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WHEN: Tuesday, July 17, 2007
9:00 a.m.–Noon

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Conference Room, Suite 700
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Washington, DC 20002

RESERVATIONS: (202) 741–6008

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Contents

Federal Register

Vol. 72, No. 129

Friday, July 6, 2007

Agricultural Marketing Service
PROPOSED RULES
Almonds grown in California, 36900–36901

Agriculture Department
See Agricultural Marketing Service
See Animal and Plant Health Inspection Service
See Forest Service
See National Agricultural Statistics Service
RULES
Organization, functions, and authority delegations:
Director, Homeland Security Staff, 36859–36860

Animal and Plant Health Inspection Service
NOTICES
Environmental statements; availability, etc.:
Eucalyptus hybrids; genetically engineered clones; controlled field release
Correction, 37084

Army Department
NOTICES
Environmental statements; availability, etc.:
Base closures and reaignments—
Fort Belvior, VA, 36969

Arts and Humanities, National Foundation
See National Foundation on the Arts and the Humanities

Blind or Severely Disabled, Committee for Purchase From People Who Are
See Committee for Purchase From People Who Are Blind or Severely Disabled

Centers for Disease Control and Prevention
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 37024–37025

Coast Guard
RULES
Ports and waterways safety; regulated navigation areas, safety zones, security zones, etc.:
San Francisco Bay, CA, 36881–36883

Commerce Department
See Economic Development Administration
See Industry and Security Bureau
See International Trade Administration
See National Oceanic and Atmospheric Administration

Commission of Fine Arts
NOTICES
Meetings, 36963

Committee for Purchase From People Who Are Blind or Severely Disabled
NOTICES
Procurement list; additions and deletions, 36951–36952

Copyright Office, Library of Congress
RULES
Copyright office and procedures:
Copywrite claims; online registration, 36883–36889

Defense Department
See Army Department
See Navy Department
RULES
Secretary of Defense Office files; historical research policies and procedures, 36875–36880
NOTICES
Arms sales notification; transmittal letter, etc., 36963–36968
Privacy Act; systems of records, 36968–36969

Economic Development Administration
NOTICES
Grants and cooperative agreements; availability, etc.:
National Technical Assistance, Training, Research and Evaluation Program, 36952–36955

Education Department
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 36969–36970
Grants and cooperative agreements; availability, etc.:
Special education and rehabilitative services—
Multi-Year Individualized Education Program Demonstration Program, 36985–36999
Paperwork Waiver Demonstration Program, 36970–36985
Technical Assistance Center for Data Collection, Analysis, and Use for Accountability in Special Education and Early Intervention, 37089–37092
Technical Assistance on State Data Collection program, 37086–37088

Energy Department
NOTICES
Atomic energy agreements; subsequent arrangements, 36999–37000
Committees; establishment, renewal, termination, etc.:
Advanced Scientific Computing Advisory Committee, 37000
Meetings:
Advanced Scientific Computing Advisory Committee, 37000–37001
State Energy Advisory Board, 37001
Ultra-Deepwater Advisory Committee, 37001
Unconventional Resources Technology Advisory Committee, 37001–37002
Powerplant and industrial fuel use; new electric powerplant coal capability:
Self-certification filings—
Lea Power Partners, LLC, 37002

Environmental Protection Agency
RULES
Air quality implementation plans; approval and promulgation; various States; air quality planning purposes; designation of areas:
Pennsylvania, 36889–36895

Virginia; correction, 36895–36896
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 37002–37004
Confidential business information and data transfer, 37004–37005
Environmental statements; availability, etc.:
Agency comment availability, 37005
Agency weekly receipts, 37005–37006
Pesticide, food, and feed additive petitions:
Sensible Life Products, 37013–37015
Pesticide programs:
Risk assessment—
Bioban P-1487, 37006–37008
Risk assessments—
Glutaraldehyde, 37008–37010
Pesticide registration, cancellation, etc.:
1-Methyl-3, etc., 37010–37012
Metaldehyde, 37012–37013
Pesticides; emergency exemptions, etc.:
(E,E)-9,11-tetradecadien-1-yl acetate, 37015–37016
Superfund; response and remedial actions, proposed settlements, etc.:
Casmalia Site, CA, 37016–37017
Climan Transportation of the Carolinas, Inc. Truck Wreck Site, KY, 37017–37018

Equal Employment Opportunity Commission
RULES
Age Discrimination in Employment Act:
Coverage; Supreme Court interpretation, 36873–36875

Executive Office of the President
See Presidential Documents

Federal Aviation Administration
RULES
Airworthiness directives:
Air Tractor, Inc., 36863–36866
Alpha Aviation Design Ltd., 36860–36861
Diamond Aircraft Industries GmbH, 36861–36863
SOCATA - Groupe AEROSPATIALE, 36866–36868
Low altitude area navigation routes, 36868–36869
PROPOSED RULES
Airworthiness directives:
Boeing, 36901–36905, 36907–36912, 36920–36925
British Aerospace Regional Aircraft, 36914–36916
Hawker Beechcraft Corp., 36912–36914
Pacific Aerospace Ltd., 36905–36907
Rolls-Royce Deutschland Ltd. & Co., 36916–36920
Viking Air Ltd., 36925–36927

Federal Election Commission
NOTICES
Meetings; Sunshine Act, 37018

Fine Arts Commission
See Commission of Fine Arts

Fish and Wildlife Service
PROPOSED RULES
Endangered and threatened species:
Gray wolf; northern Rocky Mountains population, 36939–36949
NOTICES
Comprehensive conservation plans; availability, etc.:
Guam National Wildlife Refuge, GU, 37037–37039
Endangered and threatened species:
Incidental take permits—
San Bernardino County, CA; Delhi sands flower-loving fly, 37040–37041
Endangered and threatened species and marine mammal permit applications, determinations, etc., 37039–37040
Environmental statements; availability, etc.:
Cortese Landfill Superfund Site, NY; restoration plan, 37041
Lake Umbagog National Wildlife Refuge, NH and ME; comprehensive conservation plan, 37041–37043

Food and Drug Administration
NOTICES
Grants and cooperative agreements; availability, etc.:
Joint Institute for Food Safety and Applied Nutrition, 37025–37027
Medical devices:
Mammography facilities; inspection fee increase, 37027–37029

Foreign Claims Settlement Commission
NOTICES
Meetings; Sunshine Act, 37055

Forest Service
NOTICES
Recreation fee areas:
Fishlake National Forest, UT; overnight camping fees, 36950

Health and Human Services Department
See Centers for Disease Control and Prevention
See Food and Drug Administration
See National Institutes of Health
NOTICES
Grants and cooperative agreements; availability, etc.:
American Indian / Alaska Native Health Disparities Program, 37018–37024

Homeland Security Department
See Coast Guard

Housing and Urban Development Department
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 37035
Grants and cooperative agreements; availability, etc.:
Homeless assistance; excess and surplus Federal properties, 37035–37037

Indian Affairs Bureau
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 37043–37044
Grants and cooperative agreements; availability, etc.:
Bulding Tribal Energy Development Capacity; proposal solicitation, 37044–37046

Industry and Security Bureau
NOTICES
Meetings:
Information Systems Technical Advisory Committee, 36955

Interior Department
See Fish and Wildlife Service
See Indian Affairs Bureau

See Land Management Bureau

Internal Revenue Service
RULES
Excise taxes:
Return requirement and filing time, 36871–36873
Income taxes:
Prohibited tax shelter transactions; disclosure requirements, 36869–36871
PROPOSED RULES
Excise taxes:
Prohibited tax shelter transactions; disclosure requirements, 36927–36939
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 37077–37079

International Trade Administration
NOTICES
Antidumping:
Carbon and certain alloy steel wire rod from—
Trinidad and Tobago, 36955–36959
Forged stainless steel flanges from—
India, 36959
Heavy forged hand tools, finished or unfinished, with or without handles from—
China, 36959–36960
Polyvinyl alcohol from—
China, 36960–36961
Countervailing duties:
Cut-to-length carbon-quality steel plate from—
Korea, 36962–36963
Applications, hearings, determinations, etc.:
Methodist Health System, 36961–36962

International Trade Commission
NOTICES
Import investigations:
Endodontic instruments, 37051–37052
Nitrile gloves, 37052–37053

Justice Department
See Foreign Claims Settlement Commission
NOTICES
Pollution control; consent judgments:
Azusa Pipe and Tube Bending Corp., et al., 37053–37054
Costello, et al., 37054
Soulliere, Dean R. et al., 37054–37055

Labor Department
See Occupational Safety and Health Administration
NOTICES
Agency information collection activities; proposals, submissions, and approvals
Republication, 37055–37056

Land Management Bureau
NOTICES
Committees; establishment, renewal, termination, etc.:
Steens Mountian Advisory Council, 37046–37047
Environmental statements; notice of intent:
Las Vegas Valley Disposal Boundary, 37047–37048
Meetings:
Fairbanks Command and Data Acquisition Station; land withdrawal extension, 37048
Oil and gas leases:
California, 37048
Wyoming, 37048–37049
Recreation management restrictions, etc.:
Chouteau County, MT; Upper Missouri River Breaks National Monument Interpretive Center; fee establishment and supplementary rules, 37049–37051

Library of Congress
See Copyright Office, Library of Congress

Maritime Administration
NOTICES
Environmental statements; availability, etc.:
Torp Terminal, LP, Bienville Offshore Energy Terminal Liquified Natural Gas Deepwater Port license application; public hearing, 37074–37076

National Agricultural Statistics Service
NOTICES
Committees; establishment, renewal, termination, etc.:
Agriculture Statistics Advisory Committee, 36950–36951

National Foundation on the Arts and the Humanities
NOTICES
Meetings:
Humanities National Council, 37057–37058

National Institutes of Health
NOTICES
Inventions, Government-owned; availability for licensing, 37029–37030
Meetings:
National Institute of Child Health and Human Development, 37031
National Institute of General Medical Sciences, 37032–37033
National Institute of Neurological Disorders and Stroke, 37030–37031
National Institute on Aging, 37031–37032
National Institute on Alcohol Abuse and Alcoholism, 37032
National Institute on Drug Abuse, 37031
Scientific Review Center, 37033–37034
Reports and guidance documents; availability, etc.:
National Center for Research Resources; 2009 Strategic Plan, 37034–37035

National Oceanic and Atmospheric Administration
RULES
Fishery conservation and management:
Alaska; fisheries of Exclusive Economic Zone—
Groundfish, 36896–36899
NOTICES
Meetings:
U.S. Coral Reef Task Force, 36963

National Science Foundation
NOTICES
Meetings; Sunshine Act, 37058

Navy Department
NOTICES
Inventions, Government-owned; availability for licensing, 36969

Nuclear Regulatory Commission
NOTICES
Regulatory guides; issuance, availability, and withdrawal, 37058–37059

Occupational Safety and Health Administration
NOTICES
Nationally recognized testing laboratories, etc.:
MET Laboratories, Inc., 37056–37057

Presidential Documents
PROCLAMATIONS
Grant of executive clemency for I. Lewis Libby (Proc. 8159), 37093–37095

Securities and Exchange Commission
NOTICES
Self-regulatory organizations; proposed rule changes:
American Stock Exchange LLC, 37059–37062
Chicago Board Options Exchange, Inc., 37062–37063
International Securities Exchange, LLC, 37063–37065
NASDAQ Stock Market LLC, 37065–37067
New York Stock Exchange LLC, 37067–37069
Philadelphia Stock Exchange, Inc., 37069–37070

Small Business Administration
NOTICES
Disaster loan areas:
Alabama et al., 37071–37072
Florida, 37070
Iowa, 37070–37071
Kentucky, 37071
Texas, 37071

Social Security Administration
NOTICES
Meetings:
Ticket to Work and Work Incentives Advisory Panel, 37072–37073

State Department
NOTICES
Meetings:
International Economic Policy Advisory Committee, 37073
Presidential permits:
San Luis, AZ; commercial land border crossings; construction, operation and maintainance, 37073–37074

Statistical Reporting Service
See National Agricultural Statistics Service

Surface Transportation Board
NOTICES
Railroad operation, acquisition, construction, etc.:
BNSF Railway Co., 37076
Railroad services abandonment:
Union Pacific Railroad Co., 37076–37077

Thrift Supervision Office
NOTICES
Reports and guidance documents; availability, etc.:
Strategic plan (2007-2012); comment request, 37079

Transportation Department
See Federal Aviation Administration
See Maritime Administration
See Surface Transportation Board

Treasury Department
See Internal Revenue Service
See Thrift Supervision Office

Veterans Affairs Department
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 37079–37083

Separate Parts In This Issue

Part II
Education Department, 37086–37092

Part III
Executive Office of the President, Presidential Documents, 37093–37095

Reader Aids

Consult the Reader Aids section at the end of this issue for phone numbers, online resources, finding aids, reminders, and notice of recently enacted public laws.

To subscribe to the Federal Register Table of Contents LISTSERV electronic mailing list, go to http://listserv.access.gpo.gov and select Online mailing list archives, FEDREGTOC-L, Join or leave the list (or change settings); then follow the instructions.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

3 CFR

Proclamations:

8159 37095

7 CFR

2 36859

Proposed Rules:

981 36900

14 CFR

39 (4 documents) 36860, 36861, 36863, 36866

71 36868

Proposed Rules:

39 (8 documents) 36901, 36905, 36907, 36912, 36914, 36916, 36920, 36925

26 CFR

1 36869

53 36871

54 36871

301 36869

Proposed Rules:

1 36927

53 36927

54 36927

301 36927

29 CFR

1625 36873

32 CFR

197 36875

33 CFR

165 36881

37 CFR

202 36883

40 CFR

52 (2 documents) 36889, 36892

81 (3 documents) 36889, 36892, 36895

50 CFR

679 36896

Proposed Rules:

17 (2 documents) 36939, 36942

Rules and Regulations

Federal Register
Vol. 72, No. 129
Friday, July 6, 2007

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

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

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 2

Revision of Delegations of Authority

AGENCY: Office of the Secretary.

ACTION: Final rule.

SUMMARY: This document delegates authority from the Secretary of Agriculture to the Director, Homeland Security Staff (Director), designating the Director as the Department official who is responsible for providing personal security protection to the Secretary and the Deputy Secretary. Therefore, this action revises the delegation of authority from the Secretary to the Inspector General to limit the involvement of the Inspector General with the personal security of the Secretary and the Deputy Secretary. This document also delegates authority from the Secretary to the Under Secretary for Natural Resources and Environment (NRE) and to the Chief, Forest Service, to assist the Director in providing personal security protection to the Secretary and the Deputy Secretary in the National Forest System (NFS).

DATES: Effective July 6, 2007.

FOR FURTHER INFORMATION CONTACT: Sheryl K. Maddux, Acting Director, Homeland Security Office, USDA, (202) 720–7654.

SUPPLEMENTARY INFORMATION: This action concerns delegations of authority regarding the personal security function as it relates to the Secretary and the Deputy Secretary. By way of reference, the Secretary and the Deputy Secretary are included in a protected class of officials under 18 U.S.C. 351, which criminalizes violent crimes committed against the head of a department or the second ranking official in such department. Through this action, the Secretary delegates authority to the Director to provide for the personal security for the Secretary and the Deputy Secretary. In addition, this action revises the delegation of authority from the Secretary to the inspector General to provide that the Inspector General retains the authority to assist the Director in providing for the personal security for the Secretary and the Deputy Secretary, at the request of the Director. In essence, this action transfers the primary responsibility of providing for the personal security for the Secretary and the Deputy Secretary from the Inspector General to the Director.

This action also delegates authority from the Secretary to the Under Secretary for NRE and to the Chief, Forest Service, to assist the Director in performing the personal security function in the NFS. At the request of the Director, the Under Secretary for NRE and the Chief, Forest Service, have delegated authority to designate Forest Service law enforcement personnel to assist the Director in providing for the personal security for the Secretary and the Deputy Secretary in the NFS.

This rule relates to internal agency management. Therefore, pursuant to 5 U.S.C. 553, notice of proposed rule making and opportunity for comment are not required. This rule may be made effective less than 30 days after publication in the **Federal Register**. Further, this rule is exempt form the provisions of Executive Order 12988 and Executive Orders 12866, amended by Executive Order 13258, because it relates to internal agency management. In addition, this action is exempt from the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) because it is not a rule as defined by that statute. Finally, this action does not require review by Congress because it is not a rule as defined in 5 U.S.C. 804.

List of Subjects in 7 CFR Part 2

Authority delegations (Government agencies).

■ Accordingly, 7 CFR part 2 is amended as follows:

PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT

■ 1. The authority citation for part 2 continues to read as follows:

Authority: 7 U.S.C. 6912(a)(1), 5 U.S.C. 301; Reorganization Plan No. 2 of 1953, 3 CFR, 1949–1953 Comp., p. 1024.

Subpart D—Delegation of Authority to Other General Officers and Agency Heads

■ 2. Amend § 2.20 to add paragraph (a)(2)(xl) to read as follows:

§ 2.20 Under Secretary for Natural Resources and Environment.

(a) * * *

(2) * * *

(xl) At the request of the Director, Homeland Security Staff (Director), designate law enforcement personnel of the Forest Service to assist the Director in providing for the personal security for the Secretary and the Deputy Secretary in the National Forest System.

■ 3. Amend § 2.32 to add paragraph (a)(1)(vii) to read as follows:

§ 2.32 Director, Homeland Security Staff.

(a) * * *

(1) * * *

(vii) Provide for the personal security for the Secretary and the Deputy Secretary.

* * * * *

■ 4. Amend § 2.33 to revise paragraph (a)(2) to read as follows:

§ 2.33 Inspector General.

* * * * *

(2) At the request of the Director, Homeland Security Staff (Director), determine the availability of law enforcement personnel of the Office of Inspector General to assist the Director in providing for the personal security for the Secretary and the Deputy Secretary.

* * * * *

Subpart J—Delegations of Authority by the Under Secretary for Natural Resources and Environment

■ 5. Amend § 2.60 to add paragraph (a)(49) to read as follows:

§ 2.60 Chief, Forest Service.

(a) * * *

(49) At the request of the Director, Homeland Security Staff (Director), designate law enforcement personnel of the Forest Service to assist the Director in providing for the personal security for the Secretary and the Deputy Secretary in the National Forest System.

* * * * *

Dated: June 29, 2007.

Mike Johanns,

Secretary of Agriculture.

[FR Doc. 07–3281 Filed 7–5–07; 8:45 am]

BILLING CODE 3410–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2006–26494 Directorate Identifier 2006–CE–079–AD; Amendment 39–15119; AD 2007–13–15]

RIN 2120–AA64

Airworthiness Directives; Alpha Aviation Design Limited (Type Certificate No. A48EU Previously Held by APEX Aircraft and AVIONS PIERRE ROBIN) Model R2160 Airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for the products listed above. This 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:

> To prevent unchecked corrosion developing on the wing spars due to access for inspections being difficult under normal maintenance practices, which could lead to an unsafe condition and possibly a catastrophic failure of the wing * * *

We are issuing this AD to require actions to correct the unsafe condition on these products.

DATES: This AD becomes effective August 10, 2007.

On August 10, 2007, the Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD.

ADDRESSES: You may examine the AD docket on the Internet at *http://dms.dot.gov* or in person at Document Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Karl Schletzbaum, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4146; fax: (816) 329–4090.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a supplemental notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that would apply to the specified products. That NPRM was published in the **Federal Register** on April 23, 2007 (72 FR 20070). That NPRM proposed to correct an unsafe condition for the specified products. The MCAI states:

> To prevent unchecked corrosion developing on the wing spars due to access for inspections being difficult under normal maintenance practices, which could lead to an unsafe condition and possibly a catastrophic failure of the wing * * *

Comments

We gave the public the opportunity to participate in developing this AD. We received no comments on the NPRM or on the determination of the cost to the public.

Conclusion

We reviewed the available data and determined that air safety and the public interest require adopting the AD as proposed.

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 required 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 AD.

Costs of Compliance

We estimate that this AD will affect 10 products of U.S. registry. We also estimate that it will take about 28 work-hours per product to comply with basic requirements of this AD. The average labor rate is $80 per work-hour. Based on these figures, we estimate the cost of this AD to the U.S. operators to be $22,400 or $2,240 per product.

We have no way of determining the number of products that may need any necessary follow-on actions. Since the corrosion damage would vary from airplane to airplane, we are not able to estimate the costs of each follow-on action.

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 AD will not have federalism implications under Executive Order 13132. This AD will 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 AD:

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

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

(3) 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 AD and placed it in the AD Docket.

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 the NPRM, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone (800) 647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

■ Accordingly, under the authority delegated to me by the Administrator, the FAA amends 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:

2007–13–15 Alpha Aviation Design Limited (Type Certificate No. A48EU previously held by APEX Aircraft and AVIONS PIERRE ROBIN): Amendment 39–15119; Docket No. FAA–2006–26494; Directorate Identifier 2006–CE–079–AD.

Effective Date

(a) This airworthiness directive (AD) becomes effective August 10, 2007.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Model R2160 airplanes, serial numbers 001 through 378, certificated in any category.

Subject

(d) Air Transport Association of America (ATA) Code 57: Wings.

Reason

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

To prevent unchecked corrosion developing on the wing spars due to access for inspections being difficult under normal maintenance practices, which could lead to an unsafe condition and possibly a catastrophic failure of the wing * * * The MCAI requires inspecting the visible parts of the spar web and the upper and lower boom angles (top and bottom spar caps) for corrosion and correcting as necessary.

Actions and Compliance

(f) Unless already done, do the following actions (Accomplishment of European Aviation Safety Agency (EASA) AD 2005–0028 satisfies the requirement of this AD):

(1) Initially within 60 months after aircraft date of manufacture or within 6 months after August 10, 2007 (the effective date of this AD), whichever occurs later, and thereafter at intervals not to exceed 24 months, remove the main landing gear legs and all the wing inspection panels following the instructions in the aircraft maintenance manual and inspect the visible parts of the spar web and the upper and lower boom angles (top and bottom spar caps), following Avions Pierre Robin Service Letter No. 19, dated October 1980; and Avions Pierre Robin Service Bulletin No. 99, dated June 24, 1983. If the spars are replaced, then you must inspect within 60 months from the date of replacement and thereafter every 24 months.

(i) If, during any inspection required by paragraph (f)(1) of this AD, any sign of corrosion is found on the rear face of the spar web or the upper and lower boom angles, then inspect the front face of the spar for corrosion following Avions Pierre Robin Service Letter No. 19, dated October 1980; and Avions Pierre Robin Service Bulletin No. 99, dated June 24, 1983. It may be necessary to cut inspection holes or remove the wings to inspect the front face of the spar. Inspection holes must be prepared to a manufacturer-approved repair scheme.

(ii) If corrosion is found during any inspection required by this AD that does not exceed the limits specified in Avions Pierre Robin Service Letter No. 19, dated October 1980, treat the corrosion following Avions Pierre Robin Service Letter No. 19, dated October 1980; and Avions Pierre Robin Service Bulletin No. 99, dated June 24, 1983.

(2) If corrosion is found during any inspection required by this AD that exceeds the limits specified in Avions Pierre Robin Service Letter No. 19, dated October 1980, before further flight from when the corrosion is found that exceeds the limits:

(i) Obtain an FAA-approved repair scheme from the manufacturer; and

(ii) incorporate this repair scheme.

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, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Karl Schletzbaum, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4146; fax: (816) 329–4090. 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 Civil Aviation Authority of New Zealand AD DCA/R2000/37A, dated December 21, 2006; Avions Pierre Robin Service Letter No. 19, dated October 1980; and Avions Pierre Robin Service Bulletin No. 99, dated June 24, 1983, for related information.

Material Incorporated by Reference

(i) You must use Avions Pierre Robin Service Letter No. 19, dated October 1980; and Avions Pierre Robin Service Bulletin No. 99, dated June 24, 1983, to do the actions required by this AD, unless the AD specifies otherwise.

(1) The Director of the Federal Register approved the incorporation by reference of this service information under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) For service information identified in this AD, contact Alpha Aviation Ltd, Ingram Road, Hamilton Airport RD 2, Hamilton 2021, New Zealand; telephone: 011 64 7 843 7070; fax: 011 64 7 843 8040; Internet: *http://www.alphaaviation.co.nz.*

(3) You may review copies at the FAA, Central Region, Office of the Regional Counsel, 901 Locust, Room 506, Kansas City, Missouri 64106; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued in Kansas City, Missouri, on June 21, 2007.

David R. Showers,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. E7–12506 Filed 7–5–07; 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; Amendment 39–15120; AD 2007–13–16]

RIN 2120–AA64

Airworthiness Directives; Diamond Aircraft Industries GmbH Model DA 42 Airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for the products listed above. This 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:

> 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.

We are issuing this AD to require actions to correct the unsafe condition on these products.

DATES: This AD becomes effective August 10, 2007.

On August 10, 2007, the Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD.

ADDRESSES: You may examine the AD docket on the Internet at *http://dms.dot.gov* or in person at Document Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590.

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:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that would apply to the specified products. That NPRM was published in the **Federal Register** on April 24, 2007 (72 FR 20296). That NPRM proposed 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.

AFM published twin engine climb performance is not affected by this AD.

Comments

We gave the public the opportunity to participate in developing this AD. We received no comments on the NPRM or on the determination of the cost to the public.

Conclusion

We reviewed the available data and determined that air safety and the public interest require adopting the AD as proposed.

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 required 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 AD.

Costs of Compliance

We estimate that this AD will affect 70 products of U.S. registry. We also estimate that it will take about 1 work-hour per product to comply with basic requirements of this AD. The average labor rate is $80 per work-hour. Required parts will 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 parts. 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 this AD to the 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 AD will not have federalism implications under Executive Order 13132. This AD will 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 AD:

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

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

(3) 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 AD and placed it in the AD Docket.

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 the NPRM, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone (800) 647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

■ Accordingly, under the authority delegated to me by the Administrator, the FAA amends 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:

2007–13–16 Diamond Aircraft Industries GmbH: Amendment 39–15120; Docket No. FAA–2007–27610; Directorate Identifier 2007–CE–023–AD.

Effective Date

(a) This airworthiness directive (AD) becomes effective August 10, 2007.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Model 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.

AFM published twin engine climb performance is not affected by this AD.

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 August 10, 2007 (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 August 10, 2007 (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 August 10, 2007 (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 followed by this final rule. The time of 60 days after August 10, 2007 (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 on which the United States did not take AD action. The action is no longer necessary when the actions in this AD are done. Therefore, the action is not being mandated in the U.S. AD action.

(3) The MCAI references revision 2 of the AFM. 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, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to 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. 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.

Material Incorporated by Reference

(i) You must use 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, to do the actions required by this AD, unless the AD specifies otherwise.

(1) The Director of the Federal Register approved the incorporation by reference of this service information under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) For service information identified in this AD, contact Diamond Aircraft Industries Inc., 1560 Crumlin Sideroad, London, Ontario, Canada N5V 1S2; telephone: (519) 457–4051; fax: (800) 934–3519.

(3) You may review copies at the FAA, Central Region, Office of the Regional Counsel, 901 Locust, Room 506, Kansas City, Missouri 64106; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued in Kansas City, Missouri, on June 21, 2007.

David R. Showers,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. E7–12500 Filed 7–5–07; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2007–27212; Directorate Identifier 2007–CE–011–AD; Amendment 39–15121; AD 2007–13–17]

RIN 2120–AA64

Airworthiness Directives; Air Tractor, Inc. Models AT–602, AT–802, and AT–802A Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) that supersedes AD 2006–22–08, which

applies to all Air Tractor, Inc. (Air Tractor) Models AT–602, AT–802, and AT–802A airplanes. AD 2006–22–08 currently requires you to repetitively inspect the engine mount for any cracks, repair or replace any cracked engine mount, and report any cracks found to the FAA. Since we issued AD 2006–22–08, the FAA has received reports of two Model AT–802A airplanes with cracked engine mounts below the initial compliance time in AD 2006–22–08. The FAA has determined that an initial inspection is required when the airplane reaches a total of 1,300 hours time-in-service (TIS) instead of 4,000 hours TIS required by AD 2006–22–08. Consequently, this AD retains the actions of AD 2006–22–08 while requiring the initial inspection when the airplane reaches a total of 1,300 hours TIS. We are issuing this AD to detect and correct cracks in the engine mount, which could result in failure of the engine mount. Such failure could lead to separation of the engine from the airplane.

DATES: This AD becomes effective on August 10, 2007.

On August 10, 2007, the Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD.

ADDRESSES: To get the service information identified in this AD, contact Air Tractor, Inc., P.O. Box 485, Olney, Texas 76374; telephone: (940) 564–5616; facsimile: (940) 564–5612.

To view the AD docket, go to U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590, or on the Internet at *http://dms.dot.gov*. The docket number is FAA–2007–27212; Directorate Identifier 2007–CE–011–AD.

FOR FURTHER INFORMATION CONTACT: Andrew McAnaul, Aerospace Engineer, ASW–150 (c/o MIDO–43), 10100 Reunion Place, Suite 650, San Antonio, Texas 78216; telephone: (210) 308–3365; facsimile: (210) 308–3370.

SUPPLEMENTARY INFORMATION:

Discussion

On March 8, 2007, we issued a proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to all Air Tractor Models AT–602, AT–802, and AT–802A airplanes. This proposal was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on March 15, 2007 (72 FR 12131). The NPRM proposed to retain the actions of AD 2006–22–08 while requiring the initial inspection at 1,300 hours TIS.

Comments

We provided the public the opportunity to participate in developing this AD. The following presents the comments received on the proposal and FAA's response to each comment:

Comment Issue No. 1: Installation of a Welded Gusset Is Terminating Action for the Proposed Inspections

Leland Snow, President of Air Tractor, Inc., believes that Snow Engineering Co. Report Number 1727, Revision A, dated April 12, 2007 (referred to after this as Report 1727), justifies terminating action for the proposed inspections. Mr. Snow states that installation of a welded gusset following Snow Engineering Co. Service Letter #253, dated December 12, 2005, revised January 22, 2007, would eliminate the need for such inspections.

Based on the information presented in Report 1727, the FAA finds that the installation of the welded gusset does not fully address the unsafe condition and cannot be considered as a terminating action for the repetitive inspection.

We are making no changes to the final rule AD action based on this comment.

Comment Issue No. 2: FAA Has Overstated the Consequences of Cracks in the Engine Mount

Mr. Snow also states that the FAA overstates the events that would occur should cracks found in service result in the engine mount tube separating from the engine mount ring. He also states that the engine mount ring would remain attached to the remaining tube connections and prevent the engine from separating from the airplane.

The commenter did not provide any analysis or data to show that this situation would not occur. Based on the FAA's evaluation of the unsafe condition, we believe there is potential for the engine mount tube to separate from the engine mount ring.

Without the data to show that the engine mount ring would remain attached to the remaining tube connections, the FAA cannot change the potential end result condition of the engine separating from the airplane.

We are not changing the final rule AD action as a result of these comments.

Conclusion

We have carefully reviewed the available data and determined that air safety and the public interest require adopting the AD as proposed except for minor editorial corrections. We have determined that these minor corrections:

- Are consistent with the intent that was proposed in the NPRM for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM.

Costs of Compliance

We estimate that this AD affects 368 airplanes in the U.S. registry.

We estimate the following costs to do each required inspection:

Labor cost	Parts cost	Total cost per airplane per inspection	Total cost on U.S. operators for initial inspection
1.5 work-hours × $80 per hour = $120	Not Applicable	$120	$44,160

We have no way of determining the number of airplanes that may need replacement of the engine mount. We estimate the following costs to do the replacement:

Labor cost	Parts cost	Total cost per airplane per replacement
81 work-hours × $80 per hour = $6,480	$3,982	$10,462

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 AD.

Regulatory Findings

We have determined that this AD will not have federalism implications under Executive Order 13132. This AD will 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 this AD:

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 summary of the costs to comply with this AD (and other information as included in the Regulatory Evaluation) and placed it in the AD Docket. You may get a copy of this summary by sending a request to us at the address listed under **ADDRESSES**. Include ''Docket No. FAA–2007–27212; Directorate Identifier 2007–CE–011–AD'' in your request.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

■ Accordingly, under the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (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 removing Airworthiness Directive (AD) 2006–22–08, Amendment 39–14805 (71 FR 62910, October 27, 2006), and adding the following new AD:

2007–13–17 Air Tractor, Inc.: Amendment 39–15121; Docket No. FAA–2007–27212; Directorate Identifier 2007–CE–011–AD.

Effective Date

(a) This AD becomes effective on August 10, 2007.

Affected ADs

(b) This AD supersedes AD 2006–22–08, Amendment 39–14805.

Applicability

(c) This AD affects all Models AT–602, AT–802, and AT–802A airplanes, all serial numbers, that are certificated in any category.

Unsafe Condition

(d) This AD results from reports of two Model AT–802A airplanes with cracked engine mounts (at 2,815 hours time-in-service (TIS) and 1,900 hours TIS) below the initial compliance time in AD 2006–22–08. The FAA has determined that an initial inspection when the airplane reaches a total of 1,300 hours TIS is required instead of 4,000 hours TIS as required by AD 2006–22–08. We are issuing this AD to detect and correct cracks in the engine mount, which could result in failure of the engine mount. Such failure could lead to separation of the engine from the airplane.

Compliance

(e) To address this problem, you must do the following, unless already done:

Actions	Compliance	Procedures
(1) Visually inspect the engine mount for any cracks.	Initially inspect when the airplane reaches a total of 1,300 hours TIS or within the next 100 hours TIS after August 10, 2007 (the effective date of this AD), whichever occurs later, unless already done. Thereafter, inspect repetitively at intervals not to exceed 300 hours TIS.	Follow Snow Engineering Co. Service Letter #253, dated December 12, 2005, revised January 22, 2007.
(2) If you find any crack damage, do the following: (i) Obtain an FAA-approved repair scheme or replacement procedure from the manufacturer; and (ii) Repair following the FAA-approved repair scheme or replace the engine mount with a new engine mount following the replacement procedure.	Before further flight after any inspection required by paragraph (e)(1) of this AD where crack damage is found. If you repair the cracked engine mount, then continue to re-inspect at intervals not to exceed 300 hours TIS, unless the repair scheme states differently. If you replace the engine mount, then initially inspect upon accumulating 1,300 hours TIS and repetitively at intervals not to exceed 300 hours TIS.	For obtaining a repair scheme or replacement procedure: Contact Air Tractor Inc., P.O. Box 485, Olney, Texas 76374; *telephone:* (940) 564–5616; *facsimile:* (940) 564–5612.
(3) Report any cracks that you find to the FAA at the address specified in paragraph (f) of this AD. Include in your report: (i) Airplane serial number; (ii) Airplane hours TIS and engine mount hours TIS; (iii) Crack location(s) and size(s); (iv) Corrective action taken; and (v) Point of contact name and telephone number.	Within the next 30 days after you find the cracks or within the next 30 days after August 10, 2007 (the effective date of this AD), whichever occurs later.	The Office of Management and Budget (OMB) approved the information collection requirements contained in this regulation under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) and assigned OMB Control Number 2120–0056.

Alternative Methods of Compliance (AMOCs)

(f) The Manager, Fort Worth Airplane Certification Office, 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: Andrew McAnaul, Aerospace Engineer, ASW–150 (c/o MIDO–43), 10100 Reunion Place, Suite 650, San Antonio, Texas 78216; telephone: (210) 308–3365; facsimile: (210) 308–3370. 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.

(g) AMOCs approved for AD 2006–22–08 are not approved for this AD.

Related Information

(h) To get copies of the service information referenced in this AD, contact Air Tractor Inc., P.O. Box 485, Olney, Texas 76374; telephone: (940) 564–5616; facsimile: (940) 564–5612. To view the AD docket, go to U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590, or on the Internet at *http://dms.dot.gov*. The docket number is Docket No. FAA–2007–27212; Directorate Identifier 2007–CE–011–AD.

Material Incorporated by Reference

(i) You must use Snow Engineering Co. Service Letter #253, dated December 12, 2005, revised January 22, 2007, to do the actions required by this AD, unless the AD specifies otherwise.

(1) The Director of the Federal Register approved the incorporation by reference of this service information under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) For service information identified in this AD, contact Air Tractor Inc., P.O. Box 485, Olney, Texas 76374; telephone: (940) 564–5616; facsimile: (940) 564–5612.

(3) You may review copies at the FAA, Central Region, Office of the Regional Counsel, 901 Locust, Kansas City, Missouri 64106; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html*.

Issued in Kansas City, Missouri, on June 22, 2007.

Kim Smith,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. E7–12627 Filed 7–5–07; 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; Amendment 39–15122; AD 2007–13–18]

RIN 2120–AA64

Airworthiness Directives; SOCATA—Groupe Aerospatiale Models TB9, TB10, and TB200 Airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for the products listed above. This 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:

The aim of the Airworthiness Directive (AD) is to introduce 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).

We are issuing this AD to require actions to correct the unsafe condition on these products.

DATES: This AD becomes effective August 10, 2007.

On August 10, 2007, the Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD.

ADDRESSES: You may examine the AD docket on the Internet at *http://dms.dot.gov* or in person at the Docket Management Facility, U.S. Department of Transportation, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Albert 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:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that would apply to the specified products. That NPRM was published in the **Federal Register** on April 24, 2007 (72 FR 20300). That NPRM proposed to correct an unsafe condition for the specified products. The MCAI states that:

The aim of this Airworthiness Directive (AD) is to introduce 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).

This AD 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.

Comments

We gave the public the opportunity to participate in developing this AD. We received no comments on the NPRM or on the determination of the cost to the public.

Conclusion

We reviewed the available data and determined that air safety and the public interest require adopting the AD as proposed.

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 required 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 AD.

Costs of Compliance

We estimate that this AD will affect 146 products of U.S. registry. We also estimate that it will take about 0.5 work-hours per product to comply with basic requirements of this AD. The average labor rate is $80 per work-hour.

Based on these figures, we estimate the cost of this AD to the 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 AD will not have federalism implications under Executive Order 13132. This AD will 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 AD:

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

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

(3) 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 AD and placed it in the AD Docket.

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 the NPRM, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone (800) 647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

■ Accordingly, under the authority delegated to me by the Administrator, the FAA amends 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:

2007–13–18 SOCATA—Groupe Aerospatiale: Amendment 39–15122; Docket No. FAA–2007–27432; Directorate Identifier 2007–CE–017–AD.

Effective Date

(a) This airworthiness directive (AD) becomes effective August 10, 2007.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Models 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:

The aim of this Airworthiness Directive (AD) is to introduce 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).

This AD 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.

Actions and Compliance

(f) Unless already done, within the next 30 days after August 10, 2007 (the effective date of this AD), incorporate the life limits in the Airworthiness Limitations documents presented in paragraphs (f)(1), (f)(2), and (f)(3) of this AD into the FAA-approved maintenance program, as applicable. 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, 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, 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, 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, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to 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. 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, Revision 18, dated September 2006; SOCATA TB 10 Model Maintenance Manual, 04, Airworthiness Limitations, Revision 18, dated September 2006; and SOCATA TB 200 Model Maintenance Manual, 04, Airworthiness Limitations, Revision 18, dated September 2006, for related information.

Material Incorporated by Reference

(i) You must use SOCATA TB 9 Model Maintenance Manual, 04, Airworthiness Limitations, Revision 18, dated September 2006; SOCATA TB 10 Model Maintenance

Manual, 04, Airworthiness Limitations, Revision 18, dated September 2006; and SOCATA TB 200 Model Maintenance Manual, 04, Airworthiness Limitations, Revision 18, dated September 2006, to do the actions required by this AD, unless the AD specifies otherwise.

(1) The Director of the Federal Register approved the incorporation by reference of this service information under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) For service information identified in this AD, contact EADS SOCATA, Direction des Services, 65921 Tarbes Cedex 9, France; telephone: 33 (0)5 62.41.73.00; fax: 33 (0)5 62.41.76.54; or SOCATA AIRCRAFT, INC., North Perry Airport, 7501 Airport Road, Pembroke Pines, Florida 33023; telephone: (954) 893–1400; fax (954) 964–4141.

(3) You may review copies at the FAA, Central Region, Office of the Regional Counsel, 901 Locust, Room 506, Kansas City, Missouri 64106; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html*.

Issued in Kansas City, Missouri, on June 22, 2007.

Kim Smith,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. E7–12625 Filed 7–5–07; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2007–27332; Airspace Docket No. 07–AWP–2]

Establishment of Low Altitude Area Navigation Routes (T-Routes); Los Angeles, CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes three low altitude Area Navigation (RNAV) routes, designated T–245, T–247, and T–249 in the Los Angeles International Airport, CA, terminal area. T-routes are low altitude Air Traffic Service (ATS) routes, based on RNAV, for use by aircraft having instrument flight rules (IFR) approved Global Positioning System (GPS)/Global Navigation Satellite System (GNSS) equipment. The FAA is taking this action to enhance safety and improve the efficient use of the navigable airspace in the Los Angeles International Airport, CA, terminal area.

DATES: *Effective Dates:* 0901 UTC, August 30, 2007. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

FOR FURTHER INFORMATION CONTACT: Ken McElroy, Airspace and Rules Group, Office of System Operations Airspace and AIM, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:

History

On April 23, 2007, the FAA published in the **Federal Register** a notice of proposed rulemaking (NPRM) to establish three low altitude T-routes in the Los Angeles terminal area (72 FR 20078). Interested parties were invited to participate in this rulemaking effort by submitting written comments on this proposal to the FAA. Two comments were received in response to the NPRM.

Analysis of Comments

Both commenters wrote in support of the proposal and added a recommendation that the routes begin at the POPPR waypoint instead of the Seal Beach VORTAC, since the T-routes are not dependent on ground-based navigational aids, and that the FAA continue working with users to identify and chart needed routes through busy terminal areas. The FAA agrees low altitude T-routes are not dependent on ground-based navigational aids. However, the FAA's decision to begin the routes at the Seal Beach VORTAC, overlapping V–25 & V–165, was made to eliminate the possibility of clearance read back errors when clearing aircraft on multiple routes.

Lastly, the FAA remains committed to the goal of expanded use of RNAV in the National Airspace System. Work is in progress to identify additional locations where low altitude airways would enhance the efficient use of the navigable airspace.

Low Altitude RNAV Route Identification and Charting

Low altitude RNAV routes are identified by the letter ''T'' prefix followed by a three digit number. The ''T'' prefix is one of several International Civil Aviation Organization designators used to identify domestic RNAV routes. The FAA has been allocated the letter ''T'' prefix and the number block 200 to 500 for use in naming these routes. The FAA uses the ''T'' prefix for RNAV routes in the low altitude en route structure of the National Airspace System.

T-routes are depicted in blue on the appropriate IFR en route low altitude chart(s). Each route depiction includes a GNSS minimum en route altitude to ensure obstacle clearance and communications reception.

The Rule

The FAA is amending Title 14 Code of Federal Regulations (14 CFR) part 71 to establish three low altitude RNAV routes in the Los Angeles International Airport, CA, terminal area. The routes are designated T–245, T–247, and T–249, and will be depicted on the appropriate IFR En Route Low Altitude charts. T-routes are low altitude RNAV ATS routes, similar to Very High Frequency Omnidirectional Range Federal airways, but based on GNSS navigation. RNAV-equipped aircraft capable of filing flight plan equipment suffix ''G'' may file for these routes.

These T-routes are being established to enhance safety, and to facilitate the more flexible and efficient use of the navigable airspace for en route IFR operations transitioning through and around the Los Angeles Class B airspace area.

Low altitude RNAV routes are published in paragraph 6011 of FAA Order 7400.9P, dated September 1, 2006 and effective September 15, 2006, which is incorporated by reference in 14 CFR 71.1. The low altitude RNAV routes listed in this document will be published subsequently in the Order.

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

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1E, ''Environmental Impacts: Policies and Procedures,'' paragraph 311a. This airspace action is

not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Amendment

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

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

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

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

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.9P, Airspace Designations and Reporting Points, dated September 1, 2006, and effective September 15, 2006, is amended as follows:

Paragraph 6011 Area Navigation Routes.

* * * * *

T–245 Seal Beach, CA (SLI) to SILEX [New]

Seal Beach (SLI)	VORTAC	(Lat. 33°47′00″ N., long. 118°03′17″ W.)
POPPR	Fix	(Lat. 33°50′34″ N., long. 118°17′18″ W.)
Santa Monica (SMO)	VOR/DME	(Lat. 34°00′37″ N., long. 118°27′24″ W.)
SILEX	Fix	(Lat. 34°12′04″ N., long. 118°36′39″ W.)

* * * * * * *

T–247 Seal Beach, CA (SLI) to CANOG [New]

Seal Beach (SLI)	VORTAC	(Lat. 33°47′00″ N., long. 118°03′17″ W.)
POPPR	Fix	(Lat. 33°50′34″ N., long. 118°17′18″ W.)
Santa Monica (SMO)	VOR/DME	(Lat. 34°00′37″ N., long. 118°27′24″ W.)
CANOG	Fix	(Lat. 34°13′24″ N., long. 118°35′39″ W.)

* * * * * * *

T–249 Van Nuys, CA (VNY) to Seal Beach, CA [New]

Van Nuys (VNY)	VOR/DME	(Lat. 34°13′24″ N., long. 118°29′30″ W.)
Santa Monica (SMO)	VOR/DME	(Lat. 34°00′37″ N., long. 118°27′24″ W.)
POPPR	Fix	(Lat. 33°50′34″ N., long. 118°17′18″ W.)
Seal Beach (SLI)	VORTAC	(Lat. 33°47′00″ N., long. 118°03′17″ W.)

* * * * *

Issued in Washington, DC, June 28, 2007.

Edith V. Parish,

Manager, Airspace and Rules Group.

[FR Doc. E7–13004 Filed 7–5–07; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1 and 301

[TD 9335]

RIN 1545–BG19

Disclosure Requirements With Respect to Prohibited Tax Shelter Transactions

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Temporary regulations.

SUMMARY: This document contains temporary regulations under section 6033(a)(2) of the Internal Revenue Code (Code) that provide rules regarding the form, manner and timing of disclosure obligations with respect to prohibited tax shelter transactions to which tax-exempt entities are parties. These temporary regulations affect a broad array of tax-exempt entities, including charities, state and local government entities, Indian Tribal governments and employee benefit plans, as well as entity managers of these entities. This action is necessary to implement section 516 of the Tax Increase Prevention and Reconciliation Act of 2005. The text of the temporary regulations also serves as the text of the proposed regulations set forth in the Proposed Rules section in this issue of the **Federal Register**.

DATES: *Effective Date:* These regulations are effective on July 6, 2007.

Applicability Date: For dates of applicability, see § 1.6033–5T(g).

FOR FURTHER INFORMATION CONTACT: Galina Kolomietz, (202) 622–6070, or Michael Blumenfeld, (202) 622–1124 (not toll-free numbers). For questions specifically relating to qualified pension plans, individual retirement accounts, and similar tax-favored savings arrangements, contact Dana Barry, (202) 622–6060 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The Tax Increase Prevention and Reconciliation Act of 2005, Public Law 109–222 (120 Stat. 345) (TIPRA), enacted on May 17, 2006, defines certain transactions as prohibited tax shelter transactions and imposes excise taxes and disclosure requirements with respect to prohibited tax shelter transactions to which a tax-exempt entity is a party. TIPRA creates new section 4965 and amends sections 6033(a)(2) and 6011(g) of the Code. The amended section 6033(a)(2) requires every tax-exempt entity to which section 4965 applies that is a party to a prohibited tax shelter transaction to disclose to the IRS (in such form and manner and at such time as determined by the Secretary) the following information: (a) That such entity is a party to the prohibited tax shelter transaction; and (b) the identity of any other party to the transaction which is known to the tax-exempt entity. The amended section 6011(g) requires any taxable party to a prohibited tax shelter transaction to disclose by statement to any tax-exempt entity to which section 4965 applies that is a party to such transaction that such transaction is a prohibited tax shelter transaction.

On July 11, 2006, the IRS released Notice 2006–65 (2006–31 IRB 102), which alerted taxpayers to the new provisions. On February 7, 2007, the IRS released Notice 2007–18 (2007–9 IRB 608), which provided interim guidance regarding the circumstances under which a tax-exempt entity will be treated as a party to a prohibited tax shelter transaction for purposes of sections 4965, 6033(a)(2) and 6011(g) and regarding the allocation to various periods of net income and proceeds

attributable to a prohibited tax shelter transaction, including amounts received prior to the effective date of the section 4965 tax. See § 601.601(d)(2)(ii)(*b*).

These temporary regulations are being issued concurrently with proposed regulations under sections 4965, 6033(a)(2) and 6011(g) published elsewhere in the **Federal Register**.

Explanation of Provisions

These temporary regulations contain rules concerning disclosure requirements imposed by section 6033(a)(2) on tax-exempt entities that are parties to prohibited tax shelter transactions. Proposed regulations providing rules concerning disclosure requirements under section 6033(a)(2) are being issued concurrently with these temporary regulations.

Effective Date

These temporary regulations are applicable with respect to transactions entered into by a tax-exempt entity after May 17, 2006.

Special Analyses

It has been determined that this Treasury decision is not a significant regulatory action as defined in Executive Order 12866. Therefore, a regulatory assessment is not required. It has also been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) does not apply to these regulations. For the applicability of the Regulatory Flexibility Act (5 U.S.C. chapter 6), refer to the Special Analyses section of the preamble to the cross-referencing notice of proposed rulemaking published in the Proposed Rules section in this issue of the **Federal Register**. Pursuant to section 7805(f) of the Code, these regulations have been submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on their impact on small business.

Drafting Information

The principal authors of these regulations are Galina Kolomietz and Dana Barry, Office of Division Counsel/ Associate Chief Counsel (Tax Exempt and Government Entities). However, other personnel from the IRS and the Treasury Department participated in their development.

List of Subjects

26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

26 CFR Part 301

Employment taxes, Estate taxes, Excise taxes, Gift taxes, Income taxes, Penalties, Reporting and recordkeeping requirements.

Adoption of Amendments to the Regulations

■ Accordingly, 26 CFR parts 1 and 301 are amended as follows:

PART 1—INCOME TAXES

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

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

■ **Par. 2.** Section 1.6033–5T is added to read as follows:

§ 1.6033–5T Disclosure by tax-exempt entities that are parties to certain reportable transactions (temporary).

(a) *In general.* Every tax-exempt entity (as defined in section 4965(c)) shall file with the IRS on Form 8886–T, ''Disclosure by Tax-Exempt Entity Regarding Prohibited Tax Shelter Transaction'' (or a successor form), in accordance with this section and the instructions to the form, a disclosure of—

(1) Such entity's being a party (as defined in paragraph (b) of this section) to a prohibited tax shelter transaction (as defined in section 4965(e)); and

(2) The identity of any other party (whether taxable or tax-exempt) to such transaction that is known to the tax-exempt entity.

(b) *Definition of tax-exempt party to a prohibited tax shelter transaction*—(1) *In general.* For purposes of section 6033(a)(2), a tax-exempt entity is a party to a prohibited tax shelter transaction if the entity—

(i) Facilitates a prohibited tax shelter transaction by reason of its tax-exempt, tax indifferent or tax-favored status;

(ii) Enters into a listed transaction and the tax-exempt entity's tax return (whether an original or an amended return) reflects a reduction or elimination of its liability for applicable Federal employment, excise or unrelated business income taxes that is derived directly or indirectly from tax consequences or tax strategy described in the published guidance that lists the transaction; or

(iii) Is identified in published guidance, by type, class or role, as a party to a prohibited tax shelter transaction.

(2) Published guidance may identify which tax-exempt entities, by type, class or role, will not be treated as a party to a prohibited tax shelter transaction for purposes of section 6033(a)(2).

(c) *Frequency of disclosure.* A single disclosure is required for each prohibited tax shelter transaction.

(d) *By whom disclosure is made*—(1) *Tax-exempt entities referred to in section 4965(c)(1), (2) or (3).* In the case of tax-exempt entities referred to in section 4965(c)(1), (2) or (3), the disclosure required by this section must be made by the entity.

(2) *Tax-exempt entities referred to in section 4965(c)(4), (5), (6) or (7).* In the case of tax-exempt entities referred to in section 4965(c)(4), (5), (6) or (7), including a fully self-directed qualified plan, IRA, or other savings arrangement, the disclosure required by this section must be made by the entity manager (as defined in section 4965(d)(2)) of the entity.

(e) *Time and place for filing*—(1) *Tax-exempt entities described in paragraph (b)(1)(i) of this section*—(i) *In general.* The disclosure required by this section shall be filed on or before May 15 of the calendar year following the close of the calendar year during which the tax-exempt entered into the prohibited tax shelter transaction.

(ii) *Subsequently listed transactions.* In the case of subsequently listed transactions (as defined in section 4965(e)(2)), the disclosure required by this section shall be filed on or before May 15 of the calendar year following the close of the calendar year during which the transaction was identified by the Secretary as a listed transaction.

(2) *Tax-exempt entities described in paragraph (b)(1)(ii) of this section.* The disclosure required by this section shall be filed on or before the date on which the first tax return (whether an original or an amended return) is filed which reflects a reduction or elimination of the tax-exempt entity's liability for applicable Federal employment, excise or unrelated business income taxes that is derived directly or indirectly from tax consequences or tax strategy described in the published guidance that lists the transaction.

(3) *Transition rule.* If a tax-exempt entity entered into a prohibited tax shelter transaction after May 17, 2006 and before January 1, 2007, the disclosure required by this section shall be filed—

(i) In the case of tax-exempt entities described in paragraph (b)(1)(i) of this section, on or before November 5, 2007;

(ii) In the case of tax-exempt entities described in paragraph (b)(1)(ii) of this section, on or before the later of—

(A) November 5, 2007; or

(B) The date on which the first tax return (whether an original or an amended return) is filed which reflects a reduction or elimination of the tax-exempt entity's liability for applicable Federal employment, excise or unrelated business income taxes that is

derived directly or indirectly from tax consequences or tax strategy described in the published guidance that lists the transaction.

(4) Disclosure is not required with respect to any prohibited tax shelter transaction entered into by a tax-exempt entity on or before May 17, 2006.

(f) *Penalty for failure to provide disclosure statement.* See section 6652(c)(3) for penalties applicable to failure to disclose a prohibited tax shelter transaction in accordance with this section.

(g) *Effective date*—(1) *Applicability date.* This section applies with respect to transactions entered into by a tax-exempt entity after May 17, 2006.

(2) *Expiration date.* This section will expire on July 6, 2010.

PART 301—PROCEDURE AND ADMINISTRATION

■ **Par. 3.** The authority citation for part 301 continues to read in part as follows:

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

■ **Par. 4.** Section 301.6033–5T is added to read as follows:

§ 301.6033–5T Disclosure by tax-exempt entities that are parties to certain reportable transactions (temporary).

(a) *In general.* For provisions relating to the requirement of the disclosure by a tax-exempt entity that it is a party to certain reportable transactions, see § 1.6033–5T of this chapter (Income Tax Regulations).

(b) *Effective date*—(1) *Applicability date.* This section applies with respect to transactions entered into by a tax-exempt entity after May 17, 2006.

(2) *Expiration date.* This section will expire on July 5, 2010.

Kevin M. Brown,

Deputy Commissioner for Services and Enforcement.

Approved: June 21, 2007.

Eric Solomon,

Assistant Secretary of the Treasury (Tax Policy).

[FR Doc. E7–12903 Filed 7–5–07; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 53 and 54

[TD 9334]

RIN 1545–BG20

Requirement of Return and Time for Filing

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Final and temporary regulations.

SUMMARY: This document contains final and temporary regulations providing guidance relating to the requirement of a return to accompany payment of excise taxes under section 4965 of the Internal Revenue Code (Code) and the time for filing that return. These regulations affect a broad array of tax-exempt entities, including charities, state and local government entities, Indian tribal governments and employee benefit plans, as well as entity managers of these entities. This action is necessary to implement section 516 of the Tax Increase Prevention and Reconciliation Act of 2005. The text of the temporary regulations also serves as the text of the proposed regulations set forth in the Proposed Rules section in this issue of the **Federal Register**.

DATES: *Effective date.* These regulations are effective on July 6, 2007.

Applicability date. For dates of applicability, see §§ 53.6071–1T(g) and 54.6011–1T(c) of these regulations.

FOR FURTHER INFORMATION CONTACT: Galina Kolomietz, (202) 622–6070, Michael Blumenfeld, (202) 622–1124, or Dana Barry, (202) 622–6060 (not toll-free numbers).

