorsement is authorized, except lifeboatman, in which case all applicable requirements of this subchapter and the STCW Convention and STCW Code must be met.

(b) The following restrictions must be printed on the merchant mariner's document, or listed in an accompanying Coast Guard letter, or both:

(1) The name and official number of all U.S.-flag vessels on which the non-resident alien may serve. Service is not authorized on any other U.S.-flag vessel;

(2) Upon issuance, the merchant mariner's document must remain in the custody of the employer at all times;

(3) Upon termination of employment, the merchant mariner's document must be returned to the Coast Guard within 10-days in accordance with § 12.40–7;

(4) A non-resident alien issued a merchant mariner's document under this subpart may not perform watchstanding, engine room duty watch, or vessel navigation functions; and,

(5) A non-resident alien issued a merchant mariner's document under this subpart may perform emergency-related duties provided:

(i) The emergency-related duties do not require any other rating or endorsement, except lifeboatman as specified in paragraph (a)(3) of this section;

(ii) The non-resident alien has completed familiarization and basic safety training, as required in § 15.1105 of this subchapter;

(iii) That if the non-resident alien serves as a lifeboatman, he or she must have the necessary lifeboatman's endorsement; and

(iv) The non-resident alien has completed the training for crewmembers on passenger ships performing duties involving safety or care for passengers, as required in subpart 12.35 of this part.

(c) A non-resident alien may only serve for an aggregate period of 36 months actual service on all authorized U.S.-flag large passenger vessels combined under the provisions of this subpart:

(1) Once this 36-month limitation is reached, the merchant mariner's document becomes invalid and must be returned to the Coast Guard under § 12.40–7(d), and the non-resident alien is no longer authorized serve in a position requiring a merchant mariner's document on any U.S.-flag large passenger vessel; and

(2) An individual who successfully adjusts his or her immigration status to become either a alien lawfully admitted for permanent residence to the United States or citizen of the United States may apply for a merchant mariner's document, subject to the requirements of §§ 12.02–10, 12.02–12 and 12.02–14 of this part, without any restrictions or limitations imposed by this subpart.

§ 12.40–15 Alternative means of compliance.

(a) The owner or managing operator of a U.S.-flag large passenger vessel, or U.S.-flag large passenger vessels, seeking to employ non-resident aliens issued merchant mariner's documents under this subpart may submit a plan to the Coast Guard, which, if approved, will serve as an alternative means of complying with the requirements of this subpart.

(b) The plan must address all of the elements contained in this subpart, as well as the related elements contained in § 15.530 of this subchapter, to the satisfaction of the Coast Guard.

PART 15—MANNING REQUIREMENTS

■ 3. The authority citation for part 15 is revised to read as follows:

Authority: 46 U.S.C. 2101, 2103, 3306, 3703, 8101, 8102, 8104, 8105, 8301, 8304, 8502, 8503, 8701, 8702, 8901, 8902, 8903, 8904, 8905(b), 8906, 9102, and 8103; and Department of Homeland Security Delegation No. 0170.1.

■ 4. Add new § 15.530 to subpart D to read as follows:

§ 15.530 Large passenger vessels.

(a) The definition of terms used in this section is the same as § 12.40–3 of this subchapter.

(b) The owner or operator of a U.S.-flag large passenger vessel must ensure that any non-resident alien holding a Coast Guard-issued merchant mariner's document described in subpart 12.40 of this subchapter is provided the rights, protections, and benefits of the International Labor Organization's Merchant Shipping (Minimum Standards) Convention of 1976.

(c) On U.S.-flag large passenger vessels, non-resident aliens holding a Coast-Guard issued merchant mariner's document described in subpart 12.40 of this subchapter:

(1) May only be employed in the steward's department on the vessel(s) specified on the merchant mariner's document or accompanying Coast Guard letter under § 12.40–13(b)(1) of this subchapter;

(2) May only be employed for an aggregate period of 36 months actual service on all authorized U.S.-flag large passenger vessels combined, under § 12.40–13(c) of this subchapter;

(3) May not perform watchstanding, engine room duty watch, or vessel navigation functions, under § 12.40–13(b)(4) of this subchapter; and

(4) May perform emergency-related duties only if, under § 12.40–13(b)(5) of this subchapter:

(i) The emergency-related duties do not require any other rating or endorsement, except lifeboatman as specified in § 12.40–13(a)(3) of this subchapter;

(ii) The non-resident alien has completed familiarization and basic safety training, as required in § 15.1105 of this part;

(iii) That if the non-resident alien serves as a lifeboatman, he or she must have the necessary lifeboatman's endorsement; and

(iv) The non-resident alien has completed the training for crewmembers on passenger ships performing duties involving safety or care for passengers, as required in subpart 12.35 of this subchapter.

(d) No more than 25 percent of the total number of unlicensed seamen on a U.S.-flag large passenger vessel may be aliens, whether admitted to the United States for permanent residence or otherwise allowed to be employed in the United States as non-resident aliens.

(e) The owner or operator of a U.S.-flag large passenger vessel employing non-resident aliens holding Coast Guard-issued merchant mariner's documents described in subpart 12.40 of this subchapter must:

(1) Retain custody of all non-resident alien merchant mariner's documents for the duration of employment, under § 12.40–13(b)(2) of this subchapter; and

(2) Return all non-resident alien merchant mariner's documents to the Coast Guard upon termination of employment, under § 12.40–13(b)(3) of this subchapter.

(f) The owner or operator of a U.S.-flag large passenger vessel employing non-resident aliens holding Coast Guard-issued merchant mariner's documents described in subpart 12.40 of this subchapter is subject to the civil penalty provisions specified in 46 U.S.C. 8103(f), for any violation of this section.

Dated: April 18, 2007.

Thad W. Allen,

Admiral, U.S. Coast Guard, Commandant.

[FR Doc. E7–7696 Filed 4–23–07; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 04011–2010–4114–02; I.D. 041707E]

Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast (NE) Multispecies Fishery; Modification of the Yellowtail Flounder Landing Limit for the U.S./Canada Management Area

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

ACTION: Temporary rule; landing limit.

SUMMARY: NMFS announces a decrease in the Georges Bank (GB) yellowtail flounder trip limit to 3,000 lb (1,361 kg) for NE multispecies days-at-sea (DAS) vessels fishing in the U.S./Canada Management Area. This action is authorized by the regulations implementing Amendment 13 to the NE Multispecies Fishery Management Plan and is intended to prevent over-harvesting of the Total Allowable Catch (TAC) for GB yellowtail flounder during the 2007 fishing year. This action is being taken to provide additional opportunities for vessels to fully harvest the TACs for transboundary stocks of GB cod, haddock, and yellowtail flounder under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

DATES: Effective May 1, 2007, through April 30, 2008.

FOR FURTHER INFORMATION CONTACT: Tobey Curtis, Fishery Management Specialist, (978) 281–9273, fax (978) 281–9135.

SUPPLEMENTARY INFORMATION: Regulations governing the GB yellowtail flounder landing limit within the U.S./Canada Management Area are found at § 648.85(a)(3)(iv)(C) and (D). The regulations authorize vessels issued a valid limited access NE multispecies permit and fishing under a NE multispecies DAS to fish in the U.S./Canada Management Area, as defined at § 648.85(a)(1), under specific conditions. The TAC for GB yellowtail flounder for the 2007 fishing year (May 1, 2007 - April 30, 2008) is proposed to be 900 mt (72 FR 10967, March 12, 2007); a 43–percent reduction from the TAC for the 2006 fishing year. The regulations at § 648.85(a)(3)(iv)(D) authorize the Regional Administrator to increase or decrease the trip limits in the U.S./Canada Management Area to prevent over-harvesting or under-harvesting the TAC allocation. Based upon the reduced 2007 TAC for GB yellowtail flounder, and projections of harvest rates in the fishery, the current trip limits could result in the over-harvest of the GB yellowtail flounder TAC during the 2007 fishing year, and reduce the opportunities to fish for Eastern GB cod and haddock in the Eastern U.S./Canada Area. Based on this information, NMFS is decreasing the current 10,000–lb (4,536–kg) trip limit in the U.S./Canada Management Area to 3,000 lb (1,361 kg), effective May 1, 2007, through April 30, 2008. Accordingly, there is a 3,000 lb (1,361 kg) trip limit on the amount of GB yellowtail flounder that can be harvested or landed for the 2007 fishing year for vessels subject to these regulations. This will allow for the fishery in the Eastern U.S./Canada Area to remain open longer, and increase the opportunities to target Eastern GB cod and haddock during the 2007 fishing year. NE multispecies vessels fishing in the Eastern U.S./Canada Area under a NE multispecies DAS with trawl gear must use either a haddock separator trawl or a flounder trawl net, as specified at § 648.85(a)(3)(iii). GB yellowtail flounder landings will be closely monitored through the Vessel Monitoring System (VMS) and other available information. Should 100 percent of the TAC allocation for GB yellowtail flounder be projected to be harvested, the Eastern U.S./Canada Area will close to all limited access NE multispecies DAS vessels, and all vessels will be prohibited from harvesting, possessing, or landing yellowtail flounder from the entire U.S./Canada Management Area for the remainder of the fishing year. Conversely, if the TAC is projected to be under-harvested by the end of the fishing year, inseason adjustments to increase the trip limit may be considered.

Classification

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

Pursuant to 5 U.S.C. 553(b)(B) and (d)(3), the Assistant Administrator finds good cause to waive prior notice and opportunity for public comment, as well as the delayed effectiveness for this action, because notice, comment, and a delayed effectiveness would be impracticable and contrary to the public interest. The regulations under § 658.85(a)(3)(iv)(D) grant the Regional Administrator the authority to adjust the GB yellowtail flounder trip limit to prevent over-harvesting or under-harvesting the TAC allocation. Given that there is a relatively small GB yellowtail flounder TAC of 900 mt, the time necessary to provide for prior notice, opportunity for public comment, or delayed effectiveness could prevent the agency from ensuring that the TAC is not exceeded. If implementation of this action is delayed, the NE multispecies fishery could fully harvest the TAC for GB yellowtail flounder prior to the end of the 2007 fishing year. Over-harvesting the GB yellowtail TAC would result in an overage deduction in fishing year 2008, and increase economic impacts to the industry and social impacts beyond those analyzed for Amendment 13. A delay in the effectiveness of the trip limit modification in this rule could prevent the agency from meeting its management obligation and ensuring the opportunity for the 2007 TACs for GB cod, haddock, and yellowtail flounder specified for the U.S./Canada Management Area to be harvested at a level that approaches optimum yield. Any such delay could lead to the negative impacts to the fishing industry described above. The decision to take this action could not be made earlier due to the delayed recommended specifications of the 2007 fishing year TACs in the U.S./Canada Management Area from the Transboundary Management Guidance Committee and the New England Fishery Management Council. The proposed 2007 TACs were published in the **Federal Register** on March 12, 2007, and the public comment period closed on April 11, 2007. Therefore, the final decision to implement a 900 mt TAC for GB yellowtail flounder, and a precautionary, reduced trip limit for the 2007 fishing year, could not be made until after that comment period closed.

The rate of harvest of the GB yellowtail flounder TAC in the U.S./Canada Management Area is updated weekly on the internet at *http://www.nero.noaa.gov*. Accordingly, the public is able to obtain information that would provide some advanced notice of a potential action to provide additional opportunities to the NE multispecies industry to fully harvest the TAC for GB yellowtail flounder, as well as Eastern GB cod and haddock, during the 2007 fishing year. Further, the potential for this action was considered and open to public comment during the development of Framework 42.

Therefore, any negative effect the waiving of public comment and delayed effectiveness may have on the public is mitigated by these factors.

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

Dated: April 19, 2007.

James P. Burgess,

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

[FR Doc. E7–7789 Filed 4–23–07; 8:45 am]

BILLING CODE 3510–22–S

Proposed Rules

Federal Register
Vol. 72, No. 78
Tuesday April 24, 2007

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2007–27982; Directorate Identifier 2007–NM–009–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A300 Series Airplanes; Model A300–600 Series Airplanes; and Model A310 Series Airplanes

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

ACTION: Notice of proposed rulemaking (NPRM).

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

> * * * accidents which occurred to in-service aircraft caused by the violent opening of a passenger door, related to excessive residual pressurization in the cabin on ground.
>
> * * * * *

This unsafe condition could result in injury to crew members opening the passenger door. The proposed AD would require actions that are intended to address the unsafe condition described in the MCAI.

DATES: We must receive comments on this proposed AD by May 24, 2007.

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

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

Examining the AD Docket

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

FOR FURTHER INFORMATION CONTACT: Tom Stafford, Aerospace Engineer, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 227–1622; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Streamlined Issuance of AD

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

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

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2007–27982; Directorate Identifier 2007–NM–009–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

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

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA Airworthiness Directive 2007–0005, dated January 8, 2007 (referred to after this as ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

> The modification rendered mandatory by this Airworthiness Directive (AD) falls within the scope of a set of corrective measures undertaken by AIRBUS subsequent to accidents which occurred to in-service aircraft caused by the violent opening of a passenger door, related to excessive residual pressurization in the cabin on ground.
>
> In order to prevent the flight crews operating in manual mode when discrete spoilers signals are true and ensures OFV (outflow valve) or depress valve are driven open after landing, this modification consists of introducing an automatic opening logic either for the forward and aft OFV or for the single depress valve, when the aircraft is on ground, immediately after landing.

The MCAI requires the modification described previously. This unsafe condition could result in injury to crew members opening the passenger door. You may obtain further information by examining the MCAI in the AD docket.

Relevant Service Information

Airbus has issued Service Bulletins A300–21–0132, dated July 28, 2006; A300–21–6049, Revision 01, dated September 15, 2006; and A310–21–2062, dated July 20, 2006. The actions described in the service information are intended to correct the unsafe condition identified in the MCAI.

FAA's Determination and Requirements of This Proposed AD

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

Differences Between This AD and the MCAI or Service Information

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

We might also have proposed different actions in this AD from those in the MCAI in order to follow FAA policies. Any such differences are described in a separate paragraph of the proposed AD. These requirements, if ultimately adopted, will take precedence over the actions copied from the MCAI.

Costs of Compliance

Based on the service information, we estimate that this proposed AD would affect about 191 products of U.S. registry. We also estimate that it would take up to 34 work-hours per product to comply with the basic requirements of this proposed AD. The average labor rate is $80 per work-hour. Required parts would cost up to $5,470 per product. Where the service information lists required parts costs that are covered under warranty, we have assumed that there will be no charge for these costs. As we do not control warranty coverage for affected parties, some parties may incur costs higher than estimated here. Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be up to $1,564,290, or $8,190 per product.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Airbus: Docket No. FAA–2007–27982; Directorate Identifier 2007–NM–009–AD.

Comments Due Date

(a) We must receive comments by May 24, 2007.

Affected ADs

(b) None.

Applicability

(c) This AD applies to the following airplanes, certificated in any category:

(1) Model A300 series airplanes, manufacturer serial numbers 0202, 0205, 0225, 0299, and 0302, in forward facing crew cockpit configuration, except airplanes which have received in service application of Airbus Service Bulletin A300–21–0132.

(2) Model A310 series airplanes, all certified models, all serial numbers, except airplanes which have received in service application of Airbus Service Bulletin A310–21–2062.

(3) Model A300–600 series airplanes, all certified models, all serial numbers, on which Airbus Modification 03881 is embodied, except airplanes which have received either incorporation of Airbus Modification 12942 during production, or application of Airbus Service Bulletin A300–21–6049 in service.

Subject

(d) Doors.

Reason

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

The modification rendered mandatory by this Airworthiness Directive (AD) falls within the scope of a set of corrective measures undertaken by AIRBUS subsequent to accidents which occurred to in-service aircraft caused by the violent opening of a passenger door, related to excessive residual pressurization in the cabin on ground.

In order to prevent the flight crews operating in manual mode when discrete spoilers signals are true and ensures OFV (outflow valve) or depress valve are driven open after landing, this modification consists of introducing an automatic opening logic either for the forward and aft OFV or for the single depress valve, when the aircraft is on ground, immediately after landing.

This unsafe condition could result in injury to crew members opening the passenger door.

Actions and Compliance

(f) Unless already done, do the following actions.

(1) Within 18 months after the effective date of this AD: Install an automatic opening logic either for the forward and aft OFV (outflow valve) or for the single depress valve, as applicable, by introducing the use of discrete spoiler signals, driving one (Model A300 airplanes) or two (Model A310 airplanes and Model A300–600 series airplanes) time delay relays, in accordance with the instructions of Airbus Service Bulletin A300–21–0132, dated July 28, 2006; A310–21–2062, dated July 20, 2006; or A300–21–6049, Revision 01, dated September 15, 2006; as applicable.

(2) Actions done before the effective date of this AD in accordance with Airbus Service Bulletin A300–21–6049, dated August 31,

2005, are acceptable for compliance with the corresponding requirements of this AD.

FAA AD Differences

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

Other FAA AD Provisions

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

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Branch, ANM–116, FAA, ATTN: Tom Stafford, Aerospace Engineer, 1601 Lind Avenue, SW., Renton, Washington, 98057–3356, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Before using any AMOC approved in accordance with § 39.19 on any airplane to which the AMOC applies, notify the appropriate principal inspector in the FAA Flight Standards Certificate Holding District Office.

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

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

Related Information

(h) Refer to MCAI European Aviation Safety Agency Airworthiness Directive 2007–0005, dated January 8, 2007; and Airbus Service Bulletins A300–21–0132, dated July 28, 2006; A300–21–6049, Revision 01, dated September 15, 2006; and A310–21–2062, dated July 20, 2006; for related information.

Issued in Renton, Washington, on April 16, 2007.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E7–7733 Filed 4–23–07; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2007–27981; Directorate Identifier 2007–NM–021–AD]

RIN 2120–AA64

Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB–145XR Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

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

It has been found that the refueling line inside the ventral fuel tank on the Embraer EMB–145XR aircraft model is not protected in accordance with SFAR–88 (Special Federal Aviation Regulation 88) requirements.

The unsafe condition is potential ignition sources inside fuel tanks, which, in combination with flammable fuel vapors, could result in fuel tank explosions and consequent loss of the airplane. The proposed AD would require actions that are intended to address the unsafe condition described in the MCAI.

DATES: We must receive comments on this proposed AD by May 24, 2007.

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

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

Examining the AD Docket

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

FOR FURTHER INFORMATION CONTACT: Todd Thompson, Aerospace Engineer, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 227–1175; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Streamlined Issuance of AD

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

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

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2007–27981; Directorate Identifier 2007–NM–021–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

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

substantive verbal contact we receive about this proposed AD.

Discussion

The Agência Nacional de Aviação Civil (ANAC), which is the aviation authority for Brazil, has issued Brazilian Airworthiness Directive 2006–12–01, effective January 4, 2007 (referred to after this as ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

> It has been found that the refueling line inside the ventral fuel tank on the Embraer EMB–145XR aircraft model is not protected in accordance with SFAR–88 (Special Federal Aviation Regulation 88) requirements.

The unsafe condition is potential ignition sources inside fuel tanks, which, in combination with flammable fuel vapors, could result in fuel tank explosions and consequent loss of the airplane. The MCAI requires installation of a bonding jumper between the pilot valve line tube and the pressure refueling system tube. You may obtain further information by examining the MCAI in the AD docket.

The FAA has examined the underlying safety issues involved in fuel tank explosions on several large transport airplanes, including the adequacy of existing regulations, the service history of airplanes subject to those regulations, and existing maintenance practices for fuel tank systems. As a result of those findings, we issued a regulation titled ''Transport Airplane Fuel Tank System Design Review, Flammability Reduction and Maintenance and Inspection Requirements'' (66 FR 23086, May 7, 2001). In addition to new airworthiness standards for transport airplanes and new maintenance requirements, this rule included Special Federal Aviation Regulation No. 88 (''SFAR 88,'' Amendment 21–78, and subsequent Amendments 21–82 and 21–83).

Among other actions, SFAR 88 requires certain type design (*i.e.*, type certificate (TC) and supplemental type certificate (STC)) holders to substantiate that their fuel tank systems can prevent ignition sources in the fuel tanks. This requirement applies to type design holders for large turbine-powered transport airplanes and for subsequent modifications to those airplanes. It requires them to perform design reviews and to develop design changes and maintenance procedures if their designs do not meet the new fuel tank safety standards. As explained in the preamble to the rule, we intended to adopt airworthiness directives to mandate any changes found necessary to address unsafe conditions identified as a result of these reviews.

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

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

Relevant Service Information

EMBRAER has issued Service Bulletin 145–28–0026, dated May 16, 2006. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

FAA's Determination and Requirements of This Proposed AD

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

Differences Between This AD and the MCAI or Service Information

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

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

Costs of Compliance

Based on the service information, we estimate that this proposed AD would affect about 69 products of U.S. registry. We also estimate that it would take about 11 work-hours per product to comply with the basic requirements of this proposed AD. The average labor rate is $80 per work-hour. Required parts would cost about $56 per product. Where the service information lists required parts costs that are covered under warranty, we have assumed that there will be no charge for these costs. As we do not control warranty coverage for affected parties, some parties may incur costs higher than estimated here. Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be $64,584, or $936 per product.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Empresa Brasileira de Aeronautica S.A. (EMBRAER): Docket No. FAA–2007–27981; Directorate Identifier 2007–NM–021–AD.

Comments Due Date

(a) We must receive comments by May 24, 2007.

Affected ADs

(b) None.

Applicability

(c) This AD applies to EMBRAER Model EMB–145XR airplanes; certificated in any category; as identified in EMBRAER Service Bulletin 145–28–0026, dated May 16, 2006.

Subject

(d) Fuel.

Reason

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

It has been found that the refueling line inside the ventral fuel tank on the Embraer EMB–145XR aircraft model is not protected in accordance with SFAR–88 (Special Federal Aviation Regulation 88) requirements.

The unsafe condition is potential ignition sources inside fuel tanks, which, in combination with flammable fuel vapors, could result in fuel tank explosions and consequent loss of the airplane. The MCAI requires installation of a bonding jumper between the pilot valve line tube and the pressure refueling system tube.

Actions and Compliance

(f) At the time specified in paragraphs (f)(1) and (f)(2) of this AD, unless already done, install a bonding jumper between the pilot valve line tube and the pressure refueling system tube, after removing ventral fuel tank access panel 196FR, as described in EMBRAER Service Bulletin 145–28–0026, dated May 16, 2006.

(1) For airplanes that have accumulated less than 5,000 total flight hours as of the effective date of this AD: Prior to the accumulation of 10,000 total flight hours.

(2) For airplanes that have accumulated 5,000 or more total flight hours as of the effective date of this AD: Within 5,000 flight hours after the effective date of this AD.

FAA AD Differences

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

Other FAA AD Provisions

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

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Branch, ANM–116, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Todd Thompson, Aerospace Engineer; International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 227–1175; fax (425) 227–1149. Before using any AMOC approved in accordance with § 39.19 on any airplane to which the AMOC applies, notify the appropriate principal inspector in the FAA Flight Standards Certificate Holding District Office.

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

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

Related Information

(h) Refer to MCAI Brazilian Airworthiness Directive 2006–12–01, effective January 4, 2007; and EMBRAER Service Bulletin 145–28–0026, dated May 16, 2006; for related information.

Issued in Renton, Washington, on April 16, 2007.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E7–7736 Filed 4–23–07; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2007–27983; Directorate Identifier 2006–NM–192–AD]

RIN 2120–AA64

Airworthiness Directives; Avions Marcel Dassault-Breguet Model Falcon 10 Airplanes

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

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to supersede an existing airworthiness directive (AD) that applies to all Dassault Model Falcon 10 series airplanes. The existing AD currently requires revising the airplane flight manual (AFM) and installing a placard in the flight deck to prohibit flight into known or forecasted icing conditions. In lieu of the AFM revision and placard installation, that AD allows identifying the part number of each flexible hose in the wing (slat) anti-icing system, performing repetitive inspections of each hose for delamination, and performing corrective actions if necessary. That AD allows the following actions (also in lieu of the AFM revision and placard installation): new repetitive inspections for delamination at reduced intervals, corrective actions if necessary, and an additional AFM revision to include a statement to track flight cycles when the slat anti-icing system is activated. That AD also provides optional terminating action for the repetitive inspection requirements. This proposed AD would mandate the previously optional terminating action. This proposed AD results from a report of in-service delamination of a flexible hose in the slat anti-icing system at a time earlier than previously reported. We are proposing this AD to prevent collapse of the flexible hoses in the slat anti-icing system, which could lead to insufficient anti-icing capability and, if icing is encountered in this situation, could result in reduced controllability of the airplane.

DATES: We must receive comments on this proposed AD by May 24, 2007.

ADDRESSES: Use one of the following addresses to submit comments on this proposed AD.

- *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.
- *Fax:* (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.

Contact Dassault Falcon Jet, P.O. Box 2000, South Hackensack, New Jersey 07606, for service information identified in this proposed AD.

FOR FURTHER INFORMATION CONTACT: Tom Rodriguez, Aerospace Engineer, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–1137; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to submit any relevant written data, views, or arguments regarding this proposed AD. Send your comments to an address listed in the **ADDRESSES** section. Include the docket number ''Docket No. FAA–2007–27983; Directorate Identifier 2006–NM–192–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of the proposed AD. We will consider all comments received by the closing date and may amend the proposed AD in light of those comments.

We will post all comments we receive, without change, to *http://dms.dot.gov,* including any personal information you provide. We will also post a report summarizing each substantive verbal contact with FAA personnel concerning this proposed AD. Using the search function of that web site, anyone can find and read the comments in any of our dockets, including the name of the individual who sent the comment (or signed the comment on behalf of an association, business, labor union, etc.). You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78), or you may visit *http://dms.dot.gov.*

Examining the Docket

You may examine the AD docket on the Internet at *http://dms.dot.gov,* or in person at the Docket Management Facility office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Management Facility office (telephone (800) 647–5227) is located on the plaza level of the Nassif Building at the DOT street address stated in the **ADDRESSES** section. Comments will be available in the AD docket shortly after the Docket Management System receives them.

Discussion

On August 26, 2005, we issued AD 2005–18–14, amendment 39–14254 (70 FR 53540, September 9, 2005), for all Dassault Model Falcon 10 series airplanes. That AD requires revising the airplane flight manual (AFM) and installing a placard in the flight deck to prohibit flight into known or forecasted icing conditions. In lieu of the AFM revision and placard installation, that AD allows identifying the part number (P/N) of each flexible hose in the wing (slat) anti-icing system, performing repetitive inspections of each hose for delamination, and performing corrective actions if necessary. That AD allows the following actions (also in lieu of the AFM revision and placard installation): new repetitive inspections for delamination at reduced intervals, corrective actions if necessary, and an additional AFM revision to include a statement to track flight cycles when the slat anti-icing system is activated. That AD also provides an option to repetitively replace the existing flexible hoses with improved flexible hoses, which terminates the repetitive inspection requirements. That AD resulted from a report of in-service delamination of a flexible hose in the slat anti-icing system at a time earlier than previously reported. We issued that AD to prevent collapse of the flexible hoses in the slat anti-icing system, which could lead to insufficient anti-icing capability and, if icing is encountered in this situation, could result in reduced controllability of the airplane.

Actions Since Existing AD Was Issued

The preamble to AD 2005–18–14 explains that we considered the requirements ''interim action'' and were considering further rulemaking. The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has since mandated the previously optional terminating action. We now have determined that further rulemaking is indeed necessary. This proposed AD follows from that determination.

Relevant Service Information

AD 2005–18–14 refers to Dassault Service Bulletin F10–313, dated August 10, 2005, as the appropriate source of service information for the optional terminating action. The manufacturer has since revised the service bulletin. Revision 1, dated May 10, 2006, advises of revised related maintenance documents and revised life limits for hoses having P/N FAL1007. The procedures in Revision 1 are the same as those in the original version of the service bulletin. Accomplishing the actions specified in the service information is intended to adequately address the unsafe condition. The EASA mandated the service information and issued EASA airworthiness directive 2006–0114, dated May 10, 2006, to ensure the continued airworthiness of these airplanes in the European Union.

FAA's Determination and Requirements of the Proposed AD

These airplanes are manufactured in France and are type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. As described in FAA Order 8100.14A, ''Interim Procedures for Working with the European Community on Airworthiness Certification and Continued Airworthiness,'' dated August 12, 2005, the EASA has kept the FAA informed of the situation described above. We have examined the EASA's findings, evaluated all pertinent information, and determined that we need to issue an AD for airplanes of this type design that are certificated for operation in the United States.

This proposed AD would supersede AD 2005–18–14. This proposed AD would retain the existing requirements except the requirement to report inspection results, and mandate the previously optional terminating action.

Costs of Compliance

The following table provides the estimated costs for U.S. operators to comply with this proposed AD, at an average hourly labor rate of $80.

ESTIMATED COSTS

Action	Work hours	Parts	Cost per airplane	Number of U.S.-registered airplanes	Fleet cost
AFM revision and placard installation (an option in AD 2005–18–14).	1	$0	$80	Up to 146	Up to $11,680.
Detailed inspection (an option in AD 2005–18–14).	1	0	$80, per inspection cycle	Up to 146	Up to $11,680, per inspection cycle.
Borescope inspection (an option in AD 2005–18–14).	3	0	$240, per inspection cycle	Up to 146	Up to $35,040, per inspection cycle.
Hose replacement (new proposed action).	8	880	$1,520	Up to 146	Up to $221,920.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

We prepared a regulatory evaluation of the estimated costs to comply with this proposed AD and placed it in the AD docket. See the **ADDRESSES** section for a location to examine the regulatory evaluation.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. The Federal Aviation Administration (FAA) amends § 39.13 by removing amendment 39–14254 (70 FR 53540, September 9, 2005) and adding the following new airworthiness directive (AD):

Avions Marcel Dassault-Breguet Aviation (AMD/BA): Docket No. FAA–2007–27983; Directorate Identifier 2006–NM–192–AD.

Comments Due Date

(a) The FAA must receive comments on this AD action by May 24, 2007.

Affected ADs

(b) This AD supersedes AD 2005–18–14.

Applicability

(c) This AD applies to all Avions Marcel Dassault-Breguet Model Falcon 10 airplanes.

Unsafe Condition

(d) This AD results from a report of in-service delamination of a flexible hose in the slat anti-icing system at a time earlier than previously reported. We are issuing this AD to prevent collapse of the flexible hoses in the slat anti-icing system, which could lead to insufficient anti-icing capability and, if icing is encountered in this situation, could result in reduced controllability of the airplane.

Compliance

(e) You are responsible for having the actions required by this AD performed within the compliance times specified, unless the actions have already been done.

Restatement of the Requirements of AD 2005–18–14

Repetitive Detailed Inspections, or Airplane Flight Manual (AFM) Revision and Placard Installation

(f) Within 14 days after April 26, 2005 (the effective date of AD 2005–07–23, which was superseded by AD 2005–18–14), perform the actions specified in either paragraph (f)(1) or (f)(2) of this AD:

(1) Revise the Limitations section of the Dassault Aviation Falcon 10 AFM, and install a placard in the flight deck, to include the following information:

''Flights into known or forecasted icing conditions are prohibited.''

The AFM revision may be done by inserting a copy of this AD into the AFM. Install the placard on the pedestal in clear view of the pilot.

(2) Determine the part number of each flexible hose installed in the slat anti-icing system, perform a detailed inspection of the internal walls of the hoses for delamination, and perform any applicable corrective action, by accomplishing all of the applicable actions specified in the Accomplishment Instructions of Dassault Alert Service Bulletin F10–A312, dated February 25, 2005. If the part number for any hose cannot be determined, before further flight, replace that hose with a hose having part number (P/N) FAL1005D. Any corrective action must be done before further flight. Repeat the detailed inspection thereafter at intervals not to exceed 60 flight cycles or 3 months, whichever is first, until the actions required by paragraph (i) of this AD are accomplished.

Note 1: When a statement identical to that in paragraph (f)(1) of this AD has been included in the general revision of the AFM, the general revision may be inserted into the AFM, and the copy of this AD may be removed from the AFM.

Note 2: For the purposes of this AD, a detailed inspection is: ''An intensive examination of a specific item, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at an intensity deemed appropriate. Inspection aids such as mirror, magnifying lenses, etc., may be necessary. Surface cleaning and elaborate procedures may be required.''

(g) For airplanes on which the actions described in paragraph (f)(1) of this AD are performed, doing the actions described in paragraph (f)(2) of this AD is terminating action for the requirements of paragraph (f)(1) of this AD. Once the initial detailed inspection specified in paragraph (f)(2) of this AD is performed, the AFM limitation and placard required by paragraph (f)(1) of this AD may be removed.

Borescope Inspections

(h) For airplanes not operated under the limitation in paragraph (f)(1) of this AD: Before the next 10 flight cycles in which the slat anti-icing system is activated after the effective date of this AD, do a borescope inspection of each flexible hose installed in the slat anti-icing system. Do all the inspections and any applicable corrective action (including replacing the hose with a new hose having P/N FAL1005D), by accomplishing all of the applicable actions specified in the Accomplishment Instructions of Dassault Alert Service Bulletin F10–A312, Revision 1, dated June 27, 2005. Any corrective action must be done before further flight. Repeat the inspection thereafter at intervals not to exceed 10 flight cycles in which the slat anti-icing system is activated. Doing this inspection terminates the repetitive inspection requirements of paragraph (f)(2) of this AD.

(i) For airplanes on which the actions described in paragraph (f)(1) of this AD are performed, doing the actions described in paragraph (h) of this AD is terminating action for the requirements of paragraph (f)(1) of this AD. Once the initial borescope inspection specified in paragraph (h) of this AD is performed, the AFM limitation and placard required by paragraph (f)(1) of this AD may be removed.

AFM Revision

(j) For airplanes not operated under the limitation in paragraph (f)(1) of this AD: Before further flight after the effective date of this AD, revise the Limitations section of the Dassault Aviation Falcon 10 AFM, to include the following information.

''After each flight in which the slat anti-ice system is activated, inform maintenance.''

The AFM revision may be done by inserting a copy of this AD into the AFM.

Note 3: When a statement identical to that in paragraph (j)(1) of this AD has been included in the general revision of the AFM, the general revision may be inserted into the AFM, and the copy of this AD may be removed from the AFM.

New Requirements of This AD

Hose Replacement

(k) Within 330 flight hours or 7 months after the effective date of this AD, whichever occurs first: Replace the flexible hoses installed in the slat anti-icing system with new hoses having P/N FAL1007, in accordance with the Accomplishment Instructions of Dassault Service Bulletin F10–313, Revision 1, dated May 10, 2006. This replacement terminates the requirements of paragraphs (f) through (j) of this AD. For airplanes previously operated under the limitation in paragraph (f)(1) of this AD: When the hoses have been replaced, the AFM limitation and placard required by paragraph (f)(1) of this AD may be removed. Repeat the hose replacement at intervals not to exceed 700 flight cycles.

(l) Replacement of a hose before the effective date of this service bulletin in accordance with Dassault Service Bulletin F10–313, dated August 10, 2005, is acceptable for compliance with the requirements of paragraph (k) of this AD.

Alternative Methods of Compliance (AMOCs)

(m)(1) The Manager, International Branch, ANM–116, FAA, has the authority to approve AMOCs for this AD, if requested in accordance with the procedures found in 14 CFR 39.19.

(2) Before using any AMOC approved in accordance with § 39.19 on any airplane to which the AMOC applies, notify the appropriate principal inspector in the FAA Flight Standards Certificate Holding District Office.

(3) An AMOC approved previously in accordance with AD 2005–18–14 is approved as an AMOC for the corresponding provisions of this AD.

Related Information

(n) EASA airworthiness directive 2006–0114, dated May 10, 2006, also addresses the subject of this AD.

Issued in Renton, Washington, on April 16, 2007.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E7–7741 Filed 4–23–07; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2007–27610; Directorate Identifier 2007–CE–023–AD]

RIN 2120–AA64

Airworthiness Directives; Diamond Aircraft Industries GmbH Model DA 42 Airplanes

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

ACTION: Notice of proposed rulemaking (NPRM).

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

It has been determined that the surface roughness of the wing stub safety walks Series 300, gray color (equals sandpaper grid 40), installed during production on some aeroplane S/Ns, adversely affects the aircraft single engine climb performance.

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

DATES: We must receive comments on this proposed AD by May 24, 2007.

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

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

Examining the AD Docket

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

FOR FURTHER INFORMATION CONTACT: Sarjapur Nagarajan, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4145; fax: (816) 329–4090.

SUPPLEMENTARY INFORMATION:

Streamlined Issuance of AD

The FAA is implementing a new process for streamlining the issuance of ADs related to MCAI. This streamlined process will allow us to adopt MCAI safety requirements in a more efficient manner and will reduce safety risks to the public. This process continues to follow all FAA AD issuance processes to meet legal, economic, Administrative Procedure Act, and **Federal Register** requirements. We also continue to meet

our technical decision-making responsibilities to identify and correct unsafe conditions on U.S.-certificated products.

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

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2007–27610; Directorate Identifier 2007–CE–023–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

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

Discussion

The Austrian Civil Aviation Administration (Austro Control), which is the airworthiness authority for Austria, has issued AD No. A–2005–003, dated October 21, 2005 (referred to after this as ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

> It has been determined that the surface roughness of the wing stub safety walks Series 300, gray color (equals sandpaper grid 40), installed during production on some aeroplane S/Ns, adversely affects the aircraft single engine climb performance.

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

Relevant Service Information

Diamond Aircraft Industries GmbH has issued Mandatory Service Bulletin No. MSB–42–006/1, dated September 20, 2005; and Diamond Aircraft Airplane Flight Manual Temporary Revision Performance Data DA 42 AFM TR–MÄM–42–111/a, dated September 20, 2005. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

FAA's Determination and Requirements of the Proposed AD

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

Differences Between This Proposed AD and the MCAI or Service Information

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

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

Costs of Compliance

Based on the service information, we estimate that this proposed AD would affect about 70 products of U.S. registry. We also estimate that it would take about 1 work-hour per product to comply with the basic requirements of this proposed AD. The average labor rate is $80 per work-hour. Required parts would cost about $285 per product. Where the service information lists required parts costs that are covered under warranty, we have assumed that there will be no charge for these costs. As we do not control warranty coverage for affected parties, some parties may incur costs higher than estimated here.

Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be $25,550, or $365 per product.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Diamond Aircraft Industries GmbH: Docket No. FAA–2007–27610; Directorate Identifier 2007–CE–023–AD.

Comments Due Date

(a) We must receive comments by May 24, 2007.

Affected ADs

(b) None.

Applicability

(c) This AD applies to DA 42 airplanes, serial numbers (S/N) 42.004 and up, certificated in any category.

Subject

(d) Air Transport Association of America (ATA) Code 57: Wings.

Reason

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

It has been determined that the surface roughness of the wing stub safety walks Series 300, gray color (equals sandpaper grid 40), installed during production on some aeroplane S/Ns, adversely affects the aircraft single engine climb performance.

Actions and Compliance

(f) Unless already done, do the following actions:

(1) *For S/N 42.004 through 42.035, and 42.037:* Within 60 days after the effective date of this AD, do the following actions following Diamond Aircraft Industries GmbH Mandatory Service Bulletin No. MSB–42–006/1, dated September 20, 2005:

(i) Exchange the wing stub safety walks following paragraph 1.8, Action 2 a) to b) of Diamond Aircraft Industries GmbH Mandatory Service Bulletin No. MSB–42–006/1, dated September 20, 2005.

(ii) Insert Diamond Aircraft Airplane Flight Manual Temporary Revision Performance Data DA 42 AFM TR–MÄM–42–111/a, dated September 20, 2005, Revision 3 to the Airplane Flight Manual (AFM), or any future revision that incorporates the same information into the Diamond Aircraft Industries GmbH Aircraft Airplane Flight Manual DA 42, Doc. 7.01.05–E.

(2) *For S/N 42.036, 42.038 through 42.064, 42.107, 42.109, 42.110, and 42.177:* Within 60 days after the effective date of this AD, insert Diamond Aircraft Airplane Flight Manual Temporary Revision Performance Data DA 42 AFM TR–MÄM–42–111/a, dated September 20, 2005, Revision 3 to the AFM, or any future revision that incorporates the same information into the Diamond Aircraft Industries GmbH Aircraft Airplane Flight Manual DA 42, Doc. 7.01.05–E.

(3) *For S/N 42.004 and up:* Within 60 days after the effective date of this AD, adhere to the following:

(i) No wing stub safety walks Series 300 (equals sandpaper grid 40), gray color, part number (P/N) D60–1127–10–51 (no revision letter attached) may be installed as a spare part on the Model DA 42 airplane. Only Diamond Aircraft Industries (DAI) GmbH released safety walk P/Ns with a surface roughness equal to or finer than sandpaper grid 100 are approved for installation as spare parts.

(ii) Diamond Aircraft Airplane Flight Manual Temporary Revision Performance Data DA 42 AFM TR–MÄM–42–111/a, dated September 20, 2005, Revision 3 to the AFM, or any future revision that incorporates the same information, must remain part of Diamond Aircraft Industries GmbH Aircraft Airplane Flight Manual DA 42, Doc. 7.01.05–E.

FAA AD Differences

Note: This AD differs from the MCAI and/or service information as follows:

(1) The MCAI and service bulletin require the insertion of Diamond Aircraft Airplane Flight Manual Temporary Revision Performance Data DA 42 AFM TR–MÄM–42–111/a, dated September 20, 2005, Revision 3 to the Airplane Flight Manual, or any future revision that incorporates the same information into the Diamond Aircraft Industries GmbH Aircraft Airplane Flight Manual DA 42, Doc. 7.01.05–E, immediately upon receipt. We consider immediately upon receipt as an urgent safety of flight compliance time, and we do not consider this unsafe condition to be an urgent safety of flight condition. Because we do not consider this unsafe condition to be an urgent safety of flight condition, we issued this action through the normal notice of proposed rulemaking (NPRM) AD process. The time of 60 days after the effective date of this AD is an adequate compliance for this AD action and met the FAA requirements of an NPRM followed by a final rule.

(2) Paragraphs A)i) and B)i) of the MCAI, state to assure that AFM TR–MAM–42–103, distributed with DAI MSB42–005, is inserted into AFM Doc. 7.01.05–E, rev. 2 or earlier revision. This AFM requirement was for an MCAI that the United States did not take AD action on. The action is no longer necessary when the actions proposed in this NPRM are done. Therefore, the action is not being mandated in the U.S. AD action.

(3) The MCAI references revision 2 of the AFM. However, the current revision level of the AFM is revision 3. The FAA AD references revision 3.

Other FAA AD Provisions

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

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Standards Staff, FAA, ATTN: Sarjapur Nagarajan, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4145; fax: (816) 329–4090, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

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

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

Related Information

(h) Refer to MCAI Austrian Civil Aviation Administration Austro Control GmbH AD No. A–2005–003, dated October 21, 2005; Diamond Aircraft Industries GmbH Mandatory Service Bulletin No. MSB–42–006/1, dated September 20, 2005; and Diamond Aircraft Temporary Revision Performance Data DA 42 AFM TR–MÄM–42–111/a, dated September 20, 2005, for related information.

Issued in Kansas City, Missouri, on April 17, 2007.

Charles L. Smalley,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. E7–7752 Filed 4–23–07; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2007–27723; Directorate Identifier 2007–CE–029–AD]

RIN 2120–AA64

Airworthiness Directives; PIAGGIO AERO INDUSTRIES S.p.A. Model P–180 Airplanes

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

ACTION: Notice of proposed rulemaking (NPRM).

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

EASA EAD 2006–0072–E was issued on 31st March 2006 following a further failure of the forward support of the Main Wing Outboard Flap (MWOF), caused by corrosion. This condition, if not corrected, may cause surface twisting during deployment at landing. The analysis of that event highlighted the need for the reduction of the previous inspection interval which was mandated by ENAC through AD 2004–523, approved by EASA with reference 2004–12521.

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

DATES: We must receive comments on this proposed AD by May 24, 2007.

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

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

Examining the AD Docket

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

FOR FURTHER INFORMATION CONTACT: Mr. Sarjapur Nagarajan, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4145; fax: (816) 329–4090.

SUPPLEMENTARY INFORMATION:

Streamlined Issuance of AD

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

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

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2007–27723; Directorate Identifier 2007–CE–029–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

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

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued AD No. 2006–0305, dated October 9, 2006 (referred to after this as ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

> EASA EAD 2006–0072–E was issued on 31st March 2006 following a further failure of the forward support of the Main Wing Outboard Flap (MWOF), caused by corrosion. This condition, if not corrected, may cause surface twisting during deployment at landing. The analysis of that event highlighted the need for the reduction of the previous inspection interval which was mandated by ENAC through AD 2004–523, approved by EASA with reference 2004–12521.
>
> Now the TC holder has developed a new type of forward support for the Main Wing Outboard Flap with characteristics that improve the resistance to corrosion. When the new support is installed, the repetitive Eddy current inspection that was introduced by EASA EAD 2006–0072–E is no longer required.

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

Relevant Service Information

Piaggio Aero Industries S.p.A. has issued Mandatory Service Bulletin No. 80–0210, Rev. 4, dated July 19, 2006. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

FAA's Determination and Requirements of the Proposed AD

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

Differences Between This Proposed AD and the MCAI or Service Information

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

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

Costs of Compliance

Based on the service information, we estimate that this proposed AD would affect about 7 products of U.S. registry. We also estimate that it would take about 16 work-hours per product to comply with the basic requirements of this proposed AD. The average labor rate is $80 per work-hour.

Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be $8,960, or $1,280 per product.

Authority for This Rulemaking

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

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

products identified in this rulemaking action.

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Piaggio Aero Industries S.p.A.: Docket No. FAA–2007–27723; Directorate Identifier 2007–CE–029–AD.

Comments Due Date

(a) We must receive comments by May 24, 2007.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Model P–180 airplanes, serial numbers 1002, 1004 through 1107, 1109, and 1110, certificated in any category.

Subject

(d) Air Transport Association of America (ATA) Code 57: Wings.

Reason

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

EASA EAD 2006–0072–E was issued on 31st March 2006 following a further failure of the forward support of the Main Wing Outboard Flap (MWOF), caused by corrosion. This condition, if not corrected, may cause surface twisting during deployment at landing. The analysis of that event highlighted the need for the reduction of the previous inspection interval which was mandated by ENAC through AD 2004–523, approved by EASA with reference 2004–12521.

Now the TC holder has developed a new type of forward support for the Main Wing Outboard Flap with characteristics that improve the resistance to corrosion. When the new support is installed, the repetitive Eddy current inspection that was introduced by EASA EAD 2006–0072–E is no longer required.

Actions and Compliance

(f) Unless already done, do the following actions:

(1) Within the next 200 hours time-in-service (TIS) or 60 days after the effective date of this AD, whichever occurs first, replace the outboard flap track forward bushing and the outboard flap track forward support. Do the replacements using the Accomplishment Instructions detailed in Part A of Piaggio Aero Industries S.p.A. Mandatory Service Bulletin (SB) No. 80–0210, Rev 4, dated July 19, 2006.

(2) At intervals not to exceed 1,500 hours TIS after doing the replacements required in paragraph (f)(1) of this AD, visually inspect the outboard flap track forward support for traces of any kind of corrosion and/or protective coat/finishing wear damage. Do the inspections using the Accomplishment Instructions detailed in Part B of Piaggio Aero Industries S.p.A. Mandatory SB No. 80–0210, Rev 4, dated July 19, 2006.

(3) Before further flight after each inspection required in paragraph (f)(2) of this AD in which any kind of corrosion or wear damage is found, contact the manufacturer for a repair scheme and incorporate the repair.

FAA AD Differences

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

Other FAA AD Provisions

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

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Standards Staff, FAA, Small Airplane Directorate, ATTN: Sarjapur Nagarajan, Aerospace Engineer, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4145; fax: (816) 329–4090, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

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

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

Related Information

(h) Refer to MCAI European Aviation Safety Agency (EASA) AD No. 2006–0305, dated October 9, 2006; and Piaggio Aero Industries S.p.A. Mandatory Service Bulletin No. 80–0210, Rev 4, dated July 19, 2006, for related information.

Issued in Kansas City, Missouri, on April 17, 2007.

Charles L. Smalley,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. E7–7754 Filed 4–23–07; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2007–27432; Directorate Identifier 2007–CE–017–AD]

RIN 2120–AA64

Airworthiness Directives; SOCATA—Groupe AEROSPATIALE Model TB 9, TB 10, and TB 200 Airplanes

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

ACTION: Notice of proposed rulemaking (NPRM).

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

* * * a new life limit for engine and Nose Landing Gear (NLG) mounts installed on EADS SOCATA TB 9, TB 10 and TB 200 airplanes, as defined in the updated Airworthiness Limitations Section (ALS) of the relevant Aircraft Maintenance Manuals (AMM).

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

DATES: We must receive comments on this proposed AD by May 24, 2007.

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

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

Examining the AD Docket

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

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

SUPPLEMENTARY INFORMATION:

Streamlined Issuance of AD

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

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

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2007–27432; Directorate Identifier 2007–CE–017–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

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

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued AD No. 2007–0034, dated February 22, 2007 (referred to after this as ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

> * * * a new life limit for engine and Nose Landing Gear (NLG) mounts installed on EADS SOCATA TB 9, TB 10 and TB 200 airplanes, as defined in the updated Airworthiness Limitations Section (ALS) of the relevant Aircraft Maintenance Manuals (AMM).
>
> The MCAI requires:
>
> * * * introduction of the new 10 000 Flight Hour life limit for engine and NLG mounts into the operator's maintenance program through the Revision 18 of the AMM.

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

Relevant Service Information

SOCATA—Groupe AEROSPATIALE has issued:

- SOCATA TB 9 Model Maintenance Manual, Original version dated September 1991, Revision 18, dated September 2006;
- SOCATA TB 10 Model Maintenance Manual, Original version dated September 1991, Revision 18, dated September 2006; and
- SOCATA TB 200 Model Maintenance Manual, Original version dated September 1991, Revision 18, dated September 2006.

The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

FAA's Determination and Requirements of the Proposed AD

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

Differences Between This Proposed AD and the MCAI or Service Information

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

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

Costs of Compliance

Based on the service information, we estimate that this proposed AD would affect about 146 products of U.S. registry. We also estimate that it would take about 0.5 work-hours per product to comply with the basic requirements of this proposed AD. The average labor rate is $80 per work-hour.

Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be $5,840, or $40 per product.

Authority for This Rulemaking

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

We are issuing this rulemaking under the authority described in ''Subtitle VII, Part A, Subpart III, Section 44701: General requirements.'' Under that

section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

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

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

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

SOCATA—Groupe AEROSPATIALE: Docket No. FAA–2007–27432; Directorate Identifier 2007–CE–017–AD.

Comments Due Date

(a) We must receive comments by May 24, 2007.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Model TB 9, TB 10, and TB 200 airplanes, all serial numbers, certificated in any category.

Subject

(d) Air Transport Association of America (ATA) Code 5: Time Limits.

Reason

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

* * * a new life limit for engine and Nose Landing Gear (NLG) mounts installed on EADS SOCATA TB 9, TB 10 and TB 200 airplanes, as defined in the updated Airworthiness Limitations Section (ALS) of the relevant Aircraft Maintenance Manuals (AMM).

Actions and Compliance

(f) Unless already done, within the next 30 days after the effective date of this AD, incorporate the life limits in the Airworthiness Limitations documents presented in paragraphs (f)(1), (f)(2), or (f)(3) of this AD into the FAA-approved maintenance program. This may be done by updating the Airworthiness Limitations Section of the Airplane Maintenance Manual (AMM) and inserting the following applicable revision. The owner/operator holding at least a private pilot certificate as authorized by section 43.7 of the Federal Aviation Regulations (14 CFR 43.7) may do this action. Make an entry in the aircraft records showing compliance with this portion of the AD following section 43.9 of the Federal Aviation Regulations (14 CFR 43.9).

(1) *For Model TB 9 airplanes:* Use SOCATA TB 9 Model Maintenance Manual, 04, Airworthiness Limitations, Original version dated September 1991, Revision 18, dated September 2006, or later revision that incorporates the same life limit for the engine mount and NLG mount as the above referenced Revision 18;

(2) *For Model TB 10 airplanes:* Use SOCATA TB 10 Model Maintenance Manual, 04, Airworthiness Limitations, Original version dated September 1991, Revision 18, dated September 2006, or later revision that incorporates the same life limit for the engine mount and NLG mount as the above referenced Revision 18; or

(3) *For Model TB 200 airplanes:* Use SOCATA TB 200 Model Maintenance Manual, 04, Airworthiness Limitations, Original version dated September 1991, Revision 18, dated September 2006, or later revision that incorporates the same life limit for the engine mount and NLG mount as the above referenced Revision 18.

FAA AD Differences

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

Other FAA AD Provisions

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

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Standards Staff, FAA, ATTN: Albert J. Mercado, Aerospace Safety Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4119; fax: (816) 329–4090, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

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

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

Related Information

(h) Refer to MCAI European Aviation Safety Agency (EASA) AD No. 2007–0034, dated February 22, 2007; SOCATA TB 9 Model Maintenance Manual, 04, Airworthiness Limitations, Original version dated September 1991, Revision 18, dated September 2006; SOCATA TB 10 Model Maintenance Manual, 04, Airworthiness Limitations, Original version dated September 1991, Revision 18, dated September 2006; and SOCATA TB 200 Model Maintenance Manual, 04, Airworthiness Limitations, Original version dated September 1991, Revision 18, dated September 2006, for related information.

Issued in Kansas City, Missouri, on April 17, 2007.

Charles L. Smalley,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. E7–7756 Filed 4–23–07; 8:45 am]

BILLING CODE 4910–13–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[EPA–HQ–OAR–2002–0093; FRL–8304–3]

RIN 2060–AN10

National Emission Standards for Hazardous Air Pollutants: Surface Coating of Automobiles and Light-Duty Trucks; National Emission Standards for Hazardous Air Pollutants for Surface Coating of Plastic Parts and Products

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to amend the National Emission Standards for Hazardous Air Pollutants: Surface Coating of Automobiles and Light-Duty Trucks (Automobiles and Light-Duty Trucks NESHAP) to clarify the interaction between the Automobiles and Light-Duty Trucks NESHAP and the National Emission Standards for Hazardous Air Pollutants for Surface Coating of Plastic Parts and Products (Plastic Parts NESHAP), to clarify the meaning of certain regulatory provisions, and to correct certain errors identified in the regulatory text. EPA is also proposing to amend the Plastic Parts NESHAP to clarify that screen printing is not subject to that rule.

DATES: *Comments.* Written comments must be received on or before May 24, 2007 unless a public hearing is requested by May 4, 2007. If a public hearing is requested, written comments must be received on or before June 8, 2007.

Public Hearing. If anyone contacts EPA requesting to speak at a public hearing, a public hearing will be held on May 9, 2007.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OAR–2002–0093, by mail to Air and Radiation Docket (6102T), 1200 Pennsylvania Avenue, NW., Washington, DC 20460. Please include a total of two copies. Comments may also be submitted electronically or through hand delivery/courier by following the detailed instructions in the **ADDRESSES** section of the direct final rule located in the rules section of this **Federal Register**.

We request that you also send a separate copy of each comment to the contact person listed below (see **FOR FURTHER INFORMATION CONTACT**).

FOR FURTHER INFORMATION CONTACT: For further information contact Mr. David Salman, EPA, Office of Air Quality Planning and Standards, Sector Policies and Programs Division, Coatings and Chemicals Group (E143–01), Research Triangle Park, NC 27711; telephone number (919) 541–0859; fax number (919) 541–0246; e-mail address: *salman.dave@epa.gov.*

SUPPLEMENTARY INFORMATION:

Why is EPA issuing this proposed rule? This document proposes to take action on the Automobiles and Light-Duty Trucks NESHAP and the Plastic Parts NESHAP. We are proposing to amend the Automobiles and Light-Duty Trucks NESHAP to clarify the interaction between the Automobiles and Light-Duty Trucks NESHAP and the Plastic Parts NESHAP, to clarify the meaning of certain regulatory provisions, and to correct certain errors identified in the regulatory text. We are also proposing to amend the Plastic Parts NESHAP to clarify that screen printing is not subject to that rule. We have published a parallel direct final rule in the ''Rules and Regulations'' section of this **Federal Register** because we view this as a noncontroversial action and anticipate no adverse comment. We have explained our reasons for this action in the preamble to the direct final rule.

If we receive no adverse comment and no request for a public hearing on the parallel direct final rule, we will not take further action on this proposed rule. If we receive adverse comment on the direct final rule or a request for a public hearing, we will withdraw that rule and it will not take effect. In this instance, we would address all public comments in any subsequent final rule based on this proposed rule.

If we receive adverse comment on a distinct provision of the direct final rule, we will publish a timely withdrawal in the **Federal Register** indicating which provisions we are withdrawing. The provisions that are not withdrawn will become effective on the date set out in the direct final rule, notwithstanding adverse comment on any other provision.

We do not intend to institute a second comment period on this action. Any parties interested in commenting must do so at this time. For further information, please see the information provided in the **ADDRESSES** section of this document.

Regulated Entities. Categories and entities potentially regulated by this action include:

Category	NAICS* code	Examples of potentially regulated entities
Industry	336111	Automobile manufacturing.
	336112	Light truck and utility vehicle manufacturing.
	336211	Motor vehicle body manufacturing.
	336120	Heavy duty truck manufacturing.
	323113	Commercial screen printing.

*North American Industry Classification System.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this action. To determine whether your facility is regulated by this action, you should examine the applicability criteria of the rule. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

Public Hearing. Persons interested in presenting oral testimony or inquiring as to whether a hearing is to be held should contact Mr. David Salman, EPA, Office of Air Quality Planning and Standards, Sector Policies and Programs Division, Coatings and Chemicals Group (E143–01), Research Triangle Park, NC 27711, telephone number (919) 541–0859, e-mail address: *salman.dave@epa.gov,* at least 2 days in advance of the potential date of the public hearing. Persons interested in attending the public hearing must also call Mr. Salman to verify the time, date, and location of the hearing. The public hearing will provide interested parties the opportunity to present data, views, or arguments concerning these proposed emission standards.

Worldwide Web (WWW). In addition to being available in the docket, an electronic copy of today's proposal will also be available through the WWW. Following the Administrator's signature, a copy of this action will be posted on EPA's Technology Transfer Network (TTN) policy and guidance page for newly proposed or promulgated rules at *http://www.epa.gov/ttn/oarpg/.* The TTN at EPA's Web site provides information and technology exchange in various areas of air pollution control.

Statutory and Executive Order Reviews

For a complete discussion of all of the administrative requirements applicable to this action, see the direct final rule in the Rules and Regulations section of today's **Federal Register**.

Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedure Act or any

other statute unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small organizations, and small governmental jurisdictions.

For purposes of assessing the impact of today's proposed rule amendments on small entities, a small entity is defined as: (1) A small business according to Small Business Administration size standards for companies identified by NAICS codes 336111 (automobile manufacturing) and 336112 (light truck and utility vehicle manufacturing) with 1,000 or fewer employees or by NAICS code 323113 (commercial screen printing) with 500 or fewer employees; (2) a small governmental jurisdiction that is a government or a city, county, town, school district or special district with a population of less than 50,000; and (3) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field. Based on the above definition, there are no small entities presently engaged in automobile and light-duty truck surface coating. While there are small entities presently engaged in commercial screen printing, the proposed rule amendments would not impose any requirements on commercial screen printers.

After considering the economic impacts of today's proposed rule amendments on small entities, I certify that this action will not have a significant economic impact on a substantial number of small entities. This is based on the observation that the proposed rule affects no small entities since none are engaged in the surface coating of automobiles and light-duty trucks, and no requirements are imposed on commercial screen printers. We continue to be interested in the potential impacts of the proposed rule amendments on small entities and welcome comments on issues related to such impacts.

List of Subjects in 40 CFR Part 63

Environmental protection, Air pollution control, Hazardous substances, Reporting and recordkeeping requirements.

Dated: April 18, 2007.

Stephen L. Johnson,

Administrator.

[FR Doc. E7–7758 Filed 4–23–07; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 260 and 261

[EPA–HQ–RCRA–2002–0031–FRL–8303–8]

RIN 2050–AG31

Revisions to the Definition of Solid Waste

AGENCY: Environmental Protection Agency.

ACTION: Supplemental proposed rule; extension of comment period.

SUMMARY: The Environmental Protection Agency (EPA) is announcing that the comment period to the supplemental proposed rule entitled Revisions to the Definition of Solid Waste published on March 26, 2007 (72 FR 14172) is being extended until June 25, 2007. In the supplemental proposal, EPA is requesting comment on revisions to the definition of solid waste which would exclude certain hazardous secondary materials from regulation under Subtitle C of the Resource Conservation and Recovery Act (RCRA). We are also soliciting comment on regulatory factors to be used to determine whether recycling of hazardous secondary materials is legitimate.

DATES: The comment period for this supplemental proposed rule is extended from the original closing date of May 25, 2007, to June 25, 2007.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–RCRA–2002–0031 by one of the following methods:

www.regulations.gov: Follow the on-line instructions for submitting comments.

E-mail: Comments may be sent by electronic mail (e-mail) to *RCRA–docket@epa.gov*, Attention Docket ID No. EPA–HQ–RCRA–2002–0031.

Fax: Fax comments to: 202–566–0270, Attention Docket ID No. EPA–HQ–RCRA 2002–0031.

Mail: Send comments to: OSWER Docket, EPA Docket Center, Mail Code 5305T, Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, Attention Docket ID No. EPA–HQ–RCRA–2002–0031. In addition, please mail a copy of your comments on the information collection provisions to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attn: Desk Officer for EPA, 725 17th St., Washington, DC 20503.

Hand delivery: Deliver comments to: Environmental Protection Agency, EPA Docket Center, Room B102, 1301 Constitution Avenue, NW., Washington, DC, Attention Docket ID No. EPA–HQ–RCRA–2002–0031. Such deliveries are only accepted during the docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID Number EPA–HQ–RCRA–2002–0031. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or e-mail. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through *www.regulations.gov* your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, such as CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at the OSWER Docket, EPA/DC, EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m. Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OSWER Docket is (202) 566–0270.

FOR FURTHER INFORMATION CONTACT: For more detailed information on specific aspects of this rulemaking, contact Marilyn Goode, Office of Solid Waste, Hazardous Waste Identification Division, MC 5304P, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460, (703–308–8800) (*goode.marilyn@epa.gov*) or Tracy Atagi, Office of Solid Waste, Hazardous Waste Identification Division, MC 5304P, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460, (703–308–8672) (*atagi.tracy@epa.gov*).

SUPPLEMENTARY INFORMATION: A. *Comment Period.* We are extending the comment period by 30 days in response to requests from several stakeholders.

B. *Regulated Entities.* Entities potentially affected by this action include about 4,600 facilities in 530 industries in 17 economic sectors that generate or recycle hazardous secondary materials which are currently regulated as RCRA Subtitle C hazardous wastes (*e.g.*, industrial co-products, by-products, residues, unreacted feedstocks). About 80 percent of these affected facilities are classified in NAICS code economic sectors 31, 32, and 33 (manufacturing), and the remainder are in NAICS code economic sectors 21 (mining), 22 (utilities), 23 (construction), 42 (wholesale trade), 44 and 45 (retail trade), 48 and 49 (transportation), 51 (information), 54 (professional, scientific and technical services), 56 (administrative support, waste management and remediation), 61 (educational services), 62 (health care and social assistance, and 81 (other services). About 0.65 million tons per year of recyclable industrial materials handled by these entities may be affected, of which the most common types are metal-bearing hazardous secondary materials (*e.g.*, sludges and spent catalysts), and organic chemical liquids. This proposed rule, if promulgated, is expected to result in regulatory and materials recovery cost savings to these industries of approximately $107 million per year. Taking into account impact estimation uncertainty factors, this rule, if promulgated, could affect between 0.3 to 1.7 million tons per year of industrial hazardous secondary materials handled by 3,600 to 5,400 entities in 460 to 570 industries, resulting in $93 million to $205 million per year of net cost savings. More detailed information on the potentially affected entities, industries, and industrial materials, as well as the economic impacts of this rule (with impact uncertainty factors), is presented in the ''Economics Background Document'' available in the docket for this rulemaking.

C. *Submitting CBI.* Do not submit this information to EPA through *www.regulations.gov* or e-mail. Clearly mark all information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed, except in accordance with procedures set forth in 40 CFR part 2.

List of Subjects

40 CFR Part 260

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous waste, Reporting and recordkeeping requirements.

40 CFR Part 261

Environmental protection, Hazardous waste, Recycling, Reporting and recordkeeping requirements.

Dated: April 13, 2007.

Matt Hale,

Director, Office of Solid Waste.

[FR Doc. E7–7761 Filed 4–23–07; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Revised 12-Month Finding for Upper Missouri River Distinct Population Segment of Fluvial Arctic Grayling

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of revised 12-month finding.

SUMMARY: We, the Fish and Wildlife Service (Service), announce our revised 12-month finding on a petition to list the upper Missouri River Distinct Population Segment (DPS) of fluvial Arctic grayling (*Thymallus arcticus*) as threatened or endangered under the Endangered Species Act of 1973, as amended (Act). After a review of the best available scientific and commercial information, we find that fluvial Arctic grayling of the upper Missouri River does not constitute a species, subspecies, or distinct population segment under the Act. Therefore, we find that the petition to list the upper Missouri River DPS of fluvial Arctic grayling is not warranted, and we withdraw the fluvial Arctic grayling from the candidate list. The Service continues to seek new information on the taxonomy, biology, ecology, and status of fluvial Arctic grayling and to support cooperative conservation of fluvial Arctic grayling in the upper Missouri River system.

DATES: This finding was made on April 24, 2007.

ADDRESSES: The complete file for this finding is available for inspection, by appointment, during normal business hours, at the U.S. Fish and Wildlife Service, Montana Field Office, 585 Shepard Way, Helena, MT 59601; telephone (406) 449–5225. Submit new information, materials, comments, or questions concerning this species to us at this address (Attention: Arctic grayling).

FOR FURTHER INFORMATION CONTACT: Mark Wilson, Field Supervisor, Montana Field Office, at the address and telephone listed above.

SUPPLEMENTARY INFORMATION:

Species Information

Description

The Arctic grayling (*Thymallus arcticus*) belongs to the family Salmonidae (salmon, trout, charr, whitefishes), subfamily Thymallinae (graylings), and is represented by a single genus, *Thymallus,* which contains three other recognized species in addition to *T. arcticus* (Scott and Crossman 1973, pp. 301–302; Behnke 2002, pp. 327–331). Arctic grayling have elongate, laterally compressed bodies with deeply forked tails, and adults typically average 254 to 330 millimeters (10 to 13 inches) in length. Coloration varies from silvery or iridescent blue and lavender, to dark blue (Behnke 2002, pp. 327–328). During the spawning period, the colors darken and the males become more brilliantly colored than the females. A prominent morphological feature of Arctic grayling is the sail-like dorsal fin, which is large and vividly colored with rows of orange to bright green spots, and often has an orange border. Dark spots are often evident on the body towards the head (Behnke 2002, pp. 327–328).

Distribution

Arctic grayling have a primarily holarctic distribution and are native to Arctic Ocean drainages of northwestern Canada and Alaska, from the Peace, Saskatchewan, and Athabasca River drainages in Alberta eastward to Hudson Bay and westward to the Bering Straits and eastern Siberia and northern Eurasia (Scott and Crossman 1973, pp. 301–302). Arctic grayling also are native to Pacific coast drainages of Alaska and Canada as far south as the Stikine River in British Columbia (Scott and Crossman 1973, pp. 301–302; Nelson and Paetz 1991, pp. 253–256; Behnke 2002, pp. 327–331). Arctic grayling generally occur throughout their native range though the species is extirpated in some locations (Michigan) and has experienced local range contraction in others (e.g., Peace-Willison watershed in British Columbia (Blackman et al. (1990, pp. 15, 17, 34), portions of Alberta (Alberta Sustainable Resource Development (2005; pp. iv, 5–18), and Montana).

In North America, two populations of Arctic grayling, believed to have been isolated by Pleistocene glaciations, have been recorded outside of Canada and Alaska (Vincent 1962, pp. 23–31). One population was found in streams and rivers of the Great Lakes region of northern Michigan, but those grayling were extirpated in the 1930s (Hubbs and Lagler 1949, p. 44; Scott and Crossman 1973, p. 301). The second population historically inhabited watersheds in the upper Missouri River basin upstream of Great Falls, Montana (Figure 1).

BILLING CODE 4310–55–P

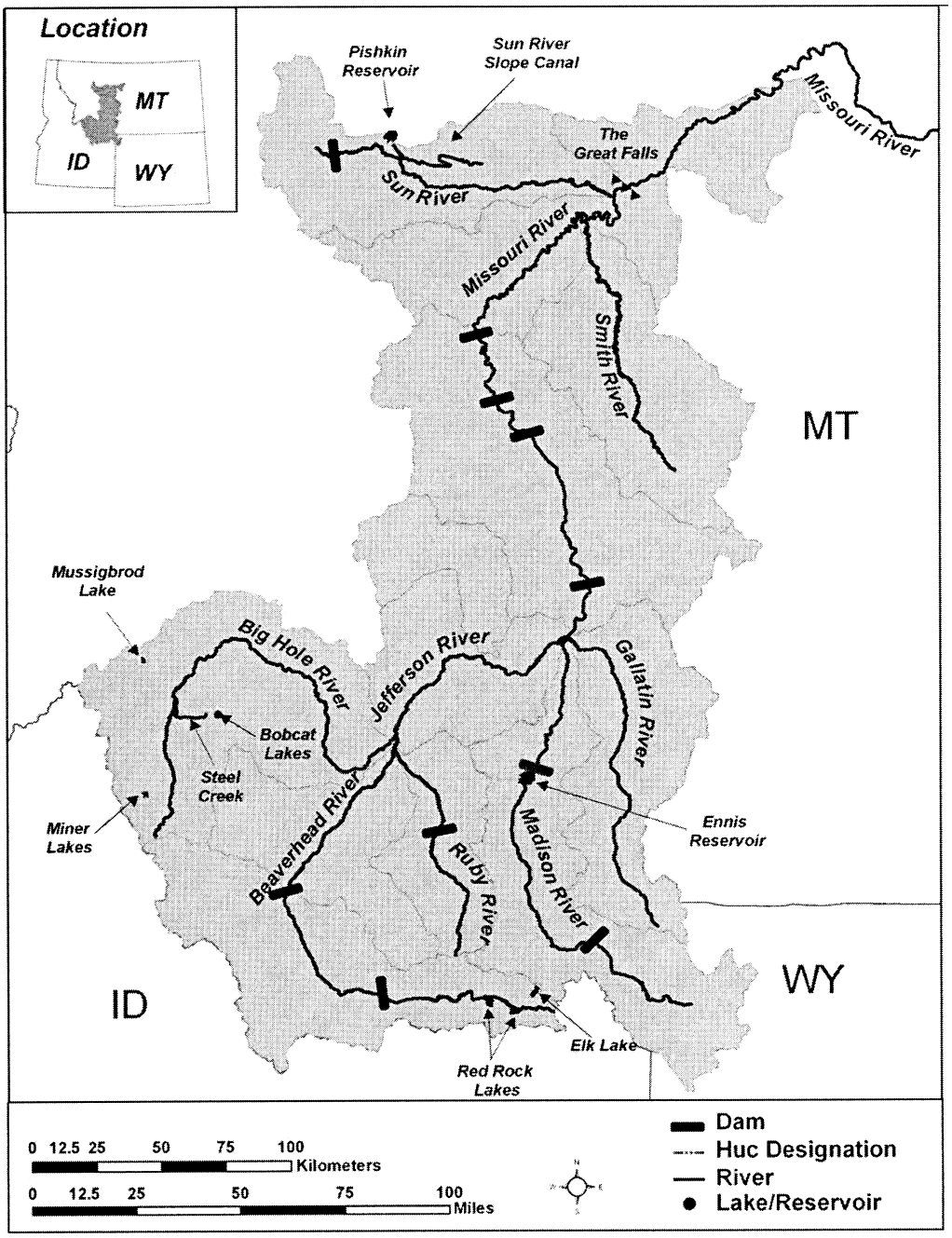

Figure 1. The upper Missouri River watershed upstream from Great Falls, Montana (shaded area) showing the presumed historical distribution of fluvial Arctic grayling in major river drainages (dark lines) and present-day location of impassible dams (horizontal bars). The fluvial form of Arctic grayling is believed extirpated from about 95 percent of its historic range in the upper Missouri River basin, with the remaining fluvial population found in the Big Hole River. Other Arctic grayling populations discussed in this finding are indicated by place names and arrows. The Elk Lake population is believed extirpated, and the Pishkin Reservoir and Sun River Slope Canal populations are derived from stocking. See text for additional information about other populations.