SUPPLEMENTARY INFORMATION:

Background

The Tax Increase Prevention and Reconciliation Act of 2005, Public Law 109–222 (120 Stat. 345) (TIPRA), enacted on May 17, 2006, added section 4965 to the Code. Section 4965 affects a broad array of tax-exempt entities as defined in section 4965(c). Tax-exempt entities described in section 4965(c)(1), (2), or (3) (referred to herein as ''non-plan entities'') include entities described in section 501(c), religious or apostolic associations or corporations described in section 501(d), entities described in section 170(c), including states, possessions of the United States, the District of Columbia, political subdivisions of states and political subdivisions of possessions of the United States (but not including the United States), and Indian tribal governments within the meaning of section 7701(a)(40). Tax-exempt entities described in section 4965(c)(4), (c)(5), (c)(6), or (c)(7) (referred to herein as ''plan entities'') include tax-favored retirement plans, individual retirement arrangements, and savings arrangements described in section 401(a), 403(a), 403(b), 529, 457(b), 408(a), 220(d), 408(b), 530 or 223(d).

Section 4965 imposes two new excise taxes, one on the tax-exempt entity (the entity-level tax) and the other on certain of the tax-exempt entity's managers (the manager-level tax). The entity-level tax is imposed on non-plan entities that are parties to prohibited tax shelter transactions. The entity-level tax does not apply to plan entities. Prohibited tax shelter transactions are transactions that are identified by the IRS as ''listed transactions'' (within the meaning of section 6707A(c)(2)) and reportable transactions that are confidential transactions or transactions with contractual protection (as defined in section 6707A(c)(1) and § 1.6011–4(b) of this chapter).

The entity-level tax applies to each taxable year during which the non-plan entity is a party to a prohibited tax shelter transaction and has net income or proceeds attributable to the transaction which are properly allocable to that taxable year. The amount of the entity-level tax depends on whether the non-plan entity knew or had reason to know that the transaction was a prohibited tax shelter transaction at the time the entity became a party to the transaction. If the non-plan entity did not know (and did not have reason to know) that the transaction was a prohibited tax shelter transaction at the time the entity became a party to the transaction, the tax is the highest rate of tax under section 11 (currently 35 percent) multiplied by the greater of: (i) The entity's net income with respect to the prohibited tax shelter transaction (after taking into account any tax imposed by Subtitle D, other than by this section, with respect to such transaction) for the taxable year or (ii) 75 percent of the proceeds received by the entity for the taxable year that are attributable to such transaction. If the non-plan entity knew or had reason to know that the transaction was a prohibited tax shelter transaction at the time the entity became a party to the transaction, the tax is the greater of (i) 100 percent of the entity's net income with respect to the transaction (after taking into account any tax imposed by Subtitle D, other than by this section, with respect to such transaction) for the taxable year or (ii) 75 percent of the

proceeds received by the entity for the taxable year that are attributable to such transaction. In the case of a transaction that becomes a prohibited tax shelter transaction by reason of becoming a listed transaction after the non-plan entity has become a party to such transaction (subsequently listed transactions), the amount of tax is based on the net income or proceeds attributable to such transaction that are properly allocable to the period beginning on the date the transaction became listed or the first day of the entity's taxable year, whichever is later. No entity-level tax applies to any income or proceeds that are properly allocable to a period ending on or before August 15, 2006.

The manager-level tax is imposed on entity managers (as defined in section 4965(d)) of all tax-exempt entities described in section 4965(c) who approve the entity as a party (or otherwise cause the entity to be a party) to a prohibited tax shelter transaction and know or have reason to know that the transaction is a prohibited tax shelter transaction. In the case of non-plan entities, the term *entity manager* means the person with authority or responsibility similar to that exercised by an officer, director or trustee, and, with respect to any act, the person having authority or responsibility with respect to such act. In the case of plan entities, the term *entity manager* means the person who approves or otherwise causes the entity to be a party to the prohibited tax shelter transaction. An individual beneficiary (including a plan participant) or owner of the tax-favored retirement plans, individual retirement arrangements, and savings arrangements described in section 401(a), 403(a), 403(b), 529, 457(b), 408(a), 220(d), 408(b), 530 or 223(d), may be liable as an entity manager if the individual beneficiary or owner has broad investment authority under the arrangement. The amount of the manager-level tax is $20,000 for each approval or other act causing the entity to be a party to a prohibited tax shelter transaction. The manager-level tax applies separately to each entity manager.

These final and temporary regulations are being issued concurrently with proposed regulations under sections 4965, 6033(a)(2) and 6011(g) published elsewhere in the **Federal Register**.

Explanation of Provisions

The regulations provide that non-plan entities (including exempt organizations and governments) that are liable for section 4965 excise taxes and entity managers of non-plan entities who are liable for section 4965 excise taxes as entity managers are required to file a return on Form 4720, ''Return of Certain Excise Taxes Under Chapters 41 and 42 of the Internal Revenue Code.'' The entity return is due on or before the date the non-plan entity's annual return under section 6033(a)(1) (for example, Form 990, ''Return of Organization Exempt From Income Tax'') is due, if the non-plan entity is required to file such a return. In all other cases, the entity return is due on or before the 15th day of the fifth month after the end of the non-plan entity's accounting period for which the liability under section 4965 was incurred. In the case of a non-plan entity manager, the entity manager return is due on or before the 15th day of the fifth month following the close of the manager's taxable year during which the entity entered into a prohibited tax shelter transaction.

The regulations also provide that entity managers of plan entities who are liable for section 4965 taxes as entity managers are required to file a return on Form 5330, ''Return of Excise Taxes Related to Employee Benefit Plans.'' For section 4965 taxes, the Form 5330 is due on or before the 15th day of the fifth month following the close of the manager's taxable year during which the entity entered into a prohibited tax shelter transaction.

The regulations provide a transition rule that returns of section 4965 taxes that are or were due on or before October 4, 2007 will be deemed timely if the return is filed and the tax is paid before that date.

Special Analyses

It has been determined that this Treasury decision is not a significant regulatory action as defined in Executive Order 12866. Therefore, a regulatory assessment is not required. It also has been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) does not apply to these regulations. For the applicability of the Regulatory Flexibility Act (5 U.S.C. chapter 6), refer to the Special Analyses section of the preamble to the cross-referencing notice of proposed rulemaking published in the Proposed Rules section in this issue of the **Federal Register**. Pursuant to section 7805(f) of the Code, these regulations have been submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on their impact on business.

Drafting Information

The principal authors of these regulations are Galina Kolomietz and Dana Barry, Office of Division Counsel/Associate Chief Counsel (Tax Exempt and Government Entities). However, other personnel from the IRS and the Treasury Department participated in their development.

List of Subjects

26 CFR Part 53

Excise taxes, Foundations, Investments, Lobbying, Reporting and recordkeeping requirements.

26 CFR Part 54

Excise Taxes, Pensions, Reporting and recordkeeping requirements.

Amendments to the Regulations

■ Accordingly, 26 CFR parts 53 and 54 are amended as follows:

PART 53—FOUNDATION AND SIMILAR EXCISE TAXES

■ **Paragraph 1**. The authority citation for part 53 continues to read in part as follows:

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

§ 53.6011–1 [Amended]

■ **Par. 2**. In § 53.6011–1, paragraph (b) is amended by:

■ 1. Removing from the first sentence, the language ''or 4958(a),'' and adding ''4958(a), or 4965(a),'' in its place.

■ 2. Removing from the last sentence, the language ''or 4958(a),'' and adding ''4958(a), or 4965(a),'' in its place.

■ **Par. 3**. Section 53.6071–1 is amended by adding and reserving paragraph (g) and adding paragraph (h) to read as follows:

§ 53.6071–1 Time for filing returns.

* * * * *

(g) [Reserved]. For further guidance, see § 53.6071–1T(g).

(h) *Effective/applicability date.* For the applicability date of paragraph (g) of this section, see § 53.6071–1T(h).

■ **Par. 4**. Section 53.6071–1T is added to read as follows:

§ 53.6071–1T Time for filing returns (temporary).

(a) through (f) [Reserved]. For further guidance, see § 53.6071–1(a) through (f).

(g) *Taxes imposed with respect to prohibited tax shelter transactions to which tax-exempt entities are parties*—(1) *Returns by certain tax-exempt entities.* A Form 4720, ''Return of Certain Excise Taxes Under Chapters 41 and 42 of the Internal Revenue Code,'' required by § 53.6011–1(b) for a tax-exempt entity described in section 4965(c)(1), (c)(2) or (c)(3) that is a party to a prohibited tax shelter transaction and is liable for tax imposed by section 4965(a)(1) shall be filed on or before the

due date (not including extensions) for filing the tax-exempt entity's annual information return under section 6033(a)(1). If the tax-exempt entity is not required to file an annual information return under section 6033(a)(1), the Form 4720 shall be filed on or before the 15th day of the fifth month after the end of the tax-exempt entity's taxable year or, if the entity has not established a taxable year for Federal income tax purposes, the entity's annual accounting period.

(2) *Returns by entity managers of tax-exempt entities described in section 4965(c)(1), (c)(2) or (c)(3).* A Form 4720, required by § 53.6011–1(b) for an entity manager of a tax-exempt entity described in section 4965(c)(1), (c)(2) or (c)(3) who is liable for tax imposed by section 4965(a)(2) shall be filed on or before the 15th day of the fifth month following the close of the entity manager's taxable year during which the entity entered into the prohibited tax shelter transaction.

(3) *Transition rule.* A Form 4720, for a section 4965 tax that is or was due on or before October 4, 2007 will be deemed to have been filed on the due date if it is filed by October 4, 2007 and if all section 4965 taxes required to be reported on that Form 4720 are paid by October 4, 2007.

(h) *Effective/applicability date*—(1) *In general.* Paragraph (g) of this section is applicable on July 6, 2007.

(2) *Expiration date.* Paragraph (g) of this section will cease to apply on July 6, 2010.

PART 54—PENSION EXCISE TAXES

■ **Par. 5**. The authority citation for part 54 continues to read in part as follows:

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

■ **Par. 6**. Section 54.6011–1 is amended by adding and reserving paragraph (c) and adding paragraph (d) to read as follows:

§ 54.6011–1 General requirement of return, statement, or list.

* * * * *

(c) [Reserved]. For further guidance, see § 54.6011–1T(c).

(d) *Effective/applicability date.* For the applicability date of paragraph (c) of this section, see § 54.6011–1T(d).

■ **Par. 7**. Section 54.6011–1T is amended as follows:

■ 1. The undesignated text is designated as paragraph (a) and a paragraph heading is added.

■ 2. Paragraph (b) is added and reserved.

■ 3. Paragraphs (c) and (d) are added.

§ 54.6011–1T General requirement of return, statement or list (temporary).

(a) *Tax on reversions of qualified plan assets to employer.* * * *

(b) [Reserved].

(c) *Entity manager tax on prohibited tax shelter transactions*—(1) *In general.* Any entity manager of a tax-exempt entity described in section 4965(c)(4), (c)(5), (c)(6), or (c)(7) who is liable for tax under section 4965(a)(2) shall file a return on Form 5330, ''Return of Excise Taxes Related to Employee Benefit Plans,'' on or before the 15th day of the fifth month following the close of such entity manager's taxable year during which the entity entered into the prohibited tax shelter transaction, and shall include therein the information required by such form and the instructions issued with respect thereto.

(2) *Transition rule.* A Form 5330, ''Return of Excise Taxes Related to Employee Benefit Plans,'' for an excise tax under section 4965 that is or was due on or before October 4, 2007 will be deemed to have been filed on the due date if it is filed by October 4, 2007 and if the section 4965 tax that was required to be reported on that Form 5330 is paid by October 4, 2007.

(d) *Effective/applicability date*—(1) *In general.* Paragraph (c) of this section is applicable on July 6, 2007.

(2) *Expiration date.* Paragraph (c) of this section will expire on July 5, 2010.

Kevin M. Brown,

Deputy Commissioner for Services and Enforcement.

Approved: June 21, 2007.

Eric Solomon,

Assistant Secretary of the Treasury (Tax Policy).

[FR Doc. E7–12901 Filed 7–5–07; 8:45 am]

BILLING CODE 4830–01–P

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Part 1625

RIN 3046–AA78

Coverage Under the Age Discrimination in Employment Act

AGENCY: Equal Employment Opportunity Commission.

ACTION: Final rule.

SUMMARY: The Equal Employment Opportunity Commission (''EEOC'' or ''Commission'') is publishing this final rule to amend its Age Discrimination in Employment Act (the ''Act'' or ''ADEA'') regulations to conform them to the Supreme Court's holding in *General Dynamics Land System, Inc.* v. *Cline,* 540 U.S. 581 (2004), that the ADEA only prohibits discrimination based on relatively older age, not discrimination based on age generally. Thus, the final rule deletes language in EEOC's ADEA regulations that prohibited discrimination against relatively younger individuals. The new rule explains that the ADEA only prohibits employment discrimination based on old age and, therefore, does not prohibit employers from favoring relatively older individuals.

DATES: Effective date July 6, 2007.

FOR FURTHER INFORMATION CONTACT: Raymond Peeler, Senior Attorney Advisor, Office of Legal Counsel, at (202) 663–4537 (voice) or (202) 663–7026 (TTY) (These are not toll free numbers). This final rule also is available in the following formats: large print, braille, audio tape and electronic file on computer disk. Requests for this final rule in an alternative format should be made to the Publications Information Center at 1–800–669–3362.

SUPPLEMENTARY INFORMATION: On August 11, 2006, the EEOC published a Notice of Proposed Rulemaking (''NPRM'') in the **Federal Register** to amend regulations that prohibited any age-based discrimination against individuals forty years old or older, regardless of whether the age-bias favored older or younger individuals.[1] Relying on the Supreme Court's decision in *General Dynamics Land System, Inc.* v. *Cline,* 540 U.S. 581 (2004),[2] the NPRM explained that the ADEA protects only relatively older individuals.

Overview of Public Comments

The Commission received nine public comments during the public comment period, which ended on October 10, 2006. Six commenters strongly supported the proposed rule: AARP, National Employment Lawyers Association (NELA), Equal Employment Advisory Counsel (EEAC), U.S. Chamber of Commerce, TOC Management Services, and the National Federation of Independent Business (NFIB). Two federal employee unions opposed the rule. The Conference

[1] EEOC Notice of Proposed Rulemaking, 71 FR 46177, Aug. 11, 2006.

[2] In *Cline,* a group of employees between the ages of forty and forty-nine sued their employer for age discrimination when it eliminated its future obligation to pay retiree health benefits for any employee then under fifty years old. The Supreme Court rejected their claim, finding that the ADEA's prohibition against discrimination ''because of age'' only prevents discrimination that favors younger workers, not actions that place older workers in a more favorable position. The Court's rationale is described in detail in the NPRM. *See* 71 FR at 46178.

Board, a ''business research and membership non-profit organization'' whose comment is a compilation of questions from its members, sought some clarifications that are discussed below.

Scope of the Regulation

One of the opposing commenters argued that the Supreme Court's ruling in *Cline* was already reflected in Section 1625.2(b) of the Commission's current regulations, which allows favorable treatment of older workers with respect to benefits. We believe that the Supreme Court addressed this comment through its detailed analysis concerning the purpose of the ADEA as protecting older workers and its characterization of the current regulations' prohibition of ''reverse'' age discrimination as ''clearly wrong.''[3] Thus, the Commission concludes that it cannot conform its regulations to the Court's decision in *Cline* without amendment.

A Conference Board member's comment that ''the change in language creates a slippery slope around creating new protections,'' suggests a belief that the rule creates a new enforceable right for older individuals. The rule creates no such right. It simply provides that an employer does not violate the ADEA if it makes an age-based decision that favors older individuals.[4] The Commission has added language to section 1625.2 to clarify this point.

The opposing comments and some comments from the Conference Board construe the NPRM to inappropriately encourage favoritism of older individuals. For example, the American Federation of Government Employees (AFGE) argued that the NPRM inappropriately deters the employment of younger individuals in the protected age group, and a Conference Board member expressed concern that certain positions will become ''for matures only.'' However, as the *Cline* Court noted:

> The [legislative and administrative] record is devoid of any evidence that younger workers were suffering at the expense of their elders * * * Common experience is to the contrary * * * If Congress had been worrying about protecting the younger against the older, it would not likely have ignored everyone under 40. The youthful deficiencies of inexperience and unsteadiness invite stereotypical and discriminatory thinking about those a lot younger than 40, and prejudice suffered by a 40-year-old is not typically owing to youth, as 40-year-olds sadly tend to find out. The enemy of 40 is 30, not 50.[5]

AFGE also asked EEOC to restrict the regulation's scope by explaining that it does not affect state laws prohibiting age discrimination against relatively younger persons. The same concern was reflected in a question from the Conference Board. The Commission agrees with this suggestion; the rule only interprets the ADEA, not state or local law. The ADEA permits states to provide protections in addition to those provided by federal law.[6] Thus, the Commission has revised the final rule to clarify that it only interprets the ADEA, not state or local law.

Concerns With Specific Provisions

Some members of the Conference Board asked for additional guidance in Section 1625.4 regarding how employers may structure advertisements without violating the ADEA. AFGE also criticized this Section, suggesting that we only provide examples such as ''experience a plus.'' But AARP, whose comment also was adopted by NELA, praised the NPRM's ''straightforward description of what is acceptable in posting employment advertisements.'' The NFIB and EEAC also supported the advertisement language, believing it would aid their members' recruitment efforts. Inasmuch as the advertising provisions are expressly supported by many commenters and already include several examples that EEOC believes reflect the Court's interpretation of the ADEA, the EEOC concludes that further guidance in the text of the regulation is unnecessary. Further, providing a definitive list of legally acceptable advertising language could hamper employers' unique efforts to fill their workforce needs.

AFGE also commented that the revised § 1625.5 improperly encourages employers to collect an applicant's age or date of birth. The Commission does not agree that this Section encourages employers to collect such information. To the contrary, it warns employers that the EEOC will closely scrutinize the collection of age-identifying information to ensure that it is collected and used only for lawful purposes. AARP and NELA (adopting AARP's comment), both worker rights groups, explicitly approved of how this provision ''emphasizes the role of the EEOC in monitoring employment applications.''

Revisions to the NPRM

The final rule adopts the NPRM but adds a sentence to clarify that it neither creates an enforceable right for older workers nor affects state or local prohibitions against age-based favoritism.

Regulatory Planning and Review

This final rule is considered to be a ''significant regulatory action'' pursuant to section 3(f)(4) of Executive Order 12866, 58 FR 51735 (Sept. 30, 1993), in that it arises out of the Commission's legal mandate to enforce the ADEA. Therefore, it was circulated to the Office of Management and Budget for review. Nonetheless, the Commission has determined that this rule will not have an annual effect on the economy of $100 million or more, and will not adversely affect the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety. To the contrary, this final rule increases the flexibility of employers to take previously forbidden age-based actions that favor older workers.

Although the final rule applies to all employers with at least 20 employees,[7] it will not have a significant impact on small business entities under the Regulatory Flexibility Act, because it imposes no economic or reporting burdens. For reasons already identified, the Commission also finds that this final rule requires no additional scrutiny under either the Paperwork Reduction Act, 44 U.S.C. 3501, *et seq.*, concerning the collection of information, or the Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1501, *et seq.*, concerning the burden imposed on state, local, or tribal governments.

List of Subjects for 29 CFR Part 1625

Advertising, Aged, Employee benefit plans, Equal employment opportunity, Retirement.

Dated: June 29, 2007.

For the Commission.

Naomi C. Earp,

Chair.

■ For the reasons discussed in the preamble, the Equal Employment Opportunity Commission amends 29 CFR chapter XIV part 1625 as follows:

[3] *Cline*, 540 U.S. at 600.

[4] In *Cline*, the employer eliminated retiree health benefits, but grandfathered employees who were age 50 or older.

[5] *Cline*, 540 U.S. at 591.

[6] ''Nothing in this [statute] shall affect the jurisdiction of any agency of any state performing like functions with regard to discriminatory employment practices on account of age except that upon commencement of action under [the ADEA] such action shall supersede any state action.'' 29 U.S.C. 633(a).

[7] *See* 29 U.S.C. 630(b). According to Census Bureau Information, approximately 1,976,216 establishments employed 20 or more employees in 2000, *see* Census Bureau, U.S. Department of Commerce, Statistics of U.S. Businesses (2000).

PART 1625—AGE DISCRIMINATION IN EMPLOYMENT ACT

■ 1. Revise the authority citation for part 1625 to read as follows:

Authority: 29 U.S.C. 621–634; 5 U.S.C. 301; sec. 2, Reorg. Plan No. 1 of 1978, 43 FR 19807; E.O. 12067, 43 FR 28967.

Subpart A—Interpretations

■ 2. Revise § 1625.2 to read as follows:

§ 1625.2 Discrimination prohibited by the Act.

It is unlawful for an employer to discriminate against an individual in any aspect of employment because that individual is 40 years old or older, unless one of the statutory exceptions applies. Favoring an older individual over a younger individual because of age is not unlawful discrimination under the ADEA, even if the younger individual is at least 40 years old. However, the ADEA does not require employers to prefer older individuals and does not affect applicable state, municipal, or local laws that prohibit such preferences.

■ 3. Revise § 1625.4 to read as follows:

§ 1625.4 Help wanted notices or advertisements.

(a) Help wanted notices or advertisements may not contain terms and phrases that limit or deter the employment of older individuals. Notices or advertisements that contain terms such as *age 25 to 35, young, college student, recent college graduate, boy, girl,* or others of a similar nature violate the Act unless one of the statutory exceptions applies. Employers may post help wanted notices or advertisements expressing a preference for older individuals with terms such as *over age 60, retirees,* or *supplement your pension.*

(b) Help wanted notices or advertisements that ask applicants to disclose or state their age do not, in themselves, violate the Act. But because asking applicants to state their age may tend to deter older individuals from applying, or otherwise indicate discrimination against older individuals, employment notices or advertisements that include such requests will be closely scrutinized to assure that the requests were made for a lawful purpose.

■ 4. Revise the first paragraph of § 1625.5 to read as follows:

§ 1625.5 Employment applications.

A request on the part of an employer for information such as *Date of Birth* or *age* on an employment application form is not, in itself, a violation of the Act. But because the request that an applicant state his age may tend to deter older applicants or otherwise indicate discrimination against older individuals, employment application forms that request such information will be closely scrutinized to assure that the request is for a permissible purpose and not for purposes proscribed by the Act. That the purpose is not one proscribed by the statute should be made known to the applicant by a reference on the application form to the statutory prohibition in language to the following effect:

* * * * *

[FR Doc. E7–13051 Filed 7–5–07; 8:45 am]

BILLING CODE 6570–01–P

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 197

[DoD–2006–OS–0023]

RIN 0790–AI12

Historical Research in the Files of the Office of the Secretary of Defense (OSD)

AGENCY: Department of Defense.

ACTION: Final rule.

SUMMARY: This final rule identifies and updates the policies and procedures for the programs that permit U.S. citizens to perform historical research in records created by or in the custody of the Office of the Secretary of Defense (OSD). Historical Research in the Files of OSD updates the policies and procedures for the programs that permit U.S. citizens to perform historical research in records created by or in the custody of the OSD.

DATES: *Effective Date:* This rule is effective August 6, 2007.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Storer, 703–696–2197.

SUPPLEMENTARY INFORMATION: Anyone accessing classified material must possess the requisite security clearance. Information requested by historical researchers shall be accessed at a DoD activity or facility under the control of the National Archives and Records Administration (NARA).

Access to records by historical researchers shall be limited to the specific records within the scope of the proposed historical research over which the Department of Defense has classification authority. Access shall also be limited to any other records for which the written consent of other Agencies that have classification authority over information contained in or revealed by the records has been obtained.

Access to unclassified OSD Component files by historical researchers shall be permitted consistent with the restrictions of the exemptions of the Freedom of Information Act. The procedures for access to classified information shall be used if the requested unclassified information is contained in OSD files whose overall markings are classified.

On February 28, 2007 (72 FR 8952), the Department of Defense published a proposed rule, ''Historical Research in the Files of the Office of the Secretary of Defense (OSD)'' inviting public comments. No comments were received.

Executive Order 13132, ''Federalism''

It has been certified that 32 CFR part 197 does not have federalism implications, as set forth in Executive Order 13132. This rule does not have substantial direct effects on:

(1) The States;

(2) The relationship between the National Government and the States; or

(3) The distribution of power and responsibilities among the various levels of Government.

Executive Order 12630, ''Government Actions and Interference With Constitutionally Protected Property Rights''

It has been certified that 32 CFR part 197 does not:

(1) Place a restriction on a use of private property;

(2) Involve a permitting process or any other decision-making process that will interfere with, or otherwise prohibit, the use of private property; or

(3) Regulate private property use for the protection of public health or safety.

Executive Order 12866, ''Regulatory Planning and Review''

It has been certified that 32 CFR part 197 does not:

(1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy; a section of the economy; productivity; competition; jobs; the environment; public health or safety; or State, local, or tribunal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another Agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs, or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the

President's priorities, or the principles set forth in this Executive Order.

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

It has been certified that 32 CFR part 197 does not present any environmental health or safety effects on children.

Section 202, Public Law 104–4, ''Unfunded Mandates Reform Act''

It has been certified that 32 CFR part 197 does not contain a Federal mandate that may result in the expenditure by State, local and tribunal governments, in aggregate, or by the private sector, of $100 million or more in any one year.

National Environmental Policy Act

It has been certified that 32 CFR part 197 does not significantly affect the quality of the human environment.

Public Law 96–354, ''Regulatory Flexibility Act'' (5 U.S.C. 601)

It has been certified that 32 CFR part 197 is not subject to the Regulatory Flexibility Act (5 U.S.C. 601) because it would not, if promulgated, have a significant economic impact on a substantial number of small entities. Historical Research in the files of the Office of the Secretary of Defense (OSD) updates policies and procedures for the programs that permit U.S. citizens to perform historical research in records created by or in the custody of the OSD.

Public Law 96–511, ''Paperwork Reduction Act'' (44 U.S.C. Chapter 35)

It has been certified that 32 CFR part 197 does not impose reporting or recordkeeping requirements under the Paperwork Reduction Act of 1995.

List of Subjects in 32 CFR Part 197

Administrative practice and procedure.

■ Accordingly, 32 CFR Chapter 1, subchapter M is amended by adding part 197 to read as follows:

PART 197—HISTORICAL RESEARCH IN THE FILES OF THE OFFICE OF THE SECRETARY OF DEFENSE (OSD)

Sec.
197.1 Purpose.
197.2 Applicability and scope.
197.3 Definition.
197.4 Policy.
197.5 Responsibilities.
197.6 Procedures.
Appendix A to Part 197—Explanation of Freedom of Information Act (5 U.S.C. 552) Exemptions
Appendix B to Part 197—Procedures for Historical Researchers Permanently Assigned Within the Executive Branch Working on Official Projects
Appendix C to Part 197—Procedures for the Department of State (DOS) Foreign Relations of the United States (FRUS) Series
Appendix D to Part 197—Procedures for Historical Researchers Not Permanently Assigned to the Executive Branch
Appendix E to Part 197—Form Letter—Conditions Governing Access to Official Records for Historical Research Purposes
Appendix F to Part 197—Procedures for Copying of Documents for the Foreign Relations of the United States Series
Appendix G to Part 197—Procedures for Copying Documents

Authority: 10 U.S.C. 301.

§ 197.1 Purpose.

This part identifies and updates the policies and procedures for the programs that permit U.S. citizens to perform historical research in records created by or in the custody of the OSD consistent with Executive Order 12958, DoD 5200.01–R [1], DoD 5400.07–R, DoD Directive 5400.11, the Interagency Agreement on Access for Official Agency Historians, and DoD Directive 5230.09.

§ 197.2 Applicability and scope.

This part applies to:

(a) The Office of the Secretary of Defense and organizations for which the Washington Headquarters Services provides administrative support (hereafter referred to collectively as the ''OSD Components'').

(b) All historical researchers.

(c) Former OSD Presidential Appointees seeking access to records containing information they originated, reviewed, signed, or received while serving in an official capacity.

§ 197.3 Definition.

Historical researcher or researcher. A person desiring to conduct research in OSD files for historical information to use in any project (e.g. agency historical office projects, books, articles, studies, or reports) regardless of the person's employment status.

§ 197.4 Policy.

It is DoD policy, pursuant to E.O. 12958, that:

(a) Anyone accessing classified material must possess the requisite security clearance.

(b) Information requested by historical researchers shall be accessed at a DoD activity or facility under the control of the National Archives and Records Administration (NARA). Usually such access will occur at either the Washington National Records Center (WNRC) in Suitland, Maryland, or NARA's Archives II in College Park, Maryland.

(c) Access to records by historical researchers shall be limited to the specific records within the scope of the proposed historical research over which the Department of Defense has classification authority. Access shall also be limited to any other records for which the written consent of other Agencies that have classification authority over information contained in or revealed by the records has been obtained.

(d) Access to unclassified OSD Component files by historical researchers shall be permitted consistent with the restrictions of the exemptions of the Freedom of Information Act that are contained in E.O. 12958 and explained in the appendix B to this part (5 U.S.C. 552). The procedures for access to classified information shall be used if the requested unclassified information is contained in OSD files whose overall markings are classified.

(e) Under E.O. 12958, or its successor, persons permanently assigned within the Executive Branch may be authorized access to classified information for official projects under DoD classification authority, provided such access is essential to the accomplishment of a lawful and authorized Government purpose and a written determination of the trustworthiness of the persons has been made.

(f) Under E.O. 12958 and paragraph C6.2.2. of DoD 5200.01–R, persons not permanently assigned within the Executive Branch who are engaged in historical research projects or persons permanently assigned within the Executive Branch engaged in personal, i.e. unofficial projects, may be authorized access to classified information under DoD classification authority. The authorization shall be based on a written determination of the researcher's trustworthiness, on the proposed access being in the interests of national security, and on the researcher signing a copy of the letter (appendix E to this part) by which he or she agrees to safeguard the information and to authorize a review of any notes and manuscript for a determination that they contain no classified information.

(g) Access for former Presidential appointees is limited to records they originated, reviewed, signed, or received while serving as Presidential appointees.

(h) Contractors working for Executive Branch Agencies may be allowed access

[1] Copies of unclassified DoD Directives, DoD Instructions, DoD Publications, and OSD Administrative Instructions may be found at *http://www.dtic.mil/whs/directives/*.

to classified OSD Component files. No copies of still classified documents will be released directly to a contractor. All copies of classified documents needed for a classified project will be forwarded to the office of the Contracting Government Agency responsible for monitoring the project. The monitoring office will be responsible for ensuring that the contractor safeguards the documents. The information is only used for the project for which it was requested, and that the contractor returns the documents upon completion of the final project. All copies of documents needed for an unclassified project will undergo a mandatory declassification review before the copies are released to the contractor to use in the project.

(i) The records maintained in OSD Component office files and at the WNRC cannot be segregated, requiring that authorization be received from all agencies whose classified information is or is expected to be in the requested files for access to be permitted.

(j) All researchers must hold security clearances at the classification level of the requested information. In addition, all DoD employed requesters, to include DoD contractors, must have Critical Nuclear Weapons Design Information (CNWDI) access and all other Executive Branch and non-Executive Branch requesters must have a Department of Energy issued ''Q'' clearance to access CNWDI information.

§ 197.5 Responsibilities.

(a) The Director of Administration and Management, Office of the Secretary of Defense, (DA&M, OSD), or designee shall, according to the Deputy Secretary of Defense Memorandum dated August 25, 1993, be the approval authority for access to DoD classified information in OSD Component files and in files at the National Archives, Presidential libraries, and other similar institutions.

(b) The Heads of the OSD Components, when requested, shall:

(1) Determine whether access is for a lawful and authorized Government purpose or in the interest of national security.

(2) Determine whether the specific records requested are within the scope of the proposed historical research.

(3) Determine the location of the requested records.

(4) Provide a point of contact to the OSD Records Administrator.

(c) The OSD Records Administrator shall:

(1) Exercise overall management of the Historical Research Program.

(2) Maintain records necessary to process and monitor each case.

(3) Obtain all required authorizations.

(4) Obtain, when warranted, the legal opinion of the General Counsel of the Department of Defense regarding the requested access.

(5) Perform a mandatory declassification review on documents selected by the researchers for use in unclassified projects.

(6) Provide to prospective researchers the procedures necessary for requesting access to OSD Component files.

(d) The Researcher shall provide any information and complete all forms necessary to process a request for access.

§ 197.6 Procedures.

The procedures for processing and/or researching for access to OSD Component files are in appendices B, C, and D to this part.

Appendix A to Part 197—Explanation of Freedom of Information Act (5 U.S.C. 552) Exemptions

A. Exemptions

Exemption	Explanation
(b)(1)	Applies to information that is currently and properly classified pursuant to an Executive Order in the interest of national defense or foreign policy (See E.O. 12958 and DoD 5200.01–R) (Sec 1.4. Classification Categories from E.O. 12958 are provided on the next page);
(b)(2)	Applies to information that pertains solely to the internal rules and practices of the Agency; this exemption has two profiles, ''high'' and ''low.'' The ''high'' profile permits withholding a document which, if released, would allow circumvention of an Agency rule, policy, or statute, thereby impeding the Agency in the conduct of its mission. The ''low'' profile permits withholding if there is no public interest in the document, and it would be an administrative burden to process the request;
(b)(3)	Applies to information specifically exempted by a statute establishing particular criteria for withholding. The language of the statute must clearly state that the information will not be disclosed;
(b)(4)	Applies to information such as trade secrets and commercial or financial information obtained from a company on a privileged or confidential basis which, if released, would result in competitive harm to the company;
(b)(5)	Applies to inter- and intra-Agency memoranda that are deliberative in nature; this exemption is appropriate for internal documents that are part of the decision-making process, and contain subjective evaluations, opinions, and recommendations;
(b)(6)	Applies to information the release of which could reasonably be expected to constitute a clearly unwarranted invasion of the personal privacy of individuals; and
(b)(7)	Applies to records or information compiled for law enforcement purposes that could reasonably be expected to interfere with law enforcement proceedings; would deprive a person of a right to a fair trial or impartial adjudication; could reasonably be expected to constitute an unwarranted invasion of the personal privacy of others; disclose the identity of a confidential source; disclose investigative techniques and procedures; or could reasonably be expected to endanger the life or physical safety of any individual.

See Chapter III of DoD 5400.07–R for further information.

B. Extract From E.O. 12958

Section 1.4. Classification Categories. Information shall not be considered for classification unless it concerns:

(a) Military plans, weapons systems, or operations;

(b) Foreign government information;

(c) Intelligence activities (including special activities), intelligence sources or methods, or cryptology;

(d) Foreign relations or foreign activities of the United States, including confidential sources;

(e) Scientific, technological, or economic matters relating to the national security, which includes defense against transnational terrorism;

(f) United States Government programs for safeguarding nuclear materials or facilities;

(g) Vulnerabilities or capabilities of systems, installations, infrastructures, projects, plans, or protection services relating to the national security, which includes defense against transnational terrorism; or

(h) Weapons of mass destruction.

Appendix B to Part 197—Procedures for Historical Researchers Permanently Assigned Within the Executive Branch Working on Official Projects

1. The Head of each OSD Component, when requested, shall:

a. Make a written determination that the requested access is essential to the

accomplishment of a lawful and authorized Government purpose, stating whether the requested records can be made available; if disapproved, cite specific reasons.

b. Provide the location of the requested records, including accession and box numbers if the material has been retired to the WNRC.

c. Provide a point of contact for liaison with the OSD Records Administrator if any requested records are located in OSD Component working files.

2. The OSD Records Administrator shall:

a. Process all requests from Executive Branch employees requesting access to OSD Component files for official projects.

b. Determine which OSD Component(s) originated the requested records and, if necessary, request an access determination (paragraph 1.a. of this appendix) from the OSD Component(s) and the location of the requested records, including accession and box numbers if the records are in retired files.

c. Request authorization for access from other Agencies as necessary:

(1) By the terms of the ''Interagency Agreement on Access for Official Agency Historians,'' hereafter referred to as ''the Agreement'', historians employed by a signatory Agency may have access to the classified information of any other Agency signatory to the Agreement found in OSD files. The Central Intelligence Agency (CIA) and National Security Council (NSC) are not signatories to the Agreement. Authorization for access must be obtained from these Agencies, as well as from any other non-signatory Agency whose classified information is expected to be found in the files to be accessed.

(2) If the official historian is employed by an Agency that is not a signatory to the Agreement, authorization for access must be obtained from the CIA, NSC, Department of State (DoS), and any other non-DoD Agency whose classified information is expected to be found in the files to be accessed.

(3) If the requester is not an official historian, authorization for access must be obtained from the CIA, NSC, DoS, and any other non-DoD Agency whose classified information is expected to be found in the files to be accessed.

(4) Make a written determination as to the researcher's trustworthiness based on the researcher having been issued a security clearance.

(5) Compile all information on the request for access to classified information to include evidence of an appropriately issued personnel security clearance and forward the information to the DA&M, OSD, or designee, who shall make the final access determination.

(6) Notify the researcher of the authorization and conditions for access to the requested records or of the denial of access and the reason(s).

(7) Ensure all conditions for access and release of information for use in the project are met.

(8) Make all necessary arrangements for the researcher to visit the WNRC and review the requested records if they have been retired there.

(9) Assign a member of his staff to supervise the researcher's copying of pertinent documents at the WNRC. Provide a copier and toner cartridge or appropriate consumable supplies to be used by the researcher to copy the documents.

(10) If the records are maintained in an OSD Component's working files, arrange for the researcher to review the material and make copies of pertinent documents in the OSD Component's office.

(11) Notify the National Archives or Presidential library concerned of the authorization and conditions for access, if the researcher desiring to research material in those facilities is not an official historian or is an official historian employed by an Agency that is not a signatory to the Agreement.

3. The researcher shall:

a. Submit a request for access to OSD files to the OSD Records Administrator, 1155 Defense, Pentagon, Washington, DC 20301–1155.

The request must contain the following information:

(1) The name(s) of the researcher(s) and any assistant(s), level of security clearance, and the office to which the researcher is assigned.

(2) Provide a statement on the purpose of the project, including whether the final product is to be classified or unclassified.

(3) Provide an explicit description of the information being requested and if known, the originating office, so that the identification and location of the information may be facilitated.

(4) An appropriate higher authority must sign the request.

b. Ensure his or her security manager or personnel security office verifies his or her security clearances in writing to the Security Manager for the office of the OSD Records Administrator.

c. Submit notes taken during research, as follows:

(1) Use letter-sized paper (approximately 8½ by 11 inches), writing on only one side of the page. Each page of notes must pertain to only one document.

(2) Indicate at the top of each page of notes the document's originator, date, subject (if the subject is classified, indicate the classification), folder number or other identification, accession number and box number in which the document was found, and the security classification of the document. All notes are considered classified at the level of the document from which they were taken.

(3) Number each page of notes consecutively.

(4) Leave the last 1½ inches on the bottom of each page of notes blank for use by the reviewing agencies.

(5) Ensure the notes are legible, in English, and in black ink.

(6) All notes must be given to the facility staff at the end of each day. The facility staff will forward the notes to the OSD Records Administrator for a declassification review and release determination.

d. Maintain the file integrity of the records being reviewed, ensuring no records are removed and all folders are replaced in the correct box in their proper order.

e. Make copies of any documents pertinent to the project, ensuring that staples are carefully removed and that the documents are restapled before they are replaced in the folder. Subparagraph E3.1.3. of this appendix, also applies to the copying of documents. The copying of documents at the WNRC must be accomplished under the supervision of a member of the OSD Records Administrator staff (appendix D to this part).

f. Submit, prior to unclassified presentation or publication, the completed manuscript, along with any copies of documents used and notes taken, to the OSD Records Administrator for onward transmission to the Chief, Security Review, Executive Services Directorate for review.

g. If the requester is an official historian of an Agency signatory to the Agreement, requests for access to the records at the National Archives or a Presidential library should be addressed directly to the pertinent facility with an information copy to the OSD Records Administrator.

(1) The historian's security clearances must be verified to the National Archives or the Presidential library.

(2) Paragraphs 1.c. through 1.f. of this appendix apply to research in files at the National Archives, a Presidential library, or other facility.

(3) All notes and documents must be given to the facility staff for forwarding to the office of the OSD Records Administrator.

Appendix C to Part 197—Procedures for the Department of State (DoS) Foreign Relations of the United States (FRUS) Series

1. The OSD Records Administrator shall:

a. Determine the location of the records being requested by the DoS for the FRUS series under Public Law No. 102–138.

b. Request authorization from the CIA, NSC, and any other non-DoD Agency not signatory to the Agreement for the State historians to have access to such non-DoD Agency classified information expected to be interfiled with the requested OSD records.

c. Obtain written verification from the DoS Diplomatic Security staff of all security clearances, including ''Q'' clearances.

d. Make all necessary arrangements for the State historians to access and review OSD files.

e. Make all necessary arrangements for the State historians to copy documents selected for use in their research.

(1) According to appendix F to this part, provide a staff member to supervise the copying and the copier to be used to copy the documents.

(2) Compile a list of the documents that were copied by the DoS.

f. Release all documents copied by the DoS for use in the FRUS still classified.

g. Submit to the respective Agency a list of CIA and NSC documents copied and released to the State historians.

h. Process requests from the DoS Historian's office for members of the Advisory Committee on Historical Diplomatic Documentation, who possess the appropriate security clearances, to have access to documents copied and used by the State historians to compile the FRUS series volumes or to the files that were reviewed to obtain the copied document. Make all

necessary arrangements for the Committee to review any documents that are at the WNRC.

2. The DoS Historian shall:

a. Submit requests for access to OSD files to the OSD Records Administrator, 1155 Defense, Pentagon, Washington, DC 20301–1155. The request should list the names and security clearances for the historians doing the research and an explicit description, including the accession and box numbers, of the files being requested.

b. Submit requests for access for members of the Advisory Committee on Historical Diplomatic Documentation to documents copied by the State historians for the series or the files reviewed to obtain the documents to the OSD Records Administrator.

c. Request that the DoS Diplomatic Security staff verify all security clearances in writing to the Security Manager for the office of the OSD Records Administrator.

d. According to appendix F to this part, supply the toner cartridge, paper, and other supplies required to copy the documents.

e. Give all copies of the documents to the member of the office OSD Records Administrator's staff who is supervising the copying as the documents are copied.

f. Submit any DoD documents desired for use or pages of the manuscript containing DoD classified information to the Chief, Security Review, Executive Services Directorate, 1155, Defense, Pentagon, Washington, DC 20301–1155 for a declassification review prior to publication.

Appendix D to Part 197—Procedures for Historical Researchers Not Permanently Assigned to the Executive Branch

1. The Head of each OSD Component, when required, shall:

a. Make recommendations to the DA&M, OSD, or his designee, as to approval or disapproval of requests to OSD files stating whether release of the requested information is in the interest of national security and whether the information can be made available; if disapproval is recommended, specific reasons should be cited.

b. Provide the location of the requested information, including the accession and box numbers for any records that have been retired to the WNRC.

c. Provide a point of contact for liaison with the OSD Records Administrator if any requested records are located in Component working files.

2. The OSD Records Administrator shall:

a. Process all requests from non-Executive Branch researchers for access to OSD files. Certify that the requester has the appropriate clearances.

b. Obtain prior authorization to review their classified information from the DoS, CIA, NSC, and any other Agency whose classified information is expected to be interfiled with OSD records.

c. Make a determination as to which OSD Component originated the requested records, and as necessary, obtain written recommendations (paragraph 1.a. of this section) for the research to review the classified information.

d. Obtain a copy of the letter in Enclosure 6 of this AI signed by the researcher(s) and any assistant(s).

e. If the requester is a former Presidential appointee (FPA), after completion of the actions described in paragraph 1.b. through 1.b.(4) of this appendix, submit a memorandum to DoD, Human Resources, Security Division, requesting the issuance (including an interim) or reinstatement of an inactive security clearance for the FPA and any assistant and a copy of any signed form letters (paragraph 1.b. of this appendix). DoD, Human Resources, Security Division, will contact the researcher(s) and any assistant(s) to obtain the forms required to reinstate or obtain a security clearance and initiate the personnel security investigation. Upon completion of the adjudication process, notify the OSD Records Administrator in writing of the reinstatement, issuance, or denial of a security clearance.

f. Make a written determination as to the researcher's trustworthiness, based on his or her having been issued a security clearance.

g. Compile all information on the request for access to classified information to include either evidence of an appropriately issued or reinstated personnel security clearance and forward the information to the DA&M, OSD, or his designee, who shall make the final determination on the applicant's eligibility for access to classified OSD files. If the determination is favorable, the DA&M, OSD, or his designee, shall then execute an authorization for access, which will be valid for not more than 2 years.

h. Notify the researcher of the approval or disapproval of the request. If the request has been approved, the notification shall identify the files authorized for review and shall specify that the authorization:

(1) Is approved for a predetermined time period.

(2) Is limited to the designated files.

(3) Does not include access to records and/or information of other Federal Agencies, unless such access has been specifically authorized by those Agencies.

i. Make all necessary arrangements for the researcher to visit the WNRC and review any requested records that have been retired there, to include written authorization, conditions for the access, and a copy of the security clearance verification.

j. If the requested records are at the WNRC, make all necessary arrangements for the copying of documents; provide a copier and toner cartridge for use in copying documents and a staff member to supervise the copying of pertinent documents by the researcher.

k. If the requested records are maintained in OSD Component working files, make arrangements for the researcher to review the requested information and if authorized, copy pertinent documents in the OSD Component's office. Provide the OSD Component with a copy of the written authorization and conditions under which the access is permitted.

l. Compile a list of all the documents copied by the researcher.

m. Perform a mandatory declassification review on all notes taken and documents copied by the researcher.

n. If the classified information to be reviewed is on file at the National Archives, a Presidential library or other facility, notify the pertinent facility in writing of the authorization and conditions for access.

3. The researcher shall:

a. Submit a request for access to OSD Component files to the OSD Records Administrator, 1155 Defense, Pentagon, Washington, DC 20301–1155. The request must contain the following:

(1) As explicit a description as possible of the information being requested so that identification and location of the information may be facilitated.

(2) A statement as to how the information will be used, including whether the final project is to be classified or unclassified.

(3) State whether the researcher has a security clearance, including the level of clearance and the name of the issuing Agency.

(4) The names of any persons who will be assisting the researcher with the project. If the assistants have security clearances, provide the level of clearance and the name of the issuing Agency.

b. A signed copy of the letter (appendix E to this part) by which the requester agrees to safeguard the information and to authorize a review of any notes and manuscript for a determination that they contain no classified information. Each project assistant must also sign a copy of the letter.

c. If the requester is an FPA, complete the forms necessary (see paragraph 1.b. of this appendix) to obtain a security clearance. Each project assistant will also need to complete the forms necessary to obtain a security clearance. If the FPA or assistant have current security clearances, their personnel security office must provide verification in writing to the Security Manager for the office of the OSD Records Administrator.

d. Maintain the integrity of the files being reviewed, ensuring that no records are removed and that all folders are replaced in the correct box in their proper order.

e. If copies are authorized, all copies must be given to the custodian of the files at the end of each day. The custodian will forward the copies of the documents to the OSD Records Administrator for a declassification review and release to the requester.

(1) For records at the WNRC, if authorized, make copies of documents only in the presence of a member of the OSD Records Administrator's staff (appendix G to this part).

(2) As they are copied, all documents must be given to the OSD Records Administrator's staff member supervising the copying.

(3) Ensure all staples are carefully removed and that the documents are restapled before the documents are replaced in the folder. Paragraph 1.c. of this appendix also applies to the copying of documents.

f. Submit all notes (classified and unclassified) made from the records to the OSD Records Administrator for a declassification and release review through the custodian of the files at the end of each day's review as described in paragraphs 1.c.(3) through 1.c.(5) of appendix B to this part.

g. Submit the notes and final manuscript to the OSD Records Administrator for

forwarding to the Chief, Security Review, Executive Services Directorate, for a security review and clearance under DoD Directive 5230.09 prior to unclassified publication, presentation, or any other public use.

Appendix E to Part 197—Form Letter—Conditions Governing Access to Official Records for Historical Research Purposes

Date:
OSD Records Administrator
1155 Defense Pentagon
Washington, DC 20301–1155

Dear

I understand that the classified information to which I have requested access for historical research purposes is concerned with the national defense or foreign relations of the United States, and the unauthorized disclosure of it could reasonably be expected to cause damage, serious damage, or exceptionally grave damage to the national security depending on whether the information is classified Confidential, Secret, or Top Secret, respectively. If granted access, I therefore agree to the following conditions governing access to the Office of the Secretary of Defense (OSD) files:

1. I will abide by any rules and restrictions promulgated in your letter of authorization, including those of other Agencies whose information is interfiled with that of the OSD.

2. I agree to safeguard the classified information, to which I gain possession or knowledge because of my access, in a manner consistent with Part 4 of Executive Order 12958, ''National Security Information,'' and the applicable provisions of the Department of Defense regulations concerning safeguarding classified information, including DoD 5200.1–R, ''Information Security Program.''

3. I agree not to reveal to any person or Agency any classified information obtained as a result of this access except as authorized in the terms of your authorization letter or a follow-on letter, and I further agree that I shall not use the information for purposes other than those set forth in my request for access.

4. I agree to submit my research notes for security review, to determine if classified information is contained in them, before their removal from the specific area assigned to me for research. I further agree to submit my manuscript for a similar review before its publication or presentation. In each of these reviews, I agree to comply with any decision of the reviewing official in the interests of the security of the United States, including the retention or deletion of any classified parts of such notes and manuscript whenever the Federal Agency concerned deems such retention or deletion necessary.

5. I understand that failure to abide by the conditions in this statement shall constitute sufficient cause for canceling my access to classified information and for denying me any future access, and may subject me to criminal provisions of Federal Law as referred to in item 6.

6. I have been informed that provisions of title 18 of the United States Code impose criminal penalties, under certain circumstances, for the unauthorized disclosure, loss, copying, or destruction of defense information.

THIS STATEMENT IS MADE TO THE UNITED STATES GOVERNMENT TO ENABLE IT TO EXERCISE ITS RESPONSIBILITY FOR THE PROTECTION OF INFORMATION AFFECTING THE NATIONAL SECURITY. I UNDERSTAND THAT ANY MATERIAL FALSE STATEMENT THAT I MAKE KNOWINGLY AND WILFULLY SHALL SUBJECT ME TO THE PENALTIES OF TITLE 18, U.S. CODE, SECTION 1001.

Signature:

Witness's Signature:

Date:

Appendix F to Part 197—Procedures for Copying of Documents for the Foreign Relations of the United States Series

1. The records will be reviewed and copied at the WNRC, Suitland, Maryland.

2. The requested records have been reviewed under the declassification provisions of E.O. 12958. Part of NARA's government-wide procedures for the review process requires that certain types of documents be tabbed for easy identification. Any tabs removed during the research and copying must be replaced.

3. When documents are being copied, a DoD/WHS/declassification and historical research branch staff member must be present at all times.

4. OSD will supply the copier, but the DoS must supply the toner cartridge, paper, staples, staple remover, stapler, and Post-It Notes. The copier is a Cannon Personal Copier-Model PC 425. It takes one of two cartridges—Cannon E20, which makes 2,000 copies and Cannon E40, which makes 4,000 copies.

5. The number of boxes to be reviewed will determine which of the following two procedures will apply. The Declassification and Historical Research Branch staff will make that determination at the time the request is processed. When the historian completes the review of the boxes, he or she must contact the Declassification and Historical Research Branch to establish a final schedule for copying the needed documents. To avoid a possible delay, a tentative schedule will be established at the time that the review schedule is set.

a. For a small number of boxes—the review and copying will take place simultaneously.

b. For a large number of boxes—the historian will review the boxes and mark the documents that are to be copied using Post-It Notes or WNRC Reproduction Tabs.

6. The documents must be given to the Declassification and Historical Research Branch staff member for transmittal to the Declassification and Historical Research Branch Office for processing.

7. The Declassification and Historical Research Branch will notify the historian when the documents are ready to be picked-up.

Appendix G to Part 197—Procedures for Copying Documents

1. The records will be reviewed and copied at the WNRC, Suitland, Maryland.

2. The requested records have been reviewed under the declassification provisions of E.O. 12958. Part of NARA's government-wide procedures for the review process requires that certain types of documents be tabbed for easy identification. Any tabs removed during the research and copying must be replaced.

3. The researcher will mark the documents that he or she wants to copy using Post-It Notes or WNRC Reproduction Tabs.

4. Any notes taken during the review process must be given to the WNRC staff for transmittal to the Declassification Branch.

5. When documents are being copied, a DoD/WHS/declassification and historical research branch staff member must be present at all times. In agreeing to permit the copying of documents from OSD classified files at the WNRC, the WNRC is requiring that the Declassification and Historical Research Branch be held solely responsible for the copying process. The staff member is only there to monitor the copying and ensure that all record management and security procedures are followed.

6. The Declassification and Historical Research Branch will supply the copier and toner cartridge.

7. The researcher will need to bring paper, staples, staple remover, stapler, and Post-It Notes.

8. When the researcher completes the review of the boxes, he or she must contact the Declassification and Historical Research Branch to establish a final schedule for copying the needed documents.

9. The documents must be given to the Declassification and Historical Research Branch staff member for transmittal to the Declassification and Historical Research Branch Office for processing.

10. When the documents are ready to be picked up or mailed, the Declassification and Historical Research Branch will notify the office.

11. All questions pertaining to the review, copying, or transmittal of OSD documents must be addressed to the OSD action officer.

12. The WNRC staff can only answer questions regarding the use of their facility.

Dated: June 28, 2007.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, DoD.

[FR Doc. E7–13006 Filed 7–5–07; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[COTP San Francisco Bay 07–012]

RIN 1625–AA87

Security Zones; Major League Baseball All-Star Game, San Francisco Bay, CA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule; revision of temporary regulation.

SUMMARY: The Coast Guard is revising a temporary regulation published June 15, 2007, that establishes security zones in the vicinity of San Francisco Pier 30/32 and McCovey Cove on the navigable waters of the San Francisco Bay for the 2007 Major League Baseball All-Star Game and related events. The purpose of this revision is to clarify the location of the two security zones and the process for seeking permission to enter these zones. These regulated areas are necessary to provide security for participants, spectators, and the general public during this high profile event. The security zones will prohibit all persons and vessels from entering, transiting through, or anchoring within portions of the San Francisco Bay surrounding Pier 30/32 and McCovey Cove, unless authorized by the Captain of the Port (COTP) or his designated representative.

DATES: This rule is effective from 8 a.m. on July 7, 2007, through 11:59 p.m. on July 10, 2007.

ADDRESSES: Documents indicated in this preamble as being available for docket are part of docket COTP San Francisco 07–012 and are available for inspection or copying at Coast Guard Sector San Francisco, 1 Yerba Buena Island, San Francisco, California 94130, between 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant Eric Ramos, U.S. Coast Guard Sector San Francisco, at (415) 556–2950 extension 143, or Sector San Francisco 24-hour Command Center at (415) 399–3547.

SUPPLEMENTARY INFORMATION:

Regulatory Information

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing an NPRM because the planning for this event was not finalized and presented in time to draft and publish an NPRM.

For the same reason listed in the previous paragraph, under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Publishing an NPRM and delaying the effective date would be contrary to the public interest since the event would occur before the rulemaking process was complete.

Background and Purpose

We are revising the rule entitled ''Security Zones; Major League Baseball All-Star Game, San Francisco Bay, CA'' that we published June 15, 2007, in the **Federal Register** (72 FR 33160) which created a temporary regulation, 33 CFR 165.T11–187. The purpose of this revision is to clarify the location of the two security zones and the process for seeking permission to enter these zones.

Discussion of Rule

In describing the security zone in the vicinity of Pier 30/32 in the rule published June 15, we did not include the last boundary of the zone. We are revising paragraph (a) of § 165.T11–187 to connect the last coordinate listed with the beginning coordinate. We are also providing each security zone its own paragraph with a heading to help distinguish the two zones.