Genetic data indicate Arctic grayling native to the Missouri River system were most likely isolated geographically from Hudson Bay and Arctic Ocean drainages by the onset of Wisconsin glaciation approximately 70,000 years ago (Redenbach and Taylor 1999, p. 32). Arctic grayling native to the upper Missouri River system are genetically diverged from Arctic grayling in the northern part of the species' range (Lynch and Vyse 1979, pp. 268–270, 275; Everett 1986, pp. 15–16, 79–80; Redenbach and Taylor 1999, pp. 23, 28–29, 32–33; reviewed by Leary 2005, pp. 1–3; reviewed by Campton 2006, pp. 5–6), and appear to be most closely related evolutionarily to populations in the Fond du Lac area of northeastern Saskatchewan, Canada (Stamford and Taylor 2004, p. 1538). Genetic divergence happens when two or more genetic characteristics that have occurred naturally over time are passed from one generation to subsequent generations. Arctic grayling in the upper Missouri River basin are commonly referred to as ''Montana grayling'' and have been variously categorized as a separate species (*Thymallus montanas;* Scott and Crossman 1973, p. 301) or subspecies (*T. arcticus montanus;* Williams et al. 1989, p. 4), but these designations are of uncertain validity (Scott and Crossman 1973, p. 301) and not widely accepted (Kaya 1990, pp. 3–4; Integrated Taxonomic Information System 2006). The lack of accepted subspecific designations is based on morphological similarity among disjunct populations (Kaya 1990, p. 4).

Arctic grayling in the upper Missouri River basin currently represent the southern extent of the species' range (Scott and Crossman 1973, pp. 301–302), and both migratory, river-dwelling (fluvial) and lake-dwelling (adfluvial and lacustrine) populations are native to the upper Missouri River. For simplicity, the term ''adfluvial'' will be used to refer to all Arctic grayling populations associated with lakes or reservoirs. The migratory, stream- and river-dwelling form of Arctic grayling native to the upper Missouri River is hereafter referred to as ''fluvial'' Arctic grayling of the upper Missouri River.

Arctic Grayling Distribution in the Upper Missouri River Basin

Fluvial Arctic grayling reside in the Big Hole River and the lower reaches of connected tributaries (see Figure 1 above). Adfluvial Arctic grayling native to the upper Missouri River system are known to reside in the Red Rock Lakes system, in the upper reaches of the Beaverhead River within the Centennial Valley, Montana (Vincent 1962, p. 120; see Figure 1 above). An indigenous Arctic grayling population exhibiting adfluvial characteristics also is present in the Madison River upstream from Ennis Reservoir (see Figure 1 above). The adfluvial characteristics expressed by the Madison River-Ennis Reservoir population may reflect recent divergence away from the presumed ancestral fluvial form resulting from the construction of Ennis Dam (Kaya 1990, p. 33; Kaya 1992a, p. 53). A few adfluvial populations found in small lakes within the Big Hole River system (in particular Miner and Mussigbrod Lakes; see Figure 1 above) may be remnant native populations derived from fluvial Arctic grayling from the Big Hole River and isolated by recent habitat fragmentation, but widespread stocking of these and other locations with hatchery-reared Arctic grayling during the 1930s–1950s (e.g., Everett 1986, p. 4, 16; Kaya 1990, pp. 31, 75–80) also makes it possible that these fish are introduced populations or that the existing populations are a mixture of native and introduced Arctic grayling.

Ecology

Northcote (1995) and Kaya (1990) reviewed the ecology of Arctic grayling and fluvial Arctic grayling of the upper Missouri River, respectively. Much of the information on fluvial Arctic grayling in the upper Missouri River system comes from the Big Hole River, Montana (see Figure 1 above), which contains a fluvial population. Arctic grayling exhibit life history and migratory forms present in other species of inland trout and charr, including fluvial and adfluvial. Fluvial populations are characterized by a cycle of migratory behavior over their lifespan between spawning, feeding, and overwintering habitats within rivers or streams (Northcote 1995, pp. 156–160). Fluvial Arctic grayling typically migrate upstream to spawn in tributary or mainstem river locations and downstream to overwintering habitats. Such movement patterns have been observed in fluvial Arctic grayling in Big Hole River, Montana (Shepard and Oswald 1989, pp. 18, 27–28). Migrations to feeding habitats may occur if these locations differ from spawning or overwintering habitats (Kaya 1990, pp. 9–11). Overall, movements by fluvial populations within and among tributaries and mainstem rivers may cover hundreds of kilometers (Armstrong 1986, p. 7). Fluvial Arctic grayling in the Big Hole River system have been shown to migrate in excess of 80 km (50 mi) between spawning, feeding and wintering areas (Shepard and Oswald 1989, pp. 18, 21; Lamothe and Magee 2003, pp. 7, 11, 17). Adfluvial Arctic grayling feed and overwinter in lakes, but migrate to inlet or outlet streams to spawn (Northcote 1995, p. 148–149; Northcote 1997, pp. 1030–1034).

Age at maturity and longevity in Arctic grayling varies among systems and is probably related to growth rate, with populations in colder, less productive habitats maturing at later ages and having a greater lifespan (Northcote 1995, pp. 155–157). Fluvial Arctic grayling in the Big Hole River system typically mature at 2 years of age (males) or 3 years of age (females), and individuals older than 6 years of age are rare (Liknes 1981, pp. 16–18; Kaya 1990, pp. 18–20; Magee and Lamothe 2003, p. 22). Arctic grayling are spring spawners. In Montana, Arctic grayling typically spawn from late April to mid-May by depositing adhesive eggs over gravel substrate without excavating a nest or redd (Shepard and Oswald 1989, pp. 24–25, 29; Kaya 1990, pp. 15–16). In general, the reproductive ecology of Arctic grayling is somewhat different from other salmonid species (trout and salmon) in that Arctic grayling eggs tend to be comparatively small (Behnke 2002, p. 328), and males establish and defend spawning territories rather than defending access to females (Northcote 1995, p. 150). The time required for development of eggs from embryo until they emerge from stream gravel and become swim-up fry varies with water temperature, but averages about 3 weeks for Arctic grayling in the upper Missouri River basin (Kaya 1990, pp. 16–17). Small, weakly swimming fry of fluvial Arctic grayling prefer low velocity stream habitats (Kaya 1990, pp. 23–24; Northcote 1995, pp. 152–153).

Arctic grayling of all ages feed primarily on aquatic and terrestrial invertebrates captured on or near the water surface (Northcote 1995, pp. 153–154; Behnke 2002, p. 328). They also will feed opportunistically on fish and fish eggs (Northcote 1995, p. 154; Behnke 2002, p. 328). Feeding locations for individual fish are typically established and maintained through size-mediated dominance hierarchies (e.g., Hughes 1992, pp. 1994–1995).

Although fluvial Arctic grayling may have specific habitat requirements depending on their life stage (e.g., fry) and ecological activity (e.g., spawning), individuals inhabiting streams and rivers often exhibit a preference for pool habitats (Liknes 1981, pp. 22, 28; Kaya 1990, pp. 20–21; Lamothe and Magee 2003, pp. 13–14, 17; Lamothe and Magee 2004, p. 24). Vincent (1962, pp. 39, 42) concluded that fluvial Arctic grayling in Montana typically reside in

streams with low-to-moderate gradient (<4 percent) and prefer low-to-moderate water velocities (<60 centimeters/sec). Observations of fluvial Arctic grayling habitat use in the Big Hole River by Liknes (1981, p. 28) and Liknes and Gould (1987, p. 128) are consistent with these generalizations.

Arctic grayling generally prefer cool or coldwater habitats (Hubert et al. 1985, pp. 9, 14, 25, 27). Selong et al. (2001, p. 1032) placed Arctic grayling in a ''coldwater'' group of salmonids, along with Arctic charr and bull trout, based on critical thermal maximum values.

Genetic Relationships Among Arctic Grayling Populations in the Upper Missouri River Basin

Discussion of genetic divergence among Arctic grayling populations is complicated by the extensive hatchery propagation and transplantation of stocks from location to location (Everett 1986, p. 40). Over 10 million grayling of unknown origin were stocked in the Big Hole River over a 30-year period from the 1930s to the 1950s (Kaya 1990, pp. 31, 75–80). Everett (1986 pp. 42, 43, 47) concluded that the effect of grayling introductions on local genetics appears stronger in lake populations than in the Big Hole River. Nonetheless, the limited available genetic data suggest the presence of two or more groups—clusters or sets of populations that are genetically more closely related to each other than they are to other populations of the same species—of Arctic grayling within the upper Missouri River that may not be strictly delineated by geography and life history (Leary 2005, p. 3; Campton 2006, pp. 6–9, 12).

Inferences about genetic differences among Arctic grayling populations within the upper Missouri River basin are primarily based on data collected by Everett (1986) and Leary (1990). These two studies examined how a particular form (allele) of a protein molecule (allozyme) varied in frequency across Arctic grayling populations in Montana. Allozymes are gene products coded by DNA, so allozyme variation can be used to infer genetic relationships among populations, subspecies or species. Campton (2006, pp. 6, 12), in his review of those data, suggested the existence of two possible genetic groups: (a) A Big Hole-Madison River group that includes the fluvial population in the Big Hole River, certain populations in adjoining waters of the Big Hole River system (e.g., Bobcat, Miner, and Mussigbrod Lakes, and Steel Creek; see Figure 1 above; see Everett 1986, p. 7; Leary 1990, pp. 6–8), and fish from the Madison River-Ennis Reservoir; and (b) a Red Rock Lakes group that includes native adfluvial populations from the Red Rock and Elk Lakes system in the upper Beaverhead River system, and a number of introduced adfluvial populations (Agnes, Grebe, Rogers, Odell, and Elizabeth Lakes; see Leary 1990, pp. 7–8) believed to be derived from human introductions of Red Rock Lakes grayling and/or associated hatchery stocks. The two groups (Big Hole-Madison and Red Rock Lakes) are differentiated by divergent allele frequencies for two allozymes (Campton 2006, p. 6). The relative genetic difference between these two groups within the upper Missouri River basin is less than the difference between upper Missouri River Arctic grayling and sample populations from Alaska and Canada (Everett 1986, p. 80; Leary 1990, pp. 1, 7–8). The level of genetic divergence observed among populations within the upper Missouri River is consistent with what would be expected for populations within a geographic area that share a recent ancestry but have since diverged, as compared with the greater divergence observed among populations from different geographic areas or river systems that have been separated from each other for a much longer period of time (i.e., upper Missouri River versus Alaskan and Canadian populations).

Campton (2006, p. 12) also noted that a few adfluvial populations of Arctic grayling in the Big Hole River drainage, including Miner Lake (see Figure 1 above), appear to share recent ancestry with the mainstem Big Hole River fluvial population.

Like Campton, Leary also concluded that Big Hole River and Madison River grayling samples appear to be quite similar (Leary 2005, p. 3). Leary's interpretation of the genetic relationships among Miner Lake, Red Rock Lakes, and Elk Lake populations was different from Campton's. Leary found Miner Lake to be very divergent from all the others, but also concluded that there was significant divergence between the Red Rock Lakes and Elk Lake samples (Leary 2005, p. 3). He interpreted the allozyme data to mean that the adfluvial samples do not appear to form a genetically distinct group and consequently concluded that the data do not support the premise that the fluvial and adfluvial life histories fall into two distinct genetic lineages (Leary 2005, p. 3). Rather, he contended the data represent divergence among populations regardless of life history (Leary 2005, p. 3). In his review, Campton (2006) concurred that the apparent genetic divergence between the two groups (Big Hole-Madison River and Red Rock Lakes) was not completely consistent with life histories because several adfluvial populations belonged to the Big Hole River-Madison River genetic group.

An Arctic grayling population residing in the Sunnyslope irrigation canal in Teton County, Montana, is thought to be derived from an introduction into Pishkin Reservoir (Kaya 1990, p. 41; see Figure 1 above) and is not easily assigned to either of the two genetic groups suggested by Campton. These fish appear to be genetic outliers relative to the two other native genetic groups of Arctic grayling (Leary 1990, p. 8; Campton 2006, p. 7).

Overall, both Campton and Leary observe that: (a) Fluvial Arctic grayling from the Big Hole River are genetically different from native adfluvial Arctic grayling in Red Rock Lakes based on observed differences in allozyme allele frequencies even if the genetic divergence between these populations appears to be low (average Nei's genetic distance of the cluster containing these populations equals 0.0132 (Leary 1990, pp. 1,8)); (b) the existing genetic data do not strongly support the hypothesis that the fluvial form of Arctic grayling in the upper Missouri River represents a unique genetic lineage, because it is genetically similar to adfluvial populations in Miner Lake and in the Madison River (Leary 2005, pp. 3–4; Campton 2006, p. 12); and (c) the low allozyme variability in upper Missouri River Arctic grayling samples results in a weak dataset for resolving ancestries among recently diverged populations (Leary 2005, pp. 3–4; Campton 2006, p. 10). The Service views Campton's and Leary's conclusions about the ancestral relationships among Arctic grayling populations in the upper Missouri River as tentative, given the inherent limitations of the existing genetic data. However, it is the best available scientific information at this time. Further investigations with more variable genetic markers, such as microsatellite DNA, may clarify genetic relationships (Campton 2006, pp. 10, 14).

Heritable, Behavioral Differences Between Fluvial and Adfluvial Arctic Grayling in the Upper Missouri River Basin

Arctic grayling exhibit at least two life histories in the upper Missouri River system—a river-dwelling fluvial form and a lake-dwelling adfluvial form. Life history variation in salmonid fishes (trout and salmon) may or may not be related to genetic differentiation (e.g., Fausch and Young 1995, p. 365). However, experiments designed to determine whether behavioral

differences were due to genetic or environmental influences found that the behavioral differences between fluvial and adfluvial Arctic grayling in Montana were heritable. In tests of swimming behavior of young-of-year Arctic grayling raised in common conditions in captivity, progeny of fluvial Big Hole River fish behaved significantly differently, on average, than adfluvial progeny from Red Rock Lakes and Madison River-Ennis Reservoir populations (Kaya 1989, 1991; Kaya and Jeanes 1995). The Big Hole River progeny exhibited a greater tendency to hold position in flowing water (Kaya and Jeanes 1995, pp. 453–456). Because the test fish from the Big Hole River population were progeny of parents reared in a non-fluvial environment, retention of this rheotactic behavior (behavior in response to flowing water) was taken as evidence that such behavior has a genetic (heritable) basis (Kaya and Jeanes 1995, p. 456), consistent with conclusions of previous investigations (Kaya 1989, pp. 474, 478–479; Kaya 1991, pp. 53, 55–58).

Expression of rheotactic characteristics in Arctic grayling also can be influenced by ontogeny, or the developmental history of an individual (in this case, time from emergence from gravel as fry until maturity; Kaya 1991, pp. 53, 55–57), and environmental conditions, such as time of day (Kaya 1989, p. 56), light intensity (Kaya 1989, p. 478; Kaya 1991, p. 56), or water temperature (Kaya 1989, p. 478). However, the collective results are nonetheless consistent with the hypothesis that heritable, behavioral differences in the test populations exist between the fluvial and adfluvial populations and those associated with lakes or reservoirs.

Adfluvial Arctic grayling repeatedly introduced into rivers have failed to establish viable populations (Kaya 1992b, pp. 12–14). Adaptive divergence and lack of ecological exchangeability between life history types are among the factors that may have contributed to these failures (Campton 2006, p. 13). However, introductions of fluvial grayling into other rivers within the native range have not been successful either, so success may be due to other factors (e.g., habitat degradation or competition with nonnative fish (Kaya 1992b, pp. 10–12, 60)). In general, life history expression in salmonid species can be flexible, and Arctic grayling exhibit variation in migratory behavior across the range of the species (Northcote 1997, p. 1030). Geography may be a stronger determinant of ancestral relationships than life history for Arctic grayling. Native Arctic grayling populations within the upper Missouri River basin may be similar based on genetics, because they reside in the same river basin and presumably share a recent evolutionary ancestry (Campton 2006, p. 12), while at the same time expressing different life histories in response to local habitat conditions.

Previous Federal Action

The Service initiated a status review for the Montana Arctic grayling (*Thymallus arcticus montanus*) through a notice of review published on December 30, 1982 (47 FR 58454). In that notice, Montana Arctic grayling was designated a Category 2 species, which included taxa for which information in possession of the Service at that time indicated that proposing to list the species as Endangered or Threatened was possibly appropriate, but for which substantial data were not currently available to biologically support a proposed rule (47 FR 58454). We received a petition, dated October 2, 1991, from the Biodiversity Legal Foundation and George Wuerthner on October 9, 1991. The petition requested that the ''fluvial Arctic grayling'' be listed as an endangered species throughout its historic range ''in the conterminous United States.''

We published a notice of a 90-day finding in the January 19, 1993, **Federal Register** (58 FR 4975). In that 90-day finding we found that the petitioners presented substantial information indicating that listing the fluvial Arctic grayling of the upper Missouri River, in Montana and northwestern Wyoming, may be warranted. We also found that because the Michigan population of Arctic grayling is extinct and, therefore, by definition cannot be listed, the finding would address only the fluvial population of the Arctic grayling in the upper Missouri River drainage.

On July 25, 1994, we published a notice of a 12-month petition finding in the **Federal Register** concluding that listing the fluvial Arctic grayling indigenous to the upper Missouri River was warranted but precluded by other higher priority listing actions (59 FR 37738). This finding stated that the Service viewed adfluvial Arctic grayling as not under consideration in the Service's finding as it was believed to be a distinct population from the fluvial Arctic grayling. This 1994 status review identified the fluvial form of Arctic grayling in the upper Missouri River drainage as a DPS based on its geographic isolation and behavioral distinctiveness (59 FR 37738–37741, July 25, 1994). This status review occurred prior to the finalization of the Service and the National Marine Fisheries Service's joint DPS policy in 1996 (61 FR 4722, February 7, 1996).

Since 1994, and based on the best available information and the assessment that we conduct during our candidate review process, we have continued to preliminarily recognize the fluvial Arctic grayling of the upper Missouri River as a DPS, and has maintained it as a candidate species through the annual Candidate Notice of Review. In 2004, the Service elevated the listing priority number of the fluvial Arctic grayling to 3 (69 FR 24881, May 4, 2004) because the abundance of the remnant population in the Big Hole River declined substantially and reestablishment efforts had not yet produced self-sustaining populations elsewhere in the upper Missouri River.

On May 31, 2003, the Center for Biological Diversity and Western Watersheds Project (collectively plaintiffs) filed a complaint in United States District Court in Washington, DC (1:03-cv-01110), challenging the Service's continuing ''warranted but precluded'' determination for fluvial Arctic grayling contained in the 2002 Candidate Notice of Review (67 FR 40657, June 13, 2002). Plaintiffs filed an amended complaint on July 22, 2004, challenging the Service's failure to use its emergency listing authority to protect the fluvial Arctic grayling under the Act (16 U.S.C. 1531 et seq.). The litigation with plaintiffs was settled in August 2005. In this settlement agreement, the Service agreed that on or before April 16, 2007, it shall submit for publication in the **Federal Register** a final determination made pursuant to the Act as to whether or not the ''Montana fluvial Arctic grayling'' is an endangered or threatened species. During the evaluation of the petition, the Service considered the term ''Montana fluvial Arctic grayling'' as synonymous with ''fluvial Arctic grayling of the upper Missouri River.'' In this finding, as in the past, the fluvial form of the indigenous Arctic grayling from the upper Missouri River drainage in Montana and Wyoming is referred to as the fluvial Arctic grayling. This revised 12-month finding is being published as a final listing determination in accordance with the settlement agreement.

Distinct Vertebrate Population Segment

Pursuant to the Act, we must consider for listing any species, subspecies, or, for vertebrates, any DPS of these taxa if there is sufficient information to indicate that such action may be warranted. The petition we received

concerns a potential DPS of fluvial Arctic grayling. Under our Policy Regarding the Recognition of Distinct Vertebrate Population Segments (61 FR 4722, February 7, 1996) (known as the DPS Policy), three elements are considered in a decision regarding the status of a possible DPS as endangered or threatened under the Act. These factors are applied similarly for additions to the Lists of Endangered and Threatened Wildlife and Plants (Lists), reclassification, and removal from the Lists. They are: (1) Discreteness of the population segment in relation to the remainder of the species to which it belongs; (2) the significance of the population segment to the species to which it belongs; and (3) the population segment's conservation status in relation to the Act's standards for listing (i.e., is the population segment, when treated as if it were a species, endangered or threatened?). Discreteness refers to the isolation of a population from other members of the species, and we evaluate this based on specific criteria that are also contained in the DPS Policy and are listed below. If the population segment is determined to be discrete, then we evaluate significance by using the available scientific information to determine the population segment's importance to the taxon to which it belongs. If we determine that a population segment is discrete and significant, we subsequently evaluate it for endangered or threatened status based on the Act's standards.

Discreteness

Under our DPS Policy, a population segment of a vertebrate species may be considered discrete if it satisfies either one of the following conditions: (1) It is markedly separated from other populations of the same taxon as a consequence of physical, physiological, ecological, or behavioral factors. Quantitative measures of genetic or morphological discontinuity may provide evidence of this separation; or (2) It is delimited by international governmental boundaries within which differences in control of exploitation, management of habitat, conservation status, or regulatory mechanisms exist that are significant in light of section 4(a)(1)(D) of the Act.

The subject of this DPS evaluation is the fluvial Arctic grayling of the upper Missouri River. In response to a petition, the fluvial Arctic grayling was the subject of a status review by the Service in 1994, which identified Arctic grayling indigenous to the Big Hole and Madison Rivers as elements of a fluvial DPS in the upper Missouri River (59 FR 37738–37741, July 25, 1994). However, this status review occurred prior to the finalization of the Service and the National Marine Fisheries Service's joint DPS policy in 1996 (61 FR 4722, February 7, 1996). Since 1994, and most recently in 2004 and 2005, the Service reviewed the available information concerning the taxonomic status of the species in relation to the DPS policy and again preliminarily determined that the fluvial Arctic grayling of the upper Missouri River was a valid DPS (Service 2004, 2005). This DPS evaluation considers the information used in the previous assessments as well as a solicited review (Campton 2006) and unsolicited review (Leary 2005) of the available genetic data for Arctic grayling in Montana.

(1) Fluvial Arctic Grayling Are Discrete as a Consequence of Physical Features

Fluvial arctic grayling native to the upper Missouri River are ''markedly separated'' from other grayling, both those in Canada and Alaska, and from the adfluvial form in the Missouri River drainage because of physical and reproductive isolation. Fluvial actic grayling are geographically disjunct and reproductively isolated from populations inhabiting Arctic Ocean and Hudson Bay drainages in Canada and Alaska (Scott and Crossman 1973, p. 301). Arctic grayling in the upper Missouri River are reproductively isolated from their nearest conspecifics by at least 800 kilometers (km) (500 miles (mi)) (Nelson and Paetz 1991, p. 255) and have been separated from Arctic Ocean populations for perhaps 70,000 years as a result of glacial activity (Lynch and Vyse 1979, p. 263; Redenbach and Taylor 1999, p. 32). This long period of reproductive isolation coupled with genetic drift and environmental selection pressures has resulted in genetic differences between Arctic grayling from the Missouri River and elsewhere based on analyses of allozymes and mitochondrial DNA (Lynch and Vyse 1979, pp. 263, 268, 275; Everett and Allendorf 1985, pp. 22–23, 26; Everett 1986, pp. 79–80; Redenbach and Taylor 1999, p. 23; reviewed by Campton 2006, pp. 5–6; reviewed by Leary 2005, pp. 1–3).

Fluvial and adfluvial Arctic grayling within the upper Missouri River basin are ''markedly separated'' from each other as a result of physical features. The fluvial form was once widespread in the upper Missouri River basin, but the adfluvial form was native only to the Red Rocks Lakes and possible Elk Lake in the headwaters of the Beaverhead River (Kaya 1990). Extant populations of native fluvial and adfluvial Arctic grayling within the upper Missouri River are reproductively isolated, and the available genetic data are consistent with the hypothesis of two genetic groups of Arctic grayling (the Big Hole—Madison River and Red Rock Lakes genetic groups) within the upper Missouri River (Leary 2005, p. 3; Campton 2006, pp. 6–9, 12)

(2) Fluvial Arctic Grayling Are Not Discrete as a Consequence of Physiological Features

We do not believe that fluvial Arctic grayling are discrete because of unique or different physiological characteristics. Lohr et al. (1996) examined the thermal tolerance of juvenile fluvial Arctic grayling from the Big Hole River to elevated temperatures in laboratory tests. However, grayling from the Big Hole River did not appear to be more tolerant of warm stream temperatures than grayling from Alaska (Lohr et al. 1996, p. 937).

Arctic grayling from the upper Missouri River tend to grow more quickly than individuals from northern populations (Northcote 1995, pp. 156–157). However, experimental data are lacking that permit these differences to be attributed to environmental versus genetic influences.

(3) Fluvial Arctic Grayling Are Not Discrete as a Consequence of Ecological Features

The Arctic grayling of the upper Missouri River represent the only natural example of the taxon inhabiting an Atlantic Ocean drainage (via the Missouri and Mississippi Rivers and Gulf of Mexico). All other wild populations of Arctic grayling inhabit drainages of the Arctic Ocean, Hudson Bay, or north Pacific Ocean (USFWS 2005, p. 10). However, fluvial Arctic grayling of the upper Missouri River basin are not discrete from adfluvial Arctic grayling of the upper Missouri River basin as a consequence of ecological features as they exist within a common drainage.

(4) Fluvial Arctic Grayling Are Discrete as a Consequence of Behavioral Features

Under historical conditions within the upper Missouri River basin, native fluvial and adfluvial populations of Arctic grayling spawned in different locations (Vincent 1962, pp. 98–121; Kaya 1990, pp. 24–30; Kaya 1992a, pp. 47–53). Homing behavior to natal (birth) habitats that is typically expressed by Arctic grayling (e.g., Carl et al. 1992, p. 245) would presumably result in the reproductive isolation of historical fluvial and adfluvial populations even if occasional exchange was possible. In

addition, genetic differences between the extant fluvial population in the Big Hole River and the native adfluvial population in Red Rock Lakes (e.g., Everett 1986, pp. 79–30; Leary 1990, pp. 7–8) are consistent with reproductive isolation between those populations based on observed differences in allozyme allele frequencies.

Fluvial and adfluvial Arctic grayling do not appear to represent distinct lineages based strictly on life histories within the upper Missouri River system (e.g., Leary 2005, p. 3; Campton 2006, p. 12); there are clearly some heritable differences in juvenile swimming behavior among fluvial Arctic grayling and the native adfluvial populations in terms of rheotactic response to flowing water (Kaya 1989, pp. 474, 478–479; Kaya 1991, pp. 53, 55–58; Kaya and Jeanes 1995, pp. 453–456). These differences in behavior are sufficient to satisfy the discreteness criterion of the DPS policy.

On the basis of the available information, we conclude that the fluvial Arctic grayling of the upper Missouri River drainage is discrete from other populations of the same taxon as a consequence of physical and behavioral factors. Since a population segment of a vertebrate species may be considered discrete if the first factor is met (marked separateness), we need not address the second factor (delimitation by an international boundary). Therefore, we considered the potential significance of this discrete population to the remainder of the taxon.

Significance

If a population segment is determined to be discrete, the Service considers the available scientific evidence of its significance to the taxon to which it belongs. Our policy states that this consideration may include, but is not limited to, the following:

(1) Persistence of the discrete population segment in an ecological setting unusual or unique for the taxon;

(2) Evidence that loss of the discrete population segment would result in a significant gap in the range of the taxon;

(3) Evidence that the discrete population segment represents the only surviving natural occurrence of a taxon that may be more abundant elsewhere as an introduced population outside its historic range; or

(4) Evidence that the discrete population segment differs markedly from other populations of the species in its genetic characteristics.

A population segment needs to satisfy only one of these criteria to be considered significant. Furthermore, the list of criteria is not exhaustive; other criteria may be used, as appropriate.

(1) Fluvial Arctic Grayling Do Not Persist in an Ecological Setting Unusual or Unique for the Taxon

As discussed above, Arctic grayling generally occur throughout their native range in the holarctic region of Canada and Alaska to eastern Siberia and northern Eurasia (Scott and Crossman 1973, pp. 301–302). In our 2005 candidate assessment, we asserted that the fluvial Arctic grayling of the upper Missouri River persist in an ecological setting unusual or unique for the taxon as they represent the only natural example of the taxon inhabiting an Atlantic Ocean drainage via the Missouri and Mississippi Rivers and Gulf of Mexico. We noted that all other wild populations of Arctic grayling inhabit drainages of the Arctic Ocean, Hudson Bay, or north Pacific Ocean (USFWS 2005, p. 10). However, as established above, we now note that adfluvial Arctic grayling also persist in the upper Missouri River drainage. Our prior finding did not take these fish into account in its discussion of ecological setting. Because both the fluvial and adfluvial forms are found in the upper Missouri drainage, we cannot find that the population persists in an ecological setting unique or unusual to the taxon as a whole.

Further, existence of the species in a different drainage, or different rivers and lakes, from those grayling found in Canada and Alaska is not necessarily evidence of a unique ecological setting. Arctic grayling in the neararctic region are found in the same habitat type as those in Montana. Grayling inhabit clear water streams, rivers, and lakes. Riverine populations depend on large streams, deep pools of small streams, or spring-fed reaches that are not completely frozen in winter for overwinter survival. Populations not associated with lakes are found in both Alaska and Montana (Hubert 1985, p. 1). For this reason also, we find that fluvial Arctic grayling do not persist in an ecological setting unique or unusual for the taxon.

(2) The Loss of the Fluvial Arctic Grayling Would Not Result in a Significant Gap in the Range of the Taxon

Loss of the fluvial Arctic grayling in the upper Missouri River, when considered in relation to grayling throughout the remainder of the nearctic region, would mean the loss of a small percentage of the entire range of the taxon. Due to the broad geographic range of Arctic grayling, the gap in the range of Arctic grayling resulting from the loss of fluvial Arctic grayling in the upper Missouri River basin would not result in a significant gap in the range of the taxon as a whole.

In our 2005 candidate assessment, we asserted that the loss of the fluvial Arctic grayling of the upper Missouri River would result in a significant gap in the range of the taxon as these fish are the only extant fluvial grayling population in the contiguous United States and represent the southernmost extent of the species (USFWS 2005, p. 10). However, the Ninth Circuit Court has rejected this argument as a misconstruction of this criterion in the case of *National Association of Home Builders* v. *Norton,* 340 F. 3d 835, 852 (9th Cir. 2003) concerning the cactus ferruginous pygmy-owl (*Glaucidium brasilianum cactorum*) (70 FR 44551, August 3, 2005). The Court found that in designating a DPS under the DPS policy, we must find that a discrete population is significant to the taxon as a whole, not to the United States. Therefore, we have determined, based on the information available to the Service, the loss of the fluvial Arctic grayling in the upper Missouri River would not result in a significant gap in the range of the species on the basis of the significance of the Montana population to the species as a whole.

(3) Fluvial Arctic Grayling Do Not Represent the Only Surviving Natural Occurrence of the Taxon

This criterion from the DPS policy does not apply to the fluvial Arctic grayling in the upper Missouri River because it is clearly not a population segment representing the only surviving natural occurrence of a taxon that may be more abundant elsewhere as an introduced population outside its historic range. Consequently, this population of grayling is not significant according to this standard.

(4) Fluvial Arctic Grayling in the Missouri River Drainage Do Not Differ Markedly in Genetic Characteristics From Adfluvial Populations in the Missouri River Drainage

As noted above, analyses of allozymes and mitochondrial DNA show genetic divergence between Arctic grayling in the upper Missouri River and Arctic grayling in Canada and Alaska (Lynch and Vyse 1979, pp. 263, 268, 275; Everett and Allendorf 1985, pp. 22–23, 26; Everett 1986, pp. 79–80; Redenbach and Taylor 1999, p. 23; reviewed by Campton 2006, pp. 5–6; reviewed by Leary 2005, pp. 1–3) and appear to be most closely related evolutionarily to populations in northeastern

Saskatchewan, Canada (Stamford and Taylor 2004, p. 1538).

In addition, fluvial Arctic grayling from the Big Hole River are genetically different from native adfluvial Arctic grayling in Red Rock Lakes based on observed differences in allozyme allele frequencies (Campton 2006, p. 6). However, the relative genetic difference between these two groups within the upper Missouri River basin is less than that between upper Missouri River Arctic grayling and sample populations from Alaska and Canada (Leary 1990, pp. 1, 7–8).

Resolving ancestries among recently diverged upper Missouri River Arctic grayling populations is difficult due to the low allozyme variability among samples (Leary 2005, pp. 3–4; Campton 2006, p. 10). In this case, although allozyme data from 39 loci are available from these populations, only 2 of the loci analyzed were generally variable among them (Everett 1986; Leary 1990; Leary 2005, p. 3). Information from only two loci may cause chance similarities or differences and require cautious interpretation (Leary 2005, p. 3).

Likewise, the paucity of genetic variation detected by Redenbach and Taylor (1999, p. 27) in their restriction enzyme analysis of *mt*DNA of upper Missouri River basin Arctic grayling precludes making any inferences about genetic similarities or differences among the upper Missouri River populations sampled except that they all appear to share a common maternal lineage (Leary 2005, p. 4). The level of genetic divergence observed among populations within the upper Missouri River is consistent with what would be expected for populations within a geographic area that share a recent ancestry (Campton 2006, p. 12).

Discerning genetic divergence among Arctic grayling populations is further complicated by the extensive hatchery propagation and transplantation of stocks, as discussed above (Everett 1986, p. 40). The Service does not regard the introduced, lake-dwelling grayling to be part of the indigenous upper Missouri River fluvial Arctic grayling population (59 FR 37739, July 25, 1994). However, widespread stocking of hatchery-reared Arctic grayling in the Big Hole River system and other locations (e.g., Everett 1986, pp. 4, 16; Kaya 1990, pp. 31, 75–80) makes it possible that some fish are introduced populations or that the existing populations are a mixture of native and introduced Arctic grayling.

We find that, based on the genetic information currently available, the fluvial Arctic grayling of the upper Missouri River drainage do not differ markedly from adfluvial populations of the species in their genetic characteristics such that they should be considered biologically or ecologically significant based simply on genetic characteristics. Biological and ecological significance under the DPS policy is always considered in light of Congressional guidance (see Senate Report 151, 96th Congress, 1st Session) that the authority to list DPSs be used ''sparingly'' while encouraging the conservation of genetic diversity.

Conclusion on DPS

Under section 3 of the Act and our implementing regulations at 50 CFR 424.02, a ''species'' is defined to include any species or subspecies of fish, wildlife, or plant, and any distinct population segment of any vertebrate species which interbreeds when mature. Our implementing regulations provide further guidance on determining whether a particular taxon or population is a species or subspecies for the purposes of the Act: ''The Secretary shall rely on standard taxonomic distinctions and the biological expertise of the Department and the scientific community concerning the relevant taxonomic group'' (50 CFR 424.11). As noted above, Arctic grayling in the upper Missouri River basin have been classified into separate species and subspecies, but these designations are not widely accepted. Therefore, we do not consider the subject of this petition to constitute a distinct species or subspecies.

The 1994 status review identified the fluvial form of Arctic grayling in the upper Missouri River drainage as a DPS based on its geographic isolation and behavioral distinctiveness (59 FR 37738, July 25, 1994). On the basis of the best available information, we continue to conclude that the fluvial Arctic grayling of the upper Missouri River drainage is ''markedly separated'' from all other populations of the same taxon as a consequence of physical and behavioral factors. Consequently, the Service concludes that the petitioned entity is discrete according to the 1996 DPS policy. However, on the basis of the four significance criteria in the 1996 DPS Policy, the Service is unable to conclude at this time that the petitioned entity is significant. Therefore, we find that the fluvial Arctic grayling of the upper Missouri River does not qualify as a distinct population segment under the Act.

Significant Portion of the Range

Pursuant to the Act and our implementing regulations, a species may warrant listing if it is threatened or endangered in a significant portion of its range. However, the petition did not request that we determine whether the grayling was threatened or endangered in a significant portion of its range. Rather, it asked that we list the fluvial Arctic grayling in the U.S. as an endangered species. Consistent with the petition, our previous petition findings have uniformly addressed possible listing in the context of whether the fluvial Arctic grayling in Montana constitutes a DPS, and therefore a ''species'' under the Act. As discussed above, we have now determined that the fluvial Arctic grayling is not a DPS. Thus, we have disposed of the question raised by the petition: we have no obligation under the Act to address the separate question of whether the fluvial Arctic grayling in Montana constitutes a significant portion of the range of some of the entire grayling species, or some valid but currently undefined DPS. If the Service determines in the future that the grayling is threatened or endangered in a significant portion of its range, we will add the species to the candidate list and propose its listing. However, that would be a future action. Because the petition and our prior finding were with respect to a DPS, and we have found that there is not a valid DPS, we do not need to address significant portion of the range at this time.

Finding

On the basis of the discussion presented in this document, we find that the fluvial Arctic grayling of the upper Missouri River does not qualify as a distinct population segment. As a result, we find that the petition to list the fluvial Arctic grayling of the upper Missouri River is not warranted. Based on this determination, we withdraw the fluvial Arctic grayling of the upper Missouri River from the candidate list. Although no further action will result from this finding, we request that you submit new information concerning the taxonomy, biology, ecology, and status of the Arctic grayling of the upper Missouri River system to the Montana Field Office (see **ADDRESSES** below) whenever it becomes available. We will accept additional information and comments from all concerned governmental agencies, the scientific community, industry, or any other interested party concerning this finding; and will reconsider this determination in the event of new information as appropriate. The Service continues to strongly encourage cooperative conservation and restoration of fluvial Arctic grayling in the upper Missouri River.

References

A complete list of all references cited herein is available upon request from the Montana Field Office, U.S. Fish and Wildlife Service (see **ADDRESSES**).

Author

The authors of this finding are biologists in Region 6 of the U.S. Fish and Wildlife Service.

Authority

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

Dated: April 13, 2007.

H. Dale Hall,

Director, Fish and Wildlife Service.

[FR Doc. E7–7484 Filed 4–23–07; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 070409081–7081–01; I.D. 032907A]

RIN 0648–AS22

Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan; Amendment 14

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes regulations to implement Amendment 14 to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan (FMP) developed by the Mid-Atlantic Fishery Management Council (Council). The proposed measures include a plan to rebuild the scup stock from an overfished condition to the level associated with maximum sustainable yield, as required by the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). This action also proposes to allow the regulations concerning the Gear Restricted Areas (GRAs) to be modified through framework adjustments to the FMP. The intended effect of this change would improve the timing of developing and implementing modifications to the GRAs.

DATES: Comments must be received by 5 p.m. local time, on May 24, 2007.

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

- E-mail: *FSBAmendment14ProposedRule@noaa.gov*. Include in the subject line the following identifier: ''Comments on Amendment 14 Proposed Rule (Scup Rebuilding Plan).''
- Federal e-rulemaking portal: *http://www.regulations.gov*
- Mail: Patricia A. Kurkul, Regional Administrator, NMFS, Northeast Regional Office, One Blackburn Drive, Gloucester, MA 01930. Mark the outside of the envelope: ''Comments on Amendment 14 Proposed Rule (Scup Rebuilding Plan).''
- Fax: (978) 281–9135

Copies of Amendment 14 and of the draft Environmental Assessment, preliminary Regulatory Impact Review, and Initial Regulatory Flexibility Analysis (EA/RIR/IRFA) are available from Daniel T. Furlong, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, 300 South New Street, Dover, DE 19901–6790. The EA/RIR/IRFA is also accessible via the Internet at *http://www.nero.noaa.gov*.

FOR FURTHER INFORMATION CONTACT: Michael P. Ruccio, Fishery Policy Analyst, (978) 281–9104.

SUPPLEMENTARY INFORMATION: On August 18, 2005, NMFS notified the Council that the scup (*Stenotomus chrysops*) stock had been designated as overfished and that, within 1 year of that notice, an amendment or proposed regulations for the scup fishery to end overfishing and to rebuild the stock must be prepared in accordance with the Magnuson-Stevens Act. In response, the Council has developed, and submitted for Secretarial review, Amendment 14 to propose two actions: (1) A 7–year plan to rebuild the scup stock from an overfished condition to a level associated with maximum sustained yield (B_{msy}), as required by the Magnuson-Stevens Act; and (2) an administrative change to the regulations on framework adjustments.

Background

The scup stock was determined to be overfished in 1998 when the Sustainable Fisheries Act (SFA) amendments to the Magnuson-Stevens Act were implemented. The Council developed and proposed Amendment 12 (64 FR 16891, April 7, 1999) to rebuild the scup stock in accordance with the provisions outlined in the SFA. The Council proposed in Amendment 12 that the management measures in place to rebuild the scup fishery, established by Amendment 8, were adequate under SFA guidelines. NMFS disagreed, and the rebuilding plan proposed in Amendment 12 was disapproved on April 28, 1999. Following the disapproval, the management measures previously implemented by Amendment 8 remained in place for the scup fishery.

In years subsequent to the disapproval of Amendment 12, the scup stock exhibited signs of recovery. The Northeast Fisheries Science Center (NEFSC) spring survey index 3–year average value for 2001–2003 indicated that scup spawning stock biomass (SSB) had increased to 3.31 kg/tow, above the minimum biomass threshold (1/2 B_{msy}) of 2.77 kg/tow. The scup stock was no longer considered overfished, although the 35th Stock Assessment Review Committee (SARC 35) indicated that the status of the stock with respect to overfishing could not be evaluated. Although the condition of the scup stock was improving, the stock had not yet been rebuilt, as required by the Magnuson-Stevens Act, to the B_{msy} proxy rebuilding target of 5.54 kg/tow.

In 2005, the NEFSC 3–year SSB index value decreased to 0.69 kg/tow, indicating that the stock was again below the minimum biomass threshold (1/2 B_{msy}) and considered overfished. NMFS formally notified the Council of the overfished status of the scup stock, thus initiating the Magnuson-Stevens Act requirement that the Council develop regulations or an amendment to the FMP to rebuild the scup stock to the B_{msy} proxy level. The rebuilding plan implemented by such regulations or amendment must achieve the rebuilding target within 10 years to comply with the Magnuson-Stevens Act. In response, the Council has developed, and submitted for Secretarial review, Amendment 14.

Proposed Scup Rebuilding Plan

Under Amendment 14, a constant fishing mortality rate (F) of 0.10 would be applied each year during a 7–year rebuilding time period. Under this approach, the NEFSC 3–year SSB index value for the rebuilding period ending December 31, 2014, is projected to be 5.96 kg/tow, approximately 8 percent above the B_{msy} proxy rebuilding target (5.54 kg/tow).

Applying a constant F=0.10 for 7 years is projected to achieve the required stock rebuilding to comply with the Magunuson-Stevens Act; however, because scup is a relatively data poor stock and uncertainty exists around estimates of fishing mortality, stock size, and discards, Amendment 14 contains additional criteria to be

applied to the rebuilding program, as follows:

1. As improvements to the available data occur over the 7–year rebuilding period, the rebuilding trajectory may change. Therefore, to ensure stock rebuilding, a periodic review will be conducted by the Council's scientific advisors to re-evaluate the F necessary to rebuild the stock. If the Council's scientific advisors determine the stock cannot be rebuilt within the time remaining in the initial 7–year time frame under an F=0.10, then the Council will recommend measures to rebuild the stock as soon as possible after the 7 years, but not to exceed the 10–year time frame specified in the Magnuson-Stevens Act for rebuilding periods.

The periodicity of such a review is not specified in Amendment 14; however, it is expected that such reviews will be at the discretion of the Council and will occur as new data are made available, as early in the rebuilding period as possible, so that changes to the F rate, as needed, may be made.

2. The scup biological reference points (stock status determination criteria) would be reviewed after the Fishery Survey Vessel (FSV) *Henry B. Bigelow* has completed 2 full years of service.

3. If a scup stock assessment that results in a change to the biological reference points is completed before the end of the 7–year rebuilding time period, the Council may reconsider the rebuilding targets.

The additional criteria for the rebuilding program contained in Amendment 14 are designed to allow for some degree of flexibility within the specified rebuilding period, while still satisfying the requirements of the Magnuson-Stevens Act, given the considerable scientific uncertainty regarding the status of the scup stock. The intent of the additional criteria is to ensure that certain parameters of the rebuilding program can be revisited in advance of the end of the rebuilding time frame. This may help mitigate the need for severely restrictive measures in the rebuilding plan's final years, should scientific advice or stock status information change during the course of the 7–year rebuilding plan and/or the scup stock fail to respond to the rebuilding efforts as anticipated and fall behind the rebuilding schedule.

Amendment 14 has a target implementation date of January 1, 2008, for the start of the rebuilding program. A final rule for Amendment 14 is anticipated to be published in the **Federal Register** prior to August 2007, with delayed effectiveness until January 1, 2008, so that the 2008 scup specifications would be set consistent with the proposed rebuilding program.

Proposed GRA Modification Process

GRAs were first implemented on May 24, 2000 (65 FR 33486), in conjunction with the annual specifications for the summer flounder, scup, and black sea bass fisheries. The intent of the GRAs has been to reduce discards of scup in small-mesh fisheries, primarily for *Loligo* squid, black sea bass, and silver hake. Because of the manner in which they were initially implemented, the GRAs could only be modified through the annual specification process or through an amendment to the FMP. Amendment 14 proposes an administrative change to add the GRAs to the list of management measures that can be changed through a framework adjustment to the FMP. As such, the Council would develop and analyze changes to the GRAs over the span of at least two Council meetings before making a recommendation to NMFS. This change is intended to allow for improved timing of developing and implementing proposed modifications to the GRAs. Amendment 14 proposes no specific changes to the existing GRAs.

Notice of Availability (NOA) and Public Comment on Amendment 14

A NOA indicating Amendment 14's availability for public review and comment published in the **Federal Register** on April 11, 2007, 72 FR 18193. Public comments are being solicited on Amendment 14 and its incorporated documents through the comment period ending June 11, 2007, as stated in the NOA. Public comments on this proposed rule must be received by the end of the comment period on Amendment 14, as published in the NOA, to be considered in the approval/disapproval of the Amendment 14. All comments received by the end of the NOA comment period for Amendment 14, whether specifically directed to the amendment or this proposed rule, will be considered in the approval/disapproval decision. Comments received after the end of the NOA comment period will not be considered in the approval/disapproval decision on Amendment 14, but will be considered as comments on this proposed rule. To be considered, comments must be received by close of business on the last day of the comment period; that does not mean postmarked or otherwise transmitted by that date.

Classification

At this time, NMFS has not determined that the FMP amendment that this proposed rule would implement is consistent with the national standards of the Magnuson-Stevens Act and other applicable laws. NMFS, in making that determination, will take into account the data, views, and comments received during the comment period.

A notice of availability of the Draft EA/RIR/IRFA, which analyzed the impacts of all of the measures under consideration in Amendment 14, was published on April 11, 2007, (72 FR 18193).

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

An IRFA was prepared, as required by section 603 of the RFA. The IRFA describes the economic impact this proposed rule, if adopted, would have on small entities. A description of the reasons why the action is being considered, the associated objectives of the proposed action, and the legal basis for this action are contained in the SUMMARY section of the preamble of this proposed rule. A summary of the analysis follows. A copy of the complete IRFA is available from the Council (see **ADDRESSES**).

This proposed rule does not duplicate, overlap, or conflict with any relevant Federal rules.

There are no new reporting or recordkeeping requirements contained in any of the alternatives considered for this action.

Description of Small Entities to Which the Proposed Rule Will Apply

The proposed action regarding scup rebuilding alternatives could affect any vessel issued a Federal permit for scup, as well as vessels that fish for scup in state waters. The GRA alternatives proposed are purely administrative in nature and, therefore, are not expected to impact scup fishery participants in state or Federal waters.

The Small Business Administration (SBA) defines a small business in the commercial fishing and recreational fishing activity as a firm with receipts (gross revenues) of up to $4.0 and $6.5 million, respectively. The proposed measures regarding the scup rebuilding alternatives could affect any vessel holding an active Federal permit for scup, as well as vessels that fish for this species in state waters. Data from the Northeast permit application database show that, in 2005, the most recent year for which there are complete data, 1,511 vessels were permitted to take part in

the scup fisheries (both commercial and charter/party sectors). All vessels that would be impacted by this proposed rulemaking are considered to be small entities; therefore, there would be no disproportionate impacts between large and small entities. Since all permit holders do not actually land scup, the more immediate impact of the rule may be felt by the 428 vessels that are actively participating in this fishery (i.e., that landed 1 lb (0.45 kg) or more of scup in 2005).

Description of Alternatives

The Council proposed seven rebuilding plan alternatives and the no-action (i.e., status quo) alternative. Of these, two alternatives could be expected to have less of an economic impact on small entities than the proposed action. A summary of these alternatives can be found in Table 1, and as follows, including the reasons for selecting the preferred alternative instead of one of the two alternatives with a lower economic impact to small entities.

Table 1. Comparison of the proposed scup rebuilding program alternatives.

Strategy	Alternative	Status of Alternative	Description	Impact Assessment
Maintain Constant Fishing Mortality (F) over Rebuilding Period	1A	Proposed (No action/ Status Quo)	F=0.26	Least
	1B	Proposed	F=0.136; 10-years	
	1C	Proposed	F=0.10; 7-years	Council's Preferred Alternative
	1D	Proposed	F=0.067; 5-years	
	1E	Considered but Rejected	F=0; 4-years	Most
Maintain Constant Harvest over Rebuilding Period	1F	Considered but Rejected	10-years of constant harvest 17.170 million lb (7,788 mt)	Least
	1G	Proposed	7-years of constant harvest 12.842 million lb (5,825 mt)	
	1H	Proposed	5-years of constant harvest 8.741 million lb (3,965 mt)	Most

The no-action alternative, designated 1A, would not implement a rebuilding plan or time frame for rebuilding the scup stock. The current F target of F=0.26 would be maintained, resulting in the least restrictive quotas. Under the no action alternative (1A), the scup stock is not projected to ever achieve the rebuilding target; therefore, the status quo alternative would not achieve stock rebuilding and is therefore contrary to the requirements of the Magnuson-Stevens Act.

Alternatives 1B through 1E consist of rebuilding strategies wherein a specified constant F is applied over a 10, 7, 5, or 4–yr period, respectively. The F rate applied under these four alternatives is highest (i.e., less restrictive) for alternative 1B and decreases (i.e., becomes more restrictive) in alternatives 1C and 1D. The rebuilding program proposed by alternative 1B is less restrictive than the Council's preferred alternative, 1C. Alternative 1B was not selected as the preferred alternative because it utilizes the full 10–year rebuilding period and does not allow for the ongoing rebuilding progress performance assessments, as specified by the Council, that are available in the preferred alternative, 1C. The F rate in 1E is F=0, which would result in no harvest of scup (commercial, recreational, or incidental take in other fisheries) for the proposed 4–yr period; this alternative was considered but excluded from detailed analysis as it was not considered a reasonable solution to the issue.

Alternatives 1F through 1H proposed maintaining a constant harvest level of scup over a specified rebuilding period. Alternative 1F, the least restrictive constant harvest rebuilding alternative, was rejected because it would not rebuild the stock within the 10–year period required under the Magnuson-Stevens Act. Of the remaining two constant harvest alternatives, 1G is less restrictive than alternative 1H. Relative to the constant F strategies, the constant harvest strategies 1D and 1H are expected to be less restrictive than alternatives 1C and 1G, but more restrictive than alternatives 1A and 1B.

For clarity, the Council has identified rebuilding program alternative 1C, with the additional criteria outlined in the **SUPPLEMENTARY INFORMATION** in the preamble of this proposed rule, as its preferred alternative.

Expected Economic Impacts of Alternatives

The effects of actions were analyzed by employing quantitative approaches to the extent possible. Where quantitative data were not available, qualitative analyses were conducted. In the current analysis, effects on profitability associated with the proposed management measures should be evaluated by looking at the impact of the proposed measures on individual vessel costs and revenue. However, in the absence of cost data for individual vessels engaged in these fisheries, changes in gross revenue are used as a proxy for profitability.

Procedurally, the economic effects of the quotas under the various rebuilding schedules were estimated by assessing the changes in potential revenues. This was accomplished by multiplying the corresponding level of Total Allowable Landings (TAL) under each alternative by the ex-vessel price forecasted for each of the years in an alternative's rebuilding time line.

Commercial Fishery Impacts

Aggregate scup landings in 2008, the first year of the rebuilding period, relative to 2006 are expected to be the highest under alternative 1A (an increase of 153 percent), followed by alternative 1B (an increase of 41 percent), and alternatives 1C and 1G (an increase of 5 percent each). Under alternatives 1D and 1H, scup landings are expected to decrease (29 percent each) in 2008, compared to 2006. Commercial quotas are expected to increase in each year subsequent to 2008 from the 2006 baseline value for each alternative, except those for constant harvest strategies under

alternatives 1G and 1H. For alternatives 1G and 1H, no increase is predicted until the rebuilding time frame is complete and the stock is rebuilt.

Assuming that the predicted changes in initial annual revenue in 2008 are for all active participants in the fishery and that they are evenly distributed over all active participants in the fishery (the 428 vessels that landed scup in 2005), each business unit could be expected to gain an average of $7,114 in gross revenues under alternative 1A, and $1,914 under alternative 1B, if the entire TAL is landed in 2008. Potential losses in 2008 of $194 in gross revenue are estimated for each scup vessel under alternatives 1C and 1G, and $2,621 under alternatives 1D and 1H.

If revenue earned from all other species is assumed to remain constant, 21 vessels are projected to incur total revenue losses of 5 percent or more in 2008 under the two most restrictive alternatives (1D and 1H). Of these 21 vessels, 11 are projected to incur revenue reductions of 5–9 percent, and 10 vessels are projected to lose up to 10–19 percent of their total gross revenue.

Relative to each vessel's home port state as reported on the vessel's permit application, nine of the vessels projected to incur revenue losses of 5 percent or more under alternatives 1D and 1H listed New York as their home port state, five of these vessels listed Massachusetts as their home port state, and five listed Rhode Island as their home port state. The home port states of the remaining two vessels can not be disclosed for confidentiality reasons.

The 21 vessels estimated to incur revenue losses of 5 percent or more in 2008 under the two most restrictive alternatives (1D and 1H) list 15 different home port locations on their permit applications. The only home port locations with more than one vessel estimated to incur total revenue reductions of 5 percent or more are in Montauk, NY (five vessels) and Point Judith, RI (three vessels).

Although alternatives 1C, 1D, 1G, and 1H will likely have a negative short-term economic impact on some scup harvesting businesses, they are expected to result in long-term positive impacts to the industry as a whole, once the scup stock rebuilds. Quotas will gradually increase toward the rebuilt stock level for constant F strategies and are expected to significantly increase when rebuilding is achieved for constant harvest strategy alternatives.

Recreational Fishery Impacts

Recreational landings of scup in 2006 were projected to be 2.83 million lb (1,284 mt). Potential increases in landings could be observed in 2008 under the recreational harvest limits projected for alternatives 1A and 1B. The 2008 recreational harvest limits under alternatives 1C and 1G would be approximately equal to the projected 2006 recreational landings. The 2008 recreational harvest limits for alternatives 1D and 1H are projected to be 1.923 million lb (872 mt), a potential decrease of approximately 1.0 million lb (453 mt) when compared to 2006 levels.

There is no empirical information available to determine how sensitive to the proposed changes in scup recreational harvest limits affected anglers might be. In other words, it is not possible to determine how affected anglers will respond to the new regulations. Scup angler trip taking behavior may remain unchanged, or the management measures may result in anglers taking fewer fishing trips or no recreational trips at all if suitable alternative target species are unavailable. Although the potential changes in trip taking behavior cannot be quantified, given the marginal changes in management measures from 2006 to those expected for 2008 and the fact that the proposed measures do not prohibit anglers from engaging in catch and release fishing, the demand for fishing trips should remain relatively unaffected. Nevertheless, to the extent that anglers impacted by the proposed measures do take fewer trips, economic losses may accrue to businesses that support marine recreational activities.

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: April 17, 2007.

John Oliver,

Deputy Assistant Administrator for Operations, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 648 is proposed to be amended as follows:

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

1. The authority citation for part 648 continues to read as follows:

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

2. In § 648.127, paragraph (a)(1) is revised to read as follows:

§ 648.127 Framework adjustment to management measures.

(a) * * *

(1) *Adjustment process.* The Council shall develop and analyze appropriate management actions over the span of at least two Council meetings. The Council must provide the public with advance notice of the availability of the recommendation(s), appropriate justification(s) and economic and biological analyses, and the opportunity to comment on the proposed adjustment(s) at the first meeting and prior to and at the second Council meeting. The Council's recommendations on adjustments or additions to management measures must come from one or more of the following categories: Minimum fish size, maximum fish size, gear restrictions, gear restricted areas, gear requirements or prohibitions, permitting restrictions, recreational possession limit, recreational seasons, closed areas, commercial seasons, commercial trip limits, commercial quota system including commercial quota allocation procedure and possible quota set asides to mitigate bycatch, recreational harvest limit, annual specification quota setting process, FMP Monitoring Committee composition and process, description and identification of essential fish habitat (and fishing gear management measures that impact EFH), description and identification of habitat areas of particular concern, overfishing definition and related thresholds and targets, regional gear restrictions, regional season restrictions (including option to split seasons), restrictions on vessel size (LOA and GRT) or shaft horsepower, operator permits, any other commercial or recreational management measures, any other management measures currently included in the FMP, and set aside quota for scientific research.

* * * * *

[FR Doc. 07–2016 Filed 4–23–07; 8:45 am]

BILLING CODE 3510–22–S

Notices

Federal Register

Vol. 72, No. 78

Tuesday April 24, 2007

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Agency Information Collection Activities: Extension of Proposed Collection; Comment Request—Food Stamp Program State Agency Options

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice invites the general public and other public agencies to comment on the proposed extension of this collection relating to State agency calculations of household expenses for Food Stamp Program purposes. The information collection requirement described in this notice is OMB Number 0584–0496: State Agency Options.

DATES: Written comments must be received on or before June 25, 2007.

ADDRESSES: 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 including the validity of the methodology and assumptions used; (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 those who respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to Patrick Waldron, Branch Chief, Certification Policy Branch, Program Development Division, Food and Nutrition Service, U.S. Department of Agriculture, 3101 Park Center Drive, Alexandria, VA 22302. Comments may also be faxed to the attention of Mr. Waldron at (703) 305–2486. The Internet address is: *patrick.waldron@FNS.USDA.GOV*. All written comments will be open for public inspection at the office of the Food and Nutrition Service during regular business hours (8:30 a.m. to 5 p.m., Monday through Friday) at 3101 Park Center Drive, Alexandria, Virginia 22302, Room 800.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will be a matter of public record.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Mr. Waldron at (703) 305–2495.

SUPPLEMENTARY INFORMATION:

Title: Food Stamp Program: State Agency Options.

OMB Number: 0584–0496.

Form Number: None.

Expiration Date: 7/31/07.

Type of Request: Extension of a currently approved information collection.

Abstract: Title 7, Part 273 of the Code of Federal Regulations (CFR) sets forth the Food Stamp Program requirements for the application, certification and continued eligibility for food stamp benefits. This notice extends the collection burden to account for changes required by the Farm Security and Rural Investment Act of 2002 (FSRIA), pending the issuance of a final rule.

Establishing and reviewing standard utility allowances. The regulations at 7 CFR 273.9(d)(6)(iii)(B) allow State agencies to establish standard utility allowances (SUA) and once established requires State agencies to review and adjust SUAs annually to reflect changes in the cost of utilities. Many State agencies already have one or more approved standards, which they update annually. State agencies may use information already available from case files, quality control reviews or other sources and from utility companies. State agencies may make adjustments based on cost-of-living increases. The information will be used to establish standards to be used in place of actual utility costs in the computation of the excess shelter deduction. State agencies are required to submit the amounts of these standards and methodologies used in developing and updating the standards to FNS when they are developed or changed.

Estimates of burden: Currently 52 State agencies have a standard that includes heating or cooling costs and 41 have a standard for utility costs other than heating or cooling. In addition, 51 State agencies have a telephone allowance standard. State agencies are required to review the standards yearly to determine if increases are needed due to the cost of living. We estimate a minimum of 2.5 hours annually to make this review and adjustment (2.5 hours × 52 State agencies = 130 hours). Total burden for this provision is estimated to be 130 hours per year.

Self-employment costs. The regulations at 7 CFR 273.11(b) allow self-employment gross income to be reduced by the cost of producing such income. The regulations allow the State agencies, with approval from FNS, to establish the methodology for offsetting the costs of producing self-employment income, as long as the procedure does not increase Program costs. State agencies may submit a request to FNS to use a method of producing a reasonable estimate of the costs of producing self-employment income in lieu of calculating the actual costs for each household with such income. Different methods may be proposed for different types of self-employment. The proposal shall include a description of the proposed method, the number and type of households and percent of the caseload affected, and documentation indicating that the proposed procedure will not increase program costs. State agencies may collect this data from household case records or other sources that may be available.

Estimates of burden: We estimate that 10 State agencies will submit a request of this type each year for the next three years. It is estimated that these States will incur a one-time burden of at least 10 working hours gathering and analyzing data, developing the methodology, determining the cost implication, and submitting a request to FNS for a total burden of 100 hours annually. State agencies are not required to periodically review their approved methodologies. We do not anticipate that State agencies will voluntarily review their methodologies for change on a regular basis, thus burden is not being assessed for this purpose at this time.

Record keeping burden only: Each State agency would be required to keep a record of the information gathered and submitted to FNS. We estimate this to be 7 minutes per year for the 53 State agencies to equal a total of 6 burden hours annually. (53 × 7 minutes/60 minutes per hour = 6 hours annual burden).

Summary of burden hours:

Affected Public: State agencies and local governments administering the Food Stamp Program.

Estimated Number of Respondents: 53.

Estimated Number of Responses Per Respondent: 2.16.

Estimated Number of Responses: 115.

Estimated Hours Per Response: 2.05.

Estimated Total Annual Burden on Respondents: 236.

Dated: April 17, 2007.

Roberto Salazar,

Administrator, Food and Nutrition Service.

[FR Doc. E7–7715 Filed 4–23–07; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Forest Service

Shasta-Trinity National Forest, California Mudflow Vegetation Management Project

AGENCY: Forest Service, USDA.

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

SUMMARY: Shasta-Trinity National Forest proposes to harvest timber and remove accumulations of down wood (fuels) on approximately 2900 acres of National Forest System lands. Trees on about 80% of the area would be thinned by removing a portion of the trees from overcrowded forest stands. Trees removed would be those infected with disease or insects and those generally smaller in size than trees that will be retained. Most of the trees on approximately 15% of the area are infected by root disease and insects and would be removed. Young tree seedlings would be planted in the openings created in these areas. Encroaching conifers will be removed from the remaining 5% of the area to restore and maintain wet meadow characteristics in a condition that existed in the past. The majority of project area is within township T40N, R2W, MDM with minor inclusions in T39N, R2W and T40N, R3W, MDM. The project is located immediately north and east of the town of McCloud, California. The Forest Land and Resource Management Plan has allocated portions of the project area to Late-Successional Reserves and Special Area Management (Research Natural Area) with the remainder designated as Matrix lands. About five percent of the area is zoned as Riparian Reserve (wetlands and areas adjacent to streams).

DATES: Comments concerning the scope of the analysis should be received no later than 30 days after the publication of this notice in the **Federal Register**. The draft environmental impact statement is expected in June 2007 and the final environmental impact statement is expected in September 2007.

ADDRESSES: Send written comments to District Ranger Michael Hupp, Shasta-McCloud Management Unit, 204 W. Alma Street, Mt. Shasta, California 96067.

FOR FURTHER INFORMATION CONTACT: Dusty Miller, McCloud Ranger Station, P.O. Box 1620, McCloud, California 96057, telephone (530) 964–3771 or via e-mail at *dmiller@fs.fed.us.*

SUPPLEMENTARY INFORMATION:

Purpose and Need for Action

A century of fire exclusion in the project area has resulted in overcrowded forest conditions and the loss of wet meadow habitat. Overcrowded conditions in forested areas have reduced tree vigor, reduced the proportion of hardwoods in forested areas and promoted the spread of root diseases. In the absence of fire, an understory of shrubs and small trees has developed which can act as a fuel ladder and carry fire into the forest canopy resulting in the loss of forest habitat. The lack of fire has resulted in accumulations of ground fuels which also increases the likelihood of flames reaching the canopy layer. The purpose of this project is to meet Forest Plan objectives by restoring forest ecosystem health within the project area through a variety of management activities.

There is a need to reduce tree density in areas where overcrowded forest conditions currently exist. Thinning will improve the health of these forest areas by making more water, nutrients and sunlight available for use by the remaining trees with a subsequent improvement in the ability of trees to withstand insects, pathogens and drought. Removing small trees from the understory will remove ladder fuels that may otherwise carry fire from the ground into the forest canopy if wildfire occurs. This is important because it will leave the treated stands in a more sustainable, healthy condition. There is a need to break the current cycle of re-infection in areas heavily infected by root diseases. The removal of groups of diseased trees will remove the source of infection from affected areas. Re-planting with conifer species suited to the specific root disease problems identified at each site will reestablish live trees. This is important because it will reduce future tree mortality and slow or stop the spread of root diseases in the project area.

There is a need to reduce accumulations of ground fuels to levels where flames are not likely to reach the canopy layer in case of wildfire. Machine piling and burning will reduce fuel loads in treatment areas while still meeting other resource needs. This is important because it will reduce the probability of stand replacing wildfires. There is a need to restore the historic size, continuity, and function of wet meadow ecosystems in the project area. Encroaching conifers will be removed from areas that were historically meadows and where trees may not be sustainable due to mortality resulting from fluctuating water tables. The removal of competing conifers will promote the development of naturally occurring hardwoods and meadow vegetation. Restoration activities will return meadows to conditions that will allow the reintroduction of fire to maintain natural ecosystem function. This is important because meadows provide significant water storage and biodiversity.

There is a need to provide for the long-term sustainability of hardwoods in the landscape. In dense mixed conifer/hardwood forests, the abundance and vigor of hardwoods is declining as overtopping conifers block necessary sunlight. Treatments in such areas will emphasize the removal of some competing conifers to provide growing space and sunlight for overtopped hardwoods. In dense mature oak stands with little reproduction, oak trees will be thinned to promote growth and encourage stump sprouting. In areas where the surrounding conifer forest has encroached and replaced historic aspen stands, most conifer trees will be removed to allow residual aspen trees to reclaim the site. This is important because hardwoods provide valuable wildlife habitat and stand diversity and are important in Native American traditions.

Proposed Action

The project will include the following treatments:

1. Thinning treatments on approximately 2100 acres.

In all thinning treatments, trees will be thinned to a spacing that is

appropriate for the species, age, and site. The smallest trees will generally be removed from the stand leaving the healthiest dominant trees.

a. On approximately 350 acres of 25–45 year old ponderosa pine plantations, trees will be thinned to a spacing of approximately 20–30 feet by generally removing the smallest trees.

b. On approximately 1100 acres of 75–95 year old mixed conifer forest, trees will be thinned to a spacing that is appropriate for the species, age, and site. The smallest trees will generally be removed from the stand leaving the healthiest dominant trees.

c. On approximately 250 acres of 75–95 year old mixed conifer and ponderosa pine forest, dense stands of trees will be thinned but groups of trees will also be harvested on 20% of the area to create 1.5 to 3.5 acre openings. These openings will be concentrated in areas of heavy mortality and will be replanted with a mix of species determined to be appropriate for the site. The remaining 80% of the area will be thinned as described in ''b'' above to promote the health and growth of the trees. Group selection is applied as an uneven-aged silvicultural treatment intended to regenerate forest stands gradually over time and to develop stand structure and age diversity.

d. On approximately 400 acres of 75–95 year old mixed conifer forest with pockets of root disease, trees will be thinned as described in ''b'' above. In addition, all dead, dying, and diseased trees in pockets infected with root disease will be removed unless they are needed to meet other resource needs. Resulting openings will be replanted with species resistant to the specific root disease found at the site.

2. Shaded fuelbreak on approximately 120 acres.

A 100-meter wide shaded fuelbreak will be established along the eastern perimeter of the Shasta Mudflow Research Natural Area (RNA). The crowns of overstory trees will be spaced to reduce the risk of wildfire entering or leaving the RNA. Understory trees and brush will be removed or spaced to eliminate fuel ladders which can carry ground fire into the forest canopy.

3. Sanitation treatments on approximately 350 acres.

On approximately 350 acres, understocked ponderosa pine forests that are heavily infected with root disease will be sanitized. All infected trees will be removed from the site to break the cycle of re-infection. Resulting understocked areas will be replanted with an appropriate mix of conifer species suited to the specific root disease problems identified at each site. There are insufficient large healthy trees on approximately 200 acres to meet standards and guidelines for Reserve Trees; therefore, a site specific forest plan amendment will be required. Excess ground fuels will be piled and burned.

4. Regeneration treatments on approximately 100 acres.

On approximately 100 acres, understocked ponderosa pine forests resulting from continuing mortality due to root disease will be regenerated with reserve trees retained on 15% of the area. Reserve trees will be selected with an emphasis on retaining the largest and oldest trees and those species resistant to the specific root diseases identified at each site. Existing healthy natural reproduction will be retained wherever possible. All other trees will be removed. Accumulations of dead and down trees and ground fuels will be piled and burned. These areas will be replanted with a mix of species determined to be appropriate for the site.

5. Meadow and wetland restoration on approximately 200 acres.

On approximately 200 acres, vegetation will be treated to restore and maintain wet meadow ecosystems in a size and condition observed in the earliest available aerial photography and using existing plant communities as a indicator of areas suitable for meadow restoration. Encroaching smaller conifers, generally less than 80 years old, will be removed to enhance hardwoods and riparian vegetation and to restore natural functioning of the meadow ecosystem. Scattered large overstory trees will be retained. Fuels will be modified to allow the future use of prescribed fire to maintain meadows in their naturally occurring condition.

6. Hardwood thinning on approximately 50 acres.

On approximately 50 acres of black oak stands, overcrowded oak clumps will be thinned to promote growth and prevent future decline of the hardwood habitat type in the area. Suppressed and understory oak stems will be removed where trees are obviously overcrowded. Some competing conifers will be removed to promote development of black oak.

On all proposed treatments, excess trees will be removed as commercial wood products wherever possible. Small-diameter trees will be removed as wood chips while larger trees will be removed as sawlogs. Whole tree removal will be used wherever possible to minimize the accumulation of additional ground fuels. Heavy concentrations of down wood will be reduced by tractor piling and burning. All fresh conifer stumps greater than 14 inches in diameter will be treated with borax to prevent the spread of annosus root disease.

The project may include the construction of short lengths of temporary road and the closure or decommissioning of other roads.

Anticipated timber harvest outputs from this project are approximately 20–25 thousand CCF (10–15 MMBF) of sawlog products plus approximately 1,500 tons of wood chips.

Lead and Cooperating Agencies

Lead Agency: USDA, Forest Service.