The Pier 30/32 zone includes all navigable waters, from the surface to the seafloor, encompassed by connecting the following points to form a fifty-yard security zone around and beneath the pier: Beginning at latitude 37°47.26′ N and longitude 122°23.23′ W; thence east to latitude 37°47.26′ N and longitude 122°23.01′ W; thence south to latitude 37°47.13′ N and longitude 122°23.01′ W; west to latitude 37°47.11′ N and longitude 122°23.24′ W; and then back to the beginning point (NAD 83). This security zone will be enforced on all navigable waters around and beneath the pier within approximately fifty yards in any direction.

The security zone in the vicinity of McCovey Cove (China Basin from 3rd Street Bridge to the Bay) remains the same—all navigable waters, from the surface to the seafloor, encompassed by connecting the following points to form a safety zone: beginning at latitude 37°46.70′ N and longitude 122°23.12′ W; thence south-southeasterly to latitude 37°46.58′ N and longitude 122°23.10′ W; thence north-northwesterly to latitude 37°46.61′ N and longitude 122°23.39′ W; thence north-northwesterly to latitude 37°46.63′ N and longitude 122°23.41′ W; and then back to the beginning point (NAD 83)—but we have revised paragraph (c) § 165.T11–187 to denote the placement of booms marking the entry and exit points of the zone, and to clarify that only vessels authorized by the COTP will be permitted into these zones.

Only human-powered vessels 20 feet or less in length, and other designated vessels associated with Major League Baseball or the San Francisco Giants, will be allowed entry into the zone. Under authority of 50 U.S.C. 191 (the Magnuson Act) and 33 CFR 6.04–7, all persons and vessels must consent to search before being permitted to enter this zone.

No person or vessel may enter or remain within the security zones unless authorized by the Captain of the Port, San Francisco, or his designated representative. The Coast Guard may be assisted by other Federal, State, or local law enforcement agencies in enforcing these security zones.

Regulatory Evaluation

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

Although this regulation restricts access to a portion of navigable waters, the effect of this regulation will not be significant because the zones encompass only small portions of the waterway and vessels may be allowed to enter the zones on a case-by-case basis with permission of the COTP, or his designated representative.

The sizes of the zones are the minimum necessary to provide adequate security and safety on the navigable waters adjacent to AT&T Park and other event venues. The entities most likely to be affected are pleasure craft engaged in recreational activities and sightseeing.

Small Entities

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

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have

a significant economic impact on a substantial number of small entities.

We expect this rule may affect owners and operators of vessels, some of which may be small entities, intending to fish recreationally, sightsee, transit, or anchor in the waters affected by these zones. These zones will not have a significant economic impact on a substantial number of small entities for several reasons. This rule will only be in effect for less than four days during the duration of the events and the zones do not encompass areas that are highly trafficked. Vessel traffic can pass safely around the zone at Pier 30/32, and certain vessels will be allowed to enter and remain in the zone at McCovey Cove under the conditions discussed herein. Furthermore, other traffic may be allowed to transit through the zones with the permission of the COTP or his designated representative. Before the effective period, small entities and the maritime public will be advised of these regulated areas via Broadcast Notice to Mariners and publication in the Local Notice to Mariners.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we offered to assist small entities in understanding the rule so that they could better evaluate its effects on them and participate in the rulemaking process. If the rule will affect your small business, organization, or government jurisdiction and you have questions concerning its provisions or options for compliance, please contact Lieutenant Eric Ramos, U.S. Coast Guard Sector San Francisco, at (415) 556–2950 extension 143, or the 24-hour Command Center at (415) 399–3547.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247).

Collection of Information

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

Federalism

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

Unfunded Mandates Reform Act

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

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Indian Tribal Governments

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

Energy Effects

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

Technical Standards

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

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

Environment

We have analyzed this rule under Commandant Instruction M16475.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 concluded that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, this rule is categorically excluded, under figure 2–1, paragraph (34)(g), of the Instruction, from further environmental documentation because we are creating security zones.

A final ''Environmental Analysis Check List'' and a final ''Categorical Exclusion Determination'' are available in the docket where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. In temporary § 165.T11–187 (published June 15, 2007, at 72 FR 33162 and 33163) revise paragraphs (a) and (c) to read as follows:

§ 165.T11–187 Security Zones; Major League Baseball All-Star Game, San Francisco Bay, CA.

(a) *Locations.* The following areas are security zones:

(1) *Pier 30/32.* All navigable waters, from the surface to the seafloor, encompassed by connecting the following points to form a fifty-yard security zone around and beneath Pier 30/32: beginning at latitude 37°47.26′ N and longitude 122°23.23′ W; thence east to latitude 37°47.26′ N and longitude 122°23.01′ W; thence south to latitude 37°47.13′ N and longitude 122°23.01′ W; west to latitude 37°47.11′ N and longitude 122°23.24′ W; and then back to the beginning point (NAD 83).

(2) *McCovey Cove.* All navigable waters, from the surface to the seafloor in the vicinity of McCovey Cove (China Basin from 3rd Street Bridge to the Bay), encompassed by a line connecting the following points: beginning at latitude 37°46.70′ N and longitude 122°23.12′ W; thence south-southeasterly to latitude 37°46.58′ N and longitude 122°23.10′ W; thence north-northwesterly to latitude 37°46.61′ N and longitude 122°23.39′ W; thence north-northwesterly to latitude 37°46.63′ N and longitude 122°23.41′ W; and then back to the beginning point (NAD 83).

* * * * *

(c) *Regulations.* (1) Under general security zone regulations in § 165.33, entry into, transit through, or anchoring within the security zones described in paragraph (a) of this section is prohibited, unless specifically authorized by the Captain of the Port, San Francisco, or his designated representative.

(2) Booms will be placed in the water to mark the entry and exit points of the McCovey Cove security zone described in paragraph (a) (2) of this section. Only human-powered vessels 20 feet or less in length, and other designated vessels associated with Major League Baseball or the San Francisco Giants, will be allowed entry into the McCovey Cove zone. All persons and vessels must consent to search before being permitted to enter the McCovey Cove zone.

* * * * *

Dated: June 25, 2007.

W.J. Uberti,

Captain, U.S. Coast Guard, Captain of the Port, San Francisco.

[FR Doc. 07–3315 Filed 7–3–07; 2:20 pm]

BILLING CODE 4910–15–P

LIBRARY OF CONGRESS

Copyright Office

37 CFR Part 202

[Docket No. RM 2007–7]

Online Registration of Claims to Copyright

AGENCY: Copyright Office, Library of Congress.

ACTION: Interim regulations for online registration.

SUMMARY: The Copyright Office is undergoing an extensive business process reengineering (BPR) initiative of many of its internal work systems, including registration and recordation procedural systems, to enhance the delivery of its services to the public. The implementation of an online registration system is a key component of BPR, and it requires that the Office amend its regulations governing the procedures by which the public submits, and the Office processes, copyright registrations and recordations.

These interim rules identify the principal changes and upgrades to the registration system and announce the amendments to the regulations to accommodate online registration. These changes will become effective with the commencement of the Beta test phase of the electronic, online registration system in July 2007. The Beta test phase will be limited to selected participants until system testing is complete, at which time the Office will open the electronic registration system to the public.

DATES: These interim rules become effective on July 6, 2007. Written comments on the interim regulation should be received on or before September 4, 2007.

ADDRESSES: If hand delivered by a private party, an original and five copies of a comment or reply comment should be brought to the Library of Congress, U.S. Copyright Office, Public and Information Office, 101 Independence Ave., SE., Washington, DC 20559, between 8:30 a.m. and 5 p.m. The envelope should be addressed as follows: Office of the General Counsel, U.S. Copyright Office.

If delivered by a commercial courier, an original and five copies of a comment must be delivered to the Congressional Courier Acceptance Site (CCAS) located at 2nd and D Streets, NE., Washington, DC between 8:30 a.m. and 4 p.m. The envelope should be addressed as follows: Office of the General Counsel, U.S. Copyright Office, LM–401, James Madison Building, 101 Independence Avenue, SE., Washington, DC. Please note that CCAS will not accept delivery by means of overnight delivery services such as Federal Express, United Parcel Service or DHL. If sent by mail (including overnight delivery using U.S. Postal Service Express Mail), an original and five copies of a comment or reply comment should be addressed to U.S. Copyright Office, Copyright GC/I&R, P.O. Box 70400, Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Tanya Sandros, General Counsel, or Nanette Petruzzelli, Special Legal Advisor to the Register for Reengineering, Copyright Office, Library of Congress, Washington, DC 20540. Telephone: (202) 707–8380. Telefax: (202) 707–8366.

SUPPLEMENTARY INFORMATION:

Background

For well over a century, the Copyright Office has met its statutory obligation of registering claims to copyright and recording documents pertaining to copyright. 17 U.S.C. 207–210 (1909 Copyright Act, repealed 1976), *as amended*, 17 U.S.C. 205, 408–410 (2005). The Copyright Office's internal processes for registering claims have been improved and upgraded periodically to take advantage of the emergence of new technologies for the purpose of greater efficiency in operating an office of record. The Office has issued, on average, more than a half–million certificates of registration each fiscal year for the past ten years. In fiscal year 2005, the Office received 600,535 claims to copyright for more than a million works of authorship of which it registered 531,720 claims. *See Annual Report of the Register of Copyrights, Fiscal Year Ending September 30, 2005*, at 9; also available on the Copyright Office website at www.copyright.gov.

Approximately seven years ago, the Copyright Office decided that an extensive restructuring of its registration processing was in order to address the

long processing times and mechanical problems with outdated office machinery that had come to characterize the registration system. The Office's objectives in undertaking reengineering include the following: improve the efficiency and timeliness of public services; provide more Copyright Office services online; ensure the prompt availability of newly created copyright records; provide better internal tracking of items within all aspects of the Office's workflow; and increase the acquisition of digital works for the Library of Congress.

In addition to registration, reengineering's scope will ultimately extend to all of the Office's IT systems, mandatory deposit submissions under section 407 of the copyright law, the recordation of documents pertaining to copyrights, vessel hull designs, and mask works, and to administrative actions for cable, satellite and other compulsory licensing.

These interim rules, however, lists and explains the changes applicable to the electronic copyright registration option and announces regulatory amendments to address the changes resulting from the adoption of electronic copyright registration procedures. These changes will apply to all participants submitting claims electronically, including those who take part in the Beta test. Those who do not participate in the Beta test will continue to submit paper applications under the current regulations. Other changes arising from the reengineered processes will be announced in the future in separate notices to the public.

Beta testing of electronic registration system

The Beta test phase of the online registration system component of the electronic Copyright Office (''eCO'') will begin in July 2007. The Office has chosen to implement its electronic registration procedures within a test environment initially in order to ensure the public seeking the benefits of online registration of the ease and functional accuracy of the new system and to allow the Copyright Office the necessary time to optimize all aspects of the new system. Participants in the Beta test will be selected based upon a set of criteria designed to identify participants with a wide variety of claims and accompanying deposit copy materials in all classes of authorship in order to determine whether the electronic system can effectively receive and process the electronic submissions. *See* 72 FR 30641 (June 1, 2007).

The initial phase of the Beta test will cover basic registration claims for literary works, visual arts works, performing arts works and sound recordings submitted electronically. At a later date, additional participants will be added as the system shows its continuing reliability, and the Beta test will expand to cover all options for submitting applications and additional registration claim types, including group registrations, vessel hull designs, mask works, renewals, and corrections and amplifications of existing registrations.

The Online Registration Process

Registration consists, in part, of the statutorily mandated act of examining all works submitted for registration. 17 U.S.C. 410(a). The examination includes an Office determination of the copyrightability of the work as well as a determination that all other legal and formal requirements of the statute and regulations have been met with respect to all relevant facts surrounding a given work. While these statutory activities will not change, the Office is proposing major changes to the processes it employs to meet these requirements. Changes are being made to the registration application forms; deposit copy requirements for works submitted in an electronic format; the certificate of registration; the permanent registration record which the Office will maintain and make available; and the manner in which the Office will communicate with the public concerning registration submissions. These changes will be phased in over time after being fully tested.

The Copyright Office has traditionally communicated with registration applicants by phone, letter, or email. Because of the change to electronic recordkeeping which the reengineered registration system represents, communication with applicants will occur more frequently by email because of the ease, the wide availability of the email medium, and the speed with which communication can be accomplished. Email, however, will not totally replace communication by letter or phone.

Options for submitting claims after reengineering

A registration application may be completed and submitted online or by mailing or delivering a completed application form, new Form CO, to the Copyright Office. Because the Office expects to accrue savings due to the more efficient processing of electronic claims, a lower filing fee of $35 has been established for online submissions. The fee for filing paper applications will remain $45. Four options will be available for registering claims in the reengineered Copyright Office. During the initial phase of the Beta test only registration by electronic submission (options #1 and 2) will be available. As the other options become available, they too will be offered to the participants in the Beta test; and once the Beta test is complete, the following four options will be made available to the public.

1. Registration may be made by electronic submission of the claim in its entirety. This means that the applicant electronically submits the application form via the Copyright Office website, www.copyright.gov, concurrently sends electronically the deposit materials, and pays the appropriate filing fee electronically, through an electronic fund transfer, with a credit card, or through a Copyright Office deposit account. This is full electronic submission and the filing fee is $35.

2. Registration may be made by electronically submitting the application form and the required filing fee, payment being made as described above, and mailing the required deposit materials in accordance with the filings requirements set forth in 37 CFR 202.20. The registration fee for this option is $35.

3. Registration may be made by completing a pdf version of the application, Form CO, available on the Office's website, www.copyright.gov, and printing it out. The completed form includes a barcode containing the information that has been entered by the applicant and which will facilitate the Office's handling of the claim. The completed application form accompanied by the appropriate deposit materials and the required $45 filing fee for a nonelectronic submission may be submitted to the Office by mail or hand delivered. Payment may be made by check, money order or Copyright Office deposit account.

4. Registration may be made by completing a blank application, Form CO, from the Office's website, www.copyright.gov, or by requesting a blank registration form by phone, facsimile, email, US mail or by visiting the Public Information Office. This form is the same as the pdf version described above. The applicant may complete the form either by typing or printing the required information. The completed application form accompanied by the appropriate deposit materials and the required $45 filing fee for a nonelectronic submission may be submitted to the Office by mail or hand delivered. Payment may be made by check, money order or Copyright Office deposit account. Office staff will enter

all applicant–supplied information into the automated registration system.

Applications that are completed by hand or that are typed may take longer for processing because the Office staff must transfer the information into the automated registration system.

Use of the US Postal Service to deliver claims

After the electronic registration system is fully tested and released to the public, some applicants will continue to submit their claims through the mail. To assure that postal mail is routed correctly within the Copyright Office, applicants should use the appropriate 4–digit extension to the zip code and also indicate, by a two–letter abbreviation, the general subject matter of the claim. Those who submit a Form CA or Form Gatt should also include the appropriate two–letter code to identify the class of work. Claims should be addressed to the Office in the following manner:

Library of Congress
Copyright Office – xx (two–letter code)
101 Independence Avenue, S.E.
Washington, D.C. 20559–6xxx (four–letter code)

Class of work	Two letter code	4–digit zip code extension
literary works	TX	6222
serials	SE	6226
visual arts works	VA	6211
performing artworks, *except motion pictures*	PA	6233
sound recordings	SR	6237
motion pictures	MP	6238
renewal claims	RE	6239
document recordations	DOC	6216
mask works	MW	6214
vessel hull designs	VH	6215

Applicants are reminded that all mail addressed to Capitol Hill must be screened for security purposes. This required step significantly slows the traditional processing times for registration. This delay may be avoided by filing claims online. For information on walk–in business hours, security procedures, and other services of the Copyright Office Public Information Office, see the website at www.copyright.gov or phone the Office at 202–707–5959.

Forms

A. Form CO

Form CO is the new generic application, appropriate for registration of a single work in any of the four classes of authorship (literary works, including single serial issues; works of the visual arts, including architectural works; works of the performing arts, including motion pictures and other audiovisual works; and sound recordings). It replaces the current registration application forms, Forms TX, VA, PA, SR, and SE, and it too will be made available on the Copyright Office website.

Anyone wishing to register, for example, a book of poems, a computer program, a photograph, a map, or a sound recording and the song embodied within it, will use the generic registration form. Form CO will be available for all classes of authorship and registration will be made in the class of the predominant authorship which is the same principle the Office now follows. *See* 37 CFR 202.3(b)(1) and (b)(2). The Office will retain the registration class indicators TX (literary works), VA (visual arts), PA (performing arts), and SR (sound recordings) for this purpose and also as a means of separating records within the official registration database.

Form CO is also the appropriate form for registering a single serial issue and multiple works considered to be a single unit under Office current regulations, *see* 37 CFR 202.3(b)(3). For purposes of registering these types of works, the paper application form contains a dedicated space for the title, and, if the work is a serial issue, the title of the serial will be placed there. The electronic form provides a similar field and also includes space for the volume/number/issue and, if there is one, the ISSN (International Standard Serial Number) for the serial of which one issue is being registered.

Much of the required information on the new application form remains the same as the information required on the current forms. *See* 17 U.S.C. 409. However, the sequencing of the required information appearing in the new form differs from that on the current application forms; and there are several newly–appearing pieces of data on the generic application. Specifically, Form CO asks for the following additional but optional information:

1. International Standard Serial Number (ISSN) information and the International Standard Book Number (ISBN), for monographic works;
2. Claimant email and telephone number; and
3. Rights and permission data.

B. Form CA

Form CA is an application for supplementary registration to correct or augment the information in an already completed registration. The additional information does not supersede the information contained in the earlier registration. 17 U.S.C. 408(d). The Office will continue to use Form CA.

Supplementary registration within the reengineered Copyright Office may be accomplished either by filing electronically the application Form CA or by submitting a paper application Form CA. No changes have been made to the information required on the form.

The Office has determined that the required fields in the current supplementary registration application are the appropriate fields. Thus, except for the format, Form CA will essentially remain the same. Form CA has been reformatted to make completion of the form more straightforward.

C. Continuation sheets

A continuation sheet is an adjunct to Form CO and serves as a form to provide additional information. *Continuation sheets, as such, will not exist in the online electronic form. The online system allows the entry of large quantities of continuous, applicant–supplied data within given electronic fields on the basic form, making the additional form unnecessary.*

However, continuation sheets will still be used in conjunction with paper applications. The Office will offer two print continuation sheets – CON 1 and CON 2 – for Form CO when used for a single–work. CON 1 is the generic continuation sheet which can be used for the continuation of almost all information, except multiple titles. CON 1 is appropriate for listing additional authors, additional claimants, and additional information about the extent of the authorship being claimed. CON 2 must be used to list multiple titles which are to be covered by a single registration.

When the reengineered registration system is released to the public later this year, there will be no additional fee for the listing of individual titles. Beginning in calendar year 2008, however, the Office expects to require an additional fee, $1 per title for electronic submission and $3 per title for paper submission, for listing individual titles in which a claim is made. Additionally, the Office expects to limit the number of titles permitted on a CON 2. A separate Notice of Proposed Rulemaking covering these topics will be published in order to gather public comment.

Deposit copies and phonorecords

A. Best Edition considerations

Although the Copyright Office is changing its submission procedures for the registration of claims to copyright, at this time there is no change in the deposit requirements for published works. With respect to published works, the registration requirements for deposit copies and phonorecords existing in traditional print and physically tangible media will remain the same for all works, including those submitted electronically during the Beta test. Current deposit regulations, including those governing instances of identifying material, may be found at 37 CFR 202.20–202.21 and in Appendix B to those regulations, the Best Edition Statement. *See also* Copyright Office Circular 7B at www.copyright.gov. Registration of unpublished works may generally be made with any deposit materials which the applicant chooses, as long as the deposit shows the content/authorship on which copyright is being claimed.

For works published in both hard copy as well as in electronic format, the Library's Best Edition statement remains in effect as do the Copyright Office's current regulations. Specifically,

§ 202.19(b)(1)(iii)(A) states that when the Office is aware that two or more editions of a work have been published, it will consult with the Library regarding the 'best edition' of the work which must be submitted under section 407 demand deposit requirements. The copyright law also provides that ''[c]opies or phonorecords deposited for the Library of Congress under section 407 may be used to satisfy the deposit provisions (of section 408, registration deposit materials), if they are accompanied by the prescribed application and fee, and by any additional identifying material that the Register may, by regulation, require.'' 17 U.S.C. 408(b)(4). With the general exception of the category of computer programs, satisfaction of section 407 demand requirements is tied to deposit materials used in the registration process. Generally, a hard copy format of a work for which registration is sought is the edition which the Library currently requires; that may change in the future.

If the authorship in a multiple formatted work may be examined for registration using an electronic format, that format may, depending on the type of work and the collection goals of the Library, be submitted for registration purposes, but the obligation to deposit best edition hard copy format[s] may remain. *See generally* 17 U.S.C. 407; 37 CFR 202.19; Compendium of Copyright Office Practices II, § § 802–804.

B. Electronic file formats

The Copyright Office is currently concerned with structuring an automated system under its reengineering program that will be able to receive, maintain, and archive authorship in an electronic file when authorship embodied in that file is the subject of copyright registration. The Office realizes that no particular digital format is universally employed for this purpose and that a myriad of formats have evolved to accommodate the differing characteristics regarding the digitization of diverse content, e.g., photographs and sound recordings.

Therefore, in order to structure a registration system which will facilitate the electronic registration of all works, the Office is identifying those digital formats which it anticipates it will be able to accommodate within its reengineered registration system. Applicants will not be required to use a particular digital format for the electronic submission of a work. Format is one of ease for the applicant and acceptable formats for registration purposes are listed merely as preferences. The following formats are acceptable and appear in no particular order:

- .PDF Portable Document Format
- .TXT Plain Text File
- .WPD WordPerfect document
- .DOC Word document
- .TIF Tagged Image File Format
- .JPG Joint Photographic Expert Group Format
- .XML Extensible Markup Language
- .MPEG Motion Picture Experts Group, name given in a general sense to a family of standards for the digital fixing of audiovisual information in compressed format; this family also includes:
- .MP3 M–PEG 1 Audio Layer 3
- .WAV Waveform Audio Format
- .HTML Hyper text markup language, markup language used to structure text and multimedia documents and to set up hypertext links.

Executable files, i.e., those ending in .exe, .com, .bat, etc., will not be accepted.

In cases where identifying material is required or allowed, that material may be submitted electronically, provided that all other requirements for submitting identifying material are met. A new regulation at 37 CFR 202.20(e) on electronic deposit formats required for registration will be added to the deposit regulation within the coming year, and the Office will seek comment on the proposed regulation at that time. As is the current practice, where the Office can accept an electronic submission and the content is encrypted or compressed, the Office will ask the applicant to provide software and/or algorithms to enable the required examination of the authorship content and to allow for the statutorily required public inspection pursuant to 17 U.S.C. 705(b) of such registered works.

C. Copyright Office use of digital deposit materials

Deposit materials submitted to the Copyright Office for purposes of registration are governed by the provisions of the copyright statute at

sections 704 and 705 and the regulations governing the allowable extent of public inspection and copying of deposit materials found in the regulations for the Library and the Office's current regulations. *See* 37 CFR 201.2(b).

Certificates of registration

Since 1978 the Copyright Office has issued certificates of registration which include a photocopy of the application form submitted by the applicant. The certificate reflects the application as it may have been amended, and as it was approved, by the copyright examiner.

In the new registration system, the Office will issue certificates of registration containing information supplied by the applicant concerning the work being registered but which are not identical copies of the completed, examined, and approved application. These system–generated certificates will carry a certification which states that the party who signed the application certifies that the information provided is correct to the best of his knowledge. That party will have indicated that he falls within one of the categories of such signing party, *i.e.*, author, claimant, owner of exclusive rights, authorized agent of one of these parties, but the form does not require the party to indicate the particular status. This change addresses the frequent confusion on the part of applicants and the correspondence that such confusion has necessitated. The certifying date will automatically be added to the certificate, and it will be the date the Office electronically receives initially an acceptable application. The interim regulatory provisions amending 37 CFR 202.3(c) will govern use of Form CO.

Parties submitting registration applications in the traditional paper format on or after July 2, 2007, and who are not part of the Beta test or the motion picture pilot, *see* 70 FR 3231 (January 21, 2005), will continue to receive certificates generated from a photocopied image of the originally submitted application. However, in the case where the Office processes a paper application electronically, certificates generated by the new system will be issued.

The registration record

Section 705(a) of the copyright law requires the Register to maintain records of ''deposits, registrations, recordations, and other actions.'' Section 705(b) requires that ''such records and indexes as well as the articles deposited in connection with completed copyright registrations and retained under the control of the Copyright Office, shall be open to public inspection.'' The purpose of the registration record is to create records that reflect the facts and information surrounding the copyright claim. As part of its reengineering efforts, the Copyright Office conducted a review and study of its registration records created through the years to determine how the registration records might be improved to provide an accurate summary of a claim to copyright in a particular work.

The new registration record will contain the information which the applicant provides the Office and, in some cases, limited additional information taken from the deposit materials which the registration specialist determines to be necessary in order to further identify the work. The Office's goal is to produce a permanent registration record, clear and unambiguous on its face, which readily reflects, and distinguishes between, facts supplied to the Office by the applicant and information, if any, taken from deposit materials.

The first part of the record will contain only the copyright facts as supplied by the applicant. All information provided by the applicant on the application form will be taken verbatim. Any substantive editing of authorship and/or new matter statements and/or material excluded from claim statements, will be done only after contacting the applicant for permission to amend the information. The second part of the record will contain additional information taken from the deposit materials to assist the public in identifying the work.

The registration records will also include for the first time the following additional information, where applicable, for the purpose of creating a more complete and useful record.

- transfer statements of copyright from the author to another party;
- the postal address of the claimant;
- an indication of the specific authorship description for a work; and
- specific information to indicate the type of material being excluded from the claim to copyright as well as the new material on which the claim is based.

In addition, the following information will be included in the registration record, if provided:

- the name, or title, and address of the person authorized to provide rights and permission to use the work, if authorized;
- the email and/or phone number of the rights and permission party if authorized by the claimant;
- the claimant's email address and phone number, if authorized; and
- a PREregistration[1] number where a preregistration has occurred prior to actual registration of a work.

Some claims to registration which are not submitted as part of the Beta test will be processed for inclusion in the permanent Office records in the traditional manner. These registration records will reflect the current records structure. Other records of registrations, including some submitted in traditional print format and all those completed as part of the Beta test will, on the other hand, reflect the revised public record principles described above.

Keyword searching. An important aspect of the new registration record will be the restructured search feature based on keywords. Keyword searches are those which utilize any interior word within a string of words or a phrase as opposed to using only the first, left–margin word of a name, title, or phrase. The new system will be able to locate a registration record using such interior words. Keyword searching will become available once the database has been switched from the COPICS system to the Voyager system.

Inspection of records

Completed registration records, including correspondence between the applicant and Office, will be available for inspection and copying, under the provisions of current Office regulations. *See* 37 CFR 201.2.

Adoption of interim regulations

Section 553(b)(3)(A) of the Administrative Procedure Act states that general notice of proposed rulemaking is not required for rules of agency organization, procedure, or practice. Since the Office finds that the following interim regulations are rules of agency organization, procedure, or practice, no notice of proposed rulemaking is required. Moreover, because it is necessary to have such a regulation in place immediately for purposes of the Beta test of the electronic registration system which is commencing

[1] Preregistration is a procedure administered by the Copyright Office which permits a 'pre' registration for a work that is being prepared for commercial distribution and has not been published. 17 U.S.C. 408(f)(1). Preregistration serves as a place–holder for limited purposes—specifically where a copyright owner wishes to facilitate the bringing of an infringement action while a work is still in the process of being prepared for commercial release. *See* Family Entertainment and Copyright Act, Pub. L. No. 109-9, 119 Stat. 218, signed into law April 27, 2005. The procedure is available only for certain categories of works which the Register has determined are eligible because of their prior infringement history. *See* information and regulations governing preregistration, 37 C.F.R. 202.16, at the Office's website, www.copyright.gov/prereg.

concurrently with publication of these regulations, the Register of Copyrights finds that good cause exists for publication of these interim regulations less than 30 days before the effective date and without first seeking public comment. However, the Office is encouraging interested parties to comment on the interim regulations. All comments should be submitted no later than September 4, 2007.

List of Subjects in 37 CFR Part 202

Claims, Copyright, Registration requirements.

Interim Rule

■ In consideration of the foregoing, the Copyright Office amends part 202 of 37 CFR, in the manner set forth below:

PART 202 — REGISTRATION OF CLAIMS TO COPYRIGHT

■ 1. The authority citation for part 202 continues to read as follows:

Authority: 17 U.S.C. 702.

■ 2. Section 202.3 is amended as follows:

■ a. By redesignating the text of paragraph (b)(2) as (b)(2)(i);

■ b. By adding paragraph (b)(2)(ii);

■ c. By redesignating paragraphs (b)(3) through (10) as (b)(4) through (11);

■ d. By adding a paragraph (b)(3); and

■ e. By revising paragraph (c)(2).

The revisions and additions to § 202.3 read as follows:

§ 202.3 Registration of copyright.

(b) * * *

(2) * * *

(ii) For purposes of registration, the Register of Copyrights has prescribed a single form, Form CO, for registering a single work, in all subject matter, or for a single serial issue submitted on or after July 1, 2007. Form CO may be used in place of Form TX, Form PA, Form VA, Form SR, Form SE, and Form SE/Group. Form CO allows the applicant to assign a specific registration class of TX (for literary works, including single serial issues), PA (works of the performing arts, including motion pictures and audiovisual works), SR (sound recordings), or VA (works of the visual arts, including architectural works). Copies of the generic registration form will be available free upon request to the Public Information Office, Library of Congress, Copyright Office, 101 Independence Avenue, SE., Washington, DC 20559–6000. Application for registration using Form CO may be made in any of the following four ways:

(A) electronically, *i.e.*, the submission of an application form electronically at the Copyright Office website [www.copyright.gov], submission of deposit materials fixed in a digital format, and the required filing fee paid online through an electronic fund transfer, credit card, or through a Copyright Office deposit account; or

(B) partially electronically, i.e., the submission of an application form electronically at the Copyright Office website [www.copyright.gov], submission of deposit materials in physically tangible formats separately mailed to the Copyright Office, and the required filing fee paid online through an electronic fund transfer, credit card, or through a Copyright Office deposit account; or

(C) by completing a PDF version of the application available on the Office's website [www.copyright.gov], printing the completed form and mailing it in the same package with the required deposit copies and/or materials and appropriate filing fee in check, money order, or Copyright Office deposit account charge; or,

(D) in hard copy form with respect to all required elements, i.e., submission of a completed printed application form, physically tangible deposit copies and/or materials, and the required filing fee, all elements being placed in the same package and sent by mail or delivered to the Copyright Office.

(3) *Continuation sheets.* A continuation sheet, CON 1, is appropriate only in submissions for which a paper application is used and where additional space is needed by the applicant to provide all relevant information concerning a claim to copyright. A separate continuation sheet, CON 2, must be used to list contents titles, i.e., titles of independent works in which copyright is being claimed and which appear within a larger work or within a collection of works; examples are short stories within a published anthology or individual sound recording tracks appearing on a CD. An application may require use of both CON 1 and CON 2 sheets.

(c) * * *

(2) An application for copyright registration shall be submitted, electronically or in printed form, on the appropriate form prescribed by the Register of Copyrights under paragraph (b) of this section. All completed application forms shall be accompanied by the appropriate filing fee, as required in § 201.3(c) of this chapter, and the deposit copies and materials required under 17 U.S.C. 408 and § 202.20. All applications submitted for registration shall supply the information required by the particular application and shall include a certification. The certification shall consist of:

(i) A designation that the party signing the print application, or submitting the application electronically, falls within an accepted status from among the following: author, claimant, an owner of exclusive rights, or a duly authorized agent of the author, claimant, owner of exclusive rights;

(ii) For print applications, the handwritten signature of the party described in paragraph (c)(2)(i) of this section accompanied by the typed or printed name of that party; or, if an electronically submitted application, a name provided within the certification screen of the electronic application which represents a party described in paragraph (c)(2)(i) of this section;

(iii) A declaration that information provided within the application is correct to the best of that party's knowledge; and,

(iv) For print applications, the date of completion of the application form, with the date (month, day, year) printed, typed, or handwritten; or, if an electronically submitted application, the date of electronic receipt of the application by the Copyright Office, which date shall be provided automatically by the Copyright Office.

■ 4. Section 202.12 is amended by revising paragraphs (c)(1) and (c)(2) to read as follows:

§ 202.12 Restored copyrights.

(c) *Registration.*—(1) *General.* Application, deposit and filing fee for registration of a claim in a restored work under section 104A, as amended, may be submitted to the Copyright Office on or after January 1, 1996. The submission may be a completely electronic submission, with all required elements transmitted to the Office in electronic form; or, the submission may be partially electronic with the application form and fee submitted electronically and the deposit materials sent in physically tangible format(s). If all elements are submitted in physically tangible form, i.e., a completed, printed application form, physically tangible deposit copies/materials, and the appropriate filing fee in check, money order, or deposit account charge, all elements must be placed in the same package and sent to the following address: Library of Congress, Copyright Office, 101 Independence Avenue, SE., Washington, DC 20559–6000.

(2) *GATT form.* Application for registration for single works restored to copyright protection under URAA should be made on Form GATT. Form GATT may be submitted by completing Form GATT electronically, submitting

the appropriate filing fee electronically, and sending the deposit copies and materials required by paragraph (c)(4) of this section by postal mail; or by printing Form GATT from the Office's website, sending it with the appropriate filing fee and deposit copies and materials required by paragraph (c)(4) of this section in the same package by mail; or by obtaining a Form GATT, completing it, and sending the appropriate filing fee and the deposit copies and materials required by paragraph (c)(4) of this section in the same package by mail. A printed Form GATT may be obtained by calling or writing the Copyright Office Hotline at 202–707–9100. The GATT deposit materials required by paragraph (c)(4) of this section may be submitted for examination and registration electronically. Where, however, the Library of Congress requests a particular work or its identifying material for its collections, the required print deposit materials must be submitted.

■ 5. Section 202.20 is amended as follows:

■ a. By revising paragraph (b)(1);

■ b. By redesignating paragraphs (b)(2)(iii) through (vi) as (b)(2)(iv) through (vii); and

■ c. By adding a new paragraph (b)(2)(iii).

The revisions and additions to § 202.20 read as follows:

§ 202.20 Deposit of copies and phonorecords for copyright registration.

(b) * * *

(1) *The best edition* of a work has the meaning set forth in § 202.19(b)(1). For purposes of this section, if a work is first published in both hard copy, i.e., in a physically tangible format, and also in an electronic format, the current Library of Congress Best Edition Statement requirements pertaining to the hard copy format apply.

(2) * * *

(iii) *Works submitted for registration in digital formats.* A 'complete' electronically filed work is one which is embodied in a digital file which contains:

(A) if the work is unpublished, all authorship elements for which registration is sought; and

(B) if the work is published solely in an electronic format, all elements constituting the work in its published form, i.e., the complete work as published, including metadata and authorship for which registration is not sought. Publication in an electronic only format requires submission of the digital file[s] in exact first–publication form and content.

(C) For works submitted electronically, any of the following file formats are acceptable for registration: PDF; TXT; WPD; DOC; TIF; SVG; JPG; XML; HTML; WAV; and MPEG family of formats, including MP3. This list of file formats is non–exhaustive and it may change, or be added to periodically. Changes will be noted in the list of acceptable formats on the Copyright Office website.

(D) Contact with the registration applicant may be necessary if the Copyright Office cannot access, view, or examine the content of any particular digital file that has been submitted for the registration of a work. For purposes of section 410(d) of 17 U.S.C., a deposit has not been received in the Copyright Office until a copy that can be reviewed by the Office is received.

* * * * *

Dated: June 20, 2007

Marybeth Peters,

Register of Copyrights.

Approved by:

James H. Billington,

The Librarian of Congress.

[FR Doc. E7–13194 Filed 7–5–07; 8:45 am]

BILLING CODE 1410–30–S

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[EPA–R03–OAR–2006–0840; FRL–8333–6]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Redesignation of the Lancaster 8-Hour Ozone Nonattainment Area to Attainment and Approval of the Area's Maintenance Plan and 2002 Base-Year Inventory

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving a redesignation request and State Implementation Plan (SIP) revisions submitted by the Commonwealth of Pennsylvania. The Pennsylvania Department of Environmental Protection (PADEP) is requesting that the Lancaster nonattainment area (''Lancaster Area'' or ''Area'') be redesignated as attainment for the 8-hour ozone national ambient air quality standard (NAAQS). In conjunction with its redesignation request, the PADEP submitted SIP revisions consisting of a maintenance plan for the Lancaster Area that provides for continued attainment of the 8-hour ozone NAAQS for at least 10 years after redesignation. EPA is approving the 8-hour maintenance plan. PADEP also submitted a 2002 base-year inventory for the Lancaster Area which EPA is approving. In addition, EPA is approving the adequacy determination for the motor vehicle emission budgets (MVEBs) that are identified in the Lancaster Area maintenance plan for purposes of transportation conformity, and is approving those MVEBs. EPA is approving the redesignation request, and the maintenance plan, and the 2002 base-year emissions inventory as revisions to the Pennsylvania SIP in accordance with the requirements of the Clean Air Act (CAA).

DATES: *Effective Date:* This final rule is effective on July 6, 2007 pursuant to the authority of 5 U.S.C. 553(d)(1).

ADDRESSES: EPA has established a docket for this action under Docket ID Number EPA–R03–OAR–2006–0840. All documents in the docket are listed in the *www.regulations.gov* Web site. Although listed in the electronic docket, some information is not publicly available, i.e., confidential business information (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 *www.regulations.gov* or in hard copy for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are available at the Pennsylvania Department of Environmental Protection, Bureau of Air Quality Control, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

FOR FURTHER INFORMATION CONTACT: Ellen Wentworth (215) 814–2034, or by e-mail at *wentworth.ellen@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On May 15, 2007 (72 FR 27265), EPA published a notice of proposed rulemaking (NPR) for the Commonwealth of Pennsylvania. The NPR proposed approval of Pennsylvania's redesignation request, a SIP revision that establishes a maintenance plan for the Lancaster Area that provides for continued attainment of the 8-hour ozone NAAQS for at least 10 years after redesignation, and a 2002 base-year emissions inventory. The formal SIP revisions were submitted by PADEP on September 20, 2006, and supplemented on November 8, 2006.

Other specific requirements of Pennsylvania's redesignation request and SIP revision for the maintenance plan, and the rationale for EPA's proposed actions are explained in the NPR and will not be restated here. No public comments were received on the NPR.

On December 22, 2006, the U.S. Court of Appeals for the District of Columbia Circuit vacated EPA's Phase 1 Implementation Rule for the 8-hour Ozone Standard. (69 FR 23951, April 30, 2004). *South Coast Air Quality Management Dist.* v. *EPA,* 472 F.3d 882 (D.C.Cir. 2006). On June 8, 2007, in *South Coast Air Quality Management Dist.* v. *EPA,* Docket No. 04–1201, in response to several petitions for rehearing, the D.C. Circuit clarified that the Phase 1 Rule was vacated only with regard to those parts of the rule that had been successfully challenged. Therefore, the Phase 1 Rule provisions related to classifications for areas currently classified under subpart 2 of Title I, part D of the Act as 8-hour nonattainment areas, the 8-hour attainment dates, and the timing for emissions reductions needed for attainment of the 8-hour ozone NAAQS remain effective. The June 8 decision left intact the Court's rejection of EPA's reasons for implementing the 8-hour standard in certain nonattainment areas under subpart 1 in lieu of subpart 2. By limiting the vacatur, the Court let stand EPA's revocation of the 1-hour standard and those anti-backsliding provisions of the Phase 1 Rule that had not been successfully challenged. The June 8 decision reaffirmed the December 22, 2006 decision that EPA had improperly failed to retain four measures required for 1-hour nonattainment areas under the anti-backsliding provisions of the regulations: (1) Nonattainment area nonattainment New Source Review (NSR) requirements based on an area's 1-hour nonattainment classification; (2) Section 185 penalty fees for 1-hour severe or extreme nonattainment areas; (3) measures to be implemented pursuant to section 172(c)(9) or 182(c)(9) of the Act, on the contingency of an area not making reasonable further progress toward attainment of the 1-hour NAAQS, or for failure to attain that NAAQS; and (4) certain transportation conformity requirements for certain types of Federal actions. The June 8 decision clarified that the Court's reference to conformity requirements was limited to requiring the continued use of 1-hour motor vehicle emissions budgets until 8-hour budgets were available for 8-hour conformity determinations.

For the reasons set forth in the proposal, EPA does not believe that the Court's rulings alter any requirements relevant to this redesignation action so as to preclude redesignation, and do not prevent EPA from finalizing this redesignation. EPA believes that the Court's December 22, 2006 and June 8, 2007 decisions impose no impediment to moving forward with the redesignation of this Area to attainment, because even in light of the Court's decisions, redesignation is appropriate under the relevant redesignation provisions of the Act and longstanding policies regarding redesignation requests.

With respect to the 8-hour standard, the Lancaster Area is classified under subpart 2. The June 8, 2007 opinion clarifies that the Court did not vacate the Phase 1 Rule's provisions with respect to classifications for areas under subpart 2. The Court's decision therefore upholds EPA's classifications for those areas classified under subpart 2 for the 8-hour ozone standard. In its proposal, EPA proposed to find that the Area had satisfied the requirements under the 1-hour standard whether the 1-hour standard was deemed to be reinstated or whether the Court's decision on the petition for rehearing was modified to require something less than compliance with all applicable 1-hour requirements. Because EPA proposed to find that the Area satisfied the requirements under either scenario, EPA is proceeding to finalize the redesignation and to conclude that the Area met the requirements under the 1-hour standard applicable for purposes of redesignation under the 8-hour standard. These include the provisions of EPA's anti-backsliding rules, as well as the additional anti-backsliding provisions identified by the court in its rulings. In its June 8, 2007 decision the Court limited its vacatur so as to uphold those provisions of the anti-backsliding requirements that were not successfully challenged. Therefore, EPA finds that the Area has met the anti-backsliding requirements, see 40 CFR 51.900 *et seq.;* 70 FR 30592, 30604 (May 26, 2005), which apply by virtue of the Area's classification for the 1-hour ozone NAAQS, as well as the four additional anti-backsliding provisions identified by the Court, or alternatively, that such requirements are not applicable for purposes of redesignation. In addition, with respect to the requirement for transportation conformity under the 1-hour standard, the Court in its June 8 decision clarified that for those areas with 1-hour MVEBs, anti-backsliding requires only that those 1-hour budgets must be used for 8-hour conformity determinations until replaced by 8-hour budgets. To meet this requirement, conformity determinations in such areas must comply with the applicable requirements of EPA's conformity regulations at 40 CFR part 93.

II. Final Action

EPA is approving the Commonwealth of Pennsylvania's redesignation request, maintenance plan, and the 2002 base-year emissions inventory because the requirements for approval have been satisfied. EPA has evaluated Pennsylvania's redesignation request that was submitted on September 20, 2006, and determined that it meets the redesignation criteria set forth in section 107(d)(3)(E) of the CAA. EPA believes that the redesignation request and monitoring data demonstrate that the Lancaster Area has attained the 8-hour ozone standard. The final approval of this redesignation request will change the designation of the Lancaster Area from nonattainment to attainment for the 8-hour ozone standard. EPA is approving the maintenance plan for the Lancaster Area submitted on September 20, 2006 as a revision to the Pennsylvania SIP. EPA is also approving the MVEBs submitted by PADEP in conjunction with its redesignation request. In addition, EPA is approving the 2002 base-year emissions inventory submitted by PADEP on September 20, 2006, and supplemented on November 8, 2006 as a revision to the Pennsylvania SIP. In this final rulemaking, EPA is notifying the public that we have found that the MVEBs for NO_X and VOCs in the Lancaster Area for the 8-hour ozone maintenance plan are adequate and approved for conformity purposes. As a result of our finding, the Lancaster Area must use the MVEBs from the submitted 8-hour ozone maintenance plan for future conformity determinations. The adequate and approved MVEBs are provided in the following table:

ADEQUATE AND APPROVED MOTOR VEHICLE EMISSIONS BUDGETS IN TONS PER DAY (TPD)

Budget year	NO_X	VOC
2009	22.3	14.3
2018	9.0	7.8

The Lancaster Area is subject to the CAA's requirements for marginal nonattainment areas until and unless it is redesignated to attainment.

III. Statutory and Executive Order Reviews

A. General Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001). This action merely approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4). This rule also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action also does not have Federalism implications because it does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action merely approves a state rule implementing a Federal requirement, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045 ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), because it approves a state rule implementing a Federal standard.

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

B. Submission to Congress and the Comptroller General

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**. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

C. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 4, 2007. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action.

This action, approving the redesignation of the Lancaster Area to attainment for the 8-hour ozone NAAQS, the associated maintenance plan, the 2002 base-year emissions inventory, and the MVEBs identified in the maintenance plan, may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects

40 CFR Part 52

Environmental protection, Air pollution control, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements,Volatile organic compounds.

40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

Dated: June 25, 2007.

Donald S. Welsh,

Regional Administrator, Region III.

■ 40 CFR part 52 is amended as follows:

PART 52—[AMENDED]

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

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

Subpart NN—Pennsylvania

■ 2. In § 52.2020, the table in paragraph (e)(1) is amended by adding an entry for the 8-hour Ozone Maintenance Plan and the 2002 Base Year Emissions Inventory for the Lancaster, Pennsylvania Area at the end of the table to read as follows:

§ 52.2020 Identification of plan.

* * * * *

(e) * * *

(1) * * *

Name of non-regulatory SIP revision	Applicable geographic area	State submittal date	EPA approval date	Additional explanation
*	*	*	*	*
8-Hour Ozone Maintenance Plan and 2002 Base Year Emissions Inventory.	Lancaster Area (Lancaster County).	9/20/06, 11/08/06	7/06/07 [Insert page number where the document begins].	

PART 81—[AMENDED]

■ 3. The authority citation for part 81 continues to read as follows:

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

■ 4. In § 81.339, the table entitled ''Pennsylvania—Ozone (8-Hour Standard)'' is amended by revising the entry for the Lancaster, PA Area to read as follows:

§ 81.339 Pennsylvania.

* * * * *

PENNSYLVANIA—OZONE

[8-Hour Standard]

Designated area	Designation [a]		Category/classification	
	Date [1]	Type	Date [1]	Type
* * *	*	*	*	*
Lancaster, PA: Lancaster County	07/06/07	Attainment.		
* * *	*	*	*	*

[a] Includes Indian County located in each county or area, except otherwise noted.
[1] This date is June 15, 2004, unless otherwise noted.

* * * * *

[FR Doc. E7–12850 Filed 7–5–07; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52 and 81

[EPA–R03–OAR–2006–0862; FRL–8333–7]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Redesignation of the Tioga County Ozone Nonattainment Area to Attainment and Approval of the Area's Maintenance Plan and 2002 Base Year Inventory

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving a State Implementation Plan (SIP) revision submitted by the Commonwealth of Pennsylvania. The Pennsylvania Department of Environmental Protection (PADEP) is requesting that the Tioga County ozone nonattainment area (Tioga Area) be redesignated as attainment for the 8-hour ozone ambient air quality standard (NAAQS). EPA is approving the ozone redesignation request for Tioga Area. In conjunction with its redesignation request, PADEP submitted a SIP revision consisting of a maintenance plan for Tioga Area that provides for continued attainment of the 8-hour ozone NAAQS for at least 10 years after redesignation. EPA is approving the 8-hour maintenance plan. PADEP also submitted a 2002 base year inventory for the Tioga Area which EPA is approving. In addition, EPA is approving the adequacy determination for the motor vehicle emission budgets (MVEBs) that are identified in the Tioga Area maintenance plan for purposes of transportation conformity, and is approving those MVEBs. EPA is approving the redesignation request, and the maintenance plan and the 2002 base year emissions inventory as revisions to the Pennsylvania SIP in accordance with the requirements of the Clean Air Act (CAA).

DATES: *Effective Date:* This final rule is effective on July 6, 2007 pursuant to the authority of 5 U.S.C. 553(d)(1).

ADDRESSES: EPA has established a docket for this action under Docket ID Number EPA–R03–OAR–2006–0862. All documents in the docket are listed in the *http://www.regulations.gov* Web site. Although listed in the electronic docket, some information is not publicly available, i.e., confidential business information (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 for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are available at the Pennsylvania Department of Environment Protection, Bureau of Air Quality Control, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

FOR FURTHER INFORMATION CONTACT: Rose Quinto, (215) 814–2182, or by e-mail at *quinto.rose@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On May 8, 2007 (72 FR 26046), EPA published a notice of proposed rulemaking (NPR) for the Commonwealth of Pennsylvania. The NPR proposed approval of Pennsylvania's redesignation request, a SIP revision that establishes a maintenance plan for the Tioga Area that provides for continued attainment of the 8-hour ozone NAAQS for at least 10 years after redesignation, and a 2002 base year emissions inventory. The formal SIP revisions were submitted by PADEP on September 28, 2006 and supplemented on November 14, 2006. Other specific requirements of Pennsylvania's redesignation request SIP revision for the maintenance plan and the rationales for EPA's proposed actions are explained in the NPR and will not be restated here. No public comments were received on the NPR.

However, on December 22, 2006, the U.S. Court of Appeals for the District of Columbia Circuit vacated EPA's Phase 1 Implementation Rule for the 8-hour Ozone Standard. (69 FR 23591, April 30, 2004). *South Coast Air Quality Management Dist.* v. *EPA,* 472 F.3d 882 (D.C. Cir. 2006). On June 8, 2007, in *South Coast Air Quality Management Dist.* v. *EPA,* Docket No. 04–1201, in response to several petitions for rehearing, the DC Circuit clarified that the Phase 1 Rule was vacated only with regard to those parts of the rule that had been successfully challenged. Therefore, the Phase 1 Rule provisions related to classifications for areas currently classified under subpart 2 of Title I, part D of the Act as 8-hour nonattainment areas, the 8-hour attainment dates and the timing for emissions reductions needed for attainment of the 8-hour ozone NAAQS remain effective. The June 8 decision left intact the Court's

rejection of EPA's reasons for implementing the 8-hour standard in certain nonattainment areas under subpart 1 in lieu of subpart 2. By limiting the vacatur, the Court let stand EPA's revocation of the 1-hour standard and those anti-backsliding provisions of the Phase 1 Rule that had not been successfully challenged. The June 8 decision reaffirmed the December 22, 2006 decision that EPA had improperly failed to retain four measures required for 1-hour nonattainment areas under the anti-backsliding provisions of the regulations: (1) Nonattainment area New Source Review (NSR) requirements based on an area's 1-hour nonattainment classification; (2) Section 185 penalty fees for the 1-hour severe or extreme nonattainment areas; (3) measures to be implemented pursuant to section 1729(c)(9) or 182(c)(9) of the Act, on the contingency of an area not taking reasonable further progress toward attainment of the 1-hour NAAQS, or for failure to attain NAAQS; and (4) certain transportation conformity requirements for certain types of Federal actions. The June 8 decision clarified that the Court's reference to conformity requirements was limited to requiring the continued use of the 1-hour motor vehicle emissions budgets until 8-hour budgets were available for 8-hour conformity determinations.

For the reasons set forth in the proposal, EPA does not believe that the Court's rulings alter any requirements relevant to this redesignation action so as to preclude redesignation, and do not prevent EPA from finalizing this redesignation. EPA believes that the Court's December 22, 2006 and June 8, 2007 decisions impose no impediment to moving forward with redesignation of this area to attainment, because even in the light of the Court's decisions, redesignation is appropriate under the relevant redesignation provisions of the Act and longstanding policies regarding redesignation requests.

II. Final Action

EPA is approving the Commonwealth of Pennsylvania's redesignation request, maintenance plan, and the 2002 base year emissions inventory because the requirements for approval have been satisfied. EPA has evaluated Pennsylvania's redesignation request that was submitted on September 28, 2006 and determined that it meets the redesignation criteria set forth in section 107(d)(3)(E) of the CAA. EPA believes that the redesignation request and monitoring data demonstrate that the Tioga Area has attained the 8-hour ozone standard. The final approval of this redesignation request will change the designation of the Tioga Area from nonattainment to attainment for the 8-hour ozone standard. EPA is approving the maintenance plan for the Tioga Area submitted on September 28, 2006 as a revision to the Pennsylvania SIP. EPA is also approving the MVEBs submitted by PADEP in conjunction with its redesignation request. In addition, EPA is approving the 2002 base year emissions inventory submitted by PADEP on September 28, 2006 and supplemented on November 14, 2006 as a revision to the Pennsylvania SIP. In this final rulemaking, EPA is notifying the public that we have found that the MVEBs for NO_X and VOCs in the Tioga Area for the 8-hour ozone maintenance plan are adequate and approved for conformity purposes. As a result of our finding, the Tioga Area must use the MVEBs from the submitted 8-hour ozone maintenance plan for future conformity determinations. The adequate and approved MVEBs are provided in the following table:

ADEQUATE AND APPROVED MOTOR VEHICLE EMISSIONS BUDGETS IN TONS PER DAY (TPD)

Budget year	NO_X	VOC
2009	3.4	2.2
2018	1.6	1.3

The Tioga Area is subject to the CAA's requirement for the basic nonattainment areas until and unless it is redesignated to attainment.

III. Statutory and Executive Order Reviews

A. General Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001). This action merely approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4). This rule also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action also does not have Federalism implications because it does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action merely approves a state rule implementing a Federal requirement, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act.

This rule also is not subject to Executive Order 13045 ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), because it approves a state rule implementing a Federal standard.

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

B. Submission to Congress and the Comptroller General

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**. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

C. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 4, 2007. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action, approving the redesignation of the Tioga Area to attainment for the 8-hour ozone NAAQS, the associated maintenance plan, the 2002 base year emission inventory, and the MVEBs identified in the maintenance plan, may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects

40 CFR Part 52

Environmental protection, Air pollution control, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

Dated: June 25, 2007.

Donald S. Welsh,

Regional Administrator, Region III.

■ 40 CFR part 52 is amended as follows:

PART 52—[AMENDED]

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

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

Subpart NN—Pennsylvania

■ 2. In § 52.2020, the table in paragraph (e)(1) is amended by adding an entry for the 8-hour Ozone Maintenance Plan and the 2002 Base Year Emissions Inventory for Tioga County, Pennsylvania at the end of the table to read as follows:

§ 52.2020 Identification of plan.

* * * * *

(e) * * *

(1)* * *

Name of non-regulatory SIP revision	Applicable geographic area	State submittal date	EPA approval date	Additional explanation
*	*	*	*	*
8-Hour Ozone Maintenance Plan and 2002 Base Year Emissions Inventory.	Tioga County	09/28/06, 11/14/06	07/06/07 [Insert page number where the document begins].	

PART 81—[AMENDED]

■ 3. The authority citation for part 81 continues to read as follows:

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

■ 4. In § 81.339, the table entitled ''Pennsylvania—Ozone (8-Hour Standard)'' is amended by revising the entry for the Tioga Co., PA, Tioga County to read as follows:

§ 81.339 Pennsylvania.

* * * * *

PENNSYLVANIA—OZONE

[8-Hour Standard]

Designated area	Designation [a]		Category/classification	
	Date [1]	Type	Date [1]	Type
*	*	*	*	*
Tioga Co., PA: Tioga County	07/06/07	Attainment.		
*	*	*	*	*

[a] Includes Indian County located in each county or area, except otherwise noted.

[1] This date is June 15, 2004, unless otherwise noted.

* * * * *

[FR Doc. E7–12849 Filed 7–5–07; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–R03–OAR–2006–0919; FRL–8335–1]

40 CFR Part 81

Approval and Promulgation of Air Quality Implementation Plans; Virginia; Redesignation of the Hampton Roads Nonattainment Area to Attainment and Approval of the Area's Maintenance Plan and 2002 Base-Year Inventory; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; correcting amendment.

SUMMARY: This document corrects an error in the rule language of a final rule pertaining to EPA's approval of the Hampton Roads Area maintenance plan and 2002 base-year inventory submitted by the Commonwealth of Virginia.

DATES: *Effective Date:* July 6, 2007.

FOR FURTHER INFORMATION CONTACT: Amy Caprio, (215) 814–2156 or by e-mail at *caprio.amy@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document wherever ''we'' or ''our'' are used we mean EPA. On June 1, 2007, (72 FR 30490), we published a final rulemaking action announcing our approval of the Hampton Roads Area maintenance plan and 2002 base-year inventory. In that document, we inadvertently omitted Gloucester County on the list of Hampton Roads Cities and Counties in which the Mobile Vehicle Emission Budgets (MVEBs) are applicable. We also inadvertently omitted York County in the Virginia table for the 8-Hour ozone standard published at 40 CFR 81.347. The intent of the rule was to approve the maintenance plan and 2002 base-year inventory for the Hampton Roads Area. This action corrects the erroneous preamble language and rule.

In rule document FRL–8320–9 published in the **Federal Register** on June 1, 2007 (72 FR 30490), on page 30490 in the third column, the revised rule language is corrected to read ''As a result of our finding, the Cities of Chesapeake, Hampton, Newport News, Norfolk, Poquoson, Portsmouth, Suffolk, Virginia Beach, and Williamsburg, and the Counties of Isle of Wight, James City, Gloucester, and York, Virginia must use the MVEBs from the submitted 8-hour ozone maintenance plan for future conformity determinations.''

Section 553 of the Administrative Procedure Act, 5 U.S.C. 553(b)(B), provides that, when an agency for good cause finds that notice and public procedure are impracticable, unnecessary or contrary to the public interest, the agency may issue a rule without providing notice and an opportunity for public comment. We have determined that there is good cause for making today's rule final without prior proposal and opportunity for comment because we are merely correcting an incorrect citation in a previous action. Thus, notice and public procedure are unnecessary. We find that this constitutes good cause under 5 U.S.C. 553(b)(B).

Statutory and Executive Order Reviews:

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and is therefore not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355 (May 22, 2001)). Because the agency has made a ''good cause'' finding that this action is not subject to notice-and-comment requirements under the Administrative Procedures Act or any other statute as indicated in the **SUPPLEMENTARY INFORMATION** section above, it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (5 U.S.C 601 et seq.), or to sections 202 and 205 of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104–4). In addition, this action does not significantly or uniquely affect small governments or impose a significant intergovernmental mandate, as described in sections 203 and 204 of UMRA. This rule also 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, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it 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 governments, as specified by Executive Order 13132 (64 FR 43255, August 10, 1999). This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it approves a state rule implementing a Federal standard.

This technical correction action does not involve technical standards; thus the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. The rule also does not involve special consideration of environmental justice related issues as required by Executive Order 12898 (59 FR 7629, February 16, 1994). In issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct, as required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996). EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1998) by examining the takings implications of the rule in accordance with the ''Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings'' issued under the executive order. This rule does not impose an information collection burden under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.).

The Congressional Review Act (5 U.S.C. 801 et seq.), as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. Section 808 allows the issuing agency to make a rule effective sooner than otherwise provided by the CRA if the agency makes a good cause finding that notice and public procedure is impracticable, unnecessary or contrary to the public interest. This determination must be supported by a brief statement. 5 U.S.C. 808(2). As stated previously, EPA had made such a good cause finding, including the reasons therefore, and established an effective date of June 1, 2007. 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**. This correction to the MVEB applicability and the section 40 CFR 81.347 table for Virginia is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 81

Environmental protection, Air pollution control, National parks, Wilderness areas.

Dated: June 25, 2007.

Donald S. Welsh,

Regional Administrator, Region III.

■ 40 CFR part 81 is amended as follows:

PART 81—[AMENDED]

■ 1. The authority citation for part 81 continues to read as follows:

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

■ 2. In § 81.347 the table entitled ''Virginia—Ozone (8-Hour Standard)'' is amended by revising the entry for the Norfolk-Virginia Beach-Newport News (Hampton Roads), VA Area to read as follows:

§ 81.347 Virginia.

VIRGINIA—OZONE (8-HOUR STANDARD)

Designated area	Designation [a]		Category/classification	
	Date [1]	Type	Date [1]	Type
* * *	*	*	*	*
Norfolk-Virginia Beach-Newport News (Hampton Roads), VA Area				
Chesapeake City	June 1, 2007	Attainment.		
Gloucester County	June 1, 2007	Attainment.		
Hampton City	June 1, 2007	Attainment.		
Isle of Wight County	June 1, 2007	Attainment.		
James City County	June 1, 2007	Attainment.		
Newport News City	June 1, 2007	Attainment.		
Norfolk City	June 1, 2007	Attainment.		
Poquoson City	June 1, 2007	Attainment.		
Portsmouth City	June 1, 2007	Attainment.		
Suffolk City	June 1, 2007	Attainment.		
Virginia Beach City	June 1, 2007	Attainment.		
Williamsburg City	June 1, 2007	Attainment.		
York County	June 1, 2007	Attainment.		
* * *	*	*	*	*

[a] Includes Indian country located in each county or area except otherwise noted.
[1] This date is June 15, 2004, unless otherwise noted.

[FR Doc. E7–12998 Filed 7–5–07; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 070316061–7124–02 ; I.D. 031907B]

RIN 0648–AV13

Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish Observer Program

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

ACTION: Final rule.

SUMMARY: NMFS issues a final rule to amend regulations supporting the North Pacific Groundfish Observer Program (Observer Program). This action is necessary to revise requirements for the facilitation of observer data transmission and improve inseason support for observers. This action would promote the goals and objectives of the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area and the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMPs).

DATES: Effective on August 6, 2007.

ADDRESSES: Copies of the final Regulatory Impact Review/Final Regulatory Flexibility Analysis (RIR/FRFA) prepared for this action may be obtained from the NMFS Alaska Region, P.O. Box 21668, Juneau, AK 99802, Attn: Ellen Sebastian, and on the NMFS Alaska Region website at *http://www.fakr.noaa.gov*. The proposed rule to revise requirements for the facilitation of observer data transmission and improve inseason support for observers may also be accessed at this website.

FOR FURTHER INFORMATION CONTACT: Jason Anderson, 907–586–7228, or *jason.anderson@noaa.gov*.

SUPPLEMENTARY INFORMATION:

Background

NMFS manages the U.S. groundfish fisheries of the Bering Sea and Aleutian Islands Management Area (BSAI) and Gulf of Alaska (GOA) in the Exclusive Economic Zone under the FMPs. The North Pacific Fishery Management Council (Council) has prepared the FMPs pursuant to the Magnuson-Stevens Fishery Conservation and Management Act. Regulations implementing the FMPs appear at 50 CFR part 679. General regulations that pertain to U.S. fisheries appear at subpart H of 50 CFR part 600.

The Council originally adopted and NMFS approved and implemented the current ''interim'' Observer Program (Observer Program) in 1996 (61 FR 56425, November 1, 1996). Through interim extensions, Observer Program regulatory requirements have been extended through 2007 (62 FR 67755, December 30, 1997; 63 FR 69024, December 15, 1998; 65 FR 80381, December 21, 2000; and 67 FR 72595, December 6, 2002). A final rule that extended regulations implementing the Observer Program indefinitely was published on June 13, 2007 (72 FR 32559).

The Observer Program provides the regulatory framework for the collection of data by observers to obtain information necessary for the conservation and management of the groundfish fisheries managed under the FMPs. Regulations implementing the

Observer Program at § 679.50 require observer coverage aboard catcher vessels, catcher/processors, motherships, and shoreside and stationary floating processors that participate in the groundfish fisheries off Alaska, as well as establish vessel, processor, and observer provider responsibilities relating to the Observer Program.

Timely electronic communication of catch reports submitted to NMFS by industry and observers is crucial for groundfish quota and prohibited species catch allowance monitoring. In July 1995, NMFS issued a final rule (60 FR 34904, July 5, 1995) that required computer hardware and software that enabled observers to send NMFS electronic data on all catcher/processors, motherships, and shoreside processors that process groundfish. In October 2003, a final rule was published (68 FR 58038, October 8, 2003) that extended these requirements to all catcher vessels that are required to carry an observer at all times during fishing operations. In April 2006, a final rule (71 FR 20346, April 20, 2006) was issued that, in part, revised hardware requirements to allow software upgrades installation. These rules referred to the electronic data submission and communications system as ''Atlas.''

Regulations describing hardware and software requirements for electronic submission of observer reports on all catcher/processors, motherships, catcher vessels required to carry an observer at all times, and from shoreside and stationary floating processors are found at § 679.50(g)(1) and (g)(2). This electronic data submission and communications system is now called the observer communications system (OCS), rather than ''Atlas''. The OCS consists of computers and communications equipment supplied by catcher vessels, catcher/processors, motherships, and shoreside and stationary floating processors, as well as customized software provided to these entities by NMFS. The OCS lets observers rapidly process data they collect and report it to NMFS. Its use on catcher vessels, catcher/processors, motherships, and shoreside and stationary floating processors has enhanced timely and accurate fisheries data reporting.

Regulations at § 679.50(g)(1) and (g)(2) require that each OCS computer's processing chip, memory, operating system, disk drive, and modem meet minimum specifications. Since their initial implementation, OCS requirements have been periodically revised. NMFS has required upgrades as commercially available software became obsolete or unsupported by its manufacturer, or when NMFS upgraded the OCS software component.

Rather than continually specify hardware and software component that support new OCS software through rulemakings, this action removes the specific hardware and software component requirements. NMFS will now require that each catcher vessel, catcher/processor, mothership, and shoreside and stationary floating processor already subject to OCS requirements provide hardware and software that is fully functional and operational with the NMFS-supplied software. The term ''functional'' will mean that all the tasks and components of the NMFS supplied software and data transmissions to NMFS could be executed effectively by the computer equipment. NMFS will no longer revise OCS hardware and software requirements through rulemaking. As changes to the software component of the OCS become necessary to support electronic communications of observer data, Observer Program staff will communicate in writing with vessel and plant personnel to describe those changes. Catcher vessels, catcher/processors, motherships, and shoreside or stationary floating processors subject to OCS requirements are required to ensure that their computer hardware and software components continue to meet the functionality and operational requirements.

Observer Program staff are currently upgrading the OCS software component. One reason for the upgrade is that the commercial database software used to store observer-collected information and interface with the OCS software is no longer supported by the manufacturer. The new OCS software should increase overall data quality by increasing the functionality and efficiency of the OCS, and interface with new, supported commercial database software. The new OCS software is expected to be available for installation for the 2008 fishing year.

The new OCS software will be installed by NMFS field personnel on vessel and processor OCS computers. Under this regulatory action, catcher vessels, catcher/processors, motherships, and shoreside or stationary floating processors must ensure their OCS computer meets the minimum specifications necessary for the software to execute all of its tasks, including communication with NMFS computers to transmit data for the 2008 fishing year.

Changes to OCS Regulations

Presently, § 679.50(g)(1)(iii)(B)(*1*) and (g)(2)(iii)(B)(*1*) describe the minimum technical hardware and software standards for the OCS-use computer. This action removes the technical standards, but the OCS-use computer is still required to be connected to a communication device that provides a point-to-point modem connection to the NMFS host computer.

This action implements regulations at § 679.50(g)(1)(iii)(B)(*2*) and (g)(2)(iii)(B)(*2*) that require catcher vessel, catcher/processor, mothership, and shoreside or stationary floating processor operators to install the most recent NMFS-provided OCS software version or other NMFS-approved, commercially available software. While no commercially available software has been approved at this time, NMFS will consider approving commercially available software in the future.

This action revises the current OCS-computer operational standards. OCS hardware must be fully functional and operational under regulations at § 679.50(g)(1)(iii)(C) and (g)(2)(iii)(C). According to these regulations, ''functional'' means that the hardware can initiate and transmit data to NMFS. Under this action, ''functional'' will address software as well as hardware. ''Functional'' will now mean that all NMFS-supplied, or other approved software's tasks and components, must be fully functional and operational on the computer equipment. In addition to adding a software function standard, this action redesignates § 679.50(g)(1)(iii)(C) and (g)(2)(iii)(C) as § 679.50(g)(1)(iii)(B)(*3*) and (g)(2)(iii)(B)(*3*), respectively, to require that both software and hardware OCS components be functional.

The revisions described above are necessary to accommodate the larger, more sophisticated software and database programs provided, or otherwise approved, by NMFS.

The proposed rule to revise requirements for the facilitation of observer data transmission and improve inseason support for observers was published in the **Federal Register** on March 29, 2007 (72 FR 14764), and the public review and comment period closed on April 27, 2007. No comments were received during the comment period.

Small Entity Compliance Guide

Regulations governing observer coverage requirements for vessels and processors that participate in the groundfish fisheries off Alaska are found at 50 CFR part 679. A copy of these regulations are available on the internet at *http://www.fakr.noaa.gov/regs/summary.htm*. They also are available by mail. If you wish to receive

a copy of these regulations by mail, call NMFS Alaska Region, Sustainable Fisheries Division at (907) 586–7228 or write to NMFS Alaska Region at the address listed in the **ADDRESSES** section of this final rule. These regulations identify which vessels and processors are required to have observers, when observers are required, and the related responsibilities of the vessel owner or operator and the manager of the processing plant. The requirements implemented in this final rule are one category of responsibilities for vessel operators and managers of shoreside processing plants or stationary floating processors that are required to have observers. All vessel operators and managers of shoreside processing plants or stationary floating processors that are required to have observers also are required to provide the observer with access to a computer that is connected to a communication device that provides a point-to-point connection to the NMFS host computer. The most recent release of NMFS data entry software provided by the Regional Administrator, or other approved software, must be installed on this computer. In addition, the required communication equipment that is available for use by the observers must be fully functional and operational. ''Functional'' means that all the tasks and components of the NMFS supplied, or other approved, software described at paragraph 50 CFR part 679(g)(1) and the data transmissions to NMFS can be executed effectively aboard the vessel by the communications equipment.

Classification

The Administrator, Alaska Region, NMFS, determined that the regulatory amendment is necessary for the conservation and management of the groundfish fisheries off Alaska and that it is consistent with the Magnuson-Stevens Fishery Conservation and Management Act and other applicable laws.

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

An Initial Regulatory Flexibility Analysis (IRFA) was prepared for the proposed rule, and described in the Classification section of the preamble to the rule. The public comment period ended on March 23, 2007. No comments were received on the IRFA or the economic impact of the rule.

NMFS prepared a FRFA which incorporates the IRFA and a summary of the analyses completed to support the action. A copy of this analysis is available from NMFS (see **ADDRESSES**). A summary of the analysis follows.

The need for and objectives of the rule are set forth in the preamble and are not repeated here.

This action requires vessels and shoreside or stationary floating processors to meet current technology standards necessary to support OCS software changes as they occur. Entities subject to OCS requirements include all motherships, catcher/processors, shoreside or stationary floating processors, and catcher vessels required to carry an observer at all times. This action revises requirements for the facilitation of observer data transmission and improves support for observers. All motherships have gross revenues in excess of $4 million and are considered large entities. Data available for 2005 indicate that 17 of the 83 catcher/processors active in the groundfish fisheries that year are considered small entities. One catcher vessel is believed to meet the criterion for a small entity. NMFS staff estimate that three stationary or shoreside floating processors have fewer than 500 employees worldwide, and are considered small.

Upgrade costs to accommodate anticipated changes to OCS software are estimated to average $93 for all catcher/processors, $200 for all motherships, $315 for all shoreside and stationary floating processors, and $438 for all catcher vessels required to carry an observer at all times under this action. For the 17 catcher/processors considered small entities, the cost is estimated at about 0.004 percent of one year's gross revenues. Due to confidentiality restrictions, NMFS is unable to report gross revenues for catcher vessels and shoreside or stationary floating processors considered small entities under this action. Therefore, OCS upgrade costs cannot be reported as a percentage of gross revenues for these entities.

Alternative 1 described in the RIR/FRFA is the status quo alternative. Current regulations regarding computing and communications equipment would remain in effect.

Alternative 2 would remove current hardware and software specifications for all vessels and shoreside or stationary floating processors currently subject to OCS requirements, and instead require them to ensure the computer provided for use by an observer meets the minimum specifications necessary for the NMFS-provided OCS software to execute all of its tasks, including communication with NMFS computers to transmit data.

Alternative 3 would revise current regulations to upgrade minimum hardware and software specifications for all vessels and shoreside or stationary floating processors currently subject to OCS requirements. Future changes to OCS software that would require hardware and software upgrades would require additional rulemaking.

Alternative 2 was selected as the preferred alternative because it removes the need for NMFS to continually revise regulations to specify hardware and software component upgrades that are needed to support evolving OCS software. Alternative 2 provides more flexible and responsive regulations than the current specific technical requirements that quickly become out of date.

Alternative 1 was rejected because it does not meet the data quality and collection goals of the Observer Program. This is especially the case as more management programs are implemented that require near real-time data reporting for purposes of determining target and prohibited species catch quota harvests. Alternative 3 was rejected because, while it would meet short-term fishery dependent reporting goals, it does not meet the long-term goals of improving flexibility for NMFS staff to work directly with industry to ensure they meet the OCS requirements.

Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 states that, for each rule or group of related rules for which an agency is required to prepare a FRFA, the agency shall publish one or more guides to assist small entities in complying with the rule, and shall designate such publications as ''small entity compliance guides.'' The agency shall explain the actions a small entity is required to take to comply with a rule or group of rules. A small entity compliance guide is included in this final rule.

No additional recordkeeping, reporting, or compliance requirements are associated with this action.

List of Subjects in 50 CFR Part 679

Alaska, Fisheries, Reporting and recordkeeping requirements.

Dated: June 29, 2007.

Samuel D. Rauch III,

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

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

PART 679—FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA

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

Authority: 16 U.S.C. 773 *et seq.*, 1801 *et seq.*, 3631 *et seq.*; Pub. L. 108 199, 118 Stat. 110.

■ 2. In § 679.50, paragraph (g)(1)(iii)(C) is redesignated as paragraph (g)(1)(iii)(B)(*3*) and revised; paragraph (g)(2)(iii)(C) is redesignated as paragraph (g)(2)(iii)(B)(*3*) and revised; and paragraphs (g)(1)(iii)(B)(*1*) and (*2*), and (g)(2)(iii)(B)(*1*) and (*2*) are revised to read as follows:

§ 679.50 Groundfish Observer Program.

* * * * *

(g) * * *

(1) * * *

(iii) * * *

(B) * * *

(*1*) *Observer access to computer.* Making a computer available for use by the observer. This computer must be connected to a communication device that provides a point-to-point connection to the NMFS host computer.

(*2*) *NMFS-supplied software.* Ensuring that the catcher/processor, mothership, or catcher vessel specified in this paragraph (g)(1) has installed the most recent release of NMFS data entry software provided by the Regional Administrator, or other approved software.

(*3*) *Functional and operational equipment.* Ensuring that the communication equipment required in this paragraph (g)(1)(iii)(B) and that is used by observers to enter and transmit data, is fully functional and operational. ''Functional'' means that all the tasks and components of the NMFS supplied, or other approved, software described at paragraph (g)(1)(iii)(B)(*2*) of this section and the data transmissions to NMFS can be executed effectively aboard the vessel by the communications equipment.

* * * * *

(2) * * *

(iii) * * *

(B) * * *

(*1*) *Observer access to computer.* Making a computer available for use by the observer. This computer must be connected to a communication device that provides a point-to-point connection to the NMFS host computer.

(*2*) *NMFS-supplied software.* Ensuring that the shoreside or stationary floating processor specified in paragraph (g)(2) of this section has installed the most recent release of NMFS data entry software provided by the Regional Administrator, or other approved software.

(*3*) *Functional and operational equipment.* Ensuring that the communication equipment required in paragraph (g)(2)(iii)(B) of this section and that is used by observers to enter and transmit data, is fully functional and operational. ''Functional'' means that all the tasks and components of the NMFS supplied, or other approved, software described at paragraph (g)(2)(iii)(B)(*2*) of this section and the data transmissions to NMFS can be executed effectively aboard the vessel by the communications equipment.

* * * * *

[FR Doc. E7–13133 Filed 7–5–07; 8:45 am]

BILLING CODE 3510–22–S

Proposed Rules

Federal Register
Vol. 72, No. 129
Friday, July 6, 2007

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 981

[Docket No. AO–214–A7; AMS–FV–07–0050; FV07–981–1]

Almonds Grown in California; Hearing on Proposed Amendment of Marketing Order No. 981

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice of hearing on proposed rulemaking.

SUMMARY: Notice is hereby given of a public hearing to receive evidence on proposed amendments to Marketing Order No. 981 (order), which regulates the handling of almonds grown in California. Two amendments are proposed by the Almond Board of California (Board), which is responsible for local administration of the order. The proposed amendments would authorize establishment of container marking and labeling requirements and authorize establishment of different outgoing quality regulations for different markets. In addition, the Agricultural Marketing Service (AMS) proposes to make any such changes as may be necessary to the order or its administrative rules and regulations to conform to any amendment that may result from the hearing. The proposals are intended to provide additional flexibility in administering the quality control provisions of the order and provide the industry with additional tools to aid in the marketing of almonds.

DATES: The hearing date is: August 2, 2007, 9 a.m. to 5 p.m.; and continuing on August 3, 2007, at 9 a.m., if necessary, in Modesto, California.

ADDRESSES: The hearing location is: Stanislaus County Farm Bureau, 1201 L Street, Modesto, California 95353.

FOR FURTHER INFORMATION CONTACT: Martin Engeler, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 2202 Monterey Street, Suite 102–B, Fresno, California 93721; Telephone: (559) 487–5110, Fax: (559) 487–5906, or E-mail: *Martin.Engeler@usda.gov;* or Kathleen M. Finn, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue, SW., Stop 0237, Washington, DC 20250–0237; Telephone: (202) 720–2491, Fax: (202) 720–8938, or E-mail: *Kathy.Finn@usda.gov.*

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

SUPPLEMENTARY INFORMATION: This administrative action is instituted pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.'' This action is governed by the provisions of sections 556 and 557 of title 5 of the United States Code and, therefore, is excluded from the requirements of Executive Order 12866.

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) seeks to ensure that within the statutory authority of a program, the regulatory and informational requirements are tailored to the size and nature of small businesses. Interested persons are invited to present evidence at the hearing on the possible regulatory and informational impacts of the proposals on small businesses.

The amendments proposed herein have been reviewed under Executive Order 12988, Civil Justice Reform. They are not intended to have retroactive effect. If adopted, the proposed amendments would not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with the proposals.

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

The hearing is called pursuant to the provisions of the Act and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR part 900).

The proposed amendments were recommended by the Board and submitted to USDA on March 12, 2007. After reviewing the proposals and other information submitted by the Board, USDA made a determination to schedule this matter for hearing.

The proposed amendments to the order recommended by the Board are summarized as follows:

1. Amend the order by adding a new § 981.43 to authorize establishment of container marking or labeling requirements.

2. Amend the order by revising § 981.42(b) of the order to authorize establishment of different outgoing quality requirements for different markets.

The Board works with USDA in administering the order. These proposals submitted by the Board have not received the approval of USDA. The Board believes that the proposed changes would provide additional flexibility in administering the quality control provisions of the order, and would enable the Board to establish regulations that would address current and future industry needs for appropriate container markings and quality standards. The proposed amendments are intended to aid in the marketing of almonds and improve the operation and administration of the order.

In addition to the proposed amendments to the order, AMS proposes to make any such changes as may be necessary to the order or its administrative rules and regulations to conform to any amendment that may result from the hearing.

The public hearing is held for the purpose of: (i) Receiving evidence about

the economic and marketing conditions which relate to the proposed amendments of the order; (ii) determining whether there is a need for the proposed amendments to the order; and (iii) determining whether the proposed amendments or appropriate modifications thereof will tend to effectuate the declared policy of the Act.

Testimony is invited at the hearing on all the proposals and recommendations contained in this notice, as well as any appropriate modifications or alternatives.

All persons wishing to submit written material as evidence at the hearing should be prepared to submit four copies of such material at the hearing and should have prepared testimony available for presentation at the hearing.

From the time the notice of hearing is issued and until the issuance of a final decision in this proceeding, USDA employees involved in the decisional process are prohibited from discussing the merits of the hearing issues on an *ex parte* basis with any person having an interest in the proceeding. The prohibition applies to employees in the following organizational units: Office of the Secretary of Agriculture; Office of the Administrator, AMS; Office of the General Counsel, except any designated employee of the General Counsel assigned to represent the Board in this proceeding; and the Fruit and Vegetable Programs, AMS.

Procedural matters are not subject to the above prohibition and may be discussed at any time.

List of Subjects in 7 CFR Part 981

Almonds, Marketing agreements, Nuts, Reporting and recordkeeping requirements.

PART 981—ALMONDS GROWN IN CALIFORNIA

1. The authority citation for 7 CFR part 981 continues to read as follows:

Authority: 7 U.S.C. 601–674.

2. Testimony is invited on the following proposals or appropriate alternatives or modifications to such proposals.

Proposals submitted by the Almond Board of California:

Proposal Number 1

3. Add § 981.43 to read as follows:

§ 981.43 Marking or labeling of containers.

The Board may, with the approval of the Secretary, recommend regulations to require handlers to mark or label the containers that are used in packaging or handling almonds. Container means a box, bin, bag, carton, or any other type of receptacle used in the packaging or handling of almonds.

Proposal Number 2

4. Revise § 981.42 by adding a new sentence at the end of paragraph (b) to read as follows:

§ 981.42 Quality control.

* * * * *

(b) * * * The Board may, with the approval of the Secretary, recommend different outgoing quality requirements for different markets. Proposal submitted by USDA:

Proposal Number 3

Make such changes as may be necessary to the order or its administrative rules and regulations to conform with any amendment that may result from the hearing.

Dated: June 29, 2007.

Lloyd C. Day,

Administrator, Agricultural Marketing Service.

[FR Doc. E7–13073 Filed 7–5–07; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2007–28382; Directorate Identifier 2006–NM–179–AD]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 727 Airplanes

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

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for all Boeing Model 727 airplanes. This proposed AD would require revising the FAA-approved maintenance program by incorporating new airworthiness limitations (AWLs) for fuel tank systems to satisfy Special Federal Aviation Regulation No. 88 requirements. This proposed AD would also require the initial inspection of a certain repetitive AWL inspection to phase in that inspection, and repair if necessary. This proposed AD results from a design review of the fuel tank systems. We are proposing this AD to prevent the potential for ignition sources inside fuel tanks caused by latent failures, alterations, repairs, or maintenance actions, which, in combination with flammable fuel vapors, could result in a fuel tank explosion and consequent loss of the airplane.

DATES: We must receive comments on this proposed AD by August 20, 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:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590.
- *Fax:* (202) 493–2251.
- *Hand Delivery:* Room W12–140 on the ground floor of the West Building, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Contact Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124–2207, for the service information identified in this proposed AD.

FOR FURTHER INFORMATION CONTACT: Kathrine Rask, Aerospace Engineer, Propulsion Branch, ANM–140S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 917–6505; fax (425) 917–6590.

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 ''FAA–2007–28382; Directorate Identifier 2006–NM–179–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 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 Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Operations office (telephone (800) 647–5527) is located on the ground floor of the West 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

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'' (67 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 another 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 proposed AD are necessary to reduce the potential of ignition sources inside fuel tanks, which, in combination with flammable fuel vapors, could result in a fuel tank explosion and consequent loss of the airplane.

Relevant Service Information

We have reviewed the following sections of Boeing 727–100/200 Airworthiness Limitations (AWLs), D6–8766–AWL, original release, dated March 2006 (hereafter referred to as ''Document D6–8766–AWL''), for Model 727, 727C, 727–100, 727–100C, 727–200, and 727–200F series airplanes:

- Section A, ''SCOPE''
- Section B, ''FUEL SYSTEMS AIRWORTHINESS LIMITATIONS''
- Section C, ''SYSTEM AWL PAGE FORMAT''
- Section D, ''AIRWORTHINESS LIMITATIONS—FUEL SYSTEMS''

Those sections of Document D6–8766–AWL describe new AWLs for fuel tank systems. The new AWLs include:

- AWL inspections, which are periodic inspections of certain features for latent failures that could contribute to an ignition source; and
- Critical design configuration control limitations (CDCCLs), which are limitation requirements to preserve a critical ignition source prevention feature of the fuel tank system design that is necessary to prevent the occurrence of an unsafe condition. The purpose of a CDCCL is to provide instruction to retain the critical ignition source prevention feature during configuration change that may be caused by alterations, repairs, or maintenance actions. A CDCCL is not a periodic inspection.

Accomplishing the actions specified in the service information is intended to adequately address the unsafe condition.

FAA's Determination and Requirements of the Proposed AD

We have evaluated all pertinent information and identified an unsafe condition that is likely to exist or develop on other airplanes of this same type design. For this reason, we are proposing this AD, which would require the FAA-approved maintenance program by incorporating the information in Sections A, B, C, and D of Document D6–8766–AWL. This proposed AD would also require the initial inspection of a certain repetitive AWL inspection to phase in that inspection, and repair if necessary.

Difference Between Proposed AD and Service Bulletin

In most ADs, we adopt a compliance time allowing a specified amount of time after the AD's effective date. In this case, however, the FAA has already issued regulations that require operators to revise their maintenance/inspection programs to address fuel tank safety issues. The compliance date for these regulations is December 16, 2008. To provide for efficient and coordinated implementation of these regulations and this proposed AD, we are using this same compliance date in this proposed AD, instead of the 18-month compliance time recommended in the service bulletin.

Rework Required When Implementing AWLs Into an Existing Fleet

The maintenance program revision for the fuel tank systems specified in paragraph (g) of this proposed AD, which involves incorporating the information specified in Document D6–8766–AWL, would affect how operators maintain their airplanes. After doing that maintenance program revision, operators would need to do any maintenance on the fuel tank system as specified in the CDCCLs. Maintenance done before the maintenance program revision specified in paragraph (g) would not need to be redone in order to comply with paragraph (g). For example, the AWL that requires fuel pumps to be repaired and overhauled per an FAA-approved component maintenance manual (CMM) applies to fuel pumps repaired after the maintenance programs are revised; spare or on-wing fuel pumps do not need to be reworked. For AWLs that require repetitive inspections, the initial inspection interval (threshold) starts from the date the maintenance program revision specified in paragraph (g) is done, except as provided by paragraph (h) of this proposed AD. This proposed AD would require only the maintenance

program revision specified in paragraph (g), and initial inspections specified in paragraph (h). No other fleet-wide inspections need to be done.

Changes to Fuel Tank System AWLs

Paragraph (g) of this proposed AD would require revising the FAA-approved maintenance program by incorporating certain information specified in Document D6–8766–AWL. Paragraph (g) allows accomplishing the maintenance program revision in accordance with later revisions of the Document D6–8766–AWL as an acceptable method of compliance if they are approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA. Paragraph (h) allows accomplishing the initial inspection and repair in accordance with later revisions of Document D6–8766–AWL as an acceptable method of compliance if they are approved by the Manager, Seattle ACO. In addition, Section B of Document D6–8766–AWL specifies that any deviations from the published AWL instructions, including AWL intervals, must be approved by the Manager, Seattle ACO. Therefore, after the maintenance program revision, any further revision to an AWL or AWL interval should be done as an AWL change, not as an alternative method of compliance (AMOC). For U.S.-registered airplanes, operators must make requests through an appropriate FAA Principal Maintenance Inspector (PMI) or Principal Avionics Inspector (PAI) for approval by the Manager, Seattle ACO. A non-U.S. operator should coordinate changes with its governing regulatory agency.

Exceptional Short-Term Extensions

Section B of Document D6–8766–AWL has provisions for an exceptional short-term extension of 30 days. An exceptional short-term extension is an increase in an AWL interval that may be needed to cover an uncontrollable or unexpected situation. For U.S.-registered airplanes, the FAA PMI or PAI must concur with any exceptional short-term extension before it is used, unless the operator has identified another appropriate procedure with the local regulatory authority. The FAA PMI or PAI may grant the exceptional short-term extensions described in Section B without consultation with the Manager, Seattle ACO. A non-U.S. operator should coordinate changes with its governing regulatory agency. As explained in Document D6–8766–AWL, exceptional short-term extensions must not be used for fleet AWL extensions. An exceptional short-term extension should not be confused with an operator's short-term escalation authorization approved in accordance with the Operations Specifications or the operator's reliability program.

Ensuring Compliance With Fuel Tank System AWLs

Boeing has revised applicable maintenance manuals and task cards to address AWLs and to include notes about CDCCLs. Operators that do not use Boeing's revision service should revise their maintenance manuals and task cards to highlight actions tied to CDCCLs to ensure that maintenance personnel are complying with the CDCCLs. Appendix 1 of this proposed AD contains a list of Air Transport Association (ATA) sections for the revised maintenance manuals. Operators might wish to use the appendix as an aid to implement the AWLs.

Recording Compliance With Fuel Tank System AWLs

The applicable operating rules of the Federal Aviation Regulations (14 CFR parts 91, 121, 125, and 129) require operators to maintain records with the identification of the current inspection status of an airplane. Some of the AWLs contained in Section D of Document D6–8766–AWL are inspections for which the applicable sections of the operating rules apply. Other AWLs are CDCCLs, which are tied to conditional maintenance actions. An entry into an operator's existing maintenance record system for corrective action is sufficient for recording compliance with CDCCLs, as long as the applicable maintenance manual and task cards identify actions that are CDCCLs.

Changes to CMMs Cited in Fuel Tank System AWLs

Some of the AWLs in Section D of Document D6–8766–AWL refer to specific revision levels of the CMMs as additional sources of service information for doing the AWLs. Boeing is referring to the CMMs by revision level in the applicable AWL for certain components rather than including information directly in Document D6–8766–AWL because of the volume of that information. As a result, the Manager, Seattle ACO, must approve the CMMs. Any later revision of those CMMs will be handled like a change to the AWL itself. Any use of parts (including the use of parts manufacturer approval (PMA) approved parts), methods, techniques, and practices not contained in the CMMs need to be approved by the Manager, Seattle ACO, or governing regulatory authority. For example, pump repair/overhaul manuals must be approved by the Manager, Seattle ACO.

Changes to AMMs Referenced in Fuel Tank System AWLs

In other AWLs in Section D of Document D6–8766–AWL, the AWLs contain all the necessary data. The applicable section of the maintenance manual is usually included in the AWLs. Boeing intended this information to assist operators in maintaining the maintenance manuals. A maintenance manual change to these tasks may be made without approval by the Manager, Seattle ACO, through an appropriate FAA PMI or PAI, by the governing regulatory authority, or by using the operator's standard process for revising maintenance manuals. An acceptable change would have to maintain the information specified in the AWL such as the pass/fail criteria or special test equipment.

Costs of Compliance

There are about 530 airplanes of the affected design in the worldwide fleet. The following table provides the estimated costs, at an average labor rate of $80 per hour, for U.S. operators to comply with this proposed AD.

ESTIMATED COSTS

Action	Work hours	Parts	Cost per airplane	Number of U.S.-registered airplanes	Fleet cost
Maintenance program revision	8	None	$640	272	$174,080
Inspection	8	None	640	272	174,080

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 adding the following new airworthiness directive (AD):

Boeing: Docket No. FAA–2007–28382; Directorate Identifier 2006–NM–179–AD.

Comments Due Date

(a) The FAA must receive comments on this AD action by August 20, 2007.

Affected ADs

(b) None.

Applicability

(c) This AD applies to all Boeing Model 727, 727C, 727–100, 727–100C, 727–200, and 727–200F series airplanes, certificated in any category.

Note 1: This AD requires revisions to certain operator maintenance documents to include new inspections and maintenance actions. Compliance with these limitations is required by 14 CFR 43.16 and 91.403(c). For airplanes that have been previously modified, altered, or repaired in the areas addressed by these limitations, the operator may not be able to accomplish the actions described in the revisions. In this situation, to comply with 14 CFR 43.16 and 91.403(c), the operator must request approval for revision to the airworthiness limitations in the Boeing 727–100/200 Airworthiness Limitations (AWLs), D6–8766–AWL, according to paragraph (g) or (i) of this AD, as applicable.

Unsafe Condition

(d) This AD results from a design review of the fuel tank systems. We are issuing this AD to prevent the potential for ignition sources inside fuel tanks caused by latent failures, alterations, repairs, or maintenance actions, which, in combination with flammable fuel vapors, could result in a fuel tank explosion and consequent loss 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.

Service Information Reference

(f) The term ''Document D6–8766–AWL'' as used in this AD, means Boeing 727–100/200 Airworthiness Limitations (AWLs), D6–8766–AWL, original release, dated March 2006.

Maintenance Program Revision

(g) Before December 16, 2008, revise the FAA-approved maintenance program to incorporate the information in the sections specified in paragraphs (g)(1), (g)(2), (g)(3), and (g)(4) of this AD; except that the initial inspection required by paragraph (h) of this AD must be done at the applicable compliance time specified in that paragraph. Accomplishing the revision in accordance with a later revision of Document D6–8766–AWL is an acceptable method of compliance if the revision is approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA.

(1) Section A, ''SCOPE'' of Document D6–8766–AWL.

(2) Section B, ''FUEL SYSTEMS AIRWORTHINESS LIMITATIONS,'' of Document D6–8766–AWL.

(3) Section C, ''SYSTEM AWL PAGE FORMAT,'' of Document D6–8766–AWL.

(4) Section D, ''AIRWORTHINESS LIMITATIONS—FUEL SYSTEMS,'' of Document D6–8766–AWL.

Initial Inspection and Repair if Necessary

(h) At the later of the compliance times specified in paragraphs (h)(1) and (h)(2) of this AD, do a detailed inspection of the wire bundles routed over the center fuel tank for damaged clamps, wire chafing, and wire bundles in contact with the surface of the center fuel tank, in accordance with AWL Number 28–AWL–01 of Section D of Document D6–8766–AWL. If any discrepancy is found during the inspection, repair the discrepancy before further flight in accordance with AWL Number 28–AWL–01 of Section D of Document D6–8766–AWL. Accomplishing the actions required by this paragraph in accordance with a later revision of Document D6–8766–AWL is an acceptable method of compliance if the revision is approved by the Manager, Seattle ACO.

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.''

(1) Prior to the accumulation of 36,000 total flight hours, or within 120 months since the date of issuance of the original standard airworthiness certification or the date of issuance of the original export certificate of airworthiness, whichever ever occurs first.

(2) Within 72 months after the effective date of this AD.

Alternative Methods of Compliance (AMOCs)

(i)(1) The Manager, Seattle ACO, has the authority to approve AMOCs for this AD, if requested in accordance with the procedures found in 14 CFR 39.19.

(2) To request a different method of compliance or a different compliance time for this AD, follow the procedures 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.

APPENDIX 1.—IMPLEMENTING FUEL TANK SYSTEM AIRWORTHINESS LIMITATIONS ON MODEL 727, 727C, 727–100, 727–100C, 727–200, 727–200F SERIES AIRPLANES

AWL No.	ALI/CDCCL	ATA section or CMM document	Task title
28–AWL–01	ALI	AMM 28–11–00/601	External Wires Over the Tank No. 2 Inspection.
28–AWL–02	CDCCL	SWPM 20–10–11	Wiring Assembly and Installation Configuration.
28–AWL–03	CDCCL	SWPM 20–10–11	Wiring Assembly and Installation Configuration.
28–AWL–04	CDCCL	CMM 28–41–01, Revision 12; CMM 28–41–02, Revision 5; CMM 28–41–03, Revision 3; CMM 28–41–06, Revision 8; CMM 28–41–07, Revision 17; CMM 28–41–08, Revision 9; CMM 28–41–09, Revision 8; CMM 28–41–23, Revision 10; or subsequent revisions.	
28–AWL–05	CDCCL	CMM 28–40–03, Revision 5; CMM 28–41–06, Revision 8; or subsequent revisions.	
28–AWL–06	CDCCL	SWPM 20–14–12	Repair of Fuel Quantity Indicator System (FQIS) Wire Harness.
		AMM 28–41–21/401	Remove/Install Fuel Tank Bulkhead (Spar) Receptacle Wire Harness.
28–AWL–07	CDCCL	AMM 29–11–53/401	Install System A Hydraulic Fluid Heat Exchanger.
		AMM 29–12–61/401	Install System B Hydraulic Fluid Heat Exchanger.
28–AWL–08	CDCCL.		
28–AWL–09	CDCCL	CMM 28–20–1, Revision 7; CMM 28–20–5, Revision 6; CMM 28–20–06, Revision 6; or subsequent revisions.	
28–AWL–10	CDCCL	AMM 28–22–21/401	Install Fuel Boost Pump.
28–AWL–11	CDCCL	AMM 28–21–93/401	Remove the Auxiliary Tank Fueling Float Switch.
		AMM 28–21–93/401	Install the Auxiliary Tank Fueling Float Switch.
28–AWL–12	CDCCL	AMM 28–11–21/401	Removal/Installation Cast Fuel Tank Access Panels.
28–AWL–13	CDCCL	AMM 28–11–21/401	Removal/Installation Machined Fuel Tank Access Panels.
		AMM 28–13–11/401	Install the Relief Valve.
28–AWL–14	CDCCL	AMM 28–22–21/601	Fuel Boost Pump—Inspection/Check.
28–AWL–15	CDCCL	AMM 28–22–00/101	Engine Fuel Feed System—Trouble Shooting.

Issued in Renton, Washington, on June 22, 2007.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E7–13115 Filed 7–5–07; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2007–28436; Directorate Identifier 2007–CE–055–AD]

RIN 2120–AA64

Airworthiness Directives; Pacific Aerospace Limited Model 750XL 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:

To prevent cracks developing in the aileron spar adjacent to the inboard hinge attachment * * *

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 August 6, 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:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590.
- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *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) 647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Karl Schletzbaum, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4146; fax: (816) 329–4090.

SUPPLEMENTARY INFORMATION:

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–2007–28436; Directorate Identifier 2007–CE–055–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 Civil Aviation Authority of New Zealand, which is the aviation authority for New Zealand, has issued DCA/750XL/13, effective date April, 26, 2007 (referred to after this as ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

> To prevent cracks developing in the aileron spar adjacent to the inboard hinge attachment accomplish the following:
>
> Remove both ailerons, inspect and modify the aileron spar at the inboard hinge attachment point in accordance with Pacific Aerospace Ltd Service Bulletin PACSB/XL/027.
>
> You may obtain further information by examining the MCAI in the AD docket.

Relevant Service Information

Pacific Aerospace Limited has issued Mandatory Service Bulletin PACSB/XL/027, dated March 27, 2007. 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 6 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 $864 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 $9,408, or $1,344 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:

Pacific Aerospace Limited: Docket No. FAA–2007–28436; Directorate Identifier 2007–CE–055–AD.

Comments Due Date

(a) We must receive comments by August 6, 2007.

Affected ADs

(b) None.

Applicability

(c) This AD applies to 750XL airplanes, serial numbers 101, 102, 104 through 120, and 122 through 129, certificated in any category.

Subject

(d) Air Transport Association of America (ATA) Code 27: Flight Controls.

Reason

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

To prevent cracks developing in the aileron spar adjacent to the inboard hinge attachment accomplish the following:

Remove both ailerons, inspect and modify the aileron spar at the inboard hinge attachment point in accordance with Pacific Aerospace Ltd Service Bulletin PACSB/XL/027.

Actions and Compliance

(f) Unless already done, within the next 6 months after the effective date of this AD or 150 hours time-in-service (TIS) after the effective date of this AD, whichever occurs first, rework the left and right ailerons in accordance with Pacific Aerospace Ltd drawing number 11–03141/42, drawn March 26, 2007, as specified in Pacific Aerospace Limited Mandatory Service Bulletin PACSB/XL/027, dated March 27, 2007.

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, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Karl Schletzbaum, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4146; fax: (816) 329–4090. 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 Civil Aviation Authority of New Zealand AD DCA/750XL/13, effective date April 26, 2007; Pacific Aerospace Limited Mandatory Service Bulletin PACSB/XL/027, dated March 27, 2007; and Pacific Aerospace Ltd drawing number 11–03141/42, drawn March 26, 2007, for related information.

Issued in Kansas City, Missouri, on June 29, 2007.

Kim Smith,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. E7–13092 Filed 7–5–07; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2007–28383; Directorate Identifier 2006–NM–180–AD]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 737–100, –200, –200C, –300, –400, and –500 Series Airplanes

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

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for all Boeing Model 737–100, –200, –200C, –300, –400, and –500 series airplanes. This proposed AD would require revising the FAA-approved maintenance program to incorporate new airworthiness limitations (AWLs) for fuel tank systems to satisfy Special Federal Aviation Regulation No. 88 requirements. This proposed AD would also require the initial inspection of a certain repetitive AWL inspection to phase in that inspection, and repair if necessary. This proposed AD results from a design review of the fuel tank systems. We are proposing this AD to prevent the potential for ignition sources inside fuel tanks caused by latent failures, alterations, repairs, or maintenance actions, which, in combination with flammable fuel vapors, could result in a fuel tank explosion and consequent loss of the airplane.

DATES: We must receive comments on this proposed AD by August 20, 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:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590.
- *Fax:* (202) 493–2251.
- *Hand Delivery:* Room W12–140 on the ground floor of the West Building, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Contact Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124–2207, for the service information identified in this proposed AD.

FOR FURTHER INFORMATION CONTACT: Kathrine Rask, Aerospace Engineer, Propulsion Branch, ANM–140S, FAA, Seattle Aircraft Certification Office, 1601 Lind Ave., SW., Renton, Washington 98057–3356; telephone (425) 917–6505; fax (425) 917–6590.

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 ''FAA–2007–28383; Directorate Identifier 2006–NM–180–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 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 Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Operations office (telephone (800) 647–5527) is located on the ground floor of the West 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

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'' (67 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 another 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 proposed AD are necessary to reduce the potential of ignition sources inside fuel tanks, which, in combination with flammable fuel vapors, could result in a fuel tank explosion and consequent loss of the airplane.

Relevant Service Information

We have reviewed Boeing 737–100/200/200C/300/400/500 Airworthiness Limitations (AWLs) and Certification Maintenance Requirements (CMRs), D6–38278–CMR, Revision May 2006 (hereafter referred to as ''Revision May 2006 of Document D6–38278-CMR''). Section C of Revision May 2006 of Document D6–38278-CMR describes new AWLs for fuel tank systems. The new AWLs include:

- AWL inspections, which are periodic inspections of certain features for latent failures that could contribute to an ignition source; and
- Critical design configuration control limitations (CDCCLs), which are limitation requirements to preserve a critical ignition source prevention feature of the fuel tank system design that is necessary to prevent the occurrence of an unsafe condition. The purpose of a CDCCL is to provide instruction to retain the critical ignition source prevention feature during configuration change that may be caused by alterations, repairs, or maintenance actions. A CDCCL is not a periodic inspection.

Accomplishing the actions specified in the service information is intended to adequately address the unsafe condition.

FAA's Determination and Requirements of the Proposed AD

We have evaluated all pertinent information and identified an unsafe condition that is likely to exist or develop on other airplanes of this same type design. For this reason, we are proposing this AD, which would require revising the FAA-approved maintenance program to incorporate the information in Section C of Revision May 2006 of Document D6–38278–CMR. This proposed AD would also require the initial inspection of a certain repetitive AWL inspection to phase in that inspection, and repair if necessary.

Explanation of Compliance Time

In most ADs, we adopt a compliance time allowing a specified amount of time after the AD's effective date. In this case, however, the FAA has already issued regulations that require operators to revise their maintenance/inspection programs to address fuel tank safety issues. The compliance date for these regulations is December 16, 2008. To provide for efficient and coordinated implementation of these regulations and this proposed AD, we are using this same compliance date in this proposed AD, instead of the 18-month compliance time recommended by Boeing.

Rework Required When Implementing AWLs Into an Existing Fleet

The maintenance program revision for the fuel tank systems specified in paragraph (g) of this proposed AD, which involves incorporating the information specified in Revision May 2006 of Document D6–38278–CMR, would affect how operators maintain their airplanes. After doing that maintenance program revision, operators would need to do any maintenance on the fuel tank system as specified in the CDCCLs. Maintenance done before the maintenance program revision specified in paragraph (g) would not need to be redone in order to comply with paragraph (g). For example, the AWL that requires fuel pumps to be repaired and overhauled per an FAA-approved component maintenance manual (CMM) applies to fuel pumps repaired after the maintenance programs are revised; spare or on-wing fuel pumps do not need to be reworked. For AWLs that require repetitive inspections, the initial inspection interval (threshold) starts from the date that the maintenance program revision specified in paragraph (g) is done, except as provided by paragraph (h) of this proposed AD. This proposed AD would require only the maintenance program revision specified in paragraph (g) and the initial inspection specified in paragraph (h). No other fleet-wide inspections need to be done.

Changes to Fuel Tank System AWLs

Paragraph (g) of this proposed AD would require revising the FAA-approved maintenance program by incorporating certain information specified in Revision May 2006 of Document D6–38278–CMR. Paragraph (g) allows accomplishing the maintenance program revision in accordance with later revisions of

Document D6–38278–CMR as an acceptable method of compliance if they are approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA. Paragraph (h) allows accomplishing the initial inspection and repair in accordance with later revisions of Document D6–38278–CMR as an acceptable method of compliance if they are approved by the Manager, Seattle ACO. In addition, Section C of Revision March 2006 of Document D6–38278–CMR specifies that any deviations from the published AWL instructions, including AWL intervals, must be approved by the Manager, Seattle ACO. Therefore, after the maintenance program revision, any further revision to an AWL or AWL interval should be done as an AWL change, not as an alternative method of compliance (AMOC). For U.S.-registered airplanes, operators must make requests through an appropriate FAA Principal Maintenance Inspector (PMI) or Principal Avionics Inspector (PAI) for approval by the Manager, Seattle ACO. A non-U.S. operator should coordinate changes with its governing regulatory agency.

Exceptional Short-Term Extensions

Section C of Revision March 2006 of Document D6–38278–CMR has provisions for an exceptional short-term extension of 30 days. An exceptional short-term extension is an increase in an AWL interval that may be needed to cover an uncontrollable or unexpected situation. For U.S.-registered airplanes, the FAA PMI or PAI must concur with any exceptional short-term extension before it is used, unless the operator has identified another appropriate procedure with the local regulatory authority. The FAA PMI or PAI may grant the exceptional short-term extensions described in Section C without consultation with the Manager, Seattle ACO. A non-U.S. operator should coordinate changes with its governing regulatory agency. As explained in Section C, exceptional short-term extensions must not be used for fleet AWL extensions. An exceptional short-term extension should not be confused with an operator's short-term escalation authorization approved in accordance with the Operations Specifications or the operator's reliability program.

Ensuring Compliance With Fuel Tank System AWLs

Boeing has revised applicable maintenance manuals and task cards to address AWLs and to include notes about CDCCLs. Operators that do not use Boeing's revision service should revise their maintenance manuals and task cards to highlight actions tied to CDCCLs to ensure that maintenance personnel are complying with the CDCCLs. Appendix 1 of this proposed AD contains a list of Air Transport Association (ATA) sections for the revised maintenance manuals for Model 737–100, –200, and –200C series airplanes. Appendix 2 of this proposed AD contains a list of ATA sections for the revised maintenance manuals for Model 737–300, –400, and –500 series airplanes. Operators might wish to use the appendices as an aid to implement the AWLs.

Recording Compliance With Fuel Tank System AWLs

The applicable operating rules of the Federal Aviation Regulations (14 CFR parts 91, 121, 125, and 129) require operators to maintain records with the identification of the current inspection status of an airplane. Some of the AWLs contained in Section C of Revision March 2006 of Document D6–38278–CMR are inspections for which the applicable sections of the operating rules apply. Other AWLs are CDCCLs, which are tied to conditional maintenance actions. An entry into an operator's existing maintenance record system for corrective action is sufficient for recording compliance with CDCCLs, as long as the applicable maintenance manual and task cards identify actions that are CDCCLs.

Changes to CMMs Cited in Fuel Tank System AWLs

Some of the AWLs in Section C of Revision March 2006 of Document D6–38278–CMR refer to specific revision levels of the CMMs as additional sources of service information for doing the AWLs. Boeing is referring to the CMMs by revision level in the applicable AWL for certain components rather than including information directly in the AWL because of the volume of that information. As a result, the Manager, Seattle ACO, must approve the CMMs. Any later revision of those CMMs will be handled like a change to the AWL itself. Any use of parts (including the use of parts manufacturer approval (PMA) approved parts), methods, techniques, and practices not contained in the CMMs need to be approved by the Manager, Seattle ACO, or governing regulatory authority. For example, certain pump repair/overhaul manuals must be approved by the Manager, Seattle ACO.

Changes to AMMs Referenced in Fuel Tank System AWLs

In other AWLs in Section C of Revision March 2006 of Document D6–38278–CMR, the AWLs contain all the necessary data. The applicable section of the maintenance manual is usually included in the AWLs. Boeing intended this information to assist operators in maintaining the maintenance manuals. A maintenance manual change to these tasks may be made without approval by the Manager, Seattle ACO, through an appropriate FAA PMI or PAI, by the governing regulatory authority, or by using the operator's standard process for revising maintenance manuals. An acceptable change would have to maintain the information specified in the AWL such as the pass/fail criteria or special test equipment.

Costs of Compliance

There are about 2,337 airplanes of the affected design in the worldwide fleet. The following table provides the estimated costs, at an average labor rate of $80 per hour, for U.S. operators to comply with this proposed AD.

ESTIMATED COSTS

Action	Work hours	Parts	Cost per airplane	Number of U.S.-registered airplanes	Fleet cost
Maintenance program revision	8	None	$640	672	$430,080
Inspection	8	None	640	672	430,080

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 adding the following new airworthiness directive (AD):

Boeing: Docket No. FAA–2007–28383; Directorate Identifier 2006–NM–180–AD.

Comments Due Date

(a) The FAA must receive comments on this AD action by August 20, 2007.

Affected ADs

(b) None.

Applicability

(c) This AD applies to all Boeing Model 737–100, –200, –200C, –300, –400, and –500 series airplanes, certificated in any category.

Note 1: This AD requires revisions to certain operator maintenance documents to include new inspections and maintenance actions. Compliance with these limitations is required by 14 CFR 43.16 and 91.403(c). For airplanes that have been previously modified, altered, or repaired in the areas addressed by these limitations, the operator may not be able to accomplish the actions described in the revisions. In this situation, to comply with 14 CFR 43.16 and 91.403(c), the operator must request approval for revision to the airworthiness limitations in the Boeing 737–100/200/200C/300/400/500 Airworthiness Limitations (AWLs) and Certification Maintenance Requirements (CMRs), D6–38278–CMR, according to paragraph (g) or (i) of this AD, as applicable.

Unsafe Condition

(d) This AD results from a design review of the fuel tank systems. We are issuing this AD to prevent the potential for ignition sources inside fuel tanks caused by latent failures, alterations, repairs, or maintenance actions, which, in combination with flammable fuel vapors, could result in a fuel tank explosion and consequent loss 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.

Service Information Reference

(f) The term ''Revision May 2006 of Document D6–38278–CMR'' as used in this AD, means Boeing 737–100/200/200C/300/400/500 AWLs and CMRs, D6–38278–CMR, Revision May 2006.

Maintenance Program Revision

(g) Before December 16, 2008, revise the FAA-approved maintenance program to incorporate the information in Section C of Revision May 2006 of Document D6–38278–CMR; except that the initial inspection required by paragraph (h) of this AD must be done at the applicable compliance time specified in that paragraph. Accomplishing the revision in accordance with a later revision of Document D6–38278–CMR is an acceptable method of compliance if the revision is approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA.

Initial Inspection and Repair if Necessary

(h) At the later of the compliance times specified in paragraphs (h)(1) and (h)(2) of this AD, do a special detailed inspection of the lightning shield to ground termination on the out-of-tank fuel quantity indication system (FQIS) wiring to verify functional integrity, in accordance with AWL Number 28–AWL–03 of Section C of Revision May 2006 of Document D6–38278–CMR. If any discrepancy is found during the inspection, repair the discrepancy before further flight in accordance with AWL Number 28–AWL–03 of Section C of Revision May 2006 of Document D6–38278–CMR. Accomplishing the actions required by this paragraph in accordance with a later revision of Document D6–38278–CMR is an acceptable method of compliance if the revision is approved by the Manager, Seattle ACO.

Note 2: For the purposes of this AD, a special detailed inspection is: ''An intensive examination of a specific item, installation, or assembly to detect damage, failure, or irregularity. The examination is likely to make extensive use of specialized inspection techniques and/or equipment. Intricate cleaning and substantial access or disassembly procedure may be required.''

(1) Prior to the accumulation of 36,000 total flight hours, or within 120 months since the date of issuance of the original standard airworthiness certification or the date of issuance of the original export certificate of airworthiness, whichever ever occurs first.