Responsible Official

J. Sharon Heywood, Forest Supervisor, Shasta-Trinity National Forest, 3644 Avtech Parkway, Redding, CA 96002.

Nature of Decision To Be Made

The Forest Supervisor will decide whether to implement the proposed action, take an alternative action that meets the purpose and need, or take no action.

A non-significant Forest Plan amendment regarding the green-tree retention standard and guideline will be part of this decision to address deteriorating forest conditions in large areas of dead and dying trees resulting from root disease.

Scoping Process

The project is included in the Shasta-Trinity National Forest's quarterly schedule of proposed actions (SOPA). Information on the proposed action will also be posted on the Forest Web site, *http://www.fs.fed.us/r5/shastatrinity/projects*, and advertised in both the Redding Record Searchlight and the Mount Shasta Herald. This notice of intent initiates the scoping process, which guides the development of the environmental impact statement. Comments submitted during this scoping process should be in writing and should be specific to the proposed action. The comments should describe as clearly and completely as possible any issues the commenter has with the proposal. The scoping process include:

(a) Identifying potential issues.

(b) Identifying issues to be analyzed in depth.

(c) Eliminating non-significant issues or those previously covered by a relevant previous environmental analysis.

(d) Exploring additional alternatives.

(e) Identifying potential environmental effects of the proposed action and alternatives.

Early Notice of Importance of Public Participation in Subsequent Environmental Review

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

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft environmental impact statement should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the draft environmental impact statement or the merits of the alternatives formulated and discussed in the statement.

Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.

Comments received, including the names and addresses of those who comment, will be considered part of the public record on this proposal and will be available for public inspection.

(Authority: 40 CFR 1501.7 and 1508.22; Forest Service Handbook 1909.15, Section 21)

Dated: April 4, 2007.

J. Sharon Heywood,

Forest Supervisor, Shasta-Trinity National Forest.

[FR Doc. 07–2018 Filed 4–23–07; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Santa Rosa and San Jacinto Mountains National Monument Advisory Committee

AGENCIES: Forest Service, U.S. Department of Agriculture; and Bureau of Land Management, U.S. Department of the Interior.

ACTION: Notice of meetings of the Santa Rosa and San Jacinto Mountains National Monument Advisory Committee for 2007 and 2008.

SUMMARY: In accordance with the Federal Advisory Committee Act of 1972 (FACA), the Santa Rosa and San Jacinto Mountains National Monument Advisory Committee (Monument Advisory Committee) will meet as indicated below.

DATES:

- March 3, 2007.
- June 2, 2007.
- September 8, 2007.
- December 1, 2007.
- March 1, 2008.
- June 7, 2008.
- September 6, 2008.
- December 6, 2008.

All meetings of the Monument Advisory Committee will start at 9 a.m. and conclude at 1 p.m.

ADDRESSES: Meetings of the Monument Advisory Committee will be held at the Palm Desert City Council Chambers, 73510 Fred Waring Drive, Palm Desert, California.

FOR FURTHER INFORMATION CONTACT: Jim Foote, Monument Manager, Santa Rosa and San Jacinto Mountains National Monument, c/o Bureau of Land Management, P.O. Box 581260, North Palm Springs, CA 92258; phone (760) 251–4800.

SUPPLEMENTARY INFORMATION: Meetings of the Monument Advisory Committee focus on implementation of the Santa Rosa and San Jacinto Mountains National Monument Management Plan. A public comment period, when members of the public may address the Monument Advisory Committee, will occur at 11 a.m. during each meeting. Written comments may be sent to the Monument Manager at the address listed above. All meetings are open to the public; however, transportation, lodging, and meals are the responsibility of the participating public.

Dated: February 9, 2007.

Laurie Rosenthal,

District Ranger, Forest Service, San Jacinto Ranger District, San Bernardino National Forest.

Dated: February 9, 2007.

John R. Kalish,

Acting Field Manager, Bureau of Land Management, Palm Springs-South Coast Field Office.

Dated: February 9, 2007.

Jim Foote,

Monument Manager, Santa Rosa and San Jacinto Mountains National Monument.

[FR Doc. 07–2014 Filed 4–23–07; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Grain Inspection, Packers and Stockyards Administration

Request for Extension and Revision of a Currently Approved Information Collection

AGENCY: Grain Inspection, Packers and Stockyards Administration, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), this notice announces our intention to request a 3-year extension and revision of a currently approved information collection for ''Regulations Governing the National Inspection and Weighing System under the United States Grain Standards Act and under the Agricultural Marketing Act of 1946.''

DATES: We will consider comments that we receive by June 25, 2007.

ADDRESSES: We invite you to submit comments on this notice. You may submit comments by any of the following methods:

- *E-Mail:* Send comments via electronic mail to *comments.gipsa@usda.gov.*
- *Mail:* Send hardcopy written comments to Tess Butler, GIPSA, USDA, 1400 Independence Avenue, SW., Room 1647–S, Washington, DC 20250–3604.
- *Fax:* Send comments by facsimile transmission to: (202) 690–2755.
- *Hand Delivery or Courier:* Deliver comments to: Tess Butler, GIPSA,

USDA, 1400 Independence Avenue, SW., Room 1647–S, Washington, DC 20250–3604.

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

Instructions: All comments should make reference to the date and page number of this issue of the **Federal Register**.

Background Documents: Information collection package and other documents relating to this action will be available for public inspection in the above office during regular business hours.

Read Comments: All comments will be available for public inspection in the above office during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: For information regarding the collection of information activities and the use of the information, contact Tess Butler (202) 720–7486, or at the address listed above.

SUPPLEMENTARY INFORMATION: Congress enacted the United States Grain Standards Act (USGSA) (7 U.S.C. 71 *et seq.*) and the Agricultural Marketing Act (AMA) (7 U.S.C. 1621 *et seq.*) to facilitate the marketing of grain, oilseeds, pulses, rice, and related commodities. These statutes provide for the establishment of standards and terms which accurately and consistently measure the quality of grain and related products, provide for uniform official inspection and weighing, provide regulatory and service responsibilities, and furnish the framework for commodity quality improvement incentives to both domestic and foreign buyers. The Federal Grain Inspection Service (FGIS) of USDA's Grain Inspection, Packers and Stockyards Administration establishes policies, guidelines, and regulations to carry out the objectives of the USGSA and the AMA. Regulations appear at 7 CFR parts 800, 801, and 802 for the USGSA and 7 CFR part 868 for the AMA.

The USGSA, with few exceptions, requires official certification of export grain sold by grade. Official services are provided, upon request, for grain in domestic commerce. The AMA authorizes similar inspection and weighing services, upon request, for rice, pulses, flour, corn meal, and certain other agricultural products. Conversely, the regulations promulgating the USGSA and AMA require specific information collection and recordkeeping necessary to carry out requests for official services. Applicants for service must specify the kind and level of service desired, the identification of the product, the location, the amount, and other pertinent information in order that official personnel can efficiently respond to their needs.

Official services under the USGSA are provided through FGIS field offices and delegated and/or designated State and private agencies. Delegated agencies are State agencies delegated authority under the Act to provide official inspection service, Class X or Class Y weighing services, or both, at one or more export port locations in the State. Designated agencies are State or local governmental agencies or persons designated under the Act to provide either official inspection services, Class X or Class Y weighing services, or both, at locations other than export port locations. State and private agencies, as a requirement for delegation and/or designation, must comply with all regulations, procedures, and instructions in accordance with provisions established under the USGSA. FGIS field offices oversee the performance of these agencies and provide technical guidance as needed.

Official services under the AMA are performed, upon request, on a fee basis for domestic and export shipments either by FGIS employees, individual contractors, or cooperators. Contractors are persons who enter into a contract with FGIS to perform specified inspection services. Cooperators are agencies or departments of the Federal Government which have an interagency agreement, State agencies, or other entities which have a reimbursable agreement with FGIS.

Title: Regulations Governing the National Inspection and Weighing System Under the USGSA and AMA of 1946.

OMB Number: 0580–0013.

Expiration Date of Approval: December 31, 2007.

Type of Request: Extension and revision of a currently approved information collection.

Abstract: The United States Grain Standards Act (7 U.S.C. 71 *et seq.*) and the Agricultural Marketing Act of 1946 (7 U.S.C. 1621 *et seq.*) provide that USDA inspect, certify and identify the class, quality, quantity and condition of agricultural products shipped or received in interstate and foreign commerce.

Estimate of Burden: Public reporting and record keeping burden for this collection of information is estimated to average .13 hours per response.

Respondents: Grain producers, buyers, and sellers, elevator operators, grain merchandisers, and official grain inspection agencies.

Estimated Number of Respondents: 8,617

Estimated Number of Responses per Respondent: 142.12

Estimated Total Annual Burden on Respondents: 159,151 hours

Comments: 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 will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or forms of information technology. All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

James E. Link,

Administrator, Grain Inspection, Packers and Stockyards Administration.

[FR Doc. E7–7750 Filed 4–23–07; 8:45 am]

BILLING CODE 3410–KD–P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Kentucky Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission), and the Federal Advisory Committee Act (FACA), that a planning meeting with briefing of the Kentucky Advisory Committee to the Commission will convene at 1 p.m. and adjourn at 5 p.m. on Tuesday, May 8, 2007 at the University Club, University of Louisville, Louisville, Kentucky. The purpose of the meeting is to receive a briefing on religious freedom for prisoners and a briefing on school desegregation in Kentucky and discuss plans for a project for the fiscal year.

Members of the public are entitled to submit written comments; the comments must be received in the Southern Regional Office by June 8, 2007. The address is 61 Forsyth Street, SW., Suite 18T40, Atlanta, Georgia 30303. Persons wishing to e-mail their comments, or to present their comments verbally at the meeting, or who desire additional information should contact Peter Minarik, Ph.D., Regional Director,

Southern Regional Office, U.S. Commission on Civil Rights at (404) 562–7000 [TDY 202–376–8116], or by e-mail at *pminarik@usccr.gov.*

Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least ten (10) working days before the scheduled date of the meeting.

Records generated from this meeting may be inspected and reproduced at the Southern Regional Office, as they become available, both before and after the meeting. Persons interested in the work of this advisory committee are advised to go to the Commission's Web site, *http://www.usccr.gov,* or to contact the Southern Regional Office at the above e-mail or street address.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission and FACA.

Dated in Washington, DC, April 18, 2007.

Ivy Davis,

Acting Chief, Regional Programs Coordination Unit.

[FR Doc. E7–7698 Filed 4–23–07; 8:45 am]

BILLING CODE 6335–02–P

DEPARTMENT OF COMMERCE

Foreign–Trade Zones Board

(Docket 14–2007)

Foreign–Trade Zone 124 -- Gramercy, Louisiana, Application for Subzone, M–I L.L.C. (Barite Grinding and Milling), Amelia, Louisiana

An application has been submitted to the Foreign–Trade Zones Board (the Board) by the Port of South Louisiana, grantee of Foreign–Trade Zone (FTZ) 124, requesting special–purpose subzone status for the barite grinding and milling facilities of M–I L.L.C. (M–I), located in Amelia, Louisiana. The application was submitted pursuant to the provisions of the Foreign–Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on April 16, 2007.

The M–I facilities (40 acres, 58 employees) are located at 2150 Highway 662 N, in Amelia, adjacent to the Gramercy Customs and Border Protection port of entry. The M–I facilities are used for manufacturing, warehousing and distribution activities related to the grinding and milling of raw barite into ground barite (up to 483,840 tons annually). Ground barite is used in the production of drilling fluids (drilling mud) and various specialty chemicals for use by the oil and gas exploration industry. M–I sources the majority of its raw barite from abroad. The duty rate on the imported raw barite is $1.25 per ton.

This application requests authority for M–I to conduct the activity under FTZ procedures, which would exempt M–I from Customs duty payments on the barite used in export production. Less than 3 percent of production is exported. On domestic sales, the company could choose the lower duty rate (duty–free) that applies to the ground barite. M–I also anticipates realizing additional savings on materials that become scrap/waste during production. The application indicates that the FTZ–related savings would improve the plant's international competitiveness.

In accordance with the Board's regulations, a member of the FTZ staff has been designated examiner to investigate the application and report to the Board.

Public comment is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address listed below. The closing period for their receipt is June 25, 2007. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to July 9, 2007).

A copy of the application and accompanying exhibits will be available at each of the following addresses: Port of South Louisiana, 171 Belle Terre Blvd., P.O. Box 909, LaPlace, LA 70069; and, Office of the Executive Secretary, Foreign–Trade Zones Board, Room 2814B, U.S. Department of Commerce, 1401 Constitution Ave, NW., Washington, DC 20230. For further information contact Christopher Kemp at *christopher__kemp@ita.doc.gov* or (202) 482–0862.

Dated: April 16, 2007.

Andrew McGilvray,

Executive Secretary.

[FR Doc. E7–7784 Filed 4–23–07; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

Foreign–Trade Zones Board

(Docket 15–2007)

Foreign–Trade Zone 36 -- Galveston, Texas, Application for Subzone, M–I L.L.C. (Barite Grinding and Milling), Galveston, Texas

An application has been submitted to the Foreign–Trade Zones Board (the Board) by the Board of Trustees of the Galveston Wharves, grantee of Foreign–Trade Zone (FTZ) 36, requesting special–purpose subzone status for the barite grinding and milling facilities of M–I L.L.C. (M–I), located in Galveston, Texas. The application was submitted pursuant to the provisions of the Foreign–Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on April 16, 2007.

The M–I facilities (14 acres, 3 parcels, 26 employees) are located at 4105 Old Port Industrial Boulevard, in Galveston, adjacent to the Houston Customs and Border Protection port of entry. The M–I facilities are used for manufacturing, warehousing and distribution activities related to the grinding and milling of raw barite into ground barite (currently approximately 280,000 tons annually, with future capacity of up to approximately 780,000 tons annually). Ground barite is used in the production of drilling fluids (drilling mud) and various specialty chemicals for use by the oil and gas exploration industry. M–I sources the majority of its raw barite from abroad. The duty rate on the imported raw barite is $1.25 per ton.

This application requests authority for M–I to conduct the activity under FTZ procedures, which would exempt M–I from Customs duty payments on the barite used in export production. Less than 3 percent of production is exported. On domestic sales, the company could choose the lower duty rate (duty–free) that applies to the ground barite. M–I also anticipates realizing additional savings on materials that become scrap/waste during production. The application indicates that the FTZ–related savings would improve the plant's international competitiveness.

In accordance with the Board's regulations, a member of the FTZ staff has been designated examiner to investigate the application and report to the Board.

Public comment is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address listed below. The closing period for their receipt is June 25, 2007. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to July 9, 2007).

A copy of the application and accompanying exhibits will be available at each of the following addresses: U.S. Department of Commerce Export Assistance Center, 15600 John F. Kennedy Blvd, Suite 530, Houston, TX

77032; and, Office of the Executive Secretary, Foreign–Trade Zones Board, Room 2814B, U.S. Department of Commerce, 1401 Constitution Ave, NW., Washington, DC 20230. For further information contact Christopher Kemp at *christopher__kemp@ita.doc.gov* or (202) 482–0862.

Dated: April 16, 2007.

Andrew McGilvray,

Executive Secretary.

[FR Doc. E7–7783 Filed 4–23–07; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Public Safety Voice Over Internet Protocol (VoIP) Roundtable for Organizations Interested in Utilization of VoIP for Communication Between Public Safety Personnel

AGENCY: National Institute of Standards and Technology, Department of Commerce.

ACTION: Notice of public workshop.

SUMMARY: The Office of Law Enforcement Standards (OLES), in cooperation with the Department of Homeland Security's Office of Interoperability and Compatibility (DHS/OIC) and representatives of the public safety community, will hold a public roundtable on May 31, 2007, at the Institute for Telecommunication Sciences (ITS) in Boulder, CO. The purpose of the roundtable is to discuss the development of an implementation profile for VoIP between radio system bridging solutions. The results of this and subsequent roundtable discussions will be used in the development of specific implementation profiles for VoIP usage in public-safety owned systems.

There is no charge for the roundtable; however, because of meeting room restrictions, advance registration is mandatory and limited to three representatives from any one organization. There will be no on-site, same-day registration. The registration deadline is May 25, 2007. Please note registration and admittance instructions and other additional information under the **SUPPLEMENTARY INFORMATION** section of this notice.

DATES: The workshop will be held on May 31, 2007, from 8:30 a.m. until 5 p.m. MT.

ADDRESSES: The roundtable will be held in the Radio Building (Building 1), Auditorium and/or Room 1107, 325 Broadway, Boulder, CO 80305.

FOR FURTHER INFORMATION CONTACT: Dereck Orr, (301) 975–2296, e-mail: *dereck.orr@nist.gov*. The mailing address is 100 Bureau Drive, Mail Stop 810, Gaithersburg, MD, 20899–2140. Information regarding OLES can be viewed at *http://www.eeel.nist.gov/oles/*. Information regarding DHS/OIC can be viewed at *http://www.safecomprogram.gov*. Information regarding ITS can be viewed at *http://www.its.bldrdoc.gov*.

SUPPLEMENTARY INFORMATION: In response to a request from the U.S. Department of Homeland Security (DHS), Science and Technology Directorate (S&T), Command, Control and Interoperability Division (C2I), Office of Interoperability and Compatibility (OIC), the NIST Office of Law Enforcement Standards (OLES) is considering developing protocol implementation profiles for VoIP communications between public safety personnel.

The request from OIC germinated from practitioner-raised issues related to VoIP-enabled solutions being marketed to the public safety community as an ''interoperability solution,'' yet these solutions will not interoperate with VoIP-enabled solutions from other manufacturers making the same claim. The proper way to address this situation is to develop a protocol implementation profile (or set of profiles) that contains the minimum standards, parameters and values necessary to ensure that solutions developed by independent organizations will interoperate with each other. This roundtable discussion is intended to lead to the development of a protocol implementation profile for VoIP-enabled radio system bridging solutions.

Anyone wishing to attend this meeting must register by close of business May 25, 2007, in order to attend. Please submit your name, time of arrival, e-mail address and phone number to Ms. Kathy Mayeda and she will provide you with logistics information for the meeting. Ms. Mayeda's e-mail address is *kmayeda@its.bldrdoc.gov* and her phone number is (303) 497–5890.

All attendees are required to submit their name, time of arrival, e-mail address and phone number to Ms. Mayeda. Non-U.S. citizens must also submit their country of citizenship, title, employer/sponsor and address.

Dated: April 17, 2007.

William Jeffrey,

Director.

[FR Doc. E7–7785 Filed 4–23–07; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 032607B]

Small Takes of Marine Mammals Incidental to Specified Activities; Harbor Activities Related to the Delta IV/Evolved Expendable Launch Vehicle at Vandenberg Air Force Base, CA

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

ACTION: Notice; proposed incidental harassment authorization; request for comments.

SUMMARY: NMFS received a request from United Launch Alliance (ULA) for a reauthorization to take small numbers of marine mammals by harassment incidental to *Delta Mariner* operations, cargo unloading activities, harbor maintenance dredging, and kelp habitat mitigation activities related to the Delta IV/Evolved Expendable Launch Vehicle (EELV) at south Vandenberg Air Force Base, CA (VAFB). Pursuant to the Marine Mammal Protection Act (MMPA), NMFS requests comments on its proposal to authorize ULA to take, by Level B harassment, small numbers of several species of pinnipeds at south VAFB beginning June 2007.

DATES: Comments and information must be received no later than May 24, 2007.

ADDRESSES: Comments on the application should be addressed 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. The mailbox address for providing email comments is *PR1.032607B@noaa.gov*. NMFS is not responsible for e-mail comments sent to addresses other than the one provided here. Comments sent via e-mail, including all attachments, must not exceed a 10–megabyte file size.

A copy of the application containing a list of the references used in this document may be obtained by writing to the address specified above, telephoning the contact listed below (see *FOR FURTHER INFORMATION CONTACT*), or visiting the internet at: *http://www.nmfs.noaa.gov/pr/permits/incidental.htm*.

Documents cited in this notice may be viewed, by appointment, during regular business hours, at the aforementioned address.

FOR FURTHER INFORMATION CONTACT: Candace Nachman, (301) 713–2289, ext. 156 or Monica DeAngelis, (562) 980–3232.

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 small numbers of marine mammals by United States 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, notice of a proposed authorization is provided to the public for review.

Authorization for incidental takings may 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 certain subsistence uses, and that the permissible methods of taking and requirements pertaining to the mitigation, monitoring, and reporting of such taking 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.

Subsection 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 small numbers of marine mammals. Within 45 days of the close of the comment period, NMFS must determine whether to issue or deny the authorization.

Summary of Request

On January 26, 2007 NMFS received an application from ULA requesting an authorization for the harassment of small numbers of Pacific harbor seals (*Phoca vitulina richardsi*) and California sea lions (*Zalophus californianus*) incidental to harbor activities related to the Delta IV/EELV, including: transport vessel operations, cargo movement activities, harbor maintenance dredging, and kelp habitat mitigation operations. In addition, northern elephant seals (*Mirounga angustirostris*) may also be incidentally harassed but in even smaller numbers. Incidental Harassment Authorizations (IHAs) were issued to The Boeing Company, now ULA, on May 15, 2002 (67 FR 36151, May 23, 2002), May 20, 2003 (68 FR 36540, June 18, 2003), May 20, 2004 (69 FR 29696, May 25, 2004), May 23, 2005 (70 FR 30697, May 27, 2005), and June 20, 2006 (71 FR 36321, June 26, 2006) each for a 1–year period. No work and, therefore, no monitoring was conducted under the 2006 IHA. The harbor where activities will take place is on south VAFB approximately 2.5 mi (4.02 km) south of Point Arguello, CA and approximately 1 mi (1.61 km) north of the nearest marine mammal pupping site (i.e., Rocky Point).

Specified Activities

Delta Mariner off-loading operations and associated cargo movements will occur a maximum of 3 times per year. The *Delta Mariner* is a 312–ft (95.1–m) long, 84–ft (25.6–m) wide steel hull ocean-going vessel capable of operating at a 8–ft (2.4–m) draft. For the first few visits to the south VAFB harbor, tug boats will accompany the *Delta Mariner*. Sources of noise from the *Delta Mariner* include ventilating propellers used for maneuvering into position and the cargo bay door when it becomes disengaged. Removal of the common booster core (CBC) from the vessel requires use of an elevating platform transporter (EPT), an additional source of noise with sound levels measured at approximately 85 decibels (dB) A-weighted (re 20 microPascals at 1–m) 20 ft (6.1 m) from the engine exhaust when the engine is running mid-speed (Acentech, 1998). Procedures require two short (approximately 1/3 second) beeps of the horn prior to starting the ignition. The sound level of the EPT horn ranged from 62–70 dB A-weighted at 200 ft (60.9 m) away, and 84–112 dB A-weighted at 25 ft (7.6 m) away. Containers containing flight hardware items will be towed off the *Delta Mariner* by a tractor tug that generates a sound level of approximately 87 dB A-weighted at 50 ft (15.2 m) while in operational mode. Total docking and cargo movement activities is estimated to be approximately 14 to 18 hours in good weather.

To accommodate the *Delta Mariner*, the harbor will need to be dredged, removing up to 5,000 cubic yards of sediment per dredging. Dredging will involve the use of heavy equipment, including a clamshell dredge, dredging crane, a small tug, dredging barge, dump trucks, and a skip loader. Measured sound levels from this equipment are roughly equivalent to those estimated for the wharf modification equipment: 43–81 dB A-weighted at 250 ft (76.2 m). Dredge operations, from set-up to tear-down, would continue 24–hours a day for 3 to 5 weeks. Sedimentation surveys have shown that initial dredging indicates that maintenance dredging should be required annually or twice per year, depending on the hardware delivery schedule.

A more detailed description of the work proposed for 2007 is contained in the application which is available upon request (see **ADDRESSES**) and in the Final US Air Force Environmental Assessment for Harbor Activities Associated with the Delta IV Program at Vandenberg Air Force Base (ENSR International, 2001).

Habitat and Marine Mammals Affected by the Activity

Pacific Harbor Seals

The marine mammal species likely to be harassed incidental to harbor activities at south VAFB are the Pacific harbor seal and the California sea lion. The most recent estimate of the Pacific harbor seal population in California is 31,600 seals. Since 1990 there has been no net population growth along the mainland or the Channel Islands. The decrease in population growth rate has occurred at the same time as a decrease in human-caused mortality and may indicate that the population has reached its environmental carrying capacity (Carretta *et al.*, 2007). The total population of harbor seals on VAFB is now estimated to be 1,099 (maximum of 515 seals hauled out at one time on south VAFB) based on sighting surveys and telemetry data (SRS Technologies, 2003).

The daily haul-out behavior of harbor seals along the south VAFB coastline is primarily dependent on time of day. The highest number of seals haul-out at south VAFB between 1100 through 1600 hours. In addition, haul-out behavior at all sites seems to be influenced by environmental factors such as high swell, tide height, and wind. The

combination of all three may prevent seals from hauling out at most sites. The number of seals hauled out at a site can vary greatly from day to day based on environmental conditions. Harbor seals occasionally haul out at a beach 250 ft (76.2 m) west of the south VAFB harbor and on rocks outside the harbor breakwater where ULA will be conducting *Delta Mariner* operations, cargo loading, dredging activities, and reef enhancement. The maximum number of seals present during the 2001 dredging of the harbor was 23 (averaging 7 per observation period), and the maximum number hauled out during the 2002 wharf modification activities was 43, averaging 21 per day when tidal conditions were favorable for hauling out. Dredging and reef enhancement did not occur from 2003–2006. The harbor seal pupping site closest to south VAFB harbor is Rocky Point, approximately 1 mi (1.61 km) north of the harbor. However, harbor seals have been reported to haul-out on the coast at Sudden Ranch, approximately 0.5 mi (0.8 km) south of the harbor.

Several factors affect the seasonal haul-out behavior of harbor seals including environmental conditions, reproduction, and molting. Harbor seal numbers at VAFB begin to increase in March during the pupping season (March to June) as females spend more time on shore nursing pups. The number of hauled-out seals is at its highest during the molt, which occurs from May through July. During the molting season, tagged harbor seals at VAFB increased their time spent on shore by 22.4 percent; however, all seals continued to make daily trips to sea to forage. Molting harbor seals entering the water because of a disturbance are not adversely affected in their ability to molt and do not endure thermoregulatory stress. During pupping and molting season, harbor seals at the south VAFB sites expand into haul-out areas that are not used the rest of the year. The number of seals hauled out begins to decrease in August after the molt is complete and reaches the lowest number in late fall and early winter.

California Sea Lions

During the wharf modification activity in June-July 2002, California sea lions were observed hauling out on the breakwater in small numbers (up to 6 individuals). Although this is considered to be an unusual occurrence and is possibly related to fish schooling in the area, ULA included sea lions in the request.

California sea lions range from British Columbia to Mexico. The most recent population estimates for the California sea lions range from 237,000 to 244,000 individuals (Caretta *et al.*, 2007). Between 1975 and 2001, the population growth rate was 5.4–6.1 percent. A 1985–1987 population survey indicated that most individuals on the Northern Channel Islands were on San Miguel Island (SMI), with the population ranging from 2,235 to over 17,000. The largest numbers of California sea lions in the VAFB vicinity occur at Lion Rock, 0.4 mi (0.64 km) southeast of Point Sal. This area is approximately 1.5 mi (2.41 km) north of the VAFB boundary. At least 100 sea lions can be observed during any season at this site. The Point Arguello beaches and the rocky ledges of South Rocky Point on south VAFB are haulout areas that may be used by California sea lions. In 2003, at least 145 sea lions were observed at Rocky Point, including five pups that did not survive due to abandonment shortly after birth. This was thought to be an El Nino effect, as there had never been any previously reported sea lion births at VAFB (Thorson, 2003).

Each year, small groups of sea lions have been observed heading south along the VAFB coastline in April and May (Tetra Tech, 1997). Starting in August, large groups of sea lions can be seen moving north, in groups varying in size from 25 to more than 300 (Roest, 1995). This concurs with established migration patterns (Reeves *et al.*, 1992; Roest, 1995). Juvenile sea lions can be observed hauled-out with harbor seals along the South Base sites from July through September (Tetra Tech, 1997). Starving and exhausted sub-adult sea lions are fairly common on central California beaches during the months of July and August (Roest, 1995).

During the breeding season, most of California sea lions inhabit southern California and Mexico. Rookery sites in southern California are limited to SMI and to the southerly Channel Islands of San Nicolas, Santa Barbara, and San Clemente. Breeding season begins in mid-May, occurring within 10 days of arrival at the rookeries. Molting occurs gradually over several months in the late summer and fall. Because the molt is not catastrophic, the sea lions can enter the water to feed.

Male California sea lions migrate annually. In the spring they migrate southward to breeding rookeries in the Channel Islands and Mexico, then migrate northward in the late summer following breeding season. Females appear to remain near the breeding rookeries. The greatest population on land occurs in September and October during the post-breeding dispersal, although many of the sea lions, particularly juveniles and sub-adult and adult males, may move north away from the Channel Islands.

Other Marine Mammals

Other marine mammal species are rare to infrequent along the south VAFB coast during certain times of the year and are unlikely to be harassed by ULA's activities. These four species are: the northern elephant seal, the northern fur seal (*Callorhinus ursinus*), Guadalupe fur seal (*Arctocephalus townsendi*), and Steller sea lion (*Eumetopias jubatus*). Northern elephant seals may occur on VAFB but do not haul out in the harbor area. Northern fur seals, Guadalupe fur seals, and Steller sea lions occur along the California coast and Northern Channel Islands but are not likely to be found on VAFB. Descriptions of the biology and distribution of these species can be found in the NMFS Stock Assessment Reports at *http://www.nmfs.noaa.gov/pr/sars/*, as well as other sources such as Stewart and Yochem (1994, 1984), Forney *et al.* (2000), Koski *et al.* (1998), Barlow *et al.* (1993), Stewart and DeLong (1995), and Lowry *et al.* (1992). Please refer to those documents for information on these species.

Potential Effects of Activities on Marine Mammals

Acoustic and visual stimuli generated by the use of heavy equipment during the *Delta Mariner* off-loading operations, dredging, and kelp habitat mitigation and the increased presence of personnel, may cause short-term disturbance to harbor seals and California sea lions hauled out on the beach and rocks near south VAFB harbor. This disturbance from acoustic and visual stimuli is the principal means of marine mammal taking associated with these activities.

Based on the measured sounds of construction equipment, such as might be used during ULA's activities, sound level intensity decreases proportional to the square root of the distance from the source. A dredging crane at the end of the dock producing 88 dBA of noise would be approximately 72 dBA at the nearest beach or the end of the breakwater, roughly 250 ft (76.2 m) away. The EPT produces approximately 85 dBA, measured less than 20 ft (6 m) from the engine exhaust, when the engine is running at mid speed. The EPT operation procedure requires two short beeps of the horn (approximately 1/3 of a second each) prior to starting the ignition. Sound level measurements for the horn ranged from 84–112 dBA at 25 ft (7.6 m) away and 62–70 dBA at 200 ft (61 m) away. The highest measurement was taken from the side of the vehicle where the horn is mounted.

Ambient background noise measured approximately 250 ft (76.2 m) from the beach was estimated to be 35–48 dBA (Acentech, 1998; EPA, 1971).

Pinnipeds sometimes show startle reactions when exposed to sudden brief sounds. An acoustic stimulus with sudden onset (such as a sonic boom) may be analogous to a ''looming'' visual stimulus (Hayes and Saif, 1967), which may elicit flight away from the source (Berrens *et al.*, 1988). The onset of operations by a loud sound source, such as the EPT during CBC off-loading procedures, may elicit such a reaction. In addition, the movements of cranes and dredges may represent a ''looming'' visual stimulus to seals hauled out in close proximity. Seals and sea lions exposed to such acoustic and visual stimuli may either exhibit a startle response and/or leave the haul-out site.

According to the MMPA and NMFS implementing regulations, if harbor activities disrupt the behavioral patterns of harbor seals or sea lions, these activities would take marine mammals by Level B harassment. In general, if the received level of the noise stimulus exceeds both the background (ambient) noise level and the auditory threshold of the animals, and especially if the stimulus is novel to them, there may be a behavioral response. The probability and degree of response will also depend on the season, the group composition of the pinnipeds, and the type of activity in which they are engaged. Minor and brief responses, such as short-duration startle or alert reactions, are not likely to constitute disruption of behavioral patterns, such as migration, nursing, breeding, feeding, or sheltering (i.e., Level B harassment) and would not cause injury or mortality to marine mammals.

On the other hand, startle and alert reactions accompanied by large-scale movements, such as stampedes into the water of hundreds of animals, may rise to the degree of Level A harassment and could result in injury of individuals. In addition, such large-scale movements by dense aggregations of marine mammals or at pupping sites could potentially lead to takes by injury or death. However, there is no potential for large-scale movements leading to serious injury or mortality near the south VAFB harbor because on average the number of harbor seals hauled out near the site is less than 30 individuals, and there is no pupping at nearby sites. The effects of the harbor activities are expected to be limited to short-term startle responses and localized behavioral changes.

According to the June 2002 dock modification construction report (ENSRI, 2002), the maximum number of harbor seals hauled out each day ranged from 23 to 25 animals. There were 15 occasions in which construction noise, vehicle noise, or noise from a fishing boat caused the seals to lift their heads. Flushing only occurred due to fishing activities, which were unrelated to the construction activities. The sea lions were less reactive to the construction noise than the harbor seals. None of the construction activities caused any of the sea lions to leave the jetty rocks, and there was only one incident of a head alert reaction.

The report from the December 2002 dredging activities show that the number of Pacific harbor seals ranged from 0 to 19, and that California sea lions did not haul out during the monitoring period. On 10 occasions, harbor seals showed head alerts, although two of the alerts were for disturbances that were not related to the project. No harbor seals flushed during the activities on the dock.

For a further discussion of the anticipated effects of the planned activities on harbor seals in the area, please refer to the application, NMFS 2005 Environmental Assessment (EA) and ENSR International's 2001 Final EA.

Numbers of Marine Mammals Expected to be Harassed

ULA estimates that a maximum of 43 harbor seals per day may be hauled out near the south VAFB harbor, with a daily average of 21 seals sighted when tidal conditions were favorable during previous dredging operations in the harbor. Considering the maximum and average number of seals hauled out per day, assuming that the seals may be seen twice a day, and using a maximum total of 73 operating days in 2007–2008, NMFS estimates that a maximum of 767 to 1,570 Pacific harbor seals may be subject to Level B harassment out of a total estimated population of 31,600. These numbers are small relative to this population size (2.4–5.0 percent).

During wharf modification activities, a maximum of six California sea lions were seen hauling out in a single day. Based on the above-mentioned calculation, NMFS believes that a maximum of 219 California sea lions may be subject to Level B harassment out of a total estimated population of 240,000. These numbers are small relative to this population size (less than 0.1 percent). Up to 10 northern elephant seals (because they may be in nearby waters) may be subject to Level B harassment out of a total estimated population of 101,000. These numbers are small relative to this population size (less than 0.01 percent).

Possible Effects of Activities on Marine Mammal Habitat

ULA anticipates no loss or modification to the habitat used by Pacific harbor seals or California sea lions that haul out near the south VAFB harbor. The harbor seal and sea lion haul-out sites near south VAFB harbor are not used as breeding, molting, or mating sites; therefore, it is not expected that the activities in the harbor will have any impact on the ability of Pacific harbor seals or California sea lions in the area to reproduce.

ULA anticipates unavoidable kelp removal during dredging. This habitat modification will not affect the marine mammal habitat. However, ULA will mitigate for the removal of kelp habitat by placing 150 tons of rocky substrate in a sandy area between the breakwater and the mooring dolphins to enhance an existing artificial reef. This type of mitigation was implemented by the Army Corps of Engineers following the 1984 and 1989 dredging. A lush kelp bed adjacent to the sandy area has developed from the efforts. The substrate will consist of approximately 150 sharp-faced boulders, each with a diameter of about 2 ft (0.61 m) and each weighing about 1 ton (907 kg). The boulders will be brought in by truck from an off-site quarry and loaded by crane onto a small barge at the wharf. The barge is towed by a tugboat to a location along the mooring dolphins from which a small barge-mounted crane can place them into the sandy area. ULA plans to perform the reef enhancement in conjunction with the next maintenance dredging event in order to minimize cost and disturbances to animals. Noise will be generated by the trucks delivering the boulders to the harbor and during the operation of unloading the boulders onto the barges and into the water.

Mitigation

To reduce the potential for disturbance from visual and acoustic stimuli associated with the activities ULA proposes to undertake the following marine mammal mitigating measures:

(1) If activities occur during nighttime hours, lighting will be turned on before dusk and left on the entire night to avoid startling pinnipeds at night.

(2) Activities will be initiated before dusk.

(3) Construction noises must be kept constant (i.e., not interrupted by periods of quiet in excess of 30 minutes) while pinnipeds are present.

(4) If activities cease for longer than 30 minutes and pinnipeds are in the area, start-up of activities will include a gradual increase in noise levels.

(5) A NMFS-approved marine mammal observer will visually monitor the harbor seals on the beach adjacent to the harbor and on rocks for any flushing or other behaviors as a result of ULA's activities (see Monitoring).

(6) The *Delta Mariner* and accompanying vessels will enter the harbor only when the tide is too high for harbor seals to haul-out on the rocks, and the vessel will reduce speed to 1.5 to 2 knots (1.5–2.0 nm/hr; 2.8–3.7 km/hr) once the vessel is within 3 mi (4.83 km) of the harbor. The vessel will enter the harbor stern first, approaching the wharf and mooring dolphins at less than 0.75 knot (1.4 km/hr).

(7) As alternate dredge methods are explored, the dredge contractor may introduce quieter techniques and equipment.

Monitoring

As part of its 2002 application, Boeing, now ULA, provided a proposed monitoring plan for assessing impacts to harbor seals from the activities at south VAFB harbor and for determining when mitigation measures should be employed. NMFS proposes the same plan for this IHA.

A NMFS-approved and VAFB-designated biologically trained observer will monitor the area for pinnipeds during all harbor activities. During nighttime activities, the harbor area will be illuminated, and the monitor will use a night vision scope. Monitoring activities will consist of:

(1) Conducting baseline observation of pinnipeds in the project area prior to initiating project activities.

(2) Conducting and recording observations on pinnipeds in the vicinity of the harbor for the duration of the activity occurring when tides are low enough for pinnipeds to haul out (2 ft, 0.61 m, or less).

(3) Conducting post-construction observations of pinniped haul-outs in the project area to determine whether animals disturbed by the project activities return to the haul-out.

Monitoring results from previous years of these activities have been reviewed and incorporated into the analysis of potential effects in this document, as well as the take estimates.

Reporting

ULA will notify NMFS 2 weeks prior to initiation of each activity. After each activity is completed, ULA will provide a report to NMFS within 90 days. This report will provide dates, times, durations, and locations of specific activities, details of pinniped behavioral observations, and estimates of numbers of affected pinnipeds and impacts (behavioral or other). In addition, the report will include information on the weather, tidal state, horizontal visibility, and composition (species, gender, and age class) and locations of haul-out group(s). In the unanticipated event that any cases of pinniped injury or mortality are judged to result from these activities, this will be reported to NMFS immediately.

Endangered Species Act

This action will not affect species listed under the Endangered Species Act that are under the jurisdiction of NMFS. VAFB formally consulted with U.S. Fish and Wildlife Service in 1998 on the possible take of southern sea otters during Boeing's, now ULA, harbor activities at south VAFB. A Biological Opinion was issued in August 2001, which concluded that the EELV Program is not likely to jeopardize the continued existence of the southern sea otter and no injury or mortality is expected. The activities covered by this IHA are analyzed in that Biological Opinion, and this IHA does not modify the action in a manner that was not previously analyzed.

National Environmental Policy Act

In 2001, the United States Air Force (USAF) prepared an EA for Harbor Activities Associated with the Delta IV Program at VAFB. In 2005, NMFS prepared an EA supplementing the information contained in the USAF EA and issued a Finding of No Significant Impact on the issuance of an IHA for Boeing's, now ULA, harbor activities in accordance with section 6.01 of the NOAA Administrative Order 216–6 (Environmental Review Procedures for Implementing the National Environmental Policy Act, May 20, 1999). The proposed activity is within the scope of NMFS' 2005 EA.

Preliminary Conclusions

NMFS proposes to issue an IHA to ULA for harbor activities related to the Delta IV/EELV to take place at south VAFB over a 1–year period. Issuance of this IHA is contingent upon adherence to the previously mentioned mitigation, monitoring, and reporting requirements. NMFS has preliminarily determined that the impact of harbor activities related to the Delta IV/EELV at VAFB, including: transport vessel operations, cargo movement activities, harbor maintenance dredging, and kelp habitat mitigation, would result in Level B harassment only of small numbers of Pacific harbor seals, California sea lions, and northern elephant seals; and would have a negligible impact on these marine mammal stocks. Northern fur seals, Guadalupe fur seals, and Steller sea lions are unlikely to be found in the area and, therefore, will not be affected. No rookeries, mating grounds, areas of concentrated feeding, or other areas of special significance for marine mammals occur within or near south VAFB harbor.

Proposed Authorization

As a result of these preliminary determinations, NMFS proposes to issue an IHA to ULA for the Delta IV EELV Program, provided that the previously mentioned mitigation, monitoring, and reporting requirements are incorporated.

Information Solicited

NMFS requests interested persons to submit comments and information concerning this request (see **ADDRESSES**). Prior to submitting comments, NMFS recommends readers review NMFS' responses to those comments on this activity submitted previously (see 67 FR 63151, May 23, 2002; 68 FR 36540, June 18, 2003; 69 FR 29696, May 25, 2004; 70 FR 30697, May 27, 2005; and 71 FR 36321, June 26, 2006).

Dated: April 18, 2007.

P. Michael Payne,

Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. E7–7788 Filed 4–23–07; 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; Correction

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

ACTION: Notice of an amendment to a public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Pelagics (Whiting/Herring) 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 original meeting notice published in the **Federal Register** on April 19, 2007 (72 FR 19700).

This notice serves as an amendment to that notice and is being published in its entirety with additions to the agenda.

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. In addition to working on the development of alternatives for an amendment to address small mesh multispecies, the Pelagics Committee will discuss whether the Council should require observer coverage on at-sea processors in the herring fishery and possibly make a recommendation to the Council on this issue. 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: Authority: 16 U.S.C. 1801 *et seq.*

Dated: April 19, 2007.

Tracey L. Thompson,

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

[FR Doc. E7–7778 Filed 4–23–07; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 040507E]

Fisheries of the South Atlantic; South Atlantic Fishery Management Council; Public Meeting

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

ACTION: Addendum to a public meeting notice.

SUMMARY: The South Atlantic Fishery Management Council has cancelled a meeting of its Golden Crab Advisory Panel originally scheduled for May 2–3, 2007, in Charleston, SC. The Rock Shrimp Advisory Panel meeting scheduled for May 1–2, 2007 will not be affected. See **SUPPLEMENTARY INFORMATION**.

DATES: The meeting of the Rock Shrimp Advisory Panel will take place May 1–2, 2007. See **SUPPLEMENTARY INFORMATION**.

ADDRESSES: The meeting will be held at the Town and Country Inn, 2008 Savannah Highway, Charleston, SC 29407; telephone: (800) 334–6660 or (843) 571–1000; fax: (843) 766–9444.

Council address: South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405.

FOR FURTHER INFORMATION CONTACT: Kim Iverson, Public Information Officer, South Atlantic Fishery Management Council; telephone: (843) 571–4366 or toll free (866) SAFMC–10; fax: (843) 769–4520; email: kim.iverson@safmc.net.

SUPPLEMENTARY INFORMATION: The original notice published in the **Federal Register** on April 10, 2007 (72 FR 17874). The meeting was for The Council's Rock Shrimp and Golden Crab Advisory Panels. The Golden Crab Advisory Panel meeting is being cancelled.Members of the Rock Shrimp Advisory Panel will meet from 1:30 p.m. - 5 p.m. on May 1, 2007, and from 8:30 a.m. - 12 noon on May 2, 2007. The joint meeting of the Rock Shrimp Advisory Panel and Golden Crab Advisory Panel originally scheduled from 1:30 p.m. - 5 p.m. on May 2, 2007 has been cancelled. The Golden Crab Advisory Panel meeting from 8:30 a.m. - 5 p.m. on May 3, 2007 has been cancelled.All other information previously published remains unchanged.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for auxiliary aids should be directed to the Council office (see **ADDRESSES**) 3 days prior to the meetings.Note: The times and sequence specified in this agenda are subject to change.

Dated: April 19, 2007.

Tracey L. Thompson,

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

[FR Doc. E7–7779 Filed 4–23–07; 8:45 am]

BILLING CODE 3510–22–S

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Determination under the Textile and Apparel Commercial Availability Provision of the Dominican Republic-Central America-United States Free Trade Agreement (CAFTA-DR Agreement)

April 19, 2007.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Determination to add a product in unrestricted quantities to Annex 3.25 of the CAFTA-DR Agreement

EFFECTIVE DATE: April 24, 2007

SUMMARY: The Committee for the Implementation of Textile Agreements (CITA) has determined that certain cotton/polyester circular knit fleece fabrics, as specified below, are not available in commercial quantities in a timely manner in the CAFTA-DR region. The product will be added to the list in Annex 3.25 of the CAFTA-DR in unrestricted quantities.

FOR FURTHER INFORMATION CONTACT: Richard Stetson, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482 2582.

FOR FURTHER INFORMATION ON-LINE: http://web.ita.doc.gov/tacgi/CaftaReqTrack.nsf.Reference number: 19.2007.03.16.Fabric.ST&RforIntradeco.

SUPPLEMENTARYINFORMATION:

Authority: Section 203(o)(4) of the Dominican Republic-Central America-United States Free Trade Agreement Implementation Act (CAFTA-DR Act); the Statement of Administrative Action (SAA), accompanying the CAFTA-DR Act; Presidential Proclamations 7987 (February 28, 2006) and 7996 (March 31, 2006).

BACKGROUND:

The CAFTA-DR Agreement provides a list in Annex 3.25 for fabrics, yarns, and fibers that the Parties to the CAFTA-DR Agreement have determined are not available in commercial quantities in a timely manner in the territory of any Party. Articles that otherwise meet the rule of origin to qualify for preferential treatment are not disqualified because they contain one of the products on the Annex 3.25 list.

The CAFTA-DR Agreement provides that this list may be modified pursuant to Article 3.25(4)-(5), when the President of the United States determines that a fabric, yarn, or fiber is not available in commercial quantities in a timely manner in the territory of any Party. The CAFTA-DR Act states that the President will make a determination on whether additional fabrics, yarns, and fibers are available in commercial quantities in a timely manner in the territory of any Party. The CAFTA-DR Act requires the President to establish procedures governing the submission of a request and to provide an opportunity for interested entities to submit comments and supporting evidence before a commercial availability determination is made. In Presidential Proclamations 7987 and 7996, the President delegated to CITA the authority under section 203(o)(4) of CAFTA-DR Act for modifying the Annex 3.25 list. On February 23, 2006, CITA published interim procedures it would follow in considering requests to modify the Annex 3.25 list (71 FR 9315). CITA published Final Procedures on March 21, 2007. (72 FR 13256).

On March 16, 2007, the Chairman of CITA received a request from Sandler, Travis & Rosenberg, P.A., on behalf of Intradeco Apparel, for certain cotton/polyester circular knit fleece fabric, of the specifications detailed below. On March 20, 2007, CITA notified interested parties of, and posted on its website, the accepted petition and requested that interested entities provide, by March 30, 2007, a response advising of its objection to the request or its ability to supply the subject product, and rebuttals to responses by April 5, 2007.

On March 23, 2007, Liztex Guatemala submitted a response objecting to the request; however, on March 30, 2007, Liztex Guatemala withdrew its objection. Therefore, no interested entity submitted a response advising CITA of its objection to the request or its ability to supply the subject product.

In accordance with Section 203(o)(4)(C)(iii)(II) of the CAFTA-DR Act, and its procedures, as no interested entity submitted a response objecting to the request or expressing an ability to supply the subject product, CITA has determined to add the specified fabrics to the list in Annex 3.25 CAFTA-DR Agreement.

The subject fabrics are added to the list in Annex 3.25 CAFTA-DR Agreement in unrestricted quantities. A revised list has been published on-line.

Specifications:

HTS Subheading:	6001.21
Fiber Content:	80% cotton/ 20% polyester
Yarn:	**Face Yarn** 100% combed cotton ring spun, 49/1 to 54/1 metric (29/1 to 32/1), in each of the following configurations: a.) 100% bleached or dyed cotton b.) 95% undyed cotton / 5% dyed cotton c.) 90% undyed cotton/ 10% dyed cotton d.) 80% undyed cotton/ 20% dyed cotton e.) 70% undyed cotton/ 30% dyed cotton f.) 60% undyed cotton/ 40% dyed cotton g.) 50% undyed cotton/ 50% dyed cotton h.) 40% undyed cotton/ 60% dyed cotton i.) 30% undyed cotton/ 70% dyed cotton j.) 25% undyed cotton/ 75% dyed cotton k.) 20% undyed cotton/ 80% dyed cotton NOTE: The percentages stated above may vary by up to two percentage points. **Tie Yarn** 183 to 188/48 filament metric filament polyester (49 to 51/48 filament denier) **Fleece Yarn** 70% carded cotton/ 30% 2250 metric polyester staple, 26/1 to 30/1 metric ring spun (70% cotton/ 30% 2.25 denier polyester staple, 15.5/1 to 18/1 ring spun)
Machine Gauge:	21
Weight:	247 to 258 grams per square meter (7.3 to 7.5 ounces per square yard)
Width:	Not less than 152 centimeters cuttable (Not less than 60 inches cuttable)
Finish:	Napped on technical back; bleached; dyed; of yarns of different colors.
Performance Criteria:	Not more than 5% vertical and horizontal shrinkage; not more than 4% vertical torque.

Philip J. Martello,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. E7–7787 Filed 4–23–07; 8:45 am]

BILLING CODE 3510–DS

DEPARTMENT OF DEFENSE

Office of the Secretary

Base Closure and Realignment

AGENCY: Department of Defense, Office of Economic Adjustment.

ACTION: Notice.

SUMMARY: This Notice is provided pursuant to section 2905(b)(7)(B)(ii) of the Defense Base Closure and Realignment Act of 1990. It provides a partial list of military installations closing or realigning pursuant to the 2005 Defense Base Closure and Realignment (BRAC) Report. It also provides a corresponding listing of the Local Redevelopment Authorities (LRAs) recognized by the Secretary of Defense, acting through the Department of Defense Office of Economic Adjustment (OEA), as well as the points of contact, addresses, and telephone numbers for the LRAs for those installations. Representatives of state and local governments, homeless providers, and other parties interested in the redevelopment of an installation should contact the person or organization listed. The following information will also be published simultaneously in a newspaper of general circulation in the area of each installation. There will be additional Notices providing this same information about LRAs for other closing or realigning installations where surplus government property is available as those LRAs are recognized by the OEA.

DATES: *Effective Date:* April 24, 2007.

FOR FURTHER INFORMATION CONTACT: Director, Office of Economic

Adjustment, Office of the Secretary of Defense, 400 Army Navy Drive, Suite 200, Arlington, VA 22202–4704, (703) 604–6020.

Local Redevelopment Authorities (LRAs) for Closing and Realigning Military Installations

Arizona

Installation Name: Allen Hall USARC.
LRA Name: City of Tucson.
Point of Contact: Ann Vargas, Community Services Project Supervisor, Community Services Department, City of Tucson.
Address: 310 Commerce Park Loop, Tucson, AZ 85745.
Phone: (520) 791–5580.

Dated: April 17, 2007.

L.M. Bynum,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 07–2025 Filed 4–23–07; 8:45 am]

BILLING CODE 5001–06–M

DEPARTMENT OF DEFENSE

Department of the Army

Availability of Non-Exclusive, Exclusive License or Partially Exclusive Licensing of U.S. Patent Concerning Parachute With Skirt Reefing System

AGENCY: Department of the Army, DoD.

ACTION: Notice.

SUMMARY: In accordance with 37 CFR part 404.6, announcement is made of the availability for licensing of U.S. Patent No. US 7,195,205 B1 entitled ''Parachute with Skirt Reefing System'' issued March 27, 2007. This patent has been assigned to the United States Government as represented by the Secretary of the Army.

FOR FURTHER INFORMATION CONTACT: Mr. Jeffrey DiTullio at U.S. Army Soldier Systems Center, Kansas Street, Natick, MA 01760, Phone: (508) 233–4184 or E-mail: *Jeffrey.Ditullio@natick.army.mil.*

SUPPLEMENTARY INFORMATION: Any licenses granted shall comply with 35 U.S.C. 209 and 37 CFR Part 404.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 07–2022 Filed 4–23–07; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

SUMMARY: The IC Clearance Official, Regulatory Information Management Services, Office of Management, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before June 25, 2007.

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 requests. 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.

The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: April 18, 2007.

Angela C. Arrington,

IC Clearance Official, Regulatory Information Management Services, Office of Management.

Institute of Education Sciences

Type of Review: New.
Title: A Study of the Effects of Using Classroom Assessment for Student Learning.
Frequency: On occasion; semi-annually; annually.
Affected Public: State, Local or Tribal Gov't, SEAs or LEAs.
Reporting and Recordkeeping Hour Burden:

Responses: 12,288.
Burden Hours: 1,611.

Abstract: This study examines the impact of Classroom Assessment for Student Learning (CASL), a professional development program in classroom assessment, on student achievement and other student and teacher outcomes. Participating schools will be randomly assigned to either the intervention or control group. Each school in the intervention group will include a team of three to six Grade 4 and 5 mathematics teachers who will implement the CASL program. Teachers in the control schools will engage in their regular professional development activities. The study will take place during the 2007–2008 and 2008–2009 school years.

Requests for copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov,* by selecting the ''Browse Pending Collections'' link and by clicking on link number 3315. 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* 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.* 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. E7–7734 Filed 4–23–07; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

SUMMARY: The IC Clearance Official, Regulatory Information Management Services, Office of Management, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before June 25, 2007.

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 requests. 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.

The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: April 18, 2007.

Angela C. Arrington,

IC Clearance Official, Regulatory Information Management Services, Office of Management.

Institute of Education Sciences

Type of Review: New.

Title: Assessing the Impact of Collaborative Strategic Reading on Fifth Graders' Comprehension and Vocabulary Skills.

Frequency: On Occasion; Biennially.

Affected Public: State, Local or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 83.

Burden Hours: 69.

Abstract: The current OMB package requests clearance for the instruments to be used in the Assessing the Impact of Collaborative Strategic Reading on Fifth Graders' Comprehension and Vocabulary Skills Study (CSR study). The CSR study is a project designed to test an innovative model of reading instruction in the fifth grade, especially for ELL students. The data collection instruments will measure the background characteristics of the sample, fidelity of the intervention's implementation, and outcomes of the intervention.

Requests for copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov,* by selecting the ''Browse Pending Collections'' link and by clicking on link number 3311. 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* 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.* 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. E7–7737 Filed 4–23–07; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

[OE Docket No. PP–22–4]

Application To Amend Presidential Permit; British Columbia Transmission Corporation

AGENCY: Office of Electricity Delivery and Energy Reliability, DOE.

ACTION: Notice of application.

SUMMARY: British Columbia Transmission Corporation (BCTC) has applied for an amendment of a Presidential permit to construct, operate, and maintain an electric transmission line across the U.S. international border.

DATES: Comments, protests, or requests to intervene must be submitted on or before May 24, 2007.

ADDRESSES: Comments, protests, or requests to intervene should be addressed as follows: Office of Electricity Delivery and Energy Reliability (OE–20), U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: Dr. Jerry Pell (Program Office) at 202–586–3362, or by e-mail to *Jerry.Pell@hq.doe.gov,* or Michael T. Skinker (Program Attorney) at 202–586–2793.

SUPPLEMENTARY INFORMATION: The construction, operation, maintenance, and connection of facilities at the international border of the United States for the transmission of electric energy between the United States and a foreign country is prohibited in the absence of a Presidential permit issued pursuant to Executive Order (EO) 10485, as amended by EO 12038.

On March 26, 2007, BCTC, a Canadian corporation, filed an application with the Office of Electricity Delivery and Energy Reliability (OE) of the Department of Energy (DOE) to amend Presidential Permit PP–22 which authorized the construction, operation, and maintenance of ten, single-conductor 132-kV submarine cables which cross the U.S. international border twice in the Strait of Georgia. The international transmission facilities covered by Presidential Permit PP–22 do not connect to any U.S. electrical facility, but rather connect the mainland of British Columbia (B.C.), Canada, and Vancouver Island, passing through approximately 7.5 miles of U.S. territorial waters in the Strait of Georgia. BCTC proposes to replace the three southernmost cables with three new submarine cables which would operate at 230-kV.

BCTC is the successor to the British Columbia Hydro and Power Authority, which in turn is the successor to the British Columbia Electric Company Limited, the original holder of PP–22. BCTC requests that if DOE grants its request to amend PP–22 the amended permit be issued to BCTC.

Procedural Matters: Any person desiring to become a party to this proceeding or to be heard by filing comments or protests to this application should file a petition to intervene, comment or protest at the address provided above in accordance with § 385.211 or 385.214 of the Federal Energy Regulatory Commission's (FERC) Rules of Practice and Procedures (18 CFR 385.211, 385.214). Fifteen copies of each petition and protest should be filed with DOE on or before the date listed above.

Additional copies of such petitions to intervene or protest also should be filed directly with Mr. Bruce Barrett, Vice President, Major Projects, British Columbia Transmission Corp., Suite 110, Four Bentall Centre, 1055 Dunsmuir Street, P.O. Box 49260, Vancouver, B.C. V7X 1V5, Canada.

Before a Presidential permit may be granted or amended, DOE must determine that the proposed action will not adversely impact on the reliability of the U.S. electric power supply system. In addition, DOE must consider the environmental impacts of the proposed action (i.e., granting the Presidential permit, with any conditions and limitations, or denying the permit) pursuant to the National Environmental Policy Act of 1969. DOE also must obtain the concurrences of the Secretary of State and the Secretary of Defense before taking final action on a Presidential permit application.

Copies of this application will be made available, upon request, for public inspection and copying at the address provided above. In addition, the application may be reviewed or downloaded electronically at *http://www.oe.energy.gov/permitting/electricity_imports_exports.htm*. Upon reaching the home page, select ''Pending Applications.''

Issued in Washington, DC, on April 16, 2007.

Anthony J. Como,

Director, Siting and Permitting, Office of Electricity Delivery and Energy Reliability.

[FR Doc. E7–7753 Filed 4–23–07; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

[Case No. RF–006]

Energy Conservation Program for Consumer Products: Decision and Order Granting a Waiver to Liebherr Hausgeräte From the Department of Energy Electric Refrigerator and Electric Refrigerator-Freezer Test Procedures

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Notice of decision and order.

SUMMARY: Today's notice publishes a Decision and Order (Case No. RF–006) granting a waiver to Liebherr Hausgeräte (Liebherr) from the existing Department of Energy (DOE) test procedure for residential electric refrigerators and refrigerator-freezers, for its combination wine storage-freezer line of appliances.

FOR FURTHER INFORMATION CONTACT: Dr. Michael G. Raymond, U.S. Department of Energy, Building Technologies Program, Mail Stop EE–2J, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585–0121, (202) 586–9611, E-mail: *Michael.Raymond@ee.doe.gov*; or Francine Pinto, Esq., U.S. Department of Energy, Office of General Counsel, Mail Stop GC–72, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585–0121, (202) 586–9507, E-mail: *Francine.Pinto@hq.doe.gov*.

SUPPLEMENTARY INFORMATION: In accordance with 10 CFR 430.27(l), notice is hereby given of the issuance of the Decision and Order set forth below. In the Decision and Order, the DOE grants Liebherr a Waiver from the electric refrigerator and electric refrigerator-freezer test procedures under 10 CFR 430.23(a), for its combination wine storage-freezer products. This Waiver is applicable only to units whose wine storage compartment occupies more than 50 percent of the total volume of the unit and cannot be converted to any other type of compartment. Today's decision requires that any representations concerning the energy efficiency of these products are made consistent with the provisions and restrictions in the modified test procedure set forth in the Decision and Order below.

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

Alexander A. Karsner,

Assistant Secretary, Energy Efficiency and Renewable Energy.

Decision and Order

In the Matter of: Liebherr Hausgeräte (Liebherr). (Case No. RF–006).

Background

Title III of the Energy Policy and Conservation Act (''EPCA'') sets forth a variety of provisions concerning energy efficiency. Part B of Title III (42 U.S.C. 6291–6309) provides for the ''Energy Conservation Program for Consumer Products Other Than Automobiles.'' Part B includes definitions, test procedures, labeling provisions, energy conservation standards, and the authority to require information and reports from manufacturers. Further, Part B authorizes the Secretary of Energy to prescribe test procedures that are reasonably designed to produce results which measure energy efficiency, energy use, or estimated operating costs, and that are not unduly burdensome to conduct. (42 U.S.C. 6293(b)(3)) The test procedure for residential refrigerators and refrigerator-freezers is contained in 10 CFR part 430, subpart B, Appendix A1. DOE's regulations contain provisions that allow a person to petition for a waiver from any test procedure requirement for covered consumer products. These provisions are set forth in 10 CFR 430.27. The waiver provisions authorize the Assistant Secretary for Energy Efficiency and Renewable Energy to temporarily waive the test procedure for a particular basic model, provided that the petitioner shows that the basic model contains one or more design characteristics that prevent testing according to the prescribed test procedures, or when the prescribed test procedures may evaluate the basic model in a manner so unrepresentative of its true energy consumption as to provide materially inaccurate comparative data. 10 CFR 430.27(l).

The Assistant Secretary may grant the waiver subject to conditions, including adherence to alternate test procedures.[1] Petitioners must include in their petition any alternate test procedures known to evaluate the basic model in a manner representative of its energy consumption characteristics. 10 CFR 430.27(b)(1)(iii). Waivers generally remain in effect until final test procedure amendments resolving the problem that is the subject of the waiver become effective.

On July 5, 2005, Liebherr submitted a Petition for Waiver from the electric refrigerator and electric refrigerator-freezer test procedure under 10 CFR 430.23(a). Liebherr requested a waiver from the DOE test procedure because, Liebherr asserts, its line of combination wine storage—freezer models are not accurately categorized by any of the current DOE classes for residential refrigeration appliances. The Liebherr product is currently classified as an automatic defrost refrigerator-freezer with bottom-mounted freezer. However, the wine storage compartment has a minimum temperature of 41 °F, which makes the product unsuitable for general use as a refrigerator-freezer. Liebherr asserts that to apply the current test procedure for electric refrigerator-freezers would evaluate these products in a manner so unrepresentative of their true energy consumption characteristics as to provide materially inaccurate comparative data.

Liebherr has proposed a modified test procedure based on the one prescribed for electric refrigerator-freezers under Appendix A1 to Subpart B of Part 430.

[1] 10 CFR 430.27(1).

The test procedure for electric refrigerator-freezers requires that a temperature of 45 °F be maintained in the refrigerator compartment; Liebherr's proposed method uses a temperature of 55 °F in the wine storage compartment, as this is the standard temperature for single wine coolers. The freezer compartment of this unit would maintain a temperature of 5 °F during the test and be treated as the freezer compartment of an electric refrigerator-freezer. All other portions of Liebherr's proposed test procedures would be identical to the procedures prescribed for electric refrigerator-freezers under Appendix A1 to subpart B of 10 CFR part 430.

On January 13, 2006, DOE published inr the **Federal Register** Liebherr's Petition for Waiver, and solicited comments, data, and information respecting the petition. 71 FR 2198. DOE received one written comment from Whirlpool Corporation (Whirlpool) dated February 14, 2006. Whirlpool acknowledged that the test procedures proposed by Liebherr are a reasonable means to determine energy consumption for this product line, but argued that the product better meets the definition of a freezer. According to Whirlpool, Liebherr's combination wine storage-freezer appliance resembles an electric freezer under the definition of ''freezer'' in 10 CFR 430.2, and should be tested with a modified version of the procedures for freezers in Appendix B1 to Subpart B of Part 430-Uniform Test Method for Measuring the Energy Consumption of Freezers. The difference between the DOE test procedure for refrigerator-freezers and Liebherr's modified test procedure is that the DOE test procedure requires the freezer compartment temperature be maintained at 0 °F, instead of 5 °F, as proposed by Liebherr. Liebherr submitted its rebuttal to Whirlpool's comment on June 30, 2006, which stated that classifying these appliances as electric freezers would be misleading because the majority of the volume within these appliances is designated for wine storage.

DOE's regulations define the term ''freezer'' as ''a cabinet designed as a unit for the freezing and storage of food at temperatures of 0 F or below, and having a source of refrigeration requiring single phase, alternating electric energy input only.'' 10 CFR 430.2. DOE understands that this definition is an abridged version of the definition in the American National Standards Institute (ANSI)/Association of Home Appliance Manufacturers (AHAM) Standard HRF–1–2004, ''Energy, Performance and Capacity of Household Refrigerators, Refrigerator-Freezers and Freezers.'' In comparison, ANSI/AHAM HRF–1–2004 defines the term ''freezer'' as ''a cabinet which is designed for the extended storage of frozen food at an average temperature of 0 °F (−17.8 °C) or below and with inherent capability for freezing of food, which has a source of refrigeration, and which is intended for household use.'' Neither definition prohibits freezers from having a compartment for items other than frozen food. However, neither definition addresses the matter of a wine storage compartment because, until now, such types of compartments were used for refrigerating food items, and therefore such a unit would be considered a refrigerator-freezer. Further, because freezers are generally used for longer-term storage of food items than the freezer compartments of electric refrigerator-freezers, the temperature for a freezer is 0 °F, instead of 5 °F for an electric refrigerator-freezer. Because the majority of the volume of Liebherr's combination product is configured for wine storage, DOE agrees with Liebherr that 5 °F is the proper test temperature for the freezer compartment.

The National Institute of Standards and Technology (NIST) reviewed the Petition for Waiver, the comment submitted by Whirlpool, and the rebuttal submitted by Liebherr, and believes that the modified test procedure proposed by Liebherr is a reasonable method to test these units, provided that Liebherr meets the following two conditions: the wine storage compartment of these products shall not be capable of being converted into any other type of compartment, and the wine storage compartment of these products must account for at least 50 percent of the total volume of the unit. NIST concluded that the combination wine storage-freezer line of appliances addressed under Liebherr's Petition for Waiver meets both of these criteria.

Assertions and Determinations

Liebherr's Petition for Waiver asserts that there is not a current DOE test procedure for a combination wine storage-freezer, and thus the current test procedures would not measure the energy consumption in a representative manner. 71 FR 2199 (January 13, 2006). Liebherr asserts that its models WF 1051 and WFI 1051 do not fit into the current test procedures, and that ''to evaluate the models in a representative manner of its true energy consumption characteristics the standard temperature of single wine coolers (55 °F) for the wine storage compartment and the standard temperature (5 °F) for the freezer compartment should be used.'' (Liebherr Petition, page 3). Generally, it is agreed that 55 °F is the best temperature for long-term storage of wine. Lower temperatures slow maturation, higher temperatures age the wine prematurely. It is therefore reasonable to test the wine storage compartment at 55 °F, rather than the 45 °F temperature specified for refrigerator-freezers. In DOE's view, because of the minimum 41 °F temperature in the wine storage compartment, the energy use characteristics of models WF 1051 and WFI 1051 are not accurately represented by the DOE test procedures for refrigerators, refrigerator-freezers, and freezers. The Department agrees with Liebherr that testing these Liebherr products using a wine storage compartment temperature of 55 °F, and a freezer compartment temperature of 5 °F, will produce representative energy consumption results.

DOE consulted with the Federal Trade Commission (FTC) concerning the Liebherr petition. The FTC did not have any objections to the issuance of the waiver to Liebherr. DOE also consulted with the National Institute of Standards & Technology (NIST), who agreed that the proposed alternate test method is a reasonable one.

Conclusion

After careful consideration of all the material that Liebherr submitted, the comments received, and the review by NIST, it is ordered that:

(1) The ''Petition for Waiver'' filed by Liebherr Hausgerte (Liebherr) (Case No. RF–006) is hereby granted as set forth in paragraph (2) below.

(2) Liebherr shall test or rate its combination wine storage-freezer products listed below using the modified version of the electric refrigerator-freezer energy test procedure proposed by Liebherr, specifically, with a wine storage compartment temperature of 55 °F, and a freezer compartment temperature of 5 °F. The wine storage compartment of units tested by this method must not be convertible to any other type of compartment, and must account for 50% or more of the total volume:

Combination Wine Freezer models:

WF 1051, combination wine storage/freezer.

WFI 1051, combination wine storage/freezer.

(3) These combination wine storage/freezer products use a modified version of the test procedure for refrigerator-freezers based on an elevated temperature in one of the compartments, and therefore do not conform to any of the current DOE

refrigerator or refrigerator-freezer classes. They are therefore not eligible for ratings under EnergyStar.

(4) Representations. Liebherr may make representations about the energy use of its wine storage/freezer products, for compliance, marketing, or other purposes, only to the extent that such representations are made consistent with the provisions outlined below.

(5) This waiver shall remain in effect from the date this Decision and Order is issued until DOE prescribes final test procedures appropriate to the above model series manufactured by Liebherr.

(6) This waiver is conditioned upon the presumed validity of statements, representations, and documentary materials provided by the petitioner. This waiver may be revoked or modified at any time upon a determination that the factual basis underlying the petition is incorrect, or DOE determines that the results from the modified test procedure are unrepresentative of the basic models' true energy consumption characteristics.

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

Alexander A. Karsner,

Assistant Secretary, Energy Efficiency and Renewable Energy.

[FR Doc. E7–7757 Filed 4–23–07; 8:45 am]

BILLING CODE 6450–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–8304–4]

Agency Information Collection Activities OMB Responses

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This document announces the Office of Management and Budget's (OMB) responses to Agency Clearance requests, in compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR chapter 15.

FOR FURTHER INFORMATION CONTACT: Susan Auby (202) 566–1672, or e-mail at *auby.susan@epa.gov* and please refer to the appropriate EPA Information Collection Request (ICR) Number.

SUPPLEMENTARY INFORMATION:

OMB Responses to Agency Clearance Requests

OMB Approvals

EPA ICR No. 0278.09; Notice of Supplemental Distribution of a Registered Pesticide Product; in 40 CFR 152.132; was approved 03/27/2007; OMB Number 2070–0044; expires 03/31/2010.

EPA ICR No. 1739.05; NESHAP for the Printing and Publishing Industry (Renewal); in 40 CFR part 63, subpart KK; was approved 03/19/2007; OMB Number 2060–0335; expires 03/31/2010.

EPA ICR No. 2098.03; NESHAP for Primary Magnesium Refining (Renewal); in 40 CFR part 63, subpart TTTTT; was approved 03/12/2007; OMB Number 2060–0536; expires 03/31/2010.

Short Term Extensions

EPA ICR No. 1713.05; Federal Operating Permit Regulations (Renewal); in 40 CFR part 71; OMB Number 2060–0336; on 03/13/2007 OMB extended the expiration date through 06/30/2007.

EPA ICR No. 1587.06; State Operating Permits Regulations (Renewal); in 40 CFR part 70; OMB Number 2060–0243; on 03/13/2007 OMB extended the expiration date through 06/30/2007.

EPA ICR No. 1698.06; Reporting and Recordkeeping Requirements Under EPA's Waste Wise Program (Renewal); OMB Number 2050–0139; on 04/11/2007 OMB extended the expiration through 07/31/2007.

Comment Filed

EPA ICR No. 1899.04; NSPS for Hospital/Medical/Infectious Waste Incinerators (Proposed Rule); in 40 CFR part 60, subpart Ce; OMB Number 2060–0422; OMB filed comment on 04/10/2007.

Dated: April 12, 2007.

Robert Gunter,

Acting Director, Collection Strategies Division.