(2) Within 24 months after the effective date of this AD.

Alternative Methods of Compliance (AMOCs)

(i)(1) The Manager, Seattle Aircraft Certification Office, has the authority to approve AMOCs for this AD, if requested in accordance with the procedures found in 14 CFR 39.19.

(2) To request a different method of compliance or a different compliance time for this AD, follow the procedures 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.

APPENDIX 1.—IMPLEMENTING FUEL TANK SYSTEM AIRWORTHINESS LIMITATIONS ON MODEL 737–100, –200, AND –200C SERIES AIRPLANES

AWL No.	ALI/CDCCL	ATA section or CMM document	Task title
28–AWL–01	ALI	AMM 28–11–00/601	External Wires Over the Center Tank Inspection.
28–AWL–02	CDCCL	SWPM 20–10–11	Wiring Assembly and Installation Configuration.
28–AWL–03	ALI	AMM 20–55–54/601	FQIS Connectors—Inspection/Check.
28–AWL–04	CDCCL	SWPM 20–10–15	Assembly of Shield Ground Wires.
28–AWL–05	CDCCL	SWPM 20–10–11	Wiring Assembly and Installation Configuration.
28–AWL–06	CDCCL	CMM 28–41–11, Revision 12; CMM 28–41–13, Revision 11; CMM 28–41–23, Revision 10; or subsequent revisions.	
28–AWL–07	CDCCL	CMM 28–40–25, Revision L; CMM 28–41–05, Revision 11; CMM 28–40–58, Revision 4; or subsequent revisions.	
28–AWL–08	CDCCL	AMM 28–41–101/401	Remove/Install Fuel Tank Bulkhead (Spar) Receptacle Wire Harness.
28–AWL–09	CDCCL	AMM 29–11–53/401	Install System A Hydraulic Fluid Heat Exchanger.
28–AWL–10	CDCCL	AMM 28–22–142/401	Install the Bulkhead Fitting.
28–AWL–11	CDCCL.		
28–AWL–12	CDCCL	CMM 28–20–37, Revision 10; CMM 28–20–1, Revision 7; CMM 28–20–5, Revision 6; CMM 28–20–07, Revision 1; or subsequent revisions.	
28–AWL–13	CDCCL	AMM 28–22–41/401	Install the Boost Pump.
28–AWL–14	CDCCL	AMM 28–21–71/401	Float Switch Installation.
28–AWL–15	CDCCL	AMM 28–11–13/401	Install Center Tank Access Panel.
28–AWL–16	CDCCL	AMM 28–11–11/401	Removal/Installation of Access Panels 1 Thru 13.
28–AWL–17	CDCCL	AMM 28–11–11/401	Removal/Installation of Access Panels No. 14.
		AMM 28–13–31/401	Install Flame Arrestor.
28–AWL–18	CDCCL	AMM 28–22–41/601	Fuel Boost Pump Wiring and Conduit—Inspection/Check.
28–AWL–19	CDCCL	AMM 28–22–00/101	Troubleshoot the Fuel Feed System
28–AWL–20	CDCCL.		

APPENDIX 2.—IMPLEMENTING FUEL TANK SYSTEM AIRWORTHINESS LIMITATIONS ON MODEL 737–300, –400, AND –500 SERIES AIRPLANES

AWL No.	ALI/CDCCL	ATA section or CMM document	Task title	Task No.
28–AWL–01	ALI	AMM 28–11–00/601	External Wires Over the Center Tank Inspection.	28–11–00–206–281
28–AWL–02	CDCCL	SWPM 20–10–11	Wiring Assembly and Installation Configuration.	
28–AWL–03	ALI	AMM 20–55–54/601	FQIS Connectors—Inspection/Check	20–55–54–286–001
28–AWL–04	CDCCL	SWPM 20–10–15	Assembly of Shield Ground Wires	
28–AWL–05	CDCCL	SWPM 20–10–11	Wiring Assembly and Installation Configuration.	
		AMM 28–41–72/401	Isolated Fuel Quantity Transmitter (IFQT) Installation.	28–41–72–404–018
28–AWL–06	CDCCL			
28–AWL–07	CDCCL	CMM 28–40–25, Revision L; CMM 28–41–05, Revision 11; CMM 28–40–58, Revision 4; or subsequent revisions.		
28–AWL–08	CDCCL	SWPM 20–14–12	Repair of Fuel Quantity Indicator System (FQIS) Wire Harness.	
		AMM 28–41–44/401	Wire Bundle Replacement	28–41–44–404–001
28–AWL–09	CDCCL	AMM 29–15–04/401	Heat Exchanger Installation	29–15–04–294–048
28–AWL–10	CDCCL	AMM 28–22–15/401	Engine Fuel Feed Tube Bulkhead Fitting Installation.	28–22–15–404–044
28–AWL–11	CDCCL			
28–AWL–12	CDCCL	CMM 28–20–07, Revision 10; CMM 28–20–1, Revision 7; CMM 28–20–5, Revision 6; CMM 28–20–07, Revision 1; or subsequent revisions.		
28–AWL–13	CDCCL	AMM 28–22–41/401	Fuel Boost Pump Installation	28–22–41–404–019

APPENDIX 2.—IMPLEMENTING FUEL TANK SYSTEM AIRWORTHINESS LIMITATIONS ON MODEL 737–300, –400, AND –500 SERIES AIRPLANES—Continued

AWL No.	ALI/CDCCL	ATA section or CMM document	Task title	Task No.
28–AWL–14	CDCCL	AMM 28–21–71/401	AIRPLANES WITH TYPE I FLOAT SWITCH; Float Switch Installation.	28–22–71–404–013
			AIRPLANES WITH TYPE II FLOAT SWITCH; Float Switch Installation.	28–22–71–424–093
28–AWL–15	CDCCL	AMM 28–11–31/401	Center Tank Access Panel Installation.	28–11–31–404–008
28–AWL–16	CDCCL	AMM 28–11–11/401	Access Panels No. 1 thru 13 Installation.	28–11–11–404–002
28–AWL–17	CDCCL	AMM 28–13–41/401	Pressure Relief Valve Installation	28–13–41–404–010
			Access Panel No. 14 Installation	28–11–11–404–004
		AMM 28–13–31/401	Flame Arrester Installation	28–13–31–404–007, or 28–13–31–404–032
28–AWL–18	CDCCL	AMM 28–22–00/601	Fuel Boost Pump Wiring in Conduit, No. 1 Tank Inspection.	28–22–00–216–033
			Fuel Boost Pump Wiring in Conduit, No. 1 Tank Inspection.	28–22–00–216–044
28–AWL–19	CDCCL	AMM 28–22–00/101	Engine Fuel Feed System—Trouble Shooting.	

Issued in Renton, Washington, on June 22, 2007.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E7–13107 Filed 7–5–07; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2007–28434; Directorate Identifier 2007–CE–053–AD]

RIN 2120–AA64

Airworthiness Directives; Hawker Beechcraft Corporation (Type Certificates No. 3A15 and No. 3A16 Previously Held by Raytheon Aircraft Company) F33 Series and Models G33, V35B, A36, A36TC, B36TC, 95–B55, D55, E55, A56TC, 58, and G58 Airplanes and Raytheon Aircraft Company Models 58P, 58TC, and 77 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 certain Hawker Beechcraft Corporation F33 Series and Models G33, V35B, A36, A36TC, B36TC, 95–B55, D55, E55, A56TC, 58, and G58 airplanes and Raytheon Aircraft Company Models 58P, 58TC, and 77 airplanes. This proposed AD would require you to replace certain circuit breaker toggle switches with improved design circuit breaker toggle switches. This proposed AD results from reports of certain circuit breaker toggle switches used in various electrical systems throughout the affected airplanes overheating. We are proposing this AD to prevent failure of the circuit breaker toggle switch, which could result in smoke in the cockpit and the inability to turn off the switch.

DATES: We must receive comments on this proposed AD by September 4, 2007.

ADDRESSES: Use one of the following addresses to comment on this proposed AD:

- *DOT Docket Web site:* Go to *http://dms.dot.gov* and follow the instructions for sending your comments electronically.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590.
- *Fax:* (202) 493–2251.
- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.

For service information identified in this proposed AD, contact Hawker Beechcraft Corporation, 9709 East Central, Wichita, Kansas 67291; telephone: (800) 429–5372 or (316) 676–3140.

FOR FURTHER INFORMATION CONTACT: Jose Flores, Aviation Safety Engineer, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Wichita, Kansas 67209; telephone: (316) 946–4132; fax: (316) 946–4107.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments regarding this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include the docket number, ''FAA–2007–28434; Directorate Identifier 2007–CE–053–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 we receive concerning this proposed AD.

Discussion

We have received reports of circuit breaker toggle switch failure on certain Hawker Beechcraft Corporation F33 Series and Models G33, V35B, A36, A36TC, B36TC, 95–B55, D55, E55, A56TC, 58, and G58 airplanes and Raytheon Aircraft Company Models 58P, 58TC, and 77 airplanes. These circuit breaker toggle switches are used in various electrical systems throughout the airplanes, which include but are not limited to anti-ice systems (PITOT, WSHLD, PROP), landing lights, strobe

lights, taxi lights, and the rotating beacon.

Analysis of the affected circuit breaker toggle switches, part numbers (P/Ns) 35–380132–1 through 35–380132–53, shows that a copper braid inside the switch frays with use causing an internal short. The short causes the circuit breaker toggle switch to overheat producing smoke and a burning smell in the cockpit either from internal switch components melting or from external wiring melting because it is no longer protected by the breaker.

The manufacturer has developed a circuit breaker toggle switch with improved internal isolation, P/N 35–380132–61 through 35–380132–113.

This condition, if not corrected, could result in failure of circuit breaker toggle switch. This failure could result in smoke in the cockpit and the inability to turn off the switch.

Relevant Service Information

We have reviewed Hawker Beechcraft Recommended Service Bulletin SB 24–3807, Issued: May, 2007 and Raytheon Aircraft Company Recommended Service Bulletin SB 24–3735, Issued: August, 2005. The service information describes procedures for replacing circuit breaker toggle switches, P/Ns 35–380132–1 through 35–380132–53, with parts of improved design, P/Ns 35–380132–61 through 35–380132–113.

FAA's Determination and Requirements of the Proposed AD

We are proposing this AD because we evaluated all information and determined the unsafe condition described previously is likely to exist or develop on other products of the same type design. This proposed AD would require you to replace certain circuit breaker toggle switches with improved design circuit breaker toggle switches.

Costs of Compliance

We estimate that this proposed AD would affect 10,821 airplanes in the U.S. registry.

We estimate the following costs to do the proposed replacement:

Labor cost	Parts cost	Total cost per circuit breaker toggle switch	Total cost on U.S. operators
1 work-hour × $80 per hour = $80 per circuit breaker toggle switch.	$105 per circuit breaker toggle switch.	$185 for each circuit breaker toggle switch. Each airplane typically has more than 1 circuit breaker toggle switch installed. Some airplanes may have up to 15.	From $2,001,885 to replace one circuit breaker toggle switch per affected airplane up to $30,028,275 to replace 15 circuit breaker toggle switches per airplane.

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.

Examining the AD Docket

You may examine the AD docket that contains the proposed AD, the regulatory evaluation, any comments received, and other information 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 Docket Office (telephone (800) 647–5527) is located at the street address stated in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

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:

Hawker Beechcraft Corporation (Type Certificates No. 3A15 and No. 3A16 previously held by Raytheon Aircraft Company) and Raytheon Aircraft Company: Docket No. FAA–2007–28434; Directorate Identifier 2007–CE–053–AD.

Comments Due Date

(a) We must receive comments on this airworthiness directive (AD) action by September 4, 2007.

Affected ADs

(b) None.

Applicability

(c) This AD applies to the following airplane models and serial numbers that have a part number (P/N) 35–380132–1 through 35–380132–53 circuit breaker toggle switch installed and are certificated in any category:

Models	Serial Nos.
(1) F33 and G33	CD–1235 through CD–1304.
(2) F33A	CE–290 through CE–1791.
(3) F33C	CJ–26 through CJ–179.

Models	Serial Nos.
(4) V35B	D–9069 through D–10403.
(5) A36	E–185 through E–3629 and E–3631 through E–3635.
(6) A36TC and B36TC	EA–1 through EA–695.
(7) 95–B55	TC–1913, TC–1936 through TC–2456.
(8) D55	TE–452 through TE–767.
(9) E55	TE–768 through TE–1201.
(10) A56TC	TG–84 through TG–94.
(11) 58	TH–1 through TH–2124.
(12) 58P	TJ–3 through TJ–497.
(13) 58TC	TK–1 through TK–151.
(14) G58	TH–2126, TH–2127, TH–2131 through TH–2134, TH–2136, TH–2137, TH–2139 through TH–2141, and TH–2143 through TH–2150.
(15) 77	WA–1 through WA–312.

Unsafe Condition

(d) This AD results from reports of certain circuit breaker toggle switches used in various electrical systems through the affected airplanes overheating. We are proposing this AD to prevent failure of the circuit breaker toggle switch, which could result in smoke in the cockpit and the inability to turn off the switch.

Compliance

(e) To address this problem, you must do the following, unless already done:

Actions	Compliance	Procedures
(1) Replace all affected circuit breaker toggle switches specified in paragraph (c) of this AD with an improved circuit breaker toggle switch, P/N 35–380132–61 through 35–380132–113, as applicable.	Within the next 12 months after the effective date of this AD.	As specified in Hawker Beechcraft Recommended Service Bulletin SB 24–3807, Issued: May, 2007, and Raytheon Aircraft Company Recommended Service Bulletin SB 24–3735, Issued: August, 2005.
(2) Do not install a circuit breaker toggle switch specified in paragraph (c) of this AD.	Before further flight after the replacement required by paragraph (e)(1) of this AD.	Not applicable.

Alternative Methods of Compliance (AMOCs)

(f) The Manager, Wichita Aircraft Certification Office (ACO), 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: Jose Flores, Aviation Safety Engineer, FAA, Wichita ACO, 1801 Airport Road, Room 100, Wichita, Kansas 67209; telephone: (316) 946–4132; fax: (316) 946–4107. 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.

Related Information

(g) To get copies of the service information referenced in this AD, contact Hawker Beechcraft Corporation, 9709 East Central, Wichita, Kansas 67291; telephone: (800) 429–5372 or (316) 676–3140. To view the AD docket, go to U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590, or on the Internet at *http://dms.dot.gov.* The docket number is Docket No. FAA–2007–28434; Directorate Identifier 2007–CE–053–AD.

Issued in Kansas City, Missouri, on June 29, 2007.

Kim Smith,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. E7–13088 Filed 7–5–07; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2007–28115; Directorate Identifier 2007–CE–045–AD]

RIN 2120–AA64

Airworthiness Directives; British Aerospace Regional Aircraft Model HP.137 Jetstream Mk.1, Jetstream Series 200, Jetstream Series 3101, and Jetstream Model 3201 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:

There has been a report of landing gear radius rods suffering cracks starting in the flashline near the microswitch boss. Such cracks can result in loss of the normal hydraulic system and may lead to a landing gear collapse. Main landing gear collapse is considered as potentially hazardous/catastrophic. This AD mandates additional inspections considered necessary to address the identified unsafe condition.

Note: The cause of this cracking is not related to previous cracking of the radius rod cylinder addressed by BAE Systems SB 32–JA040945 (CAA AD G–2005–0010), however, the consequences of a failure are the same.

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 August 6, 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, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590.
- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

• *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) 647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Taylor Martin, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4138; fax: (816) 329–4090.

SUPPLEMENTARY INFORMATION:

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–2007–28115; Directorate Identifier 2007–CE–045–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: 2007–0087, dated March 30, 2007 (referred to after this as ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

> There has been a report of landing gear radius rods suffering cracks starting in the flashline near the microswitch boss. Such cracks can result in loss of the normal hydraulic system and may lead to a landing gear collapse. Main landing gear collapse is considered as potentially hazardous/catastrophic. This AD mandates additional inspections considered necessary to address the identified unsafe condition.
>
> **Note:** The cause of this cracking is not related to previous cracking of the radius rod cylinder addressed by BAE Systems SB 32–JA040945 (CAA AD G–2005–0010), however, the consequences of a failure are the same.
>
> You may obtain further information by examining the MCAI in the AD docket.

Relevant Service Information

British Aerospace Regional Aircraft has issued British Aerospace Jetstream Series 3100 and 3200 Service Bulletin 32–JA060741, dated November 1, 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 190 products of U.S. registry. We also estimate that it would take about 14 work-hours per product to comply with the basic requirements of this proposed AD. The average labor rate is $80 per work-hour. Parts would cost approximately $10,000 per product. Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be $2,112,800, or $11,120 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:

British Aerospace Regional Aircraft: Docket No. FAA–2007–28115; Directorate Identifier 2007–CE–045–AD.

Comments Due Date

(a) We must receive comments by August 6, 2007.

Affected ADs

(b) None.

Applicability

(c) This AD applies to HP.137 Jetstream Mk. 1, Jetstream Series 200, Jetstream Series 3101, and Jetstream Model 3201 airplanes, all serial numbers, certificated in any category.

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

Reason

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

There has been a report of landing gear radius rods suffering cracks starting in the flashline near the microswitch boss. Such cracks can result in loss of the normal hydraulic system and may lead to a landing gear collapse. Main landing gear collapse is considered as potentially hazardous/catastrophic. This AD mandates additional inspections considered necessary to address the identified unsafe condition.

Note: The cause of this cracking is not related to previous cracking of the radius rod cylinder addressed by BAE Systems SB 32–JA040945 (CAA AD G–2005–0010), however, the consequences of a failure are the same.

Actions and Compliance

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

(1) Initially within the next 3 months after the effective date of this AD and repetitively thereafter at intervals not to exceed 12 months until the replacement required by paragraph (f)(2) or (f)(3) of this AD is done, inspect the main landing gear radius rod forged cylinder flashline following the accomplishment instructions of British Aerospace Jetstream Series 3100 and 3200 Service Bulletin 32–JA060741, dated November 1, 2006.

(2) If cracks are found during any inspection required by this AD, before further flight, replace the radius rod assembly with a serviceable unit.

(i) If the radius rod assembly includes the parts described in paragraphs (f)(3)(i) and (f)(3)(ii) of this AD, then the repetitive inspections of this AD are no longer required.

(ii) If the radius rod assembly does not include the parts described in paragraphs (f)(3)(i) and (f)(3)(ii) of this AD, then continue to repetitively inspect at intervals not to exceed 12 months until you comply with paragraph (f)(3) of this AD.

(3) Upon accumulating 8,000 total landings TIS on the airplane or within the next 100 hours TIS after the effective date of this AD, whichever occurs later, replace the radius rod assembly by installing the following (this terminates the repetitive inspection requirement of this AD):

(i) Part number (P/N) 1847/A to 1847/L with strike-off 12 or 13, or 1847/M or later; and

(ii) P/N 1862/A to 1862/L with strike-off 12 or 13, or 1862/M or later.

(4) *For airplanes under 8,000 total landings:* Before further flight after the initial inspection required by paragraph (f)(1) of this AD, do not install a radius rod assembly that is not of a part specified in paragraphs (f)(3)(i) and (f)(3)(ii) of this AD on an affected airplane, unless it has been inspected in accordance with the requirements of this directive.

(5) *For airplanes that have replaced or have the radius rod assembly replaced as required in paragraph (f)(3) of this AD:* Before further flight after installing the parts in paragraphs (f)(3)(i) and (f)(3)(ii) of this AD, do not install any radius rod assembly that is not part number (P/N) 1847/A to 1847/L with strike-off 12 or 13, or 1847/M or later; and P/N 1862/A to 1862/L with strike-off 12 or 13, or 1862/M or later.

Note 1: When a compliance time in this AD is presented in landings and you do not keep the total landings, you may multiply the total number of airplane hours TIS by 0.75 to calculate the number of landings for the purposes of doing the actions required by this AD.

Note 2: Maintenance procedures for each radius rod overhaul are included in APPH Service Bulletin 1847–32–12 or 1862–32–12, both dated September 2006, as applicable. You may still perform such maintenance through a fluorescent dye penetrant inspection of the cylinder counterbore as specified in APPH Component Maintenance Manual (CMM) 32–10–16 at Revision 11 or higher.

FAA AD Differences

Note 3: This AD differs from the MCAI and/or service information as follows:

(1) The MCAI and service bulletin allow the radius rod assembly to be repetitively inspected for the life of the airplane and the repetitive inspections terminated if improved design parts are installed. The affected airplanes are used in commuter operations (14 CFR part 135). The FAA's policy on aging commuter class aircraft states, when a modification exists that could eliminate or reduce the number of required critical inspections, the modification should be incorporated. Therefore, the FAA is mandating the replacement of the radius rod assembly with improved design parts no later than upon accumulating 8,000 landings on the airplane as terminating action for the repetitive inspections.

(2) The MCAI includes procedures for a maintenance overhaul referencing APPH service bulletins. Because we do not require general maintenance in our ADs, we added a note referencing these bulletins.

Other FAA AD Provisions

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

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Standards Staff, 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: Taylor Martin, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4138; fax: (816) 329–4090. 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 European Aviation Safety Agency (EASA) AD No. 2007–0087, dated March 30, 2007; and BAE SYSTEMS Jetstream Series 3100 and 3200 Service Bulletin 32–JA060741, dated November 1, 2006; for related information.

Issued in Kansas City, Missouri, on June 29, 2007.

Kim Smith,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. E7–13091 Filed 7–5–07; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2007–27811; Directorate Identifier 2004–NE–11–AD]

RIN 2120–AA64

Airworthiness Directives; Rolls-Royce Deutschland Tay 611–8, Tay 611–8C, Tay 620–15, Tay 650–15, and Tay 651–54 Turbofan Engines

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) for Rolls-Royce Deutschland (RRD) Tay 611–8, Tay 620–15, Tay 650–15, and Tay 651–54 turbofan engines. That AD currently requires initial and repetitive visual

inspections of all ice-impact panels and fillers in the low pressure (LP) compressor case for certain conditions and replacing as necessary, any or all panels. This proposed AD would require the same initial and repetitive inspections, provide terminating action to those repetitive actions, and add the Tay 611–8C turbofan engine to the applicability. This proposed AD results from RRD introducing new LP compressor case ice-impact panels with additional retention features, to these Tay turbofan engines. We are proposing this AD to prevent release of ice-impact panels due to improper bonding that can result in loss of thrust in both engines.

DATES: We must receive any comments on this proposed AD by September 4, 2007.

ADDRESSES: Use one of the following addresses to comment 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:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* (202) 493–2251.

Contact Rolls-Royce Deutschland Ltd & Co KG, Eschenweg 11, D–15827 Dahlewitz, Germany; telephone 49 (0) 33–7086–1768; fax 49 (0) 33–7086–3356, for the service information referenced in this proposed AD.

FOR FURTHER INFORMATION CONTACT: Jason Yang, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803–5299; e-mail: *Jason.yang@faa.gov*; telephone (781) 238–7747; fax (781) 238–7199.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments regarding this proposal. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2007–27811; Directorate Identifier 2004–NE–11–AD'' in the subject line 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 the DMS 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 AD Docket

You may examine the AD docket on the Internet at *http://dms.dot.gov*; or in person at the Docket Operations office 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 Operations office (telephone (800) 647–5527) is the same as the Mail address provided in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

Discussion

On December 22, 2004, the FAA issued AD 2004–26–10, Amendment 39–13922 (70 FR 1172, January 6, 2005). That AD requires initial and repetitive visual inspections of all ice-impact panels and fillers in the LP compressor case for certain conditions and replacing as necessary, any or all panels. That AD also introduced a new compliance date of no later than March 1, 2005, to have all but one engine on each airplane in compliance with the polysulfide bonding of panels.

Actions Since AD 2004–26–10 Was Issued

Since AD 2004–26–10 was issued, the Luftfahrt-Bundesamt, (LBA), which is the airworthiness authority for Germany, notified us that RRD has introduced new LP compressor case ice-impact panels with additional retention features. The LP compressor case must be reworked to accept the new ice-impact panels, by December 31, 2011.

Relevant Service Information

We have reviewed and approved the technical contents of RRD Alert Service Bulletin (ASB) No. TAY–72–A1643, Revision 1, dated November 2, 2005, and ASB No. TAY–72–A1650, dated November 2, 2005. These ASBs describe procedures for reworking the LP compressor case and installing new ice-impact panels with additional retention features. The LBA classified these ASBs as mandatory and issued AD D–2004–313R5 in order to ensure the airworthiness of these Tay turbofan engines in Germany.

Bilateral Agreement Information

These engine models are manufactured in Germany 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. Under this bilateral airworthiness agreement, the LBA kept us informed of the situation described above. We have examined the findings of the LBA, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

FAA's Determination and Requirements of the Proposed AD

We have evaluated all pertinent information and identified an unsafe condition that is likely to exist or develop on other products of this same type design. We are proposing this AD, which would require:

- Adding the Tay 611–8C turbofan engine, serial numbers below 85078, to the applicability.
- Initial visual inspection of all ice-impact panels and fillers in the LP compressor case for certain conditions and replacing as necessary, any or all panels, before further flight, if not previously done.
- Repetitive visual inspections of all ice-impact panels and fillers in the LP compressor case for certain conditions and replacing as necessary, any or all panels.
- Having all but one engine on each airplane in compliance with the polysulfide bonding of panels.
- Rework of LP compressor cases and installation of new LP compressor case ice-impact panels with additional retention features by December 31, 2011, as mandatory terminating action to the repetitive visual inspections, repairs, and replacements.

The proposed AD would require that you do these actions using the service information described previously.

Costs of Compliance

We estimate that this proposed AD would affect about 1,085 engines installed on airplanes of U.S. registry. We also estimate that it would take about 2.5 work-hours per engine to perform an inspection, and about 12 work-hours to perform a repair as proposed. The average labor rate is $80 per work-hour. Required terminating action parts would cost about $7,500 per engine. Based on these figures, for the proposed AD, we estimate:

- The cost of one inspection to the U.S. fleet to be $217,000.
- The cost of a repair to the U.S fleet to be $1,041,600.
- The cost of parts to the U.S. fleet for terminating action, to be $8,137,500.

Docket Number Change

We are transferring the docket for this AD to the Docket Management System as part of our ongoing docket management consolidation efforts. The new Docket No. is FAA–2007–27811. The old Docket No. became the Directorate Identifier, which is 2004–NE–11–AD. This AD might get logged into the DMS docket, ahead of the previously collected documents from the old docket file, as we are in the process of sending those items to the DMS.

Engine Models Added and Removed From Applicability

Since we issued AD 2004–26–10, turbofan engine model Tay 611–8C received a U.S. DOT FAA type certificate. We added that engine model to the applicability, as certain serial numbers of those engines are affected by this AD.

Although AD 2004–26–10 inadvertently lists turbofan engine models Tay 620–15/20 and Tay 650–15/10 in the applicability, this proposed AD does not list them. Those engines do not have a U.S. DOT FAA type certificate.

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 AD:

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. Would 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. 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 Federal Aviation Administration 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 removing Amendment 39–13922 (70 FR 1172, January 6, 2005) and by adding the following new AD:

Rolls-Royce Deutschland (Formerly Rolls-Royce plc): Docket No. FAA–2007–27811; Directorate Identifier 2004–NE–11–AD.

Comments Due Date

(a) We must receive comments on this airworthiness directive (AD) action by September 4, 2007.

Affected ADs

(b) This AD supersedes AD 2004–26–10, Amendment 39–13922.

Applicability

(c) This AD applies to:

(1) RRD Tay 611–8, Tay 620–15, Tay 650–15, and Tay 651–54 turbofan engines that have one or more ice-impact panels installed in the low pressure (LP) compressor case that conform to the Rolls-Royce Deutschland (RRD) Service Bulletin (SB) No. TAY–72–1326 standard.

(2) RRD Tay 611–8C turbofan engines with serial numbers (SN) below SN 85078.

(3) The turbofan engines listed in paragraph (c) of this AD are installed on, but not limited to, Fokker F.28 Mk.0070 and Mk.0100 series airplanes, Gulfstream Aerospace G–IV and G–IV–X series airplanes, and Boeing Company 727–100 series airplanes modified in accordance with Supplemental Type Certificate SA8472SW (727–QF).

Unsafe Condition

(d) This AD results from RRD introducing new LP compressor case ice-impact panels with additional retention features, to these Tay turbofan engines. We are issuing this AD to prevent release of ice-impact panels due to improper bonding that can result in loss of thrust in both engines.

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.

Inspecting Ice-Impact Panels in Tay 620–15, Tay 650–15, and Tay 651–54 Engines

(f) For airplanes that have any Tay 620–15, Tay 650–15, or Tay 651–54 engines with ice-impact panels incorporated by the RR SB No. TAY–72–1326 standard, and not all panels were repaired using polysulfide bonding material by RR repair scheme TV5451R, HRS3491, HRS3615, HRS3648, or HRS3649, do the following:

(1) Before further flight, rework all six ice-impact panels using repair scheme HRS3648 or HRS3649 on at least one of the affected engines.

(2) Before further flight, inspect the ice-impact panels and the surrounding fillers on the engine not reworked. Use paragraph 3.E. of the Accomplishment Instructions of RRD SB No. TAY–72–1638, Revision 2, dated September 21, 2004, and the inspection disposition criteria in Table 1 of this AD.

TABLE 1.—INSPECTION DISPOSITION CRITERIA

If:	Then:
(i) Any movement or rocking motion of LP compressor ice-impact panel, or any movement of the front edge of ice-impact panel.	Before further flight, replace all panels using repair scheme HRS3648 or HRS3649.
(ii) Reappearing signs of moisture on the ice-impact panel or the surrounding filler.	Before further flight, replace all panels using repair scheme HRS3648 or HRS3649.
(iii) Any dents or impact damage on the ice-impact panel that is greater than 3.1 square inch in total.	Before further flight, replace the damaged panel using repair scheme HRS3648 or HRS3649.
(iv) Any dents or impact damage on the ice-impact panel that is between 1.55 square inch and 3.1 square inch in total.	Within 5 flight cycles or 5 flight hours, whichever occurs first, replace the damaged panel using repair scheme HRS3648 or HRS3649.
(v) Any dents or impact damage on the ice-impact panel that is less than 1.55 square inch in total.	Within 50 flight cycles or 50 flight hours, whichever occurs first, replace the damaged panel using repair scheme HRS3648 or HRS3649.
(vi) Any crack appears on the ice-impact panel and there is visible distortion of the airwashed surface.	Within 50 flight cycles or 50 flight hours, whichever occurs first, replace the damaged panel using repair scheme HRS3648 or HRS3649.
(vii) Any crack appears on the ice-impact panel and there is no visible distortion of the airwashed surface.	Within 150 flight cycles or 150 flight hours, whichever occurs first, replace the damaged panel using repair scheme HRS3648 or HRS3649.
(viii) Delamination or peeling of the compound layers of the airwashed surface and the penetrated area is greater than 3.1 square inch in total.	Before further flight, replace the damaged panel using repair scheme HRS3648 or HRS3649.
(iv) Delamination or peeling of the compound layers of the airwashed surface and the penetrated area is between 1.55 square inch and 3.1 square inch in total.	Within 5 flight cycles or 5 flight hours, whichever occurs first, replace the damaged panel using repair scheme HRS3648 or HRS3649.
(x) Delamination or peeling of the compound layers of the airwashed surface and the penetrated area is less than 1.55 square inch in total.	Within 50 flight cycles or 50 flight hours, whichever occurs first, replace the damaged panel using repair scheme HRS3648 or HRS3649.
(xi) Delamination or peeling of the compound layers but the airwashed surface is not penetrated.	Within 150 flight cycles or 150 flight hours, whichever occurs first, repair the damaged panel using repair scheme HRS3630.
(xii) Missing filler surrounding the LP compressor case	Before further flight, repair the damaged filler using repair scheme HRS3630.
(xiii) Damage to the filler surrounding the LP compressor case such as chipped, cracked, or missing material.	Within 25 flight cycles or 25 flight hours, whichever occurs first, repair damaged filler using repair scheme HRS 3630.

(3) Re-inspect all ice-impact panels within every 500 cycles-since-last-inspection (CSLI) or two months since-last-inspection, whichever occurs first. Use paragraph 3.E. of the Accomplishment Instructions of RRD SB No. TAY–72–1638, Revision 2, dated September 21, 2004, and the inspection disposition criteria in Table 1 of this AD.

Repetitive Inspections for Tay 620–15, Tay 650–15, and Tay 651–54 Engines With All Ice-Impact Panels Repaired by Polysulfide Bonding Material

(g) For Tay 620–15, Tay 650–15, and Tay 651–54 engines with ice-impact panels incorporated by the RRD SB No. TAY–72–1326 standard, and all panels were repaired using polysulfide bonding material by RR repair scheme TV5451R, HRS3491, HRS3615, HRS3648 or HRS3649, do the following:

(1) Re-inspect within every 1,500 CSLI, for the condition of the ice-impact panels and the surrounding fillers.

(2) Use paragraph 3.E. of the Accomplishment Instructions of RRD SB No. TAY–72–1638, Revision 2, dated September 21, 2004, and the inspection disposition criteria in Table 1 of this AD.

Inspecting Ice-Impact Panels in Tay 611–8 Engines

(h) For airplanes that have any Tay 611–8 engines with ice-impact panels incorporated by the RR SB No. TAY–72–1326 standard, and RR repair scheme HRS3491 or HRS3615 was done with two pack epoxy (Omat 8/52) on one or more of the six ice-impact panels, do the following:

(1) Before further flight, rework all six ice-impact panels using repair scheme HRS3648 or HRS3649 on at least one of the affected engines.

(2) Before further flight, inspect the ice-impact panels and the surrounding fillers on the engine not reworked. Use paragraph 3.E. of the Accomplishment Instructions of RRD SB No. TAY–72–1638, Revision 2, dated September 21, 2004, and the inspection disposition criteria in Table 1 of this AD.

(3) Re-inspect the ice-impact panels within every 1,000 CSLI or six months since-last-inspection, whichever occurs first. Use paragraph 3.E. of the Accomplishment Instructions of RRD SB No. TAY–72–1639, Revision 2, dated September 21, 2004, and the inspection disposition criteria in Table 1 of this AD.

Repetitive Inspections for Tay 611–8 Engines With All Ice-Impact Panels Repaired by Polysulfide Bonding Material or Introduced Since New Production

(i) For Tay 611–8 engines with ice-impact panels incorporated by the RRD SB No. TAY–72–1326 standard and all panels were repaired using polysulfide bonding material by RR repair scheme TV5451R, HRS3491, HRS3615, HRS3648 or HRS3649, or panels were introduced since new production, do the following:

(1) Re-inspect within every 3,000 CSLI, for the condition of the ice-impact panels and the surrounding fillers.

(2) Use paragraph 3.E. of the Accomplishment Instructions of RRD SB No. TAY–72–1638, Revision 2, dated September 21, 2004, and the inspection disposition criteria in Table 1 of this AD.

Installing Tay 620–15, Tay 650–15, or Tay 651–54 Engines That Are Not Inspected

(j) After the effective date of this AD, do not install any Tay 620–15, Tay 650–15, or Tay 651–54 engines with ice-impact panels if:

(1) Those ice-impact panels incorporate the RR SB No. TAY–72–1326 standard; and

(2) Ice-impact panels were repaired using RR repair scheme TV5451R, HRS3491, or HRS3615 and bonding material other than polysulfide; unless

(3) The panels and the surrounding fillers are inspected for condition using 3.B. through 3.D.(3) (in-service) or 3.K.(1) through 3.(M)(3) (at overhaul or shop visit) of the Accomplishment Instructions of RRD SB No. TAY–72–1638, Revision 2, dated September 21, 2004.

(k) Perform repetitive inspections as specified in paragraph (g) of this AD.

Installing Tay 611–8 Engines That Are Not Inspected

(l) After the effective date of this AD, do not install any Tay 611–8 engine with ice-impact panels if:

(1) Those ice-impact panels incorporate the RR SB No. TAY–72–1326 standard; and

(2) Ice-impact panels were repaired using RR repair scheme TV5451R, HRS3491, or HRS3615 and bonding material other than polysulfide, unless

(3) The panels and the surrounding fillers are inspected for condition using 3.B. through 3.D.(2) (in-service) or 3.K.(1) through 3.M.(3) (at overhaul or shop visit) of the Accomplishment Instructions of RRD SB No. TAY–72–1639, Revision 2, dated September 21, 2004.

(m) Perform repetitive inspections as specified in paragraph (i) of this AD.

Mandatory Terminating Action

(n) No later than December 31, 2011, as mandatory terminating action to the repetitive visual inspections or rework required by paragraphs (f), (g), (h), (i), (j), (k), (l), and (m) of this AD, do the following:

(1) Rework the LP compressor case and install new LP compressor case ice-impact panels with additional retention features, at the next shop visit requiring the removal of any module, except when the work scope requires only the removal of the high speed gearbox module.

(2) For Tay 620–15, Tay 650–15, and Tay 651–54 turbofan engines, do the rework and installation using the Accomplishment Instructions of RRD Alert SB No. TAY–72–A1643, Revision 1, dated November 2, 2005.

(3) For Tay 611–8 turbofan engines, do the rework and installation using the Accomplishment Instructions of RRD Alert SB No. TAY–72–A1650, dated November 2, 2005.

Tay 611–8C Turbofan Engines

(o) For Tay 611–8C turbofan engines, no later than December 31, 2011, do the following:

(1) Rework the LP compressor case and install new LP compressor case ice-impact panels with additional retention features, at the next shop visit after the effective date of this AD, requiring the removal of any module, except when the work scope requires only the removal of the high speed gearbox module.

(2) Do the rework and installation using the Accomplishment Instructions of RRD Alert SB No. TAY–72–A1650, dated November 2, 2005.

Alternative Methods of Compliance

(p) The Manager, Engine Certification Office, has the authority to approve alternative methods of compliance for this AD if requested using the procedures found in 14 CFR 39.19.

Related Information

(q) German AD D2004–313R5, dated November 15, 2005, also addresses the subject of this AD.

(r) Contact Jason Yang, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803–5299; e-mail: *Jason.yang@faa.gov*; telephone (781) 238–7747; fax (781) 238–7199, for more information about this AD.

Issued in Burlington, Massachusetts, on June 29, 2007.

Peter A. White,

Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. E7–13090 Filed 7–5–07; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2007–28384; Directorate Identifier 2006–NM–165–AD]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 737–600, –700, –700C –800, and –900 Series Airplanes

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

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain Boeing Model 737–600, –700, –700C, –800, and –900 series airplanes. This proposed AD would require revising the Airworthiness Limitations (AWLs) section of the Instructions for Continued Airworthiness by incorporating new limitations for fuel tank systems to satisfy Special Federal Aviation Regulation No. 88 requirements. This proposed AD would also require the initial inspection of a certain repetitive AWL inspection to phase in that inspection, and repair if necessary. This proposed AD results from a design review of the fuel tank systems. We are proposing this AD to prevent the potential for ignition sources inside fuel tanks caused by latent failures, alterations, repairs, or maintenance actions, which, in combination with flammable fuel vapors, could result in a fuel tank explosion and consequent loss of the airplane.

DATES: We must receive comments on this proposed AD by August 20, 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:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590.
- *Fax:* (202) 493–2251.
- *Hand Delivery:* Room W12–140 on the ground floor of the West Building, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Contact Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124–2207, for the service information identified in this proposed AD.

FOR FURTHER INFORMATION CONTACT: Kathrine Rask, Aerospace Engineer, Propulsion Branch, ANM–140S, FAA, Seattle Aircraft Certification Office, 1601 Lind Ave SW., Renton, Washington 98057–3356; telephone (425) 917–6505; fax (425) 917–6590.

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 ''FAA–2007–28384; Directorate Identifier 2006–NM–165–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 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 Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Operations office (telephone (800) 647–5527) is located on the ground floor of the West 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

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'' (67 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 another 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 proposed AD are necessary to reduce the potential of ignition sources inside fuel tanks, which, in combination with flammable fuel vapors, could result in a fuel tank explosion and consequent loss of the airplane.

Relevant Service Information

We have reviewed the following subsections of Boeing 737–600/700/700C/700IGW/800/900 Maintenance Planning Data (MPD) Document, D626A001–CMR, Section 9, Revision March 2006 (hereafter referred to as ''Revision March 2006 of the MPD''):

- Subsection D, ''AIRWORTHINESS LIMITATIONS—SYSTEMS''
- Subsection E, ''PAGE FORMAT: SYSTEM AIRWORTHINESS LIMITATIONS''
- Subsection F, ''AIRWORTHINESS LIMITATIONS—FUEL SYSTEM AWLs''

Those subsections of Revision March 2006 of the MPD describe new airworthiness limitations (AWLs) for fuel tank systems. The new AWLs include:

- AWL inspections, which are periodic inspections of certain features for latent failures that could contribute to an ignition source; and
- Critical design configuration control limitations (CDCCLs), which are limitation requirements to preserve a critical ignition source prevention feature of the fuel tank system design that is necessary to prevent the occurrence of an unsafe condition. The purpose of a CDCCL is to provide instruction to retain the critical ignition source prevention feature during configuration change that may be caused by alterations, repairs, or maintenance actions. A CDCCL is not a periodic inspection.

Accomplishing the actions specified in the service information is intended to adequately address the unsafe condition.

FAA's Determination and Requirements of the Proposed AD

We have evaluated all pertinent information and identified an unsafe condition that is likely to exist or develop on other airplanes of this same type design. For this reason, we are proposing this AD, which would require revising the AWLs section of the Instructions for Continued Airworthiness by incorporating the information in Subsections D, E, and F of Revision March 2006 of the MPD. This proposed AD would also require the initial inspection of a certain repetitive AWL inspection to phase in that inspection, and repair if necessary.

Explanation of Compliance Time

In most ADs, we adopt a compliance time allowing a specified amount of time after the AD's effective date. In this case, however, the FAA has already issued regulations that require operators to revise their maintenance/inspection programs to address fuel tank safety issues. The compliance date for these regulations is December 16, 2008. To provide for efficient and coordinated implementation of these regulations and this proposed AD, we are using this same compliance date in this proposed AD, instead of the 18-month compliance time recommended by Boeing.

Rework Required When Implementing AWLs Into an Existing Fleet

The AWLs revision for the fuel tank systems specified in paragraph (g) of this proposed AD, which involves incorporating the information specified in Revision March 2006 of the MPD, would affect how operators maintain their airplanes. After doing that AWLs revision, operators would need to do any maintenance on the fuel tank system as specified in the CDCCLs. Maintenance done before the AWLs revision specified in paragraph (g) would not need to be redone in order to comply with paragraph (g). For example, the AWL that requires fuel pumps to be repaired and overhauled per an FAA-approved component maintenance manual (CMM) applies to fuel pumps repaired after the AWLs are revised; spare or on-wing fuel pumps do not need to be reworked. For AWLs that require repetitive inspections, the initial inspection interval (threshold) starts from the date the AWL revision specified in paragraph (g) is done, except as provided by paragraph (h) of this proposed AD. This proposed AD would require only the AWLs revision specified in paragraph (g), and initial inspections specified in paragraph (h). No other fleet-wide inspections need to be done.

Changes to Fuel Tank System AWLs

Paragraph (g) of this proposed AD would require revising the AWLs section of the Instructions for Continued Airworthiness by incorporating certain information specified in Revision March 2006 of the MPD into the MPD. Paragraph (g) allows accomplishing the AWL revision in accordance with later revisions of the MPD as an acceptable method of compliance if they are approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA. Paragraph (h) allows accomplishing the initial inspections and repair in accordance with later revisions of the MPD as an acceptable method of compliance if they are approved by the Manager, Seattle ACO. In addition, Subsection D of Revision March 2006 of the MPD specifies that any deviations from the published AWL instructions, including AWL intervals, in that MPD must be approved by the

Manager, Seattle ACO. Therefore, after the AWLs revision, any further revision to an AWL or AWL interval should be done as an AWL change, not as an alternative method of compliance (AMOC). For U.S.-registered airplanes, operators must make requests through an appropriate FAA Principal Maintenance Inspector (PMI) or Principal Avionics Inspector (PAI) for approval by the Manager, Seattle ACO. A non-U.S. operator should coordinate changes with its governing regulatory agency.

Exceptional Short-Term Extensions

Subsection D of Revision March 2006 of the MPD has provisions for an exceptional short-term extension of 30 days. An exceptional short-term extension is an increase in an AWL interval that may be needed to cover an uncontrollable or unexpected situation. For U.S.-registered airplanes, the FAA PMI or PAI must concur with any exceptional short-term extension before it is used, unless the operator has identified another appropriate procedure with the local regulatory authority. The FAA PMI or PAI may grant the exceptional short-term extensions described in Subsection D without consultation with the Manager, Seattle ACO. A non-U.S. operator should coordinate changes with its governing regulatory agency. As explained in Revision March 2006 of the MPD, exceptional short-term extensions must not be used for fleet AWL extensions. An exceptional short-term extension should not be confused with an operator's short-term escalation authorization approved in accordance with the Operations Specifications or the operator's reliability program.

Ensuring Compliance With Fuel Tank System AWLs

Boeing has revised applicable maintenance manuals and task cards to address AWLs and to include notes about CDCCLs. Operators that do not use Boeing's revision service should revise their maintenance manuals and task cards to highlight actions tied to CDCCLs to ensure that maintenance personnel are complying with the CDCCLs. Appendix 1 of this proposed AD contains a list of Air Transport Association (ATA) sections for the revised maintenance manuals. Operators might wish to use the appendix as an aid to implement the AWLs.

Recording Compliance With Fuel Tank System AWLs

The applicable operating rules of the Federal Aviation Regulations (14 CFR parts 91, 121, 125, and 129) require operators to maintain records with the identification of the current inspection status of an airplane. Some of the AWLs contained in Subsection F of Revision March 2006 of the MPD are inspections for which the applicable sections of the operating rules apply. Other AWLs are CDCCLs, which are tied to conditional maintenance actions. An entry into an operator's existing maintenance record system for corrective action is sufficient for recording compliance with CDCCLs, as long as the applicable maintenance manual and task cards identify actions that are CDCCLs.

Changes to CMMs Cited in Fuel Tank System AWLs

Some of the AWLs in Subsection F of Revision March 2006 of the MPD refer to specific revision levels of the CMMs as additional sources of service information for doing the AWLs. Boeing is referring to the CMMs by revision level in the applicable AWL for certain components rather than including information directly in the MPD because of the volume of that information. As a result, the Manager, Seattle ACO, must approve the CMMs. Any later revision of those CMMs will be handled like a change to the AWL itself. Any use of parts (including the use of parts manufacturer approval (PMA) approved parts), methods, techniques, and practices not contained in the CMMs need to be approved by the Manager, Seattle ACO, or governing regulatory authority. For example, certain pump repair/overhaul manuals must be approved by the Manager, Seattle ACO.

Changes to AMMs Referenced in Fuel Tank System AWLs

In other AWLs in Subsection F of Revision March 2006 of the MPD, the AWLs contain all the necessary data. The applicable section of the maintenance manual is usually included in the AWLs. Boeing intended this information to assist operators in maintaining the maintenance manuals. A maintenance manual change to these tasks may be made without approval by the Manager, Seattle ACO, through an appropriate FAA PMI or PAI, by the governing regulatory authority, or by using the operator's standard process for revising maintenance manuals. An acceptable change would have to maintain the information specified in the AWL such as the pass/fail criteria or special test equipment.

Costs of Compliance

There are about 1960 airplanes of the affected design in the worldwide fleet. The following table provides the estimated costs, at an average labor rate of $80 per hour, for U.S. operators to comply with this proposed AD.

ESTIMATED COSTS

Action	Work hours	Parts	Cost per airplane	Number of U.S.-registered airplanes	Fleet cost
AWLs revision	8	None	$640	682	$436,480
Inspection	8	None	640	682	436,480

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 adding the following new airworthiness directive (AD):

Boeing: Docket No. FAA–2007–28384; Directorate Identifier 2006–NM–165–AD.

Comments Due Date

(a) The FAA must receive comments on this AD action by August 20, 2007.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Boeing Model 737–600, –700, –700C –800, and –900 series airplanes, certificated in any category, with an original standard airworthiness certificate or original export certificate of airworthiness issued before March 31, 2006.

Note 1: Airplanes with an original standard airworthiness certificate or original export certificate of airworthiness issued on or after March 31, 2006, must already be in compliance with the airworthiness limitations specified in this AD because those limitations were applicable as part of the airworthiness certification of those airplanes.

Note 2: This AD requires revisions to certain operator maintenance documents to include new inspections and maintenance actions. Compliance with these limitations is required by 14 CFR 43.16 and 91.403(c). For airplanes that have been previously modified, altered, or repaired in the areas addressed by these limitations, the operator may not be able to accomplish the actions described in the revisions. In this situation, to comply with 14 CFR 43.16 and 91.403(c), the operator must request approval for revision to the airworthiness limitations (AWLs) in the Boeing 737–600/700/700C/700IGW/800/900 Maintenance Planning Data (MPD) Document, D626A001–CMR, according to paragraph (g) or (i) of this AD, as applicable.

Unsafe Condition

(d) This AD results from a design review of the fuel tank systems. We are issuing this AD to prevent the potential for ignition sources inside fuel tanks caused by latent failures, alterations, repairs, or maintenance actions, which, in combination with flammable fuel vapors, could result in a fuel tank explosion and consequent loss 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.

Service Information Reference

(f) The term ''Revision March 2006 of the MPD'' as used in this AD, means Boeing 737–600/700/700C/700IGW/800/900 Maintenance Planning Data (MPD) Document, D626A001–CMR, Section 9, Revision March 2006.

Revision to AWLs Section

(g) Before December 16, 2008, revise the AWLs section of the Instructions for Continued Airworthiness by incorporating into the MPD the information in the subsections specified in paragraphs (g)(1), (g)(2), and (g)(3) of this AD; except that the initial inspection required by paragraph (h) of this AD must be done at the applicable compliance time specified in that paragraph. Accomplishing the revision in accordance with a later revision of the MPD is an acceptable method of compliance if the revision is approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA.

(1) Subsection D, ''AIRWORTHINESS LIMITATIONS—SYSTEMS,'' of Revision March 2006 of the MPD.

(2) Subsection E, ''PAGE FORMAT: SYSTEM AIRWORTHINESS LIMITATIONS,'' of Revision March 2006 of the MPD.

(3) Subsection F, ''AIRWORTHINESS LIMITATIONS—FUEL SYSTEM AWLs,'' of Revision March 2006 of the MPD.

Initial Inspection and Repair if Necessary

(h) At the later of the compliance times specified in paragraphs (h)(1) and (h)(2) of this AD, do a special detailed inspection of the lightning shield to ground termination on the out-of-tank fuel quantity indication system (FQIS) wiring to verify functional integrity, in accordance with AWL Number 28–AWL–03 of Subsection F of Revision March 2006 of the MPD. If any discrepancy is found during the inspection, repair the discrepancy before further flight in accordance with AWL Number 28–AWL–03 of Subsection F of Revision March 2006 of the MPD. Accomplishing the actions required by this paragraph in accordance with a later revision of the MPD is an acceptable method of compliance if the revision is approved by the Manager, Seattle ACO.

Note 3: For the purposes of this AD, a special detailed inspection is: ''An intensive examination of a specific item, installation, or assembly to detect damage, failure, or irregularity. The examination is likely to make extensive use of specialized inspection techniques and/or equipment. Intricate cleaning and substantial access or disassembly procedure may be required.''

(1) Prior to the accumulation of 36,000 total flight hours, or within 120 months since the date of issuance of the original standard airworthiness certification or the date of issuance of the original export certificate of airworthiness, whichever occurs first.

(2) Within 24 months after the effective date of this AD.

Alternative Methods of Compliance (AMOCs)

(i)(1) The Manager, Seattle ACO, has the authority to approve AMOCs for this AD, if requested in accordance with the procedures found in 14 CFR 39.19.

(2) To request a different method of compliance or a different compliance time for this AD, follow the procedures 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.

APPENDIX 1.—IMPLEMENTING FUEL TANK SYSTEM AIRWORTHINESS LIMITATIONS ON MODEL 737–600, –700, –700C –800, AND –900 SERIES AIRPLANES

AWL No.	ALI/CDCCL	ATA section or CMM document	Task title	Task No.
28–AWL–01	ALI	AMM 28–11–00/601	External Wires Over the Center Fuel Tank Inspection.	28–11–00–211–801.

APPENDIX 1.—IMPLEMENTING FUEL TANK SYSTEM AIRWORTHINESS LIMITATIONS ON MODEL 737–600, –700, –700C –800, AND –900 SERIES AIRPLANES—Continued

AWL No.	ALI/CDCCL	ATA section or CMM document	Task title	Task No.
28–AWL–02	CDCCL	SWPM 20–10–11	Wiring Assembly and Installation Configuration.	
28–AWL–03	ALI	AMM 05–55–54/601	FQIS Wiring and Bonding—Inspection.	05–55–54–200–801.
28–AWL–04	CDCCL	SWPM 20–10–15	Assembly of Shield Ground Wires.	
28–AWL–05	CDCCL	SWPM 20–10–11	Wiring Assembly and Installation Configuration.	
28–AWL–06	CDCCL	CMM 28–41–87, Revision 1, or subsequent revisions.		
28–AWL–07	CDCCL	AMM 28–41–24/401	Densitometer Hot Short Protector—Installation.	28–41–24–400–801.
28–AWL–08	CDCCL	CMM 28–41–76, Revision 1; CMM 28–41–75, Revision 0; CMM 28–40–59, Revision E; CMM 28–41–62, Revision 1; CMM 28–41–63, Revision 1; or subsequent revisions.		
28–AWL–09	CDCCL	SWPM 20–14–12	Repair of Fuel Quantity Indicator System (FQIS) Wire Harness.	
		AMM 28–41–44/401	FQIS Wire Harness Replacement.	28–41–44–400–801.
		AMM 28–41–42/401	FQIS Spar Penetration Connector—Installation.	28–41–42–420–801.
28–AWL–10	CDCCL	AMM 29–11–04/401	Heat Exchanger Installation	29–11–04–400–801.
28–AWL–11	CDCCL	AMM 28–22–15/401	Fuel Line, Fitting, and Coupling Installation.	28–22–15–400–801.
28–AWL–12	CDCCL			
28–AWL–13	CDCCL	CMM 28–22–08, Revision 0; CMM 28–22–09, Revision 2; CMM 28–20–02, Revision 9; or subsequent revisions.		
28–AWL–14	CDCCL	AMM 28–22–41/401	Install the Motor Impeller	28–22–41–400–801.
28–AWL–15	CDCCL	AMM 28–21–71/401	Float Switch Installation	28–21–71–400–802.
			Float Switch Removal	28–21–71–020–801.
28–AWL–16	CDCCL	AMM 28–11–11/401	Main Tank Access Door Installation.	28–11–11–400–801.
			Surge Tank Access Door—Installation.	28–11–11–400–802.
		AMM 28–11–31/401	Center Tank Access Door—Installation.	28–11–31–400–801.
28–AWL–17	CDCCL	AMM 28–13–41/401	Relief Valve Installation	28–13–41–400–801.
		AMM 28–13–31/401	Flame Arrestor Installation	28–13–31–400–801.
28–AWL–18	CDCCL	FIM 28–22–00/201	No. 1 Tank, Forward Boost Pump Circuit Breaker Open—Fault Isolation.	28–22 Task 813.
			No. 1 Tank, Aft Boost Pump Circuit Breaker Open—Fault Isolation.	28–22 Task 814.
			No. 2 Tank, Forward Boost Pump Circuit Breaker Open—Fault Isolation.	28–22 Task 815.
			No. 2 Tank, Aft Boost Pump Circuit Breaker Open—Fault Isolation.	28–22 Task 816.
			Center Tank, Left Boost Pump Circuit Breaker Open—Fault Isolation.	28–22 Task 817.
			Center Tank, Right Boost Pump Circuit Breaker Open—Fault Isolation.	28–22 Task 818.
28–AWL–19	ALI	AMM 28–22–00/501	Center Tank Boost Pump Auto Shutoff Functional Test.	28–22–00–720–805.
28–AWL–20				
28–AWL–21	CDCCL	AMM 28–22–11/401	Install the Actuator of the Spar Valve.	28–22–11–400–804.