[FR Doc. E7–7773 Filed 4–23–07; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2006–0741; FRL–8304–5]

Agency Information Collection Activities; Submission to OMB for Review and Approval; Comment Request; Emission Control System Performance Warranty Regulations and Voluntary Aftermarket Part Certification Program (Renewal); EPA ICR No. 0116.08, OMB Control No. 2060–0060

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA)(44 U.S.C. 3501 *et seq.*), this document announces that an Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval. This is a request to renew an existing approved collection. The ICR, which is abstracted below, describes the nature of the information collection and its estimated burden and cost.

DATES: Additional comments may be submitted on or before May 24, 2007.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–OAR–2006–0741, to (1) EPA online using *http://www.regulations.gov* (our preferred method), or by mail to: EPA Docket Center, Environmental Protection Agency, Air and Radiation Docket, Mailcode 6102T, 1200 Pennsylvania Ave., NW., Washington, DC 20460, and (2) OMB by mail to: Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Lynn Sohacki, Compliance and Innovative Strategies Division, Office of Transportation and Air Quality, Environmental Protection Agency, 2000 Traverwood, Ann Arbor, Michigan 48105; telephone number: 734–214–4851; fax number: 734–214–4869; e-mail address: *sohacki.lynn@epa.gov.*

SUPPLEMENTARY INFORMATION: EPA has submitted the following ICR to OMB for review and approval according to the procedures prescribed in 5 CFR 1320.12. On September 14, 2006 (71 FR 54280), EPA sought comments on this ICR pursuant to 5 CFR 1320.8(d). EPA received no comments during the comment period. Any additional comments on this ICR should be submitted to EPA and OMB within 30 days of this notice.

EPA has established a public docket for this ICR under Docket ID No. EPA–HQ–OAR–2006–0741 which is available for online viewing at *http://www.regulations.gov*, or in person viewing at the Air Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC. The EPA/DC Public Reading Room is open from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is 202–566–1744, and the telephone number for the Air Docket is 202–566–1742.

Use EPA's electronic docket and comment system at *http://www.regulations.gov*, to submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the docket that are available electronically. Once in the system, select ''docket search,'' then key in the docket ID number identified above. Please note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing at *http://www.regulations.gov* as EPA receives them and without change, unless the comment contains copyrighted material, CBI, or other information whose public disclosure is restricted by statute. For further information about the electronic docket, go to *http://www.regulations.gov.*

Title: Emission Control System Performance Warranty Regulations and Voluntary Aftermarket Part Certification Program (Renewal).

ICR numbers: EPA ICR No. 0116.08, OMB Control No. 2060–0060.

ICR Status: This ICR is scheduled to expire on May 31, 2007. Under OMB regulations, the Agency may continue to conduct or sponsor the collection of information while this submission is pending at OMB. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register** when approved, are listed in 40 CFR part 9, are displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers in certain EPA regulations is consolidated in 40 CFR part 9.

Abstract: Under Section 206(a) of the Clean Air Act (42 U.S.C. 7521), on-highway engine and vehicle manufacturers may not legally introduce their products into U.S. commerce unless EPA has certified that their production complies with applicable emission standards. Per section 207(a), original vehicle manufacturers must warrant that vehicles are free from defects in materials and workmanship that would cause the vehicle not to comply with emission regulations during its useful life. Section 207(a) directs EPA to provide certification to those manufacturers or builders of automotive aftermarket parts that demonstrate that the installation and use of their products will not cause failure of the engine or vehicle to comply with emission standards. An aftermarket part is any part offered for sale for installation in or on a motor vehicle after such vehicle has left the vehicle manufacturer's production line (40 CFR 85.2113(b)). Participation in the aftermarket certification program is voluntary. Aftermarket part manufacturers or builders (manufacturers) electing to participate conduct emission and durability testing as described in 40 CFR part 85, subpart V, and submit data about their products and testing procedures.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 547 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements which have subsequently changed; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: Importers (including Independent Commercial Importers) of light duty vehicles or engines, light duty trucks or engines, and highway motorcycles or engines.

Estimated Number of Respondents: 1.

Frequency of Response: On occasion.

Estimated Total Annual Hour Burden: 547.

Estimated Total Annual Cost: $43,830, including $1,535 annualized capital or O&M costs.

Changes in the Estimates: There is an increase of 289 hours in the total estimated burden currently identified in the OMB Inventory of Approved ICR Burdens. This increase is due to use of revised estimates of labor associated with conducting required tests.

Dated: April 12, 2007.

Robert Gunter,

Acting Director, Collection Strategies Division.

[FR Doc. E7–7776 Filed 4–23–07; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–8304–6]

Science Advisory Board Staff Office; EPA Clean Air Scientific Advisory Committee (CASAC); CASAC NO_X & SO_X Primary NAAQS Review Panel; Notification of Public Advisory Committee Meeting (Teleconference)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA or Agency) Science Advisory Board (SAB) Staff Office announces a public teleconference of the Clean Air Scientific Advisory Committee (CASAC) Oxides of Nitrogen (NO_X) and Sulfur Oxides (SO_X) Primary National Ambient Air Quality Standards (NAAQS) Review Panel (CASAC Panel) to conduct a consultation on EPA's *Draft Plan for Review of the Primary National Ambient Air Quality Standard for Nitrogen Dioxide* (Draft Integrated Plan for Review of the Primary NAAQS for NO_2, February 2007) and *Draft Integrated Plan for Review of the Primary National Ambient Air Quality Standards for Sulfur Dioxide* (Draft Integrated Plan for Review of the Primary NAAQS for SO_2, April 2007).

DATES: The teleconference meeting will be held on Friday, May 11, 2007, from 1 p.m. to 5 p.m. (Eastern Time).

FOR FURTHER INFORMATION CONTACT: Any member of the public who wishes to obtain the teleconference call-in number and access code; submit a written or brief oral statement (three minutes or less); or receive further information concerning this teleconference meeting, must contact Mr. Fred Butterfield, Designated Federal Officer (DFO). Mr. Butterfield may be contacted at the EPA Science Advisory Board (1400F), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; or via telephone/voice mail: (202) 343–9994; fax: (202) 233–0643; or e-mail at: *butterfield.fred@epa.gov*. General

information concerning the CASAC or the EPA SAB can be found on the EPA Web site at *http://www.epa.gov/sab*.

SUPPLEMENTARY INFORMATION:

Background: The CASAC, which is comprised of seven members appointed by the EPA Administrator, was established under section 109(d)(2) of the Clean Air Act (CAA or Act) (42 U.S.C. 7409) as an independent scientific advisory committee. The CASAC provides advice, information and recommendations on the scientific and technical aspects of issues related to air quality criteria and NAAQS under sections 108 and 109 of the Act. The CASAC is chartered under the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C., App. The CASAC NO_X & SO_X Primary NAAQS Review Panel consists of the seven CASAC members augmented by subject-matter-experts. The CASAC Panel provides advice and recommendations to EPA concerning oxides of nitrogen and sulfur oxides in ambient air relevant to the Agency's review of the primary (health-based) NO_2 and SO_2 NAAQS. The Panel complies with the provisions of FACA and all appropriate SAB Staff Office procedural policies.

Section 109(d)(1) of the CAA requires that the Agency periodically review and revise, as appropriate, the air quality criteria and the NAAQS for the six ''criteria'' air pollutants, including NO_X and SO_X. The purpose of this public teleconference meeting is to conduct a consultation on the Agency's draft integrated plans for the reviews of the primary NO_2 and SO_2 NAAQS.

Availability of Meeting Materials: The Draft Integrated Plan for Review of the Primary NAAQS for NO_2 is posted on the Agency's Technology Transfer Network (TTN) Web site at *http://www.epa.gov/ttn/naaqs/standards/nox/s_nox_index.html*, and the Draft Integrated Plan for Review of the Primary NAAQS for SO_2 is posted on the TTN Web site at *http://www.epa.gov/ttn/naaqs/standards/so2/s_so2_index.html*. These draft integrated plans may be accessed in the ''Documents from Current Review'' section under ''Planning Documents'' on these respective Web pages. A copy of the draft agenda and other materials for this CASAC teleconference will be posted on the SAB Web Site at *http://www.epa.gov/sab/panels/casac_nox_and_sox_primary_panel.htm* prior to the meeting.

Procedures for Providing Public Input: Interested members of the public may submit relevant written or oral information for the CASAC NO_X & SO_X Primary NAAQS Review Panel to consider during the advisory process.

Oral Statements: In general, individuals or groups requesting an oral presentation at a public teleconference will be limited to three minutes per speaker, with no more than a total of 30 minutes for all speakers. Interested parties should contact Mr. Butterfield, CASAC DFO, in writing (preferably via e-mail), by May 4, 2007, at the contact information noted above, to be placed on the list of public speakers for this meeting.

Written Statements: Written statements should be received in the SAB Staff Office by May 9, 2007, so that the information may be made available to the CASAC Panel for its consideration prior to this teleconference. Written statements should be supplied to the DFO in the following formats: one hard copy with original signature (optional), and one electronic copy via e-mail (acceptable file format: Adobe Acrobat PDF, MS Word, WordPerfect, MS PowerPoint, or Rich Text files in IBM–PC/Windows 98/2000/XP format).

Accessibility: For information on access or services for individuals with disabilities, please contact Mr. Butterfield at the phone number or e-mail address noted above, preferably at least ten days prior to the meeting, to give EPA as much time as possible to process your request.

Dated: April 18, 2007.

Anthony F. Maciorowski,

Deputy Director, EPA Science Advisory Board Staff Office.

[FR Doc. E7–7774 Filed 4–23–07; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

Sunshine Act Meeting; FCC To Hold Open Commission Meeting Wednesday, April 25, 2007

April 18, 2007.

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Wednesday, April 25, 2007, which is scheduled to commence at 9:30 a.m. in Room TW–C305, at 445 12th Street, SW., Washington, DC. With respect only to item #4 listed below, the Commission is waiving the sunshine period prohibition contained in section 1.1203 of the Commission's rules, 47 CFR 1.1203, until 5:30 p.m., Monday, April 23, 2007. Thus, presentations with respect to item #4 will be permitted until that time.

Item No.	Bureau	Subject
1	Media	Title: Second Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television (MB Docket No. 03–15, RM–9832). Summary: The Commission will consider a Second Report and Order: Television Labeling Requirements concerning the labeling of television equipment in connection with the transition from analog to digital television.
2	Media	Title: Third Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television. Summary: The Commission will consider a Notice of Proposed Rulemaking proposing procedures and rule changes necessary to complete the transition to digital television.
3	Media	Title: Carriage of Digital Television Broadcast Signals: Amendment to Part 76 of the Commission's Rules (CS Docket No. 98–120). Summary: The Commission will consider a Second Further Notice of Proposed Rulemaking concerning issues related to mandatory cable carriage of digital broadcast television signals after the conclusion of the digital television (''DTV'') transition.

Item No.	Bureau	Subject
4	Wireless Telecommunications.	Title: Service Rules for the 698–746, 747–762 and 777–792 MHz Bands (WT Docket No. 06–150); Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems (CC Docket No. 94–102); Section 68.4(a) of the Commission's Rules Governing Hearing Aid-Compatible Telephones (WT Docket No. 01–309); Biennial Regulatory Review—Amendment of Parts 1, 22, 24, 27, and 90 to Streamline and Harmonize Various Rules Affecting Wireless Radio Services (WT Docket No. 03–264); Former Nextel Communications, Inc. Upper 700 MHz Guard Band Licenses and Revisions to Part 27 of the Commission's Rules (WT Docket No. 06–169); Implementing a Nationwide, Broadband, Interoperable Public Safety Network in the 700 MHz Band (PS Docket No. 06–229); Development of Operational, Technical and Spectrum Requirements for Meeting Federal, State and Local Public Safety Communications Requirements Through the Year 2010 (WT Docket No. 96–86). Summary: The Commission will consider a Report and Order and Further Notice of Proposed rulemaking concerning rules governing wireless licenses in the 698–806 MHz Band, which is spectrum currently occupied by television broadcasters in TV Channels 52–69 and is being made available for wireless services, including public safety and commercial services. It also considers the applicability of rules concerning Enhanced 911 and Hearing-Aid Compatible Telephones to services in the band, as well as to other commercial mobile radio services.
5	International	Title: The Establishment of Policies and Service Rules for the Broadcasting-Satellite Service at the 17.3–17.7 GHz Frequency Band and the 17.7–17.8 GHz Frequency Band Internationally, and at the 24.75–25.25 GHz Frequency Band for Fixed Satellite Services Providing Feeder Links to the Broadcasting-Satellite Service and for the Satellite Services Operating Bi-directionally in the 17.3–17.8 GHz Frequency Band (IB Docket No. 06–123). Summary: The Commission will consider a Report and Order and Further Notice of Proposed rulemaking concerning processing and service rules for the 17/24 GHz Broadcasting Satellite Service (BSS).
6	Wireline Competition	Title: Numbering Resource Optimization; Implementation of the Local Competition Provisions of the Telecommunications Act of 1996; Telephone Number Portability (CC Docket Nos. 99–200, 96–98, 95–116). Summary: The Commission will consider a Fourth Order on Reconsideration addressing requests for reconsideration of the Commission's service-specific and technology-specific numbering overlay requirements.
7	Enforcement	Title: Dynasty Mortgage, L.L.C. Summary: The Commission will consider an Order of Forfeiture regarding violations of the Commission's Do-Not-Call rules.
8	Media	Title: Reexamination of the Comparative Standards for Noncommercial Educational Applications; Association of America's Public Television Stations' Motion for Stay of Low Power Television Auction No. 81 (MM Docket No. 95–31). Summary: The Commission will consider a Memorandum Opinion and Order and Third Order on Reconsideration concerning petitions for reconsideration against the Reexamination of the comparative Standards for Noncommercial Educational Applicants.
9	Media	Title: Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Rincon, Puerto Rico) (MM Docket No. 00–123; RM–9903). Summary: The Commission will consider a Memorandum Opinion and Order concerning petitions for reconsideration filed by Jose J. Arzuago, Jr. d/b/a Ocean Communications.

Open captioning will be provided for this event. Other reasonable accommodations for people with disabilities are available upon request. Include a description of the accommodation you will need including as much details as you can. Also include a way we can contact you if we need more information. Make your request as early as possible; please allow at least 5 days advance notice. Last minute requests will be accepted, but may be impossible to fill. Send an e-mail to: *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (tty).

Additional information concerning this meeting may be obtained from Audrey Spivack or David Fiske, Office of Media Relations, (202) 418–0500; TTY 1–888–835–5322. Audio/Video coverage of the meeting will be broadcast live with open captioning over the Internet from the FCC's Audio/Video Events Web page at *http://www.fcc.gov/realaudio*.

For a fee this meeting can be viewed live over George Mason University's Capitol Connection. The Capitol Connection also will carry the meeting live via the Internet. To purchase these services call (703) 993–3100 or go to *http://www.capitolconnection.gmu.edu*.

Copies of materials adopted at this meeting can be purchased from the FCC's duplicating contractor, Best Copy and Printing, Inc. (202) 488–5300; Fax (202) 488–5563; TTY (202) 488–5562. These copies are available in paper format and alternative media, including large print/type; digital disk; and audio and video tape. Best Copy and Printing, Inc. may be reached by e-mail at *FCC@BCPIWEB.com*.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 07–2049 Filed 4–20–07; 1:00 pm]

BILLING CODE 6712–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the National Coordinator for Health Information Technology; American Health Information Community Electronic Health Records Workgroup Meeting

ACTION: Announcement of meeting.

SUMMARY: This notice announces the 16th meeting of the American Health Information Community Electronic Health Records Workgroup in accordance with the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., App.).

DATES: May 22, 2007, from 1 p.m. to 4 p.m. [Eastern].

ADDRESSES: Mary C. Switzer Building, (330 C Street, SW., Washington, DC 20201), Conference Room 4090. Please bring photo ID for entry to a Federal building.

FOR FURTHER INFORMATION CONTACT: *http://www.hhs.gov/healthit/ahic/healthrecords/.*

SUPPLEMENTARY INFORMATION: The Workgroup will continue its discussion on ways to achieve widespread adoption of certified EHRs, minimizing gaps in adoption among providers.

The meeting will be available via Web cast. For additional information, go to: *http://www.hhs.gov/healthit/ahic/healthrecords/ehr_instruct.html.*

Dated: April 16, 2007.

Judith Sparrow,

Director, American Health Information Community, Office of Programs and Coordination, Office of the National Coordinator for Health Information Technology.

[FR Doc. 07–2005 Filed 4–23–07; 8:45 am]

BILLING CODE 4150–24–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the National Coordinator for Health Information Technology; American Health Information Community Population Health and Clinical Care Connections Workgroup Meeting

ACTION: Announcement of meeting.

SUMMARY: This notice announces the 15th meeting of the American Health Information Community Population Health and Clinical Care Connections Workgroup [formerly Biosurveillance Workgroup] in accordance with the Federal Advisory Committee Act (Pub. L. No. 92–463, 5 U.S.C., App.).

DATES: May 16, 2007, from 1 p.m. to 4 p.m. [Eastern].

ADDRESSES: Mary C. Switzer Building, (330 C Street, SW., Washington, DC 20201), Conference Room 4090 (please bring photo ID for entry to a Federal building).

FOR FURTHER INFORMATION CONTACT: *http://www.hhs.gov/healthit/ahic/population/.*

SUPPLEMENTARY INFORMATION: The Workgroup will continue its discussion on how to facilitate the flow of reliable health information among population health and clinical care systems necessary to protect and improve the public's health.

The meeting will be available via Web cast. For additional information, go to: *http://www.hhs.gov/healthit/ahic/population/pop_instruct.htm.*

Dated: April 16, 2007.

Judith Sparrow,

Director, American Health Information Community, Office of Programs and Coordination, Office of the National Coordinator for Health Information Technology.

[FR Doc. 07–2006 Filed 4–23–07; 8:45 am]

BILLING CODE 4150–24–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the National Coordinator for Health Information Technology; American Health Information Community Personalized Healthcare Workgroup Meeting

ACTION: Announcement of meeting.

SUMMARY: This notice announces the fifth meeting of the American Health Information Community Personalized Healthcare Workgroup in accordance with the Federal Advisory Committee Act (Pub. L. No. 92–463, 5 U.S.C., App.).

DATES: May 15, 2007, from 1 p.m. to 4 p.m. [Eastern].

ADDRESSES: Mary C. Switzer Building (330 C Street, SW., Washington, DC 20201), Conference Room 4090 (please bring photo ID for entry to a Federal building).

FOR FURTHER INFORMATION CONTACT: *http://www.hhs.gov/healthit/ahic/healthcare/.*

SUPPLEMENTARY INFORMATION: The Workgroup will discuss possible common data standards to incorporate interoperable, clinically useful genetic laboratory test data, family history information, and analytical tools into Electronic Health Records (EHR) to support clinical decision-making for the health care provider and patient.

The meeting will be available via Web cast. For additional information, go to: *http://www.hhs.gov/healthit/ahic/healthcare/phc_instruct.html.*

Dated: April 16, 2007.

Judith Sparrow,

Director, American Health Information Community, Office of Programs and Coordination, Office of the National Coordinator for Health Information Technology.

[FR Doc. 07–2007 Filed 4–23–07; 8:45am]

BILLING CODE 4150–24–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the National Coordinator for Health Information Technology; American Health Information Community Consumer Empowerment Workgroup Meeting

ACTION: Announcement of meeting.

SUMMARY: This notice announces the 16th meeting of the American Health Information Community Consumer Empowerment Workgroup in accordance with the Federal Advisory Committee Act (Pub. L. No. 92–463, 5 U.S.C., App.).

DATES: May 2, 2007, from 1:00 p.m. to 4:00 p.m.

ADDRESSES: Mary C. Switzer building (330 C Street, SW., Washington, DC 20201), Conference Room 4090. Please bring photo ID for entry to a Federal building.

FOR FURTHER INFORMATION CONTACT: *http://www.hhs.gov/healthit/ahic/consumer.*

SUPPLEMENTARY INFORMATION: The Workgroup will continue its discussion on how to encourage the widespread adoption of a personal health record that is easy-to-use, portable, longitudinal, affordable, and consumer-centered.

The meeting will be available via Web cast. For additional information, go to: *http://www.hhs.gov/healthit/ahic/consumer/ce_instruct.html.*

Dated: April 16, 2007.

Judith Sparrow,

Director, American Health Information Community, Office of Programs and Coordination, Office of the National Coordinator for Health Information Technology.

[FR Doc. 07–2008 Filed 4–23–07; 8:45am]

BILLING CODE 4150–24–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the National Coordinator for Health Information Technology; American Health Information Community Confidentiality, Privacy, and Security Workgroup Meeting

ACTION: Announcement of meeting.

SUMMARY: This notice announces the 10th meeting of the American Health Information Community Confidentiality, Privacy, and Security Workgroup in accordance with the Federal Advisory Committee Act (Pub. L. No. 92–463, 5 U.S.C., App.).

DATES: May 17, 2007, from 1 p.m. to 5 p.m. [Eastern].

ADDRESSES: Hubert H. Humphrey building (200 Independence Avenue, SW., Washington, DC 20201), Conference Room 705A (please bring photo ID for entry to a Federal building).

FOR FURTHER INFORMATION CONTACT: *http://www.hhs.gov/healthit/ahic/confidentiality/*.

SUPPLEMENTARY INFORMATION: The Workgroup Members will continue discussing the working hypothesis and evaluate the privacy and security protections for participants in an electronic information exchange network at a local, State, regional, and nationwide level.

The meeting will be available via Web cast. For additional information, go to: *http://www.hhs.gov/healthit/ahic/cps_instruct.html*.

Dated: April 16, 2007.

Judith Sparrow,

Director, American Health Information Community, Office of Programs and Coordination, Office of the National Coordinator for Health Information Technology.

[FR Doc. 07–2009 Filed 4–23–07; 8:45 am]

BILLING CODE 4150–24–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the National Coordinator for Health Information Technology; American Health Information Community Quality Workgroup Meeting

ACTION: Announcement of meeting

SUMMARY: This notice announces the 8th meeting of the American Health Information Community Quality Workgroup in accordance with the Federal Advisory Committee Act (Pub. L. No. 92–463, 5 U.S.C., App.).

DATES: May 3, 2007, from 12:30 p.m. to 4:30 p.m.

ADDRESSES: Hubert H. Humphrey building (200 Independence Avenue, SW., Washington, DC 20201), Conference Room 505A (please bring photo ID for entry to a Federal building).

FOR FURTHER INFORMATION CONTACT: *http://www.hhs.gov/healthit/ahic/quality*.

SUPPLEMENTARY INFORMATION: The Workgroup will continue its discussion on how health information technology can provide the data needed for the development of quality measures that are useful to patients and others in the health care industry, automate the measurement and reporting of a comprehensive current and future set of quality measures, and accelerate the use of clinical decision support that can improve performance on those quality measures.

The meeting will be available via Web cast. For additional information, go to: *http://www.hhs.gov/healthit/ahic/quality/quality_instruct.html*.

Dated: April 16, 2007.

Judith Sparrow,

Director, American Health Information Community, Office of Programs and Coordination, Office of the National Coordinator for Health Information Technology.

[FR Doc. 07–2010 Filed 4–23–07; 8:45 am]

BILLING CODE 4150–24–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Meeting of the Advisory Committee on Minority Health

AGENCY: Department of Health and Human Services, Office of the Secretary.

ACTION: Notice of meeting.

SUMMARY: As stipulated by the Federal Advisory Committee Act, the Department of Health and Human Services (DHHS) is hereby giving notice that the Advisory Committee on Minority Health (ACMH) will hold a meeting. This meeting is open to the public. Preregistration is required for both public attendance and comment. Any individual who wishes to attend the meeting and/or participate in the public comment session should e-mail *acmh@osophs.dhhs.gov*.

DATES: The meeting will be held on June 11, 2007, from 9 a.m. to 4 p.m.

ADDRESSES: The meeting will be held at the DoubleTree Hotel, Terrace Ballroom, 1515 Rhode Island Ave., NW., Washington, DC 20005. The meeting is accessible from the Dupont Circle and McPherson Square Metro Stations. From the Dupont Circle Metro Station meeting participants may walk 2 blocks south on Connecticut Avenue, turn left on Rhode Island Avenue and walk approximately 5 blocks. The DoubleTree is on the left after Logan Circle. From the McPherson Square Metro Station meeting participants may walk 5 blocks north on 14th, turn right onto Rhode Island Avenue and walk approximately 2 blocks. The DoubleTree will be on the left after Logan Circle.

FOR FURTHER INFORMATION CONTACT: Ms. Monica A. Baltimore, Tower Building, 1101 Wootton Parkway, Suite 600, Rockville, Maryland 20852. Phone: 240–453–2882, Fax: 240–453–2883.

SUPPLEMENTARY INFORMATION: In accordance with Public Law 105–392, the ACMH was established to provide advice to the Deputy Assistant Secretary for Minority Health in improving the health of each racial and ethnic minority group and on the development of goals and specific program activities of the Office of Minority Health. Topics to be discussed during this meeting will include the Draft Recommendation Report from the HHS Advisory Committee on Minority Health ''Reducing Health Disparities by Promoting Patient-Centered Culturally and Linguistically Sensitive/Competent Health Care'' and other strategies to improve the health of racial and ethnic minority populations through the development of health policies and programs that will help eliminate health disparities, as well as other related issues.

Public attendance at the meeting is limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the designated contact person at least fourteen business days prior to the meeting. Members of the public will have an opportunity to provide comments at the meeting. Public comments will be limited to five minutes per speaker. Individuals who would like to submit written statements should mail or fax their comments to the Office of Minority Health at least five business days prior to the meeting. Any members of the public who wish to have printed material distributed to ACMH committee members should submit their materials to Garth N. Graham, M.D., M.P.H., Executive Secretary, ACMH, Tower Building, 1101 Wootton Parkway, Suite 600, Rockville, Maryland 20852, prior to close of business June 4, 2007.

Dated: April 13, 2007.

Mirtha R. Beadle,

Deputy Director, Office of Minority Health, Office of Public Health and Science, Office of the Secretary, U.S. Department of Health and Human Services.

[FR Doc. E7–7790 Filed 4–23–07; 8:45 am]

BILLING CODE 4150–29–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institute for Occupational Safety and Health; Decision To Evaluate a Petition to Designate a Class of Employees at the Nevada Test Site, Mercury, NV, To Be Included in the Special Exposure Cohort

AGENCY: National Institute for Occupational Safety and Health (NIOSH), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Department of Health and Human Services (HHS) gives notice as required by 42 CFR 83.12(e) of a decision to evaluate a petition to designate a class of employees at the Nevada Test Site, Mercury, Nevada, to be included in the Special Exposure Cohort under the Energy Employees Occupational Illness Compensation Program Act of 2000. The initial proposed definition for the class being evaluated, subject to revision as warranted by the evaluation, is as follows:

Facility: Nevada Test Site.

Location: Mercury, Nevada.

Job Titles and/or Job Duties: All workers at the Rainier Mesa, including areas 12, 16, and 20.

Period of Employment: March 1, 1966 through December 31, 1990.

FOR FURTHER INFORMATION CONTACT: Larry Elliott, Director, Office of Compensation Analysis and Support, National Institute for Occupational Safety and Health (NIOSH), 4676 Columbia Parkway, MS C–46, Cincinnati, OH 45226, Telephone 513–533–6800 (this is not a toll-free number). Information requests can also be submitted by e-mail to *OCAS@CDC.GOV*.

Dated: April 13, 2007.

John Howard,

Director, National Institute for Occupational Safety and Health.

[FR Doc. 07–2002 Filed 4–23–07; 8:45 am]

BILLING CODE 4163–19–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institute for Occupational Safety and Health; Decision To Evaluate a Petition To Designate a Class of Employees at the Nevada Test Site, Mercury, NV, To Be Included in the Special Exposure Cohort

AGENCY: National Institute for Occupational Safety and Health (NIOSH), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Department of Health and Human Services (HHS) gives notice as required by 42 CFR 83.12(e) of a decision to evaluate a petition to designate a class of employees at the Nevada Test Site, Mercury, Nevada, to be included in the Special Exposure Cohort under the Energy Employees Occupational Illness Compensation Program Act of 2000. The initial proposed definition for the class being evaluated, subject to revision as warranted by the evaluation, is as follows:

Facility: Nevada Test Site.

Location: Mercury, Nevada.

Job Titles and/or Job Duties: All employees of the Department of Energy (DOE), DOE contractors, and subcontractors in all areas.

Period of Employment: September 1, 1963 through September 30, 1992.

FOR FURTHER INFORMATION CONTACT: Larry Elliott, Director, Office of Compensation Analysis and Support, National Institute for Occupational Safety and Health (NIOSH), 4676 Columbia Parkway, MS C–46, Cincinnati, OH 45226, Telephone 513–533–6800 (this is not a toll-free number). Information requests can also be submitted by e-mail to *OCAS@CDC.GOV*.

Dated: April 13, 2007.

John Howard,

Director, National Institute for Occupational Safety and Health.

[FR Doc. 07–2003 Filed 4–23–07; 8:45 am]

BILLING CODE 4163–19–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Agency for Healthcare Research and Quality, Department of Health and Human Services.

ACTION: Notice.

SUMMARY: This notice announces the intention of the Agency for Healthcare Research and Quality (AHRQ) to request that the Office of Management and Budget (OMB) allow the proposed information collection project: ''Improving Quality of Care in Long Term Care.'' In accordance with the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)), AHRQ invites the public to comment on this proposed information collection.

This proposed information collection was previously published in the **Federal Register** on January 16, 2007 and allowed 60 days for public comment. No public comments were received. The purpose of this notice is to allow an additional 30 days for public comment.

DATES: Comments on this notice must be received by May 24, 2007.

ADDRESSES: Written comments should be submitted to: Karen Matsuoka by fax at (202) 395–6794 (attention: AHRQ's desk officer) or by e-mail at *OIRA_submission@omb.eop.gov* (attention: AHRQ's desk officer). Copies of the proposed collection plans, data collection instruments, and specific details on the estimated burden can be obtained from AHRQ's Reports Clearance Officer.

FOR FURTHER INFORMATION CONTACT: Doris Lefkowitz, AHRQ, Reports Clearance Officer, (301) 427–1477.

SUPPLEMENTARY INFORMATION:

Proposed Project

''Improving Quality of Care in Long Term Care''

The proposed project will design, implement, and evaluate an intervention program to prevent injurious falls in assisted living facilities. The project involves four major activities: (1) Adapting a multifaceted, evidence-based falls prevention program to a protocol tailored to the assisted living environment; (2) implementing the pilot protocol and collecting clinical and process data pre- and post-intervention; (3) evaluating the results of the intervention; and (4) widely disseminating the protocol (revised as needed based on the evaluation), training materials, and research findings.

The project design is a multi-component falls intervention program that will include medication review, resident assessment, environmental modification, and exercise. Its goal will be to reduce risk factors for falls, as well as fall and fracture rates, among

residents of assisted living facilities. The project will adapt existing evidence-based falls prevention interventions to the assisted living setting, and collect data to track the progress and impact of the intervention program. Data collection for the falls intervention project will be approved by the University of North Carolina-Chapel Hill and Research Triangle Institute (RTI) International Institutional Review Boards. It will be conducted in accordance with the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule and with the Protection of Human Research Subjects regulations, 45 CFR part 46. In addition, the identifiable data collected in this study about provider organizations and individuals will only be used for the above-statted purposes and will be kept confidential.

Methods of Collection

The evaluation will use several methods to examine the efficacy of the intervention, including record review, in-person surveys, and in-depth interviews. Data for this process evaluation of the implementation of the intervention will be collected at baseline, 6 and 12 months at the facility-level (e.g., fall and fracture rates, intervention adoption) and the resident-level (e.g., risk factors for falls, adherence to intervention regimens). Data will be collected from 4 facilities; two intervention sites and two control sites.

The quantitative data will be collected using a series of questionnaires to collect information about the facility, its staff, and the participating residents. The information about residents' cognitive, medical, and functional status, and risk for falls will be collected using resident medication records and charts, performance based physical assessments, and standard measures of activities of daily living and cognition. Data collected from residents will take approximately 35 minutes per resident (approximately 270 residents will be interviewed); data obtained from direct caregiver staff related to resident falls risk will take approximately 6 minutes per resident (caregiver staff person will be interviewed about approximately 9 residents each). Also, administrators will be asked to provide information about the facility at baseline only, which will take approximately 15 minutes.

Physicians who care for residents who reside in the four participating facilities will also be interviewed before the quality improvement program is implemented, and twelve months later. They will be asked about their knowledge of falls prevention, the importance of falls prevention, self-efficacy with regard to ability to prevent falls, perspectives on the efficacy of others to prevent falls, outcome expectations, and the need for more information to prevent falls. The 12 month follow-up will also ask their perspective about quality improvement programs for falls prevention in assisted living. These interviews will average 20 minutes.

The in-depth interviews of residents and staff will use both open-ended questions and items with categorical response options to facilitate analysis. Items will include the degree to which the facility has changed its practices; the degree to which residents accept and adhere to the intervention; facilitators for and obstacles to implementation; report of staff and resident satisfaction; reactions and experiences related to the use of volunteers; and lessons learned. These data will be gathered through 60-minute interviews with facility administrators. Medication staff will be interviewed about the process of identifying medications that put residents at risk for falls and communicating this information to the residents' physicians. These interviews will last approximately 60 minutes. Staff who run the exercise program will be asked about the exercise program in general and residents' involvement and participation. These interviews will last approximately 45 minutes. Interviews with residents will consist of questions to inform the participation level of residents as well as benefits the residents might receive through participation. Resident interviews will take approximately 30 minutes to complete. The research staff will interview the administrator at each intervention site, up to two medication staff at each intervention site, up to two exercise staff at each intevention site, and up to six residents at each intervention site.

Estimated Annual Respondent Burden

The table below indicates the estimated time and cost burden to the respondents for obtaining all of the data needed to meet the study's objectives. There will be no cost burden to the respondent other than the cost burden associated with their time to provide the required data. There will be no additional costs for capital equipment, software, computer services, etc. Time required to analyze the data and prepare it for reporting and publication is not included in these estimates.

TABLE 1.—ESTIMATED RESPONDENT BURDEN

Type of respondent	Number of respondents	Number of responses per respondent	Estimated time per respondent (hours)	Estimated total burden (hours)
Quantitative Interviews at Baseline, 6 Months and 12 Months				
Direct Caregiver Staff*	30	27	0.10 hours (6 minutes)	81 hours.
Facility Administrator	4	3	0.25 hours (15 minutes)	3 hours.
Facility Residents	270	3	0.583 hours (35 minutes)	472 hours.
Physicians	30	2	.333 hours (20 minutes)	20 hours.
Qualitative Implementation Evaluation Interviews at Intervention Facilities				
Residents	12	1	0.5 hours (30 minutes)	6 hours.
Exercise Staff	2	1	.75 hours (45 minutes)	1.5 hours.
Facility Administrator	2	1	1 hour (60 minutes)	2 hours.

TABLE 1.—ESTIMATED RESPONDENT BURDEN—Continued

Type of respondent	Number of respondents	Number of responses per respondent	Estimated time per respondent (hours)	Estimated total burden (hours)
Medication Staff	4	1	1 hour (60 minutes)	4 hours.
Total Burden				589.5 hours.

*Each direct caregiver staff person will be interviewed about multiple residents (approximately 9 each). These interviews will occur three times—at baseline, at 6 months and at 12 months for a total of 27 interviews. Direct caregiver staff and other facility staff we interview will be similar to certified nurse assistants. We do not include professional level staff in this category.

Estimated Annual Costs to the Federal Government

The total estimated one-time cost of this intervention implementation and related data collection to the federal government is $199,600. This funding will be used to support the cost of implementing the intervention, salary and fringe benefits for the research team to conduct the survey interview and in-depth interview, costs for members of the research team to travel to each site, and the incentives paid to facilities for participation in the intervention. The project proposes to work with assisted living facilities with which the research team already has established relationships and familiarity and will attempt to minimize burden to the assisted living facility staff by being flexible to schedules and requirements of care practices within the facilities.

Request for Comments

In accordance with the above-cited Paperwork Reduction Act legislation, comments on AHRQ's information collection are requested with regard to any of the following: (a) Whether the proposed collection of information is necessary for the proper performance of AHRQ health care research and health care information dissemination functions, including whether the information will have practical utility; (b) the accuracy of AHRQ's estimate of burden (including hours and costs) of the proposed collection(s) 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 upon the respondents, including the use of automated collection techniques or other forms for information technology.

Dated: April 11, 2007.

Carolyn M. Clancy,

Director.

[FR Doc. 07–2012 Filed 4–23–07; 8:45 am]

BILLING CODE 4160–90–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–07–06BK]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) publishes a list of information collection requests under review by the Office of Management and Budget (OMB) in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these requests, call the CDC Reports Clearance Officer at (404) 639–5960 or send an e-mail to *omb@cdc.gov.* Send written comments to CDC Desk Officer, Office of Management and Budget, Washington, DC or by fax to (202) 395–6974. Written comments should be received within 30 days of this notice.

Proposed Project

Assessment of Occupational Exposure Management—New—Division of Healthcare Quality Promotion (DHQP), National Center for Preparedness, Detection, and Control of Infectious Diseases (NCPDCID), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The purpose of this project is to assess how healthcare facilities manage occupational blood exposures as part of a larger plan to prevent the transmission of blood borne pathogens. While the United States Public Health Service protocols on management of occupational exposure are widely distributed, the awareness and implementation of these protocols by providers of health services are unknown.

In this project, CDC will randomly survey four types of healthcare facilities, acute care facilities, ambulatory surgery centers, long-term care facilities, and dialysis centers. The facility will be asked to complete the survey which asks questions about facility awareness and preparation; general occupational exposure management practices; occupational exposures to hepatitis B virus (HBV), hepatitis C virus (HCV), and human immunodeficiency virus (HIV); post-exposure prophylaxis; and exposure prevention measures. Facilities may complete the survey by paper and pencil or on the web. The results of the survey will be used to provide healthcare facilities with up-to-date information on infection control.

There are no costs to the respondents other than their time to complete the survey. The total estimated annualized burden hours are 1,773.

Respondents	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Acute care facilities	865	1	20/60
Ambulatory care facilities	353	1	20/60
Long-term care facilities	3,634	1	20/60
Dialysis Centers	468	1	20/60

Dated: April 18, 2007.

Maryam Daneshvar,

Acting Reports Clearance Officer, Centers for Disease Control and Prevention.

[FR Doc. E7–7732 Filed 4–23–07; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

President's Committee for People With Intellectual Disabilities; Notice of Meeting

AGENCY: President's Committee for People with Intellectual Disabilities (PCPID), Administration for Children and Families, HHS.

ACTION: Notice of quarterly meeting.

DATES: Monday, May 14, 2007, from 9 a.m.–5 p.m. EST, and Tuesday, May 15, 2007, from 9 a.m.–2 p.m. EST. The meeting will be open to the public.

ADDRESSES: The meeting will be held in Room 800 of the Hubert H. Humphrey Building, 200 Independence Ave., SW., Washington, DC 20201. Individuals who will need accommodations for a disability in order to attend the meeting (*e.g.*, interpreting services, assistive listening devices, materials in alternative format such as large print or Braille) should notify Kodie Ruzicka via e-mail at *kruzicka@acf.hhs.gov*, or via telephone at 202–205–7989 no later than May 1, 2007. PCPID will attempt to meet requests made after that date, but cannot guarantee availability. All meeting sites are barrier free.

Meeting Registration: The meeting is open to the public, but attendance is limited to the space available. Persons wishing to attend this meeting must register by contacting Kodie Ruzicka at the e-mail address or telephone number listed in the **ADDRESSES** section of this notice by 12 p.m. EST on May 11, 2007. For those unable to participate in person, audio of the Monday, May 14 proceedings may be accessed via telephone. Please use the above contact information for Kodie Ruzicka to obtain telephone and passcode information.

Agenda: PCPID will meet to reappoint its members. They will also discuss possible content areas for the 2008 Report to the President and will divide into subcommittees for that purpose.

FOR FURTHER INFORMATION CONTACT: Sally D. Atwater, Executive Director, President's Committee for People with Intellectual Disabilities, The Aerospace Center, Suite 701, 370 L'Enfant Promenade, SW., Washington, DC 20447. *Telephone:* 202–619–0634, fax: 202–205–9591. E-mail: *satwater@acf.hhs.gov.*

SUPPLEMENTARY INFORMATION: PCPID acts in an advisory capacity to the President and the Secretary of Health and Human Services on a broad range of topics relating to programs, services and supports for persons with intellectual disabilities. PCPID, by Executive Order, is responsible for evaluating the adequacy of current practices in programs, services and supports for persons with intellectual disabilities, and for reviewing legislative proposals that impact the quality of life experienced by citizens with intellectual disabilities and their families.

Dated: April 17, 2007.

Sally D. Atwater,

Executive Director, President's Committee for People with Intellectual Disabilities.

[FR Doc. E7–7759 Filed 4–23–07; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Summaries of Medical and Clinical Pharmacology Reviews of Pediatric Studies; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of summaries of medical and clinical pharmacology reviews of pediatric studies submitted in supplements for CELEBREX (celecoxib), COLAZAL (balsalazide), ELOXATIN (oxaliplatin), EMTRIVA (emtricitabine), SUPRANE (desflurane), and TOPROL–XL (metoprolol). These summaries are being made available consistent with the Best Pharmaceuticals for Children Act (the BPCA). For all pediatric supplements submitted under the BPCA, the BPCA requires FDA to make available to the public a summary of the medical and clinical pharmacology reviews of the pediatric studies conducted for the supplement.

ADDRESSES: Submit written requests for single copies of the summaries to the Division of Drug Information (HFD–240), Center for Drug Evaluation and Research, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857. Please specify by product name which summary or summaries you are requesting. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the summaries.

FOR FURTHER INFORMATION CONTACT: Grace Carmouze, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, rm. 6460, Silver Spring, MD 20993–0002, 301–796–0700, e-mail: *grace.carmouze@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of summaries of medical and clinical pharmacology reviews of pediatric studies conducted for CELEBREX (celecoxib), COLAZAL (balsalazide), ELOXATIN (oxaliplatin), EMTRIVA (emtricitabine), SUPRANE (desflurane), and TOPROL–XL (metoprolol). The summaries are being made available consistent with section 9 of the BPCA (Public Law 107–109). Enacted on January 4, 2002, the BPCA reauthorizes, with certain important changes, the pediatric exclusivity program described in section 505A of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 355a). Section 505A of the act permits certain applications to obtain 6 months of marketing exclusivity if, in accordance with the requirements of the statute, the sponsor submits requested information relating to the use of the drug in the pediatric population.

One of the provisions the BPCA added to the pediatric exclusivity program pertains to the dissemination of pediatric information. Specifically, for all pediatric supplements submitted under the BPCA, the BPCA requires FDA to make available to the public a summary of the medical and clinical pharmacology reviews of pediatric studies conducted for the supplement (21 U.S.C. 355a(m)(1)). The summaries are to be made available not later than 180 days after the report on the pediatric study is submitted to FDA (21 U.S.C. 355a(m)(1)). Consistent with this provision of the BPCA, FDA has posted on the Internet summaries of medical and clinical pharmacology reviews of pediatric studies submitted in supplements for CELEBREX (celecoxib), COLAZAL (balsalazide), ELOXATIN (oxaliplatin), EMTRIVA (emtricitabine), SUPRANE (desflurane), and TOPROL–XL (metoprolol). See the **SUPPLEMENTARY INFORMATION** section for electronic access to the summaries. Copies are also available by mail (see **ADDRESSES**).

II. Electronic Access

Persons with access to the Internet may obtain the summaries at *http://www.fda.gov/cder/pediatric/index.htm*.

Dated: April 16, 2007.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. E7–7717 Filed 4–23–07; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 2007D–0122]

Guidance for Industry and Food and Drug Administration Staff; Class II Special Controls Guidance Document: Computerized Labor Monitoring Systems; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of the guidance entitled ''Guidance for Industry and FDA Staff; Class II Special Controls Guidance Document: Computerized Labor Monitoring Systems.'' This guidance document describes a means by which computerized labor monitoring systems may comply with the requirement of special controls for class II devices. Elsewhere in this issue of the **Federal Register**, FDA is publishing a final rule to classify computerized labor monitoring systems into class II (special controls). This guidance document is being immediately implemented as the special control for computerized labor monitoring systems, but it remains subject to comment in accordance with the agency's good guidance practices (GGPs).

DATES: Submit written or electronic comments on this guidance at any time. General comments on agency guidance documents are welcome at any time.

ADDRESSES: Submit written requests for single copies of the guidance document entitled ''Guidance for Industry and FDA Staff; Class II Special Controls Guidance Document: Computerized Labor Monitoring Systems'' to the Division of Small Manufacturers, International, and Consumer Assistance (HFZ–220), Center for Devices and Radiological Health, Food and Drug Administration, 1350 Piccard Dr., Rockville, MD 20850. Send one self-addressed adhesive label to assist that office in processing your request, or fax your request to 240–276–3151. See the **SUPPLEMENTARY INFORMATION** section for information on electronic access to the guidance.

Submit written comments concerning this guidance to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Submit electronic comments to*http://www.fda.gov/dockets/ecomments*. Identify comments with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Glenn Bell, Center for Devices and Radiological Health (HFZ–470), Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850, 240–276–4100.

SUPPLEMENTARY INFORMATION:

I. Background

Elsewhere in this issue of the **Federal Register**, FDA is publishing a final rule classifying computerized labor monitoring systems into class II (special controls) under section 513(f)(2) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360c(f)(2)). This guidance document will serve as the special control for computerized labor monitoring systems. Section 513(f)(2) of the act provides that any person who submits a premarket notification under section 510(k) of the act (21 U.S.C. 360(k)) for a device that has not previously been classified may, within 30 days after receiving an order classifying the device in class III under section 513(f)(1) of the act, request FDA to classify the device under the criteria set forth in section 513(a)(1) of the act. FDA shall, within 60 days of receiving such a request, classify the device by written order. This classification shall be the initial classification of the device. Within 30 days after the issuance of an order classifying the device, FDA must publish a notice in the **Federal Register** announcing such classification. Because of the time frames established by section 513(f)(2) of the act, FDA has determined, under § 10.115(g)(2) (21 CFR 10.115(g)(2)), that it is not feasible to allow for public participation before issuing this guidance as a final guidance document. Thus, FDA is issuing this guidance document as a level 1 guidance document that is immediately implemented. FDA will consider any comments that are received in response to this notice to determine whether to amend the guidance document.

II. Significance of Guidance

This guidance is being issued consistent with FDA's GGPs regulation (§ 10.115). The guidance represents the agency's current thinking on computerized labor monitoring systems. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statute and regulations.

III. Electronic Access

Persons interested in obtaining a copy of the guidance may do so by using the Internet. To receive ''Guidance for Industry and FDA Staff; Class II Special Controls Guidance Document: Computerized Labor Monitoring Systems,'' you may either send an e-mail request to *dsmica@fda.hhs.gov* to receive an electronic copy of the document or send a fax request to 240–276–3151 to receive a hard copy. Please use the document number 1625 to identify the guidance you are requesting.

CDRH maintains an entry on the Internet for easy access to information, including text, graphics, and files that may be downloaded to a personal computer with Internet access. Updated on a regular basis, the CDRH home page includes device safety alerts, **Federal Register** reprints, information on premarket submissions (including lists of approved applications and manufacturers' addresses), small manufacturer's assistance, information on video conferencing and electronic submissions, Mammography Matters, and other device-oriented information. The CDRH Web site may be accessed at *http://www.fda.gov/cdrh*. A search capability for all CDRH guidance documents is available at *http://www.fda.gov/cdrh/guidance.html*. Guidance documents are also available on the Division of Dockets Management Internet site at *http://www.fda.gov/ohrms/dockets*.

IV. Paperwork Reduction Act of 1995

This guidance refers to previously approved collections of information found in FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in 21 CFR part 807, subpart E, have been approved under OMB control number 0910–0120; the collections of information in 21 CFR part 820 have been approved under OMB control number 0910–0073; and the collections of information in 21 CFR part 801 have been approved under OMB control number 0910–0485.

V. Comments

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

Dated: April 13, 2007.

Linda S. Kahan,

Deputy Director, Center for Devices and Radiological Health.

[FR Doc. E7–7700 Filed 4–23–07; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection: Comment Request

In compliance with the requirement for opportunity for public comment on proposed data collection projects (section 3506(c)(2)(A) of Title 44, United States Code, as amended by the Paperwork Reduction Act of 1995, Pub. L. 104–13), the Health Resources and Services Administration (HRSA) publishes periodic summaries of proposed projects being developed for submission to the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995. To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, call the HRSA Reports Clearance Officer on (301) 443–1129.

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

Proposed Project: The National Health Service Corps Loan Repayment Program (OMB No. 0915–0127)—Extension

The National Health Service Corps (NHSC) Loan Repayment Program (LRP) was established to assure an adequate supply of trained primary care health care professionals to provide services in the neediest Health Professional Shortage Areas (HPSAs) of the United States. Under this program, the Department of Health and Human Services agrees to repay the educational loans of the primary care health professionals. In return, the health professionals agree to serve for a specified period of time in a federally-designated HPSA approved by the Secretary for LRP participants.

The NHSC LRP forms provide information that is needed for selecting participants and repaying qualifying loans for education. The LRP forms include the following: The NHSC LRP Application, the Loan Information and Verification form, the Community Site Information form, the Request for Method of Advanced Loan Repayment form, the Applicant Checklist, the Payment Information form, and the Authorization to Release Information form.

The estimated annual burden is as follows:

Type of form	Number of respondents	Responses per respondent	Total number of responses	Hours per response	Total burden hours
NHSC LRP Application	1920	1	1920	.5	960
Community Site Information form	1920	1	1920	.25	480
Loan Information and Verification form	1920	3	5760	.25	1440
Authorization to Release Information	1920	1	1920	.1	192
Applicant Checklist	1920	1	1920	.2	384
Lenders	80	1	80	.25	20
Total	2000		13520		3476

Send comments to Susan G. Queen, PhD, HRSA Reports Clearance Officer, Room 10–33, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857. Written comments should be received within 60 days of this notice.

Dated: April 16, 2007.

Caroline Lewis,

Acting Associate Administrator for Administration and Financial Management.

[FR Doc. E7–7762 Filed 4–23–07; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Advisory Committee on Interdisciplinary, Community-Based Linkages; Notice of Request for Nominations

SUMMARY: The Health Resources and Services Administration (HRSA) is requesting nominations to fill 11 vacancies on the Advisory Committee on Interdisciplinary, Community-Based Linkages (ACICBL).

AUTHORITY: 42 U.S.C. 294f, Section 756 of the Public Health Service Act, as amended. The Advisory Committee is governed by provisions of Public Law (Pub. L.) 92–463, as amended (5 U.S.C. Appendix 2) which sets forth standards for the formation and use of advisory committees.

DATES: The Agency must receive nominations on or before June 30, 2007.

ADDRESSES: All nominations are to be submitted to Louis D. Coccodrilli, Designated Federal Official, ACICBL, Bureau of Health Professions (BHPr), HRSA, Parklawn Building, Room 9–05, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Vanessa Saldanha, Public Health Fellow, AHEC Branch, Division of State, Community, and Public Health, BHPr,

HRSA, by e-mail *vsaldanha@hrsa.gov* or telephone, 301–443–6529.

SUPPLEMENTARY INFORMATION: Under the authorities that established the ACICBL, the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92–463), and section 2119 of the Act, 42 U.S.C. 00aa–19, as added by Public Law 99–660 and amended, HRSA is requesting nominations for 11 voting members.

The ACICBL provides advice and recommendations to the Secretary and to the Congress concerning policy, program development and other matters of significance related to interdisciplinary, community-based training grant programs authorized under sections 751–756, Title VII, Part D of the Public Health Service Act. The ACICBL prepares an annual report describing the activities conducted during the fiscal year, identifying findings and developing recommendations to enhance Title VII Interdisciplinary, Community-Based Training Grant Programs. The Annual Report is submitted to the Secretary of the U.S. Department of Health and Human Services, and ranking members of the Committee on Health, Education, Labor and Pensions of the Senate, and the Committee on Energy and Commerce of the House of Representatives.

The Department of Health and Human Services is requesting a total of 11 nominations for voting members of the ACICBL from schools that have adminstered or are currently administering awards from the following programs: Area Health Education Centers (AHECs)—2 nominees, Health Education and Training Centers (HETCs)—2 nominees, Allied Health disciplines—1 nominee, Quentin N. Burdick Program for Rural Interdisciplinary Training—2 nominees, Podiatric Medicine—1 nominee, and Graduate Psychology—1 nominee. Nominations are also requested for one student, resident, and/or fellow, and one non-acadmic community-based partner, both of whom are affiliated with a training grant program represented on the Committee.

Interested individuals may nominate multiple qualified professionals for membership to the ACICBL to allow the Secretary to choose from a highly qualified list of potential candidates. Nominees willing to serve as members of the ACICBL should have no appearance of a conflict of interest that would preclude their participation. Potential candidates will be asked to provide detailed information concerning consultancies, research grants, or contracts to permit an evaluation of possible sources of conflicts of interest. In addition, a curriculum vitae and a statement of interest will be required of the nominee to support experience working with Title VII Interdisciplinary, Community-Based Training Grant Programs, expertise in the field, and personal desire in participating on a National Advisory Committee. Qualified candidates will be invited to serve a three-year term beginning on October 1, 2007 through September 30, 2010. All nominations must be received no later than June 30, 2007.

The legislation governing this Committee requires a fair balance of health professionals who represent the general population with regard to a broad geographic distribution and an evenness of urban and rural areas, along with professionals who are women and minorities. As such, the pool of appropriately qualified nominations should reflect these requirements to the degree possible.

Dated: April 16, 2007.

Caroline Lewis,

Acting Associate Administrator for Administration and Financial Management.

[FR Doc. E7–7792 Filed 4–23–07; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Service Administration

Advisory Committee on Interdisciplinary, Community-Based Linkages; Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of the following meeting:

Name: Advisory Committee on Interdisciplinary, Community-Based Linkages (ACICBL).

Dates and Times: (Face-to-face meeting). June 25, 2007, 8:30 a.m. to 5 p.m. June 26, 2007, 8:30 a.m. to 3 p.m.

Place: Hilton Washington DC/Rockville Executive Meeting Center, 1750 Rockville Pike, Rockville, MD 20852, Telephone: 301–468–1100.

Status: The meeting will be open to the public.

Purpose: The Committee will be focusing on issues related to Health Information Technology/Electronic Medical Records (HIT/EMR) and its potential impact on Title VII Interdisciplinary, Community-Based Training Grant Programs identified under sections 751–756, Part D of the Public Health Service Act. The Committee has invited speakers to highlight various topics related to HIT/EMR including, but not limited to, benefits and barriers; consumer privacy and confidentiality; implications on underserved and unserved populations, rural, geriatric and other populations; implementation and use of EMRs across various settings, i.e., hospitals inpatient settings and ambulatory care sites (Health Centers, Rural Health Clinics); academic settings, i.e., interdisciplinary and community-based education and training of health professionals; health literacy and patient education; as well as the future of HIT/EMR as an interoperable system to enhance health care delivery. The meeting will allow committee members to identify and discuss current efforts involving HIT/EMR and formulate appropriate recommendations to the Secretary and to the Congress regarding the use of advanced technology to enhance interdisciplinary and community-based training of health professions students and practicing health professionals.

Agenda: The agenda includes an overview of the Committee's general business activities, presentations by experts on HIT/EMR related topics, and discussion sessions for the development of recommendations to be addressed in the Seventh Annual ACICBL Report.

Agenda items are subject to change as dictated by the priorities of the Committee.

For Further Information Contact:

Anyone requesting information regarding the Committee should contact Louis D. Coccodrilli, Designated Federal Official for the ACICBL, Bureau of Health Professions, Health Resources and Services Administration, Parklawn Building, Room 9-05, 5600 Fishers Lane, Rockville, Maryland 20857; 301–443–6950 or *lcoccodrilli@hrsa.gov.* Vanessa Saldanha, Public Health Fellow, can also be contacted with inquiries, 301–443–6529 or *vsaldanha@hrsa.gov.*

Dated: April 16, 2007.

Caroline Lewis,

Acting Associate Administrator for Administration and Financial Management.

[FR Doc. E7–7781 Filed 4–23–07; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Indian Health Service

American Indians Into Psychology; Notice of Competitive Grant Applications for American Indians Into Psychology Program

ACTION: Correction.

SUMMARY: The Indian Health Service published a document in the **Federal Register** on March 28, 2007. The document contained three errors. For further information Contact: Martha Redhouse, Grants Management Branch, Indian Health Service, Reyes Building, 801 Thompson Avenue, Rockville, MD 20852, Telephone (301) 443–5204. (This is not a toll-free number).

Correction

In the **Federal Register** of March 28, 2007, in FR Doc. 07–1498, on page 14584, in the first column amend the Application Deadline to read May 25, 2007, the Application Review to read June 14, 2007, and the Application Notification to read June 27, 2007. In the second column, III. Eligibility Information, #1—Eligible Applicants should include the statement, ''Only colleges or universities that offer a Ph.D in clinical programs accredited by the American Psychological Association will be eligible to apply for a grant. In the third column, delete the following sentence: ''Documentation must be submitted from every Tribe involved in the grant program.'' On page 14586, Project Budget, #5 subsection (d) should read: ''Projects requiring a second and third year must include a program narrative and categorical budget and justification for each additional year of funding requested (this is not considered part of the 7-page narrative).

Dated: April 16, 2007.

Robert G. McSwain,

Deputy Director, Indian Health Service.

[FR Doc. 07–2013 Filed 4–23–07; 8:45 am]

BILLING CODE 4165–16–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Partnering for Research: CAM Practitioners and Cancer Researchers Conference

AGENCY: National Cancer Institute (NCI), National Institutes of Health (NIH), Department of Health and Human Services (HHS).

ACTION: Notice; request for public comment.

SUMMARY: In compliance with the provisions of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, for opportunity for public comments on proposed data collection projects, the National Institutes of Health (NIH), National Cancer Institute (NCI) will publish periodic summaries of proposed projects to be submitted to the Office of Management and Budget (OMB) for review and approval.

DATES: The *Partnering for Research: CAM Practitioners and Cancer Researchers Conference* public comment period will run from May 1, 2007 to June 1, 2007.

ADDRESSES: Comments may be submitted electronically at *http://www.cancer.gov/cam*.

Background: Title: Partnering for Research: CAM Practitioners and Cancer Researchers Conference. *Type of Information Collection Request:* New. *Need and Use of Information Collection:* OCCAM has long recognized that successful cancer CAM research requires strong interdisciplinary partnerships between a practitioner of a specific unconventional therapy and researchers with experience and resources to perform prospective clinical cancer research. OCCAM will be hosting a two-day conference in an attempt to learn about the factors that influence functional and non-functional collaborations between these two groups of cancer CAM stakeholders. The information gathered in this public comment session will assist OCCAM in the development and planning of the aforementioned conference.

Request for Comments: Written comments and/or suggestions from the public and affected agencies are invited on the following points: (a) Examples of both successful and unsuccessful research collaborations between CAM practitioners and researchers, and (b) Issues concerning research collaborations between CAM practitioners and researchers that should be addressed at the upcoming meeting.

Dated: April 13, 2007.

Shea Buckman,

NCI OCCAM Communications and Outreach Manager, National Institutes of Health.

[FR Doc. E7–7786 Filed 4–23–07; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of the Director, National Institutes of Health; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the Advisory Committee to the Director, NIH.

The meeting will be open to the public, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

Name of Committee: Advisory Committee to the Director, NIH.

Date: June 8, 2007.

Time: 8:30 a.m. to 5 p.m.

Agenda: Among the topics proposed for discussion are: (1) NIH Director's Report; (2) NIH Director's Council of Public Representatives Liaison Report; and (3) Work Group on Outside Awards for NIH Employees.

Place: National Institutes of Health, Building 31, Conference Room 6, 9000 Rockville Pike, Bethesda, MD 20892.

Contact Person: Penny W. Burgoon, PhD, Senior Assistant to the Deputy Director, Office of the Director, National Institutes of Health, 1 Center Drive, Building 1, Room 114, Bethesda, MD 20892, 301–451–5870, *burgoonp@od.nih.gov*.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Institute's/Center's home page: *http://www.nih.gov/about/director/acd.htm*, where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.14, Intramural Research Training Award; 93.22, Clinical Research Loan Repayment Program for Individuals from Disadvantaged Backgrounds; 93.232, Loan Repayment Program for Research Generally; 93.39, Academic Research Enhancement Award; 93.936, NIH Acquired Immunodeficiency Syndrome Research Loan Repayment Program; 93.187, Undergraduate Scholarship Program for Individuals from Disadvantaged Backgrounds, National Institutes of Health, HHS)

Dated: April 18, 2007.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–2032 Filed 4–23–07; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections

552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute; Initial Review Group, Subcommittee I—Career Development.
Date: June 14, 2007.
Time: 8 a.m. to 2 p.m.
Agenda: To review and evaluate grant applications.
Place: Holiday Inn Georgetown, 2101 Wisconsin Avenue, NW., Washington, DC 20007.
Contact Person: Robert Bird, PhD, Scientific Review Administrator, Resources and Training Review Branch, National Cancer Institute, National Institutes of Health, 6116 Executive Blvd., Room 8113, MSC 8328, Bethesda, MD 20892–8328, 301–496–7978, *birdr@mail.nih.gov.*

Name of Committee: National Cancer Institute; Initial Review Group; Subcommittee J—Population and Patient-Oriented Training.
Date: June 18–19, 2007.
Time: 7 a.m. to 11 p.m.
Agenda: To review and evaluate grant applications.
Place: Holiday Inn Georgetown, 2101 Wisconsin Avenue, NW., Washington, DC 20007.
Contact Person: Ilda M. McKenna, PhD, Scientific Review Administrator, Research Training Review Branch, Division of Extramural Activities, National Cancer Institute, 6116 Executive Blvd., Room 8111, Bethesda, MD 20892, 301–496–7481, *mckennai@mail.nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel; CA 907–033, 07–034, 07–039, 07–040; ''Innovative Technologies for Molecular Analysis of Cancer.''
Date: July 10–11, 2007.
Time: 8 a.m. to 6 p.m.
Agenda: To review and evaluate grant applications.
Place: Hilton Washington DC North/Gaithersburg, 620 Perry Parkway, Gaithersburg, MD 20877.
Contact Person: Jeffrey E. DeClue, PhD, Scientific Review Administrator, Special Review and Logistics Branch, National Cancer Institute, National Institutes of Health, 6116 Executive Blvd., Room 8053, Bethesda, MD 20892, (301) 496–7904, *decluej@mail.nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel; Cancer Center Support Grant Special Emphasis Panel.
Date: August 2, 2007.
Time: 1:30 p.m. to 3:30 p.m.
Agenda: To review and evaluate grant applications.
Place: Marriott Bethesda North Hotel & Conference Center, 5701 Marinelli Road, North Bethesda, MD 20852.
Contact Person: Robert Bird, PhD, Scientific Review Administrator, Resources and Training Review Branch, Division of Extramural Activities, National Cancer Institute, 6116 Executive Boulevard, Room 8113, Bethesda, MD 20892–8328, 301–496–7978, *birdr@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS).

Dated: April 18, 2007.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–2034 Filed 4–23–06; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Eye Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Eye Institute Special Emphasis Panel; NEI Loan Repayment Program Applications.
Date: May 1, 2007.
Time: 10 a.m. to 11 a.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 5635 Fishers Lane, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Anne E. Schaffner, PhD, Scientific Review Administrator, Division of Extramural Research, National Eye Institute, 5635 Fishers Lane, Suite 1300, MSC 9300, Bethesda, MD 20892–9300, (301) 451–2020, *aes@nei.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.867, Vision Research, National Institutes of Health, HHS)

Dated: April 17, 2007.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–2036 Filed 4–23–07; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; Pediatric Clinical Trial.
Date: April 27, 2007.
Time: 3 p.m. to 4 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Patricia A. Haggerty, PhD, Scientific Review Administrator, Review Branch/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7194, Bethesda, MD 20892–7924, 301–435–0288, *haggertp@nhlbi.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 83.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: April 16, 2007.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–2038 Filed 4–23–07; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Child Health and Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel; National Children's Study—West Coast Review.

Date: May 19–21, 2007.

Time: 2 p.m. to 5 p.m.

Agenda: To review and evaluate contract proposals.

Place: Hilton Washington DC/Rockville (Prev Double Tree), 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: Hameed Khan, PhD, Scientific Review Administrator, Division of Scientific Review, National Institute of Child Health and Human Development, NIH, 6100 Executive Blvd., Room 5B01, Bethesda, MD 20892, (301) 435–6902, *khanh@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: April 18, 2007.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–2026 Filed 4–23–07; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Alcohol Abuse and Alcoholism; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Alcohol Abuse and Alcoholism Special Emphasis Panel; Collaborative Initiative on Fetal Alcohol Spectrum Disorders.

Date: May 22–23, 2007.

Time: 8:30 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Clarion Hotel Bethesda Park, 8400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Beata Buzas, PhD, Scientific Review Administrator, National Institute on Alcohol Abuse and Alcoholism, National Institutes of Health, 5635 Fishers Lane, Rm 3041, Rockville, MD 20852, 301–443–0800, *bbuzas@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.271, Alcohol Research Career Development Awards for Scientists and Clinicians; 93.272, Alcohol National Research Service Awards for Research Training; 93.273, Alcohol Research Programs; 93.891, Alcohol Research Center Grants, National Institutes of Health, HHS)

Dated: April 18, 2007.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–2028 Filed 4–23–07; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Environmental Health Sciences; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Environmental Health Sciences Special Emphasis Panel; Innovative Approaches to Remediation of Recalcitrant Hazardous Substances in Sediments.

Date: June 5–6, 2007.

Time: 8 a.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Four Points by Sheraton, 7807 Leonardo Drive, Durham, NC 27713.

Contact Person: Sally Eckert-Tilotta, PhD, Scientific Review Administrator, Nat. Institute of Environmental Health Sciences, Office of Program Operations, Scientific Review Branch, P.O. Box 12233 MD EC–30, Research Triangle Park, NC 27709, (919) 541–1446, *eckertt1@niehs.nih.gov*.

Name of Committee: National Institute of Environmental Health Sciences Special Emphasis Panel; Genes and Environment Initiative SBIR Biosensors.

Date: June 12, 2007.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Nat. Inst. of Environmental Health Sciences, Building 101, Rodbell Auditorium, 111 T.W. Alexander Drive, Research Triangle Park, NC 27709.

Contact Person: Sally Eckert-Tilotta, PhD, Scientific Review Administrator, National Inst. of Environmental Health Sciences, Office of Program Operations, Scientific Review Branch, P.O. Box 12233, Research Triangle Park, NC 27709, 919/541–1446, *eckertt1@niehs.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.115, Biometry and Risk Estimation—Health Risks from Environmental Exposures; 93.142, NIEHS Hazardous Waste Worker Health and Safety Training; 93.143, NIEHS Superfund Hazardous Substances—Basic Research and Education; 93.894, Resources and Manpower Development in the Environmental Health Sciences; 93.113, Biological Response to Environmental Health Hazards; 93.114, Applied Toxicological Research and Testing, National Institutes of Health, HHS)

Dated: April 18, 2007.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–2029 Filed 4–23–07; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice

is hereby given of meetings of the National Diabetes and Digestive and Kidney Diseases Advisory Council.

The meetings will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact person listed below in advance of the meeting.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Diabetes and Digestive and Kidney Diseases Advisory Council.

Date: May 30, 2007.

Open: 8:30 a.m. to 12 p.m.

Agenda: To present the Director's Report and other scientific presentations.

Place: National Institutes of Health, Building 31, 31 Center Drive, Conference Room 10, Bethesda, MD 20892.

Closed: 4:15 p.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Building 31, 31 Center Drive, Conference Room 10, Bethesda, MD 20892.

Open: 4:30 p.m. to 5:30 p.m.

Agenda: Continuation of the Director's Report and other scientific presentations.

Place: National Institutes of Health, Building 31, 31 Center Drive, Conference Room 10, Bethesda, MD 20892.

Contact Person: Brent B. Stanfield, PhD, Director, Division of Extramural Activities, National Institutes of Diabetes and Digestive and Kidney Diseases, 6707 Democracy Blvd., Room 715, MSC 5452, Bethesda, MD 20892, (301) 594–8843, *stanfibr@niddk.nih.gov.*

Name of Committee: National Diabetes and Digestive and Kidney Diseases Advisory Council; Diabetes, Endocrinology, and Metabolic Diseases Subcommittee.

Date: May 30, 2007.

Closed: 1 p.m. to 2:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Building 31, 31 Center Drive, Conference Room 10, Bethesda, MD 20892.

Open: 2:30 p.m. to 4 p.m.

Agenda: To review the Division's scientific and planning activities.

Place: National Institutes of Health, Building 31, 31 Center Drive, Conference Room 10, Bethesda, MD 20892.

Contact Person: Brent B. Stanfield, PhD, Director, Division of Extramural Activities, National Institutes of Diabetes and Digestive and Kidney Diseases, 6707 Democracy Blvd. Room 715, MSC 5452, Bethesda, MD 20892, (301) 594–8843, *stanfibr@niddk.nih.gov.*

Name of Committee: National Diabetes and Digestive and Kidney Diseases Advisory Council; Digestive Diseases and Nutrition Subcommittee.

Date: May 30, 2007.

Open: 1 p.m. to 2:30 p.m.

Agenda: To review the Division's scientific and planning activities.

Place: National Institutes of Health, Building 31, 31 Center Drive, Conference Room 6, Bethesda, MD 20892.

Closed: 2:30 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Building 31, 31 Center Drive, Conference Room 6, Bethesda, MD 20892.

Contact Person: Brent B. Stanfield, PhD, Director, Division of Extramural Activities, National Institutes of Diabetes and Digestive and Kidney Diseases, 6707 Democracy Blvd. Room 715, MSC 5452, Bethesda, MD 20892, (301) 594–8843, *stanfibr@niddk.nih.gov.*

Name of Committee: National Diabetes and Digestive and Kidney Diseases Advisory Council; Kidney, Urologic, and Hematologic Diseases Subcommittee.

Date: May 30, 2007.

Open: 1 p.m. to 2:30 p.m.

Agenda: To review the Division's scientific and planning activities, National Institutes of Health, Building 31, 31 Center Drive, Conference Room 7, Bethesda, MD 20892.

Closed: 2:30 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Building 31, 31 Center Drive, Conference Room 7, Bethesda, MD 20892.

Contact Person: Brent B. Stanfield, PhD, Director, Division of Extramural Activities, National Institutes of Diabetes and Digestive and Kidney Diseases, 6707 Democracy Blvd., Room 715, MSC 5452, Bethesda, MD 20892, (301) 594–8843, *stanfibr@niddk.nih.gov.*

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Institute's/Center's home page: *http://www.niddk.nih.gov/fund/divisions/DEA/Council/coundesc.htm.*, where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: April 18, 2007.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–2030 Filed 4–23–07; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the National Advisory General Medical Sciences Council.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in section 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory General Medical Sciences Council.

Date: May 17–18, 2007.

Closed: May 17, 2007, 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Natcher Building, Conference Rooms E1 & E2, 9000 Rockville Pike, Bethesda, MD 20892.

Open: May 18, 2007, 8:30 a.m. to adjournment.

Agenda: For the discussion of program policies and issues, opening remarks, report of the Director, NIGMS, and other business of the Council.

Place: National Institutes of Health, Natcher Building, Conference Rooms E1 & E2, 9000 Rockville Pike, Bethesda, MD 20892.

Contact Person: Ann A. Hagan, PhD, Associate Director for Extramural Activities, NIGMS, NIH, DHHS, 45 Center Drive, Room 2AN24H, MSC6200, Bethesda, MD 20892–6200, (301) 594–4499, *hagana@nigms.nih.gov.*

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Institute's/Center's home page: *http://www.nigms.nih.gov/about/advisory_council.html*, where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives, National Institutes of Health, HHS)

Dated: April 18, 2007.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–2033 Filed 4–23–07; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Alcohol Abuse and Alcoholism; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Alcohol Abuse and Alcoholism Special Emphasis Panel; Novel Mechanisms of Behavior Change in Alcoholism Treatment.

Date: April 27, 2007.

Time: 1 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 5635 Fishers Lane, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Katrina L. Foster, PhD, Scientific Review Administrator, National Institute on Alcohol Abuse and Alcoholism, National Institutes of Health, 5635 Fishers Lane, Rm. 3037, Rockville, MD 20852, 301–443–3037, *katrina@mail.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.271, Alcohol Research Career Development Awards for Scientists and Clinicians; 93.272, Alcohol National Research Service Awards for Research Training; 93.273, Alcohol Research Programs; 93.891, Alcohol Research Center Grants, National Institutes of Health, HHS)

Dated: April 17, 2007.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–2037 Filed 4–23–07; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel, Cellular and Inflammatory Anaphylaxis Pathways.

Date: May 22, 2007.

Time: 11:30 a.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge 6700, 6700B Rockledge Drive, Room 3118, Bethesda, MD 20817, (Telephone Conference Call).

Contact Person: Sujata Vijh, PhD, Scientific Review Administrator, Scientific Review Program, Division of Extramural Activities, NIAID/NIH/DHHS, 6700B Rockledge Drive, MSC 7616, Bethesda, MD 20892, 301–594–0985, *vijhs@niaid.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: April 18, 2007.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–2039 Filed 4–23–07; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Digestive Sciences Integrated Review Group; Gastrointestinal Mucosal Pathobiology Study Section.

Date: June 4, 2007.

Time: 8 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Georgetown Suites, 1111 30th Street, NW., Washington, DC 20007.

Contact Person: Peter J. Perrin, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2180, MSC 7818, Bethesda, MD 20892, (301) 435–0682, *perrinp@csr.nih.gov.*

Name of Committee: Oncological Sciences Integrated Review Group; Molecular Oncogenesis Study Section.

Date: June 4–5, 2007.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: The Fairmont Washington, DC, 2401 M Street, NW., Washington, DC 20037.

Contact Person: Joanna M. Watson, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of

Health, 6701 Rockledge Drive, Room 6208, MSC 7804, Bethesda, MD 20892, 301–435–1048. *watsonjo@csr.nih.gov.*

Name of Committee: Bioengineering Sciences & Technologies Integrated Review Group, Biodata Management and Analysis Study Section.
Date: June 4, 2007.
Time: 8:30 a.m. to 6 p.m.
Agenda: To review and evaluate grant applications.
Place: Double Tree Hotel Bethesda, 8120 Wisconsin Avenue, Bethesda, MD 20814.
Contact Person: Marc Rigas, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4194, MSC 7826, Bethesda, MD 20892, 301–402–1074, *rigasm@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Pilot and Feasibility Studies and Digestive Diseases and Nutrition (R21).
Date: June 5, 2007.
Time: 8 a.m. to 1 p.m.
Agenda: To review and evaluate grant applications.
Place: Georgetown Suites, 1111 30th Street, NW., Washington, DC 20007.
Contact Person: Peter J. Perrin, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2180, MSC 7818, Bethesda, MD 20892, (301) 435–0682, *perrinp@csr.nih.gov.*

Name of Committee: Biobehavioral and Behavioral Processes Integrated Review Group; Motor Function, Speech and Rehabilitation Study Section.
Date: June 11, 2007.
Time: 8 a.m. to 6 p.m.
Agenda: To review and evaluate grant applications.
Place: Hotel Washington, 15th Street and Pennsylvania Avenue, NW., Washington, DC 20004.
Contact Person: Biao Tian, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3089B, MSC 7848, Bethesda, MD 20892, (301) 402–4411, *tianbi@csr.nih.gov.*

Name of Committee: Oncological Sciences Integrated Review Group; Cancer Biomarkers Study Section.
Date: June 12–13, 2007.
Time: 7:30 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Gaithersburg Hilton, 620 Perry Parkway, Gaithersburg, MD 20877.
Contact Person: Mary Bell, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6188, MSC 7804, Bethesda, MD 20892, (301) 451–8754, *bellmar@csr.nih.gov.*

Name of Committee: Infectious Diseases and Microbiology Integrated Review Group; Host Interactions with Bacterial Pathogens Study Section.
Date: June 13, 2007.
Time: 8:30 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Holiday Inn Georgetown, 2101 Wisconsin Avenue, NW., Washington, DC 20007.
Contact Person: Marian Wachtel, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3208, MSC 7858, Bethesda, MD 20892, 301 435–1148, *wachtelm@csr.nih.gov.*

Name of Committee: Surgical Sciences, Biomedical Imaging and Bioengineering Integrated Review Group; Biomedical Computing and Health Informatics Study Section.
Date: June 14–15, 2007.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Bethesda Marriott Suites, 6711 Democracy Boulevard, Bethesda, MD 20817.
Contact Person: Bill Bunnag, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5124, MSC 7854, Bethesda, MD 20892, (301) 435–1177, *bunnagb@csr.nih.gov.*

Name of Committee: Health of the Population Integrated Review Group; Nursing Science: Children and Families Study Section.
Date: June 14, 2007.
Time: 8 a.m. to 6 p.m.
Agenda: To review and evaluate grant applications.
Place: Bethesda Marriott Suites, 6711 Democracy Boulevard, Bethesda, MD 20817.
Contact Person: Melinda Tinkle, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3141, MSC 7770, Bethesda, MD 20892, (301) 594–6594, *tinklem@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Topics in Virology.
Date: June 14, 2007.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: The Watergate, 2650 Virginia venue, NW., Washington, DC 20037.
Contact Person: Robert Freund, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3200, MSC 7848, Bethesda, MD 20892, 301–435–1050, *freundr@csr.nih.gov.*

Name of Committee: Immunology Integrated Review Group; Cellular and Molecular Immunology—A Study Section.
Date: June 14–15, 2007.
Time: 8 a.m. to 4 p.m.
Agenda: To review and evaluate grant applications.
Place: Crystal City Marriott, 1999 Jefferson Davis Highway, Arlington, VA 22202.
Contact Person: Samuel C. Edwards, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4200, MSC 7812, Bethesda, MD 20892, 301–435–1152, *edwardss@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Macromolecular Structure and Function Study Section D ''Computational Biophysics''.
Date: June 14–15, 2007.
Time: 8 a.m. to 4 p.m.
Agenda: To review and evaluate grant applications.
Place: Churchill Hotel, 1914 Connecticut Avenue, NW., Washington, DC 20009.
Contact Person: James W. Mack, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4154, MSC 7806, Bethesda, MD 20892, 301–435–2037, *mackj2@csr.nih.gov.*

Name of Committee: Health of the Population Integrated Review Group; Nursing Science: Adults and Older Adults Study Section.
Date: June 14–15, 2007.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Holiday Inn, Tysons Corner, 1960 Chain Bridge Road, McLean, VA 22102.
Contact Person: Gertrude K. McFarland, DNSC, FAAN, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3156, MSC 7770, Bethesda, MD 20892, 301–435–1784, *mcfarlag@csr.nih.gov.*

Name of Committee: Hematology Integrated Review Group; Erythrocyte and Leukocyte Biology Study Section.
Date: June 14, 2007.
Time: 8 a.m. to 6 p.m.
Agenda: To review and evaluate grant applications.
Place: One Washington Circle Hotel, One Washington Circle, Washington, DC 20037.
Contact Person: Delia Tang, MD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4126, MSC 7802, Bethesda, MD 20892, 301–435–2506, *tangd@csr.nih.gov.*

Name of Committee: Cell Biology Integrated Review Group; Biology and Diseases of the Posterior Eye Study Section.
Date: June 14–15, 2007.
Time: 8 a.m. to 5:30 p.m.
Agenda: To review and evaluate grant applications.
Place: Bethesda Marriott, 5151 Pooks Hill Road, Bethesda, MD 20814.
Contact Person: Michael H. Chaitin, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5202, MSC 7850, Bethesda, MD 20892, (301) 435–0910, *chaitinm@csr.nih.gov.*

Name of Committee: Cardiovascular Sciences Integrated Review Group; Hypertension and Microcirculation Study Section.
Date: June 14–15, 2007.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Washington Plaza Hotel, 10 Thomas Circle, NW., Washington, DC 20005.
Contact Person: Al-Ping Zou, PhD, MD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4118, MSC 7814, Bethesda, MD 20892, 301–435–1777, *zouai@csr.nih.gov.*

Name of Committee: Integrative, Functional and Cognitive Neuroscience Integrated Review Group; Neurotoxicology and Alcohol Study Section.
Date: June 14–15, 2007.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Churchill Hotel, 1914 Connecticut Avenue, NW., Washington, DC 20009.
Contact Person: Joseph G. Rudolph, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5186, MSC 7844, Bethesda, MD 20892, 301–435–2212, *josephru@csr.nih.gov*.

Name of Committee: Health of the Population Integrated Review Group; Epidemiology of Cancer Study Section.
Date: June 14–15, 2007.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: The Admiral Fell Inn, 888 South Broadway, Baltimore, MD 21231.
Contact Person: Denise Wiesch, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3150, MSC 7770, Bethesda, MD 20892, (301) 435–0684, *wieschd@csr.nih.gov*.

Name of Committee: Immunology Integrated Review Group; Immunity and Host Defense Study Section.
Date: June 14–15, 2007.
Time: 8:30 a.m. to 5:30 p.m.
Agenda: To review and evaluate grant applications.
Place: Washington Plaza Hotel, 10 Thomas Circle, NW., Washington, DC 20005.
Contact Person: Patrick K. Lai, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2215, MSC 7812, Bethesda, MD 20892, 301–435–1052, *laip@csr.nih.gov*.

Name of Committee: Molecular, Cellular and Developmental Neuroscience Integrated Review Group; Neurogenesis and Cell Fate Study Section.
Date: June 14–15, 2007.
Time: 8:30 a.m. to 6 p.m.
Agenda: To review and evaluate grant applications.
Place: Melrose Hotel, 2430 Pennsylvania Ave., NW., Washington, DC 20037.
Contact Person: Lawrence Baizer, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4152, MSC 7850, Bethesda, MD 20892, (301) 435–1257, *baizerl@csr.nih.gov*.

Name of Committee: Biological Chemistry and Macromolecular Biophysics Integrated Review Group; Synthetic and Biological Chemistry B Study Section.
Date: June 14–15, 2007.
Time: 8:30 a.m. to 6 p.m.
Agenda: To review and evaluate grant applications.
Place: DoubleTree Hotel, 8120 Wisconsin Avenue, Bethesda, MD 20814.
Contact Person: Mike Radtke, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4176, MSC 7806, Bethesda, MD 20892, 301–435–1728, *radtkem@csr.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research; 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: April 17, 2007.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–2035 Filed 4–23–07; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Opioid Drugs in Maintenance and Detoxification Treatment of Opiate Addiction; Public Notice of Revocation of Certification

AGENCY: Substance Abuse and Mental Health Services Administration (SAMHSA), Department of Health and Human Services.

ACTION: Notice.

SUMMARY: The Substance Abuse and Mental Health Services Administration has revoked the certification to provide opioid assisted treatment for the three opioid treatment programs listed below.

DATES: The revocation of certification was effective on March 20, 2007.

FOR FURTHER INFORMATION CONTACT: Nicholas Reuter, Center for Substance Abuse Treatment (CSAT), Division of Pharmacologic Therapies, SAMHSA, One Choke Cherry Road, Rm 2–1063, Rockville, MD 20857, (240) 276–2716, e-mail: *Nicholas.Reuter@samhsa.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

In a notice published in the **Federal Register** of January 17, 2001 (66 FR 4076, January 17, 2001), the Substance Abuse and Mental health Services Administration (SAMHSA) issued final regulations for the use of narcotic drugs in maintenance and detoxification treatment of opioid addiction. That final rule established an accreditation-based regulatory system under 42 CFR part 8 (''Certification of Opioid Treatment Programs,'' ''OTPs''). The SAMHSA regulations establish the standards for determining that practitioners (programs) are qualified for Drug Enforcement Administration (DEA) registration under 21 U.S.C. 821(g)(1). Qualified programs are granted certification.

The regulations establish the conditions for certification as well as the criteria for the suspension or revocation of SAMHSA certification. In addition, Subpart C sets forth the procedures for review of suspension or proposed revocation of OTP certification.

The Administrator of SAMHSA proposed to decertify these three programs in August 2006. As set forth under 42 CFR part 8, subpart C, each OTP requested a review of the Administrator's proposal, and submitted documents and briefs to a designated reviewing official for consideration, that were incorporated into an administrative review record. After considering the available information and evidence, the reviewing officials, in upholding the Administrator's proposal to revoke certification, found that the OTPs listed below were in violation of Federal Opioid Treatment Program Regulations (42 CFR § 8.11,8.14).

1. New Horizon Rehabilitation Services, 4809 W. Chicago Ave., Chicago, IL 60651.
2. Turning Point Treatment Center, Inc., 210 Commerce St., Blairsville, Georgia 30512.
3. Bay Area C.A.R.E. Center, Inc., 3138 South Alameda, Corpus Christi, Texas 78404.

Dated: April 13, 2007.

Terry L. Cline,

Administrator, Substance Abuse and Mental Health Services Administration.

[FR Doc. 07–1994 Filed 4–23–07; 8:45 am]

BILLING CODE 4160–20–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5117–N–34]

Notice of Submission of Proposed Information Collection to OMB; Servicemembers Civil Relief

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.

Federal law requires lenders to send a statement or notice to homeowners in default explaining the mortgage and foreclosure rights of servicemembers and their dependents under the Servicemembers Civil Relief Act (50

U.S.C. App. 501 *et seq.*). Including the toll-free military one source number to call if servicemembers, or their dependents require further assistance. This notification must be made within 45 days from the date the missed payment was due unless the homeowner pays the overdue amount before the expiration of the 45-day period.

DATES: *Comments Due Date:* May 24, 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 (2502–0565) 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* 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: Servicemembers Civil Relief.

OMB Approval Number: 2502–0565.

Form Numbers: HUD–92070.

Description of the Need for the Information and Its Proposed Use: Federal law requires lenders to send a statement or notice to homeowners in default explaining the mortgage and foreclosure rights of servicemembers and their dependents under the Servicemembers Civil Relief Act (50 U.S.C. App. 501 *et seq.*). Including the toll-free military one source number to call if servicemembers, or their dependents require further assistance. This notification must be made within 45 days from the date the missed payment was due unless the homeowner pays the overdue amount before the expiration of the 45-day period.

Frequency of Submission: Recordkeeping, Third party disclosure.

	Number of respondents	Annual responses	×	Hours per response	=	Burden hours
Reporting Burden	7,695	274		0.252		533,744

Total Estimated Burden Hours: 533,744.

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 17, 2007.

Lillian L. Deitzer,

Departmental Paperwork Reduction Act Officer, Office of the Chief Information Officer.

[FR Doc. E7–7703 Filed 4–23–07; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5117–N–35]

Notice of Submission of Proposed Information Collection to OMB; Financial Statement of Corporate Applicant for Cooperative Housing Mortgage

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.

Information provided is the source document by which HUD determines the cooperative member and group capacity to meet the financial requirements of a HUD-insured cooperative project.

DATES: *Comments Due Date:* May 24, 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 (2502–0058) 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* 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: Financial Statement of Corporate Applicant for Cooperative Housing Mortgage.

OMB Approval Number: 2502–0058.

Form Numbers: HUD–93232–A.

Description of the Need for the Information and Its Proposed Use: Information provided is the source document by which HUD determines the cooperative member and group capacity to meet the financial requirements of a HUD-insured cooperative project.

Frequency of Submission: On occasion.

	Number of respondents	Annual responses	x	Hours per responses	=	Burden hours
Reporting Burden	100	1		0.25		25

Total Estimated Burden Hours: 25.

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 17, 2007.

Lillian L. Deitzer,

Departmental Paperwork Reduction Act Officer, Office of the Chief Information Officer.

[FR Doc. E7–7704 Filed 4–23–07; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5117–N–38]

Notice of Submission of Proposed Information Collection to OMB; Fair Housing Initiatives Program (FHIP) Survey

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.

As part of a larger evaluation, this FHIP agency survey will show how FHIP grantees use the funds they receive from HUD to conduct fair housing activities. It will also show how other monetary resources are implemented and how much of their activities are fair-housing related. It will also show which activities are common to FHIP grantees throughout the nation and which are regional or local.

DATES: *Comments Due Date:* May 24, 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 (2528–NEW) 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* 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: Fair Housing Initiatives Program (FHIP) Survey.

OMB Approval Number: 2528–NEW.

Form Numbers: None.

Description of the Need for the Information and Its Proposed Use: As part of a larger evaluation, this FHIP agency survey will show how FHIP grantees use the funds they receive from HUD to conduct fair housing activities. It will also show how other monetary resources are implemented and how much of their activities are fair-housing related. It will also show which activities are common to FHIP grantees throughout the nation and which are regional or local.

Frequency of Submission: On occasion.

	Number of respondents	Annual responses	x	Hours per response	=	Burden hours
Reporting Burden	184	1		1.08		199

Total Estimated Burden Hours: 199.
Status: New Collection.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: April 18, 2007.

Lillian L. Deitzer,

Departmental Paperwork Reduction Act Officer, Office of the Chief Information Officer.

[FR Doc. E7–7708 Filed 4–23–07; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5117–N–37]

Notice of Submission of Proposed Information Collection to OMB; Management Certifications and Management Entity Profie

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.

Owners of HUD-Held, -Insured, or -subsidized multifamily housing projects must provide information for HUD's oversight of management agents/entities.

DATES: *Comments Due Date:* May 24, 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 (2502–0305) 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* 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: Management Certifications and Management Entity Profile.

OMB Approval Number: 2502–0305.

Form Numbers: HUD–9832, HUD–9839A, HUD–9839B, HUD–9839C.

Description of the Need for the Information and Its Proposed Use: Owners of HUD-Held, -Insured, or -subsidized multifamily housing projects must provide information for HUD's oversight of management agents/entities.

Frequency of Submission: On occasion.

	Number of respondents	Annual responses	×	Hours per response	=	Burden hours
Reporting Burden	25,884	0.10		1.16		3,014

Total Estimated Burden Hours: 3,014.

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 18, 2007.

Lillian L. Deitzer,

Departmental Paperwork Reduction Act Officer, Office of the Chief Information Officer.

[FR Doc. E7–7709 Filed 4–23–07; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5117–N–36]

Notice of Submission of Proposed Information Collection to OMB; Capital Advance Section 811 Grant Application for Supportive Housing for Persons With Disabilities

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.

To apply for capital advances for HUD's Section 811 program, prospective private nonprofit organizations submit completed Section 811 Supportive Housing for Persons with Disabilities Application Kits.

DATES: *Comments Due Date:* May 24, 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 (2502–0462) 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* 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: Capital Advance Section 811 Grant Application for Supportive Housing for Persons with Disabilities.

OMB Approval Number: 2502–0462.

Form Numbers: HUD–92016–CA, HUD–92041, HUD–92042, HUD–92043, Standard grant forms: SF–424, SF–424–Supplemental, SF–LLL, HUD–2880, HUD–2991, HUD–2990, HUD–96010, HUD–27300, HUD–96011, HUD–2994–A.

Description of the Need for the Information and Its Proposed Use: To apply for capital advances for HUD's Section 811 program, prospective private nonprofit organizations submit completed Section 811 Supportive Housing for Persons with Disabilities Application Kits.

Frequency of Submission: On occasion.

	Number of respondents	Annual responses	x	Hours per response	=	Burden hours
Reporting Burden	155	1		118		18,299

Total Estimated Burden Hours: 18,299.

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 17, 2007.

Lillian L. Deitzer,

Departmental Paperwork Reduction Act Officer, Office of the Chief Information Officer.

[FR Doc. E7–7714 Filed 4–23–07; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Notice of Proposed Information Collection

AGENCY: Office of the Secretary, Office of Acquisition and Property Management.

ACTION: Notice and request for comments.

SUMMARY: A proposal to extend the collection of information listed below (OMB Control Number 1084–0033) has been submitted to the Office of Management and Budget (OMB) for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Public comments on this submission are solicited.

DATES: OMB has up to 60 days to approve or disapprove the information collection, but may respond after 30 days. Therefore, public comments should be submitted to OMB by May 24, 2007, in order to be assured of consideration.

ADDRESSES: Send your written comments to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention, Department of the Interior Desk Officer, by fax to 202–395–6566, or by e-mail to *oira_docket@omb.eop.gov*. Please send a copy of your written comments to the Office of the Secretary Information Collection Clearance Officer, Sue Ellen Sloca, 1951 Constitution Avenue, NW., MS 120 SIB, Washington, DC 20240, or via e-mail to *sue_ellen_sloca@nbc.gov*. Individuals providing comments should reference OMB control number 1084–0033, ''Private Rental Survey.''

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instrument, please write to the above address, or call Michael C. Wright on 202–208–5399, write Michael C. Wright at Mail Stop 2607, 1849 C Street, NW., Washington, DC 20240, or e-mail him on *Michael_C_Wright@ios.doi.gov*.

SUPPLEMENTARY INFORMATION:

I. Abstract

Office of Management and Budget (OMB) regulations at 5 CFR part 1320, which implement the Paperwork Reduction Act of 1995 (Pub. L. 104–13), require that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities (see 5 CFR 1320.8 (d)). This notice identifies an existing information collection activity that the Office of the Secretary has submitted to OMB for extension.

Public Law 88–459 authorizes Federal agencies to provide housing for Government employees under specified circumstances. In compliance with OMB Circular A–45 (Revised), Rental and Construction of Government Quarters, a review of private rental market housing rates is required at least once every 5 years to ensure that the rental, utility charges, and charges for related services to occupants of Government Furnished Quarters (GFQ) are comparable to corresponding charges in the private sector. To avoid unnecessary duplication and inconsistent rental rates, the Office of Acquisition and Property Management (PAM) conducts housing surveys in support of quarters management programs for the Departments of the Interior (DOI), Agriculture, Commerce, Defense, Homeland Security, Justice, Transportation, Treasury, Health and Human Services, and Veterans Affairs. In this survey, two collection forms are used: OS–2000, covering ''Houses—Apartments—Mobile Homes'' and OS–2001, covering ''Trailer Spaces.''

This collection of information provides data that helps DOI and the other Federal agencies to manage GFQ within the requirements of OMB Circular A–45 (Revised.) If this information were not collected from the public, DOI and the other Federal agencies required to provide GFQ would have no objective basis for determining open market rental costs for GFQ.

II. Data

(1) *Title:* Private Rental Survey.
OMB Control Number: 1084–0033.
Current Expiration Date: 04/30/2007.
Type of Review: Information Collection: Renewal.
Affected Entities: About 178 individuals or households, and 4212 businesses and other for-profit institutions.
Estimated annual number of responses:
OS–2000: 4,090.
OS–2001: 300.
Total: 4,390.
Frequency of response: Ranges from 1 to 2.1 per respondent per year, on the average.

Note: Each of 15 regions is surveyed every 4th year, with 3–4 regions being surveyed each year.

(2) Annual reporting and record keeping burden.
Estimated burden per response:
OS–2000: 12 minutes.
OS–2001: 10 minutes.
Total annual reporting:
OS–2000: 818 hours.
OS–2001: 50 hours.
Total: 868 hours.
(3) *Description of the need and use of the information:* This information collection provides the data that enables DOI to determine open market rental costs for GFQ. These rates, in turn, enable DOI and other Federal agencies to manage GFQ within the requirements of OMB Circular A–45 (Revised.)

III. Request for Comments

An initial opportunity for the public to comment on the Office of the Secretary's proposal to extend this information collection was announced in the **Federal Register** on December 13, 2006. The Office of the Secretary received no comments in response to its 60-day notice and request for comments. The public now has a second opportunity to comment on this proposal.

The Department of the Interior invites comments on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(b) The accuracy of the agency's estimate of the burden of the collection and the validity of the methodology and assumptions used;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(d) Ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other collection techniques or other forms of information technology.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid Office of Management and Budget control number.

Dated: April 17, 2007.

Debra E. Sonderman,

Director, Office of Acquisition and Property Management.

[FR Doc. E7–7707 Filed 4–23–07; 8:45 am]

BILLING CODE 4310–RK–P

DEPARTMENT OF THE INTERIOR

Central Utah Project Completion Act

AGENCY: Department of the Interior, Office of the Assistant Secretary—Water and Science (Interior).

ACTION: Notice of intent to prepare an Environmental Assessment for the Conversion of Central Utah Project water from irrigation to municipal and industrial use in Summit and Wasatch counties, Utah.

SUMMARY: Pursuant to the National Environmental Policy Act of 1969, the Department of the Interior, Central Utah Project Completion Act Office will prepare an Environmental Assessment on the conversion of 12,200 acre-feet of Central Utah Project (CUP) water from irrigation to municipal and industrial (M&I) use over a period of up to 25 years. Water was originally to be developed exclusively for irrigation use under the Bonneville Unit of the CUP in Summit and Wasatch counties, Utah. Suburban development in the counties has resulted in agricultural land being taken out of production and developed into residential areas. Under the authority of Bureau of Reclamation Law, specifically Section 9(c)(1) of the Reclamation Project Act of 1939 Act (43 U.S.C. 485h), the Colorado River Storage Project Act of 1956 (43 U.S.C. 620 *et seq.*), and Section 205 of the Central Utah Project Completion Act (Pub. L. 102–575), the Secretary of the Interior oversees Bonneville Unit project planning and therefore has authority to convert CUP water from irrigation to M&I use. Such conversions were addressed under the terms of the Central Utah Water Conservancy District's 1965 Repayment Contract, No. 14–06–400–4286.

DATES: Dates and locations for public scoping will be announced locally.

SUPPLEMENTARY INFORMATION: The Bonneville Unit of the CUP was authorized to develop central Utah's water resources. Both the 1987 Final Supplement to the Final Environmental Impact Statement for the Municipal and Industrial System, Bonneville Unit, Central Utah Project (FEIS) and the 2004 Supplement to the 1988 Definite Plan Report for the Bonneville Unit (DPR) describe the current allocation of Project water for Summit and Wasatch counties—2,400 acre-feet for M&I use and 15,100 acre-feet for irrigation use. The 1996 Final Environmental Impact Statement for the Wasatch County Water Efficiency Project and Daniel Replacement Project evaluates the conveyance of the water supply described in the 1987 M&I FEIS. Due to residential and commercial development of agricultural lands within the counties, there is a need to convert CUP water from irrigation to M&I use. An Environmental Assessment will be prepared to evaluate the conversion of 12,200 acre-feet of CUP water from irrigation to M&I use over a period of up to 25 years. The Environmental Assessment will evaluate the schedule of conversion and identify potential effects and the significance of those effects. Issues to be analyzed include impacts on wildlife, cultural resources, special status plants and animals, and water resources. Because the proposed conversion changes the use of water described in the DPR, Interior will notify Congress of the proposed conversion before it is implemented. Upon completion of the CUP, a final allocation of Project water and Project costs will be made.

Information, Comments, and Inquiries: Additional information on matters related to this notice can also be obtained from: Mr. Wayne G. Pullan, 302 East 1860 South Provo, Utah 84606, (801) 379–1194, *wpullan@uc.usbr.gov.*

Dated: April 17, 2007.

Reed R. Murray,

Program Director, Department of the Interior.

[FR Doc. E7–7749 Filed 4–23–07; 8:45 am]

BILLING CODE 4310–RK–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Final Comprehensive Conservation Plan for Kirwin National Wildlife Refuge, KS

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability.

SUMMARY: The U.S. Fish and Wildlife Service (Service) announces that the final Comprehensive Conservation Plan (CCP) and Environmental Assessment (EA) for Kirwin National Wildlife Refuge (Refuge) are available. This final CCP/EA describes how the Service intends to manage the Refuge for the next 15 years.

ADDRESSES: Please provide written comments to Toni Griffin, Planning Team Leader, Division of Refuge Planning, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225, or electronically to *toni_griffin@fws.gov*. A copy of the CCP may be obtained by writing to U.S. Fish and Wildlife Service, Division of Refuge Planning, 134 Union Boulevard, Suite 300, Lakewood, Colorado 80228; or by download from *http://mountain-prairie.fws.gov/planning*.

FOR FURTHER INFORMATION CONTACT: Toni Griffin, 303–236–4378 (phone); 303–236–4792 (fax); or *toni_griffin@fws.gov* (e-mail).

SUPPLEMENTARY INFORMATION: This Refuge, the first national wildlife refuge in Kansas, was established in 1954 as an overlay project on a U.S. Bureau of Reclamation (Reclamation) irrigation and flood control reservoir. Reclamation owns the land and controls reservoir water levels, while the Refuge staff manages all other activities on the land and water.

Basic authority for the existence of the Refuge stems from the Fish and Wildlife Coordination Act, which authorized the establishment of wildlife areas on federal water projects. The primary purpose of the reservoir is to provide for flood control and provide irrigation water for the Kirwin Irrigation District. The purpose of the Refuge ''* * * shall be administered by him (Secretary of the Interior) directly or in accordance with such rules and regulations for the conservation, maintenance, and management of wildlife, resources thereof, and its habitat thereon * * * in behalf of the National Migratory Bird Management Program'' (Fish and Wildlife Coordination Act). The Refuge is managed in accordance with a Memorandum of Agreement (MOA) between Reclamation and the Service that was updated and signed in 1985.

The draft CCP and EA was made available to the public for a 30-day review and comment period following the announcement in the **Federal Register** on March 24, 2006 (71 FR 14939–14940). The draft CCP/EA identified and evaluated two alternatives for managing the Refuge for the next 15 years.

Alternative A, the No Action Alternative, would continue current management. The Refuge would continue to be managed in accordance with the MOA between Reclamation and the Service; the Cooperative Agreement between the Kansas Department of Wildlife and Parks; and the Kirwin Comprehensive Management Plan completed in 1996. Existing and proposed Refuge uses would be evaluated to comply with current Refuge laws, regulations, and policies.

Alternative B, the Preferred Alternative (Wildlife, Habitat, and Public Use), strives to implement the National Wildlife Refuge System Improvement Act of 1997. Under this alternative, the Refuge will continue to be managed in accordance with the current MOA between Reclamation and the Service. Other actions include continued habitat management for waterfowl and game species; expanded habitat management for nongame species and species of conservation concern by increasing efforts to manage and plant native grasses and forbs; promotion of wildlife-dependent recreation, with hunting, fishing, wildlife observation, wildlife photography, environmental education, and interpretation receiving priority attention; discontinuance of non-wildlife dependent recreation uses (*i.e.*, water and jet skiing, personal watercraft, camping, swimming, horseback riding, volleyball, basketball, tournament fishing, power and speed boating); enhanced management of invasive species; collection of in-depth baseline wildlife and habitat data on the Refuge, from which to monitor management actions; and development of partnerships with other state, federal, and conservation organizations to achieve common goals that enhance and support the Refuge program.

The Service is furnishing this notice to advise other agencies and the public of the availability of the final CCP, to provide information on the desired conditions for the Refuge, and to detail how the Service will implement management strategies. Based on the review and evaluation of the information contained in the EA, the Regional Director has determined that implementation of the final CCP does not constitute a major federal action that would significantly affect the quality of the human environment within the meaning of Section 102(2)(c) of the National Environmental Policy Act. Therefore, an Environmental Impact Statement will not be prepared. Future site-specific proposals discussed in the final CCP will be addressed in separate planning efforts with full public involvement.

Dated: December 8, 2006.

James J. Slack,

Deputy Regional Director, Region 6, Denver, Colorado.

Editorial Note: This document was received at the Office of the Federal Register on April 19, 2007.

[FR Doc. E7–7740 Filed 4–23–07; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Endangered and Threatened Species Permit Applications

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of applications.

SUMMARY: The following applicants have applied for scientific research permits to conduct certain activities with endangered species pursuant to section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended.

DATES: To ensure consideration, written comments must be received on or before May 24, 2007.

ADDRESSES: Written comments should be submitted to the Chief, Endangered Species Division, Ecological Services, P.O. Box 1306, Room 4102, Albuquerque, New Mexico 87103. Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act. Documents will be available for public inspection, by appointment only, during normal business hours at the U.S. Fish and Wildlife Service, 500 Gold Ave. SW., Room 4102, Albuquerque, New Mexico. Please refer to the respective permit number for each application when submitting comments.

FOR FURTHER INFORMATION CONTACT: Chief, Endangered Species Division, P.O. Box 1306, Room 4102, Albuquerque, New Mexico 87103, (505) 248–6920.

SUPPLEMENTARY INFORMATION:

Public Availability of Comments

Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Permit No. TE–830213

Applicant: EcoPlan Associates, Mesa, Arizona.

Applicant requests a new permit for research and recovery purposes to conduct presence/absence surveys for the endangered woundfin (*Plagopterus argentissimus*) and Virgin River chub (*Gila seminude*) in Arizona.

Permit No. TE–149494

Applicant: Stephen Christian d'Orgeix, Petersburg, Virginia.

Applicant requests a new permit for research and recovery purposes to conduct presence/absence surveys for the endangered Sonoyta pupfish (*Cyprinodon eremus*) associated with Mexican garter snake (*Thamnophis eques*) research within Santa Cruz County, Arizona.

Permit No. TE–149153

Applicant: Kyle Winters, Moore, Oklahoma.

Applicant requests a new permit for research and recovery purposes to conduct presence/absence surveys for the American burying beetle (*Nicrophorus americanus*) and translocations away from construction projects within Oklahoma and Arkansas.

Permit No. TE–060125

Applicant: Salt River Project, Phoenix, Arizona.

Applicant requests a permit amendment for research and recovery purposes to survey for Gila topminnow (*Poeciliopsis occidentalis occidentalis*) along Lime Creek, above Horseshoe Reservoir in Arizona.

Permit No. TE–149902

Applicant: Hope Woodward, La Mesa, New Mexico.

Applicant requests a new permit for research and recovery purposes conduct presence/absence surveys for the southwestern willow flycatcher (*Empidonax traillii extimus*).

Permit No. TE–039716

Applicant: Paul Marsh, Arizona State University, School of Life Sciences, Tempe, Arizona.

Applicant requests an amendment to an existing permit to add monitoring and sampling for Gila chub (*Gila intermedia*) within Arizona.

Permit No. TE–122838

Applicant: Gumm, Jennifer, New Mexico and Texas.

Applicant requests a permit amendment for research and recovery purposes to conduct a study of mating behaviors of Comanche Springs pupfish (*Cyprinodon elegans*). This will require collecting individuals, placing them is small bottles, and presenting them to other free swimming Comanche Springs pupfish in the population before released unharmed within San Solomon Springs at Balmorhea State Park located in Toyahvale, Texas. Applicant also requests a permit amendment for research and recovery purposes for genetic analysis of Pecos gambusia (*Gambusia nobilis*) in Diamond Y Spring, Texas; Balmorhea State Park, Texas; Bitter Lake National Wildlife Refuge, New Mexico; Blue Spring, New Mexico. Fish collection methods are to be limited to minnow traps, seining, and dip nets.

Permit No. TE–22838

Applicant: Martin, Keith, Oklahoma.

Applicant requests a permit for research and recovery purposes to mist net in upland, woodland, and riparian habitat to determine species richness and use of harp traps at cave entrances to determine colony compositions of Gray bat (*Myotis grisescens*), Indiana bat (*Myotis sodalis*), and Ozark Big-eared bat (*Corynorhinus townsendii ingens*) in Adair, Cherokee, Delaware, Leflore, and Ottawa counties, Oklahoma.

Permit No. TE–820022

Applicant: PBS&J, Austin, Texas.

Applicant requests a permit renewal for research and recovery purposes to conduct surveys for the American burying beetle (*Nicrophorus americanus*) in Arkansas, Oklahoma, and Texas.

Permit No. TE–150490

Applicant: Maresh, John, Texas.

Applicant requests a new permit to conduct presence/absence surveys for the golden-cheeked warbler (*Dendroica chryoparia*) and black capped-vireo (*Vireo atricapilla*) for research and recovery purposes in central and west central Texas.

Permit No. TE–037155

Applicant: Bio-West, Logan, Utah.

Applicant requests an amendment to their permit for research and recovery purposes conduct presence/absence surveys for black-capped vireo (*Vireo atricapillus*), golden-cheeked warbler (*Dendroica chrysoparia*), northern Aplomado falcon (*Falco femoralis septentrionalis*), piping plover (*Charadrius melodus*), red-cockaded woodpecker (*Picoides* (=*Dendrocopos) borealis*), interior least tern (*Sterna antillarum*), Concho water snake (*Nerodia paucimaculata (=harteri p.*)), Barton Springs salamander (*Eurycea sosorum*), Houston Toad (*Bufo houstonensis*), Texas Blind Salamander (*Typhlomolge rathbuni*), and karst invertebrates, including: (*Rhadine exilis*) ground beetle, no common name, (*Rhadine infernalis*) ground beetle, no common name, (*Batrisodes venyivi*) Helotes mold beetle, (*Texella cokendolpheri*) Cokendolpher cave harvestman, (*Cicurina baronia*) Robber Baron Cave meshweaver, (*Cicurina madla*) Madla cave meshweaver, (*Cicurina venii*) Bracken Bat Cave meshweaver, (*Cicurina vespera*) Government Canyon Bat Cave meshweaver, (*Neoleptoneta microps*) Government Canyon Bat Cave spider, (*Neoleptoneta myopica*) Tooth Cave spider, (*Texella reddelli*) Bee Creek Cave harvestman, (*Texella reyesi*) Bone Cave harvestman, (*Rhadine Persephone*) Tooth Cave ground beetle, (*Texamaurops reddelli*) Kretschmarr Cave mold beetle, (*Batrisodes texanus*) Coffin Cave mold beetle, (*Tartarocreagris texana*) Tooth Cave pseudoscorpion.

Permit No. TE–151216

Applicant: Larry Stevens, Flagstaff, Arizona.

Applicant requests a new permit for research and recovery purposes to conduct surveys and salvage dead specimens of humpback chub (*Gila cypha*), Kanab ambersnail (*Oxyloma haydeni kanabensis*), and southwestern willow flycatcher (*Epidonax trailii extimus*) within northern Arizona.

Permit No. TE–150338

Applicant: Crouch Environmental, Houston, Texas.

Applicant requests a new permit for research and recovery purposes to conduct presence/absence surveys for the following species within Texas: black-capped vireo (*Vireo atricapillus*), golden-cheeked warbler (*Dendroica chrysoparia*), red-cockaded woodpecker

(*Picoides* (=*Dendrocopos*) borealis), whooping crane (*Grus americana*) Houston Toad (*Bufo houstonensis*), Chisos Mt. hedgehog cactus (*Echinocereus chisoensis (=reichenbachii*) var. *chisoensis*), Navasota ladies' tresses (*Spiranthes parksii*), and Texas prairiedawn (*Hymenoxys texana*).

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

Dated: April 5, 2007.

Christopher T. Jones,

Acting Regional Director, Region 2, Albuquerque, New Mexico.

[FR Doc. E7–7748 Filed 4–23–07; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ID–300–1110–PI]

Notice of Public Meeting, Idaho Falls District Resource Advisory Council Meeting

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) Idaho Falls District Resource Advisory Council (RAC), will meet as indicated below.

DATES: The RAC will next meet in Clyde, Idaho on June 7, 2007, and in Challis, Idaho on June 8, 2007. Day 1 of this meeting will be a driving tour of the Little Lost and Pahsimeroi Valleys of East-Central Idaho. The meeting will begin at the BLM Clyde Administrative Site, located about 20 miles northwest of Howe, Idaho, then proceed to several sites in the Pahsimeroi Valley. The public is responsible for their own four-wheel drive transportation and food if they desire to join the RAC on the driving tour. The subjects will include bull trout stream studies (Sawmill Creek), travel management, and noxious weed control using biological treatments.

The second day will be at Challis Field Office, 801 Blue Mountain Road, in Challis. The Salmon-Challis National Forest will present proposed changes to their fee structures for upland campsites. There will also be a discussion on the use of new technology to monitor vegetation trends, and a preview of the upcoming Wild Horse gather near Challis. Other topics will be scheduled as appropriate.

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 BLM Idaho Falls District (IFD), which covers eastern Idaho.

All meetings are open to the public. The public may present written comments to the Council. Each formal Council meeting will also have time allocated for hearing public comments. Depending on the number of persons wishing to comment and time available, the time for individual oral comments may be limited. Individuals who plan to attend and need special assistance, such as sign language interpretation, tour transportation or other reasonable accommodations, should contact the BLM as provided below.

FOR FURTHER INFORMATION CONTACT: David Howell, RAC Coordinator, Idaho Falls District, 1405 Hollipark Dr., Idaho Falls, ID 83401. Telephone (208) 524–7559. E-mail: *David_Howell@blm.gov*.

Dated: April 18, 2007.

David Howell,

RAC Coordinator.

[FR Doc. E7–7751 Filed 4–23–07; 8:45 am]

BILLING CODE 4310–GG–P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Notice and Agenda for Meeting of the Royalty Policy Committee

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice of meeting.

SUMMARY: This notice announces the May 10 meeting of the Royalty Policy Committee (RPC). Agenda items for the meeting of the RPC will include remarks from the Director, MMS, and the Associate Director, Minerals Revenue Management (MRM), as well as presentations on the MRM Financial Management, Audit and Compliance, and Enforcement Programs. Updates will be provided by the Federal Oil and Gas Valuation, Oil and Gas Royalty Reporting, Coal, Indian Oil Valuation, and Royalty Management subcommittees. The RPC membership includes representation from states, Indian Tribes, various mineral interests, the public-at-large (with knowledge and interest in royalty issues), and other Federal departments.

DATES: Thursday, May 10, 2007, from 8:30 a.m. to 4:30 p.m., Mountain Daylight Time.

ADDRESSES: The meeting will be held at the Sheraton Denver West, 360 Union Boulevard, Lakewood, Colorado, telephone number 303–987–2000 or 1–800–325–3535.

FOR FURTHER INFORMATION CONTACT: Gina Dan, Minerals Revenue Management, Minerals Management Service; P.O. Box 25165, MS 300B2, Denver, Colorado 80225–0165; telephone number (303) 231–3392, fax number (303) 231–3780; e-mail *gina.dan@mms.gov.*

SUPPLEMENTARY INFORMATION: The RPC provides advice to the Secretary and top Department officials on minerals policy, operational issues, and the performance of discretionary functions under the laws governing the Department's management of Federal and Indian mineral leases and revenues. The RPC will review and comment on revenue management and other mineral-related policies and provide a forum to convey views representative of mineral lessees, operators, revenue payors, revenue recipients, governmental agencies, and the interested public. The location and dates of future meetings will be published in the **Federal Register** and posted on our Internet site at *http://www.mms.gov/mmab/RoyaltyPolicyCommittee/rpc_homepage.htm*. Meetings will be open to the public without advanced registration on a space-available basis. The public may make statements during the meetings, to the extent time permits, and file written statements with the RPC for its consideration. Copies of these written statements should be submitted to Ms. Dan by May 1, 2007. Transcripts of this meeting will be available for public inspection and copying at our offices in Building 85 on the Denver Federal Center in Lakewood, Colorado. The minutes will also be posted on our Internet site.

These meetings are conducted under the authority of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., Appendix 1) and the Office of Management and Budget (Circular No. A–63, revised).

Dated: April 5, 2007.

Lucy Querques Denett,

Associate Director, Minerals Revenue Management.

[FR Doc. E7–7718 Filed 4–23–07; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF THE INTERIOR

National Park Service

60-Day Notice of Intention To Request Clearance of Collection of Information; Opportunity for Public Comment

AGENCY: Department of the Interior, National Park Service

ACTION: Notice and request for comments.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 and 5 CFR part 1320, Reporting and Record Keeping Requirements, the National Park Service (NPS) invites public comments on a proposed new collection of information (1024–xxxx).

DATES: Public comments will be accepted on or before June 25, 2007.

ADDRESSES: *Send Comments To:* Dr. Wayne Freimund, Department of Society and Conservation, University of Montana, Missoula, MT 59801; Phone: (406) 243–5184; Fax (406) 243–6656, e-mail: *wayne.friemund@umontana.edu*. Also, you may send comments to Leonard Stowe, NPS Information Collection Clearance Officer, 1849 C St., NW. (2605), Washington, DC 20240, or by e-mail at *Leonard_stowe@nps.gov* All responses to this notice will be summarized and included in the request for the Office of Management and Budget (OMB) approval. All comments will become a matter of public record.

To Request a Draft of Proposed Collection of Information Contact: Wayne Freimund, Department of Society and Conservation, University of Montana, Missoula, MT 59801; Phone: (406) 243–5184; e-mail: *wayne.freimund@umontana.edu*

FOR FURTHER INFORMATION CONTACT: Dr. Michael Patterson, Department of Society and Conservation, University of Montana, Missoula, MT 59801; Phone: (406) 243–6614; Fax (406) 243–6656; *e-mail: michael.patterson@umontana.edu*. You are entitled to a copy of the entire ICR package free of charge.

SUPPLEMENTARY INFORMATION:

Title: Winter Visitor Experiences in Yellowstone National Park.

Bureau Form Number: None.

OMB Number: To be requested.

Expiration Date: To be requested.

Type of Request: New collection.

Description of Need: The proposed study would provide key information for implementation of a decision on winter use planning in Yellowstone National Park. The purpose of this research is to assist Park managers in identifying efficient, salient and effective dimensions of the visitor experience for applications in monitoring efforts. Those monitoring efforts can then be tailored to the evaluation of NPS policy and management actions.

Winter use activities in the park are guided by monitoring, mitigation and adaptive management. As such, ''Scientific studies and monitoring of winter visitor use and park resources (including air quality, natural soundscapes, wildlife, employee health and safety, water quality, and visitor experience) will continue. Selected areas of the parks, including sections of roads, may be closed to visitor use if studies indicate that human presence or activities have unacceptable effects on wildlife or other park resources that could not otherwise be mitigated.'' (NPS Winter Use EIS, 2007 P. 32) No winter-specific social science research has been conducted since the managed winter program went into effect in 2002; this was identified as a weakness during scoping and in cooperating agency discussions. This proposed research will provide needed information by evaluating three components: (1) The role of the natural soundscape in visitor experiences, (2) visitor perceptions of human-wildlife interactions, and (3) snowcoach and snowmobile guides' perceptions of the effectiveness of the guide-only policy.

1. The Role of the Natural Soundscape in Visitor Experiences

Yellowstone National Park (YNP) has requested research into visitor experiences of natural sounds. The recent changes in winter use motorized access in YNP require snowmobiles in the park to use clean and quiet technology. These changes have led to the need to better understand the role of natural sounds in the winter visitor experience. The purpose of this study is to provide park managers with specific information on visitor perceptions of the experience of the natural soundscape and on visitor willingness to support management actions that affect the natural soundscape in Yellowstone National Park. The purpose of the interview approach for soundscape research is to obtain an in-depth understanding of visitor experiences of the natural soundscape and to better understand the context within which soundscape policies affect the visitor experience.

Previous research in Yellowstone National Park has documented the existence of differing values held among visitors for the park itself. Strong relationships between perceived park values and visitor willingness to support park management activities have been previously documented. The research proposed for the next winter use season will build on this knowledge, expanding it to include the natural soundscape resource, providing the park with information on the status of visitor perceptions of park values, visitor perceptions of the importance of natural sounds to their experience, and visitor willingness to support management actions affecting the natural soundscape. In addition to the in-depth interviews, an on-site questionnaire will be utilized for this portion of the soundscape research.

2. Visitor Perceptions of Human-Wildlife Interactions

This study seeks to provide park managers with specific information on visitor perceptions of wildlife interactions that occur in Yellowstone National Park. The recent changes in winter use policy require the snowmobile experience to be guided, which leads to different types of visitor-wildlife interactions. YNP has requested research exploring how winter visitors appraise the human-bison interactions they observe during their visit. The primary goals are to explore snowcoach and snowmobile passengers' appraisals of the human-bison interactions they witness during their visits, to analyze situational and visitor characteristics that might influence those appraisals, and to explore visitors' judgments about when consequences of winter use for bison are serious enough to warrant management intervention regulating these interactions.

3. The Effectiveness of the Guide-Only Policy in Yellowstone National Park: The Perspective of Snowcoach and Snowmobile Guides

Recent winter use plans at Yellowstone National Park have required that each snowmobile comply with best available technology, that all groups be guided, and that the total number of daily winter visitors be capped. These restrictions were implemented to reduce impacts to wildlife, improve compliance with winter use rules, reduce visitor conflict, and address visitor carrying capacity. This study will look at the effectiveness of these managerial interventions through the eyes of the professional guides. Many guides have been working in the park on a daily basis for years; thus, they offer a unique perspective on how the conditions in the park have changed and what seems to be working best within the new winter use system. Interviews, to be conducted during the

winter use season, will rely on an open-ended, in-depth process.

Comments are invited on: (1) The practical utility of the information being gathered; (2) the accuracy of the burden hour estimate; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden to respondents, including use of automated information collection techniques or other forms of information technology. 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.

Automated data collection: This information will be collected via in-person interviews and surveys. No automated data collection will take place.

Description of respondents: Components 1 and 2: Visitors stopping at the Old Faithful Snow Lodge and Old Faithful Geyser on 20 days during the 2007–2008 winter use season. *Component 3:* Snowmobile and snowcoach guides in Yellowstone National Park.

Estimated average number of respondents: Component 1: 165 (120 respondents for on-site survey; 45 respondents for interviews). Component 2: 400. Component 3: 30.

Estimated average number of responses: Component 1: 165 (120 respondents for on-site survey; 45 respondents for interviews). Component 2: 400. Component 3: 30.

Estimated average burden hours per response: Component 1: 25 minutes for on-site survey respondents; 30 minutes for interview respondents. Component 2: 25 minutes. Component 3: 33 minutes.

Frequency of Response: 1 time per respondent.

Estimated annual reporting burden: 256 hours.

Dated: April 16, 2007.

Leonard E. Stowe,

NPS, Information Collection Clearance Officer.

[FR Doc. 07–2019 Filed 4–23–07; 8:45 am]

BILLING CODE 4312–CT–M

DEPARTMENT OF THE INTERIOR

National Park Service

Final General Management Plan/ Environmental Impact Statement, Badlands National Park, North Unit, South Dakota

AGENCY: National Park Service, Department of the Interior.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the National Park Service (NPS) announces the availability of the Record of Decision (ROD) for the Final General Management Plan/ Environmental Impact Statement (GMP/ EIS) for Badlands National Park, North Unit (park). A separate GMP is being developed for the guidance and management of the South Unit of Badlands National Park, and is scheduled to be completed in three years. Specifically, the NPS has selected the preferred alternative as described in the Final GMP/EIS. Under the selected action, the NPS will provide expanded opportunities for visitors to use the North Unit of the park. The number of locations where visitors could obtain park information and orientation will be increased with new visitor contact stations added near Pinnacles and in the town of Scenic. In addition, more hiking trails and routes will be designated in various parts of the park. Education pavilions will be added in the Conata picnic area and west of County Road 502 along with a group campground. Additional studies and environmental documents will be developed, as appropriate, to examine alternative road alignments for the Loop Road at Cedar Pass. Finally, the NPS will recommend expanding the park's boundaries in two locations to enhance resource protection and offer additional visitor experiences. One boundary expansion will incorporate approximately 5,400 acres along South Dakota Highway 44. The other recommended addition will be 4,500 acres along the western edge adjacent to the wilderness area.

The selected action and three other alternatives were analyzed in the draft and final GMP/EIS. The full range of foreseeable environmental consequences was assessed. Among the alternatives the NPS considered, the selected action best achieves a high standard of natural and cultural resource protection with improved opportunities for visitors in the park. Furthermore, the selected action responds to the changing visitation pattern the park has been experiencing. In the recent years, western South Dakota has become more of a destination for visitors with Rapid City serving as the hub for this visitation. This shift in tourism patterns has increased the number of park visitors entering the park through the western entrances. The selected action also provides needed improvements for park operations, such as areas for additional park housing and research support. The park is located in a rural area and housing for employees is limited in the surrounding communities. In addition, the park has developed a good relationship with the natural resources research community but has limited facilities for supporting these efforts. The selected action would address the need to provide facilities for park operations and research. The selected action also meets national environmental policy goals will not result in the impairment of resources and values.

The ROD includes a statement of the decision made, synopses of other alternatives considered, the basis for the decision, the rationale for why the selected action is the environmentally preferred alternative, a finding of no impairment of park resources and values, and an overview of public involvement in the decisionmaking process.

FOR FURTHER INFORMATION CONTACT: Superintendent Paige Baker, Badlands National Park, 25216 Ben Reifel Road, P.O. Box 6, Interior, South Dakota 57750, telephone 605–433–5361.

SUPPLEMENTARY INFORMATION: Copies of the Record of Decision may be obtained from the contact listed above or may be viewed online at *http://parkplanning.nps.gov/.*

Dated: December 14, 2006.

Ernest Quintana,

Regional Director, Midwest Region.

This document was received at the Office of the Federal Register on April 19, 2007.

[FR Doc. E7–7744 Filed 4–23–07; 8:45 am]

BILLING CODE 4312–AD–P

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Intent To Prepare a General Management Plan and Environmental Impact Statement for the South Unit of Badlands National Park, South Dakota.

AGENCY: National Park Service, Department of the Interior.

SUMMARY: Under the provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), the National Park Service (NPS) in

cooperation with the Pine Ridge Oglala Sioux, is preparing an Environmental Impact Statement (EIS) for a General Management Plan (GMP) for the South Unit of Badlands National Park. The GMP will prescribe the resource conditions and visitor experiences that are to be achieved and maintained in the South Unit over the next 15 to 20 years.

To facilitate sound planning and environmental assessment, the NPS intends to gather information necessary for the preparation of the EIS and obtain suggestions and information from other agencies and the public on the scope of issues to be addressed in the EIS. Comments and participation in this scoping process are invited. Participation in the planning process will be encouraged and facilitated by various means, including newsletters and open houses or meetings. The NPS will conduct public scoping meetings to explain the planning process and to solicit opinion about issues to address in the GMP/EIS.

Notification of all such meetings will be announced in the local press and in the NPS newsletters.

ADDRESSES: Additionally, if you wish to comment on any issues associated with GMP, you may submit your comments by any one of several methods. You may mail or hand-deliver comments to Superintendent, Badlands National Park, 25216 Ben Reifel Road, Interior, South Dakota 57740. You may provide comments electronically by entering them into the NPS's Planning, Environment and Public Comment Web site *http://parkplanning.nps.gov*. Information will be available for public review and comment from the Office of the Superintendent at the above address.

Requests to be added to the project mailing list should be sent to Ms. Pamela Livermont, Badlands National Park, 25216 Ben Reifel Road, Interior, South Dakota 57750; telephone 605–433–5281; or e-mail *Pamela_Livermont@nps.gov*.

Before including your address, telephone number, e-mail address, or other personal identifying information in your comments, you should be aware that your entire comment (including your personal identifying information) may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. We will make all submissions from organizations or businesses, from individuals identifying themselves as representatives or officials, or organizations or businesses available for public inspection in their entirety.

FOR FURTHER INFORMATION CONTACT: Superintendent Paige Baker, Badlands National Park, 25216 Ben Reifel Road, Interior, South Dakota 57750, telephone 605–433–5280.

SUPPLEMENTARY INFORMATION: Composed of two largely undeveloped and remote tracts of land totaling 140,000 acres, the South Unit lies entirely within the Pine Ridge Oglala Sioux Reservation. The South Unit is administered to provide for the care, maintenance, and preservation of prehistoric, historic, scientific, and scenic interest, and to develop facilities that will provide for public use and enjoyment.

As stated above, the GMP will prescribe the resource conditions and visitor experiences that are to be achieved and maintained in the South Unit over the next 15 to 20 years. The clarification of what must be achieved according to law and policy will be based on review of the unit's purpose, significance, special mandates, and the body of laws and policies directing park management. Based on determinations of desired conditions, the GMP will outline the kinds of resource management activities, visitor activities, and appropriate future development. A range of reasonable management alternatives will be developed through this planning process and will include, at minimum, a no-action alternative and a preferred alternative. To facilitate sound analysis of environmental impacts, the NPS is gathering information necessary for the preparation of an associated EIS.

A GMP for the North Unit was completed in 2006; the South Unit GMP will be the equivalent of Volume 2. Together, the two volumes will constitute the GMP for Badlands National Park.

Dated: January 29, 2007.

Ernest Quintana,

Regional Director, Midwest Region.

[FR Doc. 07–2020 Filed 4–23–07; 8:45 am]

BILLING CODE 4312–AD–M

DEPARTMENT OF THE INTERIOR

National Park Service

Grand Teton Transportation Plan, Final Environmental Impact Statement, Grand Teton National Park, WY

AGENCY: National Park Service, Department of the Interior.

ACTION: Notice of availability of a Record of Decision on the Final Environmental Impact Statement for the Grand Teton Transportation Plan, Grand Teton National Park.

SUMMARY: Pursuant to § 102(2)(C) of the National Environmental Policy Act of 1969, 83 Stat. 852, 853, codified as amended at 42 U.S.C. 4332(2)(C), the National Park Service announces the availability of the Record of Decision for the Grand Teton Transportation Plan, Grand Teton National Park, WY. On March 12, 2007, the Director, Intermountain Region approved the Record of Decision for the project. As soon as practicable, the National Park Service will begin to implement the Preferred Alternative contained in the FEIS issued on September 15, 2006. The following course of action will occur under the preferred alternative: construction of approximately 23 miles of separated multi-use pathways between the south park boundary and String Lake via North Jenny Lake Junction; approximately 16 miles of pathways within the road corridor between North Jenny Lake Junction and Colter Bay; an approximately 3-mile pathway within the road corridor along the Moose-Wilson Road from the Granite Canyon Entrance to the Laurance S. Rockefeller (LSR) Preserve; and realignment of the Moose-Wilson Road in two areas, with the existing alignments being restored to natural conditions. This course of action was analyzed in the Final Environmental Impact Statement and combines two alternatives presented in the Draft Environmental Impact Statement. Four other alternatives were analyzed in the Draft and Final Environmental Impact Statements. The full range of foreseeable environmental consequences was assessed, and appropriate mitigating measures were identified.

The Record of Decision includes a statement of the decision made, synopses of other alternatives considered, the basis for the decision, a description of the environmentally preferable alternative, a finding on impairment of park resources and values, a listing of measures to minimize environmental harm, and an overview of public involvement in the decision-making process.

FOR FURTHER INFORMATION CONTACT: Mary Gibson Scott, Superintendent, Grand Teton National Park, P.O. Drawer 170, Moose, Wyoming 83012–0170, (307) 739–3410.

SUPPLEMENTARY INFORMATION: Copies of the Record of Decision may be obtained from the contact listed above or online at *http://parkplanning.nps.gov/grte.*

Dated: March 12, 2007.

Anthony J. Schetzsle,

Deputy Director, Intermountain Region, National Park Service.

[FR Doc. E7–7739 Filed 4–23–07; 8:45 am]

BILLING CODE 4312–CX–P

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Availability for the Record of Decision on the Final Environmental Impact Statement for the Niobrara National Scenic River General Management Plan, Nebraska

AGENCY: National Park Service, Department of the Interior.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the National Park Service (NPS) announces the availability of the Record of Decision (ROD) Niobrara National Scenic River (Scenic River) General Management Plan/final Environmental Impact Statement (EIS), Scenic River. On March 26, the Midwest Regional Director approved the ROD for the project. As soon as practicable, the NPS will begin to implement the Preferred Alternative contained in the final EIS issued on February 23.

Management Alternative B develops a vision for cooperative management of the Scenic River, with the NPS providing stewardship directly and through Federal, State, and local partners on a landscape that would remain largely in private ownership. The alternative's boundary protects, as equitably as possible, the river's outstandingly remarkable scenic, recreational, geologic, fish and wildlife, and paleontological values. This alternative encompasses 23,074 acres and is within the acreage limitations of the Wild and Scenic Rivers Act.

This course of action and three alternatives were analyzed in the draft and the final EIS. The full range of foreseeable environmental consequences was assessed and appropriate mitigating measures were identified.

The ROD includes a statement of the decision made, synopses of other alternatives considered, the basis for the decision, a description of the environmentally preferable alternative, a finding on impairment of park resources and values, a listing of measures to minimize environmental harm, and an overview of public involvement in the decisionmaking process.

FOR FURTHER INFORMATION CONTACT: Superintendent, Niobrara National Scenic River, P.O. Box 591, O'Neill, Nebraska 68763, or by calling 402–336–3970. Copies of the final EIS and ROD are available upon request from the above address or may be viewed online at *http://parkplanning.nps.gov/*.

Dated: March 29, 2007.

Ernest Quintana,

Regional Director, Midwest Region.

[FR Doc. E7–7745 Filed 4–23–07; 8:45 am]

BILLING CODE 4312–BM–P

DEPARTMENT OF THE INTERIOR

National Park Service

Construction of New Utah Museum of Natural History, Final Environmental Impact Statement, Salt Lake County, UT

AGENCY: National Park Service, Department of the Interior.

ACTION: Notice of Availability of a Record of Decision on the Final Environmental Impact Statement for the Construction and Operation of a Proposed New Utah Museum of Natural History at the University of Utah.

SUMMARY: Pursuant to § 102(2)(C) of the National Environmental Policy Act of 1969, 83 Stat. 852, 853, codified as amended at 42 U.S.C. 4332(2)(C), the National Park Service and the University of Utah announce the availability of the Record of Decision for the Construction and Operation of a Proposed New Utah Museum of Natural History at the University of Utah, Salt Lake County, Utah. On March 26, 2007, the Director, Intermountain Region approved the Record of Decision for the project. As soon as practicable, the University of Utah will begin to implement the Preferred Alternative contained in the FEIS issued on February 23, 2007. The following course of action will occur under the preferred alternative: the new museum building will be built uphill from the pipeline corridor/Bonneville Shoreline Trail that pass through the new site. Parking will be provided in a joint Red Butte Garden and Arboretum/Utah Museum of Natural History facility, or if a joint facility is not viable, downhill from the pipeline corridor. Flexibility is afforded for site design and placement of facilities. A portion of the development area extends into Red Butte Garden and Arboretum property. This course of action and five alternatives were analyzed in the Draft and Final Environmental Impact Statements. The full range of foreseeable environmental consequences was assessed, and appropriate mitigating measures were identified.

The Record of Decision includes a statement of the decision made, synopses of other alternatives considered, the basis for the decision, a description of the environmentally preferable alternative, a listing of measures to minimize environmental harm, and an overview of public involvement in the decision-making process.

FOR FURTHER INFORMATION CONTACT: Ralph E. Becker, The Shipley Group and Bear West, 1584 South 500 West, Suite 201, Woods Cross, Utah 84010; phone 801–355–8816; e-mail to *rbecker@bearwest.com.*

SUPPLEMENTARY INFORMATION: Copies of the Record of Decision may be obtained from the contact listed above or online at *http://www.umnh.utah.edu.*

Dated: March 26, 2007.

Anthony J. Schetzsle,

Deputy Director, Intermountain Region, National Park Service.

[FR Doc. E7–7742 Filed 4–23–07; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–60,882]

Camaco, LLC; Mariana Division, Marianna, AR; Notice of Negative Determination Regarding Application for Reconsideration

By application dated April 4, 2007, a company official requested administrative reconsideration of the Department's negative determination regarding eligibility for workers and former workers of the subject firm to apply for Trade Adjustment Assistance (TAA) and Alternative Trade Adjustment Assistance (ATAA). The denial notice was signed on March 16, 2007 and published in the **Federal Register** on March 30, 2007 (72 FR 15168).

Pursuant to 29 CFR 90.18(c) reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts not previously considered; or

(3) If in the opinion of the Certifying Officer, a mis-interpretation of facts or

of the law justified reconsideration of the decision.

The TAA petition, filed on behalf of workers at Camaco, LLC, Marianna Division, Marianna, Arkansas engaged in production of automotive parts, such as metal seat frames, brackets and reinforcement was denied because the ''contributed importantly'' group eligibility requirement of Section 222 of the Trade Act of 1974 was not met. The ''contributed importantly'' test is generally demonstrated through a survey of the workers' firm's customers. The survey revealed no imports of automotive parts, such as metal seat frames, brackets and reinforcement in 2005, 2006 and January of 2007 when compared with January of 2006. The subject firm did not import automotive parts, such as metal seat frames, brackets and reinforcement in the relevant period nor did it shift production to a foreign country.

In the request for reconsideration, the petitioner stated that the subject firm made parts for a company which shifted production to Mexico. As a result of this shift, the subject firm experienced declines in sales. Therefore, workers of the subject firm should be eligible for TAA and ATAA.

A company official was contacted to verify the business relationship between the subject firm and the alleged company. The company official stated that the company mentioned in the request for reconsideration was not the subject firm's customer and that the subject firm did not sell parts directly to this firm during the relevant time period. Because the alleged company was not the subject firm's customer during the relevant time period, any information regarding business activities of this company is not relevant to this investigation.

The request for reconsideration also states that ''some of the equipment that was utilized here at CAMACO-Marianna is being sent to India to be used at a manufacturing facility there for production of automotive parts.''

Further contact with the company official confirmed that CAMACO, LLC, Marianna Division, Marianna, Arkansas is planning to shift a portion of its manufacturing equipment from Marianna, Arkansas to India. The company official further indicated that no production has been moved from the Marianna facility to India as of April 12, 2007, and no time line was established to when this may occur.

Should the shift to India occur, the petitioner is encouraged to file a new petition on behalf of workers at the CAMACO, LLC, Marianna Division, Marianna, Arkansas, thereby creating a relevant period of investigation that would include changing conditions.

The petitioner further refers to the TAA certifications issued to various businesses and industries located in Marianna, Arkansas. The petitioner alleges that because the subject firm has been the largest employer in Marianna, Arkansas and hence other companies in the area were certified eligible for TAA, workers of the subject firm should also be eligible.

A review of other businesses is not relevant to an investigation concerning import impact on workers applying for trade adjustment assistance. As noted above, ''contributed importantly'' test is generally demonstrated through a survey of customers of the workers' firm to examine the direct impact on a specific firm. No increased imports were evidenced during the survey of subject firm's customers and the subject firm did not shift production to a foreign country.

Conclusion

After review of the application and investigative findings, I conclude that there has been no error or misinterpretation of the law or of the facts which would justify reconsideration of the Department of Labor's prior decision. Accordingly, the application is denied.

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

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E7–7726 Filed 4–23–07; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–60,556]

Hitachi Electronic Devices (USA), Inc., Including On-Site Leased Workers of Action Staffing (American Services), Greenville, SC; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273), and Section 246 of the Trade Act of 1974 (26 U.S.C. 2813), as amended, the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance on February 16, 2007, applicable to workers of Hitachi Electronic Devices (USA), Inc., including on-site leased workers of Action Staffing, Greenville, South Carolina. The notice was published in the **Federal Register** on February 27, 2007 (72 FR 8795).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. The workers were engaged in the production of projection tubes for televisions.

New information provided by the subject firm, shows that American Services is the parent company of the leasing firm, Action Staffing. Leased workers separated from employment at the subject firm had their wages reported under the unemployment insurance (UI) tax account for American Services.

Accordingly, the Department is amending the certification to properly reflect this matter.

The intent of the Department's certification is to include all workers of Hitachi Electronic Devices (USA), Inc. who were adversely affected by increased imports.

The amended notice applicable to TA–W–60,556 is hereby issued as follows:

All workers of Hitachi Electronic Devices (USA), Inc., including on-site leased workers from Action Staffing, American Services, Greenville, South Carolina, who became totally or partially separated from employment on or after November 25, 2006, through February 16, 2009, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974, and are also eligible to apply for alternative trade adjustment assistance under Section 246 of the Trade Act of 1974.

Signed at Washington, DC, this 16th day of April 2007.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E7–7725 Filed 4–23–07; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221 (a) of the Trade Act of 1974 (''the Act'') and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Division of Trade Adjustment Assistance, Employment and Training Administration, has

instituted investigations pursuant to Section 221 (a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than May 4, 2007.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than May 4, 2007.

The petitions filed in this case are available for inspection at the Office of the Director, Division of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, Room C–5311, 200 Constitution Avenue, NW., Washington, DC 20210.

Signed at Washington, DC, this 17th day of April 2007.

Ralph Dibattista,

Director, Division of Trade Adjustment Assistance.

APPENDIX

[TAA petitions instituted between 4/9/07 and 4/13/07]

TA–W	Subject firm (petitioners)	Location	Date of institution	Date of petition
61261	Missbrenner Prints, Inc. (Comp)	Clifton, NJ	04/09/07	03/13/07
61262	Linium Staffing LLC (State)	Vernon, CT	04/09/07	04/05/07
61263	Parker Hannifin Corporation (Comp)	Iron Gate, VA	04/09/07	04/05/07
61264	Sanmine-Woburn (State)	Woburn, MA	04/09/07	04/06/07
61265	O'Bryan Brothers, Inc. (Wkrs)	Leon, IA	04/09/07	04/06/07
61266	Mortgage Guaranty Insurance Corp. (Wkrs)	Milwaukee, WI	04/09/07	03/23/07
61267	Fox River Paper/Neenah Paper (Comp)	Housatonic, MA	04/10/07	04/09/07
61268	Hewlett Packard Development Company TSG division (State).	Austin, TX	04/10/07	04/09/07
61269	Auto Truck Transport Corp. (State)	Portland, OR	04/10/07	04/09/07
61270	CNH American LLC, Belleville Manufacturing Plant (Comp)	Belleville, PA	04/10/07	04/09/07
61271	J.H. Baxter & Company (UBCJA)	Eugene, OR	04/10/07	04/05/07
61272	U.S. Borax Inc.-Rio Tinto Minerals (State)	Valencia, CA	04/10/07	04/06/07
61273	Jeld-Wen Door Systems (Wkrs)	Chiloquin, OR	04/10/07	03/16/07
61274	Robert Bosch Corp. (State)	Sumter, SC	04/10/07	04/09/07
61275	DeRoyal Textiles (Comp)	Camden, SC	04/10/07	04/09/07
61276	ABN Amro (State)	Chicago, IL	04/10/07	04/09/07
61277	Tonawanda Valve, Inc. (UAW)	North Tonawanda, NY	04/10/07	04/05/07
61278	Exxon Mobil Chemical Company (Wkrs)	Stratford, CT	04/10/07	04/09/07
61279	Lexmark International, Inc (Wkrs)	Lexington, KY	04/10/07	04/09/07
61280	Dutailer va Inc (Comp)	Martinsville, VA	04/10/07	03/28/07
61281	Form Tech Industries LLC (Comp)	Canal Fulton, OH	04/11/07	04/03/07
61282	Amphenol Phoenix Interconnect (State)	Tustin, CA	04/11/07	04/10/07
61283	IBM Corp. (State)	Fulton, KY	04/11/07	04/10/07
61284	Continental Structural Plastic (Comp)	Petoskey, MI	04/11/07	03/20/07
61285	Metrologic Corp (State)	Blackwood, NJ	04/11/07	04/10/07
61286	Nevamar LLC, subsid of Panolam Industries Int'l Inc. (Wkrs).	Tarboro, NC	04/11/07	04/02/07
61287	HSS-Delphi/Belly Services (State)	Siginaw, MI	04/11/07	03/26/07
61288	Honeywell International (State)	Golden Valley, MN	04/11/07	04/10/07
61289	The Siemon Company (State)	Watertown, CT	04/11/07	04/10/07
61290	Flexible Technologies (Comp)	Abbeville, SC	04/12/07	04/10/07
61291	RR Donnelley (Wkrs)	Liberty, MO	04/12/07	04/04/07
61292	Millipore Corporation Bioscience Division (State)	Danvers, MA	04/12/07	04/10/07
61293	Georgia Pacific Corrugated (Wkrs)	Ridgeway, VA	04/12/07	04/08/07
61294	Oberie & Associates Inc (State)	Richmond, IN	04/12/07	04/11/07
61295	Magnetics Division of Spang Inc. (Wkrs)	East Butler, PA	04/12/07	04/10/07
61296	Valeo Engine Cooling (Wkrs)	Jamestown, NY	04/12/07	04/11/07
61297	Melcor Corporation Laird Technologies (Comp)	Trenton, NJ	04/12/07	04/05/07
61298	American Manufacturing International, Inc. (Comp)	Paterson, NJ	04/12/07	04/10/07
61299	Isaco International (Wkrs)	Miami Lakes, FL	04/13/07	04/12/07
61300	McKinney Products Co. (Union)	Scranton, PA	04/13/07	04/12/07
61301	Lexington Furniture Plant 15 (Wkrs)	Lexington, NC	04/13/07	04/06/07
61302	TDS/US Automotive (Comp)	Chesapeake, VA	04/13/07	03/28/07
61303	Distinctive Machine Corp (Comp)	Rockford, MI	04/13/07	04/11/07
61304	Securitas (working on the site at Robert Bosch) (State)	Sumter, SC	04/13/07	04/11/07
61305	La-Z-Boy Manufacturing, Inc., Lincolnton Facility (Wkrs)	Lincolnton, NC	04/13/07	04/10/07
61306	Anolog Devices, Inc (Wkrs)	Norwood, MA	04/13/07	04/02/07
61307	Simply Asia Food (McCormick) (State)	Union City, CA	04/13/07	04/04/07
61308	Allied Air (Armstrong Air Conditioning) (Wkrs)	Bellevue, OH	04/13/07	04/04/07
61309	Shiloh Ind. Mansfield Blanking Div. (USW)	Mansfield, OH	04/13/07	04/05/07
61310	Global Heating Solutions (Comp)	Allegan, MI	04/13/07	04/10/07
61311	HSS Material Management Solutions (State)	Saginaw, MI	04/13/07	04/11/07

APPENDIX—Continued

[TAA petitions instituted between 4/9/07 and 4/13/07]

TA–W	Subject firm (petitioners)	Location	Date of institution	Date of petition
61312	Ashdale Foam Inc. (Comp)	Conover, NC	04/13/07	04/10/07

[FR Doc. E7–7722 Filed 4–23–07; 8:45 am]
BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers (TA–W) number and alternative trade adjustment assistance (ATAA) by (TA–W) number issued during the period of *April 2 through April 6, 2007.*

In order for an affirmative determination to be made for workers of a primary firm and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(a) of the Act must be met.