APPENDIX 1.—IMPLEMENTING FUEL TANK SYSTEM AIRWORTHINESS LIMITATIONS ON MODEL 737–600, –700, –700C –800, AND –900 SERIES AIRPLANES—Continued

AWL No.	ALI/CDCCL	ATA section or CMM document	Task title	Task No.
			Install the Valve Adapter of the Spar Valve.	28–22–11–400–805.
		AMM 28–22–21/401	Install the Actuator of the Engine Fuel Crossfeed Valve.	28–22–21–400–804.
			Install the Engine Fuel Crossfeed Valve Adapter.	28–22–21–400–805.
28–AWL–22	CDCCL	CMM 28–20–21.		

Issued in Renton, Washington, on June 22, 2007.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E7–13116 Filed 7–5–07; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2007–28619; Directorate Identifier 2007–NM–004–AD]

RIN 2120–AA64

Airworthiness Directives; Viking Air Limited Model DHC–7 Airplanes

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

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for all Viking Air Limited Model DHC–7 airplanes. This proposed AD would require an inspection of certain SM–200 servo drive units (power servo motor and housing assemblies) for certain markings, related investigative action if necessary, and modification if necessary. This proposed AD results from a report that some SM–200 servo drive units that were not in configuration MOD H are installed on Model DHC–7 airplanes. MOD H prevents the internal clutch fasteners from backing out. We are proposing this AD to prevent the possibility of internal clutch fasteners from backing out, which could cause an inadvertent servo engagement and consequent reduced controllability of the airplane.

DATES: We must receive comments on this proposed AD by August 6, 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:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590.
- *Fax:* (202) 493–2251.
- *Hand Delivery:* Room W12–140 on the ground floor of the West Building, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Contact Viking Air Limited, 9574 Hampden Road, Sidney, British Columbia V8L 5V5, Canada, for service information identified in this proposed AD.

FOR FURTHER INFORMATION CONTACT: Ezra Sasson, Aerospace Engineer, Airframe and Propulsion Branch, ANE–171, FAA, New York Aircraft Certification Office, 1600 Stewart Avenue, Suite 410, Westbury, New York 11590; telephone (516) 228–7320; fax (516) 794–5531.

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 ''FAA–2007–28619; Directorate Identifier 2007–NM–004–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 Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Operations office (telephone (800) 647–5527) is located on the ground floor of the West Building at the street address stated in the **ADDRESSES** section. Comments will be available in the AD docket shortly after the Docket Management System receives them.

Discussion

Transport Canada Civil Aviation (TCCA), which is the airworthiness authority for Canada, notified us that an unsafe condition might exist on all Viking Air Limited Model DHC–7 airplanes. TCCA advises that investigation revealed that some SM–200 servo drive units (power servo motor and housing assemblies) within certain date codes installed on the automatic flight control system of the de Havilland DHC–7 aircraft were mislabeled as having been manufactured to MOD H configuration when, in fact, they did not have MOD H installed. MOD H prevents the possibility of internal clutch fasteners from backing out. This condition, if not corrected, could result in the internal clutch fasteners backing out, which could cause an inadvertent servo engagement and consequent reduced controllability of the airplane.

Relevant Service Information

Viking has issued Alert Service Bulletin 7–22–20, dated May 29, 2006. The alert service bulletin describes procedures for doing an inspection of the SM–200 power servo motor and housing assembly, part numbers 4006719–904, –913, and –933, to determine if MOD H is marked, related investigative action if necessary, and modification of the power servo motor and housing assembly if necessary. The related investigative action is an inspection for certain dates of power servo motor and housing assemblies that have been marked MOD H. Modifications are done if MOD H is not marked on the power servo motor and housing assembly and if power servo motor and housing assemblies that have been marked MOD H are within certain dates. Accomplishing the actions specified in the service information is intended to adequately address the unsafe condition. TCCA mandated the service information and issued Canadian airworthiness directive CF–2006–18, dated July 17, 2006, to ensure the continued airworthiness of these airplanes in Canada.

The alert service bulletin refers to Honeywell Alert Service Bulletin 4006719–22–A0016 (Pub. No. A21–1146–008), Revision 001, dated November 1, 2004 as an additional source of service information for doing the inspection and modification.

FAA's Determination and Requirements of the Proposed AD

These airplanes are manufactured in Canada 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. Pursuant to this bilateral airworthiness agreement, TCCA has kept the FAA informed of the situation described above. We have examined TCCA'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.

Therefore, we are proposing this AD, which would require accomplishing the actions specified in the service information described previously.

Costs of Compliance

The following table provides the estimated costs for U.S. operators to comply with this proposed AD.

ESTIMATED COSTS

Action	Work hours	Average labor rate per hour	Cost per airplane	Number of U.S.-registered airplanes	Fleet cost
Inspection	1	$80	$80	21	$1,680

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 adding the following new airworthiness directive (AD):

Viking Air Limited (Formerly Bombardier, Inc.): Docket No. FAA–2007–28619; Directorate Identifier 2007–NM–004–AD.

Comments Due Date

(a) The FAA must receive comments on this AD action by August 6, 2007.

Affected ADs

(b) None.

Applicability

(c) This AD applies to all Viking Air Limited Model DHC–7–1, DHC–7–100, DHC–7–101, DHC–7–102, and DHC–7–103 airplanes, certificated in any category.

Unsafe Condition

(d) This AD results from a report that some SM–200 servo drive units (power servo motor and housing assemblies) that were not in configuration MOD H are installed on Model DHC–7 airplanes. MOD H prevents the possibility of internal clutch fasteners from backing out. We are issuing this AD to prevent the internal clutch fasteners from backing out, which could cause an inadvertent servo engagement and consequent 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.

Inspection and Modification

(f) Within 12 months after the effective date of this AD: Inspect the SM–200 power servo motor and housing assembly, part numbers 4006719–904, –913 and –933, to determine if MOD H is marked, and before further flight, do all applicable related investigative action and modifications of the power servo motor and housing assembly, in accordance with the Accomplishment Instructions of Viking Alert Service Bulletin 7–22–20, dated May 29, 2006.

Note 1: The alert service bulletin refers to Honeywell Alert Service Bulletin 4006719–22–A0016 (Pub. No. A21–1146–008), Revision 001, dated November 1, 2004, as an additional source of service information for doing the inspection, related investigative action, and modifications.

Alternative Methods of Compliance (AMOCs)

(g)(1) The Manager, New York Aircraft Certification Office, FAA, has the authority to approve AMOCs for this AD, if requested in accordance with the procedures found in 14 CFR 39.19.

(2) To request a different method of compliance or a different compliance time for this AD, follow the procedures 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.

Related Information

(h) Canadian airworthiness directive CF–2006–18, dated July 17, 2006, also addresses the subject of this AD.

Issued in Renton, Washington, on June 25, 2007.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E7–13125 Filed 7–5–07; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1, 53, 54 and 301

[REG–142039–06; REG–139268–06]

RIN 1545–BG18; 1545–BG20

Excise Taxes on Prohibited Tax Shelter Transactions and Related Disclosure Requirements; Disclosure Requirements With Respect to Prohibited Tax Shelter Transactions; Requirement of Return and Time for Filing

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of proposed rulemaking by reference to temporary regulations and notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations that provide guidance under section 4965 of the Internal Revenue Code (Code), relating to entity-level and manager-level excise taxes with respect to prohibited tax shelter transactions to which tax-exempt entities are parties; §§ 6033(a)(2) and 6011(g), relating to certain disclosure obligations with respect to such transactions; and §§ 6011 and 6071, relating to the requirement of a return and time for filing with respect to section 4965 taxes. In the Rules and Regulations section of this issue of the **Federal Register**, the IRS is issuing cross-referencing temporary regulations that provide guidance under § 6033(a)(2), relating to certain disclosure obligations with respect to prohibited tax shelter transactions; and §§ 6011 and 6071, relating to the requirement of a return and time for filing with respect to § 4965 taxes. This action is necessary to implement § 516 of the Tax Increase Prevention Reconciliation Act of 2005. These proposed regulations affect a broad array of tax-exempt entities, including charities, state and local government entities, Indian tribal governments and employee benefit plans, as well as entity managers of these entities.

DATES: Written or electronic comments and requests for a public hearing must be received by October 4, 2007.

ADDRESSES: Send submissions to: CC:PA:LPD:PR (REG–142039–06; REG–139268–06), room 5203, Internal Revenue Service, PO Box 7604, Ben Franklin Station, Washington, DC 20044. Submissions may be hand delivered Monday through Friday between the hours of 8 a.m. and 4 p.m. to: CC:PA:LPD:PR (REG–142039–06, REG–139268–06), Courier's Desk, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC. Alternatively, taxpayers may submit comments electronically via the Federal eRulemaking Portal at *http://www.regulations.gov* (IRS–REG–142039–06; REG–139268–06).

FOR FURTHER INFORMATION CONTACT: Concerning the regulations, Galina Kolomietz, (202) 622–6070 or Michael Blumenfeld, (202) 622–1124; concerning submission of comments and requests for a public hearing, Richard Hurst, *Richard.A.Hurst@irscounsel.treas.gov* (not toll-free numbers). For questions specifically relating to qualified pension plans, individual retirement accounts, and similar tax-favored savings arrangements, contact Dana Barry, (202) 622–6060 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by the Office of Management and Budget.

The collection of information in this proposed regulation is in § 301.6011(g)–1. The collection of information in § 301.6011(g)–1 flows from section 6011(g) which requires a taxable party to a prohibited tax shelter transaction to disclose to any tax-exempt entity that is a party to the transaction that the transaction is a prohibited tax shelter transaction. The likely recordkeepers are taxable entities or individuals that participate in prohibited tax shelter transactions. Estimated number of recordkeepers: 1,250 to 6500. The information that is required to be collected for purposes of § 301.6011(g)–1 is a subset of information that is required to be collected in order to complete and file Form 8886, ''Reportable Transaction Disclosure Statement.'' The estimated paperwork burden for taxpayers filling out Form 8886 is approved under OMB number 1545–1800 and is as follows:

Recordkeeping	6 hr., 13 min.
Learning about the law or the form.	4 hr., 28 min.
Preparing, copying, assembling, and sending the form to the IRS.	4 hr., 46 min.

Based on the numbers in the preceding paragraph, the total estimated burden per recordkeeper complying with the disclosure requirement in § 301.6011(g)–1 will not exceed 15 hr., 27 min. This burden has been submitted to the Office of Management and Budget for review.

Books and records relating to the collection of information must be retained as long as their contents may become material in the administration of any internal revenue law.

Background

The Tax Increase Prevention and Reconciliation Act of 2005, Public Law 109–222 (120 Stat. 345) (TIPRA), enacted on May 17, 2006, defines certain transactions as prohibited tax shelter transactions and imposes excise taxes and disclosure requirements with respect to prohibited tax shelter transactions to which a tax-exempt entity is a party. Section 516 of TIPRA creates new § 4965 and amends §§ 6033(a)(2) and 6011(g) of the Code.

On July 11, 2006, the IRS released Notice 2006–65 (2006–31 IRB 102), which alerted taxpayers to the new provisions and solicited comments

regarding these provisions. One hundred written comments and numerous phone calls were received in response to the request for comments contained in Notice 2006–65. On February 7, 2007, the IRS released Notice 2007–18 (2007–9 IRB 608), which provided interim guidance regarding the circumstances under which a tax-exempt entity will be treated as a party to a prohibited tax shelter transaction and regarding the allocation to various periods of net income and proceeds attributable to a prohibited tax shelter transaction, including amounts received prior to the effective date of the § 4965 tax. Notice 2007–18 also solicited comments from the public regarding these and other issues raised by § 4965. Eight written comments and numerous phone calls were received in response to the request for comments contained in Notice 2007–18. See § 601.601(d)(2)(ii)(*b*).

The comments received in response to Notice 2006–65 and Notice 2007–18 addressed all aspects of the new excise taxes and disclosure requirements. While some comments discussed the implications of a broad application of the new excise taxes and disclosure requirements, commentators generally responded favorably to Congress' effort to restrict tax-exempt entities from being involved in Federal tax avoidance schemes. Commentators noted the lack of meaningful penalties prior to TIPRA for tax-exempt entities involved in tax shelter transactions and the need for disclosure in the case where a tax-exempt entity is improperly using its tax-exempt status to facilitate a tax shelter transaction. After consideration of all comments received, the IRS and the Treasury Department are issuing the following proposed regulations and soliciting comments thereon. The major areas of comments and the IRS and Treasury Department's responses thereto are discussed in the following sections.

Explanation of Provisions

Covered Tax-Exempt Entities

Section 4965(c) defines the term ''tax-exempt entity'' for § 4965 purposes by reference to §§ 501(c), 501(d), 170(c), 7701(a)(40), 4979(e) (paragraphs (1), (2) and (3)), 529, 457(b), and 4973(a). The proposed regulations describe the types of entities captured by the statutory cross-references in § 4965(c).

Definition of Prohibited Tax Shelter Transactions

Section 4965(e) defines the term ''prohibited tax shelter transaction'' by reference to § 6707A(c)(1) and (c)(2). In accordance with the statutory definition, the proposed regulations define the term ''prohibited tax shelter transaction'' by reference to the definition of the term ''reportable transaction'' in § 6707A(c)(1) and (c)(2) and the regulations under § 6011. The proposed regulations define a subsequently listed transaction as a transaction (other than a reportable transaction within the meaning of § 6707A(c)(1)) to which a tax-exempt entity becomes a party before the transaction becomes a listed transaction within the meaning of § 6707A(c)(2).

Several commentators expressed concern over the severe penalties imposed on tax-exempt entities and entity managers for participating in many common and legitimate transactions which have no tax avoidance purpose, yet may fall within the definition of prohibited tax shelter transaction. The commentators suggested that the IRS and the Treasury Department carve out certain types of transactions from the definition of ''prohibited tax shelter transaction'' or revise current listing procedures to give taxpayers an opportunity to object to the identification of a specific transaction as a tax avoidance transaction. Some commentators recommended that any future published guidance which designates a transaction as a listed or reportable transaction be issued with a prospective effective date and state that it will not apply retroactively. Several commentators requested that the proposed regulations identify listed, subsequently listed, confidential and contractual protection transactions that would not be treated as prohibited tax shelter transactions for purposes of § 4965. The above recommendations are not adopted in these proposed regulations because § 4965 defines the term ''prohibited tax shelter transaction'' by reference to the existing reportable transaction regime. Any additions to, or exclusions from, the definition of reportable transactions, or any changes to the current listing procedures, must be made within the framework of § 6011 rather than § 4965.

One commentator suggested that the term ''reportable transaction'' should be narrowly interpreted for purposes of § 4965. However, this term already has been defined under § 6011, and consequently, these proposed regulations interpret it consistently for § 4965 and § 6011 purposes.

Definition of Tax-Exempt Party to a Prohibited Tax Shelter Transaction

Excise taxes under § 4965 apply only if a tax-exempt entity is a party to a prohibited tax shelter transaction. A number of commentators requested guidance in determining when a tax-exempt entity is a *party* to a prohibited tax shelter transaction. Notice 2007–18 defined the term *party* as a tax-exempt entity that facilitates a prohibited tax shelter transaction by reason of its tax-exempt, tax indifferent or tax-favored status. The proposed regulations incorporate this definition of the term *party.* Notice 2007–18 also notified the public that the IRS and the Treasury Department would provide a broader definition of the term *party* in future guidance in accordance with § 4965. Consistent with Notice 2007–18, the proposed regulations define the term ''party'' for purposes of §§ 4965 and 6033(a)(2) to include a tax-exempt entity that enters into a listed transaction and reflects on its tax return a reduction or elimination of its liability for applicable Federal employment, excise or unrelated business income taxes that is derived directly or indirectly from tax consequences or tax strategy described in the published guidance that lists the transaction.

Several commentators specifically requested that the proposed regulations address under what circumstances, if any, a tax-exempt entity may be treated as a party to a prohibited tax shelter transaction if the tax-exempt entity is an investor in a partnership, hedge fund or other conduit. Invoking the language in the legislative history to § 4965, commentators recommended that the IRS and Treasury Department establish a rule or a safe harbor that would treat an investor in an indirect investment activity as being a party for § 4965 purposes only in limited circumstances.

As illustrated by an example in the proposed regulations, a tax-exempt entity does not become a party to a prohibited tax shelter transaction solely because it invests in an entity that in turn becomes involved in a prohibited tax shelter transaction. To be considered a ''party'' under the proposed regulations, the tax-exempt entity must either facilitate the prohibited tax shelter transaction by reason of its tax-exempt, tax indifferent or tax-favored status, or must treat the prohibited tax shelter transaction on its tax return as reducing or eliminating its own Federal tax liability. The IRS and the Treasury Department request comments on any further clarifications that may be helpful in reflecting the intended application of the statute as expressed in the legislative history.

Entity Managers and Related Definitions

The proposed regulations clarify the definition of the term ''entity manager'' in § 4965(d) and provide guidance on

persons who could be entity managers pursuant to a delegation of authority from other entity managers.

The proposed regulations also define the term ''approve or otherwise cause.'' Under § 4965(a)(2), an entity manager may be liable for the manager-level excise tax only if the manager ''approves such entity as (or otherwise causes such entity to be) a party'' to a prohibited tax shelter transaction and knows or has reason to know the transaction is a prohibited tax shelter transaction. The proposed regulations generally limit the definition of ''approving or otherwise causing'' to affirmative actions of persons who, individually or as members of a collective body, have the authority to commit the entity to the transaction.

One commentator requested guidance on whether entity managers may be liable for § 4965 taxes in successor-in-interest situations. Several commentators requested guidance on the consequences under § 4965 of the exercise or nonexercise of certain options pursuant to the terms of the transaction. In response to these comments, the proposed regulations provide rules for successor-in-interest situations and the consequences of the exercise or nonexercise of certain options.

Meaning of ''Knows or Has Reason To Know''

The level of tax imposed on the tax-exempt entity under § 4965(b)(1) depends upon whether the entity knows or has reason to know, at the time it enters into the transaction, that it is becoming a party to a prohibited tax shelter transaction. The liability of the entity manager for the tax under § 4965(b)(2) depends on whether the entity manager knows or has reason to know that the transaction is a prohibited tax shelter transaction at the time of approving or otherwise causing the entity to be a party to the transaction. The proposed regulations treat the entity as knowing or having reason to know if its manager(s) knew or had reason to know and provide rules for determining whether entity managers knew or had reason to know. The ''reason-to-know'' rules in these proposed regulations are consistent with the ''reason-to-know'' and ''should have known'' standards under other provisions of the Code.

Commentators recommended that the IRS and the Treasury Department not treat receipt of a disclosure statement regarding a transaction by the tax-exempt entity as conclusive evidence that the tax-exempt entity knew or had reason to know that the transaction was a prohibited tax shelter transaction. The proposed regulations adopt this recommendation and provide that receipt by an entity manager of a disclosure statement in advance of a transaction is a relevant factor but, by itself, does not necessarily demonstrate that the tax-exempt entity or any of its managers knew or had reason to know that the transaction was a prohibited tax shelter transaction.

Taxes on Prohibited Tax Shelter Transactions

Section 4965(b)(1) provides the rules for computing the entity-level excise tax with respect to prohibited tax shelter transactions. Section 4965(b)(2) imposes a flat $20,000 excise tax on any entity manager that approved or otherwise caused the entity to become a party to a prohibited tax shelter transaction. The proposed regulations follow the computational rules in the statute, define the term ''taxable year'' for purposes of determining the entity-level tax under § 4965, and clarify the timing of the entity manager taxes under § 4965. The proposed regulations provide that entity manager liability for § 4965 taxes is not joint and several.

Definition of Net Income and Proceeds and Their Allocation to Various Periods

The proposed regulations define the terms ''net income'' and ''proceeds'' for § 4965 purposes and provide rules regarding the allocation of net income or proceeds attributable to a prohibited tax shelter transaction to various periods, including the appropriate treatment of net income or proceeds received prior to the effective date of the § 4965(a) tax.

Commentators recommended that net income for purposes of § 4965 be determined in a manner consistent with the determination of net income for other purposes of the Code. The proposed regulations adopt this recommendation.

Numerous commentators requested guidance in determining what amounts constitute proceeds for section 4965 purposes and urged the IRS and the Treasury Department to limit the definition of proceeds to the tax-exempt entity's economic return from the transaction. One commentator recommended that return of basis and return of capital be excluded from the definition of proceeds as these amounts are arguably not ''attributable to'' a prohibited tax shelter transaction. Several commentators recommended that the IRS and the Treasury Department adopt a rule that would exclude from proceeds earnings on certain set-aside amounts that are used to defease the tax-exempt entity's obligations under so-called sale-in, lease-out (SILO) and lease-in, lease-out (LILO) transactions. See Notice 2000–15 (2000–1 CB 826), and Notice 2005–13 (2005–9 IRB 630). Several commentators suggested that nonexercise of options to repurchase in the SILO/LILO context should not be treated as giving rise to net income or proceeds. See § 601.601(d)(2)(ii)(*b*).

The proposed regulations define the term proceeds separately for tax-exempt entities that are involved in prohibited tax shelter transactions to facilitate the tax avoidance of others and tax-exempt entities that are involved in listed transactions for their own tax benefit. In the case of tax-exempt entities that are involved in prohibited tax shelter transactions to facilitate the tax avoidance of others, the proposed regulations define proceeds as the gross amount of the tax-exempt entity's consideration for facilitating the transaction, not reduced by any costs or expenses attributable to the transaction. This definition subjects the tax-exempt party's economic return from the transaction to the entity-level excise tax. In the case of tax-exempt entities that are involved in listed transactions to reduce or eliminate their own tax liability, the proposed regulations define the term proceeds as tax savings purportedly generated by the transaction and claimed by the tax-exempt entity in the tax year.

In Notice 2007–18, the IRS and Treasury Department provided that the allocation of net income and proceeds is determined according to normal tax accounting rules. The proposed regulations incorporate this rule both for purposes of allocating amounts to pre- and post-effective date periods, and allocating amounts to pre- and post-listing periods where a subsequently listed transaction is involved. Under the proposed regulations, tax-exempt entities that have not adopted a method of accounting are required to use the cash method. Several commentators recommended that the IRS adopt a position that net income or proceeds from pre-enactment transactions would not be properly allocable to any periods after the effective date of the section 4965(a) tax. The IRS and the Treasury Department decline to adopt this blanket rule because such rule would be inconsistent with established principles of tax accounting and would conflict with the plain language of the effective date provisions in section 516 of TIPRA.

Effective Dates of the Taxes

In accordance with section 516(d) of TIPRA, the proposed regulations provide that the taxes under section

4965 are effective for taxable years ending after May 17, 2006, with respect to transactions entered into before, on or after such date, except that no tax under section 4965(a) applies with respect to income or proceeds that are properly allocable to any period ending on or before August 15, 2006. The proposed regulations also provide that the 100 percent entity-level tax under section 4965(b)(1)(B) with respect to knowing transactions does not apply to prohibited tax shelter transactions entered into by a tax-exempt entity on or before May 17, 2006 and that the IRS will not assert an entity manager tax under section 4965(b)(2) with respect to any prohibited tax shelter transaction entered into by a tax-exempt entity on or before May 17, 2006. In addition, the proposed regulations provide that the 100 percent entity-level tax under section 4965(b)(1)(B) and the entity manager tax under section 4965(b)(2) do not apply with respect to any subsequently listed transaction.

Numerous commentators questioned whether it would be appropriate to apply the new excise taxes to pre-enactment transactions that already have closed and advocated a narrow application of the new excise taxes to pre-enactment transactions. The commentators argued that it would be unfair to apply the new excise taxes to pre-enactment transactions that have already closed and subject tax-exempt entities to unforeseen, harsh penalties. The commentators recommended that all transactions closed prior to May 17, 2006, be ''delisted'' for purposes of section 4965. The proposed regulations do not adopt these recommendations as they are inconsistent with the statutory effective date of section 4965 and the statutory definition of prohibited tax shelter transaction.

When finalized, the regulations under section 4965 are proposed to be applicable for taxable years ending after July 6, 2007. Taxpayers may rely on these proposed regulations for periods ending on or before such date.

Disclosure by Tax-Exempt Entities That Are Parties to Certain Reportable Transactions

Section 6033(a)(2), as amended by TIPRA, requires every tax-exempt entity that is a party to a prohibited tax shelter transaction to disclose to the IRS, in such form and manner and at such time as determined by the Secretary, such entity's being a party to such transaction and the identity of any other party to the transaction which is known to the tax-exempt entity. The statute gives the IRS discretion with respect to the form, manner and timing of this disclosure. The proposed regulations provide rules regarding the form, manner and timing of this disclosure. With respect to the due date for the disclosure, the proposed regulations provide that, in the case of tax-exempt entities that are involved in prohibited tax shelter transactions to facilitate the tax avoidance of others, the disclosure must be filed by May 15 of the calendar year following the close of the calendar year during which the tax-exempt entity entered into the prohibited tax shelter transaction (or, in the case of subsequently listed transactions, by May 15 of the calendar year following the close of the calendar year during which the transaction was identified by the Secretary as a listed transaction). In the case of tax-exempt entities that are involved in listed transactions to reduce or eliminate their own tax liability, the proposed regulations provide that the disclosure must be filed on or before the date on which the first tax return (whether an original or an amended return) is filed on which the tax-exempt entity reflects a reduction or elimination of its liability for applicable Federal employment, excise or unrelated business income taxes that is derived directly or indirectly from tax consequences or tax strategy described in the published guidance that lists the transaction.

Temporary regulations providing the same rules are being issued concurrently with these proposed regulations.

The temporary regulations under section 6033(a)(2) apply to disclosures with respect to transactions entered into by a tax-exempt entity after May 17, 2006. Transition relief is provided with respect to transactions entered into during a transition period beginning on May 18, 2006 and ending on December 31, 2006. The due date for the disclosure with respect to the transactions entered into during the transition period is November 5, 2007 or, in the case of tax-exempt entities that are involved in listed transactions to reduce or eliminate their own tax liability, the later of: the date on which the first tax return (whether an original or an amended return) is filed on which the tax-exempt entity reflects a reduction or elimination of its liability for applicable Federal employment, excise or unrelated business income taxes that is derived directly or indirectly from tax consequences or tax strategy described in the published guidance that lists the transaction; or November 5, 2007.

Disclosure by Taxable Party to the Tax-Exempt Entity

Section 6011(g), as amended by TIPRA, requires any taxable party to a prohibited tax shelter transaction to notify any tax-exempt entity which is a party to such transaction that the transaction is a prohibited tax shelter transaction. The statute is silent as to how and when the section 6011(g) disclosure needs to be made. The proposed regulations provide rules regarding the form, timing and frequency of the section 6011(g) disclosure. The proposed regulations also explain to whom the section 6011(g) disclosure must be made. With respect to the due date for the disclosure, the proposed regulations provide that the disclosure to each tax-exempt entity that is a party to the transaction must be made within 60 days after the last to occur of: (1) The date the taxable person becomes a taxable party to the transaction; or (2) the date the taxable party knows or has reason to know that the tax-exempt entity is a party to the transaction. No disclosure is required if the taxable party does not know or have reason to know that the tax-exempt entity is a party to the transaction on or before the first date on which the transaction is required to be disclosed by the taxable party under §§ 1.6011–4, 20.6011–4, 25.6011–4, 31.6011–4, 53.6011–4, 54.6011–4, or 56.6011–4.

One commentator recommended that the IRS provide an exception to the disclosure requirements for any transactions for which there would be no income or proceeds subject to the taxes imposed by section 4965. The proposed regulations do not adopt this recommendation because one of the purposes of section 6011(g) disclosure is to notify the tax-exempt entity that it may have a disclosure obligation under section 6033(a)(2) with respect to the transaction.

When finalized, the proposed regulations under section 6011(g) will apply to disclosures with respect to transactions entered into by a tax-exempt entity after May 17, 2006.

Payment of Section 4965 Taxes

The proposed regulations amend the existing regulations under sections 6011 and 6071 to specify the forms that must be used to pay section 4965 taxes and to provide the due dates for filing these forms. With respect to the due dates, the proposed regulations provide that a return of the entity-level excise tax under section 4965 must be made on or before the due date (not including extensions) for filing the tax-exempt

entity's annual information return under section 6033(a)(1). If the tax-exempt entity is not required to file an annual information return, the return of section 4965 taxes must be made on or before the 15th day of the fifth month after the end of the tax-exempt entity's annual accounting period. A return of manager-level excise tax under section 4965 must be made on or before the 15th day of the fifth month following the close of the entity manager's taxable year during which the entity entered into the prohibited tax shelter transaction.

Temporary regulations providing the same rules are being issued concurrently with these proposed regulations.

A commentator recommended that the IRS and the Treasury Department not make the section 4965 excise taxes effective prior to the issuance of final regulations in cases where application of the new law or provisions of the new law is unclear. The proposed regulations do not adopt this recommendation because the effective date for the section 4965 taxes is statutory.

One commentator recommended that the IRS waive the excise taxes under section 4965 in appropriate circumstances. The proposed regulations do not adopt this recommendation as the obligation to pay section 4965 taxes flows directly from the statute, which does not authorize the IRS to waive the entity-level or manager-level taxes.

The amendments and additions to the regulations under sections 6011 and 6071 will be effective on July 6, 2007. Transition relief is provided with respect to returns of section 4965 taxes due on or before October 4, 2007. These returns will be deemed timely if the return is filed and the tax paid before October 4, 2007.

Special Analyses

It has been determined that this notice of proposed rulemaking is not a significant regulatory action as defined in Executive Order 12866. Therefore, a regulatory assessment is not required. It has also been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) does not apply to this notice of proposed rulemaking. It is hereby certified that the collection of information in § 301.6011(g)–1 will not have a significant economic impact on a substantial number of small entities. Accordingly, a regulatory flexibility analysis under the Regulatory Flexibility Act (5 U.S.C. 601) (RFA) is not required.

The effect of these proposed regulations on small entities flows directly from the statutes these regulations implement. Section 6011(g), as amended by TIPRA, requires any taxable party to a prohibited tax shelter transaction to notify any tax-exempt entity which is a party to such transaction that the transaction is a prohibited tax shelter transaction. In implementing this statute, § 301.6011(g)–1 of the proposed regulations requires every taxable party to a prohibited tax shelter transaction (or a single taxable party acting by designation on behalf of other taxable parties) to provide to every tax-exempt entity that the taxable party knows or has reason to know is a party to the transaction a single statement disclosing that the transaction is a prohibited tax shelter transaction within 60 days after the last to occur: (1) The date the taxable person becomes a taxable party to the transaction; or (2) the date the taxable party knows or has reason to know that the tax-exempt entity is a party to the transaction. Moreover, it is unlikely that a significant number of small businesses will engage in transactions that are subject to disclosure under 301.6011(g). The IRS and the Treasury Department request comments concerning the likelihood that small businesses are engaging in transactions subject to disclosure under this provision.

Pursuant to section 7805(f) of the Code, this regulation as been submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business.

Comments and Requests for a Public Hearing

Before these proposed regulations are adopted as final regulations, consideration will be given to any comments (a signed original and eight (8) copies) that are submitted timely to the IRS at the address listed in the Addresses section of this document. The IRS and the Treasury Department specifically request comments on the clarity of the proposed rule and how it may be made easier to understand. All comments will be available for public inspection and copying.

A public hearing may be scheduled if requested in writing by a person who timely submits written comments. If a public hearing is scheduled, notice of the date, time, and place will be published in the **Federal Register**.

Drafting Information

The principal authors of these regulations are Galina Kolomietz and Dana Barry, Office of Division Counsel/ Associate Chief Counsel (Tax Exempt and Government Entities). However, other personnel from the IRS and the Treasury Department participated in their development.

List of Subjects

26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

26 CFR Part 53

Excise taxes, Foundations, Investments, Lobbying, Reporting and recordkeeping requirements.

26 CFR Part 54

Excise Taxes, Pensions, Reporting and recordkeeping requirements.

26 CFR Part 301

Employment taxes, Estate taxes, Excise taxes, Gift taxes, Income taxes, Penalties, Reporting and recordkeeping requirements.

Proposed Amendments to the Regulations

Accordingly, 26 CFR parts 1, 53, 54, and 301 are proposed to be amended as follows:

PART 1—INCOME TAXES

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

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

Par. 2. Section 1.6033–5 is added to read as follows:

§ 1.6033–5 Disclosure by tax-exempt entities that are parties to certain reportable transactions.

[The text of this section is the same as the text of § 1.6033–5T published elsewhere in this issue of the **Federal Register**].

PART 53— FOUNDATION AND SIMILAR EXCISE TAXES

Par. 3. The authority citation for part 53 continues to read in part as follows:

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

Par. 4. Sections 53.4965–1 through 53.4965–9 are added to read as follows:

§ 53.4965–1 Overview.

(a) *Entity-level excise tax.* Section 4965 imposes two excise taxes with respect to certain tax shelter transactions to which tax-exempt entities are parties. Section 4965(a)(1) imposes an entity-level excise tax on certain tax-exempt entities that are parties to ''prohibited tax shelter transactions,'' as defined in section 4965(e). See § 53.4965–2 for the discussion of covered tax-exempt entities. See § 53.4965–3 for the

definition of prohibited tax shelter transactions. See § 53.4965–4 for the definition of tax-exempt party to a prohibited tax shelter transaction. The entity-level excise tax under section 4965(a)(1) is imposed on a specified percentage of the entity's net income or proceeds that are attributable to the transaction for the relevant tax year (or a period within that tax year). The rate of tax depends on whether the entity knew or had reason to know that the transaction was a prohibited tax shelter transaction at the time the entity became a party to the transaction. See § 53.4965–7(a) for the discussion of the entity-level excise tax under section 4965(a)(1). See § 53.4965–6 for the discussion of ''knowing or having reason to know.'' See § 53.4965–8 for the definition of net income and proceeds and the standard for allocating net income and proceeds that are attributable to a prohibited tax shelter transaction to various periods.

(b) *Manager-level excise tax.* Section 4965(a)(2) imposes a manager-level excise tax on ''entity managers,'' as defined in section 4965(d), of tax-exempt entities who approve the entity as a party (or otherwise cause the entity to be a party) to a prohibited tax shelter transaction and know or have reason to know, at the time the tax-exempt entity enters into the transaction, that the transaction is a prohibited tax shelter transaction. See § 53.4965–5 for the definition of entity manager and the meaning of ''approving or otherwise causing,'' and § 53.4965–6 for the discussion of ''knowing or having reason to know.'' See § 53.4965–7(b) for the discussion of the manager-level excise tax under section 4965(a)(2).

(c) *Effective/applicability dates.* See § 53.4965–9 for the discussion of the relevant effective dates.

§ 53.4965–2 Covered tax-exempt entities.

(a) *In general.* Under section 4965(c), the term ''tax-exempt entity'' refers to entities that are described in sections 501(c), 501(d), or 170(c) (other than the United States), Indian tribal governments (within the meaning of section 7701(a)(40)), and tax-qualified pension plans, individual retirement arrangements and similar tax-favored savings arrangements that are described in sections 4979(e)(1), (2) or (3), 529, 457(b), or 4973(a). The tax-exempt entities referred to in section 4965(c) are divided into two broad categories, non-plan entities and plan entities.

(b) *Non-plan entities.* Non-plan entities are—

(1) Entities described in section 501(c);

(2) Religious or apostolic associations or corporations described in section 501(d);

(3) Entities described in section 170(c), including states, possessions of the United States, the District of Columbia, political subdivisions of states and political subdivisions of possessions of the United States (but not including the United States); and

(4) Indian tribal governments within the meaning of section 7701(a)(40).

(c) *Plan entities.* Plan entities are—

(1) Entities described in section 4979(e)(1) (qualified plans under section 401(a), including qualified cash or deferred arrangements under section 401(k) (including a section 401(k) plan that allows designated Roth contributions));

(2) Entities described in section 4979(e)(2) (annuity plans described in section 403(a));

(3) Entities described in section 4979(e)(3) (annuity contracts described in section 403(b), including a section 403(b) arrangement that allows Roth contributions);

(4) Qualified tuition programs described in section 529;

(5) Eligible deferred compensation plans under section 457(b) that are maintained by a governmental employer as defined in section 457(e)(1)(A);

(6) Arrangements described in section 4973(a) which include—

(i) Individual retirement plans defined in sections 408(a) and (b), including—

(A) Simplified employee pensions (SEPs) under section 408(k);

(B) Simple individual retirement accounts (SIMPLEs) under section 408(p);

(C) Deemed individual retirement accounts or annuities (IRAs) qualified under a qualified plan (deemed IRAs) under section 408(q)); and

(D) Roth IRAs under section 408A.

(ii) Arrangements described in section 220(d) (Archer Medical Savings Accounts (MSAs));

(iii) Arrangements described in section 403(b)(7) (custodial accounts treated as annuity contracts);

(iv) Arrangements described in section 530 (Coverdell education savings accounts); and

(v) Arrangements described in section 223(d) (health savings accounts (HSAs)).

§ 53.4965–3 Prohibited tax shelter transactions.

(a) *In general.* Under section 4965(e), the term *prohibited tax shelter transaction means*—

(1) Listed transactions within the meaning of section 6707A(c)(2), including subsequently listed transactions described in paragraph (b) of this section; and

(2) Prohibited reportable transactions, which consist of the following reportable transactions within the meaning of section 6707A(c)(1)—

(i) Confidential transactions, as described in § 1.6011–4(b)(3) of this chapter; or

(ii) Transactions with contractual protection, as described in § 1.6011–4(b)(4) of this chapter.

(b) *Subsequently listed transactions.* A subsequently listed transaction for purposes of section 4965 is a transaction that is identified by the Secretary as a listed transaction after the tax-exempt entity has entered into the transaction and that was not a prohibited reportable transaction (within the meaning of section 4965(e)(1)(C) and paragraph (a)(2) of this section) at the time the entity entered into the transaction.

(c) *Cross-reference.* The determination of whether a transaction is a listed transaction or a prohibited reportable transaction for section 4965 purposes shall be made under the law applicable to section 6707A(c)(1) and (c)(2).

§ 53.4965–4 Definition of tax-exempt party to a prohibited tax shelter transaction.

(a) *In general.* For purposes of sections 4965 and 6033(a)(2), a tax-exempt entity is a party to a prohibited tax shelter transaction if the entity—

(1) Facilitates a prohibited tax shelter transaction by reason of its tax-exempt, tax indifferent or tax-favored status;

(2) Enters into a listed transaction and the tax-exempt entity's tax return (whether an original or an amended return) reflects a reduction or elimination of its liability for applicable Federal employment, excise or unrelated business income taxes that is derived directly or indirectly from tax consequences or tax strategy described in the published guidance that lists the transaction; or

(3) Is identified in published guidance, by type, class or role, as a party to a prohibited tax shelter transaction.

(b) Published guidance may identify which tax-exempt entities, by type, class or role, will not be treated as a party to a prohibited tax shelter transaction for purposes of sections 4965 and 6033(a)(2).

(c) *Examples.* The following examples illustrate the principles of this section:

Example 1. A tax-exempt entity enters into a transaction (Transaction A) with an S corporation. Transaction A is the same as or substantially similar to the transaction identified by the Secretary as a listed transaction in Notice 2004–30 (2004–1 CB 828). The tax-exempt entity's role in

Transaction A is similar to the role of the tax-exempt party, as described in Notice 2004–30. Under the terms of the transaction, as described in Notice 2004–30, the tax-exempt entity receives the S corporation stock and, due to the tax-exempt entity's tax-exempt status, aids the S corporation and its shareholders in avoiding taxable income. The tax-exempt entity facilitates Transaction A by reason of its tax-exempt, tax indifferent or tax-favored status. Accordingly, the tax-exempt entity is a party to Transaction A for purposes of sections 4965 and 6033(a)(2). See § 601.601(d)(2)(ii)(*b*) of this chapter.

Example 2. A tax-exempt entity is a partner in a partnership. The partnership has a number of other taxable and tax-exempt partners. The tax-exempt entity does not control the partnership. The partnership enters into a number of transactions, including a transaction (Transaction B) which is the same as or substantially similar to the transaction identified by the Secretary as a listed transaction in Notice 2002–35 (2002–1 CB 992) (as clarified and modified by Notice 2006–16 (2006–9 IRB 538). The partnership's role in Transaction B is similar to the role of T, as described in Notice 2002–35, that is, the role of the taxpayer claiming the tax benefits from the transaction. The tax-exempt entity's tax returns do not reflect a reduction or elimination of its liability for applicable Federal taxes as a result of Transaction B. The tax and economic consequences from Transaction B to the other partners are not dependent on the tax-exempt entity's tax-exempt, tax indifferent or tax-favored status. Accordingly, the tax-exempt entity does not facilitate Transaction B by reason of its tax-exempt, tax indifferent or tax-favored status. Because the tax-exempt entity's tax returns do not reflect a reduction or elimination of its liability for applicable Federal taxes that is derived directly or indirectly from tax consequences or tax strategy described in the published guidance that lists the transaction, the tax-exempt entity is not a party to Transaction B by reason of paragraph (a)(2) of this section. The tax-exempt entity also has not been identified, by type, class or role, as a party to a prohibited tax shelter transaction in published guidance. Therefore, the tax-exempt entity is not a party to Transaction B for purposes of sections 4965 and 6033(a)(2). See § 601.601(d)(2)(ii)(*b*) of this chapter.

(d) *Effective/applicability dates.* See § 53.4965–9 for the discussion of the relevant applicability dates.

§ 53.4965–5 Entity managers and related definitions.

(a) *Entity manager of a non-plan entity*—(1) *In general.* Under section 4965(d)(1), an entity manager of a non-plan entity is—

(i) A person with the authority or responsibility similar to that exercised by an officer, director, or trustee of an organization (that is, the non-plan entity); and

(ii) With respect to any act, the person who has final authority or responsibility (either individually or as a member of a collective body) with respect to such act.

(2) *Definition of officer.* For purposes of paragraph (a)(1)(i) of this section, a person is considered to be an officer of the non-plan entity (or to have similar authority or responsibility) if the person—

(i) Is specifically designated as such under the certificate of incorporation, by-laws, or other constitutive documents of the non-plan entity; or

(ii) Regularly exercises general authority to make administrative or policy decisions on behalf of the non-plan entity.

(3) *Exception for acts requiring approval by a superior.* With respect to any act, any person is not described in paragraph (a)(2)(ii) of this section if the person has authority merely to recommend particular administrative or policy decisions, but not to implement them without approval of a superior.

(4) *Delegation of authority.* A person is an entity manager of a non-plan entity within the meaning of paragraph (a)(1)(ii) of this section if, with respect to any prohibited tax shelter transaction, such person has been delegated final authority or responsibility with respect to such transaction (including by transaction type or dollar amount) by a person described in paragraph (a)(1)(i) of this section or the governing board of the entity. For example, an investment manager is an entity manager with respect to a prohibited tax shelter transaction if the non-plan entity's governing body delegated to the investment manager the final authority to make certain investment decisions and, in the exercise of that authority, the manager committed the entity to the transaction. To be considered an entity manager of a non-plan entity within the meaning of paragraph (a)(1)(ii) of this section, a person need not be an employee of the entity. A person is not described in paragraph (a)(1)(ii) of this section if the person is merely implementing a decision made by a superior.

(b) *Entity manager of a plan entity*—(1) *In general.* Under section 4965(d)(2), an entity manager of a plan entity is the person who approves or otherwise causes the entity to be a party to the prohibited tax shelter transaction.

(2) *Special rule for plan participants and beneficiaries who have investment elections*—(i) *Fully self-directed plans or arrangements.* In the case of a fully self-directed qualified plan, IRA, or other savings arrangement (including the case where a plan participant or beneficiary is given a list of prohibited investments, such as collectibles), if the plan participant or beneficiary selected a certain investment and, therefore, approved the plan entity to become a party to a prohibited tax shelter transaction, the plan participant or the beneficiary is an entity manager.

(ii) *Plans or arrangements with limited investment options.* In the case of a qualified plan, IRA, or other savings arrangement where a plan participant or beneficiary is offered a limited number of investment options from which to choose, the person responsible for determining the pre-selected investment options is an entity manager and the plan participant or the beneficiary generally is not an entity manager.

(c) *Meaning of ''approves or otherwise causes''*—(1) *In general.* A person is treated as approving or otherwise causing a tax-exempt entity to become a party to a prohibited tax shelter transaction if the person has the authority to commit the entity to the transaction, either individually or as a member of a collective body, and the person exercises that authority.

(2) *Collective bodies.* If a person shares the authority described in paragraph (c)(1) of this section as a member of a collective body (for example, board of trustees or committee), the person will be considered to have exercised such authority if the person voted in favor of the entity becoming a party to the transaction. However, a member of the collective body will not be treated as having exercised the authority described in paragraph (c)(1) of this section if he or she voted against a resolution that constituted approval or an act that caused the tax-exempt entity to be a party to a prohibited tax shelter transaction, abstained from voting for such approval, or otherwise failed to vote in favor of such approval.

(3) *Exceptions*—(i) *Successor in interest.* If a tax-exempt entity that is a party to a prohibited tax shelter transaction is dissolved, liquidated, or merged into a successor entity, an entity manager of the successor entity will not, solely by reason of the reorganization, be treated as approving or otherwise causing the successor entity to become a party to a prohibited tax shelter transaction, provided that the reorganization of the tax-exempt entity does not result in a material change to the terms of the transaction. For purposes of this paragraph a material change includes an extension or renewal of the agreement (other than an extension or renewal that results from another party to the transaction unilaterally exercising an option granted by the agreement) or a more than incidental change to any payment under

the agreement. A change for the sole purpose of substituting the successor entity for the original tax-exempt party is not a material change.

(ii) *Exercise or nonexercise of options.* Nonexercise of an option pursuant to a transaction involving the tax-exempt entity generally will not constitute an act of approving or causing the entity to be a party to the transaction. If, pursuant to a transaction involving the tax-exempt entity, the entity manager exercises an option (such as a repurchase option), the entity manager will not be subject to the entity manager-level tax if the exercise of the option does not result in the tax-exempt entity becoming a party to a second transaction that is a prohibited tax shelter transaction.

(4) *Example.* The following example illustrates the principles of paragraph (c)(3)(ii) of this section:

Example. In a sale-in, lease-out (SILO) transaction described in Notice 2005–13 (2005–9 IRB 630), X, which is a non-plan entity, has purported to sell property to Y, a taxable entity and lease it back for a term of years. At the end of the basic lease term, X has the option of ''repurchasing'' the property from Y for a predetermined purchase price, with funds that have been set aside at the inception of the transaction for that purpose. The entity manager, by deciding to exercise or not exercise the ''repurchase'' option is not approving or otherwise causing the non-plan entity to become a party to a second prohibited tax shelter transaction. See § 601.601(d)(2)(ii)(*b*) of this chapter.

(5) *Coordination with the reason-to-know standard.* The determination that an entity manager approved or caused a tax-exempt entity to be a party to a prohibited tax shelter transaction, by itself, does not establish liability for the section 4965(a)(2) tax. For rules on determining whether an entity manager knew or had reason to know that the transaction was a prohibited tax shelter transaction, see § 53.4965–6(b).

(d) *Effective/applicability dates.* See § 53.4965–9 for the discussion of the relevant applicability dates.

§ 53.4965–6 Meaning of ''knows or has reason to know.''

(a) *Attribution to the entity.* An entity will be treated as knowing or having reason to know for section 4965 purposes if one or more of its entity managers knew or had reason to know that the transaction was a prohibited tax shelter transaction at the time the entity manager(s) approved the entity as (or otherwise caused the entity to be) a party to the transaction. The entity shall be attributed the knowledge or reason to know of any entity manager described in § 53.4965–5(a)(1)(i) even if that entity manager does not approve the entity as (or otherwise cause the entity to be) a party to the transaction.

(b) *Determining whether an entity manager knew or had reason to know*—(1) *In general.* Whether an entity manager knew or had reason to know that a transaction is a prohibited tax shelter transaction is based on all facts and circumstances. In order for an entity manager to know or have reason to know that a transaction is a prohibited tax shelter transaction, the entity manager must have knowledge of sufficient facts that would lead a reasonable person to conclude that the transaction is a prohibited tax shelter transaction. An entity manager will be considered to have ''reason to know'' if a reasonable person in the entity manager's circumstances would conclude that the transaction was a prohibited tax shelter transaction based on all the facts reasonably available to the manager at the time of approving the entity as (or otherwise causing the entity to be) a party to the transaction. Factors that will be considered in determining whether a reasonable person in the entity manager's circumstances would conclude that the transaction was a prohibited tax shelter transaction include, but are not limited to—

(i) The presence of tax shelter indicia (see paragraph (b)(2) of this section);

(ii) Whether the entity manager received a disclosure statement prior to the consummation of the transaction indicating that the transaction may be a prohibited tax shelter transaction (see paragraph (b)(3) of this section); and

(iii) Whether the entity manager made appropriate inquiries into the transaction (see paragraph (b)(4) of this section).

(2) *Tax-shelter indicia.* The presence of indicia that a transaction is a tax shelter will be treated as an indication that the entity manager knew or had reason to know that the transaction was a prohibited tax shelter transaction. Tax shelter indicia include but are not limited to—

(i) The transaction is extraordinary for the entity considering prior investment activity;

(ii) The transaction promises an economic return for the organization that is exceptional considering the amount invested by, the participation of, or the absence of risk to the organization; or

(iii) The transaction is of significant size relative to the receipts of the entity.

(3) *Effect of disclosure statements.* Receipt by an entity manager of a statement, including a statement described in section 6011(g), in advance of a transaction that the transaction may be a prohibited tax shelter transaction (or a statement that a partnership, hedge fund or other investment conduit may engage in a prohibited tax shelter transaction in the future) is a factor relevant in the determination of whether the entity manager knew or had reason to know that the transaction is a prohibited transaction. However, an entity manager will not be treated as knowing or having reason to know that the transaction was a prohibited tax shelter transaction solely because the entity manager receives such a disclosure.

(4) *Appropriate inquiries.* What inquiries are appropriate will be determined from the facts and circumstances of each case. For example, if one or more tax shelter indicia are present or if an entity manager receives a disclosure statement described in paragraph (b)(3) of this section, an entity manager has a responsibility to inquire further whether the transaction is a prohibited tax shelter transaction.

(c) *Reliance on professional advice*—(1) *In general.* An entity manager is not required to obtain the advice of a professional tax advisor to establish that the entity manager made appropriate inquiries. Moreover, not seeking professional advice, by itself, shall not give rise to an inference that the entity manager had reason to know that a transaction is a prohibited tax shelter transaction.

(2) *Reliance on written opinion of professional tax advisor.* An entity manager may establish that he or she did not have a reason to know that a transaction was a prohibited tax shelter transaction at the time the tax-exempt entity entered into the transaction if the entity manager reasonably, and in good faith, relied on the written opinion of a professional tax advisor. Reliance on the written opinion of a professional tax advisor establishes that the entity manager did not have reason to know if, taking into account all the facts and circumstances, the reliance was reasonable and the entity manager acted in good faith. For example, the entity manager's education, sophistication, and business experience will be relevant in determining whether the reliance was reasonable and made in good faith. In no event will an entity manager be considered to have reasonably relied in good faith on an opinion unless the requirements of this paragraph (c)(2) are satisfied. The fact that these requirements are satisfied, however, will not necessarily establish that the entity manager reasonably relied on the opinion in good faith. For example, reliance may not be reasonable or in

good faith if the entity manager knew, or reasonably should have known, that the advisor lacked knowledge in the relevant aspects of Federal tax law.

(i) *All facts and circumstances considered.* The advice must be based upon all pertinent facts and circumstances and the law as it relates to those facts and circumstances. The requirements of this paragraph (c)(2) are not satisfied if the entity manager fails to disclose a fact that it knows, or reasonably should know, is relevant to determining whether the transaction is a prohibited tax shelter transaction.

(ii) *No unreasonable assumptions.* The advice must not be based on unreasonable factual or legal assumptions (including assumptions as to future events) and must not unreasonably rely on the representations, statements, findings, or agreements of the entity manager or any other person (including another party to the transaction or a material advisor within the meaning of sections 6111 and 6112).

(iii) *''More likely than not'' opinion.* The written opinion of the professional tax advisor must apply the appropriate law to the facts and, based on this analysis, must conclude that the transaction was not a prohibited tax shelter transaction at a ''more likely than not'' level of certainty at the time the entity manager approved the entity (or otherwise caused the entity) to be a party to the transaction.

(3) *Special rule.* An entity manager's reliance on a written opinion of a professional tax advisor will not be considered reasonable if the advisor is, or is related to a person who is, a material advisor with respect to the transaction within the meaning of sections 6111 and 6112.

(d) *Subsequently listed transactions.* An entity manager will not be treated as knowing or having reason to know that a transaction (other than a prohibited reportable transaction as defined in section 4965(e)(1)(C) and § 53.4965–3(a)(2)) is a prohibited tax shelter transaction if the entity enters into the transaction before the date on which the transaction is identified by the Secretary as a listed transaction.

(e) *Effective/applicability dates.* See § 53.4965–9 for the discussion of the relevant applicability dates.

§ 53.4965–7 Taxes on prohibited tax shelter transactions.

(a) *Entity-level taxes*—(1) *In general.* Entity-level excise taxes apply to non-plan entities (as defined in § 53.4965–2(b)) that are parties to prohibited tax shelter transactions.

(i) *Prohibited tax shelter transactions other than subsequently listed transactions*—(A) *Amount of tax if the entity did not know and did not have reason to know.* If the tax-exempt entity did not know and did not have reason to know that the transaction was a prohibited tax shelter transaction at the time the entity entered into the transaction, the tax is the highest rate of tax under section 11 multiplied by the greater of—

(*1*) The entity's net income with respect to the prohibited tax shelter transaction (after taking into account any tax imposed by Subtitle D, other than by this section, with respect to such transaction) for the taxable year; or

(*2*) 75 percent of the proceeds received by the entity for the taxable year that are attributable to such transaction.

(B) *Amount of tax if the entity knew or had reason to know.* If the tax-exempt entity knew or had reason to know that the transaction was a prohibited tax shelter transaction at the time the entity entered into the transaction, the tax is the greater of—

(*1*) 100 percent of the entity's net income with respect to the transaction (after taking into account any tax imposed by Subtitle D, other than by this section, with respect to such transaction) for the taxable year; or

(*2*) 75 percent of the proceeds received by the entity for the taxable year that are attributable to such transaction.

(ii) *Subsequently listed transactions*—(A) *In general.* In the case of a subsequently listed transaction (as defined in section 4965(e)(2) and § 53.4965–3(b)), the tax-exempt entity's income and proceeds attributable to the transaction are allocated between the period before the transaction became listed and the period beginning on the date the transaction became listed. See § 53.4965–8 for the standard for allocating net income or proceeds to various periods. The tax for each taxable year is the highest rate of tax under section 11 multiplied by the greater of—

(*1*) The entity's net income with respect to the subsequently listed transaction (after taking into account any tax imposed by Subtitle D, other than by this section, with respect to such transaction) for the taxable year that is allocable to the period beginning on the later of the date such transaction is identified by the Secretary as a listed transaction or the first day of the taxable year; or

(*2*) 75 percent of the proceeds received by the entity for the taxable year that are attributable to such transaction and allocable to the period beginning on the later of the date such transaction is identified by the Secretary as a listed transaction or the first day of the taxable year.

(B) *No increase in tax.* The 100 percent tax under section 4965(b)(1)(B) and § 53.4965–7(a)(1)(i)(B) does not apply to any subsequently listed transaction (as defined in section 4965(e)(2) and § 53.4965–3(b)) entered into by a tax-exempt entity before the date on which the transaction is identified by the Secretary as a listed transaction.

(2) *Taxable year.* The excise tax imposed under section 4965(a)(1) applies for the taxable year in which the entity becomes a party to the prohibited tax shelter transaction and any subsequent taxable year for which the entity has net income or proceeds attributable to the transaction. A taxable year for tax-exempt entities is the calendar year or fiscal year, as applicable, depending on the basis on which the tax-exempt entity keeps its books for Federal income tax purposes. If a tax-exempt entity has not established a taxable year for Federal income tax purposes, the entity's taxable year for the purpose of determining the amount and timing of net income and proceeds attributable to a prohibited tax shelter transaction will be deemed to be the annual period the entity uses in keeping its books and records.