I. Section (a)(2)(A) all of the following must be satisfied:

A. A significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm, have become totally or partially separated, or are threatened to become totally or partially separated;

B. The sales or production, or both, of such firm or subdivision have decreased absolutely; and

C. Increased imports of articles like or directly competitive with articles produced by such firm or subdivision have contributed importantly to such workers' separation or threat of separation and to the decline in sales or production of such firm or subdivision; or

II. Section (a)(2)(B) both of the following must be satisfied:

A. A significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm, have become totally or partially separated, or are threatened to become totally or partially separated;

B. There has been a shift in production by such workers' firm or subdivision to a foreign country of articles like or directly competitive with articles which are produced by such firm or subdivision; and

C. One of the following must be satisfied:

1. The country to which the workers' firm has shifted production of the articles is a party to a free trade agreement with the United States;

2. the country to which the workers' firm has shifted production of the articles to a beneficiary country under the Andean Trade Preference Act, African Growth and Opportunity Act, or the Caribbean Basin Economic Recovery Act; or

3. There has been or is likely to be an increase in imports of articles that are like or directly competitive with articles which are or were produced by such firm or subdivision.

Also, in order for an affirmative determination to be made for secondarily affected workers of a firm and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(b) of the Act must be met.

(1) Significant number or proportion of the workers in the workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) The workers' firm (or subdivision) is a supplier or downstream producer to a firm (or subdivision) that employed a group of workers who received a certification of eligibility to apply for trade adjustment assistance benefits and such supply or production is related to the article that was the basis for such certification; and

(3) Either—

(A) The workers' firm is a supplier and the component parts it supplied for the firm (or subdivision) described in paragraph (2) accounted for at least 20 percent of the production or sales of the workers' firm; or

(B) A loss or business by the workers' firm with the firm (or subdivision) described in paragraph (2) contributed importantly to the workers' Separation or threat of separation.

In order for the Division of Trade Adjustment Assistance to issued a certification of eligibility to apply for Alternative Trade Adjustment Assistance (ATAA) for older workers, the group eligibility requirements of Section 246(a)(3)(A)(ii) of the Trade Act must be met.

1. Whether a significant number of workers in the workers' firm are 50 years of age or older.

2. Whether the workers in the workers' firm possess skills that are not easily transferable.

3. The competitive conditions within the workers' industry (*i.e.*, conditions within the industry are adverse).

Affirmative Determinations for Worker Adjustment Assistance

The following certifications have been issued. The date following the company name and location of each determination references the impact date for all workers of such determination.

The following certifications have been issued. The requirements of Section 222(a)(2)(A) (increased imports) of the Trade Act have been met.

TA–W–61,011; Shafer Electronics Co., Shafer MN: March 15, 2007.

TA–W–61,023; Lenze Corporation, Emporia, KS: February 23, 2006.

The following certifications have been issued. The requirements of Section 222(a)(2)(B) (shift in production) of the Trade Act have been met.

TA–W–61,008; Hutchens Industries, Inc. Foundry, Mansfield, MO: February 8, 2006.

TA–W–61,018; International Truck and Engine Corporation Truck Development and Technical Center, Fort Wayne, IN: February 22, 2006.

The following certifications have been issued. The requirements of Section 222(b) (supplier to a firm whose workers are certified eligible to apply for TAA) of the Trade Act have been met.

TA–W–61,210; Carlson Wood Products, Inc., Sinclairville, NY: March 22, 2006.

The following certifications have been issued. The requirements of Section 222(b) (downstream producer for a firm whose workers are certified eligible to apply for TAA based on increased imports from or a shift in production to Mexico or Canada) of the Trade Act have been met.

None.

Affirmative Determinations for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

The following certifications have been issued. The date following the company name and location of each determination references the impact date for all workers of such determination.

The following certifications have been issued. The requirements of Section 222(a)(2)(A) (increased imports) and Section 246(a)(3)(A)(ii) of the Trade Act have been met.

TA–W–60,974; Cadence Innovation, Advanced Engineering Center, Fraser, MI: January 19, 2006.

TA–W–61,067; Johnson Controls, Grace Power Plant, On-Site at Springs Global, Lancaster, SC: February 19, 2006.

TA–W–61,111; Bodine Electric Company, Sedona Staffing, Peosta, IA: March 14, 2006.

TA–W–61,144; Royal Home Fashions, A Subsidiary of Croscill, Inc., Durham, NC: February 14, 2006.

TA–W–61,155; Pine Hosiery Mills, Inc., Ether Plant, Star, NC: March 15, 2006.

TA–W–61,163; Springs Global US, Inc., Calhoun Division, Defender Industries, Calhoun, GA: March 21, 2006.

TA–W–60,596; TTM Technologies, Formerly Know As Tyco Electronics, Kelly Services, Dallas, OR: February 18, 2007.

TA–W–60,840; Marathon Apparel, Temp Force of Sylacauga, Childersburg, AL: January 25, 2006.

TA–W–60,968; Delux Media Services LLC, Staff Management, North Little Rock, AR: February 14, 2006.

TA–W–60,937; Key Fashion, Inc., Brooklyn, NY: February 8, 2006.

The following certifications have been issued. The requirements of Section 222(a)(2)(B) (shift in production) and Section 246(a)(3)(A)(ii) of the Trade Act have been met.

TA–W–60,995; Distinctive Designs Furniture USA, Granite Falls Division, Express Personal, Granite Falls, NC: February 19, 2006.

TA–W–61,080; A.O. Smith Electrical Products Company, McMinnville, TN: March 19, 2007.

TA–W–61,088; Evans Rule Company, Inc., L.S. Starrett Co., Inc., Charleston, SC: March 8, 2007.

TA–W–61,148; Russell Corporation, Plant #10, Alexander City, AL: August 27, 2006.

TA–W–61,170; Centurion Wireless Technologies, d/b/a Laird Technologies, Lincoln, NE: March 22, 2006.

TA–W–61,102; Springs Global US, Inc., Hartwell Weaving and Yarn Div., Defender Services Johnson, Hartwell, GA: March 30, 2007.

TA–W–60,823; Industrial Metal Products Corporation, Lansing, MI: January 19, 2006.

TA–W–61,090; Easton Sports, Inc, Div. of Easton-Bell Sports, Select Personnel, Onsite Agency, Van Nuys, CA: March 9, 2006.

TA–W–61,105; Kidde Fenwal, Kidde North America Division, Davis Companies, Ashland, MA: March 12, 2006.

TA–W–61,169; Mitsui Components, Inc., Mitsui Smelting and Mining, Adecco, Casa Grande, AZ: March 19, 2006.

The following certifications have been issued. The requirements of Section 222(b) (supplier to a firm whose workers are certified eligible to apply for TAA) and Section 246(a)(3)(A)(ii) of the Trade Act have been met.

TA–W–61,020; Stroupe Mirror Company, Thomasville, NC: February 24, 2006.

The following certifications have been issued. The requirements of Section 222(b) (downstream producer for a firm whose workers are certified eligible to apply for TAA based on increased imports from or a shift in production to Mexico or Canada) and Section 246(a)(3)(A)(ii) of the Trade Act have been met.

None.

Negative Determinations for Alternative Trade Adjustment Assistance

In the following cases, it has been determined that the requirements of 246(a)(3)(A)(ii) have not been met for the reasons specified.

The Department has determined that criterion (1) of Section 246 has not been met. Workers at the firm are 50 years of age or older.

TA–W–61,011; Shafer Electronics Co., Shafer, MN.

TA–W–61,210; Carlson Wood Products, Inc., Sinclairville, NY.

The Department has determined that criterion (2) of Section 246 has not been met. Workers at the firm possess skills that are easily transferable.

TA–W–61,008; Hutchens Industries, Inc. Foundry Mansfield, MO.

TA–W–61,018; International Truck and Engine Corporation Truck Development and Technical Center, Fort Wayne, IN.

TA–W–61,023; Lenze Corporation, Emporia, KS.

The Department has determined that criterion (3) of Section 246 has not been met. Competition conditions within the workers' industry are not adverse.

None.

Negative Determinations for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

In the following cases, the investigation revealed that the eligibility criteria for worker adjustment assistance have not been met for the reasons specified.

Because the workers of the firm are not eligible to apply for TAA, the workers cannot be certified eligible for ATAA.

The investigation revealed that criteria (a)(2)(A)(I.A.) and (a)(2)(B)(II.A.) (employment decline) have not been met.

TA–W–61,033; Trans-Matic Manufacturing, Holland, MN.

TA–W–61,156; Classic Tool Inc, Saegertown, MI.

The investigation revealed that criteria (a)(2)(A)(I.B.) (Sales or production, or both, did not decline) and (a)(2)(B)(II.B.) (shift in production to a foreign country) have not been met.

TA–W–61,114; Vestal Manufacturing Enterprises, Inc., Sweetwater, GA.

TA–W–61,158; Jeld Wen Door Systems, Door Division, Chiloquin, NC.

The investigation revealed that criteria (a)(2)(A)(I.C.) (increased imports) and (a)(2)(B)(II.B.) (shift in production to a foreign country) have not been met.

TA–W–60,826; Paxar Americas, Inc., A Subsidiary of Paxar Corporation, Machine Div., Sayre, OR.

TA–W–60,944; Morton International, Inc., Salt Division, Weeks Island Facility, New Iberia, AL.

TA–W–61,000; Gibraltar DFC Strip Steel LLC, Farrell, NY.

TA–W–61,008A; Hutchens Industries, Inc., Fabrication Department, Mansfield, AR.

TA–W–61,029; Werner Co., Corporate Division, Greenville, MI.

TA–W–61,042; Kirkwood USA, Inc., Ripley, KS.

TA–W–61,044; Michigan Metal Coating Company, Metal Coatings International, Inc., Rochester Hills, SC.

The investigation revealed that the predominate cause of worker separations is unrelated to criteria (a)(2)(A)(I.C.) (increased imports) and (a)(2)(B)(II.C) (shift in production to a foreign country under a free trade agreement or a beneficiary country under a preferential trade agreement, or there has been or is likely to be an increase in imports).

TA–W–61,083; Intel Corporation, Optical Platform Division, Newark, NC.

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA–W–61,061; IBM Corporation, Integrated Technology Delivery Division, Hazelwood, GA.

TA–W–61,062; Logistic Services, Inc., Oklahoma City, IA.

TA–W–61,085; Verizon Business,Sub. of Verizon Communications, Wholesale Service, Tulsa, NC.

TA–W–61,239; Direct Holdings Libraries, Inc., Direct Holdings Americas, Inc., Chicago, MO.

The investigation revealed that criteria of Section 222(b)(2) has not been met. The workers' firm (or subdivision) is not a supplier to or a downstream producer for a firm whose workers were certified eligible to apply for TAA.

None.

I hereby certify that the aforementioned determinations were issued during the period of *April 2 through April 6, 2007.* Copies of these determinations are available for inspection in Room C–5311, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 during normal business hours or will be mailed to persons who write to the above address.

Dated: April 17, 2007.

Ralph Dibattista,

Director, Division of Trade Adjustment Assistance.

[FR Doc. E7–7723 Filed 4–23–07; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–60,940]

U.S. Global Flag LLC, Inc., Thorn, Inc., Paterson, NJ; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273), and Section 246 of the Trade Act of 1974 (26 U.S.C. 2813), as amended, the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance on March 29, 2007, applicable to workers of U.S. Global Flag LLC, Inc., Paterson, New Jersey. The notice was published in the **Federal Register** on April 10, 2007 (72 FR 17937).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. The workers were engaged in the production of men's trousers and short trousers and women's trousers and short skirts and jacket linings and bedding.

New information shows that following a corporate decision, workers separated from employment at the subject firm had their wages reported under a separate unemployment insurance (UI) tax account for Thorn, Inc., a companion company.

Accordingly, the Department is amending the certification to properly reflect this matter.

The intent of the Department's certification is to include all workers of U.S. Global Flag LLC, Inc., Paterson, New Jersey who were adversely affected by increased company imports.

The amended notice applicable to TA–W–60,940 is hereby issued as follows:

All workers of U.S. Global Flag LLC, Inc., including workers paid by Thorn, Inc., Paterson, New Jersey, who became totally or partially separated from employment on or after January 31, 2006, through March 29, 2009, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974, and are also eligible to apply for alternative trade adjustment assistance under Section 246 of the Trade Act of 1974.

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

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E7–7721 Filed 4–23–07; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–56,863]

Valspar-Furniture Sales Group & International Color Design Center, a Subsidiary of Valspar Global Wood Coatings D/B/A/ Engineered Polymer Solutions High Point, NC; Including Employees of Valspar-Furniture Sales Group & International Color Design Center a Subsidiary of Valspar Global Wood Coatings, D/B/A Engineered Polymer Solutions High Point, NC Operating at Various Locations in the Following States: TA–W–56,863A Virginia, TA–W–56,863B Vermont, TA–W–56,863C California, TA–W–56,863D Michigan; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273), and Section 246 of the Trade Act of 1974 (26 U.S.C. 2813), as amended, the Department of Labor issued a Certification Regarding Eligibility to Apply for Worker Adjustment Assistance on May 6, 2005, applicable to workers of Valspar-Furniture Sales Group & International Color Design Center, a subsidiary of Valspar Global Wood Coatings, High Point, North Carolina. The notice was published in the **Federal Register** on May 25, 2005 (70 FR 30146).

At the request of the state agency, the Department reviewed the certification for workers of the subject firm.

New Information shows that Valspar-Furniture Sales Group & International Color Design Center, a subsidiary of Valspar-Global Wood Coatings is doing business as Engineered Polymer Solutions. Information also shows that worker separations have occurred involving out-stationed employees of the subject firm who supported production at the High Point, North Carolina location from the following states: Virginia, Vermont, California and Michigan.

Based on this new information, the Department is amending this certification to include ''doing business as Engineered Polymer Solutions'' and to also include out-stationed employees of the subject firm located in the following states: Virginia, Vermont, California and Michigan.

The intent of the Department's certification is to include all workers of Valspar-Furniture Sales Group & International Color Design Center, a

subsidiary of Valspar Global Wood Coatings, d/b/a Engineered Polymer Solutions, High Point, North Carolina and out-stationed personnel who were adversely affected by increased imports.

The amended notice applicable to TA–W–56,863 is hereby issued as follows:

All workers of Valspar-Furniture Sales Group & International Color Design Center, a subsidiary of Valspar Global Wood Coatings, d/b/a/ Engineered Polymer Solutions, High Point, North Carolina (TA–W–56,863), including out-stationed personnel in Virginia (TA–W–863A), Vermont (TA–W–863B), California (TA–W–863C) and Michigan (TA–W–863D) who became totally or partially separated from employment on or after March 14, 2004, through May 6, 2007, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974, and are also eligible to apply for alternative trade adjustment assistance under Section 246 of the Trade Act of 1974.

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

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E7–7724 Filed 4–23–07; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

Proposed Information Collection Request for Attestations by Facilities Temporarily Employing H–1C Nonimmigrant Aliens as Registered Nurses; Comment Request

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. The Employment and Training Administration (ETA) is soliciting comments on a request to reinstate, without modification, collection of information on the ETA Form 9081, Attestations by Facilities Temporarily Employing H–1C Nonimmigrant Aliens as Registered Nurses. Reinstatement of this collection is necessary to support implementation of the Nursing Relief for Disadvantaged Areas Act of 1999, which was reauthorized by the Congress on December 20, 2006.

DATES: Written Comments must be submitted to the office listed in the addressee's section below on or before June 25, 2007.

ADDRESSES: Submit written comments to the Employment and Training Administration Office of Foreign Labor Certification, U.S. Department of Labor, 200 Constitution Avenue, NW., Room C–4312, Washington, DC 20210; Attention: Brian Pasternak. Telephone number: (202) 693–3010 (this is not a toll-free number). Fax: (202) 693–2768. E-mail: *H–1C9089.Comments@dol.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

On November 12, 1999, the Nursing Relief for Disadvantaged Areas Act of 1999 (NRDAA), Public Law 106–95, amended the Immigration and Nationality Act (INA) to establish the H–1C program to reduce the shortage of qualified nurses in Health Professional Shortage Areas (HPSAs). The ETA and Employment Standards Administration (ESA) promulgated regulations at 20 CFR part 655, subparts L and M, governing the filing and enforcement of attestations by facilities seeking to employ aliens as registered nurses in HPSAs on a temporary basis.

The NRDAA allows qualified hospitals to employ temporary foreign workers as registered nurses for up to three (3) years under the H–1C visas. Facilities seeking H–1C visas are required to file attestations with the Secretary of Labor. Each facility must attest that (1) It meets the definition of ''facility'' based on the Social Security Act and the Public Health Service Act, (2) it did not and will not lay off a registered nurse in the period between 90 days before and 90 days after the filing of any H–1C petition, (3) it will not employ a number of H–1C nurses that exceeds 33 percent of the total number of registered nurses employed at the facility, and (4) it will not authorize the H–1C nurse to perform nursing services at any worksite other than a worksite controlled by the facility or transfer the H–1C nurse's place of employment from one work place to another.

The NRDAA expired on June 13, 2005. However, on December 20, 2006, with the enactment of Public Law 109–423, Congress reauthorized the H–1C program for an additional three (3) years. The key provisions of the program remain unaffected and take effect immediately. The mechanism for employers or facilities to make attestations to the Secretary of Labor is the ETA Form 9081, and to expedite implementation of the reauthorized statute, the ETA is requesting a reinstatement, without modifications, to this information collection.

II. Review Focus

The Department of Labor is particularly interested in comments which:

- 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;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submissions of responses.

A copy of the proposed ICR can be obtained by contacting the office listed above in the addressee section of this notice.

III. Current Actions

Type of Review: Reinstatement.

Agency: Employment and Training Administration.

Title: Attestations by Facilities Temporarily Employing H–1C Nonimmigrant Aliens as Registered Nurses.

OMB Number: 1205–0415.

Affected Public: Businesses and not-for-profit institutions. Cite/Reference/Form/etc.: Nursing Relief for Disadvantaged Areas Act of 1999, as amended; ETA Form 9081.

Total Respondents: 14.

Frequency: On occasion.

Total Responses: 172 attestations on an annual basis.

Average Time per Response: 40 minutes.

Estimated Total Burden Hours: 68 hours.

Total Burden Cost (capital/startup): $0.

Total Burden Cost (operating/maintaining): $0.

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

Dated: April 12, 2007.

William L. Carlson,

Administrator, Office of Foreign Labor Certification.

[FR Doc. E7–7689 Filed 4–23–07; 8:45 am]

BILLING CODE 4510–FP–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

Agency Information Collection Activities; Announcement of Office of Management and Budget (OMB) Control Numbers Under the Paperwork Reduction Act

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice; announcement of OMB approval of information collection requirements.

SUMMARY: The Occupational Safety and Health Administration announces that OMB has extended its approval for a number of information collection requirements found in sections of 29 CFR parts 1910, 1915, 1917, 1918, 1926, and 1928; and for OSHA's Data Initiative. OSHA sought approval under the Paperwork Reduction Act of 1995 (PRA–95), and, as required by that Act, is announcing the approval numbers and expiration dates for those requirements.

DATES: This notice is effective April 24, 2007.

FOR FURTHER INFORMATION CONTACT: Todd Owen or Theda Kenney, Directorate of Standards and Guidance, Occupational Safety and Health Administration, U.S. Department of Labor, Room N–3609, 200 Constitution Avenue, NW., Washington, DC 20210, telephone: (202) 693–2222.

SUPPLEMENTARY INFORMATION: In a series of **Federal Register** notices, the Agency announced its requests to OMB to renew its current extensions of approvals for various information collection (paperwork) requirements in its safety and health standards for general industry, shipyard employment, longshoring, marine terminals, the construction industry, and agriculture (*i.e.*, 29 CFR parts 1910, 1915, 1917, 1918, 1926, and 1928); and for OSHA's Data Initiative. In these **Federal Register** notices, the Agency provided 60-day comment periods for the public to respond to OSHA's burden hour and cost estimates.

In accordance with PRA–95 (44 U.S.C. 3501–3520), OMB renewed its approval for these information collection requirements and assigned OMB control numbers to these requirements. The table below provides the following information for each of these OMB-approved requirements: The title of the collection; the date of the **Federal Register** notice; the **Federal Register** reference (date, volume, and leading page); OMB's control number; and the new expiration date.

Title	Date of **Federal Register** publication, **Federal Register** reference, and OSHA docket number	OMB control No.	Expiration date
Electrical Protective Equipment (29 CFR 1910.137), and Electric Power Generation, Transmission, and Distribution (29 CFR 1910.269).	09/14/2006, 71 FR 54309, Docket No. 1218–0190 (2006).	1218–0190	02/28/2010
Ethylene Oxide (EtO) (29 CFR 1910.1047)	10/16/2006, 71 FR 60769, Docket No. 1218–0108 (2006).	1218–0108	02/28/2010
4,4-Methylenedianiline Construction (29 CFR 1926.60)	08/16/2006, 71 FR 47253, Docket No. 1218–0184 (2006).	1218–0183	02/28/2010
4,4-Methylenedianiline General Industry (29 CFR 1910.1050)	08/30/2006, 71 FR 51639, Docket No. 1218–0184 (2006).	1218–0184	02/28/2010
OSHA Data Initiative (ODI)	05/22/2006, 71 FR 29355, Docket No. 1218–0209 (2006).	1218–0209	03/31/2010
Walking—Working Surfaces Standard (29 CFR part 1910, subpart D).	09/14/2006, 71 FR 54311, Docket No. 1218–0199 (2006).	1218–0199	02/28/2010

In accordance with 5 CFR 1320.5(b), an agency cannot conduct, sponsor, or require a response to a collection of information unless the collection displays a valid OMB control number and the agency informs respondents that they are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Authority and Signature

Edwin G. Foulke, Jr., Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506 *et seq.*) and Secretary of Labor's Order No. 5–2002 (67 FR 65008).

Signed at Washington, DC, on April 17, 2007.

Edwin G. Foulke, Jr.,

Assistant Secretary of Labor.

[FR Doc. E7–7728 Filed 4–23–07; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

Asbestos in General Industry; Extension of the Office of Management and Budget's (OMB) Approval of Information Collection (Paperwork) Requirements; Correction

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Request for public comment; correction.

SUMMARY: The Occupational Safety and Health Administration (OSHA) published a document in the **Federal Register** on April 5, 2007, soliciting public comments concerning its proposal to extend OMB approval of the information collection requirements specified in its Asbestos in General Industry Standard (29 CFR 1910.1001). The document contained an incorrect docket number.

FOR FURTHER INFORMATION CONTACT: Todd Owen, Directorate of Standards and Guidance, OSHA, U.S. Department of Labor, Room N–3609, 200 Constitution Avenue, NW., Washington, DC 20210; telephone (202) 693–2222.

Correction

In the **Federal Register** of April 5, 2007 (72 FR 16830–16832), on page 16830, in the third column; on page 16831, in the first column; and on page 16832, in the first column, correct the Docket No. to read: Docket No. OSHA–2007–0023.

Authority and Signature

Edwin G. Foulke, Jr., Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506 *et seq.*) and Secretary of Labor's Order No. 5–2002 (67 FR 65008).

Signed at Washington, DC, on April 16, 2007.

Edwin G. Foulke, Jr.,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. E7–7727 Filed 4–23–07; 8:45 am]

BILLING CODE 4510–26–P

LEGAL SERVICES CORPORATION

Call-In Instructions for 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.

PUBLIC OBSERVATION BY TELEPHONE: Members of the public that wish to listen to the open portions of the meetings live may do so by following the telephone call-in directions given below. You are asked to keep your telephone muted to eliminate background noises. Comments from the public may be solicited by the presiding official from time-to-time and remarks may then be offered.

CALL-IN INSTRUCTIONS:

1. Call toll-free number 1–877–352–5208;
2. When prompted, enter the following numeric pass code: 66701;
3. When connected to the call, each callers should immediately ''MUTE'' his/her telephone.

MEETING SCHEDULE

Meeting type	Date	Approximate time [1]	Status
Provisions Committee	Friday, April 27	1:30 p.m	Open.
Ops & Regs Committee	Friday, April 27	(Following prior meeting)	Open.
Performance Reviews Committee	Saturday, April 28	8:30 a.m	CLOSED to the public.
Ops & Regs Committee (cont.)	Saturday, April 28	(Following prior meeting)	Open.
Finance Committee	Saturday, April 28	(Following prior meeting)	Open.
Board of Directors [2]	Saturday, April 28	1 p.m	Open.
Board of Directors	Saturday, April 28	(Following open session)	CLOSED to the public.

[1] Please note that the meetings will be held in the Central Time zone and that projected meeting times may not be exact.
[2] It is LSC's goal to begin the open portion of 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.

LOCATION: The Peabody Hotel, Three State Street, Little Rock, Arkansas.

Agendas for the meetings were issued previously and may be viewed on the Corporation's Web site at *http://www.lsc.gov/pdfs/04-27-07BoardCommittees.pdf*.

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 20, 2007.

Victor M. Fortuno,

Vice President for Legal Affairs, General Counsel & Corporate Secretary.

[FR Doc. 07–2052 Filed 4–20–07; 2:46 pm]

BILLING CODE 7050–01–P

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[Docket No. 2007–1]

Section 109 Report to Congress

Correction

In the **FEDERAL REGISTER** of April 16, 2007, in Docket No. 2007–1, Section 109 Report to Congress, on page 19039, in the second column, correct the ''Dates'' caption by removing ''April 16, 2007.''

Dated: April 18, 2007.

Tanya Sandros,

Acting General Counsel.

[FR Doc. E7–7731 Filed 4–23–07; 8:45 am]

BILLING CODE 1410–30–S

NATIONAL TRANSPORTATION SAFETY BOARD

Sunshine Act Meeting Agenda

Time and Date: 9:30 a.m., Tuesday, May 1, 2007.

Place: NTSB Conference Center, 429 L'Enfant Plaza, SW., Washington, DC 20594.

Status: The two items are open to the public.

Matters to be Considered:

7850A *Aviation Accident Brief*—Crash during Turn Maneuver, Cirrus SR–20, N929CD, Manhattan, New York, October 11, 2006.

7773A *Pipeline Accident Brief*—Natural Gas Service Line Break and Subsequent Explosion and Fire, Bergenfield, New Jersey, December 13, 2005.

News Media Contact: Telephone: (202) 314–6100.

Individuals requesting specific accommodations should contact Chris Bisett at (202) 314–6305 by Friday, April 27, 2007.

The public may view the meeting via a live or archived Web cast by accessing a link under ''News & Events'' on the NTSB home page at *http://www.ntsb.gov*.

For More Information Contact: Vicky D'Onofrio, (202) 314–6410.

Vicky D'Onofrio,

Federal Register Liaison Office.

[FR Doc. 07–2050 Filed 4–20–07; 2:13 pm]

BILLING CODE 7533–01–M

NUCLEAR REGULATORY COMMISSION

Notice of Sunshine Act Meetings

AGENCY HOLDING THE MEETINGS: Nuclear Regulatory Commission.

DATES: Weeks of April 23, 30, May 7, 14, 21, 28, 2007.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

MATTERS TO BE CONSIDERED:

Week of April 23, 2007

Monday, April 23, 2007

2:30 p.m.
Discussion of Security Issues (Closed-Ex. 1).

Week of April 30, 2007—Tentative

There are no meetings scheduled for the Week of April 30, 2007.

Week of May 7, 2007—Tentative

Monday, May 7, 2007

1:25 p.m.
Affirmation Session (Public Meeting) (Tentative).
a. Consumers Energy Co. (Big Rock Point ISFSI); License Transfer Application (Tentative).

This meeting will be webcast live at the Web address—*http://www.nrc.gov.*

1:30 p.m.
Briefing on Office of Federal and State Materials and Environmental Management Programs (FSME) Programs, Performance, and Plans (Public Meeting) (Contact: George Deegan, 301–415–7834).

This meeting will be webcast live at the Web address—*http://www.nrc.gov.*

Week of May 14, 2007—Tentative

There are no meetings scheduled for the Week of May 14, 2007.

Week of May 21, 2007—Tentative

There are no meetings scheduled for the Week of May 21, 2007.

Week of May 28, 2007—Tentative

Tuesday, May 29, 2007

1:30 p.m.
NRC All Hands Meeting (Public Meeting) (Contact: Rickie Seltzer, 301–415–1728). Marriott Bethesda North Hotel, 5701 Marinelli Road, Rockville, MD 20852.

Wednesday, May 30, 2007

9:30 a.m.
Briefing on Results of the Agency Action Review Meeting (AARM)—Materials (Public Meeting).

This meeting will be webcast live at the Web address—*http://www.nrc.gov.*

10:15 a.m.
Discussion of Security Issues (Closed—Ex.1).

Thursday, May 31, 2007

9 a.m.
Briefing on Results of the Agency Action Review Meeting (AARM)—Reactors (Public Meeting).

This meeting will be webcast live at the Web address—*http://www.nrc.gov.*

* The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings call (recording)—(301) 415–1292. Contact person for more information: Michelle Schroll, (301) 415–1662.

Additional Information

By a vote of 5–0 on April 19, 2007, the Commission determined pursuant to U.S.C. 552b(e) and § 9.107(a) of the Commission's rules that ''Discussion of Security Issues (Closed-Ex. 1)'' be held April 23, 2007, and on less than one week's notice to the public.

The NRC Commission Meeting Schedule can be found on the Internet at: *http://www.nrc.gov/about-nrc/policy-making/schedule.html.*

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (e.g. braille, large print), please notify the NRC's Disability Program Coordinator, Deborah Chan, at 301–415–7041, TDD: 301–415–2100, or by e-mail at *DLC@nrc.gov.* Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

This notice is distributed by mail to several hundred subscribers; if you no longer wish to receive it, or would like to be added to the distribution, please contact the Office of the Secretary, Washington, DC 20555 (301–415–1969). In addition, distribution of this meeting notice over the Internet system is available. If you are interested in receiving this Commission meeting schedule electronically, please send an electronic message to *dkw@nrc.gov.*

Dated: April 19, 2007.

R. Michelle Schroll,

Office of the Secretary.

[FR Doc. 07–2046 Filed 4–20–07; 11:09 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Biweekly Notice; Applications and Amendments to Facility Operating Licenses Involving No Significant Hazards Considerations

I. Background

Pursuant to section 189a. (2) of the Atomic Energy Act of 1954, as amended (the Act), the U.S. Nuclear Regulatory Commission (the Commission or NRC staff) is publishing this regular biweekly notice. The Act requires the Commission publish notice of any amendments issued, or proposed to be issued and grants the Commission the authority to issue and make immediately effective any amendment to an operating license upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This biweekly notice includes all notices of amendments issued, or proposed to be issued from March 30, 2007 to April 12, 2007. The last biweekly notice was published on April 10, 2007 (72 FR 17944).

Notice of Consideration of Issuance of Amendments to Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final

determination. Within 60 days after the date of publication of this notice, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene.

Normally, the Commission will not issue the amendment until the expiration of 60 days after the date of publication of this notice. The Commission may issue the license amendment before expiration of the 60-day period provided that its final determination is that the amendment involves no significant hazards consideration. In addition, the Commission may issue the amendment prior to the expiration of the 30-day comment period should circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example in derating or shutdown of the facility. Should the Commission take action prior to the expiration of either the comment period or the notice period, it will publish in the **Federal Register** a notice of issuance. Should the Commission make a final No Significant Hazards Consideration Determination, any hearing will take place after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rulemaking, Directives and Editing Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D22, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the Commission's Public Document Room (PDR), located at One White Flint North, Public File Area O1F21, 11555 Rockville Pike (first floor), Rockville, Maryland. The filing of requests for a hearing and petitions for leave to intervene is discussed below.

Within 60 days after the date of publication of this notice, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Rules of Practice for Domestic Licensing Proceedings'' in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.309, which is available at the Commission's PDR, located at One White Flint North, Public File Area 01F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible from the Agencywide Documents Access and Management System's (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, *http://www.nrc.gov/reading-rm/doc-collections/cfr/*. If a request for a hearing or petition for leave to intervene is filed within 60 days, the Commission or a presiding officer designated by the Commission or by the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the Chief Administrative Judge of the Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.309, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements: (1) The name, address, and telephone number of the requestor or petitioner; (2) the nature of the requestor's/petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the requestor's/petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the requestor's/petitioner's interest. The petition must also set forth the specific contentions which the petitioner/requestor seeks to have litigated at the proceeding.

Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner/requestor shall provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner/requestor intends to rely in proving the contention at the hearing. The petitioner/requestor must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner/requestor intends to rely to establish those facts or expert opinion. The petition must include sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner/requestor to relief. A petitioner/requestor who fails to satisfy these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing.

If a hearing is requested, and the Commission has not made a final determination on the issue of no significant hazards consideration, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; (2) courier, express mail, and expedited delivery services: Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland, 20852, Attention: Rulemaking and Adjudications Staff; (3) e-mail addressed to the Office of the Secretary, U.S. Nuclear Regulatory Commission, *HearingDocket@nrc.gov*; or (4) facsimile transmission addressed to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC, Attention: Rulemakings and Adjudications Staff at (301) 415–1101, verification number is (301) 415–1966. A copy of the request for hearing and

petition for leave to intervene should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and it is requested that copies be transmitted either by means of facsimile transmission to (301) 415–3725 or by e-mail to *OGCMailCenter@nrc.gov*. A copy of the request for hearing and petition for leave to intervene should also be sent to the attorney for the licensee.

Nontimely requests and/or petitions and contentions will not be entertained absent a determination by the Commission or the presiding officer of the Atomic Safety and Licensing Board that the petition, request and/or the contentions should be granted based on a balancing of the factors specified in 10 CFR 2.309(a)(1)(i)–(viii).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's PDR, located at One White Flint North, Public File Area 01F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible from the ADAMS Public Electronic Reading Room on the Internet at the NRC Web site, *http://www.nrc.gov/reading-rm/adams.html*. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the PDR Reference staff at 1 (800) 397–4209, (301) 415–4737 or by e-mail to *pdr@nrc.gov*.

AmerGen Energy Company, LLC, Docket No. 50–289, Three Mile Island Nuclear Station, Unit 1 (TMI–1), Dauphin County, Pennsylvania

Date of amendment request: March 22, 2007.

Description of amendment request: The proposed amendment would revise the Technical Specifications to incorporate a revised limit for the variable low reactor coolant system pressure-temperature core protection safety limit. The revised limit is associated with the introduction of AREVA NP's Mark-B-HTP fuel design, which will require more restrictive Safety Limits and more restrictive Limiting Safety System Settings for the Reactor Protection System. The proposed limits are developed in accordance with the method described in the Nuclear Regulatory Commission (NRC)-approved Topical Report BAW–10179P–A, ''Safety Criteria and Methodology for Acceptable Cycle Reload Analyses.'' The revised limits will maintain the same magnitude of departure from nucleate boiling (DNB) protection.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed Technical Specification (TS) limits and reactor protection system (RPS) trip setpoints are developed in accordance with the methods and assumptions described in NRC-approved AREVA NP Topical Reports BAW–10179 P–A, ''Safety Criteria and Methodology for Acceptable Cycle Reload Analyses'' and BAW–10187 P–A, ''Statistical Core Design for B&W-Designed 177 FA Plants.'' The core thermal-hydraulic code (LYNXT) and CHF correlation (BHTP) have been approved for use with these methods and the Mark-B-HTP fuel type. The proposed change preserves the design DNB Ratio safety criterion that there shall be at least a 95% [percent] probability at a 95% confidence level that the hot fuel rod in the core does not experience a departure from nucleate boiling during normal operation or events of moderate frequency. The corresponding core-wide protection on a pin-by-pin basis is greater than 99.9%. The margin retained for penalties such as transition core effects, by imposing a Thermal Design Limit in all DNB analyses supporting the proposed change, has been shown to be sufficient to offset the mixed core conditions at TMI Unit 1, where the Mark-B-HTP fuel design will be co-resident with earlier Mark-B fuel designs. The setpoint calculation methodology utilized, and the surveillance requirements established, are in accordance with approved industry standards and NRC criteria.

The proposed setpoint change does not involve a significant increase in the consequences of an accident previously evaluated because the proposed change does not alter any assumptions previously made in the radiological consequence evaluations, or affect mitigation of the radiological consequences of an accident previously evaluated.

Therefore, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed TS limit and reactor protection system (RPS) trip setpoint provide a core protection safety limit and variable low pressure trip setpoint developed in accordance with NRC-approved methods and assumptions. No new accident scenarios, failure mechanisms or single failures are introduced as a result of the proposed change. All systems, structures, and components previously required for the mitigation of an event remain capable of fulfilling their intended design function.

Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed RPS trip setpoint ensures core protection safety limits will be preserved during power operation. The proposed safety limit and setpoint are developed in accordance with NRC-approved methods and assumptions. The margin retained for penalties such as transition core effects, by imposing a Thermal Design Limit in all DNB analyses supporting the proposed change, has been shown to be sufficient to offset the mixed core conditions at TMI Unit 1. The setpoint calculation methodology utilized, and the surveillance requirements established, are in accordance with approved industry standards and NRC criteria.

Therefore, the proposed changes do not involve a significant reduction in any margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Mr. Brad Fewell, Assistant General Counsel, Exelon Generation Company, LLC, 200 Exelon Way, Kennett Square, PA 19348.

NRC Branch Chief: Harold K. Chernoff.

Calvert Cliffs Nuclear Power Plant, Inc., Docket No. 50–317, Calvert Cliffs Nuclear Power Plant, Unit No. 1, Calvert County, Maryland

Date of amendment request: February 27, 2007.

Description of amendment request: The proposed license amendment would revise Technical Specification 4.2.1, Fuel Assemblies, to add a temporary exemption to allow the insertion of up to four lead fuel assemblies, which contain non-Zircaloy based cladding, into the Unit 1 core for one cycle of operation. These lead fuel assemblies are currently installed in the Unit 2 core under a previous exemption and are scheduled to be discharged during the 2007 refueling outage.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below. The licensee has determined that the proposed change:

1. Would not involve a significant increase in the probability or consequences of an accident previously evaluated.

Calvert Cliffs Technical Specification 4.2.1, Fuel Assemblies, states that fuel rods are clad with either Zircaloy or ZIRLO™. Calvert Cliffs Nuclear Power Plant, Inc. proposes to re-insert up to four fuel assemblies into Calvert Cliffs Unit 1 that have some fuel rods clad in zirconium alloys that do not meet the definition of Zircaloy or ZIRLO™. A temporary exemption to the regulations has been requested to allow these fuel assemblies to be re-inserted into Unit 1. The proposed change to the Calvert Cliffs Technical Specifications will allow the use of cladding materials that are not Zircaloy or ZIRLO™ for one fuel cycle once the temporary exemption is approved. The proposed change to the Technical Specification is effective only as long as the temporary exemption is effective. The addition of what will be an approved temporary exemption for Unit 1 to Technical Specification 4.2.1 does not change the probability or consequences of an accident previously evaluated.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Would not create the possibility of a new or different [kind] of accident from any accident previously evaluated.

The proposed change does not add any new equipment, modify any interfaces with existing equipment, change the equipment's function, or change the method of operating the equipment. The proposed change does not affect normal plant operations or configuration. Since the proposed change does not change the design, configuration, or operation, it could not become an accident initiator.

Therefore, the proposed change does not create the possibility of a new or different [kind] of accident from any accident previously evaluated.

3. Would not involve a significant reduction in [a] margin of safety.

The proposed change will add an approved temporary exemption to the Calvert Cliffs Technical Specifications allowing the installation of up to four lead fuel assemblies. The assemblies use advanced cladding materials that are not specifically permitted by existing regulations or Calvert Cliffs' Technical Specifications. A temporary exemption to allow the installation of these assemblies has been requested. The addition of an approved temporary exemption to Technical Specification 4.2.1 is an administrative change to allow the installation of the lead fuel assemblies under the provisions of the temporary exemption. The license amendment is effective only as long as the exemption is effective. This amendment does not change the margin of safety since it only adds a reference to an approved, temporary exemption to the Technical Specifications.

Therefore, the proposed change does not involve a significant reduction in [a] margin of safety.

The Nuclear Regulatory Commission (NRC) staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Carey Fleming, Esquire, Senior Counsel—Nuclear Generation, Constellation Generation Group, LLC, 750 East Pratt Street, 17th floor, Baltimore, MD 21202.

NRC Acting Branch Chief: John P. Boska.

Calvert Cliffs Nuclear Power Plant, Inc., Docket Nos. 50–317 and 50–318, Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2, Calvert County, Maryland

Date of amendment request: February 27, 2007.

Description of amendment request: The proposed license amendment would revise Technical Specification 5.6.5, Core Operating Limits Report (COLR), to add the supporting topical report (WCAP–15604–NP, Revision 2–A, ''Limited Scope High Burnup Lead Test Assemblies,'' September 2003) to the list of references. The topical report provides guidance for operation with a limited number of lead fuel assemblies to be irradiated to a higher burnup limit than currently allowed for Calvert Cliffs fuel assemblies.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below. The licensee has determined that the proposed change:

1. Would not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed change would modify the Calvert Cliffs Units 1 and 2 Technical Specification 5.6.5.b, Core Operating Limits Report by adding an approved topical report to the existing list of topical reports. The topical report provides the technical basis that supports irradiating a limited number of lead fuel assemblies to a higher burnup limit than currently approved for Calvert Cliffs. The proposed change is administrative in nature and has no impact on any plant configurations or on system performance that is relied upon to mitigate the consequences of an accident.

In the safety evaluation report approving the requested topical report (WCAP–15604–NP, Revision 2–A), the Nuclear Regulatory Commission concluded that it is acceptable for an individual power licensee to irradiate a limited number of lead fuel assemblies to a maximum burnup to 75 GWD/MTU [gigawatt days per metric ton of uranium] provided that certain conditions are met. Calvert Cliffs meets those required conditions. Because those required conditions are met and only a limited number of fuel assemblies are included in this change, the probability or consequences of an accident previously evaluated are not significantly increased.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Would not create the possibility of a new or different [kind] of accident from any accident previously evaluated.

The proposed change does not add any new equipment, modify any interfaces with existing equipment, change the equipment's function, or change the method of operating the equipment. The proposed change does not affect normal plant operations or configuration. Since the proposed change does not change the plant design, operation, or configuration, it could not become an accident initiator.

Therefore, the proposed change does not create the possibility of a new or different [kind] of accident from any accident previously evaluated.

3. Would not involve a significant reduction in a margin of safety.

The proposed change will add a reference to an approved topical report to allow a limited number of lead fuel assemblies to be irradiated to a higher burnup level than is currently allowed at Calvert Cliffs. The higher burnup limit has been evaluated and approved in the topical report being referenced. Calvert Cliffs conforms to the requirements of the topical report. The addition of an approved reference to the Technical Specifications is administrative in nature and has no impact on the margin of safety for any plant configuration or on system performance that is relied upon to mitigate the consequences on an accident.

Therefore, the proposed change does not involve a significant reduction in [a] margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Carey Fleming, Esquire, Senior Counsel—Nuclear Generation, Constellation Generation Group, LLC, 750 East Pratt Street, 17th floor, Baltimore, MD 21202.

NRC Acting Branch Chief: John P. Boska.

Carolina Power & Light Company, Docket No. 50–261, H. B. Robinson Steam Electric Plant, Unit No. 2, Darlington County, South Carolina

Date of amendment request: February 2, 2007.

Description of amendment request: The proposed amendment deletes requirements from the Technical Specifications (TS) to maintain hydrogen recombiners and hydrogen monitors. Licensees were generally required to implement upgrades as described in NUREG–0737, ''Clarification of Three Mile Island

(TMI) Action Plan Requirements,'' and Regulatory Guide (RG) 1.97, ''Instrumentation for Light-Water-Cooled Nuclear Power Plants to Assess Plant and Environs Conditions During and Following an Accident.'' Implementation of these upgrades was an outcome of the lessons learned from the accident that occurred at TMI, Unit 2. Requirements related to combustible gas control were imposed by Order for many facilities and were added to or included in the TS for nuclear power reactors currently licensed to operate. The revised Title 10 of the Code of Federal Regulations (10 CFR) 50.44, ''Standards for Combustible Gas Control System in Light-Water-Cooled Power Reactors,'' eliminated the requirements for hydrogen recombiners and relaxed safety classifications and licensee commitments to certain design and qualification criteria for hydrogen and oxygen monitors.

The NRC staff published a notice of opportunity for comment in the **Federal Register** on August 2, 2002 (67 FR 50374), on possible amendments to eliminate requirements regarding containment hydrogen recombiners and the removal of requirements from TS for containment hydrogen and oxygen monitors, including a model safety evaluation and model No Significant Hazards Consideration (NSHC) Determination, in accordance with the Consolidated Line Item Improvement Process. The NRC staff subsequently issued a notice of availability of the models for referencing in license amendment applications in the **Federal Register** on September 25, 2003 (68 FR 55416). The licensee affirmed the applicability of the model NSHC determination in its application dated February 2, 2007.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), an analysis of the issue of no significant hazards consideration is presented below:

Criterion 1: The Proposed Change Does Not Involve a Significant Increase in the Probability or Consequences of an Accident Previously Evaluated.

The revised 10 CFR 50.44 no longer defines a design-basis loss-of-coolant accident (LOCA) hydrogen release, and eliminates requirements for hydrogen control systems to mitigate such a release. The installation of hydrogen recombiners and/or vent and purge systems required by 10 CFR 50.44(b)(3) was intended to address the limited quantity and rate of hydrogen generation that was postulated from a design-basis LOCA. The Commission has found that this hydrogen release is not risk-significant because the design-basis LOCA hydrogen release does not contribute to the conditional probability of a large release up to approximately 24 hours after the onset of core damage. In addition, these systems were ineffective at mitigating hydrogen releases from risk-significant accident sequences that could threaten containment integrity.

With the elimination of the design-basis LOCA hydrogen release, hydrogen monitors are no longer required to mitigate design-basis accidents and, therefore, the hydrogen monitors do not meet the definition of a safety-related component as defined in 10 CFR 50.2. RG 1.97 Category 1, is intended for key variables that most directly indicate the accomplishment of a safety function for design-basis accident events. The hydrogen monitors no longer meet the definition of Category 1 in RG 1.97. As part of the rulemaking to revise 10 CFR 50.44 the Commission found that Category 3, as defined in RG 1.97, is an appropriate categorization for the hydrogen monitors because the monitors are required to diagnose the course of beyond design-basis accidents.

The regulatory requirements for the hydrogen monitors can be relaxed without degrading the plant emergency response. The emergency response, in this sense, refers to the methodologies used in ascertaining the condition of the reactor core, mitigating the consequences of an accident, assessing and projecting offsite releases of radioactivity, and establishing protective action recommendations to be communicated to offsite authorities. Classification of the hydrogen monitors as Category 3 and removal of the hydrogen monitors from TS will not prevent an accident management strategy through the use of the severe accident management guidelines, the emergency plan, the emergency operating procedures, and site survey monitoring that support modification of emergency plan protective action recommendations.

Therefore, the elimination of the hydrogen recombiner requirements and relaxation of the hydrogen monitor requirements, including removal of these requirements from TS, does not involve a significant increase in the probability or the consequences of any accident previously evaluated.

Criteria 2: The Proposed Change Does Not Create the Possibility of a New or Different Kind of Accident From Any Previously Evaluated.

The elimination of the hydrogen recombiner requirements and relaxation of the hydrogen monitor requirements, including removal of these requirements from TS, will not result in any failure mode not previously analyzed. The hydrogen recombiner and hydrogen monitor equipment was intended to mitigate a design-basis hydrogen release. The hydrogen recombiner and hydrogen monitor equipment are not considered accident precursors, nor does their existence or elimination have any adverse impact on the pre-accident state of the reactor core or post accident confinement of radionuclides within the containment building.

Therefore, this change does not create the possibility of a new or different kind of accident from any previously evaluated.

Criterion 3: The Proposed Change Does Not Involve a Significant Reduction in the Margin of Safety.

The elimination of the hydrogen recombiner requirements and relaxation of the hydrogen monitor requirements, including removal of these requirements from TS, in light of existing plant equipment, instrumentation, procedures, and programs that provide effective mitigation of and recovery from reactor accidents, results in a neutral impact to the margin of safety.

The installation of hydrogen recombiners and/or vent and purge systems required by 10 CFR 50.44(b)(3) was intended to address the limited quantity and rate of hydrogen generation that was postulated from a design-basis LOCA. The Commission has found that this hydrogen release is not risk-significant because the design-basis LOCA hydrogen release does not contribute to the conditional probability of a large release up to approximately 24 hours after the onset of core damage.

Category 3 hydrogen monitors are adequate to provide rapid assessment of current reactor core conditions and the direction of degradation while effectively responding to the event in order to mitigate the consequences of the accident. The intent of the requirements established as a result of the TMI, Unit 2 accident can be adequately met without reliance on safety-related hydrogen monitors.

Therefore, this change does not involve a significant reduction in the margin of safety. Removal of hydrogen monitoring from TS will not result in a significant reduction in their functionality, reliability, and availability.

The NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: David T. Conley, Associate General Counsel II—Legal Department, Progress Energy Service Company, LLC, Post Office Box 1551, Raleigh, North Carolina 27602.

NRC Branch Chief: Thomas H. Boyce.

Detroit Edison Company, Docket No. 50–341, Fermi 2, Monroe County, Michigan

Date of amendment request: March 19, 2007.

Description of amendment request: The proposed amendment would revise the Technical Specifications (TS) 3.8.1 entitled ''AC Sources-Operating'' to change the minimum Emergency Diesel Generator (EDG) output voltage acceptance criterion from 3740 to 3873 volts. Specifically, the proposed change would revise the Surveillance Requirements (SRs) 3.8.1.2, 3.8.1.7, 3.8.1.10, 3.8.1.11, 3.8.1.14, and 3.8.1.17.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration which is presented below:

1. The proposed change does not involve a significant increase in the probability or consequences of any accident previously evaluated.

The increase in the minimum EDG output voltage acceptance criterion value in TS 3.8.1 surveillance requirements does not adversely affect any of the parameters in the accident analyses. The change increases the minimum allowed EDG output voltage acceptance criterion to ensure that sufficient voltage is available to operate the required Emergency Safety Feature (ESF) equipment under accident conditions. The increase in the minimum allowed EDG output voltage in the TS surveillance requirements ensures that adequate voltage is available to support the assumptions made in the Design Bases Accident (DBA) analyses. DBA analyses assume that onsite standby emergency power will provide an adequate power source to operate safe shutdown equipment and to mitigate consequences of design bases accidents. This conservative change of the acceptance criterion enhances the testing requirements of the onsite emergency diesel generators and ensures the reliability of this power source. Changing the acceptance criterion does not affect the probability of evaluated accidents and it provides better assurance of EDG reliability in mitigating consequences of accidents. Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. The proposed change does not create the possibility of a new or different kind of accident from an accident previously evaluated.

The change in the value of the minimum EDG output voltage acceptance criterion supports the assumptions in the accident analyses that sufficient voltage will be available to operate ESF equipment on the Class 1E buses when these buses are powered from the onsite emergency diesel generators. The maximum EDG output voltage of 4580 volts is not affected by this change. The change in the minimum EDG output voltage from 3740 to 3873 volts ensures the reliability of the onsite emergency power source. Therefore, the proposed change will not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The proposed change does not involve a significant reduction in a margin of safety.

This proposed license amendment involves a change in the minimum EDG output voltage acceptance criterion in TS 3.8.1 surveillance requirements. The surveillance frequency and the different test requirements are unchanged. The change provides a better assurance that the onsite power source is able to satisfy the design requirements assumed in the accident analyses to safely shutdown the reactor and mitigate the consequences of design bases accidents. Therefore, the proposed change will not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: David G. Pettinari, Legal Department, 688 WCB, Detroit Edison Company, 2000 2nd Avenue, Detroit, Michigan 48226–1279.

NRC Branch Chief: L. Raghavan.

Dominion Nuclear Connecticut, Inc., Docket No. 50–336, Millstone Power Station, Unit No. 2, New London County, Connecticut

Date of amendment request: November 8, 2006.

Description of amendment request: The proposed amendment would modify the Technical Specification (TS) Action and Surveillance Requirements (SRs) for instrumentation identified in TSs 3.3.1 and 3.3.2. In particular, the proposed amendment adds actions to address the inoperability of one or more automatic bypass removal channels; revises the terminology used in the notation of TS Tables 2.2–1 and 3.3–1 relative to the implementation and automatic removal of certain Reactor Protection System (RPS) trip bypasses; revises the frequency for performing surveillance of the automatic bypass removal function logic; and incorporates two administrative changes.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

Criterion 1: Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed changes to Technical Specifications 2.2.1, 3.3.1 and 3.3.2 do not adversely impact structure, system, or component design or operation in a manner that would result in a change in the frequency of occurrence of accident initiation. The proposed technical specification changes do not involve accident initiators, do not change the configuration or method of operation of any plant equipment that is used to mitigate the consequences of an accident, and do not alter any conditions assumed in the plant accident analyses. The proposed amendment does not change the function or the manner of operation of the RPS or ESFAS [engineered safety features actuation system] trip bypass features. Adding actions to be taken for an inoperable automatic bypass removal function places additional restriction on plant operation in this condition and does not alter the setpoint or the logic of the operating bypasses and automatic bypass removals. Clarifying the frequency of the SR associated with testing the automatic bypass removal function does not alter the setpoint or the manner of operation of the operating bypasses and automatic bypass removals. More accurately reflecting the input process variable of the operating bypasses and automatic bypass removals of the affected reactor trips does not alter the setpoint nor the manner of operation of the operating bypasses and automatic bypass removals. With respect to the incorporation of the administrative changes, the proposed changes are spelling corrections and do not alter any of the requirements of the affected TS. Therefore, this change does not impact the consequences of any accident. Based on this discussion, the proposed amendment does not increase the probability or consequence of an accident previously evaluated.

Criterion 2: Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

No new or different accidents result from clarifying actions for an inoperable automatic bypass removal function, clarifying surveillance requirements for the automatic bypass removal function, and more accurately reflecting the parameter being measured for automatic bypass removal by referring to logarithmic power, the input process variable. The results of previously performed accident analyses remain valid. The proposed amendment does not introduce accident initiators or malfunctions that would cause a new or different kind of accident. The proposed amendments are administrative in nature and will not change the physical plant or the modes of plant operation defined in the facility operating license. The changes do not involve the addition or modification of equipment nor do they alter the design or operation of plant systems. Therefore, the proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

Criterion 3: Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed change does not alter the function or manner of operation of the operating bypasses and automatic bypass removals of the affected reactor trips. The proposed changes do not affect any of the assumptions used in the accident analysis, nor do they affect any operability requirements for equipment important to plant safety. Therefore, the proposed amendment does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Lillian M. Cuoco, Senior Nuclear Counsel, Dominion Nuclear Connecticut, Inc., Rope Ferry Road, Waterford, CT 06385.

NRC Branch Chief: Harold K. Chernoff.

Entergy Nuclear Operations, Inc., Docket No. 50–293, Pilgrim Nuclear Power Station, Plymouth County, Massachusetts

Date of amendment request: January 4, 2007.

Description of amendment request: The proposed amendment would revise the Technical Specification for Limiting Conditions for Operation (LCOs) and Surveillance Requirements (SRs) for control rod operability, scram insertion times, and control rod accumulators.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed changes extend the frequency and revise the methodology for testing control rod scram times, and identify a new category of ''slow'' control rods for assessing control rod operability. The frequency of control rod scram testing is not an initiator of any accident previously evaluated. The frequency of surveillance testing does not affect the ability to mitigate any accident previously evaluated, because the tested component is still required to be operable. The proposed test methodology is consistent with industry approved methods and ensures control rod operability requirements for the number and distribution of operable, slow, and stuck control rods continue to satisfy scram reactivity rate assumptions used in plant safety analysis.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed changes do not involve any physical alteration of the plant (no new or different type of equipment is being installed) and do not involve a change in the design, normal configuration, or basic operation of the plant. The proposed changes do not introduce any new accident initiators. The proposed changes do not involve significant changes in the fundamental methods governing normal plant operation and do not require unusual or uncommon operator actions. The proposed changes provide assurance that the plant will not be operated in a mode or condition that violates the assumptions or initial conditions in the safety analyses and that SSCs [structures, systems, and components] remain capable of performing their intended safety functions as assumed in the same analyses. Consequently, the response of the plant and the plant operator to postulated events will not be significantly different.

Therefore, the proposed TS change does create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

Margin of safety is related to confidence in the ability of the fission product barriers to perform their design functions during and following an accident situation. The proposed changes address control rod scram test performance and acceptance criteria as well as control rod operability requirements. The scam test acceptance criteria and control rod operability restrictions are based on industry approved methodology and will continue to ensure control rod scram design functions and reactivity insertion assumptions used in safety analyses continue to be protected. The proposed changes also extend the frequency of testing control rod scram times while at-power from 120 days to 200 days. The proposed change ensures scram testing is performed and that test results verify acceptable operation of the control rods.

Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.929(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Travis C. McCullough, Assistant General Counsel, Entergy Nuclear Operations, Inc., 400 Hamilton Avenue, White Plains, NY 10601.

Branch Chief: John P. Boska (Acting).

Entergy Operations, Inc., Docket No. 50–368, Arkansas Nuclear One, Unit No. 2 (ANO–2), Pope County, Arkansas

Date of amendment request: March 15, 2007.

Description of amendment request: The proposed amendment would revise containment systems surveillance requirements for Technical Specification (TS) 3/4.6.2, ''Depressurization, Cooling, and pH Control Systems.'' The proposed amendment would revise the frequency for ANO–2 TS Surveillance Requirement 4.6.2.1.d to require verification that spray nozzels are unobstructed following maintenance that could result in a nozzel blockage (loss of foreign material exclusion control) rather than performing an air or smoke flow test through each spray header every 5 years.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Do[es] the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The Containment Spray System (CSS) is not an initiator of any analyzed event. The proposed change does not have a detrimental impact on the integrity of any plant structure, system, or component that may initiate an analyzed event. The proposed change will not alter the operation or otherwise increase the failure probability of any plant equipment that can initiate an analyzed accident. This change does not affect the plant design. There is no increase in the likelihood of formation of significant corrosion products. Due to their location at the top of the containment, introduction of foreign material into the spray headers is unlikely. Foreign materials exclusion controls during and following maintenance provides assurance that the nozzles remain unobstructed. Consequently, there is no significant increase in the probability of an accident previously evaluated.

The CSS is designed to address the consequences of a Loss of Coolant Accident (LOCA) or a Main Steam Line Break (MSLB). The Containment Spray System is capable of performing its function effectively with the single failure of any active component in the system, any of its subsystems, or any of its support systems. Therefore, the consequences of an accident previously evaluated are not significantly affected by the proposed change.

2. Do[es] the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change will not physically alter the plant (no new or different type of equipment will be installed) or change the methods governing normal plant operation.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Do[es] the proposed change involve a significant reduction in a margin of safety?

Response: No.

The system is not susceptible to corrosion-induced obstruction or obstruction from sources external to the system. Strict controls are established to ensure the foreign material is not introduced into the CSS during maintenance or repairs. Maintenance activities that could introduce significant foreign material into the system require subsequent system cleanliness verification which would prevent nozzle blockage. The spray header nozzles are expected to remain unblocked and available in the event that the safety function is required. The capacity of the system would remain unaffected.

Therefore, the proposed change does not involve a reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Terence A. Burke, Associate General Council—Nuclear Entergy Services, Inc., 1340 Echelon Parkway, Jackson, Mississippi 39213.

NRC Branch Chief: Thomas G. Hiltz.

Entergy Operations, Inc., System Energy Resources, Inc., South Mississippi Electric Power Association, and Entergy Mississippi, Inc., Docket No. 50–416, Grand Gulf Nuclear Station, Unit 1, Claiborne County, Mississippi

Date of amendment request: March 1, 2007.

Description of amendment request: The proposed change would revise the Grand Gulf Nuclear Station, Unit 1 (GGNS) Technical Specifications (TS) to add a note to the Required Actions of TS 3.6.1.3, ''Primary Containment Isolation Valves (PCIVs),'' Actions A.1 and B.1. GGNS TS 3.6.1.3 requires specific actions to be taken for inoperable PCIVs. The TS Required Actions include isolating the affected penetration by use of a closed and deactivated automatic valve, closed manual valve, blind flange, or check valve with flow through the valve secured. The new note would allow a relief valve to be used without being deactivated, to comply with TS 3.6.1.3, Actions A.1 and B.1, provided it has a relief setpoint of at least 1.5 times containment design pressure (*i.e.*, at least 23 pounds per square inch gauge) and meets one of the following criteria:

1. The relief valve is 1-inch nominal size or less, or

2. The flow path is into a closed system whose piping pressure rating exceeds the containment design pressure rating.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

Primary Containment Isolation Valves (PCIVs) are accident mitigating features designed to limit releases from the containment following an accident. The TS specify actions to be taken to preserve the containment isolation function if a PClV is inoperable. These actions include isolating the penetration flow path by specific methods including, closed and de-activated automatic valves, closed manual valves, blind flanges, and check valves with flow through the valve secured. The current TS Actions do not specifically recognize a closed relief valve as an acceptable method of isolating a penetration flow path. Thus, special measures may need to be taken to comply with the TS Required Actions, such as replacing the relief valve with a blind flange or de-activating the relief valve by installing a gag. While such actions may provide additional assurance of preserving the containment isolation function, it may also have adverse safety affects such as disabling the overpressure protective safety feature, causing additional safety system unavailability time, and increasing occupational dose.

The proposed change would allow certain relief valves to be used for isolating the penetration flow path without being de-activated. The proposed TS changes do not alter the design, operation, or capability of PCIVs. Relief valves are designed to be normally closed to preserve the piping boundary integrity yet automatically open on an abnormal process pressure to protect the piping from overpressure conditions. Relief valves may also serve as passive containment isolation devices (i.e., they do not require mechanical movement to perform the isolation function). The proposed TS changes preserve both the containment isolation and piping overpressure protection functions.

The failure of a relief valve to remain closed during or following an accident is considered a low probability because relief valves are passive isolation devices that do not require mechanical movement to perform the isolation function and the relief setpoint provides sufficient margin to preclude the potential for premature opening due to containment post-accident pressures. Additional criteria are established to provide defense-in-depth protection. Relief valves that are one-inch or smaller provide an additional physical barrier in that, even in the unlikely event that a relief valve were to fail to remain fully closed during or following an accident, the size restriction would limit leakage such that a large early release would not occur. By definition, penetrations one-inch and smaller do not contribute to large early releases. Larger relief valves may be used as isolation devices provided that the containment penetration flow path through the relief valve would be contained in a closed system. In the unlikely event that a relief valve were to fail to remain closed, the leakage would be into a system which forms a closed loop outside primary containment and any containment leakage would return to primary containment through this closed loop.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change does not introduce any new modes of plant operation or adversely affect the design function or operation of safety features. The proposed TS change allows use of existing plant equipment as compensatory measures to maintain the containment isolation design intent when the normal isolation features are inoperable. Since relief valves used for this purpose will not be disabled by gags or blind flanges, the system piping overpressure protection design feature will also be preserved.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The safety margin associated with this change is that associated with preserving the containment integrity. NUREG–0800, the Standard Review Plan, recognizes that relief valves with relief setpoints greater than 1.5 times containment design pressure are acceptable as containment isolation devices. Closed relief valves with relief setpoints of this margin provide an isolation alternative that is less susceptible to a single failure (i.e., inadvertent opening) yet still preserves the overpressure protection that the component was intended to provide. The failure of a relief valve to remain closed during or following an accident is considered a low probability because relief valves are passive isolation devices that do not require mechanical movement to perform the isolation function and the relief setpoint provides sufficient margin to preclude the potential for premature opening due to containment post-accident pressures. Defense-in-depth containment leakage protection is provided by additional TS criteria that limit the use of relief valves to those one-inch or less in size or those where containment leakage would be into a closed system whose piping pressure rating exceeds the containment design pressure rating. Relief valves that are one-inch or smaller provide an additional physical barrier in that, even in the unlikely event that a relief valve were to fail to remain closed during or following an accident, the size restriction would limit leakage such that a large early release would not occur. In the unlikely event that a relief valve larger than one-inch were to fail to remain closed, the leakage would be into a system which forms a closed loop outside primary containment and any containment leakage would return to primary containment through this closed loop.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Terence A. Burke, Associate General Council—

Nuclear Entergy Services, Inc., 1340 Echelon Parkway, Jackson, Mississippi 39213.

NRC Branch Chief: David Terao.

FirstEnergy Nuclear Operating Company, et al., Docket Nos. 50–334 and 50–412, Beaver Valley Power Station, Unit Nos. 1 and 2 (BVPS–1 and 2), Beaver County, Pennsylvania

Date of amendment request: February 9, 2007.

Description of amendment request: The proposed amendment would revise the Technical Specification (TS) 3.3.2, ''Engineered Safety Feature Actuation System Instrumentation,'' TS 3.5.2, ''Emergency Core Cooling System—Operating,'' TS 3.6.5, ''Containment Air Temperature,'' and TS 5.5.12, ''Containment Leakage Rate Testing Program.'' The revised TSs would be consistent with a proposed change to the Recirculation Spray System (RSS) pump start signal due to a modification to the containment sump screens.

The proposed amendment would also replace the use of LOCTIC with the Modular Accident Analysis Program-Design Basis Accident (MAAP–DBA) for calculating containment pressure, temperature, and condensation rates for input to the SWNAUA code. The calculation methodology change would ultimately change the aerosol removal coefficients used in dose consequence analysis.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Do the proposed changes involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No. The proposed changes to the RSS pump start signal, the upper containment temperature technical specification (TS) limit, the peak containment internal pressure, the nomenclature for automatic switchover to the containment sump, and the containment sump screen visual inspection surveillance requirement do not involve any system or component that are accident initiators. The RSS is used for accident mitigation only. The Refueling Water Storage Tank (RWST) level and containment pressure instrumentation will continue to comply with all applicable regulatory requirements and design criteria (e.g., train separation, redundancy, single failure, etc.) following approval of the proposed changes. The design functions performed by the RSS and the containment are not changed by this license amendment request.

Delaying the start of the RSS pumps and the change to the upper containment temperature affect the long-term containment pressure and temperature profiles. The environmental qualification of safety-related equipment inside containment will be confirmed to be acceptable and accident mitigation systems will continue to operate within design temperatures and pressures. Delaying the RSS pump start reduces the emergency diesel generator loading in the early stage of a design basis accident and maintaining the staggered loading of the RSS pump starts avoids overloading on each emergency diesel generator at Unit 1. Staggered loading of the emergency diesel generator is not required for Unit 2.

The methodology change to calculate containment pressure, temperature and condensation rates for input to the SWNAUA code will not involve a significant increase in the probability of an accident previously evaluated because this change in methodology does not impact accident initiators.

The loss of coolant accident (LOCA) has been evaluated using the guidance provided in Regulatory Guide 1.183, ''Alternative Radiological Source Terms for Evaluating Design Basis Accidents at Nuclear Power Reactors.'' The radiological consequences of the remaining design basis accidents are not significantly impacted by the proposed changes. As demonstrated by the supporting analyses, the estimated dose consequences at the Exclusion Area Boundary (EAB), Low Population Zone (LPZ), and control room remain within the acceptance criteria of 10 CFR 50.67 as supplemented by Regulatory Guide 1.183 and Standard Review Plan Section 15.0.1. In addition, the supporting analyses also demonstrates that the dose consequences in the Emergency Response Facility remain compliant with paragraph IV.E.8 of Appendix E, to 10 CFR part 50, Emergency Planning and Preparedness for Production and Utilization Facilities, regulatory guidance provided in Supplement 1 of NUREG–0737. The revised radiological analyses results in a slight increase in control room and off-site doses; however, the radiological analyses and evaluations developed in support of this application demonstrate that the proposed changes will not impact compliance with applicable regulatory requirements and will not involve a significant increase in the consequences of an accident previously evaluated. The slight increase in control room and off-site doses is more than offset by the increased assurance of adequate NPSH [net positive suction head] to the RSS pumps and Emergency Core Cooling System operability.

The safety analysis acceptance criteria will continue to be met following the proposed changes to the RSS pump start signal, visual sump inspection, TS containment upper temperature limit, peak containment internal pressure, nomenclature for automatic switchover to the containment sump and the change to the control room and off-site dose consequences analyses.

Therefore, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Do the proposed changes create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No. One of the proposed changes alters the RSS pump start circuitry by initiating the pump start from a coincident Containment Pressure High-High/[RWST] Level Low signal instead of from a timer. The RSS pump instrumentation will be included as part of the Engineered Safety Feature Actuation System (ESFAS) instrumentation in the TS and will be subject to the ESFAS surveillance requirements following approval of the proposed changes. The design of the RSS pump start instrumentation complies with all applicable regulatory requirements and design criteria. The failure modes have been analyzed to ensure that the revised RSS pump start circuitry can withstand a single active failure without affecting the RSS design functions. The RSS is an accident mitigation system only, so no new accident initiators are created.

It is not expected that the change in containment temperature will have a significant impact on equipment qualification. However, any equipment that must be replaced or re-qualified will be addressed prior to operation with the proposed change to RSS pump start. As a result any such equipment will not introduce new failure modes, accident initiators, or malfunctions that would cause a new or different kind of accident.

The remaining changes do not change plant equipment design or function and therefore will not introduce new failure modes, accident initiators, or malfunctions that would cause a new or different kind of accident.

Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any previously evaluated.

3. Do the proposed changes involve a significant reduction in a margin of safety?

Response: No. The changes to the RSS pump start signal and the upper containment temperature limit affect the containment response and the LOCA dose analyses. Analyses demonstrate that containment design basis limits are satisfied and post-LOCA offsite and control room dose criteria will continue to be met following approval of the proposed changes.

The change to the containment sump visual inspection will not involve a significant reduction in a margin of safety because the revised surveillance will continue to provide adequate assurance the sump screens are not blocked with debris and that signs of corrosion will be detected.

The change to peak containment internal pressure will not result [in] a significant reduction in a margin of safety because the new pressure is lower for each of the units.

Although the control room and off-site doses slightly increase (due to a combination of the change to the start signal and the proposed methodology change), the increase will not involve a significant reduction in a margin of safety because operator and public exposure limits will continue to meet applicable regulatory requirements.

Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: David W. Jenkins, FirstEnergy Nuclear Operating Company, FirstEnergy Corporation, 76 South Main Street, Akron, OH 44308.

NRC Acting Branch Chief: John P. Boska.

Nine Mile Point Nuclear Station (NMPNS), LLC, Docket No. 50–410, Nine Mile Point Nuclear Station Unit No. 2 (NMP2), Oswego County, New York

Date of amendment request: March 8, 2007.

Description of amendment request: The proposed amendment would add Technical Specification (TS) Limiting Condition for Operation (LCO) 3.0.8 to allow a delay time for entering a supported system TS when the inoperability is due solely to an inoperable snubber, if risk is assessed and managed. The proposed change is consistent with TS Task Force (TSTF) change TSTF–372-A, Revision 4, ''Addition of LCO 3.0.8, Inoperability of Snubbers.''

The NRC staff issued a notice of availability of a model no significant hazards consideration determination for referencing in license amendment applications in the **Federal Register** on November 24, 2004 (69 FR 68412). The licensee affirmed the applicability of the model in its application.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), an analysis of the issue of no significant hazards consideration is presented below:

Criterion 1—The Proposed Change Does Not Involve a Significant Increase in the Probability or Consequences of an Accident Previously Evaluated.

The proposed change allows a delay time for entering a supported system TS when the inoperability is due solely to an inoperable snubber if risk is assessed and managed. The postulated seismic event requiring snubbers is a low-probability occurrence and the overall TS system safety function would still be available for the vast majority of anticipated challenges. Therefore, the probability of an accident previously evaluated is not significantly increased, if at all. The consequences of an accident while relying on allowance provided by proposed LCO 3.0.8 are no different than the consequences of an accident while relying on the TS required actions in effect without the allowance provided by proposed LCO 3.0.8. Therefore, the consequences of an accident previously evaluated are not significantly affected by this change. The addition of a requirement to assess and manage the risk introduced by this change will further minimize possible concerns. Therefore, this change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

Criterion 2—The Proposed Change Does Not Create the Possibility of a New or Different Kind of Accident From Any Previously Evaluated.

The proposed change does not involve a physical alteration of the plant (no new or different type of equipment will be installed). Allowing delay times for entering supported system TS when inoperability is due solely to inoperable snubbers, if risk is assessed and managed, will not introduce new failure modes or effects and will not, in the absence of other unrelated failures, lead to an accident whose consequences exceed the consequences of accidents previously evaluated. The addition of a requirement to assess and manage the risk introduced by this change will further minimize possible concerns. Thus, this change does not create the possibility of a new or different kind of accident from an accident previously evaluated.

Criterion 3—The Proposed Change Does Not Involve a Significant Reduction in the Margin of Safety.

The proposed change allows a delay time for entering a supported system TS when the inoperability is due solely to an inoperable snubber, if risk is assessed and managed. The postulated seismic event requiring snubbers is a low-probability occurrence and the overall TS system safety function would still be available for the vast majority of anticipated challenges. The risk impact of the proposed TS changes was assessed following the three-tiered approach recommended in Regulatory Guide 1.177. A bounding risk assessment was performed to justify the proposed TS changes. This application of LCO 3.0.8 is predicated upon the licensee's performance of a risk assessment and the management of plant risk. The net change to the margin of safety is insignificant. Therefore, this change does not involve a significant reduction in a margin of safety.

The NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Mark J. Wetterhahn, Esquire, Winston & Strawn, 1700 K Street, NW., Washington, DC 20006.

NRC Acting Branch Chief: John P. Boska.

Nuclear Management Company, LLC, Docket No. 50–263, Monticello Nuclear Generating Plant, Wright County, Minnesota

Date of amendment request: February 15, 2007.

Description of amendment request: The proposed amendment would revise Technical Specifications (TSs) Surveillance Requirement (SR) 3.8.4.2 to correct errors inadvertently introduced by Amendment No. 146. SR 3.8.4.2 currently requires that each battery charger be verified to supply greater than or equal to 150 amps for 250-volt DC subsystems, and greater than or equal to 50 amp for 125-volt DC subsystems. The licensee proposed to correct the errors by differentiating that the Division 1 battery chargers are verified to supply greater than or equal to 150 amps and the Division 2 battery chargers are verified to supply greater than or equal to 110 amps. The licensee stated that the Division 2 battery charger output current limiter is field-adjusted to supply 120 to 125 amps in order to stay within the electrical circuit breaker ratings in the associated distribution cabinet.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration (NSHC). The NRC staff reviewed the licensee's analysis, and has performed its own analysis as follows:

(1) Does the proposed amendment involve a significant increase in the probability or consequence of an accident previously evaluated?

No. The proposed amendment would only correct the battery chargers' DC supply current limits specified by SR 3.8.4.2. The current limits of the battery chargers were not considered to be a precursor to, and does not affect the probability of, an accident. In addition, there is no design or operation change associated with the proposed amendment. Therefore, the proposed amendment does not increase the probability of an accident previously evaluated.

The corrected DC supply current limits of the battery chargers will ensure that the batteries will be charged under as-designed conditions. The corrected limits will not decrease the functionality of the Division 1 or Division 2 battery chargers, or the functionality of the batteries the battery chargers support. Therefore, the plant systems required to mitigate accidents will remain capable of performing their design functions. As a result, the proposed amendment will not lead to a significant change in the consequences of any accident.

(2) Does the proposed amendment create the possibility of a new or different kind of

accident from any accident previously evaluated?

No. The proposed amendment does not involve a physical alteration of any system, structure, or component (SSC) or a change in the way any SSC is operated. The proposed amendment does not involve operation of any SSCs in a manner or configuration different from those previously recognized or evaluated. No new failure mechanisms will be introduced by the revised acceptance value. Thus, the proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

(3) Does the proposed amendment involve a significant reduction in a margin of safety?

No. The proposed amendment would only change the current supply limits of the battery chargers. There will be no modification of any TSs limiting condition for operation, no change to any limit on previously analyzed accidents, no change to how previously analyzed accidents or transients would be mitigated, no change in any methodology used to evaluate consequences of accidents, and no change in any operating procedure or process. Therefore, the proposed amendment does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on the NRC staff's own analysis above, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the proposed amendment involves no significant hazards consideration.

Attorney for licensee: Jonathan Rogoff, Esquire, Vice President, Counsel & Secretary, Nuclear Management Company, LLC, 700 First Street, Hudson, WI 54016.

NRC Branch Chief: L. Raghavan.

Southern California Edison Company, et al., Docket Nos. 50–361 and 50–362, San Onofre Nuclear Generating Station, Units 2 and 3, San Diego County, California

Date of amendment requests: March 30, 2007.

Description of amendment requests: The proposed change will revise Technical Specifications (TSs) Surveillance Requirement (SR) 3.3.7.3.b, ''Loss of Voltage Function'' to a narrower voltage band and lower operating time for channel calibration testing, by replacing the undervoltage relays with the reset time significantly lower.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change revises the Technical Specifications Surveillance Requirement 3.3.7.3.b allowable set point values of the Loss of Voltage Function for the channel calibration testing. This proposed change will allow Southern California Edison (SCE) to increase margin and conservatism for the loss of voltage relay settings and overall loop uncertainties while performing Loss of Voltage Signal (LOVS) channel calibration testing.

The loss of voltage function is detected by the LOVS relays installed on the 4.16 kV Safety Related busses. Normally, these devices are not considered to be accident initiators. The proposed change narrows the voltage operating band and lowers the allowable upper limit for this loss of voltage detection by use of the electronic type Basler BE1–27 under-voltage relays. However, the reset time of the relay [will be reduced] significantly. [Therefore, t]he proposed change does not impact probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from [an] accident previously evaluated?

Response: No.

The proposed allowable values for the LOVS relays voltage settings and the minimum operating voltage of the of[f]site power will provide acceptable level of protection for the plant equipment.

3. Does the proposed change involve [a] significant reduction in a margin of safety?

Response: No.

The proposed loss of voltage function is designed to ensure that plant equipment will not operate beyond its normal operating range for satisfactory operation of all the safety related equipment. The proposed loss of voltage function values will not affect the existing protection criterion for the plant equipment and will not reduce margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment requests involve no significant hazards consideration.

Attorney for licensee: Douglas K. Porter, Esquire, Southern California Edison Company, 2244 Walnut Grove Avenue, Rosemead, California 91770.

NRC Branch Chief: Thomas G. Hiltz.

Tennessee Valley Authority, Docket Nos. 50–327 and 50–328, Sequoyah Nuclear Plant, Units 1 and 2, Hamilton County, Tennessee

Date of amendment request: February 16, 2007.

Description of amendment request: The proposed amendment would permanently revise Technical Specification 2.2.1, Table 2.2–1, Functional Unit 17.A, Turbine Trip Low Trip System Pressure allowable value. The proposed revision was previously approved for one operating cycle at each unit.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change revises the allowable value for reactor trip as a result of a turbine trip on low trip system pressure. This change will not alter any plant components, systems, or processes and will only provide a more appropriate value to assess operability of the associated pressure switches. Since the plant features and operating practices are not altered, the possibility of an accident is not affected. This reactor trip is not directly credited in SQN's [Sequoyah Nuclear Plant's] accident analysis and is maintained as an anticipatory trip to enhance the overall reliability of the reactor trip system. As such, there is not a specific safety limit associated with this function and the generation of a reactor trip based on low trip system pressure is above the required actuations to ensure acceptable mitigation of accidents. As the proposed change will continue to provide an acceptable anticipatory trip signal, the offsite dose potential is not affected by this change. Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

As described above, this change will not alter any plant equipment or operating practices that have the ability to create a new potential for accident generation. The proposed change revises the operability limits for a function that generates a trip signal when appropriate conditions exist to require accident mitigation response. This type of function does not have the ability to create an accident as its purpose and function is to mitigate events. Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The proposed change will revise an allowable value for a reactor trip initiator that results from a turbine trip condition. This change will not alter the setpoint, and the calibration of the associated pressure switches will continue to be set at the current value. The allowable value change is in response to accuracy aspects of the

instrumentation and does not alter the ability of this trip function to operate when and as needed to mitigate accident conditions. Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: General Counsel, Tennessee Valley Authority, 400 West Summit Hill Drive, ET 11A, Knoxville, Tennessee 37902.

NRC Branch Chief: Thomas H. Boyce.

Notice of Issuance of Amendments to Facility Operating Licenses

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for A Hearing in connection with these actions was published in the **Federal Register** as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.22(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) The applications for amendment, (2) the amendment, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment as indicated. All of these items are available for public inspection at the Commission's Public Document Room (PDR), located at One White Flint North, Public File Area 01F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible from the Agencywide Documents Access and Management Systems (ADAMS) Public Electronic Reading Room on the internet at the NRC Web site, *http://www.nrc.gov/reading-rm/adams.html.* If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the PDR Reference staff at 1 (800) 397–4209, (301) 415–4737 or by e-mail to *pdr@nrc.gov.*

Carolina Power & Light Company, Docket No. 50–261, H. B. Robinson Steam Electric Plant, Unit No. 2, Darlington County, South Carolina

Date of application for amendment: January 19, 2007, as supplemented by letters dated March 13 and 22, 2007.

Brief description of amendment: The amendment modifies Technical Specifications 5.5.9 and 5.6.8 to add steam generator alternate repair criteria and additional steam generator reporting criteria at H. B. Robinson Steam Electric Plant, Unit No. 2.

Date of issuance: April 9, 2007.

Effective date: This license amendment is effective as of the date of issuance and shall be implemented within 60 days.

Amendment No.: 214.

Renewed Facility Operating License No. DPR–23. Amendment revises the Technical Specifications.

*Date of initial notice in **Federal Register**:* January 30, 2007 (72 FR 4300). The March 13 and 22, 2007, supplemental letters provided clarifying information that did not change the initial proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 9, 2007.

No significant hazards consideration comments received: No.

Dominion Nuclear Connecticut, Inc., et al., Docket No. 50–423, Millstone Power Station, Unit No. 3, New London County, Connecticut

Date of application for amendment: March 28, 2006, as supplemented by letters dated October 26, and December 4, 2006, and January 26, 2007.

Brief description of amendment: The amendment revises Millstone Power Station, Unit No. 3 Technical Specifications (TS) to delete redundant surveillance requirements pertaining to post-maintenance/post-modification testing.

Date of Issuance: March 29, 2007.

Effective date: As of the date of issuance and shall be implemented within 90 days from the date of issuance.

Amendment No.: 237.

Facility Operating License No. NPF–49: Amendment revised the TS.

*Date of initial notice in **Federal Register**:* May 23, 2006 (71 FR 29673). The supplemental letters provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 29, 2007.

No significant hazards consideration comments received: No.

Duke Power Company LLC, Docket Nos. 50–269, 50–270, and 50–287, Oconee Nuclear Station, Units 1, 2, and 3, Oconee County, South Carolina

Date of application of amendments: April 11, 2006, as supplemented October 24, 2006.

Brief description of amendments: The amendments revised the Technical Specifications requirements related to steam generator tube integrity consistent with the NRC-approved Revision 4 to Technical Specification Task Force (TSTF) Standard Technical Specification Change Traveler TSTF–449, ''Steam Generator Tube Integrity.'' These amendments also remove license conditions that become outdated with these TS changes. In addition, the amendments revised the organizational description in TS 5.2.1, which is solely administrative and unrelated to steam generator tube integrity.

Date of Issuance: April 2, 2007.

Effective date: As of the date of issuance and shall be implemented within 30 days from the date of issuance.

Amendment Nos.: 355, 357, 356.

Renewed Facility Operating License Nos. DPR–38, DPR–47, and DPR–55: Amendments revised the licenses and the technical specifications.

*Date of initial notice in **Federal Register**:* January 3, 2007 (72 FR 149). The supplement dated October 24, 2006, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination. The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated April 2, 2007. No significant hazards consideration comments received: No.

Duke Power Company LLC, Docket Nos. 50–269, 50–270, and 50–287, Oconee Nuclear Station, Units 1, 2, and 3, Oconee County, South Carolina

Date of application of amendments: April 11, 2006, as supplemented by letter dated March 14, 2007.

Brief description of amendments: The amendments added Technical Specification (TS) Limiting Condition for Operation (LCO) 3.0.8 to allow a delay time for entering a supported system TS when the inoperability is due solely to an inoperable snubber, if risk is assessed and managed with an approved Bases Control Program that is consistent with the TS Bases Control Program described in Section 5.5 of the applicable vendor's Standard Technical Specifications.

Date of Issuance: April 2, 2007.

Effective date: As of the date of issuance and shall be implemented within 30 days from the date of issuance.

Amendment Nos.: 356, 358, 357.

Renewed Facility Operating License Nos. DPR–38, DPR–47, and DPR–55: Amendments revised the licenses and the Technical Specifications.

*Date of initial notice in **Federal Register**:* January 3, 2007 (72 FR 151). The supplement provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the NRC staff's original proposed no significant hazards consideration determination as published in the **Federal Register** on January 3, 2007 (72 FR 151). The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated April 2, 2007.

No significant hazards consideration comments received: No.

Exelon Generation Company, LLC, Docket Nos. STN 50–454 and STN 50–455, Byron Station, Unit Nos. 1 and 2, Ogle County, Illinois; Docket Nos. STN 50–456 and STN 50–457, Braidwood Station, Units 1 and 2, Will County, Illinois

Date of application for amendment: November 18, 2005, as supplemented by letters dated August 18 and September 28, 2006, and February 15, February 23, and March 7, 2007.

Brief description of amendment: The amendments would revise the existing steam generator tube surveillance program using Technical Specification Task Force Traveler No. 449 (TSTF–449), Revision 4, ''Steam Generator Tube Integrity'' as a basis. The amendments would also revise TS 5.5.9, ''Steam Generator (SG) Tube Surveillance Program,'' regarding the required SG inspection scope for Byron Station, Unit No. 2, during outage number 13 and subsequent operating cycle. A similar approval was granted for Braidwood Station, Unit 2 by letter from the NRC dated October 24, 2006.

Date of Issuance: March 30, 2007.

Effective date: As of the date of issuance and shall be implemented within 60 days.

Amendment Nos.: 150/150, 144/144.

Facility Operating License Nos. NPF–37, NPF–66, NPF–72 and NPF–77: The amendments revised the Technical Specifications and License.

*Date of initial notice in **Federal Register**:* May 23, 2006 (71 FR 29676). The August 18 and September 28, 2006 and February 15, February 23, and March 7, 2007 supplements, contained clarifying information and did not change the staff's initial proposed finding of no significant hazards consideration.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated March 30, 2007.

No significant hazards consideration comments received: No.

FPL Energy Seabrook, LLC, Docket No. 50–443, Seabrook Station, Unit No. 1, Rockingham County, New Hampshire

Date of amendment request: March 23, 2006, as supplemented by letters dated August 16 and November 28, 2006.

Description of amendment request: The amendment revises the Seabrook Station, Unit No. 1 Technical Specifications (TSs) Definitions, TS 3.4.5, ''Steam Generator (SG) Tube Integrity,'' and TS 3.4.6.2, ''Reactor Coolant System Operational Leakage'' consistent with Technical Specification Task Force (TSTF) Standard Technical Specification Traveler TSTF–449, ''Steam Generator Tube Integrity,'' Revision 4. Additionally the amendment creates TS 6.7.6.k. ''Steam Generator (SG) Program'' and TS 6.8.1.7, ''Steam Generator Tube Inspection Report,'' consistent with TSTF–449, Revision 4.

Date of Issuance: March 28, 2007.

Effective date: As of its date of issuance, and shall be implemented within 90 days.

Amendment No.: 115.

Facility Operating License No. NPF–86: The amendment revised the License and Technical Specifications.

*Date of initial notice in **Federal Register**:* April 25, 2006 (71 FR 23955). The licensee's August 16 and November 28, 2006, supplements provided clarifying information that did not change the scope of the proposed amendment as described in the original notice of proposed action published in the **Federal Register**, and did not change the initial proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 28, 2007.

No significant hazards consideration comments received: No.

Nuclear Management Company, LLC, Docket No. 50–266, Point Beach Nuclear Plant, Unit 1, Town of Two Creeks, Manitowoc County, Wisconsin

Date of application for amendments: July 11, 2006, as supplemented January 19, March 9 and 26, 2007.

Brief description of amendments: The amendment revises Technical Specification (TS) 5.5.8, ''Steam Generator Program,'' to change the inspection and repair criteria for portions of the tubes within the hot-leg region of the tubesheet for a single operating cycle. In addition, an administrative change corrects a page number in the TS Table of Contents and deletes two blank pages in TS Section 5.0.

Date of Issuance: April 4, 2007.

Effective date: As of the date of issuance and shall be implemented within 45 days.

Amendment No.: 226.

Renewed Facility Operating License Nos. DPR–24 and DPR–27: Amendments revised the Technical Specifications/License.

*Date of initial notice in **Federal Register**:* August 29, 2006 (71 FR 51230). The supplements dated January 19, March 9 and 26, 2007, contained clarifying information and did not change the staff's initial proposed finding of no significant hazards consideration.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated April 4, 2007.

No significant hazards consideration comments received: No.

Omaha Public Power District, Docket No. 50–285, Fort Calhoun Station, Unit No. 1, Washington County, Nebraska

Date of amendment request: December 20, 2006.

Brief description of amendment: The amendment removed annotations referencing Technical Data Book (TDB)–VIII, ''Equipment Operability Guidance,'' and annotations referencing Technical Specification Interpretations (TSIs) from the NRC Authority File of the Technical Specifications (TSs). These documents are used by Omaha Public Power District (OPPD) personnel

for additional guidance in applying certain Limiting Conditions of Operation requirements to specific equipment and/or situations. OPPD has annotated references to these documents in the TS copies used at the Fort Calhoun Station, Unit No.1 (FCS); however, these annotations were inadvertently included into the NRC Authority File and are not officially part of the FCS TS. The amendment also corrected a discrepancy in TS 2.10.4(1)(c).

Date of Issuance: April 3, 2007.

Effective date: As of its date of issuance and shall be implemented within 90 days from the date of issuance.

Amendment No.: 249.

Renewed Facility Operating License No. DPR–40: The amendment revised the Operating License and Technical Specifications.

*Date of initial notice in **Federal Register**:* January 30, 2007 (72 FR 4308).

The Commission's related evaluation of the amendment is contained in a safety evaluation dated April 3, 2007.

No significant hazards consideration comments received: No.

PSEG Nuclear LLC, Docket No. 50–311, Salem Nuclear Generating Station, Unit No. 2, Salem County, New Jersey

Date of application for amendment: April 6, 2006, as supplemented by letters dated January 19, and February 27, 2007.

Brief description of amendment: The amendment revises the Technical Specifications (TSs) related to steam generator tube integrity consistent with Revision 4 to Technical Specification Task Force (TSTF) Standard Technical Specification Change Traveler 449 (TSTF–449), ''Steam Generator Tube Integrity.''

Date of Issuance: March 29, 2007.

Effective date: As of the date of issuance, to be implemented within 60 days.

Amendment No.: 262.

Facility Operating License No. DPR–75: The amendment revised the TSs and the License.

*Date of initial notice in **Federal Register***: July 18, 2006 (71 FR 40753). The letters dated January 19, and February 27, 2007, provided clarifying information that did not change the initial proposed no significant hazards consideration determination or expand the application beyond the scope of the original **Federal Register** notice.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 29, 2007.

No significant hazards consideration comments received: No.

Southern California Edison Company, et al., Docket Nos. 50–361 and 50–362, San Onofre Nuclear Generating Station, Units 2 and 3, San Diego County, California

Date of application for amendments: June 2, 2006, as supplemented by letter dated October 19, 2006.

Brief description of amendments: The amendments revised Technical Specification (TS) 3.8.1, ''AC [alternating current] Sources—Operating,'' and TS 3.8.3, ''Diesel Fuel Oil, Lube Oil, and Starting Air,'' to increase the required amount of stored diesel fuel oil to support a change to Ultra Low Sulfur Diesel fuel from California diesel fuel presently in use. This change in the type of fuel oil is mandated by California air pollution control regulations.

Date of Issuance: April 4, 2007.

Effective date: As of its issuance and shall be implemented within 60 days of issuance.

Amendment Nos.: Unit 2—211; Unit 3—203.

Facility Operating License Nos. NPF–10 and NPF–15: The amendments revised the Facility Operating Licenses and Technical Specifications.

Date of initial notice in ***Federal Register:*** July 18, 2006 (71 FR 40754). The supplemental letter dated October 19, 2006, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original no significant hazards consideration determination.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated April 4, 2007.

No significant hazards consideration comments received: No.

TXU Generation Company LP, Docket Nos. 50–445 and 50–446, Comanche Peak Steam Electric Station, Unit Nos. 1 and 2, Somervell County, Texas

Date of amendment request: February 21, 2006.

Brief description of amendments: The amendments revised Technical Specifications 1.1, ''Definitions,'' and 3.4.16, ''RCS [Reactor Coolant System] Specific Activity.'' The revisions replaced the current Limiting Condition for Operation (LCO) 3.4.16 limit on RCS grossspecific activity with limits on RCS Dose Equivalent I–131 (DEI) and Dose Equivalent Xe-133 (DEX). The conditions and required actions for LCO 3.4.16 not being met, and surveillance requirements for LCO 3.4.16, are revised. The modes of applicability for LCO 3.4.16 are extended. TS Figure 3.4.16–1 on the limit for DEI with respect to rated thermal power is deleted.

Date of issuance: March 29, 2007.

Effective date: As of the date of issuance and shall be implemented within 120 days from the date of issuance.

Amendment Nos.: 137/137.

Facility Operating License Nos. NPF–87 and NPF–89: The amendments revised the Facility Operating Licenses and Technical Specifications.

*Date of initial notice in **Federal Register***: February 27, 2007 (72 FR 8805).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated March 29, 2007.

No significant hazards consideration comments received: No.

Union Electric Company, Docket No. 50–483, Callaway Plant, Unit 1, Callaway County, Missouri

Date of application for amendment: August 17, 2006.

Brief description of amendment: The amendment revised Technical Specifications (TSs) 2.1.1, ''Reactor Core SLs [Safety Limits],'' 3.3.1, ''Reactor Trip System (RTS) Instrumentation,'' 3.4.1, RCS [Reactor Coolant System] Pressure, Temperature, and Flow Departure from Nucleate Boiling (DNB) Limits,'' and 5.6.5, ''Core Operating Limits Report (COLR).'' The changes (1) relocated certain operating cycle-specific core operating limits, including TS Figure 2.1.1–1, ''Reactor Core Safety Limits,'' from the TSs to the plant COLR, (2) added two new safety limits for departure from nucleate boiling ratio and peak fuel centerline temperature, and (3) added topical reports to TS 5.6.5 and had the reports cited by only the report title and number. TS 5.6.5 was expanded to include the limits from TSs 2.1.1, 3.3.1, and 3.4.1.

Date of Issuance: April 2, 2007.

Effective date: As of its date of issuance and shall be implemented within 90 days from the date of issuance. The final TS Bases changes including the licensee's application dated August 17, 2006, will be processed under the licensee's program for updates to the TS Bases, in accordance with TS 5.5.14, at the time this amendment is implemented. The final changes to the COLR including those in the licensee's application dated August 17, 2006, will be submitted to the NRC in accordance with the update process covered by TS 5.6.5.d.

Amendment No.: 183.

Facility Operating License No. NPF–30: The amendment revised the

Operating License and Technical Specifications.

Date of initial notice in ***Federal Register:*** January 16, 2007 (72 FR 1781).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 2, 2007.

No significant hazards consideration comments received: No.

Virginia Electric and Power Company, et al., Docket Nos. 50 280 and 50–281, Surry Power Station, Units 1 and 2, Surry County, Virginia

Date of application for amendments: May 26, 2006, as supplemented on January 19, 2007.

Brief Description of amendments: These amendments revised the Technical Specification (TS) requirements related to steam generator tube integrity and Reactor Coolant System leakage definitions and requirements. The TSs were revised to implement TS Task Force (TSTF) Standard TS Change Traveler, TSTF–449, ''Steam Generator Tube Integrity,'' (TSTF–449, Rev. 4) with minor deviations to be consistent with Surry's custom TSs.

Date of Issuance: March 29, 2007.

Effective date: As of date of issuance and shall be implemented within 180 days.

Amendment Nos.: 251, 250.

Renewed Facility Operating License Nos. DPR–32 and DPR–37: Amendments changed the licenses and the technical specifications.

Date of initial notice in ***Federal Register***: August 15, 2006 (71 FR 46941). The supplement dated January 19, 2007, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination. The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated March 29, 2007.

No significant hazards consideration comments received: No.

Virginia Electric and Power Company, et al., Docket Nos. 50–280 and 50–281, Surry Power Station, Units 1 and 2, Surry County, Virginia

Date of application for amendments: July 5, 2006, as supplemented on September 21 and November 20, 2006.

Brief Description of amendments: These amendments revised the main control room (MCR) and emergency switchgear room (ESGR) air-conditioning system (ACS) Technical Specifications to reflect the completion of permanent modifications to the equipment and associated power supply configuration. The revisions include the addition of requirements and/or action statements addressing the inoperability of two or more air handling units (AHUs) on a unit, as well as AHU powered from an H emergency bus. The proposed change, paralleling requirements in the Improved Technical Specifications, also adds MCR and ESGR ACS requirements during refueling operations and irradiated fuel movement in the fuel building. In addition, the proposed change clarified the service water requirements for the ACS chillers that serve the MCR and ESGRs.

Date of Issuance: April 2, 2007.

Effective date: As of date of issuance and shall be implemented within 45 days.

Amendment Nos.: 252, 251.

Renewed Facility Operating License Nos. DPR–32 and DPR–37: Amendments changed the licenses and the technical specifications.

Date of initial notice in ***Federal Register***: September 26, 2006 (71 FR 56193). The supplements dated September 21 and November 20, 2006, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination. The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated April 2, 2007.

No significant hazards consideration comments received: No.

Dated at Rockville, Maryland, this 16th day of April 2007.

For the Nuclear Regulatory Commission.

Catherine Haney,

Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. E7–7534 Filed 4–23–07; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Notice of Cancellation of Public Hearing on Potential Withdrawal of Tariff Concessions and Increase in Applied Duties in Response to European Union (EU) Enlargement

AGENCY: Office of the United States Trade Representative.

ACTION: Notice of cancellation of April 24, 2007 public hearing concerning a list of goods for which tariff concessions may be withdrawn and duties may be increased in the event the United States cannot reach agreement with the European Communities (EC) for adequate compensation owed under World Trade Organization (WTO) rules as a result of EU enlargement.

SUMMARY: On March 22, 2007, USTR published FR Doc E7–5268 (Vol. 72, No. 55) announcing that the Trade Policy Staff Committee (TPSC) was seeking public comment on a list of goods for which U.S. tariff concessions may be withdrawn and applied duties may be raised and announcing that the TPSC will hold a public hearing on Tuesday, April 24, 2007, on the list. All respondents to this notice have chosen to submit their comments in writing only and there were no requests to testify. Therefore, the April 24 public hearing will be cancelled.

The United States is continuing to negotiate with the EU regarding the EU's provision of adequate and permanent compensation to the United States for an event that increased duties on U.S. imports to EU markets above WTO bound rates of duty. On January 1, 2007, as part of its enlargement process, the EU raised tariffs above bound rates on some imports into the countries of Romania and Bulgaria. If this issue is not resolved, the United States may seek to exercise its rights under Article XXVIII of the *General Agreement on Tariffs and Trade 1994* (''GATT 1994'') to withdraw substantially equivalent concessions and raise tariffs on select goods primarily supplied by the EU.

FOR FURTHER INFORMATION CONTACT: Questions should be directed to: Laurie Molnar, Director for European Trade Issues, (202) 395–3320; Office of the United States Trade Representative.

Carmen Suro-Bredie,

Chairman, Trade Policy Staff Committee.

[FR Doc. E7–7809 Filed 4–23–07; 8:45 am]

BILLING CODE 3190–W7–P

POSTAL SERVICE

Philadelphia, PA 30th Street Post Office Property Disposition

AGENCY: Postal Service.

ACTION: Notice.

SUMMARY: Notice is hereby given of the disposition of Postal Service(tm) property, the 30th Street Main Post Office located in Philadelphia, PA.

DATES: Comments must be submitted on or before April 30, 2007.

ADDRESSES: Comments may be mailed to Dallan Wordekemper, Postal Service, Federal Preservation Officer, 4301

Wilson Boulevard, Suite 300, Arlington VA 22203–1961.

FOR FURTHER INFORMATION CONTACT: Dallan Wordekemper, 703–526–2779.

SUPPLEMENTARY INFORMATION: In June 2006, the construction of the new Postal Service Processing and Distribution Center in southwest Philadelphia, Pennsylvania was completed. With the opening of this new facility, the Postal Service is vacating much of its property in west Philadelphia. According to Section 106 of the National Historic Preservation Act of 1966 (NHPA), federal agencies including the Postal Service, are required to take into account the effects of their undertakings on historic properties, and afford the Advisory Council on Historic Preservation, the State Historic Preservation Officer, the public, and other consulting parties, a reasonable opportunity to comment on those undertakings.

Consistent with the disposition of its properties and as required by Section 106 of NHPA, the Postal Service is serving notice of this undertaking and is seeking comments from the public on the disposition of three properties: the Main Post Office, the Truck Terminal Annex, and the fourteen acre parking lot. The Postal Service will continue to maintain operations and ownership at the Vehicle Maintenance Facility located at the southwest corner of Chestnut and 30th streets; this building is not part of the disposition.

The Main Post Office building, constructed from 1931–1935, stands prominently at the southeast corner of Market and 30th streets, and it extends a full city block south to Chestnut Street and east to Schuylkill Avenue. It is six stories in height and encompasses 927,183 gross square feet. The Main Post Office building is listed on the National Register of Historic Places. The Truck Terminal Annex building, constructed in 1962, is situated on the southeast corner of Chestnut and 30th streets, and it extends a full city block south to Walnut Street and east to Schuylkill Avenue. The building is a three-story structure and measures 171,902 gross square feet. The third piece of property in this disposition of Postal Service properties is a fourteen acre parking lot that is situated south of the Truck Terminal Annex building, south of Walnut Street, east of the Schuylkill Expressway and Amtrak railroad, and west of rail High Line.

In May 2007, the Postal Service plans to convey the Main Post Office to the University of Pennsylvania or its assignee, and the Truck Terminal Annex building and the fourteen acres of land to the University of Pennsylvania. The Postal Service is in consultation with the Pennsylvania State Historic Preservation Officer and the Advisory Council on Historic Preservation and all improvements will meet the Secretary of the Interior Standards for Historic Rehabilitation. Interested persons may obtain more detailed information about this action at the retail store located in the main branch at 2970 Market Street, Philadelphia PA.

Neva R. Watson,

Attorney, Legislative.

[FR Doc. E7–7814 Filed 4–23–07; 8:45 am]

BILLING CODE 7710–12–P

PRESIDIO TRUST

Notice of Public Meeting

AGENCY: The Presidio Trust.

ACTION: Notice of public meeting.

SUMMARY: In accordance with § 103(c)(6) of the Presidio Trust Act, 16 U.S.C. 460bb note, Title I of Pub. L. 104–333, 110 Stat. 4097, as amended, and in accordance with the Presidio Trust's bylaws, notice is hereby given that a public meeting of the Presidio Trust Board of Directors will be held commencing 6:30 p.m. on Thursday, May 10, 2007, at the Golden Gate Club, 135 Fisher Loop, Presidio of San Francisco, California. The Presidio Trust was created by Congress in 1996 to manage approximately eighty percent of the former U.S. Army base known as the Presidio, in San Francisco, California.

The purposes of this meeting are to hear presentations from the finalists selected to submit proposals for the development of a Presidio Lodge, to adopt a Philanthropic Recognition Policy, to provide an Executive Director's report, and to receive public comment in accordance with the Trust's Public Outreach Policy.

Individuals requiring special accommodation at this meeting, such as needing a sign language interpreter, should contact Mollie Matull at 415.561.5300 prior to May 2, 2007.

Times: The meeting will begin at 6:30 p.m. on Thursday, May 10, 2007.

ADDRESSES: The meeting will be held at the Golden Gate Club, 135 Fisher Loop, Presidio of San Francisco.

FOR FURTHER INFORMATION CONTACT: Karen Cook, General Counsel, the Presidio Trust, 34 Graham Street, P.O. Box 29052, San Francisco, California 94129–0052, Telephone: 415.561.5300.

Dated: April 18, 2007.

Karen A. Cook,

General Counsel.

[FR Doc. E7–7738 Filed 4–23–07; 8:45 am]

BILLING CODE 4310–4R–P

RAILROAD RETIREMENT BOARD

Proposed Collection; Comment Request

Summary: In accordance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 which provides opportunity for public comment on new or revised data collections, the Railroad Retirement Board (RRB) will publish periodic summaries of proposed data collections.

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

Title and Purpose of Information Collection

Earnings Information Request; OMB 3220–0184; RRB Form G–19–F

Under Section 2 of the Railroad Retirement Act, an annuity is not payable, or is reduced for any month(s) in which the beneficiary works for a railroad or earns more than prescribed amounts. The provisions relating to the reduction or non-payment of annuities by reason of work are prescribed in 20 CFR part 230.

To obtain the information needed to determine if an annuity is not payable to an *applicant* because of earnings in excess of prescribed amounts, the RRB uses a series of basic application forms used to request specific information related to an annuitant's past, present and future earnings. To determine information needed for determining reductions in, or non-payment of, annuities currently being paid to *annuitants*, the RRB primarily relies on earnings information received from the Social Security Administration under the terms of a computer matching agreements.

The RRB utilizes Form G–19–F, *Earnings Information Request,* to obtain earnings information that either had not

been previously reported or erroneously reported by a beneficiary. If a respondent fails to complete the form, the RRB may be unable to pay them benefits. One response is requested of each respondent.

In order to enhance program integrity, the RRB proposes to revise Form G–19–F to expand a current item that requests information about the annuitant's employer to include the employer's identification number (EID). Other minor non-burden impacting editorial changes are also proposed.

The RRB estimates that 900 G–19–F's are completed annually at an estimated completion time of eight minutes per response. Total respondent burden is estimated at 120 hours.

Additional Information or Comments: To request more information or to obtain a copy of the information collection justification, forms, and/or supporting material, please call the RRB Clearance Officer at (312) 751–3363 or send an e-mail request to *Charles.Mierzwa@RRB.GOV*. Comments regarding the information collection should be addressed to Ronald J. Hodapp, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611–2092 or send an e-mail to *Ronald.Hodapp@RRB.GOV*. Written comments should be received within 60 days of this notice.

Charles Mierzwa,

Clearance Officer.

[FR Doc. E7–7716 Filed 4–23–07; 8:45 am]

BILLING CODE 7905–01–P

SECURITIES AND EXCHANGE COMMISSION

Submission of OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549.

Extension:

Rule 31a–2, SEC File No. 270–174, OMB Control No. 3235–0179.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget (''OMB'') a request for extension of the previously approved collection of information discussed below.

Section 31(a)(1) of the Investment Company Act of 1940 (the ''Act'') requires registered investment companies (''funds'') and certain principal underwriters, broker-dealers, investment advisers and depositors of funds to maintain and preserve records as prescribed by Commission rules.[1] Rule 31a–1 specifies the books and records that each of these entities must maintain.[2] Rule 31a–2, which was adopted on April 17, 1944, specifies the time periods that entities must retain books and records required to be maintained under rule 31a–1.[3]

Rule 31a–2 requires the following:

1. Every fund must preserve permanently, and in an easily accessible place for the first two years, all books and records required under rule 31a–1(b)(1)–(4).[4]

2. Every fund must preserve for at least six years, and in an easily accessible place for the first two years:

a. All books and records required under rule 31a–1(b)(5)–(12);[5]

b. All vouchers, memoranda, correspondence, checkbooks, bank statements, canceled checks, cash reconciliations, canceled stock certificates and all schedules that support each computation of net asset value of fund shares;

c. Any advertisement, pamphlet, circular, form letter or other sales literature addressed or intended for distribution to prospective investors;

d. Any record of the initial determination that a director is not an interested person of the fund, and each subsequent determination that the director is not an interested person of the fund, including any questionnaire and any other document used to determine that a director is not an interested person of the company;

e. Any materials used by the disinterested directors of an fund to determine that a person who is acting as legal counsel to those directors is an independent legal counsel; and

f. Any documents or other written information considered by the directors of the fund pursuant to section 15(c) of the Act in approving the terms or renewal of a contract or agreement between the company and an investment advisor.

3. Every underwriter, broker or dealer that is a majority-owned subsidiary of a fund must preserve records required to be preserved by brokers and dealers under rules adopted under section 17 of the Securities Exchange Act of 1934[6] (''section 17'') for the periods established in those rules.

4. Every depositor of any fund, and every principal underwriter of any fund other than a closed-end fund, must preserve for at least six years records required to be preserved by brokers and dealers under rules adopted under section 17 to the extent the records are necessary or appropriate to record the entity's transactions with the fund.

5. Every investment adviser that is a majority-owned subsidiary of a fund must preserve the records required to be maintained by investment advisers under rules adopted under section 204 of the Investment Advisers Act of 1940[7] (''section 204'') for the periods specified in those rules.

6. Every investment adviser that is not a majority-owned subsidiary of a fund must preserve for at least six years records required to be maintained by registered investment advisers under rules adopted under section 204 to the extent the records are necessary or appropriate to reflect the adviser's transactions with the fund.

The records required to be maintained and preserved under this part may be maintained and preserved for the required time by, or on behalf of, a fund on (i) Micrographic media, including microfilm, microfiche, or any similar medium, or (ii) electronic storage media, including any digital storage medium or system that meets the terms of this section. The fund, or person that maintains and preserves records on its behalf, must arrange and index the records in a way that permits easy location, access, and retrieval of any particular record.[8]

[1] 15 U.S.C. 80a–30(a)(1).

[2] 17 CFR 270.31a–1.

[3] 17 CFR 270.31a–2.

[4] 17 CFR 270.31a–1(b)(1)–(4). These include, among other records, journals detailing daily purchases and sales of securities or contracts to purchase and sell securities, general and auxiliary ledgers reflecting all asset, liability, reserve, capital, income and expense accounts, separate ledgers reflecting, separately for each portfolio security as of the trade date all ''long'' and ''short'' positions carried by the fund for its own account, and corporate charters, certificates of incorporation and by-laws.

[5] 17 CFR 270.31a–1(b)(5)–(12). These include, among other records, records of each brokerage order given in connection with purchases and sales of securities by the fund, all other portfolio purchases, records of all puts, calls, spreads, straddles or other options in which the fund has an interest, has granted, or has guaranteed, records of proof of money balances in all ledger accounts, files of all advisory material received from the investment adviser, and memoranda identifying persons, committees or groups authorizing the purchase or sale of securities for the fund.

[6] 15 U.S.C. 78q.

[7] 15 U.S.C. 80b–4.

[8] In addition, the fund, or whoever maintains the documents for the fund must provide promptly any of the following that the Commission (by its examiners or other representatives) or the directors of the fund may request: (A) A legible, true, and complete copy of the record in the medium and format in which it is stored; (B) a legible, true, and complete printout of the record; and (C) means to access, view, and print the records; and separately store, for the time required for preservation of the original record, a duplicate copy of the record on

Continued

The Commission periodically inspects the operations of all funds to ensure their compliance with the provisions of the Act and the rules under the Act. The Commission staff spends a significant portion of their time in these inspections reviewing the information contained in the books and records required to be kept by rule 31a–1 and to be preserved by rule 31a–2.

There are approximately 4,920 funds as of December 31, 2006, all of which are required to comply with rule 31a–2. Based on recent conversations with representatives of the fund industry and past estimates, our staff estimates that each fund currently spends 220 hours per year complying with the records preservation required by rule 31a–2. The hour burden is incurred by a variety of fund staff, and the type of staff position used for compliance with the rule varies widely from fund to fund. Based on these estimates, our staff estimates that the total annual burden of a fund to comply with rule 31a–2, is 220 hours, with a total annual burden for all funds of 1,082,400 hours.[9]

The hour burden estimates for retaining records under rule 31a–2 are based on our experience with registrants and our experience with similar requirements under the Act and the rules under the Act. The number of burden hours may vary depending on, among other things, the complexity of the fund, the issues faced by the fund, and the number of series and classes of the fund. The estimated average burden hours are made solely for purposes of the Paperwork Reduction Act and are not derived from quantitative, comprehensive, or even representative survey or study of the burdens associated with our rules and forms.

The Commission staff estimates the average cost of preserving books and records required by rule 31a–2, to be approximately $.000035 per $1.00 of net assets per year.[10] As of December 31, 2006, our staff estimates total net assets of all funds at about $10 trillion, and that compliance with rule 31a–2 costs the fund industry approximately $350 million per year.[11] Our staff estimates, however, based on conversations with representatives of the fund industry, that funds would already spend half of this amount ($175 million) to preserve these same books and records, as they are also necessary to prepare financial statements, meet various state reporting requirements, and prepare their annual federal and state income tax returns. Therefore, we estimate that the total annual cost burden for registered fund due to compliance with rule 31a–2 is $175 million per year.

These estimates of average costs are made solely for the purposes of the Paperwork Reduction Act. The estimate is not derived from a comprehensive or even a representative survey or study of the costs of Commission rules. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

General comments regarding the above information should be directed to the following persons: (i) Desk officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or e-mail to: *David_Rostker@omb.eop.gov*; and (ii) 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*. Comments must be submitted to OMB within 30 days of this notice.

Dated: April 16, 2007.

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E7–7710 Filed 4–23–07; 8:45 am]

BILLING CODE 8010–01–P

any medium allowed by this section. In the case of records retained on electronic storage media, the fund, or person that maintains and preserves records on its behalf, must establish and maintain procedures: (i) To maintain and preserve the records, so as to reasonably safeguard them from loss, alteration, or destruction; (ii) to limit access to the records to properly authorized personnel, the directors of the fund, and the Commission (including its examiners and other representatives); and (iii) to reasonably ensure that any reproduction of a non-electronic original record on electronic storage media is complete, true, and legible when retrieved.

[9] This estimate is based on the following calculation: 4,920 registered investment company's × 220 hours = 1,082,400 total hours.

[10] The staff estimated the annual cost of preserving the required books and records by identifying the annual costs for several funds and then relating this total cost to the average net assets of these funds during the year. The staff estimates that the annual cost of preserving records is $70,000 per fund; the funds queried in support of this analysis had an average asset base of approximately $2 billion (70,000/2 billion = .000035).

[11] This estimate is based on the annual cost per dollar of net assets of the average fund as applied to the net assets of all funds ($10 trillion × .000035 = $350 million).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–55640; File No. SR–Amex–2007–04]

Self-Regulatory Organizations; American Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Its Buy-In Rules

April 17, 2007.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on January 8, 2007, the American Stock Exchange LLC (''Amex'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change described in Items I, II, and III below, which items have been prepared primarily by Amex. Amex filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act[2] and Rule 19b–4(f)(6) thereunder[3] so that the proposal was 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 purpose of the proposed rule change is to amend Amex Rules 759, 783, 784, and 789 and to adopt new Rule 798 to standardize Amex's buy-in rules.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, Amex included statements concerning the purpose of and basis for the proposed rule change 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. Amex has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of these statements.[4]

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

Amex is amending its Rules 783, 784, and 789 and is adopting new Rule 798

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78s(b)(3)(A)(iii).

[3] 17 CFR 240.19b–4(f)(6).

[4] The Commission has modified the text of the summaries prepared by Amex.

to permit buyer executed buy-ins,[5] to reduce the waiting period to execute a buy-in from twenty-one (21) days to three (3) days, and to otherwise provide more standardized and consistent industry buy-in rules and procedures. Amex is also making conforming changes to Rules 759, 784, and 789. This proposal seeks to substantially mirror the recent New York Stock Exchange (''NYSE'') amendments to its buy-in rules approved by the Commission, which were made mainly for the purpose of achieving industry uniformity.[6]

Introduction

The Amex buy-in rules apply to transactions that are not subject to the rules of a qualified clearing agency, such as The Depository Trust Company (''DTC'')[7] and the National Securities Clearing Corporation (''NSCC'')[8], including transactions processed in NSCC's Continuous Net Settlement service (''CNS'')[9] that settle through them.[10] In the event that a buy-in is sent to the Amex floor for execution, then Amex buy-in rules apply.

However, under current Amex rules that place the responsibility for the actual execution of the buy-in on the defaulting member or member organization (''defaulting member'' or ''seller''), there are disincentives for the defaulting member to execute the buy-in. For example, the defaulting member could potentially manipulate the extent to which it has market exposure by timing its purchase of the necessary securities to benefit itself. Therefore, an initiating member or member organization (''initiating member'' or ''buyer'') may receive negative customer reaction if the customer learns that its trade has not been settled and that their securities are not available because a buy-in has not been executed in a timely manner by the defaulting member.

Other self-regulatory organizations (''SROs'') have recognized this conflict of interests, and their buy-in rules assign responsibility accordingly by allowing the buyer to execute the buy-in. By allowing buyers to execute their own buy-ins, the defaulting members' conflicts of interest are avoided, and the process is expedited.

The Securities Industry Association (''SIA'') Securities Operations Division Buy-In Committee (''Committee'')[11] has expressed a strong preference that Amex consider amending its buy-in rules to eliminate is buy-in notice procedures and to change who executes the buy-in to the buyer from the seller. The purpose of the Committee's recommendation is to identify and to standardize various buy-in rules and procedures regarding the buy-in process related to non-CNS transactions and to help formulate uniformity among industry rules. The Committee requested that Amex conform its rules to those of the other exchanges that allow the initiating member to execute buy-ins to close out a contract.

Current Requirements

Amex Rule 784 sets forth the ''mandatory closing of fails'' process by which a buyer is required to close-out a contract that has not been completed by the seller for a period of twenty-one (21) business days. A mandatory closing of fails requires that a notice of intention be delivered in quadruplicate and on the twenty-first (21st) business day after the original due date of the contract by the initiating member to the seller. The member organization receiving the notice of intention must indicate its position with respect to the resolution of the failed trade (*e.g.*, doesn't know the trade, knows the trade but cannot deliver, will deliver) and return the notice of intention to the initiating member no later than three business days after the notice was sent. If the notice of intention is not returned when due or is returned with the indication that the contract is not known, the initiating member shall itself close the contract by buying or selling the securities involved through its own floor representative. If the notice of intention is returned when due with an indication that the contract is known but that delivery cannot be made and if the contract is one which has been designated as acceptable for clearance as a fail item by a registered clearing agency of which both parties are clearing members, it shall be submitted for clearance by the defaulting member. If the notice of intention is returned when due with an indication that the contract is known but that delivery cannot be made and the contract is one which has not been designated as acceptable for clearance as a fail item by a registered clearing agency of which both parties are clearing members, the initiating member shall close the contract according to the procedures in Amex Rule 783. Therefore, the rule currently provides that more than three weeks may lapse before the contract is closed.

Amex Rule 783 sets forth a permissive procedure by which an initiating member may close-out a contract that has not been executed by the defaulting member. The initiating member must provide notice of its intention to make a closing. Pursuant to Amex Rule 783, Amex determines the times for the delivery of such notices of intention to close and orders to close and the time for the closing of contracts. If the times within which securities may be delivered are extended or shortened, the time limits established by Amex may be similarly extended or shortened.[12] Once the initiating member sends the notice to the defaulting member, the defaulting member shall be given a copy of the order to close for execution on that day. If the order is not executed, the defaulting member shall return the original order within fifteen minutes of the close of trading indicating why it cannot be executed, and the buy-in desk will deliver a copy of the floor report to the initiating member. The initiating member may then close the contract and must notify the defaulting party with respect to any money differences that it will claim as damages. If the order is executed by the defaulting member, it shall furnish a copy of the order to close and a copy of the floor report to the buy-in desk on the floor.

Amex Rule 789 requires an initiating member to accept physical delivery of some or all of the securities that are the

[5] A ''buy-in'' is a transaction between broker-dealers where because the securities are not delivered on time by the broker-dealer on the sell-side, the broker-dealer on the buy-side purchases the securities from another source.

[6] Securities Exchange Act Release No. 52842 (November 28, 2005), 70 FR 72321 (December 2, 2005) [File No. SR–NYSE–2005–50].

[7] DTC is a member of the U.S. Federal Reserve System, a limited-purpose trust company under New York State banking law, and a clearing agency registered with the Commission.

[8] NSCC is a central counterparty that provides centralized clearance, settlement, and information services for virtually all broker-to-broker equity, corporate bond and municipal bond, exchange-traded funds, and unit investment trust trades in the U.S. NSCC provides clearing and settlement, risk management, central counterparty services, and a guarantee of completion for trades. NSCC also nets trades and payments among its members thereby reducing the volume of securities and payments that need to be exchanged each day.

[9] CNS is an automated accounting system that centralizes and nets the settlement of compared security transactions in order to maintain an orderly flow of security and money balances.

[10] *See* Securities Exchange Act Release No. 53528 (March 21, 2006), 71 FR 15506 (March 28, 2006) [File No. SR–NSCC–2005–15] (approving NSCC's CNS buy-in rules).

[11] The Committee is made up of representatives from a broad cross-section of broker-dealers and industry groups.

[12] Contracts made for cash within one and one-half hour before the close of trading are given different treatment with respect to timing. When a contract made for cash within one and one-half hour before the close of trading is to be closed on the same day, the time of the transaction shall be stated on the order and notice, which shall be delivered within thirty minutes after the time of the transaction, and the contract shall not be closed until thirty-five minutes after the time of the transaction.

subject of a buy-in thereby halting the buy-in execution for those securities if the defaulting member tenders the securities prior to the buy-in. The defaulting member must promptly tender the securities, and if they are not promptly delivered, such member or member organization is liable for any resulting damages.

Proposal

Amex is amending Rule 784 to allow the member or member organization failing to receive the securities to execute the buy-in and to reduce the waiting period to execute a buy-in from twenty-one (21) days to three (3) days after delivery on the contract was due. The elimination of Commentary .01 through .06 to Rule 784 is intended to facilitate the amendments to the buy-in procedures. The amendments to these procedures are largely proposed in the text of Rule 784. Amex believes that once the responsibility is shifted to the buy-side of the transaction, the buy-in process will work more efficiently.

The amendments to Rule 784 provide that the initiating member may close a contract no sooner than three business days after the original due date for delivery (''Effective Date''). The initiating member must deliver a written notice to the defaulting member at least two days before the proposed buy-in. After receipt of the buy-in notice, the defaulting member must then send a signed, written response to the initiating member stating its position. If the response is not received by 5 p.m. ET on the day of receipt of the buy-in notice or it is returned with an indication that the contract is not known or that it is known but that delivery cannot be made, the buy-in may be executed on the Effective Date. The initiating member shall be required to accept any portion of the securities called for by the contract from the defaulting member that the defaulting member submits prior to the execution of the buy-in, but the initiating member shall not be required to accept any securities from the defaulting member if the buy-in has already been executed and if the buy-in could not have been reasonably cancelled by the initiating member. Once the buy-in has been executed, the initiating member shall notify the defaulting member confirming the purchase along with a bill or payment.

Amex is also eliminating the requirements for quadruplicate paper notices and will permit electronic notices, including notices from a computerized network facility, or the electronic functionality of a Qualified Clearing Agency, such as DTC and NSCC. The amendments also change the existing time deadlines for delivering notices, securities, and executions and adopt those used by other self-regulatory organizations.

Amex is also adopting new Commentary .01 to Rule 784 to help ensure that members and member organizations comply with the requirements of Regulation SHO.[13] Members and member organizations are obligated to comply with the marking, locate, and delivery requirements of Regulation SHO for short sales of equity securities. As a result, members and member organizations should have policies and procedures in place to comply with these requirements, including close-out procedures.[14]

Amex is rescinding Rule 783 and has incorporated the permissive buy-in procedures of Rule 783 into Rule 784. Amex is also amending Rule 789 to conform it to this proposal to permit buyer executed buy-ins and to create a Rule 798 to clarify the requirements and time frames upon which a defaulting member may deliver against a buy-in notice. Finally, Amex is making technical amendments to Rules 759, 784 and 789 to better coordinate the rules with industry practice.

Amex believes that the revisions to its buy-in rules will help standardize Amex's procedure and practice by allowing members and member organizations to clean-up fails and efficiently deliver Amex-listed securities. Amex believes that the proposed rule change is consistent with Section 6 of the Act in general and furthers the objectives of Section 6(b)(5) in particular in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. By amending the Amex buy-in rules to permit buyers to execute buy-ins, firms are expected to find it easier to execute buy-ins of Amex-listed securities. In addition, the amendments seek to remove inefficient requirements and amend time deadlines to conform to current industry practice.

B. Self-Regulatory Organization's Statement on Burden on Competition

Amex does not believe that the proposed rule change will impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change (1) Does not significantly affect the protection of investors or the public interest, (2) does not impose any significant burden on competition, and (3) does not become operative for 30 days from the date of filing or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act[15] and Rule 19b–4(f)(6) thereunder.[16] As required by Rule 19b–4(f)(6)(iii), Amex provided the Commission with written notice of its intent to file the proposed rule change at least five business days prior to filing the proposal with the Commission or within such shorter period as designated by the Commission.

At any time within sixty (60) days of the filing of the proposed rule change, the Commission could have summarily abrogated such rule change if it appeared to the Commission that such action was 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:

[13] 17 CFR 242.200 through 242.203. Securities Exchange Act Release No. 50103 (July 28, 2004), 69 FR 48008 (August 6, 2004), [File No. S7–23–03] (adoption of Regulation SHO).

[14] At the same time the changes noted above were being developed, the SEC implemented Regulation SHO, Regulation of Short Sales, which shares a similar purpose, the reduction of fails to deliver, with the buy-in rules. Rule 203 to Regulation SHO imposes locate and borrowing/ delivery requirements on broker-dealers that sell equity securities, including close-out requirements on certain open fail to deliver positions.

[15] 15 U.S.C. 78s(b)(3)(A)(iii).

[16] 17 CFR 240.19b–4(f)(6).

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*) or
- Send an e-mail to *rule-comments@sec.gov*. Please include File Number SR–Amex–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–Amex–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 Section, 100 F Street, NE., Washington, DC 20549. The text of the proposed rule change is available at Amex, the Commission's Public Reference Room, and *http://www.amex.com/atamex/ruleFilings/at_rulefilings.html*. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–Amex–2007–04 and should be submitted on or before May 15, 2007.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[17]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E7–7711 Filed 4–23–07; 8:45 am]

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[17] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–55642; File No. SR–NASDAQ–2006–032]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing of Amendment No. 3 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendments No. 1, 2, and 3 Thereto, To Revise The Nasdaq Capital Market Listing Requirements

April 18, 2007.

I. Introduction

On August 23, 2006, The NASDAQ Stock Market LLC (''Nasdaq'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to revise certain listing requirements applicable to the Nasdaq Capital Market (''NCM''). On August 28, 2006, Nasdaq filed Amendment No. 1 (''Amendment No. 1'') to the proposed rule change.[3] The proposed rule change, as amended by Amendment No. 1, was published for comment in the **Federal Register** on September 5, 2006.[4] The Commission received no comments on the proposal, as amended by Amendment No. 1. On December 4, 2006, Nasdaq filed Amendment No. 2 (''Amendment No. 2'') to the proposed rule change.[5] On February 15, 2007, Nasdaq filed Amendment No. 3 (''Amendment No. 3'') to the proposed rule change.[6] This order provides notice of Amendment No. 3 and approves the proposed rule change on an accelerated basis, as amended.

II. Discussion

Nasdaq proposes to increase the initial and continued listing requirements for companies seeking to list, or that are already listed, on the NCM, as set forth in Nasdaq Rule 4310 (for domestic and Canadian securities) and Nasdaq Rule 4320 (for non-Canadian foreign securities and American Depositary Receipts).[7]

The Commission finds that these proposed changes are consistent with Section 6(b) of the Act,[8] and the rules and regulations thereunder applicable to a national securities exchange.[9] In particular, the Commission finds that these proposed rule changes are consistent with Section 6(b)(5) of the Act,[10] which requires, among other things, that the Exchange's rules 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.

The development and enforcement of adequate standards governing the initial listing and maintenance of listing of securities is an activity of critical importance to financial markets and the investing public. Listing standards serve as a means for a marketplace to screen issuers and to provide listed status only to bona fide companies with sufficient float, investor base, and trading interest to maintain fair and orderly markets. Once an issuer has been approved for initial listing, the maintenance criteria allow a marketplace to monitor the status and trading characteristics of that issuer to ensure that it continues to meet standards for market depth and liquidity.

The changes to the continued listing requirements will be effective 30 days after the proposed rule change is approved by the Commission. Nasdaq represents that as of February 9, 2006, it is not aware of any issuer currently listing on NCM that would fail to meet the new continued listing requirements.[11] In the case of

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b 4.

[3] In Amendment No. 1, Nasdaq made clarifying changes to the rule text in the NCM convertible debt listing standards. Nasdaq also made clarifying changes to the purpose section regarding convertible debt, rights and warrants, and non-Canadian foreign securities and American Depository Receipts.

[4] *See* Securities Exchange Act Release No. 54378 (August 28, 2006), 71 FR 52351 (September 5, 2006) (''Notice'').

[5] In Amendment No. 2, Nasdaq made minor clarifying changes to the purpose section to explain the application of the new NCM listing standards as they relate to the grace period for non-compliance with the bid requirement pursuant to Nasdaq Rules 4310(c)(8)(D), 4320(e)(2)(E)(ii), and 4450(i). This is a technical amendment and is not subject to notice and comment.

[6] In Amendment No. 3, Nasdaq amended its initial and continuing listing standards for convertible debt to require that current last sale information be available in the United States for the underlying security into which a convertible debt issue is convertible.

[7] For a full description of the proposed rule change, *see* Notice, *supra* note 4 and Amendments No. 2 and 3, *supra* notes 5 and 6.

[8] 15 U.S.C. 78f(b).

[9] In approving this proposal, as amended, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[10] 15 U.S.C. 78f(b)(5).

[11] *See* letter from Arnold Golub, Associate General Counsel, Nasdaq, to Elizabeth K. King, Associate Director, Division (''Division''),

Continued

companies applying for initial listing, the new requirements will be effective immediately upon Commission approval of this proposed rule change for companies that applied after August 23, 2006, the date this proposed rule change was filed with the Commission. Companies that applied for listing prior to August 23, 2006 would be allowed to qualify under the prior standards, provided that they complete the listing process not later than 30 days after the proposed rule change is approved by the Commission. The Commission believes this implementation schedule is reasonable, and provided adequate notice to prospective applicants for listing.

III. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning Amendment No. 3, including whether Amendment No. 3 is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File No. SR–NASDAQ–2006–032 *on the subject line.*

Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, Station Place, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NASDAQ–2006–032. 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 such filing also will be available for inspection and copying at the principal office of the Nasdaq. 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–NASDAQ–2006–032 and should be submitted on or before May 15, 2007.

IV. Accelerated Approval

Pursuant to Section 19(b)(2) of the Act,[12] the Commission finds good cause to approve the proposal, as amended, prior to the thirtieth day after the amended proposal is published for comment in the **Federal Register**. Amendment No. 3 requires that convertible debt securities listed on the NCM have current last sale information available in the United States for the underlying security into which a convertible debt issue is convertible. Accelerating approval of the proposal, as modified by Amendment No. 3, would avoid delay in strengthening the initial and continued listing standards of the NCM, thereby benefiting investors and the public. Accordingly, the Commission finds good cause to accelerate approval of the amended proposal prior to the thirtieth day after publication in the **Federal Register**.

V. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[13] that the proposed rule change (SR–NASDAQ–2006–032), as modified by Amendments No. 1, 2, and 3, is approved on an accelerated basis.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[14]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E7–7729 Filed 4–23–07; 8:45 am]

BILLING CODE 8010–01–P

Commission on February 12, 2007; see also letter from Arnold Golub, Associate General Counsel, Nasdaq, to Elizabeth K. King, Associate Director, Division, Commission on November 7, 2006.

[12] 15 U.S.C. 78s(b)(2).

[13] 15 U.S.C. 78s(b)(2).

[14] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–55641; File No. SR–NYSE–2007–39]

Self-Regulatory Organizations; New York Stock Exchange LLC, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change, as Modified by Amendment No. 1 Thereto, Relating to Rule 103B (Specialist Stock Allocation)

April 17, 2007.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on April 13, 2007, the New York Stock Exchange LLC (''NYSE'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I and II below, which Items have been substantially prepared by the Exchange. On April 17, 2007, the NYSE submitted Amendment No. 1 to the proposed rule change.[3] The Exchange has designated the proposed rule change as ''non-controversial'' under Section 19(b)(3)(A)(iii)[4] of the Act and Rule 19b–4(f)(6) thereunder,[5] which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change, as amended, from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 103B (Specialist Stock Allocation) to permit a listing company transferring from NYSE Arca, Inc. (''NYSE Arca℠'' or ''NYSE Arca'') to waive the allocation process set forth in Exchange Rule 103B when the listing company was assigned a Lead Market Maker firm (''LMM firm''), which is also a registered specialist firm on the NYSE, and selects as its specialist firm on the NYSE that same NYSE Arca LMM firm. The proposed rule further provides for additional input from the listing company in the selection of its specialist firm should it choose to refer the matter to the Allocation Committee. Below is the text of the proposed rule change. Proposed new language is in *italics.*

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Amendment No. 1 makes clarifications to the purpose section of the proposed rule change and typographical corrections to the rule text.

[4] 15 U.S.C. 78s(b)(3)(A)(iii).

[5] 17 CFR 240.19b–4(f)(6).

Rule 103B Specialist Stock Allocation

* * * * *

IX. PROVISIONS FOR ALLOCATION OF SECURITIES ISSUED BY NYSE EURONEXT OR ITS AFFILIATES

* * * * *

X. Provisions For Allocation of Listing Companies Transferring From NYSE Arca, Inc. (''NYSE Arca℠'') to the NYSE

(a) If a listing company transferring from NYSE Arca℠ to the NYSE was assigned a NYSE Arca Lead Market Maker firm (''LMM firm''), which is also a registered specialist firm on the NYSE, then the listing company may waive the allocation process described above and select as its registered specialist firm the same firm that was previously assigned as the NYSE Arca℠ LMM firm. Alternatively, the listing company can choose to follow the regular allocation process and refer the matter to the Allocation Committee. If the listing company refers the matter to the Allocation committee, all specialist firms are invited to apply for such assignment.

(b) If the listing company chooses to have its specialist firm selected by the Allocation Committee, and requests not to be allocated to the specialist firm that was its NYSE Arca℠ LMM firm the Allocation Committee shall honor this request.

(c) If the listing company chooses to select its specialist firm from among a group of firms selected by the Allocation Committee, the Allocation Committee shall honor the listing company's request to include or exclude from the group the specialist firm that was its NYSE Arca℠ LMM firm.

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. NYSE has substantially prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Exchange Rule 103B to permit a listing company transferring from NYSE Arca to the NYSE to waive the allocation process (''Allocation Process'') when the listing company was assigned a NYSE Arca LMM firm which is also a registered specialist firm on the NYSE. Additionally, the proposed rule further provides for additional input from said listing company in the selection of their specialist firm should they choose to refer the matter to the Allocation Committee.

Current Allocation Policy

In accordance with existing Rule 103B, a listing company may obtain assignment of a specialist firm in the following ways: (1) The listing company may choose to have its specialist firm selected by the Allocation Committee which must exercise its expert professional judgment when making such a selection; or (2) the listing company may request the Allocation Committee to select a group of appropriate specialist firms to be interviewed by the listing company and the listing company then makes the final selection of the specialist firm from the group of specialist firms selected by the Allocation Committee pursuant to the provisions of Rule 103B.

Proposal To Waive the Allocation Process

NYSE Arca, an affiliate of the NYSE, provides its listed companies with the opportunity to have a NYSE Arca LMM firm [6] assigned to its primary listed equities. The LMM firm is the ''exclusive Designated Market Maker'' in such equity on NYSE Arca. The NYSE Arca LMM firm may also be a registered specialist firm on the NYSE.

The Exchange seeks to amend Rule 103B to allow a listing company that transfers from NYSE Arca to the NYSE to waive the Allocation Process in instances where the listing company's equity was assigned to a NYSE Arca LMM firm that is also a registered specialist firm on the NYSE and the listing company wishes to have as their registered specialist firm the same NYSE Arca LMM firm.[7]

Alternatively, the proposed rule would permit the listing company that transfers from NYSE Arca to the NYSE to choose to follow the regular Allocation Process set forth in Exchange Rule 103B and refer the matter to the Allocation Committee. If the listing company chooses to refer the matter to the Allocation Committee, all specialist firms would be invited to apply for such assignment.

The proposed rule would also provide that if the listing company chooses to have its specialist firm selected by the Allocation Committee, and requests not to be allocated to the specialist firm that was its NYSE Arca LMM firm, the Allocation Committee shall honor this request.

Additionally, the proposed rule provides that if the listing company chooses to select its specialist firm from among a group of firms selected by the Allocation Committee, the Allocation Committee shall honor the listing company's request to include or exclude from the group the specialist firm that was its NYSE Arca LMM firm.

The Exchange notes that the proposed rule would apply to the registered LMM ''firm'' and specialist ''firm'' and not the individual employee acting on behalf of the LMM firm or specialist firm in such capacity.

[6] A registered ''LMM firm'' is a firm that is registered with NYSE Arca and employs individuals that are registered LMMs pursuant to NYSE Arca Equities Rule 7.

[7] A security may be listed on a national securities exchange upon effectiveness of a registration statement on Form 8–A of the listing company in relation to the listing and registration of the security on that exchange pursuant to Section 12(b) of the Act. The Act does not prohibit companies from having multiple effective Form 8–As in relation to contemporaneous listings of a class of securities on different exchanges. When a company chooses to delist from a national securities exchange and transfer its listing to another exchange, it must do so by filing a Form 25 as required by Rule 12d2–2(c) under the Act. Rule 12d2–2(c) requires a company to give at least 10 days notice to the exchange from which it is delisting of its intention to file a Form 25 and to give contemporaneous public notice of that intent. In the absence of Commission action, the Form 25 becomes effective 10 days after its filing. SEC rules do not require companies to wait until the effectiveness of the Form 25 before commencing trading on a new exchange. However, the Exchange states that while SEC rules do not expressly prohibit the commencement of trading on the new market prior to filing of the Form 25, the general practice is for companies transferring their listing to wait to commence trading on the new market until immediately after filing of the Form 25. Generally, the market from which the company is transferring will suspend trading in the security on the first trading day after filing of the Form 25, so that for practical purposes the company will only have one trading market as of that date, although there will be two effective Form 8–As for the 10-day period prior to the effectiveness of the Form 25. The NYSE and NYSE Arca intend to follow the practice described in this paragraph in connection with companies transferring their listing from NYSE Arca to the NYSE. Upon filing of the Form 25 in relation to the delisting from NYSE Arca and the effectiveness of the Form 8–A in relation to the NYSE listing, the NYSE will commence trading in the securities and NYSE Arca will suspend trading on the same day.

The proposed rule change would be similar to the procedure for spin-offs and related companies pursuant to Rule 103B.[8] Specifically, pursuant to Rule 103B, if a listing company is a spin-off or company related to a listed company, the listing company may select the specialist firm registered in the related company as its specialist without going through the Allocation Process. Alternatively, it may opt to select another specialist by participating in the regular Allocation Process.

The Exchange believes that the proposed rule change is consistent with the goals of the Allocation Policy to provide an incentive for ongoing enhancement of the relationship between the listing company and the specialist firm, to encourage continued high performance of the specialist firms by allowing them to use their experience and knowledge of the listing company's securities in a new market center and to provide the best possible match between the specialist firm and the security.

The proposed rule change is limited to listing companies that are transferring from NYSE Arca to the NYSE. Since NYSE Arca and NYSE are affiliates of one another, NYSE Arca's listings program for the allocation of securities is designed to meet goals that are similar to those established for the NYSE Allocation Process.

The proposed waiver of the Allocation Process would occur in very limited situations. It would affect only four firms that are currently both registered specialists firms on NYSE and registered LMM firms on NYSE Arca. These four firms are currently assigned to trade equities on both NYSE and NYSE Arca.[9]

Furthermore, market makers that conduct business on NYSE and NYSE Arca are both subject to the regulatory oversight of NYSE Regulation Inc. (''NYSER''). LMM firms in good standing on NYSE Arca must meet all of the market making obligations as enforced by NYSER. If an LMM firm fails to meet its market making obligations, it would no longer be eligible to serve as the LMM firm for the listed security. As such, the NYSE believes that allowing listed companies to maintain the LMM firm that trades its security on NYSE Arca when such LMM firm is also a registered specialist firm on the NYSE, comports with the overall goal of the Allocation Process to provide a specialist firm that is most qualified to transact business in the listed security.

Listing companies transferring from other market centers to the NYSE would not be eligible to waive the NYSE Allocation Process pursuant to the proposed rule change as the NYSE does not have control over other market center's established market making obligations. Neither does the NYSE have an understanding of the regulatory oversight related to the enforcement of the market making obligations of other market centers.