(b) *Manager-level taxes*—(1) *Amount of tax.* If any entity manager approved or otherwise caused the tax-exempt entity to become a party to a prohibited tax shelter transaction and knew or had reason to know that the transaction was a prohibited tax shelter transaction, such entity manager is liable for the $20,000 tax. See § 53.4965–5(d) for the meaning of approved or otherwise caused. See § 53.4965–6 for the meaning of knew or had reason to know.

(2) *Timing of the entity manager tax.* If a tax-exempt entity enters into a prohibited tax shelter transaction during a taxable year of an entity manager, then the entity manager that approved or otherwise caused the tax-exempt entity to become a party to the transaction is liable for the entity manager tax for that taxable year if the entity manager knew or had reason to know that the transaction was a prohibited tax shelter transaction.

(3) *Example.* The application of paragraph (b)(2) of this section is illustrated by the following example:

Example. The entity manager's taxable year is the calendar year. On December 1, 2006, the entity manager approved or otherwise caused the tax-exempt entity to become a party to a transaction that the entity manager

knew or had reason to know was a prohibited tax shelter transaction. The tax-exempt entity entered into the transaction on January 31, 2007. The entity manager is liable for the entity manager level tax for the entity manager's 2007 taxable year, during which the tax-exempt entity entered into the prohibited tax shelter transaction.

(4) *Separate liability.* If more than one entity manager approved or caused a tax-exempt entity to become a party to a prohibited tax shelter transaction while knowing (or having reason to know) that the transaction was a prohibited tax shelter transaction, then each such entity manager is separately (that is, not jointly and severally) liable for the entity manager-level tax with respect to the transaction.

(c) *Effective dates.* See § 53.4965–9 for the discussion of the relevant effective dates.

§ 53.4965–8 Definition of net income and proceeds and standard for allocating net income or proceeds to various periods.

(a) *In general.* For purposes of section 4965(a), the amount and the timing of the net income and proceeds attributable to the prohibited tax shelter transaction will be computed in a manner consistent with the substance of the transaction. In determining the substance of listed transactions, the IRS will look to, among other items, the listing guidance and any subsequent guidance published in the Internal Revenue Bulletin relating to the transaction.

(b) *Definition of net income and proceeds*—(1) *Net income.* A tax-exempt entity's net income attributable to a prohibited tax shelter transaction is its gross income derived from the transaction reduced by those deductions that are attributable to the transaction and that would be allowed by chapter 1 of the Internal Revenue Code if the tax-exempt entity were treated as a taxable entity for this purpose, and further reduced by taxes imposed by Subtitle D, other than by this section, with respect to the transaction.

(2) *Proceeds*—(i) *Tax-exempt entities that facilitate the transaction by reason of their tax-exempt, tax indifferent or tax-favored status.* Solely for purposes of section 4965, in the case of a tax-exempt entity that is a party to the transaction by reason of § 53.4965–4(a)(1) of this chapter, the term *proceeds* means the gross amount of the tax-exempt entity's consideration for facilitating the transaction, not reduced for any costs or expenses attributable to the transaction. Published guidance with respect to a particular prohibited tax shelter transaction may designate additional amounts as proceeds from the transaction for section 4965 purposes.

(ii) *Tax-exempt entities that enter into transactions to reduce or eliminate their liability for applicable Federal taxes.* For purposes of section 4965, in the case of a tax-exempt entity that is a party to the transaction by reason of § 53.4965–4(a)(2) of this chapter, the term *proceeds* means tax savings purportedly generated by the transaction and claimed by the tax-exempt entity on its tax return with respect to the tax year. Published guidance with respect to a particular prohibited tax shelter transaction may designate additional amounts as proceeds from the transaction for section 4965 purposes.

(iii) *Treatment of gifts and contributions.* To the extent not otherwise included in the definition of proceeds in paragraphs (b)(2)(i) and (ii) of this section, any amount that is a gift or a contribution to a tax-exempt entity and is attributable to a prohibited tax shelter transaction will be treated as proceeds for section 4965 purposes, unreduced by any associated expenses.

(c) *Allocation of net income and proceeds*—(1) *In general.* For purposes of section 4965(a), the net income and proceeds attributable to a prohibited tax shelter transaction must be allocated in a manner consistent with the tax-exempt entity's established method of accounting for Federal income tax purposes. If the tax-exempt entity has not established a method of accounting for Federal income tax purposes, solely for purposes of section 4965(a) the tax-exempt entity must use the cash receipts and disbursements method of accounting (cash method) provided for in section 446 of the Internal Revenue Code to determine the amount and timing of net income and proceeds attributable to a prohibited tax shelter transaction.

(2) *Special rule.* If a tax-exempt entity has established a method of accounting other than the cash method, the tax-exempt entity may nevertheless use the cash method of accounting to determine the amount of the net income and proceeds—

(i) Attributable to a prohibited tax shelter transaction entered into prior to the effective date of section 4965(a) tax and allocable to pre- and post-effective date periods; or

(ii) Attributable to a subsequently listed transaction and allocable to pre- and post-listing periods.

(d) *Transition year rules.* In the case of the taxable year that includes August 16, 2006 (the transition year), the IRS will treat the period beginning on the first day of the transition year and ending on August 15, 2006, and the period beginning on August 16, 2006, and ending on the last day of the transition year as short taxable years. This treatment is solely for purposes of allocating net income or proceeds under section 4965. The tax-exempt entity continues to file tax returns for the full taxable year, does not file tax returns with respect to these deemed short taxable years and does not otherwise take the short taxable years into account for Federal tax purposes. Accordingly, the net income or proceeds that are properly allocated to the transition year in accordance with this section will be treated as allocable to the period—

(1) Ending on or before August 15, 2006 (and accordingly not subject to tax under section 4965(a)) to the extent such net income or proceeds would have been properly taken into account in accordance with this section by the tax-exempt entity in the deemed short year ending on August 15, 2006; and

(2) Beginning after August 15, 2006 (and accordingly subject to tax under section 4965(a)) to the extent such income or proceeds would have been properly taken into account in accordance with this section by the tax-exempt entity in the short year beginning August 16, 2006.

(e) *Allocation to pre- and post-listing periods.* If a transaction (other than a prohibited reportable transaction (as defined in section 4965(e)(1)(C) and § 53.4965–3(a)(2)) to which the tax-exempt entity is a party is subsequently identified in published guidance as a listed transaction during a taxable year of the entity (the listing year) in which it has net income or proceeds attributable to the transaction, the net income or proceeds are allocated between the pre- and post-listing periods. The IRS will treat the period beginning on the first day of the listing year and ending on the day immediately preceding the date of the listing, and the period beginning on the date of the listing and ending on the last day of the listing year as short taxable years. This treatment is solely for purposes of allocating net income or proceeds under section 4965. The tax-exempt entity continues to file tax returns for the full taxable year, does not file tax returns with respect to these deemed short taxable years and does not otherwise take the short taxable years into account for Federal tax purposes. Accordingly, the net income or proceeds that are properly allocated to the listing year in accordance with this section will be treated as allocable to the period—

(1) Ending before the date of the listing (and accordingly not subject to tax under section 4965(a)) to the extent such net income or proceeds would

have been properly taken into account in accordance with this section by the tax-exempt entity in the deemed short year ending on the day immediately preceding the date of the listing; and

(2) Beginning on the date of the listing (and accordingly subject to tax under section 4965(a)) to the extent such income or proceeds would have been properly taken into account in accordance with this section by the tax-exempt entity in the short year beginning on the date of the listing.

(f) *Examples.* The following examples illustrate the allocation rules of this section:

Example 1. (i) In 1999, X, a calendar year non-plan entity using the cash method of accounting, entered into a lease-in/lease-out transaction (LILO) substantially similar to the transaction described in Notice 2000–15 (2000–1 CB 826) (describing Rev. Rul. 99–14 (1999–1 CB 835), superseded by Rev. Rul. 2002–69 (2002–2 CB 760)). In 1999, X purported to lease property to Y pursuant to a ''head lease,'' and Y purported to lease the property back to X pursuant to a ''sublease'' of a shorter term. In form, X received $268M as an advance payment of head lease rent. Of this amount, $200M had been, in form, financed by a nonrecourse loan obtained by Y. X deposited the $200M with a ''debt payment undertaker.'' This served to defease both a portion of X's rent obligation under its sublease and Y's repayment obligation under the nonrecourse loan. Of the remainder of the $268M advance head lease rent payment, X deposited $54M with an ''equity payment undertaker.'' This served to defease the remainder of X's rent obligation under the sublease as well as the exercise price of X's end-of-sublease term purchase option. This amount inures to the benefit of Y and enables Y to recover its investment in the transaction and a return on that investment. In substance, the $54M is a loan from Y to X. X retained the remaining $14M of the advance head lease rent payment. In substance, this represents a fee for X's participation in the transaction. See § 601.601(d)(2)(ii)(b) of this chapter.

(ii) According to the substance of the transaction, the head lease, sublease and nonrecourse debt will be ignored for Federal income tax purposes. Therefore, any net income or proceeds resulting from these elements of the transaction will not be considered net income or proceeds attributable to the LILO transaction for purposes of section 4965(a). The $54M deemed loan from Y to X and the $14M fee are not ignored for Federal income tax purposes.

(iii) Under X's established cash basis method of accounting, any net income received in 1999 and attributable to the LILO transaction is allocated to X's December 31, 1999, tax year for purposes of section 4965. The $14M fee received in 1999, and which constitutes proceeds of the transaction, is likewise allocated to that tax year. Because the 1999 tax year is before the effective date of the section 4965 tax, X will not be subject to any excise tax under section 4965 for the amounts received in 1999.

(iv) Any earnings on the amount deposited with the equity payment undertaker that constitute gross income to X will be reduced by X's original issue discount deductions with respect to the deemed loan from Y, in determining X's net income from the transaction.

Example 2. B, a non-plan entity using the cash method of accounting, has an annual accounting period that ends on December 31, 2006. B entered into a prohibited tax shelter transaction on March 15, 2006. On that date, B received a payment of $600,000 as a fee for its involvement in the transaction. B received no other proceeds or income attributable to this transaction in 2006. Under B's method of accounting, the payment received by B on March 15, 2006, is taken into account in the deemed short year ending on August 15, 2006. Accordingly, solely for purposes of section 4965, the payment is treated as allocable solely to the period ending on or before August 15, 2006, and is not subject to the excise tax imposed by section 4965(a).

Example 3. The facts are the same as in *Example 2*, except that B received an additional payment of $400,000 on September 30, 2006. Under B's method of accounting, the payment received by B on September 30, 2006, is taken into account in the deemed short year beginning on August 16, 2006. Accordingly, solely for purposes of section 4965, the $400,000 payment is treated as allocable to the period beginning after August 15, 2006, and is subject to the excise tax imposed by section 4965(a).

Example 4. C, a non-plan entity using the cash method of accounting, has an annual accounting period that ends on December 31. C entered into a prohibited tax shelter transaction on May 1, 2005. On March 15, 2007, C received a payment of $580,000 attributable to the transaction. On June 1, 2007, the transaction is identified by the IRS in published guidance as a listed transaction. On June 15, 2007, C received an additional payment of $400,000 attributable to the transaction. Under C's method of accounting, the payments received on March 15, 2007, and June 15, 2007, are taken into account in 2007. The IRS will treat the period beginning on January 1, 2007, and ending on May 31, 2007, and the period beginning on June 1, 2007, and ending on December 31, 2007, as short taxable years. The payment received by C on March 15, 2007, is taken into account in the deemed short year ending on May 31, 2007. Accordingly, solely for purposes of section 4965, the payment is treated as allocable solely to the pre-listing period, and is not subject to the excise tax imposed by section 4965(a). The payment received by C on June 15, 2007, is taken into account in the deemed short year beginning on June 1, 2007. Accordingly, solely for purposes of section 4965, the payment is treated as allocable to the post-listing period, and is subject to the excise tax imposed by section 4965(a).

(g) *Effective/applicability dates.* See § 53.4965–9 for the discussion of the relevant applicability dates.

§ 53.4965–9 Effective/applicability dates.

(a) *In general.* The taxes under section 4965(a) and § 53.4965–7 are effective for taxable years ending after May 17, 2006, with respect to transactions entered into before, on or after that date, except that no tax under section 4965(a) applies with respect to income or proceeds that are properly allocable to any period ending on or before August 15, 2006.

(b) *Applicability of the regulations.* Except as provided in paragraph (c) of this section, upon publication of final regulations, §§ 53.4965–1 through 53.4965–8 of this chapter will apply to taxable years ending after July 6, 2007. A tax-exempt entity may rely on the provisions of §§ 53.4965–1 through 53.4965–8 for taxable years ending on or before July 6, 2007.

(c) *Effective date with respect to certain knowing transactions*—(1) *Entity-level tax.* The 100 percent tax under section 4965(b)(1)(B) and § 53.4965–7(a)(1)(i)(B) does not apply to prohibited tax shelter transactions entered into by a tax-exempt entity on or before May 17, 2006.

(2) *Manager-level tax.* The IRS will not assert that an entity manager who approved or caused a tax-exempt entity to become a party to a prohibited tax shelter transaction is liable for the entity manager tax under section 4965(b)(2) and § 53.4965–7(b)(1) with respect to the transaction if the tax-exempt entity entered into such transaction prior to May 17, 2006.

Par. 5. In § 53.6071–1, paragraphs (g) and (h) are added to read as follows:

§ 53.6071–1 Time for filing returns.

* * * * *

(g) [The text of the proposed amendment to § 53.6071–1(g) is the same as the text of § 53.6071–1T(g) published elsewhere in this issue of the **Federal Register**].

(h) [The text of the proposed amendment to § 53.6071–1(h) is the same as the text of § 53.6071–1T(h) published elsewhere in this issue of the **Federal Register**].

PART 54—EXCISE TAXES, PENSIONS, REPORTING AND RECORDKEEPING REQUIREMENTS

Par. 6. The authority citation for part 54 continues to read, in part, as follows:

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

Par. 7. In § 54.6011–1, paragraphs (c) and (d) are added to read as follows:

§ 54.6011–1 General requirement of return, statement or list.

* * * * *

(c) [The text of the proposed amendment to § 54.6011–1(c) is the same as the text of § 54.6011–1T(c) published elsewhere in this issue of the **Federal Register**].

(d) [The text of the proposed amendment to § 54.6011–1(d) is the same as the text of § 54.6011–1T(d) published elsewhere in this issue of the **Federal Register**].

PART 301—PROCEDURE AND ADMINISTRATION

Par. 8. The authority citation for part 301 continues to read, part, as follows:

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

Par. 9. Section 301.6011(g)–1 is added to read as follows:

§ 301.6011(g)–1 Disclosure by taxable party to the tax-exempt entity.

(a) *Requirement of disclosure*—(1) *In general.* Except as provided in paragraph (d)(2) of this section, any taxable party (as defined in paragraph (c) of this section) to a prohibited tax shelter transaction (as defined in section 4965(e) and § 53.4965–3 of this chapter) must disclose by statement to each tax-exempt entity (as defined in section 4965(c) and § 53.4965–2 of this chapter) that the taxable party knows or has reason to know is a party to such transaction (as defined in paragraph (b) of this section) that the transaction is a prohibited tax shelter transaction.

(2) *Determining whether a taxable party knows or has reason to know.* Whether a taxable party knows or has reason to know that a tax-exempt entity is a party to a prohibited tax shelter transaction is based on all the facts and circumstances. If the taxable party knows or has reason to know that a prohibited tax shelter transaction involves a tax-exempt, tax indifferent or tax-favored entity, relevant factors for determining whether the taxable party knows or has reason to know that a specific tax-exempt entity is a party to the transaction include—

(i) The extent of the efforts made to determine whether a tax-exempt entity is facilitating the transaction by reason of its tax-exempt, tax-indifferent or tax-favored status (or is identified in published guidance, by type, class or role, as a party to the transaction); and

(ii) If a tax-exempt entity is facilitating the transaction by reason of its tax-exempt, tax-indifferent or tax-favored status (or is identified in published guidance, by type, class or role, as a party to the transaction), the extent of the efforts made to determine the identity of the tax-exempt entity.

(b) *Definition of tax-exempt party to a prohibited tax shelter transaction*—(1) *In general.* For purposes of section 6011(g), a tax-exempt entity is a party to a prohibited tax shelter transaction if the entity—

(i) Facilitates a prohibited tax shelter transaction by reason of its tax-exempt, tax indifferent or tax-favored status; or

(ii) Is identified in published guidance, by type, class or role, as a party to a prohibited tax shelter transaction.

(2) Published guidance may identify which tax-exempt entities, by type, class or role, will not be treated as a party to a prohibited tax shelter transaction for purposes of section 6011(g).

(c) *Definition of taxable party*—(1) *In general.* For purposes of this section, the term *taxable party* means—

(i) A person who has entered into and participates or expects to participate in the transaction under §§ 1.6011–4(c)(3)(i)(A), (B), or (C), 20.6011–4, 25.6011–4, 31.6011–4, 53.6011–4, 54.6011–4, or 56.6011–4 of this chapter; or

(ii) A person who is designated as a taxable party by the Secretary in published guidance.

(2) *Special rules*—(i) *Certain listed transactions.* If a transaction that was otherwise not a prohibited tax shelter transaction becomes a listed transaction after the filing of a person's tax return (including an amended return) reflecting either tax consequences or a tax strategy described in the published guidance listing the transaction (or a tax benefit derived from tax consequences or a tax strategy described in the published guidance listing the transaction), the person is a taxable party beginning on the date the transaction is described as a listed transaction in published guidance.

(ii) *Persons designated as non-parties.* Published guidance may identify which persons, by type, class or role, will not be treated as a party to a prohibited tax shelter transaction for purposes of section 6011(g).

(d) *Time for providing disclosure statement*—(1) *In general.* A taxable party to a prohibited tax shelter transaction must make the disclosure required by this section to each tax-exempt entity that the taxable party knows or has reason to know is a party to the transaction within 60 days after the last to occur of—

(i) The date the person becomes a taxable party to the transaction within the meaning of paragraph (c) of this section; or

(ii) The date the taxable party knows or has reason to know that the tax-exempt entity is a party to the transaction within the meaning of paragraph (b) of this section.

(2) *Termination of a disclosure obligation.* A person shall not be required to provide the disclosure otherwise required by this section if the person does not know or have reason to know that the tax-exempt entity is a party to the transaction within the meaning of paragraph (b) of this section on or before the first date on which the transaction is required to be disclosed by the person under §§ 1.6011–4, 20.6011–4, 25.6011–4, 31.6011–4, 53.6011–4, 54.6011–4, or 56.6011–4 of this chapter.

(3) Disclosure is not required with respect to any prohibited tax shelter transaction entered into by a tax-exempt entity on or before May 17, 2006.

(e) *Frequency of disclosure.* One disclosure statement is required per tax-exempt entity per transaction. See paragraph (h) of this section for rules relating to designation agreements.

(f) *Form and content of disclosure statement.* The statement disclosing to the tax-exempt entity that the transaction is a prohibited tax shelter transaction must be a written statement that—

(1) Identifies the type of prohibited tax shelter transaction (including the published guidance citation for a listed transaction); and

(2) States that the tax-exempt entity's involvement in the transaction may subject either it or its entity manager(s) or both to excise taxes under section 4965 and to disclosure obligations under section 6033(a) of the Internal Revenue Code.

(g) *To whom disclosure is made.* The disclosure statement must be provided—

(1) In the case of a non-plan entity as defined in § 53.4965–2(b) of this chapter, to—

(i) Any entity manager of the tax-exempt entity with authority or responsibility similar to that exercised by an officer, director or trustee of an organization; or

(ii) If a person described in paragraph (g)(1)(i) of this section is not known, to the primary contact on the transaction.

(2) In the case of a plan entity as defined in § 53.4965–2(c) of this chapter, including a fully self-directed qualified plan, IRA, or other savings arrangement, to any entity manager of the plan entity who approved or otherwise caused the entity to become a party to the prohibited tax shelter transaction.

(h) *Designation agreements.* If more than one taxable party is required to disclose a prohibited tax shelter transaction under this section, the taxable parties may designate by written agreement a single taxable party to disclose the transaction. The transaction must then be disclosed in accordance with this section. The designation of one taxable party to disclose the

transaction does not relieve the other taxable parties of their obligation to disclose the transaction to a tax-exempt entity that is a party to the transaction in accordance with this section, if the designated taxable party fails to disclose the transaction to the tax-exempt entity in a timely manner.

(i) *Penalty for failure to provide disclosure statement.* See section 6707A for penalties applicable to failure to disclose a prohibited tax shelter transaction in accordance with this section.

(j) *Effective/applicability date.* This section will apply with respect to transactions entered into by a tax-exempt entity after May 17, 2006.

Par. 11. Section 301.6033–5 is added to read as follows:

§ 301.6033–5 Disclosure by tax-exempt entities that are parties to certain reportable transactions.

[The text of this section is the same as the text of § 301.6033–5T published elsewhere in this issue of the **Federal Register**].

Kevin M. Brown,

Deputy Commissioner for Services and Enforcement.

[FR Doc. E7–12902 Filed 7–5–07; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AU53

Endangered and Threatened Wildlife and Plants; Designating the Northern Rocky Mountain Population of Gray Wolf as a Distinct Population Segment and Removing This Distinct Population Segment From the Federal List of Endangered and Threatened Wildlife

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; reopening of comment period; notice of public hearing.

SUMMARY: The U.S. Fish and Wildlife Service (Service, we or us) announces the reopening of the comment period for the proposed rule to establish a distinct population segment (DPS) of the gray wolf (*Canis lupis*) in the Northern Rocky Mountains (NRM) of the United States and to remove the gray wolf in the NRM DPS from the List of Endangered and Threatened Wildlife under the Endangered Species Act of 1973, as amended (Act). The State of Wyoming has a new statute and has advised the Service that it is appropriate to analyze a new draft wolf management plan that the Service believes could allow the wolves in northwestern Wyoming outside the National Parks to be removed from the protections of the Act. We are reopening the proposal's comment period to ensure that the public has full access to, and an opportunity to comment on, the proposed rule in light of this new information. We also announce the location and time of an additional public hearing to receive public comments on the proposal in light of the new information. If you have previously submitted comments, please do not resubmit them because we have already incorporated them in the public record and will fully consider them in our final decision.

DATES: The public comment period is reopened until August 6, 2007. We may not consider any comments we receive after the closing date. We will hold a public hearing on this proposed rule on July 17, 2007. For more information, see ''Public Hearing and Comments'' below.

Public Hearing

An open house (a brief presentation about the proposed rule and revised plan with a question and answer period) will be held from 4:30 p.m. to 5:30 p.m., and will be followed by a public hearing from 5:30 p.m. to 8:30 p.m., on July 17, 2007, at the Cody Auditorium Facility, 1240 Beck Avenue, Cody, WY 82414.

ADDRESSES: If you wish to comment, you may submit comments and materials concerning this proposal, identified by ''RIN number 1018–AU53,'' by any of the following methods:

1. You may submit comments through the Federal e-Rulemaking Portal at *http://www.regulations.gov*. Follow the instructions for submitting comments.

2. You may send comments by electronic mail (email) directly to the Service at *WesternGrayWolf@fws.gov*. Include ''RIN number 1018–AU53'' in the subject line of the message.

3. You may mail or hand-deliver comments to the U.S. Fish and Wildlife Service, Western Gray Wolf Recovery Coordinator, 585 Shepard Way, Helena, MT 59601.

Comments and materials received, as well as supporting documentation used in preparation of this proposed action, will be available for inspection following the close of the comment period, by appointment, during normal business hours, at our Helena office at the address above.

FOR FURTHER INFORMATION CONTACT: Edward E. Bangs, Western Gray Wolf Recovery Coordinator, U.S. Fish and Wildlife Service, at our Helena office (see **ADDRESSES**) or telephone (406) 449–5225, extension 204. Persons who use a Telecommunications Device for the Deaf may call the Federal Information Relay Service at (800) 877–8339, 24 hours a day, 7 days a week.

SUPPLEMENTARY INFORMATION:

Background

On February 8, 2007, we published a proposal to establish a DPS of the gray wolf in the NRM of the United States and to remove the NRM DPS from the List of Threatened and Endangered Wildlife (72 FR 6106) if Wyoming adopted a state law and management plan that adequately conserved wolves. The initial comment period on this proposal was open from February 8, 2007 to April 9, 2007. Due to the complexity of this proposed action, we extended the comment period to May 9, 2007 to allow the public ample opportunity to comment (72 FR 14760; March 29, 2007).

At the time of this proposal, Wyoming had not provided an adequate regulatory framework to ensure conservation of a recovered wolf population into the foreseeable future (for more information, see our 12-month finding on Wyoming's petition to establish and delist the NRM gray wolf population (71 FR 43410; August 1, 2006) at *http://www.fws.gov/mountain-prairie/species/mammals/wolf/FR08012006.pdf*). Therefore, in the preamble we indicated we would consider excluding the significant portion of the range of the NRM DPS occurring in Wyoming, outside Yellowstone National Park, John D. Rockefeller Jr. Memorial Parkway, and Grand Teton National Park (hereafter collectively referred to as National Parks) from the delisting. This alternative in the preamble also considered delisting the wolf on National Park Service lands and in those portions of Wyoming not determined to be a significant portion of the range. The exact boundaries are described in the proposed rule (72 FR 6119; February 8, 2007). A map can be found at *http://www.fws.gov/mountain-prairie/species/mammals/wolf/wyomingwolves2006.pdf*. However, the rule proposed to delist all of the NRM DPS if Wyoming adopted a State law and wolf management plan that the Service determined to be in compliance with the Act (72 FR 6138; February 8, 2007).

New Information

In February 2007, the Wyoming governor signed legislation (Wyoming House Bill 213) that proposes to revise Wyoming State statutes pertaining to wolf management. If this were to become effective, it would appear to allow for adequate wolf management by the Wyoming Game and Fish Department (WGFD). Furthermore, in May 2007, the Governor of Wyoming stated it was appropriate to analyze a revised wolf management plan that would maintain a recovered wolf population for the foreseeable future (Freudenthal 2007). This draft wolf management plan requires final State approval from the Wyoming Game and Fish Commission (Commission) and may require further legislative action so that certain recent changes in State law could become effective.

The legislation contains a list of actions that are to occur for the law to become effective. These actions are summarized below and may be viewed in the House bill at *http://gf.state.wy.us/downloads/pdf/HB0213%202007%20Wolf%20Engrossed.pdf.*

(1) On or before February 29, 2008, the Service shall have published the final rule to delist the gray wolf in the entire State of Wyoming; and

(2) The Service has either published a final rule modifying the existing 2005 special regulation under section 10(j) of the Act or has executed an agreement with the State of Wyoming that provides adequate protection for Wyoming's wild ungulates; and

(3) All claims in the lawsuit brought by the State of Wyoming contesting the Service's actions finding Wyoming's statute and plan inadequate have been resolved or settled; and

(4) The governor of Wyoming shall certify to the Secretary of State of Wyoming that the actions described in the statute have occurred.

The revised wolf management plan provides that the designation of wolves as a trophy game animal shall include any gray wolf within the boundaries that are now consistent with those the Service has deemed necessary for maintaining a recovered wolf population. For specific boundaries, see the House bill at the above website and the revised management plan.

When effective, this law and wolf management plan would commit the State to maintain at least 15 breeding pairs in the northwestern portion of the State including the National Parks, with 7 of these breeding pairs occupying areas outside the National Parks. The State of Wyoming would ensure that Wyoming's wolf population, including wolves in National Parks, never drops below 10 breeding pairs and 100 wolves (WGFD 2007, p. 1). Furthermore, the plan now incorporates the Service's definition of a breeding pair as an adult male and female raising two or more pups-of-the-year until December 31 (WGFD 2007, pp. 1–3; 72 FR 6129, February 8, 2007).

Under this law and plan, if the NRM DPS is delisted, Wyoming would designate the gray wolf as a trophy game animal in the area that conforms to our determination of the significant portion of the range in Wyoming (72 FR 6119; February 8, 2007). Outside this area in Wyoming, wolves would be classified as predatory animals (WGFD 2007, pp. 1, 2, 4, 5, 10). These designations would remain constant regardless of changes in the number of breeding pairs in the State.

Since the State does not have the legal authority to manage wolves within the National Parks, its management emphasis would be applied to maintaining seven breeding pairs that primarily inhabit areas outside the National Parks (WGFD 2007, p. 10). Because the State also does not have any authority to manage wildlife occurring on the Wind River Reservation, the Tribes are not obligated under the State's wolf management plan to manage for a specific number of wolves. Any breeding pairs that might become established on the reservation would not reduce Wyoming's commitment to maintain at least seven breeding pairs outside the National Parks in northwestern Wyoming. WGFD will continue to coordinate with appropriate authorities on the Reservation for the purpose of developing mutually agreeable wolf management objectives (WGFD 2007, p. 10).

The wolf trophy game area would be designated as the Northwest Wyoming Wolf Data Analysis Unit (DAU) and would consist of three wolf management units (WMU). WGFD uses such an approach to manage all other species of big game and trophy game animals. The DAU is used to manage a population of animals, while WMUs are used to manage specific harvest objectives within the DAU. Wolves that occupy the DAU would be actively managed, and public take would be regulated under appropriate State statutes and Commission regulations at the WMU level to ensure that at least seven breeding pairs occupy this DAU (WGFD 2007, p. 10). The size of the DAU would allow for some flexibility where the minimum of seven breeding pairs would be maintained. In the event pack densities need to be reduced in one area to minimize wildlife or livestock conflicts, WGFD would manage for replacement breeding pairs in an area within the DAU that is more suitable for wolves (WGFD 2007, p. 11).

Hunting and trapping regulations would be implemented through the same rulemaking processes used for other trophy game animals in Wyoming and would include public input. WGFD may use a variety of harvest regimes, including harvest quotas, to maintain at least seven breeding pairs of wolves outside the National Parks. Seasons would be closed when the mortality quota is reached, or if the Commission deems it necessary to limit take in additional areas that are designated for trophy game animal protection. The wolf management plan states that, as with mountain lions (*Puma concolor*) and black bears (*Ursus americanus*), license sales would not be restricted unless limited quota harvest regimes are necessary. We anticipate that a limited harvest quota would likely be necessary for WGFD to maintain at least seven breeding pairs outside the National Parks in northwestern Wyoming. Wolf mortality quotas would be based on desired pack densities for each WMU and total numbers of packs at the DAU level (WGFD 2007, p. 15).

It is currently unlawful in Wyoming to take trophy game animals by trapping. However, if delisted, gray wolves classified as trophy game animals could be legally trapped as set forth by Wyoming Statute 23–2–303(d). In the event of delisting, WGFD would first need to adopt regulations setting forth the specifications for traps and snares used for the taking of gray wolves (WGFD 2007, p. 16).

In recognition of the importance of sufficient dispersal and exchange of wolves in maintaining genetic variability, WGFD would not remove lone wolves dispersing through areas outside of the trophy game area unless conflicts with human activities arise. However, wolves in these areas may be subject to liberal public take regulations. Public education efforts would emphasize that lone wolf sightings do not necessarily mean a pack is forming in the area (WGFD 2007, p. 17).

The wolf management plan emphasizes that interagency efforts to maintain linkage zones and movement corridors in the northern Rockies for grizzly bears (*Ursus arctos horribilis*), forest carnivores, and big game will also benefit wolves. WGFD commits, to the extent practicable, to ensure that genetic and connectivity issues do not threaten Wyoming's wolf population. Conservation measures could include, but would not be limited to, working with other States to promote natural

dispersal into and within various portions of the Greater Yellowstone Area, and, if necessary, by relocation or translocation (WGFD 2007, p. 17).

Under the new wolf management plan, WGFD would monitor the number of breeding pairs residing in Wyoming, regardless of legal classification, and document their distribution, reproduction, and mortality. WGFD would be responsible for monitoring these parameters in all occupied habitat outside of National Parks, the National Elk Refuge, and the Wind River Reservation. The National Park Service intends to continue to monitor wolves inside the National Parks, and the Service intends to monitor wolves on the National Elk Refuge. WGFD would coordinate and share monitoring data with these agencies, Montana, Idaho, and Tribes. WGFD would monitor wolves outside the DAU less intensively (WGFD 2007, p. 12).

In conclusion, it appears the regulatory framework provided by the State statute and proposed revised wolf management plan, would if adopted, provide assurance that Wyoming's share of the tri-State NRM wolf population would be maintained above recovery levels into the foreseeable future and that a significant portion of the range in Wyoming would continue to be occupied by wolf packs. This type of management framework is consistent in its general principles with those already adopted and accepted as being adequate regulatory frameworks for delisting wolves in the States of Minnesota, Michigan, Wisconsin, Montana, and Idaho. The plan would provide adequate assurances that a viable wolf population would be maintained in the NRM DPS. However, if the statute does not go into effect or if the plan is not adopted by the Commission, our final rulemaking could employ the alternative described in the preamble to the February 18, 2007, proposed rule to keep wolves in the significant portion of their range (outside the National Parks) in Wyoming as a nonessential experimental population with continued protections under the Act.

The February 8, 2007, proposed rule may be viewed at *http://www.fws.gov/mountain-prairie/species/mammals/wolf/NRM_wolf_DPS_%2002082007.pdf*. The revised draft Wyoming wolf management plan may be viewed at *http://gf.state.wy.us/wildlife/wildlife_management/wolf/index.asp*.

In addition to having new information regarding State management of wolves in Wyoming, the Wind River Reservation recently submitted a wolf management plan to us for approval. Wolf management on Tribal lands within the NRM DPS will be beneficial, but is not necessary to either achieving or maintaining a recovered wolf population in the NRM (72 FR 6135; February 8, 2007).

The Wind River Reservation occurs just outside the significant portion of the range in northwestern Wyoming and currently does not solely support any breeding pairs, although two adjacent packs range inside the reservation boundary (Shoshone and Arapahoe Tribal Fish and Game Department 2007, pp. 4–5). As such, the Shoshone and Arapahoe Tribal Fish and Game Department has prepared a wolf management plan for the reservation for our review.

We have approved the Tribal plan because it is consistent with maintaining a recovered population of wolves in Wyoming after delisting and the guidelines of the 2005 10(j) rule (King 2007). Our approval of the plan provides the Shoshone and Arapahoe Tribal Fish and Game Department with the ability to manage listed wolves according to provisions for controlling problem wolves in our 2005 special regulation under section 10(j) of the Act (70 FR 1286, January 6, 2005). If the wolf is delisted, the Shoshone and Arapahoe Tribal Fish and Game Department would designate it as a game animal and would establish hunting and trapping seasons (Shoshone and Arapahoe Tribal Fish and Game Department 2007, p. 9). The Shoshone and Arapahoe Tribal Fish and Game Department would not manage for a specific number of breeding pairs (Shoshone and Arapahoe Tribal Fish and Game Department 2007, p. 9), because the Wind River Reservation is not considered essential to maintaining a recovered wolf population in Wyoming. Any wolves that establish themselves on the reservation would be in addition to those managed by the State of Wyoming for maintaining a recovered population.

The Wind River Reservation plan may be viewed at: *http://www.fws.gov/mountain-prairie/species/mammals/wolf/Wind_River_Res_Wolf_Plan_20070413.pdf*.

Public Hearing and Comments

We intend that any final action resulting from the proposal will be as accurate and as effective as possible. Therefore, we solicit comments or suggestions from the public, concerned governmental agencies, the scientific community, industry, or any other interested party concerning the proposed rule. Specifically, we seek information, data, and comments concerning the proposed delisting of all of the NRM DPS throughout Wyoming considering the adequacy of Wyoming's regulatory framework as represented by its revised State law, if adopted, and State and Tribal wolf management plans.

If you previously submitted comments on the delisting proposal, please do not resubmit them, as we have already incorporated them into the public record and will fully consider them in our final decision. However, we welcome any new comments pertaining to the proposed delisting throughout Wyoming in light of the new regulatory framework.

You may submit comments as indicated under **ADDRESSES.** If you wish to submit comments by e-mail, please submit them in ASCII file format and avoid the use of special characters and any form of encryption.

Due to the high level of interest in this rulemaking process, we may post comments on our Web site. 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.

Comments and other information received, as well as supporting information used to write the proposed rule, will be available for public inspection, by appointment, during normal business hours at the Helena, Montana Field Office (see **ADDRESSES**). In making a final decision on the proposal, we will take into consideration the comments and any additional information we receive. Such communications may lead to a final regulation that differs from the proposal.

Anyone wishing to make an oral statement at the public hearing for the record is encouraged to provide a written copy of their statement to us at the hearing. In the event there is a large attendance, the time allotted for oral statements may be limited. Speakers can sign up only at the open houses and hearings. Oral and written statements receive equal consideration. There are no limits on the length of written comments submitted to us. If you have any questions concerning the public hearing or need reasonable accommodations to attend and participate in the public hearing, please contact Sharon Rose at (303) 236–4580 as soon as possible, but no later than 1

week to before the hearing date, to allow sufficient time to process requests. Information regarding the proposal is available in alternative formats upon request.

Authority

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

Dated: June 28, 2007.

Kevin Adams,

Acting Director, U.S. Fish and Wildlife Service.

[FR Doc. 07–3273 Filed 7–2–07; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AV39

Endangered and Threatened Wildlife and Plants; Proposed Revision of Special Regulation for the Central Idaho and Yellowstone Area Nonessential Experimental Populations of Gray Wolves in the Northern Rocky Mountains

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), propose revisions to the 2005 special rule for the central Idaho and Yellowstone area nonessential experimental population of the gray wolf (Canis lupus) in the northern Rocky Mountains (NRM). Specifically, this rule proposes to modify the definition of ''unacceptable impacts'' to wild ungulate populations so that States and Tribes with Service-approved post-delisting wolf management plans can better address the impacts of a biologically recovered wolf population on ungulate populations and herds while wolves remain listed. We also propose to modify the 2005 special rule to allow private citizens in States or on Tribal lands with approved post-delisting wolf management plans to take wolves that are in the act of attacking their stock animals or dogs. All other provisions of the 2005 special rule, including the process to obtain Service approval and the conditions for reporting all wolf take, would remain unchanged. As under the existing terms of the 2005 special rule, these proposed modifications would not apply with respect to States or Tribes without approved post-delisting wolf management plans and would not impact wolves outside the Yellowstone or central Idaho nonessential experimental population areas. A draft environmental assessment will be prepared on this proposed action.

DATES: Comments from all parties on both the proposal and the draft environmental assessment must be received by August 6, 2007. We will hold three public hearings on this proposed rule in July. See **SUPPLEMENTARY INFORMATION** for the dates, times, and locations.

ADDRESSES: If you wish to comment, you may submit comments and materials concerning this proposal, identified by ''RIN 1018–AV39,'' by any of the following methods:

1. You may mail or hand deliver written comments to the U.S. Fish and Wildlife Service, Western Gray Wolf Recovery Coordinator, 585 Shepard Way, Helena, Montana 59601;

2. You may send comments by electronic mail (e-mail) directly to the Service at *WolfRuleChange@fws.gov*. Include ''RIN number 1018–Av39'' in the subject line of the message. See the Public Comments Solicited section below for file format for electronic filing; or

3. You may submit your comments through the Federal e-Rulemaking *Portal—http://www.regulations.gov*. Follow the instructions for submitting comments.

Comments and materials received, as well as supporting documentation used in preparation of this proposed action, will be available for inspection following the close of the comment period, by appointment, during normal business hours, at our Helena office (see **ADDRESSES**).

FOR FURTHER INFORMATION CONTACT: Edward E. Bangs, Western Gray Wolf Recovery Coordinator, U.S. Fish and Wildlife Service, at our Helena office (see **ADDRESSES**) or telephone (406) 449–5225, extension 204.

SUPPLEMENTARY INFORMATION:

Public Comments Solicited

We intend that any final action resulting from this proposal will be as accurate and as effective as possible. Therefore, data, comments, new information, or suggestions from the public, other concerned governmental agencies, the scientific community, industry, or any other interested party concerning this proposed rule are hereby solicited. We particularly seek comments concerning (1) our proposed modifications to the 2005 experimental population rule to allow private citizens to take wolves in the act of attacking their stock animals or dogs; and (2) our establishing a reasonable process for States and Tribes with approved post-delisting wolf management plans to allow removal of wolves that are scientifically demonstrated to be impacting ungulate populations to the degree that they are not meeting respective State and Tribal management goals. We specifically ask for comments regarding whether the proposed modifications would reasonably address conflicts between wolves and domestic animals or wild ungulate populations; would provide sufficient safeguards to prevent misuse of the modified rule; would provide an appropriate and transparent public process that ensures decisions are science-based; and would provide adequate guarantees that wolf recovery will not be compromised.

If you wish to comment, you may submit your comments and materials concerning this proposed rule by any one of several methods, as listed above in the **ADDRESSES** section. If you submit comments by e-mail, please submit them in ASCII file format and avoid the use of special characters and encryption. Please note that the e-mail address will be closed at the termination of the public comment period.

Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. 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. Comments and materials received will be available for public inspection, by appointment, during normal business hours (see **ADDRESSES** section).

Peer Review

In accordance with our joint policy published in the **Federal Register** on July 1, 1994 (59 FR 34270), and the Office of Management and Budget's (OMB) Final Information Quality Bulletin for Peer Review, dated December 16, 2004, we will seek independent review of the science in this rule. The purpose of such review is to ensure that our final rule is based on scientifically sound data, assumptions, and analyses. We will send peer reviewers copies of this proposed rule immediately following publication in the **Federal Register**. We will invite these peer reviewers to comment,

during the public comment period, on the specific assumptions and conclusions regarding the proposed rule.

We will take into consideration all comments, including peer review comments, and any additional information received during the comment period on this proposed rule during the preparation of a final rulemaking. Accordingly, the final decision may differ from this proposal.

Public Hearings

Three open houses will be held on:

July 17, 2007, Tuesday at Cody Auditorium Facility, 1240 Beck Avenue, Cody, Wyoming; open house 12:30 p.m. to 1:30 p.m. and public hearing 1:30 p.m. to 3:30 p.m.;

July 18, 2007, Wednesday at Jorgenson's Inn & Suites, 1714 11th Avenue, Helena, Montana; open house 6 p.m. to 7 p.m. and public hearing 7 p.m. to 9 p.m.; and

July 19, 2007, Thursday at Boise Convention Center on the Grove, 850 Front Street, Boise, Idaho; open house 6 p.m. to 7 p.m. and public hearing 7 p.m. to 9 p.m.

Anyone wishing to make an oral statement for the record is encouraged to provide a written copy of their statement and present it to us at the hearing. In the event there is a large attendance, the time allotted for oral statements may be limited. Those that wish to speak must sign up at the open houses and hearing. Oral and written statements receive equal consideration. There are no limits on the length of written comments submitted to us. If you have any questions concerning the public hearings, please contact Sharon Rose (303) 236–4580. Persons needing reasonable accommodations in order to attend and participate in the public hearing in Idaho should contact Joan Jewett (503) 231–6211, and for hearings in Montana or Wyoming, please contact Sharon Rose at (303) 236–4580, as soon as possible in order to allow sufficient time to process requests. Please call no later than 1 week before the hearing date. Information regarding the proposal is available in alternative formats upon request.

Previous Federal Actions

In 1974, four subspecies of gray wolf were listed as endangered including the northern Rocky Mountains gray wolf (*Canis lupus irremotus*), the eastern timber wolf (*C. l. lycaon*) in the northern Great Lakes region, the Mexican wolf (*C. l. baileyi*) in Mexico and the southwestern United States, and the Texas gray wolf (*C. l. monstrabilis*) of Texas and Mexico (39 FR 1171, January 4, 1974). In 1978, we published a rule (43 FR 9607, March 9, 1978) relisting the gray wolf as endangered at the species level (*C. lupus*) throughout the conterminous 48 States and Mexico, except for Minnesota, where it was reclassified as threatened. In 2007, we published a rule (72 FR 6052) which delisted the Western Great Lakes population of wolves that included all of Minnesota, Wisconsin, Michigan, and parts of North and South Dakota, Iowa, Illinois, Indiana, and Ohio. The northern Rocky Mountain Wolf Recovery Plan was approved in 1980 (Service 1980, p. i) and revised in 1987 (Service 1987, p. i).

On November 22, 1994, we designated unoccupied portions of Idaho, Montana, and Wyoming as two nonessential experimental population areas for the gray wolf under section 10(j) of the Endangered Species Act of 1973, as amended (Act) (59 FR 60252, November 22, 1994; 59 FR 60266, November 22, 1994). One area was the Yellowstone National Park experimental population area which included all of Wyoming, and parts of southern Montana and eastern Idaho (59 FR 60252, November 22, 1994). The other was the central Idaho experimental population area that included most of Idaho and parts of southwestern Montana (59 FR 60266, November 22, 1994). In 1995 and 1996, we reintroduced wolves from southwestern Canada into these areas (Bangs and Fritts 1996, pp. 407–409; Fritts *et al.* 1997, p. 7; Bangs *et al.* 1998, pp. 785–786). This reintroduction and accompanying management programs greatly expanded the numbers and distribution of wolves in the northern Rocky Mountains. At the end of 2000, the northern Rocky Mountain population first met its numerical and distributional recovery goal of a minimum of 30 breeding pairs and over 300 wolves well-distributed among Montana, Idaho, and Wyoming (68 FR 15804, April 1, 2003; Service *et al.* 2001, Table 4). This minimum recovery goal was again exceeded in 2001, 2002, 2003, 2004, 2005, and 2006 (Service *et al.* 2002–2006, Table 4).

On January 6, 2005, we published a revised nonessential experimental population special rule increasing management flexibility for these recovered populations (70 FR 1286, January 6, 2005). For additional detailed information on previous Federal actions see the 1994 and 2005 special rules (59 FR 60252, November 22, 1994; 59 FR 60266, November 22, 1994; 70 FR 1286, January 6, 2005), the 2003 reclassification rule (68 FR 15804, April 1, 2003), the Advanced Notice of Proposed Rulemaking to designate the NRM gray wolf population as a Distinct Population Segment (DPS) and remove the Act's protections for this population (71 FR 6634, February 8, 2006) and the 2007 proposal to designate the NRM gray wolf population as a DPS and remove the Act's protections for this population (i.e., delist) (72 FR 6106, February 8, 2007).

Background

Given the recovered status of the wolf population and the practical limitations on implementing the current nonessential experimental rules, we propose to slightly modify the 2005 rule (70 FR 1286, January 6, 2005). Additional background on nonessential experimental rules implemented under section 10(j) of the Act can be found in the 1994 rules (59 FR 60252, November 22, 1994; 59 FR 60266, November 22, 1994) and the 2005 rule (70 FR 1286, January 6, 2005).

Addressing Unacceptable Impacts on Wild Ungulate Populations—States and Tribes have the expertise to make determinations of unacceptable impacts to ungulate populations. Both the 1994 Environmental Impact Statement for wolf reintroduction (Service 1994, pp. 6, 8) and the 1994 nonessential experimental special rules addressed the potential impact of wolf restoration on State and Tribal objectives for wild ungulate management. Specifically, the 1994 rules stated, ''Potentially affected States and Tribes may capture and translocate wolves to other areas within an experimental population area as described in paragraph (i)(7), *Provided*, the level of wolf predation is negatively impacting localized ungulate populations at an unacceptable level. Such translocations cannot inhibit wolf population recovery. The States and Tribes will define such unacceptable impacts, how they would be measured, and identify other possible mitigation in their State or Tribal wolf management plans. These plans must be approved by the Service before such movement of wolves may be conducted'' (59 FR 60264, November 22, 1994; 59 FR 60279, November 22, 1994). The ''plans'' referenced in the 1994 rules related to the management of the listed nonessential experimental wolves.

Two examples of conflicts that might warrant relocation outlined in the preamble of the 1994 rules were ''(1) when wolf predation is dramatically affecting prey availability because of unusual habitat or weather conditions; and (2) when wolves cause prey to move onto private property and mix with livestock, increasing potential conflicts''

(59 FR 60257, November 22, 1994; 59 FR 60272, November 22, 1994).

No such State plans for managing listed wolves were adopted; therefore, no wolves were ever moved for ungulate conflicts under the 1994 regulations. Only Wyoming had requested that wolves be moved by the Service. In that situation, Wyoming reported that wolves were occasionally chasing elk with high rates of brucellosis infection off winter elk feed grounds causing them to temporarily mix more frequently with nearby domestic cattle. The Service suggested that the State identify the sites in Wyoming where they would prefer the wolves to be moved, but no sites were ever identified and no wolves were ever moved.

On January 6, 2005, we finalized a new special rule that allowed greater management flexibility for managing a recovered wolf population in the experimental population area of States and Tribal reservations for States and Tribes which had Service approved, post-delisting wolf management plans (70 FR 1286). It also allowed additional opportunities for the public to take wolves in order to protect their private property.

The 2005 rule's provision for ''*take in response to wild ungulate impacts*'' states at 70 FR 1308 that:

> ''If wolf predation is having an unacceptable impact on wild ungulate populations (deer, elk, moose, bighorn sheep, mountain goats, antelope, or bison) as determined by the respective State or Tribe, a State or Tribe may lethally remove the wolves in question.
>
> (A) In order for this provision to apply, the States or Tribes must prepare a science-based document that:
>
> (1) Describes what data indicate that ungulate herd is below management objectives, what data indicate the impact of wolf predation on the ungulate population, why wolf removal is a warranted solution to help restore the ungulate herd to State or Tribal management objectives, the level and duration of wolf removal being proposed, and how ungulate population response to wolf removal will be measured;
>
> (2) Identifies possible remedies or conservation measures in addition to wolf removal; and
>
> (3) Provides an opportunity for peer review and public comment on their proposal prior to submitting it to the Service for written concurrence.
>
> (B) We must determine that such actions are scientifically based and will not reduce the wolf population below recovery levels before we authorize lethal wolf removal.''

The 2005 rule authorized lethal take because we recognized that the wolf population had exceeded its recovery goals, that extra management flexibility was required to address conflicts given the recovered status of the population, that most of the suitable wolf habitat in Montana, Idaho, and Wyoming was occupied by resident wolf packs (Oakleaf *et al.* 2006), and that absent high-quality unoccupied suitable habitat, wolf translocations were likely to fail (70 FR 1294, January 6, 2005; Bradley *et al.* 2005, p. 1506).

The 2005 rule's definition of ''*Unacceptable impact*'' is a ''State or Tribally-determined decline in a wild ungulate population or herd, primarily caused by wolf predation, so that the population or herd is not meeting established State or Tribal management goals. The State or Tribal determination must be peer-reviewed and reviewed and commented on by the public, prior to a final determination by the Service that an unacceptable impact has occurred, and that wolf removal is not likely to impede wolf recovery'' (70 FR 1307, January 6, 2005).

In our definition of ''*Unacceptable impact*'' in the 2005 rule, we set a threshold that has not provided the intended flexibility to allow States and Tribes to resolve conflicts between wolves and ungulate populations. Current information does not indicate that wolf predation alone is likely to be the primary cause of a reduction of any ungulate population in Montana, Idaho, or Wyoming (Bangs *et al.* 2004, pp. 89–100). There are no populations of wild ungulates in Montana, Idaho, or Wyoming where wolves are the sole predator. Wolf predation is unlikely to impact ungulate population trends substantially unless other contributing factors are in operation, such as habitat quality and quantity (National Research Council 1997, pp. 185–186; Mech and Peterson 2003, p. 159), other predators (bear predation on neonates) (Barber *et al.* 2005, p. 42–43; Smith *et al.* 2006, p. vii), high harvest by hunters (Vucetich *et al.* 2005, p. 259; White and Garrott 2005, p. 942; Evans *et al.* 2006, p. 1372; Hamlin 2006, p. 27–32), weather (Mech and Peterson 2003, pp. 138–139), and other factors (Pletscher *et al.* 1991, pp. 545–548; Garrott *et al.* 2005, p. 1245; Smith *et al.* 2006, pp. 246–250). However, in combination with any of these factors, wolf predation can have a substantial impact to some wild ungulate herds (National Research Council 1997, p. 183; Mech and Peterson 2003, pp. 155–157; Evans *et al.* 2006, p. 1377) with the potential of reducing them below State and Tribal herd management objectives.

The unattainable nature of the threshold set in the 2005 rule became apparent soon after its completion. In 2005, the State of Idaho submitted a proposal to the Service that indicated wolf predation was impacting the survival of adult cow elk in the Clearwater area of central Idaho and that the elk population was below State management objectives (Idaho Fish and Game 2006). In the Clearwater proposal, the State of Idaho and the peer reviewers clearly concluded that wolf predation was not ''primarily'' the cause of the elk population's decline, but was one of the major factors maintaining the elk herd's status below State management objectives. Declining habitat quality due to forest maturation was the primary factor affecting the herd's status, but black bear predation on young elk calves, mountain lion predation on adults, and the harsh winter in 1996 to 97 also were major factors. Data also clearly indicated that wolf predation was one of the major causes of mortality of adult female elk, which contributed to the elk herd remaining below State management objectives. After discussions with the Service, Idaho put their proposal on hold because the proposal did not meet the regulatory standard for an ''Unacceptable impact'' set by the 2005 special rule.

We are now proposing to redefine the term ''Unacceptable impact'' to achieve the originally intended management flexibility. Specifically, we propose to define ''*Unacceptable impact*'' as ''State or Tribally determined impact to a wild ungulate population or herd, with wolves as one of the major causes of the population or herd not meeting established State or Tribal population or herd management goals. The State or Tribal determination must be peer-reviewed and reviewed and commented on by the public prior to a final determination by the Service that an unacceptable impact has occurred and that wolf removal is not likely to impede wolf recovery.'' This definition expands the potential impacts for which wolf removal might be warranted beyond direct predation or those causing immediate population declines. It would, in certain circumstances, allow wolf pack removal when wolves are a major cause of the population or herd not meeting established State or Tribal population or herd management goals. Management goals might include cow/calf ratios, movements, use of key feeding areas, survival rates, behavior, nutrition, and other factors.

Under this proposal, as in the 2005 rule, science-based proposals from a State or Tribe with an approved post-delisting wolf management plan would have to undergo both public and peer review. Based on that peer review and public comment, the State or Tribe would finalize the plan and then submit it to the Service for a final

determination. The Service expects the following to be addressed in the State or Tribal proposal: (1) What data indicate that the ungulate herd is below management objectives; (2) what data indicate impact by wolf predation on the ungulate population; (3) why wolf removal is a warranted solution to help restore the ungulate herd to State or Tribal management objectives; (4) the level and duration of wolf removal being proposed; (5) how ungulate population response to wolf removal will be measured; and (6) possible remedies or conservation measures in addition to wolf removal. Before wolf removals can be authorized, the Service must determine if the State or Tribe followed the rule's procedures for developing a proposal to remove wolves in response to unacceptable impacts; if the proposal meets the definition of unacceptable impact; if the science presented supports the recommended action; and if the proposal is science-based.

The recovery goal for the NRM wolf population requires that it be comprised of at least 30 breeding pairs and 300 wolves that are equitably distributed in potentially suitable habitat in Montana, Idaho, and Wyoming. To ensure this goal is achieved, each of the three States (Wyoming, Montana, and Idaho) committed to manage for an equitable distribution of the overall population and assume a management target of 15 breeding pairs in mid-winter within each State. The 15 breeding pair management target was not intended to be the minimum goal for each State. It was an objective so that each State's management would provide a reasonable cushion to ensure each State's share of the wolf population did not fall below the 10 breeding pairs requirement and that the 30 breeding pairs minimum would always be met or exceeded.

While this change will likely result in more wolf control than is currently occurring, we propose to establish controls to ensure that wolf control for ungulate management purposes would not undermine recovery goals. Specifically, before any lethal control of wolf populations can be authorized, we must determine that such actions will not reduce the wolf population in the State below 20 breeding pairs and 200 wolves. This assures that the wolf population is large enough to easily rebound from such removal, that a large safety margin is provided against unseen mortality events that might occur after such removal, and that a substantial margin of safety is provided to ensure that recovery objectives would never be compromised. This limit is a necessary and advisable precaution while wolves remain listed to ensure the conservation of the species given the additional take that might be authorized pursuant to this proposed rule. Once delisted, Montana, Idaho, and Wyoming will manage for no less than 15 breeding pairs.