Consequently, there is no assurance for the NYSE that a registered NYSE specialist firm operating as a market maker on another market center is transacting business in accordance with its market making obligations on such other market center and therefore the NYSE would require the listing company to participate fully in its Allocation Process as proscribed by Exchange Rule 103B.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[10] in general, and furthers the objectives of Section 6(b)(5) of the Act,[11] in particular, because it is 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 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

Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days after the date of filing (or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest), the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[12] and subparagraph (f)(6) of Rule 19b–4 thereunder.[13]

A proposed rule change filed under 19b–4(f)(6) normally may not become operative prior to 30 days after the date of filing.[14] However, Rule 19b–4(f)(6)(iii)[15] 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 satisfied the five-day filing requirement. In addition, the Exchange has requested that the Commission waive the 30-day pre-operative delay and designate the proposed rule change to become operative upon filing. The Exchange represented that the proposed rule change is merely administrative in nature as it seeks to allow a listing company to waive the Allocation Process set forth in Exchange Rule 103B in those limited instances where the equity of the listing company was listed on NYSE Arca and the company's equity was assigned a LMM firm that is also a registered specialist firm on the NYSE, and when the listing company transfers from NYSE Arca to the NYSE, the listing company may waive the Allocation Process and select as its registered specialist firm the same NYSE Arca LMM as its specialist firm on the NYSE. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest because it would allow the Exchange to immediately implement this proposal and efficiently administer the allocation of equities that are currently eligible and scheduled to transfer listing from NYSE Arca to NYSE on April 18, 2007. Therefore, the Commission designates the proposal, as amended, to become effective and operative upon filing.[16]

[8] *See* Exchange Rule 103B.V; *see also* Securities Exchange Act Release No. 46579 (October 1, 2002), 67 FR 63004 (October 9, 2002) (SR–NYSE–2002–31).

[9] The four firms that are presently registered LMM firms on NYSE Arca and registered specialist firms on NYSE are: (1) Banc of America; (2) Bear Wagner Specialists LLC; (3) Susquehanna, and (4) Van der Moolen Specialists USA. LaBranche and Company LLC (''LaBranche'') is presently a registered LMM firm on NYSE Arca and a registered specialist firm on NYSE but LaBranche is presently assigned to trade ETFs only on NYSE Arca and has no equities assigned to it. Consequently, LaBranche does not fit the criteria of the proposed rule at this time.

[10] 15 U.S.C. 78f(b).

[11] 15 U.S.C. 78f(b)(5).

[12] 15 U.S.C. 78s(b)(3)(A).

[13] 17 CFR 240.19b–4(f)(6).

[14] 17 CFR 240.19b–4(f)(6)(iii).

[15] *Id.*

[16] For purposes only of waiving the 30-day operative delay, the Commission has considered the

At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in the furtherance of the purposes of the Act.[17]

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–NYSEArca–2007–39 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–NYSE–2007–39. 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 such filing also will be available for inspection and copying at the principal office of NYSE. 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–NYSE–2007–39 and should be submitted on or before May 15, 2007.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[18]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E7–7712 Filed 4–23–07; 8:45 am]

BILLING CODE 8010–01–P

impact of the proposed rule on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[17] For purposes of calculating the 60-day period within which the Commission may summarily abrogate the proposed rule change, the Commission considers the period to commence on April 17, 2007, the date on which the Exchange filed Amendment No. 1.

[18] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

AGENCY: Small Business Administration.

ACTION: Notice of Reporting Requirements Submitted for OMB Review.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made such a submission.

DATES: Submit comments on or before May 24, 2007. If you intend to comment but cannot prepare comments promptly, please advise the OMB Reviewer and the Agency Clearance Officer before the deadline.

Copies: Request for clearance (OMB 83–1), supporting statement, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer.

ADDRESSES: Address all comments concerning this notice to: *Agency Clearance Officer*, Jacqueline White, Small Business Administration, 409 3rd Street, SW., 5th Floor, Washington, DC 20416; and *OMB Reviewer*, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Jacqueline White, Agency Clearance Officer, (202) 205–7044.

SUPPLEMENTARY INFORMATION:

Title: Disaster Business Loan Application.

No's: 5,1368.

Frequency: On Occasion.

Description of Respondents: Personnel that assist in the processing of loan applications and disbursement of loan funds to victims of hurricanes Katrina, Rita and Wilma.

Responses: 19,769.

Annual Burden: 46,113.

Title: 8(a) SDB Paper and Electronic Application.

No's: 1010, 1010B, 1010C, 2065.

Frequency: On Occasion.

Description of Respondents: 8(a) SDB Companies.

Responses: 8,400.

Annual Burden: 36,210.

Jacqueline White,

Chief, Administrative Information Branch.

[FR Doc. E7–7808 Filed 4–23–07; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on Proposed Highways in Washington

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Limitation on Claims for Judicial Review of Actions by FHWA and Other Federal Agencies.

SUMMARY: This notice announces actions taken by the FHWA and other Federal agencies that are final within the meaning of 23 U.S.C. 139(l)(1)-(2). The actions relate to a proposed highway project, Yakima Grade Separation: Lincoln Avenue and B Street project, in Yakima County in the State of Washington. Those actions grant licenses, permits, and approvals for the project.

DATES: By this notice, the FHWA is advising the public of final agency actions subject to 23 U.S.C. 139(*l*)(1). A claim seeking judicial review of the Federal agency actions on the highway project will be barred unless the claim is filed on or before October 22, 2007. If the Federal law that authorizes judicial review of a claim provides a time period of less than 180 days for filing such claim, then that shorter time period still applies.

FOR FURTHER INFORMATION CONTACT: For FHWA: Bryan L. Dillon, South Central Region Area Engineer, Federal Highway Administration, 711 S. Capitol Way, Suite 501, Olympia, Washington, 98501; telephone: (360) 753–9556; e-mail: *Bryan.Dillon@fhwa.dot.gov.* The FHWA Washington Division Office's regular office hours are between 8 a.m. and 4:30 p.m. (Pacific Time). For Washington State: Roger Arms, Local Programs Engineer, Washington State Department of Transportation, P.O. Box 12560,

Yakima, Washington, 98909–2560; telephone: (509) 577–1780; e-mail: *ArmsR@wsdot.wa.gov.* The Washington State Department of Transportation's regular office hours are between 8 a.m. and 5 p.m. (Pacific Time).

SUPPLEMENTARY INFORMATION: Notice is hereby given that the FHWA and other Federal agencies have taken final agency actions subject to 23 U.S.C. 139(*l*)(1) by issuing licenses, permits, and approvals for the following highway project in the State of Washington: Yakima Grade Separation: Lincoln Avenue and B Street Project in Yakima County, Washington. The purpose of the Yakima Grade Separation project is to improve freight mobility through the city of Yakima by creating grade separation of the Burlington Northern Santa Fe (BNSF) railroad tracks at the Lincoln Avenue and Martin Luther King Boulevard, formerly known as B Street, crossings in downtown Yakima, and includes the realignment of Front Street. The project will be constructed over no more than two years, and the FHWA project reference number is 000S062. The actions by the Federal agencies on this project, and the laws under which such actions were taken, are described in the Environmental Assessment (EA) for the project, approved on April 11, 2006, in the FHWA Finding of No Significant Impact (FONSI) issued August 17, 2006, and in other documents in the FHWA project files. The EA, FONSI, and other project records are available by contacting FHWA or the Washington State Department of Transportation at the addresses provided above. The EA and FONSI can be viewed and downloaded form the project Web site at *http://www.wsdot.wa.gov/TA/Operations/Environmental/Yakima_EA.pdf* or viewed at public libraries in the project area.

This notice applies to all Federal agency decisions as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. *General:* National Environmental Policy Act [42 U.S.C. 4321–4351]; Federal-Aid Highway Act [23 U.S.C. 109 and 23 U.S.C. 128].

2. *Air:* Clean Air Act, as amended [42 U.S.C. 7401–7671(q)].

3. *Land:* Section 4(f) of the Department of Transportation Act of 1966 [49 U.S.C. 303]; Landscaping and Scenic Enhancement (Wildflowers) [23 U.S.C. 319].

4. *Wildlife:* Endangered Species Act [16 U.S.C. 1531–1544 and Section 1536]; Anadromous Fish Conservation Act [16 U.S.C. 757(a)-757(g)]; Fish and Wildlife Coordination Act [16 U.S.C. 661–667(d)]; Magnuson-Stevenson Fishery Conservation and Management Act of 1976, as amended [16 U.S.C. 1801 *et seq.*].

5. *Historic and Cultural Resources:* Section 106 of the National Historic Preservation Act of 1966, as amended [16 U.S.C. 470(f) *et seq.*]; Archaeological Resources Protection Act of 1977 [16 U.S.C. 470(aa)-470(ll)]; Archaeological and Historic Preservation Act [16 U.S.C. 469–469(c)]; Native American Grave Protection and Repatriation Act (NAGPRA) [25 U.S.C. 3001–3013].

6. *Social and Economic:* Civil Rights Act of 1964 [42 U.S.C. 2000(d)-2000(d)(1)]; American Indian Religious Freedom Act [42 U.S.C. 1996]; Farmland Protection Policy Act [7 U.S.C. 4201–4209]; the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended [42 U.S.C. 61].

7. *Wetlands and Water Resources:* Clean Water Act, 33 U.S.C. 1251–1377 (Section 404, Section 401, Section 319) [33 U.S.C. 1251–1377]; Coastal Zone Management Act [16 U.S.C. 1451–1465]; Land and Water Conservation Fund [16 U.S.C. 4601–4604]; Safe Drinking Water Act [42 U.S.C. 300(f)-300(j)(6)]; Rivers and Harbors Act of 1899 [33 U.S.C. 401–406]; TEA–21 Wetlands Mitigation [23 U.S.C. 103(b)(6)(m), 133(b)(11)]; Flood Disaster Protection Act [42 U.S.C. 4001–4128].

8. *Hazardous Materials:* Comprehensive Environmental Response, Compensation, and Liability Act [42 U.S.C. 9601–9675]; Superfund Amendments and Reauthorization Act of 1986 [Pub. L. 99–499]; Resource Conservation and Recovery Act [42 U.S.C. 6901–6992(k)].

9. *Executive Orders:* E.O. 11990 Protection of Wetlands; E.O. 11988 Floodplain Management; E.O. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations; E.O. 11593 Protection and Enhancement of Cultural Resources; E.O. 13007 Indian Sacred Sites; E.O. 13287 Preserve America; E.O. 13175 Consultation and Coordination with Indian Tribal Governments; E.O. 11514 Protection and Enhancement of Environmental Quality; E.O. 13112 Invasive Species.

Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Authority: 23 U.S.C. 139(*l*)(1)

Bryan L. Dillon,

South Central Region Area Engineer, Olympia, Washington.

[FR Doc. E7–7829 Filed 4–23–07; 8:45 am]

BILLING CODE 4910–RY–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Petition for Exemption From the Vehicle Theft Prevention Standard; Ford

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Grant of petition for exemption.

SUMMARY: This document grants in full the petition of Ford Motor Company (Ford) in accordance with § 543.9(c)(2) of 49 CFR part 543, *Exemption from the Theft Prevention Standard*, for the Ford Taurus X (formerly the Ford Freestyle) vehicle line beginning with model year (MY) 2008. This petition is granted because the agency has determined that the antitheft device to be placed on the line as standard equipment is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements of the Theft Prevention Standard.

DATES: The exemption granted by this notice is effective beginning with model year (MY) 2008.

FOR FURTHER INFORMATION CONTACT: Ms. Deborah Mazyck, Office of International Vehicle, Fuel Economy and Consumer Standards, NHTSA, 400 Seventh Street, SW., Washington, DC 20590. Ms. Mazyck's telephone number is (202) 366–0846. Her fax number is (202) 493–2290.

SUPPLEMENTARY INFORMATION: In a petition dated December 15, 2006, Ford requested an exemption from the parts-marking requirements of the Theft Prevention Standard (49 CFR part 541) for the Ford Taurus X (formerly the Ford Freestyle) vehicle line beginning with MY 2008. The petition requested an exemption from parts-marking pursuant to 49 CFR part 543, *Exemption from Vehicle Theft Prevention Standard*, based on the installation of an antitheft device as standard equipment for an entire vehicle line.

Under § 543.5(a), a manufacturer may petition NHTSA to grant exemptions for one of its vehicle lines per year. Ford has petitioned the agency to grant an exemption for its Ford Taurus X vehicle line beginning with MY 2008. In its petition, Ford provided a detailed

description and diagram of the identity, design, and location of the components of the antitheft device for the Ford Taurus X vehicle line. Ford will install its passive antitheft device as standard equipment on the vehicle line. Features of the antitheft device will include an electronic key, ignition lock, and a passive immobilizer. Additionally, the Ford Taurus X will have a standard perimeter alarm system which will monitor all the doors, the decklid and the hood of the vehicle. Ford's submission is considered a complete petition as required by 49 CFR 543.7, in that it meets the general requirements contained in § 543.5 and the specific content requirements of § 543.6.

The antitheft device to be installed on the MY 2008 Ford Taurus X is the SecuriLock Passive Anti-Theft Electronic Engine Immobilizer System (SecuriLock). The Ford SecuriLock is a transponder-based electronic immobilizer system. Ford stated that the integration of the transponder into the normal operation of the ignition key assures activation of the system. When the ignition key is turned to the start position, the transceiver module reads the ignition key code and transmits an encrypted message to the cluster. Validation of the key is determined and start of the engine is authorized once a separate encrypted message is sent to the powertrain's control module (PCM). The powertrain will function only if the key code matches the unique identification key code previously programmed into the PCM. If the codes do not match, the powertrain engine starter will be disabled. Ford also stated that the SecuriLock electronic engine immobilizer device makes conventional theft methods such as hot-wiring or attacking the ignition lock cylinder ineffective and virtually eliminates drive-away thefts.

Ford stated that the Ford Freestyle (renamed Taurus X for MY 2008) has experienced very low theft rates. The agency's theft rate data is not available for calendar year/model year (CY/MY) 2005 and 2006, however, Ford calculated its own theft rate data for the MY 2005 and 2006 Ford Freestyle vehicle line based on its CAFE production volumes and the National Insurance Crime Bureau theft data per one thousand vehicles produced. Ford stated that the theft rate for CY/MY 2005 and 2006 were 0.6744 and 1.3473, respectively. Accordingly, Ford stated that, although the NICB theft data indicates that there was an increase in the overall theft rate for CY/MY 2006 vehicles, its calculations showed that the rate for the Ford Freestyle continued to stay below the agency's median theft rate of 3.5826.

Additionally, Ford noted the reduction in theft rate for other vehicle lines equipped with the SecuriLock device. Ford's SecuriLock device was first introduced as standard equipment on its MY 1996 Mustang GT and Cobra. In MY 1997, the SecuriLock system was installed on the entire Mustang vehicle line as standard equipment. Ford stated that the 1997 model year Mustang with SecuriLock shows a 70% reduction in theft compared to the MY 1995 Mustang, according to National Insurance Crime Bureau (NICB) theft statistics. There were 149 reported thefts for 1997 compared to 500 reported thefts in 1995.

In addressing the specific content requirements of 543.6, Ford provided information on the reliability and durability of its proposed device. To ensure reliability and durability of the device, Ford conducted tests based on its own specified standards. Ford also provided a detailed list of the tests conducted and believes that the device is reliable and durable since the device complied with its specified requirements for each test.

Based on the evidence submitted by Ford, the agency believes that the antitheft device for the Ford Taurus X vehicle line is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements of the Theft Prevention Standard (49 CFR part 541). Based on the information Ford provided about its device, the agency concludes that the device will provide the five types of performance listed in § 543.6(a)(3): Promoting activation; attracting attention to the efforts of unauthorized persons to enter or operate a vehicle by means other than a key; preventing defeat or circumvention of the device by unauthorized persons; preventing operation of the vehicle by unauthorized entrants; and ensuring the reliability and durability of the device.

As required by 49 U.S.C. 33106 and 49 CFR 543.6(a)(4) and (5), the agency finds that Ford has provided adequate reasons for its belief that the antitheft device will reduce and deter theft.

For the foregoing reasons, the agency hereby grants in full Ford's petition for exemption for the Ford Taurus X vehicle line from the parts-marking requirements of 49 CFR part 541. The agency notes that 49 CFR part 541, Appendix A–1, identifies those lines that are exempted from the Theft Prevention Standard for a given model year. 49 CFR 543.7(f) contains publication requirements incident to the disposition of all part 543 petitions. Advanced listing, including the release of future product nameplates, the beginning model year for which the petition is granted and a general description of the antitheft device is necessary in order to notify law enforcement agencies of new vehicle lines exempted from the parts-marking requirements of the Theft Prevention Standard.

If Ford decides not to use the exemption for this line, it must formally notify the agency. If such a decision is made, the line must be fully marked according to the requirements under 49 CFR 541.5 and 541.6 (marking of major component parts and replacement parts).

NHTSA notes that if Ford wishes in the future to modify the device on which this exemption is based, the company may have to submit a petition to modify the exemption. Section 543.7(d) states that a part 543 exemption applies only to vehicles that belong to a line exempted under this part and equipped with the anti-theft device on which the line's exemption is based. Further, § 543.9(c)(2) provides for the submission of petitions ''to modify an exemption to permit the use of an antitheft device similar to but differing from the one specified in that exemption.''

The agency wishes to minimize the administrative burden that § 543.9(c)(2) could place on exempted vehicle manufacturers and itself. The agency did not intend in drafting part 543 to require the submission of a modification petition for every change to the components or design of an antitheft device. The significance of many such changes could be *de minimis*. Therefore, NHTSA suggests that if the manufacturer contemplates making any changes, the effects of which might be characterized as *de minimis*, it should consult the agency before preparing and submitting a petition to modify.

Authority: 49 U.S.C. 33106; delegation of authority at 49 CFR 1.50.

Issued on: April 18, 2007.

Stephen R. Kratzke,

Associate Administrator for Rulemaking.

[FR Doc. E7–7719 Filed 4–23–07; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Research and Innovative Technology Administration

Agency Information Collection; Activity Under OMB Review; Omnibus Household Survey Program

AGENCY: Research & Innovative Technology Administration (RITA), Bureau of Transportation Statistics (BTS), DOT.

ACTION: Notice.

SUMMARY: In accordance with the requirements of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, this notice announces that the Information Collection Request (ICR) described below is being forwarded to the Office of Management and Budget (OMB) for approval for a new information collection related to the use of and satisfaction with the nation's transportation system. The ICR describes the nature of the information collection and its expected burden. The **Federal Register** notice with a 60-day comment period soliciting comments on the following collection of information was published on February 12, 2007 (72 FR 6665) and the comment period ended on April 14, 2007. The 60-day notice produced no comments.

DATES: Written comments should be submitted by May 24, 2007.

FOR FURTHER INFORMATION CONTACT: Ms. June Taylor Jones, Passenger Travel Program Manager, Room 3430, RITA, BTS, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590–0001. Telephone (202) 366–4743, Fax (202) 493–0568 or e-mail *june.jones@dot.gov.*

SUPPLEMENTARY INFORMATION:

Title: Omnibus Household Survey (OHS) Program.

Type of Request: Approval of a new information collection.

OMB Control Number: New.

Affected Public: The population for the OHS Program is the non-institutionalized population, aged 18 and older, who live in the United States. The sampling frame will be a list-assisted random digit dialing (RDD) sample of U.S. residential telephone numbers. The sampling frame will be constructed to produce samples proportional to population density, resulting in nationally representative samples of residential telephone numbers. Individual survey respondents within selected households will be chosen at random.

Number of Respondents: 1,000–2,000 (depending on focus of survey).

Number of Responses: 1,000–2,000 (depending on focus of survey).

Total Annual Burden: 250–500 hours (Based on previous data collections, we estimate the average time to complete the survey is 15 minutes. 15 minutes × 1,000 respondents = 15,000 minutes/60 minutes = 250 hours or 500 hours if 2,000 respondents are sampled).

Abstract: In 2005, Congress passed, and the President signed, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU; Pub. L. 109–59). SAFETEA–LU contained a number of legislative mandates including providing data, statistics and analyses to transportation decision-makers. The Research and Innovative Technology Administration, Bureau of Transportation Statistics (RITA/BTS) was tasked to accomplish this legislative mandate under 49 U.S.C. 111 (c) (1). RITA/BTS plans to use the Omnibus Household Survey (OHS) to:

- Assess the public's evaluation of the nation's transportation system in light of the DOT's strategic goals (safety, reduced congestion, global connectivity, environmental stewardship and security, preparedness and response),
- Provide a vehicle for the operating administrations within the DOT as well as other governmental agencies, to survey the public about current transportation issues, and
- Provide national estimates of transportation mode usage.

Each version of the OHS will focus on some subset of topics taken from the list below. Topics may vary from survey to survey since covering all topics in one questionnaire would make the respondent burden unacceptable:

Frequency of mode use in the month prior to the survey month:
- Commercial air
- Privately-owned vehicle
- Taxi
- Light rail
- Commuter rail
- Public bus
- Intercity Rail (Amtrak)
- Other modes such as biking and walking

Confidence in the safety of the following modes of transportation:
- Commercial air
- Privately-owned vehicle
- Taxi
- Light rail
- Commuter rail
- Water transportation (taxis, ferries, ships)
- Public bus
- Intercity Rail (Amtrak)
- Other modes such as biking/walking/ferries

Confidence in the security procedures for the following modes of transportation:
- Commercial air
- Charter/general aviation
- Privately-owned vehicle
- Taxi
- Light rail
- Commuter rail
- Water transportation (taxis, ferries, ships)
- Public bus
- Intercity Rail (Amtrak)

Assessment of/satisfaction with security procedures for the following modes of transportation:
- Commercial air
- Charter/general aviation
- Privately-owned vehicle
- Taxi
- Light rail
- Commuter rail
- Water transportation (taxis, ferries, ships)
- Public bus
- Intercity Rail (Amtrak)

Processing through security at
- Commercial airports
- Train stations
- Waterway entry points for ferries, water taxis, cruises

Knowledge of/confidence in the Registered Traveler Program
- Knowledge of Registered Traveler Program
- Have used Registered Traveler Program
- Confidence in Registered Traveler Program

Knowledge of current check-in procedures at
- Commercial airports
- Train stations
- Waterway entry points for ferries, water taxis, cruises

Knowledge of/confidence in the Alien Flight Student Program and TSA Vetting Programs

Experiences with transit delays related to suspicious/unattended baggage

Willingness/tolerance of transportation security risk management procedures

Information on journey to work
- Transportation used (single mode/multiple mode)
- Time required for one-way trip
- Number of days traveled
- Assessment of congestion
- Methods for dealing with congestion
- Telecommuting information
- Commuting costs
- Availability of transportation subsidies
- Impact of congestion on commute
- Impact of fuel costs on transportation use/travel behavior
- Impact of on-line shopping on passenger and freight travel

Send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725–17th Street, NW., Washington, DC 20503, Attention: BTS Desk Officer.

Issued in Washington, DC on this 16th day of April, 2007.

William Bannister,

Acting Deputy Director, Research and Innovative Technology Administration, Bureau of Transportation Statistics, US Department of Transportation.

[FR Doc. E7–7755 Filed 4–23–07; 8:45 am]

BILLING CODE 4910–HY–P

Corrections

Federal Register

Vol. 72, No. 78

Tuesday, April 24, 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.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 070227047–7047–01; I.D. 020405C]

RIN 0648–AS96

Fisheries Off West Coast States; West Coast Salmon Fisheries; Amendment 14; Essential Fish Habitat Descriptions for Pacific Salmon

Correction

In proposed rule document 07–1946 beginning on page 19862 in the issue of Friday, April 20, 2007 make the following correction:

On page 19862, in the second column, under the **DATES** heading, in the last line ''July 19, 2007'' should read ''June 19, 2007''.

[FR Doc. C7–1946 Filed 4–23–07; 8:45 am]

BILLING CODE 1505–01–D

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 600

[EPA–HP–OAR–2005–0169; FRL–8257–5]

RIN 2060–AN14

Fuel Economy Labeling of Motor Vehicles: Revisions to Improve Calculation of Fuel Economy Estimates

Correction

Rule document 06–9749, originally published at 71 FR 77872–77969,(77941), December 27, 2006, corrected at 72 FR 7921, February 21, 2007, and is further corrected as follows:

§ 600.114–08 [Corrected]

In correction document C6–9749 in the issue of Wednesday, February 21, 2007, on page 7921, in § 600.114–08(c)(1)(ii)(B), the equation is further corrected to read as follows:

$$\text{(B) Running FC} = 1.007 \times \left[\frac{0.79}{\text{US06 Highway FE}} + \frac{0.21}{\text{HFET FE}}\right] + 0.133 \times 0.377 \times \left[\frac{1}{\text{SC03 FE}} - \left(\frac{0.61}{\text{Bag } 3_{75}\text{ FE}} + \frac{0.39}{\text{Bag } 4_{75}\text{ FE}}\right)\right]$$

[FR Doc. C6–9749 Filed 4–23–07; 8:45 am]

BILLING CODE 1505–01–D

Federal Register

Tuesday,
April 24, 2007

Part II

Department of Housing and Urban Development

24 CFR Part 200

Uniform Physical Condition Standards and Physical Inspection Requirements for Certain HUD Housing; Revision to Response Time for Requesting a Technical Review of a Physical Inspection Report; Proposed Rule

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Part 200

[Docket No. FR–5070–P–01]

RIN 2502–AI43

Uniform Physical Condition Standards and Physical Inspection Requirements for Certain HUD Housing; Revision to Response Time for Requesting a Technical Review of a Physical Inspection Report

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Proposed rule.

SUMMARY: HUD assesses the physical conditions of multifamily properties and notifies owners of its assessment. The owners, under certain circumstances, are provided an opportunity to seek a technical review of HUD's physical condition assessment and HUD may take action in certain cases where the housing is found not to be in compliance with the physical condition standards. Currently, the regulations establish different time frames for owners to request a technical review, depending on whether HUD transmits the inspection results through the Internet or certified mail. In order to improve uniformity in the technical review request process, this proposed rule would implement a standard time frame of 30 calendar days for the submission of a request for a technical review for both physical inspection results that are transmitted to the owner via the Internet or in hard copy form via certified mail.

DATES: *Comment Due Date:* May 24, 2007.

ADDRESSES: Interested persons are invited to submit comments regarding this rule to the Regulations Division, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 10276, Washington, DC 20410–0500. Interested persons also may submit comments electronically through the Federal eRulemaking Portal at *http://www.regulations.gov.* HUD strongly encourages commenters to submit comments electronically so that HUD, in turn, can make them immediately available to the public. Commenters should follow the instructions provided on that site to submit comments electronically. Facsimile (FAX) comments are not acceptable. In all cases, communications must refer to the docket number and title. All comments and communications submitted to HUD will be available for public inspection and copying between 8 a.m. and 5 p.m. weekdays at the above address. Due to security measures at the HUD Headquarters building, an advance appointment to review the public comments must be scheduled by calling the Regulations Division at (202) 708–3055 (this is not a toll-free number). Copies of all comments submitted are available for inspection and downloading at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Kenneth Hannon, Director, Business Relationships and Special Initiatives Division, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 6176, Washington, DC 20410–8000; telephone (202) 708–3944, extension 2599 (this is not a toll-free number). Hearing- and speech-impaired persons may access this number through TTY by calling the toll-free Federal Information Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION:

I. Background

HUD's regulations in 24 CFR part 200, subpart P, establish for multifamily housing certain administrative processes by which HUD notifies owners of HUD's assessment of the physical condition of their multifamily housing. The regulations provide owners, under certain circumstances, with the opportunity to seek a technical review of HUD's physical condition assessment of the multifamily housing; the regulations also allow HUD to take action in certain cases where such housing is found not to be in compliance with the physical condition standards. The regulations in 24 CFR part 200, subpart P, build upon the regulations in 24 CFR part 5, subpart G, that establish uniform physical condition standards (UPCS) for public housing and housing that is insured and/or assisted under certain HUD programs (collectively, such housing is referred to as HUD properties).

The regulations in 24 CFR part 5, subpart G, also establish a uniform physical inspection protocol, based on computer software developed by HUD, which allows HUD to determine compliance with these standards. The UPCS are intended to ensure that HUD program participants carry out their legal obligations to maintain HUD properties in a condition that is decent, safe, sanitary, and in good repair. The uniform inspection protocol is intended to assure that, to the greatest extent possible, there is uniformity and objectivity in the evaluation of the physical condition of HUD properties.

The regulations in 24 CFR part 200, subpart P, currently provide for two different time frames for owners to request a technical review of HUD's physical inspection assessment, depending on whether HUD transmits the inspection results to the owner through the Internet or via certified mail. Owners receiving their inspection results through certified mail are provided 30 calendar days to submit a request for a technical review, while those owners receiving their results electronically have only 15 calendar days to request a review.

II. This Proposed Rule

For technical review requests, HUD originally established one time frame for reviewing HUD inspection results for owners who receive the results by mail and another for reviewing HUD inspection results for owners who receive the results electronically. HUD did this because mailed communications between HUD and the owner would be slower. In establishing a response time of 30 days for a request from an owner who received the results by mail, HUD allowed for time to review the results and time for the owner to receive the mailed request. From almost 10 years of experience with this process, HUD has concluded that the differing deadlines have been confusing and do not necessarily establish equal review and response time for owners.

To address these concerns, this proposed rule would make one change to the time frames for requesting technical review. In § 200.857, HUD is revising paragraphs (c)(3) and (d) to include a uniform, 30-calendar-day time frame for the submission of a request for a technical review for physical inspection results that are transmitted to the owner either via the Internet or in hard copy via certified mail. Specifically, the proposed rule provides that HUD must receive requests for review no later than 30 calendar days from the date that HUD transmits the physical inspection report to the owner (as established by the postmark, if applicable). HUD believes that establishing a uniform time frame for requesting a technical review will be more equitable and less confusing to its clients, and simpler for its multifamily field offices to administer.

III. Justification for 30-Day Comment Period

In accordance with HUD's regulations concerning rulemaking at 24 CFR part 10 (entitled, ''Rulemaking Policy and Procedures''), it is HUD's policy that the

public comment period for proposed rules should be 60 days. In the case of this proposed rule, however, HUD has determined there is good cause to reduce the public comment period to 30 days. As discussed in more detail earlier in this preamble, this proposed rule would implement only a minor regulatory change that would make HUD's procedures more uniform and easier to follow. Specifically, the proposed rule would provide for a uniform, 30-calendar-day period for submission of review requests, whether the owner receives the results electronically or via certified mail. HUD anticipates that a uniform time frame will expedite the processing of review requests because it will eliminate confusion and, therefore, promote efficiency in the process. The regulatory change is procedural and does not revise or establish new binding physical inspection requirements on owners. Nothing in the proposed rule would restrict owners from submitting a review request prior to the close of the 30 days, and owners may continue to submit their requests as quickly as they choose.

Given the procedural and streamlining nature of the proposed regulatory changes, HUD believes that good cause exists to reduce the public comment period to 30 days. All comments will be considered in the development of the final rule.

IV. Findings and Certifications

Paperwork Reduction Act

The information collection requirements contained in this proposed rule have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) and assigned OMB Control number 2502–0369. In accordance with the Paperwork Reduction Act, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless the collection displays a currently valid OMB control number.

Environmental Impact

In accordance with 24 CFR 50.19(c)(1) of the Department's regulations, this rule does not direct, provide for assistance or loan and mortgage insurance for, or otherwise govern or regulate, real property acquisition, disposition, leasing, rehabilitation, alteration, demolition, or new construction, or establish, revise, or provide for standards for construction or construction materials, manufactured housing, or occupancy. Therefore, this proposed rule is categorically excluded from the requirements of the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*).

Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. The proposed rule would establish a uniform time frame for submission of review requests for all owners, irrespective of size. The regulatory change is procedural and does not revise or establish new binding requirements on owners. HUD anticipates that a uniform time frame will eliminate confusion and, therefore, expedite the processing of review requests. Accordingly, the undersigned certifies that this rule will not have a significant economic impact on a substantial number of small entities.

Notwithstanding HUD's determination that this rule will not have a significant economic impact on a substantial number of small entities, HUD specifically invites comments regarding less burdensome alternatives to this rule that will meet HUD's objectives as described in this preamble.

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (2 U.S.C. 1531–1538) establishes requirements for federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. This rule does not impose any federal mandate on state, local, or tribal government or the private sector within the meaning of UMRA.

Federalism

Executive Order 13132 (entitled ''Federalism'') prohibits an agency from publishing any rule that has federalism implications if the rule either imposes substantial direct compliance costs on state and local governments and is not required by statute, or the rule preempts state law, unless the agency meets the consultation and funding requirements of section 6 of the Executive Order. This rule does not have federalism implications and does not impose substantial direct compliance costs on state and local governments nor preempt State law within the meaning of the Executive Order.

List of Subjects in 24 CFR Part 200

Administrative practice and procedure, Claims, Equal employment opportunity, Fair housing, Home improvement, Housing standards, Incorporation by reference, Lead poisoning, Loan programs, Housing and community development, Minimum property standards, Mortgage insurance, Organization and functions (government agencies), Penalties, Reporting and recordkeeping requirements, Social Security, Unemployment compensation, and Wages.

Accordingly, for the reasons stated in the preamble, HUD proposes to amend 24 CFR part 200 as follows:

PART 200—INTRODUCTION TO FHA PROGRAMS

1. The authority citation for 24 CFR part 200 continues to read as follows:

Authority: 12 U.S.C. 1702–1715z–21; 42 U.S.C. 3535(d).

2. Revise § 200.857(c)(3) and (d) introductory text to read as follows:

§ 200.857 Administrative process for scoring and ranking the physical condition of multifamily housing properties.

* * * * *

(c) * * *

(3) If, following review of the physical inspection results and score, the owner reasonably believes that an objectively verifiable and material error (or errors) occurred in the inspection, which, if corrected, will result in a significant improvement in the property's overall score (''significant improvement'' is defined in paragraph (d)(4) of this section), the owner may submit a written request for a technical review. The technical review request must be received in writing no later than 30 calendar days (as established by the postmark, if applicable) from the date the physical inspection results are transmitted to the owner by REAC whether the results and score are transmitted to the owner via the Internet, or by hard copy via certified mail.

(d) *Technical review of physical inspection results.* A request for a technical review of physical inspection results must be submitted in writing to REAC and must be received by REAC no later than the 30th calendar day, as applicable under paragraph (c)(3) of this section, following submission of the physical inspection report to the owner as provided in paragraph (c)(1) of this section.

* * * * *

Dated: March 21, 2007.

Brian D. Montgomery,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. E7–7706 Filed 4–23–07; 8:45 am]

BILLING CODE 4210–67–P

Federal Register

Tuesday,
April 24, 2007

Part III

Securities and Exchange Commission

17 CFR Part 230

Covered Securities Pursuant to Section 18 of the Securities Act of 1933; Final Rule

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 230

[Release No. 33–8791; File No. S7–18–06]

RIN 3235–AJ73

Covered Securities Pursuant to Section 18 of the Securities Act of 1933

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: The Securities and Exchange Commission (''SEC'' or ''Commission'') is adopting an amendment to a rule under Section 18 of the Securities Act of 1933 (''Securities Act'') to designate securities listed, or authorized for listing, on the Nasdaq Capital Market tier of The NASDAQ Stock Market LLC (''Nasdaq'') as covered securities for purposes of Section 18 of the Securities Act. Covered securities under Section 18 of the Securities Act are exempt from State law registration requirements. The Commission also is making a correction to the rule text to conform it to the language of Section 18 of the Securities Act.

DATES: *Effective Date:* May 24, 2007.

FOR FURTHER INFORMATION CONTACT: Heather Seidel, Assistant Director, (202) 551–5608, Hong-anh Tran, Special Counsel, (202) 551–5637, or Michou Nguyen, Special Counsel, (202) 551–5634, Division of Market Regulation (''Division''), Commission, 100 F Street, NE., Washington, DC 20549–6628.

SUPPLEMENTARY INFORMATION:

I. Introduction

In 1996, Congress amended Section 18 of the Securities Act to exempt from state registration requirements securities listed, or authorized for listing, on the New York Stock Exchange LLC (''NYSE''), the American Stock Exchange LLC (''Amex''), or the National Market System of The NASDAQ Stock Market LLC (''Nasdaq/NGM'')[1] (collectively, the ''Named Markets''), or any national securities exchange designated by the Commission to have substantially similar listing standards to those markets.[2] More specifically, Section 18(a) of the Securities Act provides that ''no law, rule, regulation, or order, or other administrative action of any State * * * requiring, or with respect to, registration or qualification of securities * * * shall directly or indirectly apply to a security that—(A) is a covered security.''[3] Covered securities are defined in Section 18(b)(1) of the Securities Act to include those securities listed, or authorized for listing, on the Named Markets, or securities listed, or authorized for listing, on a national securities exchange (or tier or segment thereof) that has listing standards that the Commission determines by rule are ''substantially similar'' to the Named Markets.[4]

Pursuant to Section 18(b)(1)(B) of the Securities Act, the Commission adopted Rule 146.[5] Rule 146(b) lists those national securities exchanges, or segments or tiers thereof, that the Commission has determined to have listing standards substantially similar to those of the Named Markets and thus securities listed on such exchanges are deemed covered securities.[6]

Nasdaq has petitioned the Commission to amend Rule 146(b) to determine that its listing standards for securities listed on the Nasdaq Capital Market (''NCM'')[7] are substantially similar to those of the Named Markets and, accordingly, that securities listed pursuant to such listing standards are covered securities for purposes of Section 18(b) of the Securities Act.[8]

On November 22, 2006, the Commission issued a release proposing to amend Rule 146(b) to designate securities listed on the NCM as covered securities for purposes of Section 18(a) of the Securities Act.[9] The Commission received seven comment letters, all expressing overall support for the Nasdaq Petition.[10] In connection with its petition, Nasdaq filed a proposed rule change to amend its quantitative listing standards for NCM securities to make its NCM listing standards substantially similar to the Named Markets.[11] On April 18, 2007, the Commission approved this proposed rule change.[12]

Based on the approved changes to the NCM listing standards and after careful comparison, the Commission concludes that the listing standards of the NCM are substantially similar to the listing standards of the Named Markets. Accordingly, the Commission today is amending Rule 146(b) to designate securities listed, or authorized for listing, on the NCM as covered securities under Section 18(b)(1) of the Securities Act.[13] Amending Rule 146(b) to include securities listed, or authorized for listing, on the NCM as covered securities will exempt those securities from state registration

[1] As of July 1, 2006, the National Market System of The NASDAQ Stock Market LLC is known as the Nasdaq Global Market. *See* Securities Exchange Act Release Nos. 53799 (May 12, 2006), 71 FR 29195 (May 19, 2006) and 54071 (June 29, 2006), 71 FR 38922 (July 10, 2006).

[2] *See* National Securities Markets Improvement Act of 1996, Pub. L. No. 104–290, 110 Stat. 3416 (October 11, 1996).

[3] 15 U.S.C. 77r(a).

[4] 15 U.S.C. 77r(b)(1)(A) and (B). In addition, securities of the same issuer that are equal in seniority or senior to a security listed on a Named Market or national securities exchange designated by the Commission as having substantially similar listing standards to a Named Market are covered securities for purposes of Section 18 of the Securities Act. 15 U.S.C. 77r(b)(1)(C).

[5] Securities Exchange Act Release No. 39542 (January 13, 1998), 63 FR 3032 (January 21, 1998) (determining that the listing standards of the Chicago Board Options Exchange, Incorporated (''CBOE''), Tier 1 of the Pacific Exchange, Inc. (''PCX'') (now known as NYSE Arca, Inc.), and Tier 1 of the Philadelphia Stock Exchange, Inc. (''Phlx'') were substantially similar to those of the Named Markets and that securities listed pursuant to those standards would be deemed covered securities for purposes of Section 18 of the Securities Act). In 2004, the Commission amended Rule 146(b) to designate options listed on the International Securities Exchange, Inc. (''ISE'') (now known as the International Securities Exchange, LLC) as covered securities for purposes of Section 18(b) of the Securities Act.

[6] 17 CFR 230.146(b).

[7] The Nasdaq Capital Market was previously named the Nasdaq SmallCap Market.

[8] *See* letter from Edward S. Knight, Executive Vice President and General Counsel, Nasdaq, to Nancy M. Morris, Secretary, Commission, dated March 1, 2006 (File No. 4—513) (''Nasdaq Petition'').

[9] Securities Act Release No. 8754 (November 16, 2006), 71 FR 67762 (November 22, 2006) (''Proposing Release'').

[10] *See* letter to Nancy M. Morris, Secretary, Commission, from Alan M. Parness, Vice Chair, State Regulation of Securities Committee of the American Bar Association Section of Business Law (''ABA Committee''), dated April 3, 2006 (''ABA Committee April 3rd Letter''); letter to Nancy M. Morris, Secretary, Commission, from Patricia D. Struck, The North American Securities Administrators Association (''NASAA'') President and Wisconsin Securities Administrator, dated March 29, 2006 (''NASAA March 29th Letter''); electronic mail to Robert L.D. Colby, Acting Director, Division, Commission, from Randall Schumann, Legal Counsel, Wisconsin DFI-Division of Securities, NASAA Corporation Finance Section Member, dated June 1, 2006; letter to Nancy M. Morris, Secretary, Commission, from Alan M. Parness, Vice Chair, ABA Committee, dated December 20, 2006 (''ABA Committee December 20th Letter''); letter to Nancy M. Morris, Secretary, Commission, from Joseph P. Borg, NASAA President and Director, Alabama Securities Commission, dated December 21, 2006 (''NASAA December 21st Letter''); letter to Nancy M. Morris, Secretary, Commission, from Joseph P. Borg, NASAA President and Director, Alabama Securities Commission, dated December 21, 2006 (''NASAA Supplemental Letter''); and letter to Nancy M. Morris, Secretary, Commission, from Phillip B. Kennedy, Esq., Gaeta & Eveson, P.A., dated December 19, 2006 (''Kennedy Letter''). In addition, the Commission's Advisory Committee on Smaller Public Companies recommended on April 23, 2006 that the Commission make NCM stocks ''covered securities.'' SEC Advisory Committee on Smaller Public Companies, Final Report, at 97–100 (2006).

[11] *See* Securities Exchange Act Release Nos. 54378 (August 28, 2006) (''Nasdaq Proposed Rule Change''), 71 FR 52351 (September 5, 2006).

[12] Securities Exchange Act Release No. 55642 (April 18, 2007) (''NCM Listing Standard Amendments'').

[13] 15 U.S.C. 77r(b)(1).

requirements as set forth under Section 18(a) of the Securities Act.[14]

II. Amendment to Rule 146(b) to Include Nasdaq NCM Securities

Under Section 18(b)(1)(B) of the Securities Act,[15] the Commission has the authority to compare the listing standards of a petitioner with those of the NYSE, Amex, or Nasdaq/NGM. The Commission initially compared Nasdaq's listing standards for all NCM securities with only one of the Named Markets. If the listing standards in a particular category did not meet the standards of that market, the Commission compared the petitioner's standards to the other two Named Markets.[16] In addition, the Commission interpreted the ''substantially similar'' standard to require listing standards at least as comprehensive as those of the Named Markets.[17] If a petitioner's listing standards are higher than the Named Markets, then the Commission still determined that the petitioner's listing standards are substantially similar to the Named Markets. Finally, the Commission notes that differences in language or approach would not necessarily lead to a determination that the listing standards of the petitioner are not substantially similar to those of a Named Market.

The Commission has reviewed the NCM's listing standards, as amended,[18] and, for the reasons discussed below, believes that the standards are substantially similar to those of the Named Markets. Accordingly, the Commission is amending Rule 146(b) to include securities listed, or authorized for listing, on the NCM. Because the Commission believes Nasdaq's qualitative listing standards for NCM securities are identical to the qualitative listing standards for Nasdaq/NGM securities,[19] the discussion below focuses on the NCM quantitative listing standards.

A. Common Stock

As discussed in the Proposing Release, the Commission preliminarily believed that some, but not all, of the requirements in Nasdaq's then-existing quantitative initial listing standards for common stock listing on the NCM were substantially similar to those of Amex's common stock listing standards. The NCM Listing Standard Amendments modify those NCM initial listing standards for common stock to require an issuer to have:

- Shareholder's equity of $4 million and net income from continuing operations of $750,000 in the most recently completed fiscal year or in two of the last three most recently completed fiscal years, and a market value of publicly held shares of $5 million;
- Shareholder's equity of $4 million, a market value of listed securities of $50 million, and a market value of publicly held shares of $15 million; or
- Shareholder's equity of $5 million, a two-year operating history, and a market value of publicly held shares of $15 million.[20]

In light of these rule changes, the Commission finds the NCM initial listing standards for common stock to be substantially similar to those of Amex.

The Commission finds that the continued listing requirements for common stock listed on the NCM, while not identical, are substantially similar to those of Amex. Amex's delisting criteria are triggered by poor financial condition or operating results of the issuer.[21] Specifically, Amex will consider delisting an equity issue if: (i) Stockholders' equity is less than $2 million and such issuer has sustained losses from continuing operations and/or net losses in two of its three most recent fiscal years; (ii) stockholders' equity is less than $4 million and such issuer has sustained losses from continuing operations and/or net losses in three of its four most recent fiscal years; (iii) stockholders' equity is less than $6 million if such issuer has sustained losses from continuing operations and/or net losses in its five most recent fiscal years; or (iv) the issuer has sustained losses which are so substantial in relation to its overall operations or its existing financial resources, or its financial condition has become so impaired that it appears questionable, in the opinion of the Exchange, as to whether such company will be able to continue operations and/or meet its obligations as they mature.[22]

Although Nasdaq's NCM does not have the same continued listing requirements, Nasdaq also looks at the financial condition and operating results of the issuer. Specifically, for continued listing, Nasdaq requires an issuer to have shareholder's equity of at least $2.5 million, market value of listed securities of at least $35 million, or net income of $500,000 from continuing operations in the past fiscal year or two out of its three past fiscal years.[23] Further, Nasdaq requires that the listed issue have a minimum bid price for continued listing of $1 per share.[24] In addition, for continued listing, Nasdaq requires an issuer to have a minimum of 500,000 publicly held shares with a market value of at least $1 million.[25]

The Commission finds that the maintenance criteria for common stock listed on Amex and on the NCM are substantially similar.[26]

B. Secondary Classes of Common Stocks

Only Nasdaq has listing standards for the trading of a secondary class of common stock. A secondary class of common stock is a class of common stock of an issuer that has another class of common stock listed on an exchange. The Commission compared the NCM listing standards for secondary classes of common stock and preferred stocks with the listing standards of the Nasdaq/NGM.

As discussed in the Proposing Release, the Commission preliminarily believed that with respect to the number

[14] 15 U.S.C. 77r(a).

[15] 15 U.S.C. 77r(b)(1)(A).

[16] This approach is consistent with the approach that the Commission has previously taken. *See* Securities Act Release Nos. 7422 (June 9, 1997), 62 FR 32705 (June 17, 1997) and 7494 (January 13, 1998), 63 FR 3032 (January 21, 1998).

[17] Securities Act Release No. 7422, *supra* note 16.

[18] *See* NCM Listing Standard Amendments, *supra,* note 12.

[19] Such qualitative listing standards relate to, among other things, the number of independent directors required, conflicts of interest, composition of the audit committee, executive compensation, shareholder meeting requirements, voting rights, quorum, code of conduct, proxies, shareholder approval of certain corporate actions, and the annual and interim reports requirements. *See* Nasdaq Rule 4350.

[20] *See* NCM Listing Standard Amendments, *supra,* note 12.

[21] *See* generally Sections 1001 through 1006 of the Amex Company Guide.

[22] *See* Section 1003(a) of the Amex Company Guide. Amex also will consider delisting if: (i) An issuer has sold or otherwise disposed of its principal operating assets or has ceased to be an operating company or has discontinued a substantial portion of its operations or business; (ii) if substantial liquidation of the issuer has been made; or (iii) if advice has been received, deemed by the Exchange to be authoritative, that the security is without value, or in the case of a common stock, such stock has been selling for a substantial period of time at a low price. *See* Section 1003(c) and (f)(v) of the Amex Company Guide.

[23] Nasdaq Rule 4310(c)(2)(B)(i)–(iii).

[24] Nasdaq Rule 4310(c)(4). Amex will consider delisting if the price per share is ''low.'' *See* Amex Rule 1003(f)(v).

[25] Nasdaq Rule 4310(c)(7)(A). Amex will consider delisting the common stock of an issuer if the aggregate market value of such publicly held shares is less than $1 million for more than 90 consecutive days, the number of publicly held shares is less than 200,000 shares, or the number of its public stockholders is less than 300. *See* Section 1003(b) of the Amex Company Guide.

[26] As noted above, the Commission has interpreted the substantially similar standard to require listing standards at least as comprehensive as those of the Named Markets, and differences in language or approach of the listing standards are not dispositive.

of round lot holders,[27] bid price,[28] and number of publicly held shares [29] requirements,[30] Nasdaq's initial and continued listing requirements for secondary classes of common stock and preferred stocks listing on the NCM were substantially similar to the listing standards for the Nasdaq/NGM. The Commission did not, however, believe that the initial continued listing requirements for market value of publicly held shares for NCM were substantially similar to Nasdaq/NGM standards.[31]

In the NCM Listing Standard Amendments, Nasdaq increased the NCM listing standards for both preferred and secondary classes of common stock for the market value of publicly held shares to $3.5 million for initial listing and $1 million for continued listing.[32] Nasdaq also increased its initial and continued NCM listing rules for secondary classes of common stock and preferred stock to require that the common stock or common stock equivalent of the issuer either be listed on Nasdaq or be a covered security as defined in Rule 146(b).[33] In light of these revisions to the NCM's initial and continued listing standards for secondary classes of common stock and preferred stocks, the Commission finds that the NCM's rules for initial and continued listing for secondary classes of common stock and preferred stock are substantially similar to Nasdaq/NGM's rules.

C. Convertible Debt

The Commission has compared the NCM listing standards for convertible debt to Amex's listing standards for debt.[34] In the NCM Listing Standards Amendments, Nasdaq added a debt rating requirement similar to a requirement in Amex's listing standards.[35] Specifically, Nasdaq requires that for the initial listing of convertible debt, one of the following conditions must be met: (i) The issuer of the debt security must also have an equity security listed on the Amex, NYSE, or Nasdaq; (ii) an issuer of equity security listed on the Amex, NYSE, or Nasdaq, directly or indirectly owns a majority interest in, or is under common control with, the issuer of the debt security; (iii) an issuer of equity security listed on the Amex, NYSE, or Nasdaq has guaranteed the debt security; (iv) a nationally recognized securities rating organization (an ''NRSRO'') has assigned a current rating to the debt security that is no lower than an S&P Corporation ''B'' rating or equivalent rating by another NRSRO; or (v) if no NRSRO has assigned a rating to the issue, an NRSRO has currently assigned an investment grade rating to an immediately senior issue or a rating that is no lower than an S&P Corporation ''B'' rating, or an equivalent rating by another NRSRO, to a *pari passu* or junior issue.[36] The Listing Standards Amendment also requires that current sale information be available in the United States for the underlying security into which a convertible debt issue is convertible. Accordingly, the Commission finds that the NCM's listing standards for convertible debt are substantially similar to those of Amex.

The Commission also finds that the continued listing requirements for convertible debt securities listed on the NCM are substantially similar to Amex's requirements. The NCM listing standards require that the principal amount outstanding be maintained at $5 million.[37] Amex generally will delist a bond if the aggregate market value or the principal amount of the bond publicly held is less than $400,000, or if the issuer is not able to meet its obligations on the listed debt.[38] Although not identical, the Commission believes that both standards are designed to ensure the continued liquidity of the debt security, and thus are substantially similar.

D. Warrants

The Commission compared Nasdaq's NCM listing standards for warrants to the Nasdaq/NGM standards. In the Proposing Release, the Commission stated that it preliminarily believed that the NCM standards were not substantially similar to the Nasdaq/NGM standards. The NCM Listing Standard Amendments, however, increased the required number of warrants that must be outstanding for initial listing on the NCM from 100,000 to 400,000.[39] Though not identical, the Commission believes this initial listing requirement is substantially similar to Nasdaq/NGM requirements that there be 450,000 warrants outstanding for initial listing. The NCM Listing Standard Amendments also added a requirement for initial and continued listing that the security underlying the warrant be listed on Nasdaq or be a covered security as described in Section 18(b).[40] The Commission believes this requirement is substantially similar to the Nasdaq/NGM standard that requires that, for continued listing, the common stock of the issuer must continue to be listed on the Nasdaq/NGM.[41] In light of the changes made by the NCM Listing Standard Amendments, the Commission finds the NCM's listing standards for warrants are substantially similar to those of Nasdaq/NGM.

E. Index Warrants

Index warrants traded on the NCM, must meet the same initial and continuing listing standards as index warrants traded on the Nasdaq/NGM market.[42] Therefore, the Commission finds that the listing standards for index warrants traded on the NCM are substantially similar to the standards applicable to index warrants traded on the Nasdaq/NGM market.

[27] Both Nasdaq NCM and NGM require 100 round lot holders. *See* NASD Rules 4310(c)(6)(B) and 4420(k)(4). Nasdaq/NGM also requires 100 round lot holders for continued listing. Although the NCM requirements previously did not explicitly require a continuing number of round lot holders, the NCM Listing Standard Amendments clarified that the 100 round lot holders requirement also will apply as a continued listing requirement for the NCM preferred and secondary classes of common stock standards. *See* NCM Listing Standard Amendments, *supra* note 12.

[28] While the NCM bid price requirement for initial listing is $4 and the Nasdaq/NGM requirement is $5, the Commission believes that these standards are substantially similar. Both NGM and NCM require a $1 bid price for continued listing. *See* Nasdaq Rules 4310(c)(4), 4420(k)(3), and 4450(h)(3).

[29] Both Nasdaq NCM and NGM require 200,000 publicly held shares for initial listing, and 100,000 publicly held shares for continued listing. *See* Nasdaq Rules 4310(c)(7)(B), 4420(k)(1), and 4450(h)(1).

[30] The Commission notes that these requirements apply to instances when the common stock or common stock equivalent security of the issuer is listed on Nasdaq/NGM, NCM, Global Select Market (''GSM'') (the GSM is a segment of the NGM, *see* Securities Exchange Act Release Nos. 53799 and 54071, *supra* note 1), or another national securities exchange. If the common stock or common stock equivalent is not listed on one of these markets then the security must meet the common stock listing requirements for the relevant market (either Nasdaq/NGM or NCM). *See* generally NASD Rules 4310(c)(6)(B) and 4420(k).

[31] *See* Proposing Release, *supra* note 9, at notes 43–44 and accompanying text.

[32] *See* NCM Listing Standard Amendments, *supra* note 12.

[33] *Id.*

[34] *See* generally Nasdaq Rule 4310(c)(5) and Sections 104 and 1003 of the Amex Company Guide.

[35] *See* NCM Listing Standard Amendments, *supra* note 12.

[36] *See* Nasdaq Rule 4310(c)(5)(B).

[37] *Id.*

[38] *See* Section 1003(b)(iv) of the Amex Company Guide. Section 1003(e) of the Amex Company Guide states that convertible bonds will be reviewed when the underlying security is delisted and will be delisted when the underlying security is no longer the subject of real-time reporting in the United States. The Commission does not believe that this is material because although Nasdaq does not have an identical rule, it does have the discretion to delist beyond its standards.

[39] *See* NCM Listing Standard Amendments, *supra* note 12.

[40] *Id.*

[41] *See* Nasdaq Rule 4450(d).

[42] *See* generally Nasdaq Rule 4310(c)(9)(C).

F. Units

The NCM, Amex, and Nasdaq/NGM all evaluate the initial and continued listing of a unit by looking to its components.[43] If all of the components of a unit individually meet the standards for listing, then the unit would meet the standards for listing.[44] In light of the NCM Listing Standard Amendments, which increase the listing requirements for the different categories of securities discussed above that could make up the components of a unit, the Commission finds that the NCM listing standards for units are substantially similar to both Amex and Nasdaq/NGM listing standards.[45]

III. Other Changes to Rule 146(b)

A. Clarifying Changes in Response to Comments

In response to comments received from the ABA Committee and NASAA, the Commission is making a minor amendment to Rule 146(b) to include securities ''authorized for listing'' on a market named in Rule 146(b).

NASAA and the ABA Committee expressed concern regarding a discrepancy between the language of Section 18 under the Securities Act and Rule 146(b) thereunder. Section 18 defines covered securities as securities ''listed, or authorized for listing'' on the Named Markets, or the other exchanges that have listing standards that the Commission has deemed to be substantially similar to the Named Markets. Rule 146(b), however, deems as ''covered securities'' only securities listed, not those that are ''authorized for listing,'' pursuant to exchange rules that the Commission has found to be substantially similar to the Named Markets. NASAA and the ABA Committee expressed concern that some issuers that are authorized for listing but not yet listed on an exchange identified in Rule 146(b) would not clearly be exempt from state qualification or registration requirements. They recommend that the Commission clarify the language in Rule 146(b) to conform it to the language of Section 18(b)(1)(B) of the Securities Act.[46] The Commission believes that this clarifying change to Rule 146(b) is consistent with Congressional intent, as well as the Commission's intent, is appropriate, and addresses the commenters'' concerns.[47]

Another commenter expressed concern about a perceived ambiguity in Rule 146(b)(2). Rule 146(b)(2) conditions the designation of securities on the exchanges specified under Rule 146(b)(1) as ''covered securities'' as long as their listing standards continue to be substantially similar to those of the Named Markets. The commenter believes that it is not clear who makes this determination and recommends that the phrase ''as determined by the Commission'' should be added to the language of Rule 146(b)(2).[48] The Commission believes that this change is unnecessary because Section 18 clearly states that ''covered securities'' are those the Commission determines are substantially similar to the Named Markets. Similarly, Rule 146 specifies that it is the Commission that has found that listed exchanges, or segments thereof, have listing standards substantially similar to those of the Named Markets. The Commission also notes that since this rule has been in effect, the problem described by the commenter has not occurred and does not believe that further amendment to the language of the rule is required at this time.

B. Changes to Exchanges'' Names

The Commission is amending Rule 146(b), as proposed, to reflect the following name changes:

- Sections (b)(1) and (b)(2) of Rule 146 use the term ''Nasdaq/NMS'' to refer to the National Market System of The NASDAQ Stock Market LLC. As noted above, on July 1, 2006, what was the National Market System of The NASDAQ Stock Market LLC became known as the Nasdaq Global Market.[49] The Commission is making a conforming change to Rule 146(b).
- Rule 146(b)(1)(i) refers to the Pacific Exchange Incorporated. In April 2006, the Pacific Exchange, Incorporated was renamed NYSE Arca, Inc.[50] The Commission is making a conforming change to Rule 146(b).
- Rule 146(b)(1)(iv) refers to the International Securities Exchange, Incorporated. In September 2006, the International Securities Exchange, Incorporated was renamed the International Securities Exchange, LLC. The Commission is making a conforming change to Rule 146(b).
- Finally, the Commission is amending paragraph (1)(ii) of Rule 146(b) to reflect the legal name of the Philadelphia Stock Exchange, Inc.[51]

IV. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 does not apply because the proposed amendment to Rule 146(b) does not impose recordkeeping or information collection requirements or other collection of information, which require the approval of the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

V. Cost-Benefit Analysis

Congress amended Section 18 of the Securities Act to exempt covered securities from state registration requirements. These securities are listed, or authorized for listing, on the Named Markets or any other national securities exchange determined by the Commission to have substantially similar listing standards to the Named Markets.[52] Consistent with statutory authority, the Commission has determined that the listing standards for securities listed, or authorized for listing, on the NCM are substantially similar to those of either the Amex or Nasdaq/NGM. Securities listed, or authorized for listing, on the NCM therefore would be covered securities subject only to federal regulation.

By exempting securities listed, or authorized for listing, on the NCM from state law registration requirements, the Commission expects that the listing process for those securities will become easier as one layer of regulation is eliminated. Moreover, the Commission also expects adoption of the rule will reduce the administrative burden the issuers of covered securities face inasmuch as compliance with state blue

[43] A unit is a type of security consisting of two or more different types of securities (*e.g.*, a combination of common stocks and warrants). *See* Securities Exchange Act Release No. 48464 (September 9, 2003), 68 FR 54250 (September 16, 2003).

[44] *See* generally Section 101(g) of the Amex Company Guide and Nasdaq Rules 4310(c)(10) and 4420(h)(1)(a)–(c).

[45] *See* NCM Listing Standard Amendments, *supra* note 12.

[46] *See* ABA Committee April 3rd Letter; ABA Committee December 20th Letter; and NASAA Supplemental Letter, *supra* note 10.

[47] The Administrative Procedure Act (''APA'') generally requires an agency to publish notice of a proposed rulemaking in the **Federal Register**. The APA's notice and comment requirement does not apply, however, if the agency ''for good cause finds * * * that notice and public procedure are impracticable, unnecessary, or contrary to the public interest.'' Sec. 5. U.S.C. Section 553(b)(3)(B). The Commission finds good cause to include the language ''authorized for listing'' to the rule because prior notice is unnecessary. The change does not alter the substance of the rule and incorporates language from the statute.

[48] *See* Kennedy Letter, supra note 10.

[49] *See* Securities Exchange Act Release Nos. 53799 and 54071, *supra* note 1.

[50] *See* Securities Exchange Act Release No. 53615 (April 7, 2006), 71 FR 19226 (April 13, 2006).

[51] In the Proposing Release, the Nasdaq Global Market and the Nasdaq Capital Market were inadvertently referred to as the Nasdaq National Global Market and the Nasdaq National Capital Market. Those typographical errors are corrected in this adopting release.

[52] 15 U.S.C. 77r(b)(1)(B).

sky law requirements is preempted.[53] The Commission solicited comments concerning the costs and benefits associated with the proposal and received two comments. The commenters believe that the proposed amendments to Rule 146(b) to provide ''covered securities'' status for securities authorized for listing, or approved for listing on the NCM, should reduce substantial costs for investors, given those securities would be exempted from state law registration requirements.[54]

The Commission also believes that the amendment to Rule 146(b) will permit Nasdaq to compete with other markets whose listed securities are exempt from state law registration requirements for new securities products and listings. This result has the potential to enhance competition and, potentially, liquidity, thus benefiting market participants and the public. The Commission does not believe that there are any significant costs to investors associated with the preemption of state registration requirements for securities listed, or authorized for listing, on the NCM. The Commission notes that there may be some cost to investors through the loss of benefits of state registration and oversight, although the cost is difficult to quantify. Furthermore, the Commission believes that Congress contemplated these costs to the economic benefits of exempting covered securities from state regulation.

VI. Consideration of Promotion of Efficiency, Competition, and Capital Formation

As required under the Securities Act,[55] the Commission considered the rule's impact on efficiency, competition, and capital formation. National securities exchanges compete for the listing of securities. Thus, the Commission believes that amending Rule 146(b) to designate securities listed, or authorized for listing, on the NCM as covered securities will offer potential benefits for investors because it would facilitate the ability of Nasdaq to compete for listings, which will potentially increase competition and enhance the overall liquidity, and thus the efficiency of the U.S. securities markets. The Commission also believes that the rule will serve to reduce the cost of raising capital because it will streamline the registration process for issuers listing on the NCM. In addition, the Commission believes that the rule amendment, consistent with Congressional action, is designed to promote efficiency by removing a layer of duplicative regulation. The Commission solicited comments on the amendment's effect on competition, efficiency, and capital formation. Commenters generally believed that this proposal would improve efficiency and facilitate capital formation by eliminating state registration for issuers seeking to list their securities on the NCM.[56] The Commission also believes that the amendment to Rule 146(b) will permit Nasdaq to compete with other markets whose securities are exempt from state law registration requirements for new securities products and listings. Finally, the amendment to Rule 146(b) will not impair efficiency, competition, and capital formation because it will impose no recordkeeping or compliance burdens, but will provide a limited purpose exemption under the federal securities laws. Thus, the Commission concludes that the amendment to Rule 146(b) would promote efficiency, competition, and capital formation.

VII. Regulatory Flexibility Act Certification

The Commission has certified, pursuant to Section 605(b) of the Regulatory Flexibility Act,[57] that the amendment to Rule 146 will not have a significant economic impact on a substantial number of small entities. This certification was incorporated into the Proposing Release. The Commission solicited comments as to the nature of any impact on small entities, and generally on whether the amendment to Rule 146(b) could have an effect that has not been considered. No comments were received.

VIII. Statutory Authority

The Commission is amending Rule 146 pursuant to the Securities Act of 1933,[58] particularly Sections 18(b)(1)(B) and 19(a).[59]

Text of the Rule

List of Subjects in 17 CFR Part 230

Securities.

[53] Several commenters also expect this outcome. *See* ABA Committee April 3rd Letter; ABA Committee December 20th Letter; and Kennedy Letter, *supra* note 10.

[54] *See* ABA Committee December 20th Letter and Kennedy Letter, *supra* note 10.

[55] 15 U.S.C. 77b(b).

[56] *See* ABA Committee April 3rd Letter; ABA Committee December 20th Letter; and Kennedy Letter, *supra* note 10.

[57] 5 U.S.C. 605(b).

[58] 15 U.S.C. 77a *et seq.*

[59] 15 U.S.C. 77r(b)(1)(B) and 77s(a).

■ For the reasons set forth in the preamble, Title 17, Chapter II of the *Code of Federal Regulations* is amended as follows:

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

■ 1. The general authority citation for part 230 is revised to read as follows:

Authority: 15 U.S.C. 77b, 77c, 77d, 77f, 77g, 77h, 77j, 77r, 77s, 77z-3, 77sss, 78c, 78d, 78j, 78*l*, 78m, 78n, 78o, 78t, 78w, 78*ll*(d), 78mm, 80a–8, 80a–24, 80a–28, 80a–29, 80a–30, and 80a–37, unless otherwise noted.

* * * * *

■ 2. Section 230.146 is amended by revising paragraphs (b)(1) and (b)(2) to read as follows:

§ 230.146 Rules under Section 18 of the Act.

* * * * *

(b) * * *

(1) For purposes of Section 18(b) of the Act (15 U.S.C. 77r), the Commission finds that the following national securities exchanges, or segments or tiers thereof, have listing standards that are substantially similar to those of the New York Stock Exchange (''NYSE''), the American Stock Exchange (''Amex''), or the National Market System of the Nasdaq Stock Market (''Nasdaq/NGM''), and that securities listed, or authorized for listing, on such exchanges shall be deemed covered securities:

(i) Tier I of the NYSE Arca, Inc.;

(ii) Tier I of the Philadelphia Stock Exchange, Inc.;

(iii) The Chicago Board Options Exchange, Incorporated;

(iv) Options listed on the International Securities Exchange, LLC; and

(v) The Nasdaq Capital Market.

(2) The designation of securities in paragraphs (b)(1)(i) through (v) of this section as covered securities is conditioned on such exchanges' listing standards (or segments or tiers thereof) continuing to be substantially similar to those of the NYSE, Amex, or Nasdaq/NGM.

Dated: April 18, 2007.

By the Commission.

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E7–7713 Filed 4–23–07; 8:45 am]

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Federal Register

Tuesday,
April 24, 2007

Part IV

The President

Proclamation 8127—Small Business Week, 2007

Proclamation 8128—Dutch-American Friendship Day, 2007

Proclamation 8129—National Day of Prayer, 2007

Federal Register
Vol. 72, No. 78
Tuesday, April 24, 2007

Presidential Documents

Title 3—

The President

Proclamation 8127 of April 19, 2007

Small Business Week, 2007

By the President of the United States of America

A Proclamation

During Small Business Week, we honor small business owners and workers for their important role in ensuring that America remains the economic leader of the world. Every day, our Nation's small businesses help enhance the lives of our citizens and lead the way in an economy distinguished by low unemployment, sustained job creation, and one of the fastest growth rates of any major industrialized nation.

To help extend our Nation's prosperity, my Administration is committed to continuing the pro-growth economic policies that encourage enterprise and make America the best place in the world to do business. Our economy has created more than 7 million new jobs since major tax relief was enacted in 2003, and we are working to keep taxes low to help small businesses continue to expand. We are taking steps to make health care more affordable and available for small business owners and employees by encouraging Health Savings Accounts, supporting Association Health Plans legislation, and proposing a standard tax deduction for health insurance. My Administration is also committed to ensuring that small businesses can compete in the global economy.

By continuing to expand trade, we can open new markets for American products, lower prices for consumers, and create better American jobs.

Small businesses are the lifeblood of cities and towns across the country, and we salute small business owners, entrepreneurs, and employees for enhancing our communities and expanding opportunities for all. The hard work and ingenuity of our Nation's small business men and women are helping to sustain America's economic strength.

NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim April 22 through April 28, 2007, as Small Business Week. I call upon the people of the United States to observe this week with appropriate ceremonies, activities, and programs that celebrate the accomplishments of small business owners and their employees and encourage the development of new small businesses.

IN WITNESS WHEREOF, I have hereunto set my hand this nineteenth 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.

[FR Doc. 07–2057
Filed 4–23–07; 9:29 am]
Billing code 3195–01–P

Presidential Documents

Proclamation 8128 of April 19, 2007

Dutch-American Friendship Day, 2007

By the President of the United States of America

A Proclamation

On Dutch-American Friendship Day, we celebrate our longtime friendship with the Kingdom of the Netherlands and honor the many Dutch Americans who have made significant contributions to our country.

Our close partnership with the Netherlands dates back to the founding of our Nation, and it remains among our oldest continuous relationships. Many of the Pilgrims first sailed for the New World from a Dutch port, and when a small American warship approached the island of St. Eustatius in 1776, the Dutch port there gave the American flag its first friendly gun salute. A few years later, the Netherlands became one of the first nations to recognize the independence of the United States of America. The United States and the Netherlands are continuing that tradition of close cooperation in the 21st century, working together to bring hope and liberty to places where it has long been denied.

Dutch Americans have enriched the American experience and have helped write our history, strengthen our character, and shape our society. Today, we pay tribute to our allies in the Netherlands and recognize the proud citizens of Dutch ancestry who call America home.

NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim April 19, 2007, as Dutch-American Friendship Day. I encourage all Americans to celebrate our country's Dutch heritage and the many ways Dutch Americans have strengthened our Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this nineteenth 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.

[FR Doc. 07–2058
Filed 4–23–07; 9:29 am]
Billing code 3195–01–P

Presidential Documents

Proclamation 8129 of April 20, 2007

National Day of Prayer, 2007

By the President of the United States of America

A Proclamation

A prayerful spirit has always been an important part of our national character, and it is a force that has guided the American people, given us strength, and sustained us in moments of joy and in times of challenge. On this National Day of Prayer, we acknowledge God's grace and ask for His continued guidance in the life of our Nation.

Americans of many faiths and traditions share a common belief that God hears the prayers of His children and shows grace to those who seek Him. Following the tragedy at Virginia Tech, in towns all across America, in houses of worship from every faith, Americans have joined together to pray for the lives that were lost and for their families, friends, and loved ones. We hold the victims in our hearts and pray for those who suffer and grieve. There is a power in these prayers, and we can find comfort in the grace and guidance of a loving God.

At this important time in our history, we also pray for the brave members of our Armed Forces and their families. We pray for their safety, for the recovery of the wounded, and for the peace we all seek.

The Congress, by Public Law 100–307, as amended, has called on our Nation to reaffirm the role of prayer in our society and to respect the freedom of religion by recognizing each year a ''National Day of Prayer.''

NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States of America, do hereby proclaim May 3, 2007, as a National Day of Prayer. I ask the citizens of our Nation to give thanks, each according to his or her own faith, for the freedoms and blessings we have received and for God's continued guidance, comfort, and protection. I invite all Americans to join in observing this day with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth 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.

[FR Doc. 07–2059
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This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "P L U S" (Public Laws Update Service) on 202–741–6043. This list is also available online at *http://www.archives.gov/federal-register/laws.html*.

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