By the end of 2006, the northern Rocky Mountain wolf population was estimated to contain 1,300 wolves in 86 breeding pairs (nearly three times the minimum numeric recovery goal for breeding pairs and more than four times the minimum population goal), and for the 7th consecutive year it exceeded minimum recovery levels. Montana had an estimated 316 wolves in 21 breeding pairs, Idaho had 673 wolves in 40 breeding pairs, and Wyoming had 311 wolves in 25 breeding pairs. Wolf biology allows for rapid recovery from severe disruptions. After severe declines, wolf populations can more than double in just 2 years if mortality is reduced; and increases of nearly 100 percent per year have been documented in low-density suitable habitat (Fuller *et al.* 2003, pp. 181–183; Service *et al.* 2007, Table 4). The literature suggests that wolf populations can maintain themselves despite a sustained human-caused mortality rate of 30 percent or more per year (Keith 1983, p. 66; Fuller *et al.* 2003, pp. 182–184).

Our data indicate that the human-caused mortality rate in the adult-sized segment of the northern Rocky Mountain wolf population was nearly 26 percent per year from 1994 to 2004 (Smith 2005), and that the wolf population still continued to expand at about 26 percent annually (Service *et al.* 2007, Table 4). This data indicates that the current annual mortality rate of about 26 percent in the adult portion of the wolf population could be nearly doubled and the wolf population could still maintain itself at current levels. Collectively, these factors mean that wolf populations are quite resilient to human-caused mortality if it is regulated.

The wolf population now occupies most of the suitable wolf habitat in the northern Rocky Mountains (72 FR 6106–6139, February 8, 2007; Oakleaf *et al.* 2006, p. 559). The population is unlikely to significantly expand its overall distribution beyond the outer boundaries of the current population because little unoccupied suitable habitat is available. Given current population density and these habitat limitations, we believe the overall numbers of wolf breeding pairs and numbers of wolves cannot continue to sustain a growth rate of 26 percent per year. Thus, we do not believe any increased take as a result of this rule, if finalized, would have an impact on the recovered status of the northern Rocky Mountain wolf population in Montana, Idaho, or Wyoming, as long as it remains managed under a science-based plan.

Addressing Take To Protect Stock Animals and Dogs—The 1994 experimental population rules stated that ''any livestock producers on their private land may take (including to kill or injure) a wolf in the act of killing, wounding, or biting livestock'' (defined as cattle, sheep, horses, and mules) (59 FR 60264, November 22, 1994; 59 FR 60279, November 22, 1994). Similar provisions applied to producers on public land if they obtained a permit from the Service (59 FR 60264, November 22, 1994; 59 FR 60279, November 22, 1994).

The 2005 special rule expanded this provision in States with approved post-delisting wolf management plans to allow private citizens to also lethally take wolves that were ''in the act of attacking'' their livestock and dogs on private land and any livestock or herding and guarding dogs on active public grazing allotments or special use areas. ''In the act of attacking'' is defined in 50 CFR 17.84(n)(3) as ''the actual biting, wounding, grasping, or killing of livestock or dogs, or chasing, molesting, or harassing by wolves that would indicate to a reasonable person that such biting, wounding, grasping, or killing of livestock or dogs is likely to occur at any moment.'' Such incidents had to be reported to the Service or our designated agent(s) within 24 hours and physical evidence of such an attack had to be present.

This rule proposes to add a new provision for lethal take of wolves in States with approved post-delisting wolf management plans when in defense of ''stock animals'' (defined as ''a horse, mule, donkey, or llama used to transport people or their possessions'') or dogs. Specifically, the proposed modification states that ''any legally present private citizen on private or public land may immediately take a wolf that is in the act of attacking the individuals' legally present stock animal or dog, provided there is no evidence of intentional baiting, feeding, or deliberate attractants of wolves. The citizen must be able to provide evidence of stock animals or dogs recently (less than 24 hours) wounded, harassed, molested, or killed by wolves, and we or our designated agents must be able to confirm that the stock animals or dogs were wounded, harassed, molested, or killed by wolves. To preserve evidence that the take of a wolf was conducted according to this

rule, the carcass of the wolf and the area surrounding should not be disturbed. The take of any wolf without such evidence of a direct and immediate threat may be referred to the appropriate authorities for prosecution.''

Since 1995, only 43 wolves (about 8 percent of the 538 wolves legally removed in agency-authorized control actions) have been legally killed by private citizens in defense of their private property or by shoot-on-sight permits as authorized by either the 1994 or 2005 experimental population special rules. There has been no documentation of wolf depredations on stock animals that were accompanied by their owners in the past 12 years, but a few instances of stock animals being spooked by wolves have been reported. While this proposed revision will provide additional opportunity for private citizens to protect their private property, we expect minor impacts on the wolf population.

Ninety-one dogs have been confirmed to be killed by wolves from 1987 to 2007 (Service *et al.* 2007, Table 5). No pet dogs have been confirmed to be killed by wolves while they were accompanied by their owners, and no wolves have been killed solely to protect dogs. However, 35 hunting hounds have been killed by wolves, primarily on public land. In only a few of those instances, the hounds' owners were close enough that they might have been able to better protect their dogs by shooting at the wolves involved. We expect that take of wolves involved in conflicts with pet dogs or hunting hounds would be rare. This proposed modification would allow for private citizens to protect their dogs from wolf attack while not meaningfully increasing the rate of wolf removal.

Required Determinations

Regulatory Planning and Review—In accordance with the criteria in Executive Order 12866, this rule is a significant regulatory action and subject to OMB review. An economic analysis is not required because this rule will result in only minor and positive economic effects on a small percentage of private citizens in Idaho and Montana, and possibly Wyoming if it develops an approved post-delisting wolf management plan.

(a) This regulation does not have an annual economic effect of $100 million or adversely affect an economic sector, productivity, jobs, the environment, or other units of government. A brief assessment to clarify the costs and benefits associated with this rule follows.

Costs Incurred—Under the 2005 special rule, which this rule proposes to modify, management of wolves by States or Tribes with Service-approved post-delisting wolf management plans is voluntary. Therefore, associated costs would be discretionary. While we do not quantify these expected expenditures, these costs may consist of staff time and salary as well as transportation and equipment necessary to control wolves unacceptably impacting ungulate populations or herds.

We have funded State and Tribal wolf monitoring, research, and management efforts for gray wolves in Montana, Idaho, and Wyoming, and intend to continue to do so as long as wolves are listed. For the past several years Congress has targeted funding for wolf management to Montana, Idaho, and Wyoming, and the Nez Perce. In addition, Federal grant programs are available that fund wildlife management programs by the States and Tribes.

Benefits Accrued—The objectives of the proposed rule change are (1) to allow States and Tribes with Service-approved post-delisting wolf management plans to address the unacceptable impacts of a biologically recovered wolf population to ungulate populations and herds, and (2) to allow private citizens in States or on Tribal lands with approved post-delisting wolf management plans to take wolves that are in the act of attacking their stock animals or dogs. Allowing wolf removal in response to unacceptable impacts will help maintain ungulate populations or herds at or above State or Tribal objectives. Balancing the needs of wolves and elk provides substantial and sustainable economic benefits. Allowing take of wolves in the act of attacking stock animals or dogs would have a beneficial economic impact by allowing citizens to protect such private property. This proposed amendment could prevent the need for these citizens to replace and retrain these animals. An additional potential benefit may be a lower level of illegal take of wolves due to higher local public tolerance of wolves resulting from reduced conflicts between wolves and humans.

(b) This regulation does not create inconsistencies with other agencies' actions. It is exactly the same as the nonessential experimental population rules currently in effect regarding agency responsibilities under section 7 of the Act. This rule reflects continuing success in recovering the gray wolf through long-standing cooperative and complementary programs by a number of Federal, State, and Tribal agencies. Implementation of Service-approved State or Tribal post-delisting wolf management plans supports these existing partnerships.

(c) This rule will not alter the budgetary effects or entitlements, grants, user fees, or loan programs, or the rights and obligations of their recipients because we do not foresee any new impacts or restrictions to existing human uses of lands in Idaho or Montana as a result of this rule, nor in Wyoming or any Tribal reservations that remain under the 1994 10(j) rules.

(d) This rule does not raise novel legal or policy issues. Instead it proposes to reduce the restrictions on take of wolves. Similar take provisions are already in place through the 1994 and 2005 special rules (59 FR 60252, November 22, 1994; 59 FR 60266, November 22, 1994; 70 FR 1286, January 6, 2005). No new novel legal or policy issues are raised by the amendments offered in this proposed rule.

Regulatory Flexibility Act (5 U.S.C. 601 et seq.)

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*, as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996), whenever a Federal agency is required to publish a notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the effects of the rule on small entities (i.e., small businesses, small organizations, and small government jurisdictions). However, no regulatory flexibility analysis is required if the head of the agency certifies the rule will not have a significant economic impact on a substantial number of small entities. The SBREFA amended the Regulatory Flexibility Act to require Federal agencies to provide a statement of the factual basis for certifying that a rule will not have a significant economic impact on a substantial number of small entities. The SBREFA also amended the Regulatory Flexibility Act to require a certification statement. Based on the information that is available to us at this time, we certify that this regulation will not have a significant economic impact on a substantial number of small entities. The following discussion explains our rationale.

The majority of wolves in the West are currently protected under the nonessential experimental population designations that cover Wyoming, most of Idaho, and southern Montana that treat wolves as a threatened species. Special regulations exist for these experimental populations that currently allow government employees and

designated agents, as well as livestock producers and private citizens, to take problem wolves. This proposed regulation modification does not change the nonessential experimental designation, but does contain additional special regulations that allow States and Tribes with approved post-delisting wolf management plans more flexibility in managing nonessential experimental wolves.

These changes are applicable only where States or Tribes (on Tribal reservations) that have an approved post-delisting management plan for gray wolves. Within the northern Rocky Mountain gray wolf population's range, only the States of Idaho and Montana have approved plans. Therefore, the regulation is expected to result in a small reduction of economic losses to some private citizens in States with approved post-delisting wolf management plans (i.e., Idaho and Montana) within the boundary of the nonessential experimental populations of the northern Rocky Mountain gray wolf population (Central Idaho nonessential experimental population area and Yellowstone nonessential experimental population area) (59 FR 60252, November 22, 1994; 59 FR 60266, November 22, 1994).

In anticipation of the possible delisting the northern Rocky Mountain gray wolf population, we have worked closely with States to ensure that their plans provide the protection and flexibility necessary to manage wolves at or above recovery levels after delisting. Approved plans are those plans that have passed peer review and Service scrutiny aimed at ensuring that the requirements under the Act are met and that recovery levels are maintained. It is appropriate for States that have met this approval standard to manage wolves prior to delisting for several reasons. States with approved post-delisting wolf management plans (Montana and Idaho) worked with their elected officials and public to develop biologically and socially accepted State regulatory frameworks to conduct wolf management. They have already assumed an important role in the management of this species and have developed extensive field experience and expertise, garnered considerable public trust, and exceeded the goals for recovery. A gradual transfer of responsibilities while the wolves are protected under the Act provides an adjustment period for the State wildlife agencies, Federal agencies, and Tribes to work out any unforeseen issues that may arise.

Small Business Regulatory Enforcement Fairness Act

This regulation is not a major rule under 5 U.S.C. 801 *et seq.*, the SBREFA.

(a) This regulation will not have an annual effect on the economy of $100 million or more and is fully expected to have no significant economic impacts. The proposed regulation further reduces the effect that wolves will have on a few private citizens by increasing the opportunity for them to protect their stock animals and dogs. Since there are so few small businesses impacted by this regulation, the combined economic effects are minimal.

(b) This regulation will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions and will impose no additional regulatory restraints in addition to those already in operation.

(c) This regulation will not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises. Based on the analysis of identified factors, we have determined that no individual industries within the United States will be significantly affected and that no changes in the demography of populations are anticipated. The intent of this special rule is to facilitate and continue existing commercial activities while providing for the conservation of species by better addressing the concerns of affected landowners and the impacts of a biologically recovered wolf population.

Unfunded Mandates Reform Act

The 2005 special rule, which this proposed rule suggests amending, defines a process for voluntary and cooperative transfer of management responsibilities for a listed species back to the States. Therefore, in accordance with the Unfunded Mandates Reform Act (2 U.S.C. 1501, *et seq.*):

(a) This rule will not ''significantly or uniquely'' affect small governments. A Small Government Agency Plan is not required. As stated above, this regulation will result in only minor positive economic effects for a very small percentage of livestock producers.

(b) This rule will not produce a Federal mandate of $100 million or greater in any year; that is, it is not a ''significant regulatory action'' under the Unfunded Mandates Reform Act. This rule is not expected to have any significant economic impacts nor will it impose any unfunded mandates on other Federal, State, or local government agencies to carry out specific activities.

Takings (Executive Order 12630)

In accordance with Executive Order 12630, this rule will not have significant implications concerning taking of private property by the Federal Government. This rule will substantially advance a legitimate government interest (conservation and recovery of listed species) and will not present a bar to all reasonable and expected beneficial use of private property. Because this proposed rule change pertains only to the relaxation of restrictions on lethal removal of wolves, it would not result in any takings of private property.

Federalism (Executive Order 13132)

This proposed rule maintains the existing relationship between the States and the Federal Government. The State wildlife agencies in Montana, Idaho, and Wyoming requested that we undertake this rulemaking in order to assist the States in reducing conflicts with local landowners and returning wolf management to the States or Tribes. We have cooperated with the States in preparation of this rule. Maintaining the recovery goals for these wolves will contribute to their eventual delisting and their return to State management. Utilizing the 2005 special rule, which this rule proposes to modify, is voluntary. This rule will not have substantial direct effects on the States, on the relationship between the States and the Federal Government, or on the distribution of power and responsibilities among the various levels of government. No intrusion on State policy or administration is expected; roles or responsibilities of Federal or State governments will not change; and fiscal capacity will not be substantially directly affected. Therefore, this rule does not have significant Federalism effects or implications to warrant the preparation of a Federalism Assessment pursuant to the provisions of Executive Order 13132.

Civil Justice Reform (Executive Order 12988)

In accordance with Executive Order 12988, the Department of the Interior has determined that this rule does not unduly burden the judicial system and meets the applicable standards provided in sections 3(a) and 3(b)(2) of the order.

Paperwork Reduction Act

The OMB regulations at 5 CFR 1320, which implement provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) require that Federal

agencies obtain approval from OMB before collecting information from the public. 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 control number. This rule does not contain any new collections of information other than those permit application forms already approved under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, and assigned OMB clearance number 1018–0095.

National Environmental Policy Act

In compliance with all provisions of the National Environmental Policy Act (NEPA), we are analyzing the impact of this rule modification and will determine if there are any new significant impacts or effects caused by this rule. A draft environmental assessment will be prepared on this proposed action and will be available for public inspection and comments when completed. All appropriate NEPA documents will be finalized before this rule is finalized.

Government-to-Government Relationship With Tribes (Executive Order 13175)

In accordance with the President's memorandum of April 29, 1994, ''Government-to-Government Relations with Native American Tribal Governments'' (59 FR 22951), Executive Order 13175, and 512 DM 2, we have been coordinating with affected Tribes within the experimental population areas of Montana, Idaho, and Wyoming on this rule. We will fully consider all of the comments on the proposed special regulations that are submitted by Tribes and Tribal members during the public comment period and will attempt to address those concerns, new data, and new information where appropriate.

Energy Supply, Distribution or Use (Executive Order 13211)

On May 18, 2001, the President issued Executive Order 13211 requiring agencies to prepare Statements of Energy Effects when undertaking certain actions that significantly affect energy supply, distribution, and use. This rule is not expected to significantly affect energy supplies, distribution, or use. Therefore, this action is not a significant energy action and no Statement of Energy Effects is required.

Clarity of the Rule

Executive Order 12866 requires agencies to write regulations that are easy to understand. We invite comments on how to make this proposal easier to understand, including answers to questions such as the following: Are the requirements in the document clearly stated? Does the rule contain technical language or jargon that interferes with the clarity? Does the format of the rule (grouping and order of sections, use of headings, paragraphing, etc.) aid or reduce its clarity? And is the description of the proposed rule in the **SUPPLEMENTARY INFORMATION** section of the preamble helpful in understanding the proposed rule? What else could we do to make the rule easier to understand? We requested that any comments about how we could make this rule easier to understand be sent to—Office of Regulatory Affairs, Department of the Interior, Room 7229, 1849 C Street, NW., Washington, DC 20240. People also could e-mail comments to *Exsec@ios.doi.gov.* We will review all public comments and incorporate them in the final rule to make it easier to understand.

References Cited

A complete list of all references cited in this rulemaking is available upon request from our Helena office (see **ADDRESSES** section).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, and Transportation.

Proposed Regulation Promulgation

Accordingly, we propose to amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

PART 17—[AMENDED]

1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361–1407; 16 U.S.C. 1531–1544; 16 U.S.C. 4201–4245; Pub. L. 99–625, 100 Stat. 3500, unless otherwise noted.

2. Amend § 17.84 by amending paragraph (n) as follows:

a. In paragraph (n)(3), revise the term ''unacceptable impact'' and, in alphabetical order, add the terms ''stock animal'' and ''ungulate population or herd'', to read as set forth below; and

b. In paragraph (n)(4), revise the first sentence following the heading and paragraph (n)(4)(v)(B), and add paragraph (n)(4)(xiii), to read as set forth below.

§ 17.84 Special rules—vertebrates.

* * * * *

(n) * * *

(3) * * *

* * * * *

Stock animal—A horse, mule, donkey, or llama used to transport people or their possessions.

Unacceptable impact—State or Tribally determined impact to a wild ungulate population or herd, with wolves as one of the major causes of the population or herd not meeting established State or Tribal population or herd management goals. The State or Tribal determination must be peer-reviewed and reviewed and commented on by the public, prior to a final determination by the Service that an unacceptable impact has occurred, and that wolf removal is not likely to impede wolf recovery.

Ungulate population or herd—An assemblage of wild ungulates living in a given area.

* * * * *

(4) *Allowable forms of take of gray wolves.* The following activities, only in the specific circumstances described under this paragraph (n)(4), are allowed: Opportunistic harassment; intentional harassment; take on private land; take on public land; take in response to impacts on wild ungulate populations; take in defense of human life; take to protect human safety; take by designated agents to remove problem wolves; incidental take; take under permits; take per authorizations for employees of designated agents; take for research purposes; and take to protect stock animals and dogs. * * *

* * * * *

(v) * * *

(B) We must determine that such actions are science-based and will not reduce the wolf population in the State below 20 breeding pairs and 200 wolves before we authorize lethal wolf removal.

* * * * *

(xiii) *Take to protect stock animals and dogs.* Any legally present private citizen on private or public land may immediately take a wolf that is in the act of attacking the individual's legally present stock animal or dog, provided that there is no evidence of intentional baiting, feeding, or deliberate attractants of wolves. The citizen must be able to provide evidence of stock animals or dogs recently (less than 24 hours) wounded, harassed, molested, or killed by wolves, and we or our designated agents must be able to confirm that the stock animals or dogs were wounded, harassed, molested, or killed by wolves. To preserve evidence that the take of a wolf was conducted according to this rule, the citizen must not disturb the carcass and the area surrounding it. The take of any wolf without such evidence of a direct and immediate threat may be

referred to the appropriate authorities for prosecution.

* * * * *

Dated: June 28, 2007.

Kevin Adams,

Acting Director, U.S. Fish and Wildlife Service.

[FR Doc. 07–3268 Filed 7–2–07; 11:20 am]

BILLING CODE 4310–55–P

Notices

Federal Register

Vol. 72, No. 129

Friday, July 6, 2007

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Notice of New Fee Site; Federal Lands Recreation Enhancement Act (Title VIII, Pub. L. 108–447)

AGENCY: Fishlake National Forest, USDA Forest Service.

ACTION: Notice of new fee site.

SUMMARY: The Fremont River Ranger District of the Fishlake National Forest will begin charging an $8 fee for single family overnight camping at the Elkhorn Campground. There will also be a $4 fee for an extra vehicle. There is presently a fee of $25 to $45, depending on the number of people, for use of the group site at this campground. Overnight camping at other campgrounds on the Fishlake National Forest have shown that people appreciate and enjoy the availability of developed recreation facilities. Funds from the fee charges will be used for the continued operation and maintenance of the Elkhorn Campground.

DATES: Elkhorn Campground will become available for overnight camping on June 15, 2008 (weather permitting).

ADDRESSES: Forest Supervisor, Fishlake National Forest, 115 East, 900 North, Richfield, Utah 84701

FOR FURTHER INFORMATION CONTACT: David C. Bell, Forester, 435–836–2811.

SUPPLEMENTARY INFORMATION: The Federal Recreation Lands Enhancement Act (Title VII, Pub. L. 108–447) directs the Secretary of Agriculture to publish a six month advance notice in the **Federal Register** whenever new recreation fee areas are established. The Fremont River Ranger District of the Fishlake National Forest currently has several other fee campgrounds. These facilities are located on Thousand Lake Mountain in south central Utah. This area offers significant recreational camping, fishing, hiking, horseback riding, hunting and wildlife viewing opportunities. A market analysis indicates that the $8/per night single family camping fee is both reasonable and acceptable for this sort of unique recreation experience.

Dated: June 6, 2007.

Mary C. Erickson,

Fishlake National Forest Supervisor.

[FR Doc. 07–3283 Filed 7–5–07; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

Notice of New Fee Site; Federal Lands Recreation Enhancement Act (Title VIII, Pub. L. 108–447)

AGENCY: Fishlake National Forest, USDA Forest Service.

ACTION: Notice of new fee site.

SUMMARY: The Fremont River Ranger District of the Fishlake National Forest will begin charging a $8 fee for single family overnight camping and a $25 to $35 fee (depending on the number of people) for group family overnight camping at the Lower Bowns Campground. There will also be a $4 fee for an extra vehicle. This campground is located on the Dixie National Forest, but is administered by the Fishlake National Forest. Overnight camping at other campgrounds on the Dixie National Forest have shown that publics appreciate and enjoy the availability of developed recreation facilities. Funds from the fee charges will be used for continued operation and maintenance of the Lower Bowns Campground.

DATES: Lower Bowns Campground will become available for overnight camping on May 25, 2008 (weather permitting).

ADDRESSES: Forest Supervisor, Fishlake National Forest, 115 East, 900 North, Richfield, Utah 84701.

FOR FURTHER INFORMATION CONTACT: David C. Bell, Forester, 435–836–2811.

SUPPLEMENTARY INFORMATION: The Federal Recreation Lands Enhancement Act (Title VII, Pub. L. 108–447) directed the Secretary of Agriculture to publish a six month advance notice in the **Federal Register** whenever new recreation fee areas are established. The Fremont River Ranger District of the Fishlake National Forest currently has several fee campgrounds. These facilities are adjacent to Lower Bowns Reservoir on the east slope of Boulder Mountain, in south and central Utah. This area offers significant recreational camping, fishing, boating, ATV riding, horseback riding, hiking, hunting and wildlife viewing opportunities and is rich in historical and cultural importance. A market analysis indicates that the $8/per night single family camping fee and the $25 to $35/per night group family camping fee are both reasonable and acceptable for this sort of unique recreation experience.

Dated: June 6, 2007.

Mary C. Erickson,

Fishlake National Forest Supervisor.

[FR Doc. 07–3284 Filed 7–05–07; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

National Agricultural Statistics Service

Notice of Invitation for Nominations to the Advisory Committee on Agriculture Statistics

AGENCY: National Agricultural Statistics Service (NASS), USDA.

ACTION: Solicitation of nominations for Advisory Committee on Agriculture Statistics Membership.

SUMMARY: In accordance with the Federal Advisory Committee Act, 5 U.S.C. App. 2, this notice announces an invitation from the Office of the Secretary of Agriculture for nominations to the Advisory Committee on Agriculture Statistics.

On March 23, 2007, the Secretary of Agriculture re-established the Advisory Committee charter for another 2 years. The purpose of the Committee is to advise the Secretary of Agriculture on the scope, timing, content, etc., of the periodic censuses and surveys of agriculture, other related surveys, and the types of information to obtain from respondents concerning agriculture. The Committee also prepares recommendations regarding the content of agriculture reports and presents the views and needs for data of major suppliers and users of agriculture statistics.

DATES: Nominations must be received by August 6, 2007 to be assured of consideration.

ADDRESSES: Nominations should be mailed to Joe Reilly, Associate Administrator, National Agricultural Statistics Service, U.S. Department of Agriculture, 1400 Independence Avenue, SW., Room 5041A South Building, Washington, DC 20250–2000. In addition, nominations may be mailed electronically to *hq_aa@nass.usda.gov*. In addition to mailed correspondence to the addresses listed above, nominations may also be faxed to (202) 720–9013.

FOR FURTHER INFORMATION CONTACT: Joe Reilly, Associate Administrator, National Agricultural Statistics Service, (202) 720–4333.

SUPPLEMENTARY INFORMATION: Nominations should include the following information: Name, title, organization, address, telephone number, and e-mail address. Each person nominated is required to complete an Advisory Committee Membership Background Information form. This form may be requested by telephone, fax, or e-mail using the information above. Forms will also be available from the NASS home page *http://www.usda.gov/nass* by selecting ''Agency Information,'' ''Advisory Committee on Agriculture Statistics.'' Completed forms may be faxed to the number above, mailed, or completed and e-mailed directly from the Internet site.

The Committee draws on the experience and expertise of its members to form a collective judgment concerning agriculture data collected and the statistics issued by NASS. This input is vital to keep current with shifting data needs in the rapidly changing agricultural environment and keeps NASS informed of emerging issues in the agriculture community that can affect agriculture statistics activities.

The Committee, appointed by the Secretary of Agriculture, consists of 25 members representing a broad range of disciplines and interests, including, but not limited to, producers, representatives of national farm organizations, agricultural economists, rural sociologists, farm policy analysts, educators, State agriculture representatives, and agriculture-related business and marketing experts.

Members serve staggered 2-year terms, with terms for half of the Committee members expiring in any given year. Nominations are being sought for 14 open Committee seats. Members can serve up to 3 terms for a total of 6 consecutive years. The Chairperson of the Committee shall be elected by members to serve a 1-year term.

Equal opportunity practices, in line with USDA policies, will be followed in all membership appointments to the Committee. To ensure that the recommendations of the Committee have taken into account the needs of the diverse groups served by USDA, membership shall include, to the extent practicable, individuals with demonstrated ability to represent minorities, women, and persons with disabilities.

The duties of the Committee are solely advisory. The Committee will make recommendations to the Secretary of Agriculture with regards to the agricultural statistics program of NASS, and such other matters as it may deem advisable, or which the Secretary of Agriculture; Under Secretary for Research, Education, and Economics; or the Administrator of NASS may request. The Committee will meet at least annually. All meetings are open to the public. Committee members are reimbursed for official travel expenses only.

Send questions, comments, and requests for additional information to the e-mail address, fax number, or address listed above.

Signed at Washington, DC, June 18, 2007.

R. Ronald Bosecker,

Administrator, National Agricultural Statistics Service.

[FR Doc. E7–13026 Filed 7–5–07; 8:45 am]

BILLING CODE 3410–20–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Addition

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed addition to the Procurement List.

SUMMARY: The Committee is proposing to add to the Procurement List a product to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

Comments Must be Received on or Before: August 5, 2007.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Jefferson Plaza 2, Suite 10800, 1421 Jefferson Davis Highway, Arlington, Virginia 22202–3259.

For Further Information or to Submit Comments Contact: Kimberly M. Zeich, Telephone: (703) 603–7740, Fax: (703) 603–0655, or e-mail *CMTEFedReg@jwod.gov.*

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C 47(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

If the Committee approves the proposed additions, the entities of the Federal Government identified in the notice for each product or service will be required to procure the products listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. If approved, the action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the products to the Government.

2. If approved, the action will result in authorizing small entities to furnish the products to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the products proposed for addition to the Procurement List.

Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

End of Certification

The following products are proposed for addition to Procurement List for production by the nonprofit agencies listed:

Product

Shredder Bag.

NSN: 8105–00–NIB–1263—44″ x 39″ (pk of 50).

NSN: 8105–00–NIB–1264—24″ x 26″ (pk of 100).

NSN: 8105–00–NIB–1265—29″ x 30″ (pk of 100).

NSN: 8105–00–NIB–1266—31″ x 36″ (pk of 50).

NSN: 8105–00–NIB–1267—39″ x 51″ (pk of 50).

NSN: 8105–00–NIB–1268—36″ x 39″ (pk of 50).

NSN: 8105–00–NIB–1269—49″ x 51″ (pk of 50).

NPA: Envision, Inc., Wichita, KS.

Coverage: A–List—for the total Government requirements as specified by the General Services Administration.

Contracting Activity: General Services Administration, Office Supplies & Paper Products Acquisition Ctr, New York, NY.

Kimberly M. Zeich,

Director, Program Operations.

[FR Doc. E7–13078 Filed 7–5–07; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Additions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to the Procurement List.

SUMMARY: This action adds to the Procurement List a product and service to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

DATES: *Effective Date:* August 5, 2007.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Jefferson Plaza 2, Suite 10800, 1421 Jefferson Davis Highway, Arlington, Virginia 22202–3259.

FOR FURTHER INFORMATION CONTACT: Kimberly M. Zeich, Telephone: (703) 603–7740, Fax: (703) 603–0655, or e-mail *CMTEFedReg@jwod.gov.*

SUPPLEMENTARY INFORMATION: On May 11, 2007, the Committee for Purchase From People Who Are Blind or Severely Disabled published notice (72 FR 26779) of proposed additions to the Procurement List.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the products and services and impact of the additions on the current or most recent contractors, the Committee has determined that the products and services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the products and services to the Government.

2. The action will result in authorizing small entities to furnish the products and services to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the products and services proposed for addition to the Procurement List.

End of Certification

Accordingly, the following product and services are added to the Procurement List:

Product:

Bag, Sand.
NSN: 8105–00–782–2709—Sand Bag.
Coverage: C-List for the requirements of the Defense Supply Center Philadelphia, Philadelphia, PA.
NPA: Southeast Vocational Alliance, Inc., Houston, TX.
Contracting Activity: Defense Supply Center Philadelphia, Philadelphia, PA.

Service:

Service Type/Location: Custodial & Grounds Maintenance, Cannons Corners POE,1295 Cannons Corners Road, Mooers Forks, NY.
Service Type/Location: Custodial & Grounds Maintenance, Churubusco POE, 1219 State Route 189, Churubusco, NY.
NPA: Citizen Advocates, Inc., Malone, NY.
Contracting Activity: Department of Homeland Security, Customs and Border Protection, Indianapolis, IN.

This action does not affect current contracts awarded prior to the effective date of this addition or options that may be exercised under those contracts.

Kimberly M. Zeich,

Director, Program Operations.

[FR Doc. E7–13079 Filed 7–5–07; 8:45 am]

BILLING CODE 6353–01–P

DEPARTMENT OF COMMERCE

Economic Development Administration

[Docket No.: 070627220–7221–01]

Solicitation of Applications for the National Technical Assistance, Training, Research and Evaluation Program: Economic Development Research Projects

AGENCY: Economic Development Administration, Department of Commerce.

ACTION: Notice and request for applications.

SUMMARY: The Economic Development Administration (EDA) is soliciting applications for FY 2007 National Technical Assistance, Training, Research and Evaluation program (NTA Program) funding. Through this notice, EDA solicits applications for funding that address one or more of the following four research projects: (1) Rural economic development policy; (2) business incubators; (3) 21st century regionalism; and (4) private sector community investment. EDA's mission is to lead the federal economic development agenda by promoting innovation and competitiveness, preparing American regions for growth and success in the worldwide economy. Through its NTA Program, EDA works towards fulfilling its mission by funding research and technical assistance projects to promote competitiveness and innovation in rural and urban regions throughout the United States and its territories. By working in conjunction with its research partners, EDA will help States, local governments and community-based organizations to achieve their highest economic potential.

DATES: To be considered timely, a completed application, regardless of the format in which it is submitted, must be either: (1) Received by the EDA representative listed below under ''Paper Submissions'' no later than August 3, 2007 at 5 p.m. EST; or (2) transmitted and time-stamped at *www.grants.gov* no later than August 3, 2007 at 5 p.m. EST. Any application received or transmitted, as the case may be, after 5 p.m. EST on August 3, 2007 will be considered non-responsive and will not be considered for funding. Please see the instructions below under ''Submitting Application Packages'' for information regarding format options for submitting completed applications. The closing date and time are the same for paper submissions as for electronic submissions. By September 5, 2007, EDA expects to notify the applicants selected for investment assistance under this notice. The selected applicants should expect to receive funding for their projects within thirty days of EDA's notification of selection. Applicants choosing to submit completed applications electronically in whole or in part through *www.grants.gov* should follow the instructions set out below under ''Electronic Access'' and in section IV. of the complete Federal Funding Opportunity (FFO) announcement for this request for applications.

ADDRESSES: *Paper Submissions:* Full or partial paper (hardcopy) applications submitted under the NTA program may be hand-delivered or mailed to Dr. William P. Kittredge, Senior Program Analyst, Economic Development Administration, Room 7009, U.S. Department of Commerce, 1401

Constitution Avenue, NW., Washington, DC 20230. Applicants are advised that, due to mail security measures, EDA's receipt of mail sent via the United States Postal Service may be substantially delayed or suspended in delivery. Applicants may wish to use a guaranteed overnight delivery service.

Electronic Submissions: Applicants submitting full or partial paper submissions are encouraged to do so by e-mail. Completed applications may be e-mailed to William P. Kittredge, Senior Program Analyst, at *wkittredge@eda.doc.gov.* Applicants also may submit applications electronically in whole or in part in accordance with the instructions provided at *www.grants.gov* and in section IV.B. of the applicable FFO announcement. EDA strongly encourages that applicants not wait until the application closing date to begin the application process through *www.grants.gov.* The preferred file format for electronic attachments (e.g., the project narrative and additional exhibits to Form ED–900A and Form ED–900A's program-specific component) is portable document format (PDF); however, EDA will accept electronic files in Microsoft Word, WordPerfect, Lotus or Excel formats.

FOR FURTHER INFORMATION CONTACT: For additional information on the NTA Program or to obtain paper application packages for this notice, please contact William P. Kittredge, Senior Program Analyst, via e-mail at *wkittredge@eda.doc.gov* (preferred) or by telephone at (202) 482–5442.

For additional information regarding electronic submissions, please access the following link for assistance in navigating *www.grants.gov* and for a list of useful resources: *www.grants.gov/applicants/applicant_help.jsp.* If you do not find an answer to your question under *Frequently Asked Questions,* try consulting the *Applicant's User Guide.* If you still cannot find an answer to your question, contact *www.grants.gov* via e-mail at *support@grants.gov* or telephone at 1–800–518–4726. The hours of operation for *www.grants.gov* are Monday–Friday, 7 a.m. to 9 p.m. (EST) (except for federal holidays).

Additional information about EDA and its NTA Program may be obtained from EDA's Internet Web site at *http://www.eda.gov.* The complete FFO announcement for this request for applications is available at *http://www.grants.gov* and at *http://www.eda.gov.*

SUPPLEMENTARY INFORMATION:

Background Information: EDA is soliciting applications for FY 2007 NTA Program funding. Through this notice, EDA solicits applications for funding that address one or more of the following four research projects: (1) Rural economic development policy; (2) business incubators; (3) 21st century regionalism; and (4) private sector community investment. EDA's intent is to create practitioner-accessible tools that can be used to bring the best current thinking to bear on specific problems. As described in the complete FFO announcement, each research project has three component deliverables: (1) A practitioner-accessible report of the findings in the subject area that should be presented in a visually-appealing brochure summarizing key elements and findings; (2) a presentation to EDA senior management at the close of the study that outlines project methods in plain, non-technical language and summarizes the report's conclusions in a manner suitable for dissemination to the public; and (3) participation with EDA in conferences and meetings to discuss the results of the research. With respect to the first deliverable noted above, approximately 500 brochures should be provided to EDA, with each brochure containing a compact disk (CD) version of the report in searchable Adobe PDF format. The CD should contain a full topical and subject index of the materials such that a practitioner seeking specific information can quickly locate the desired information and, utilizing intra-report links, quickly locate allied or associated information that may be necessary or useful for the completion of the task. A method by which practitioners may access updated data encapsulated in the final report without charge is desirable.

Any information disseminated to the public under this request for applications is subject to the Information Quality Act (Pub. L. 106–554). Applicants are required to comply with the Information Quality Guidelines issued by EDA pursuant to the Information Quality Act, which are designed to ensure and maximize the quality, objectivity, utility and integrity of information disseminated by EDA. These guidelines are available on EDA's Web site at *http://www.eda.gov.*

Application Package: The application package consists of the following three forms:

(1) Form ED–900A, *Application for Investment Assistance* (OMB Control No. 0610–0094);

(2) Form ED–900A's program-specific component, *National Technical Assistance, Training, and Research and Evaluation Program Requirements* (OMB Control No. 0610–0094); and

(3) Form SF–424, *Application for Federal Assistance* (OMB Control No. 4040–0004). Applicants must submit all components of the application package in accordance with the instructions provided in sections IV. and VII.B. of the FFO announcement.

Submitting Application Packages: Applications may be submitted in one of three formats: (1) Full paper (hardcopy) submission; (2) partial paper (hardcopy) submission and partial electronic submission; or (3) full electronic submission, each in accordance with the procedures provided in section IV.B. of the applicable FFO announcement. The content of the application package is the same for paper submissions as it is for electronic submissions. Applications completed in accordance with the instructions set forth in the FFO announcement, regardless of the option chosen for submission, will be considered for EDA funding under this notice. Non-compliant or incomplete applications and applications submitted by facsimile will not be considered.

Paper Access: Each of the three forms listed above under ''Application Package'' are separate attachments available at *http://www.eda.gov/InvestmentsGrants/Application.xml.* You may print copies of each of these forms from *http://www.eda.gov/InvestmentsGrants/Application.xml.* You also may obtain paper application packages by contacting the EDA representative listed above under **FOR FURTHER INFORMATION CONTACT**.

Electronic Access: Applicants may apply electronically through *www.grants.gov* and may access this grant opportunity synopsis by following the instructions provided on *http://www.grants.gov/search/basic.do.* The synopsis will have an application package, which is an electronic file that contains forms pertaining to this specific funding opportunity. On *http://www.grants.gov/search/basic.do*, applicants can perform a basic search for this funding opportunity by completing the ''*Keyword Search*,'' the ''*Search by Funding Opportunity Number*,'' or the ''*Search by CFDA Number*'' field, and then clicking the ''*Search*'' button.

Funding Availability: EDA may use funds appropriated under the Revised Continuing Appropriations Resolution, 2007, Public Law 110–5 (February 15, 2007) to make awards under the NTA Program authorized under section 207 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3147), as amended (PWEDA), and 13 CFR part 306, subpart A. Approximately $2,700,000 is available, and shall

remain available until expended, for funding awards pursuant to this notice and request for applications. This notice is the second of three **Federal Register** notices for requests for applications under the NTA Program. EDA anticipates spending approximately $1,000,000 of available NTA Program funds to fund all four research projects under this notice. Based on recent past awards for projects similar to the projects solicited under this notice, the range of funding awards has been from $150,000 to $350,000 for each project.

Statutory Authority: The authority for the NTA Program is PWEDA. EDA published final regulations (codified at 13 CFR chapter III) in the **Federal Register** on September 27, 2006 (71 FR 56658). The final regulations became effective upon publication and reflect changes made to PWEDA by the Economic Development Administration Reauthorization Act of 2004 (Pub. L. 108–373, 118 Stat. 1756 (2004)). These regulations will govern an award made under this notice and request for applications. The final regulations and PWEDA are accessible on EDA's Internet Web site at *http://www.eda.gov/InvestmentsGrants/Lawsreg.xml*.

Catalog of Federal Domestic Assistance (CFDA) Numbers: 11.303, Economic Development—Technical Assistance; 11.312, Economic Development-Research and Evaluation

Eligibility Requirement: Pursuant to PWEDA, eligible applicants for and eligible recipients of EDA investment assistance include a District Organization; an Indian Tribe or a consortium of Indian Tribes; a State; a city or other political subdivision of a State, including a special purpose unit of a State or local government engaged in economic or infrastructure development activities, or a consortium of political subdivisions; an institution of higher education or a consortium of institutions of higher education; a public or private non-profit organization or association; and, as provided in section 207 of PWEDA (42 U.S.C. 3147) for the NTA Program, a private individual or a for-profit organization. *See* section 3 of PWEDA (42 U.S.C. 3122) and 13 CFR 300.3.

Cost Sharing Requirement: Generally, the amount of the EDA grant may not exceed fifty percent of the total cost of the project. However, a project may receive an additional amount that shall not exceed thirty percent, based on the relative needs of the region in which the project will be located, as determined by EDA. *See* section 204(a) of PWEDA (42 U.S.C. 3144) and 13 CFR 301.4(b)(1). Under this announcement, the Assistant Secretary of Commerce for Economic Development (Assistant Secretary) has the discretion to establish a maximum EDA investment rate of up to one hundred percent where the project: (1) Merits and is not otherwise feasible without an increase to the EDA investment rate; or (2) will be of no or only incidental benefit to the recipient. *See* section 204(c)(3) of PWEDA (42 U.S.C. 3144) and 13 CFR 301.4(b)(4). While cash cost-sharing contributions are preferred, in-kind contributions, consisting of assumptions of debt or contributions of space, equipment and services, may provide the non-federal share of the total project cost. *See* section 204(b) of PWEDA (42 U.S.C. 3144). EDA will fairly evaluate all in-kind contributions, which must be eligible project costs and meet applicable federal cost principles and uniform administrative requirements. Funds from other federal financial assistance awards are considered matching share funds only if authorized by statute that allows such use, which may be determined by EDA's reasonable interpretation of the statute. *See* 13 CFR 300.3. The applicant must show that the matching share is committed to the project, available as needed and not conditioned or encumbered in any way that precludes its use consistent with the requirements of EDA investment assistance. *See* 13 CFR 301.5.

Intergovernmental Review: Applications under the NTA Program are not subject to Executive Order 12372, ''Intergovernmental Review of Federal Programs.''

Evaluation and Selection Procedures: To apply for an award under this request for applications, an eligible applicant must submit a completed application package to EDA before the closing date and time specified in the ''Dates'' section of this notice, and in the manner provided in section IV. of the applicable FFO announcement. Any application received or transmitted, as the case may be, after 5 p.m. EST on August 3, 2007 will not be considered for funding. Applications that do not include all items required or that exceed the page limitations set forth in section IV.C. of the FFO announcement will be considered non-responsive and will not be considered by the review panel. By September 5, 2007, EDA expects to notify the applicants selected for investment assistance under this notice. Unsuccessful applicants will be notified by postal mail that their applications were not selected for funding. Applications that meet all the requirements will be evaluated by a review panel comprised of at least three EDA staff members, all of whom will be full-time federal employees.

Evaluation Criteria: The review panel will evaluate the applications and rate and rank them using the following criteria of approximate equal weight:

1. Conformance with EDA's statutory and regulatory requirements, including the extent to which the proposed project satisfies the award requirements set out below and as provided in 13 CFR 306.2:

a. Strengthens the capacity of local, State or national organizations and institutions to undertake and promote effective economic development programs targeted to regions of distress;

b. Benefits distressed regions; and

c. Demonstrates innovative approaches to stimulate economic development in distressed regions;

2. The degree to which an EDA investment will have strong organizational leadership, relevant project management experience and a significant commitment of human resources talent to ensure the project's successful execution (*see* 13 CFR 301.8(b));

3. The ability of the applicant to implement the proposed project successfully (*see* 13 CFR 301.8);

4. The feasibility of the budget presented; and

5. The cost to the Federal government.

Also, the addition of research and project data to an existing website or the design of a companion Web site designed to disseminate research results and provide links to data encapsulated in the report free of charge is preferred.

Selection Factors: The Assistant Secretary, as the Selecting Official, expects to fund the highest ranking applications, as recommended by the review panel, submitted under this request for applications. However, if EDA does not receive satisfactory applications, the Assistant Secretary may not make any selection. Depending on the quality of the applications received, the Assistant Secretary may select more than one application for one research project and make no selection for another research project. Also, he may select an application out of rank order for the following reasons: (1) A determination that the selected application better meets the overall objectives of sections 2 and 207 of PWEDA (42 U.S.C. 3121 and 3147); (2) the applicant's performance under previous awards; or (3) the availability of funding.

The Department of Commerce Pre-Award Notification Requirements for Grants and Cooperative Agreements

The *Department of Commerce Pre-Award Notification Requirements for*

Grants and Cooperative Agreements, published in the **Federal Register** on December 30, 2004 (69 FR 78389), are applicable to this announcement. This notice may be accessed by entering the **Federal Register** volume and page number provided in the previous sentence at the following Internet Web site: *http://www.gpoaccess.gov/fr/retrieve.html.*

Paperwork Reduction Act

This request for applications contains collections of information subject to the requirements of the Paperwork Reduction Act (PRA). The Office of Management and Budget (OMB) has approved the use of Form ED–900A (*Application for Investment Assistance*) under control number 0610–0094. Form ED–900A's program-specific component (*National Technical Assistance, Training, and Research and Evaluation Program Requirements*) also is approved under OMB control number 0610–0094, and incorporates Forms SF–424A (*Budget Information—Non-Construction Programs*, OMB control number 0348–0044) and SF–424B (*Assurances—Non-Construction Programs*, OMB control number 0348–0040). OMB has approved the use of Form SF–424 (*Application for Financial Assistance*) under control number 4040–0004. 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 PRA unless the collection of information displays a currently valid OMB control number.

Executive Order 12866

This notice has been determined to be not significant for purposes of Executive Order 12866, ''*Regulatory Planning and Review*.''

Executive Order 13132

It has been determined that this notice does not contain ''policies that have Federalism implications,'' as that phrase is defined in Executive Order 13132, ''*Federalism*.''

Administrative Procedure Act/ Regulatory Flexibility Act

Prior notice and an opportunity for public comments are not required by the Administrative Procedure Act or any other law for rules concerning grants, benefits, and contracts (5 U.S.C. 553(a)(2)). Because notice and opportunity for comment are not required pursuant to 5 U.S.C. 553 or any other law, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are inapplicable. Therefore, a regulatory flexibility analysis has not been prepared.

Dated: June 29, 2007.

Benjamin Erulkar,

Deputy Assistant Secretary of Commerce for Economic Development and Chief Operating Officer.

[FR Doc. E7–13130 Filed 7–5–07; 8:45 am]

BILLING CODE 3510–24–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Information Systems Technical Advisory Committee; Notice of Partially Closed Meeting

The Information Systems Technical Advisory Committee (ISTAC) will meet on July 25 and 26, 2007, 9 a.m., in the Herbert C. Hoover Building, Room 3884, 14th Street between Constitution and Pennsylvania Avenues, NW., Washington, DC. The Committee advises the Office of the Assistant Secretary for Export Administration on technical questions that affect the level of export controls applicable to information systems equipment and technology.

Wednesday, July 25

Public Session

1. Welcome and Introduction.
2. Election of Chair(s).
3. INFOSEC TWG Briefing.
4. IPMI and Remote Server Management.
5. MIMO Technology Overview.
6. Aggregation Technology.
7. Commercial Encryption Issues.
8. Introduction of (DRAFT) ISTAC Proposals for Wassenaar Arrangement 2008 List Review.
9. Discussion: Comprehensive Review of Commerce Control List.

Thursday, July 26

Closed Session

10. Discussion of matters determined to be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 §§ 10(a)(1) and 10(a)(3).

A limited number of seats will be available for the public session. Reservations are not accepted. To the extent time permits, members of the public may present oral statements to the Committee. The public may submit written statements at any time before or after the meeting. However, to facilitate distribution of public presentation materials to Committee members, the Committee suggests that public presentation materials or comments be forwarded before the meeting to Ms. Yvette Springer at *Yspringer@bis.doc.gov*.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on June 6, 2007, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. app. 2 (10)(d)), that the portion of the meeting concerning trade secrets and commercial or financial information deemed privileged or confidential as described in 5 U.S.C. 552b(c)(4) and the portion of the meeting concerning matters the disclosure of which would be likely to frustrate significantly implementation of an agency action as described in 5 U.S.C. 552b(c)(9)(B) shall be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 10(a)(1) and 10(a)(3). The remaining portions of the meeting will be open to the public.

For more information, call Yvette Springer at (202) 482–2813.

Dated: July 2, 2007.

Yvette Springer,

Committee Liaison Officer.

[FR Doc. 07–3301 Filed 7–5–07; 8:45 am]

BILLING CODE 3510–JT–M

DEPARTMENT OF COMMERCE

International Trade Administration

[A–274–804]

Carbon and Certain Alloy Steel Wire Rod from Trinidad and Tobago; Preliminary Results of Antidumping Duty Administrative Review

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

SUMMARY: On November 27, 2006, the Department of Commerce (''the Department'') initiated an administrative review of the antidumping duty order on carbon and alloy steel wire rod (''wire rod'') from Trinidad and Tobago for the period of review (''POR'') October 1, 2005, through September 30, 2006.

We preliminarily determine that during the POR, Mittal Steel Point Lisas Limited (''MSPL'') and its affiliates Mittal Steel North America Inc. (''MSNA'') and Mittal Walker Wire Inc. (collectively ''Mittal'') did not make sales of subject merchandise at less than normal value (''NV'') (*i.e.*, sales were made at *de minimis* dumping margins). If these preliminary results are adopted in the final results of this administrative review, we will instruct U.S. Customs and Border Protection (''CBP'') to liquidate appropriate entries without regard to antidumping duties.

Interested parties are invited to comment on these preliminary results. The Department will issue the final results within 120 days after publication of the preliminary results.

EFFECTIVE DATE: July 6, 2007.

FOR FURTHER INFORMATION CONTACT: Dennis McClure or Stephanie Moore, AD/CVD Operations, Office 3, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–5973 or (202) 482–3692, respectively.

SUPPLEMENTARY INFORMATION:

Background

On October 29, 2002, the Department published in the **Federal Register** the antidumping duty order on wire rod from Trinidad and Tobago; *see Notice of Antidumping Duty Orders: Carbon and Certain Alloy Steel Wire Rod from Brazil, Indonesia, Mexico, Moldova, Trinidad and Tobago, and Ukraine*, 67 FR 65945 (''*Wire Rod Orders*''). On October 2, 2006, we published in the **Federal Register** the *Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review*, 71 FR 57920.

We received timely requests for review from petitioners[1], and Mittal, in accordance with 19 CFR 351.213(b)(2). On November 27, 2006, we published the notice of initiation of this antidumping duty administrative review covering the period October 1, 2005, through September 30, 2006, naming Mittal as the respondent. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part*, 71 FR 68535 (November 27, 2006). On November 29, 2006, we sent a questionnaire to Mittal.[2]

Mittal submitted its responses to section A of the Department's questionnaire on January 26, 2007, and to sections B through E on February 2, 2007. On March 1, 2007, the petitioners submitted comments on Mittal's questionnaire response.

On April 18, 2007, the Department sent Mittal a supplemental questionnaire for sections A through C. We received the response to the supplemental questionnaire on May 2, 2007. We issued a supplemental questionnaire for section D on May 14, 2007, and received the response on June 11, 2007.

Scope of the Order

The merchandise subject to this order is certain hot–rolled products of carbon steel and alloy steel, in coils, of approximately round cross section, 5.00 mm or more, but less than 19.00 mm, in solid cross-sectional diameter.

Specifically excluded are steel products possessing the above–noted physical characteristics and meeting the Harmonized Tariff Schedule of the United States (''HTSUS'') definitions for (a) stainless steel; (b) tool steel; (c) high nickel steel; (d) ball bearing steel; and (e) concrete reinforcing bars and rods. Also excluded are (f) free machining steel products (*i.e.*, products that contain by weight one or more of the following elements: 0.03 percent or more of lead, 0.05 percent or more of bismuth, 0.08 percent or more of sulfur, more than 0.04 percent of phosphorus, more than 0.05 percent of selenium, or more than 0.01 percent of tellurium).

Also excluded from the scope are 1080 grade tire cord quality wire rod and 1080 grade tire bead quality wire rod. This grade 1080 tire cord quality rod is defined as: (i) grade 1080 tire cord quality wire rod measuring 5.0 mm or more but not more than 6.0 mm in cross-sectional diameter; (ii) with an average partial decarburization of no more than 70 microns in depth (maximum individual 200 microns); (iii) having no non–deformable inclusions greater than 20 microns and no deformable inclusions greater than 35 microns; (iv) having a carbon segregation per heat average of 3.0 or better using European Method NFA 04–114; (v) having a surface quality with no surface defects of a length greater than 0.15 mm; (vi) capable of being drawn to a diameter of 0.30 mm or less with 3 or fewer breaks per ton, and (vii) containing by weight the following elements in the proportions shown: (1) 0.78 percent or more of carbon, (2) less than 0.01 percent of aluminum, (3) 0.040 percent or less, in the aggregate, of phosphorus and sulfur, (4) 0.006 percent or less of nitrogen, and (5) not more than 0.15 percent, in the aggregate, of copper, nickel and chromium.

This grade 1080 tire bead quality rod is defined as: (i) grade 1080 tire bead quality wire rod measuring 5.5 mm or more but not more than 7.0 mm in cross-sectional diameter; (ii) with an average partial decarburization of no more than 70 microns in depth (maximum individual 200 microns); (iii) having no non–deformable inclusions greater than 20 microns and no deformable inclusions greater than 35 microns; (iv) having a carbon segregation per heat average of 3.0 or better using European Method NFA 04–114; (v) having a surface quality with no surface defects of a length greater than 0.2 mm; (vi) capable of being drawn to a diameter of 0.78 mm or larger with 0.5 or fewer breaks per ton; and (vii) containing by weight the following elements in the proportions shown: (1) 0.78 percent or more of carbon, (2) less than 0.01 percent of soluble aluminum, (3) 0.040 percent or less, in the aggregate, of phosphorus and sulfur, (4) 0.008 percent or less of nitrogen, and (5) either not more than 0.15 percent, in the aggregate, of copper, nickel and chromium (if chromium is not specified), or not more than 0.10 percent in the aggregate of copper and nickel and a chromium content of 0.24 to 0.30 percent (if chromium is specified).

For purposes of the grade 1080 tire cord quality wire rod and the grade 1080 tire bead quality wire rod, an inclusion will be considered to be deformable if its ratio of length (measured along the axis - that is, the direction of rolling - of the rod) over thickness (measured on the same inclusion in a direction perpendicular to the axis of the rod) is equal to or greater than three. The size of an inclusion for purposes of the 20 microns and 35 microns limitations is the measurement of the largest dimension observed on a longitudinal section measured in a direction perpendicular to the axis of the rod. This measurement methodology applies only to inclusions on certain grade 1080 tire cord quality wire rod and certain grade 1080 tire bead quality wire rod that are entered, or withdrawn from warehouse, for consumption on or after July 24, 2003. *Carbon and Certain Alloy Steel Wire Rod from Brazil, Canada, Indonesia, Mexico, Moldova, Trinidad and Tobago, and Ukraine: Final Results of Changed Circumstances Review*, 68 FR 64079, 64081 (November 12, 2003).

The designation of the products as ''tire cord quality'' or ''tire bead quality'' indicates the acceptability of the product for use in the production of tire cord, tire bead, or wire for use in other rubber reinforcement applications such as hose wire. These quality designations are presumed to indicate that these products are being used in tire cord, tire bead, and other rubber reinforcement applications, and such merchandise intended for the tire cord, tire bead, or other rubber reinforcement applications

[1] The petitioners are ISG Georgetown Inc. (formerly Georgetown Steel Company), Gerdau Ameristeel US Inc. (formerly Co-Steel Raritan, Inc.), Keystone Consolidated Industries, Inc., and North Star Steel Texas, Inc.

[2] Section A: Organization, Accounting Practices, Markets and Merchandise

Section B: Comparison Market Sales

Section C: Sales to the United States

Section D: Cost of Production and Constructed Value

Section E: Cost of Further Manufacture or Assembly Performed in the United States

is not included in the scope. However, should petitioners or other interested parties provide a reasonable basis to believe or suspect that there exists a pattern of importation of such products for other than those applications, end–use certification for the importation of such products may be required. Under such circumstances, only the importers of record would normally be required to certify the end use of the imported merchandise.

All products meeting the physical description of subject merchandise that are not specifically excluded are included in this scope.

The products under review are currently classifiable under subheadings 7213.91.3010, 7213.91.3090, 7213.91.4510, 7213.91.4590, 7213.91.6010, 7213.91.6090, 7213.99.0031, 7213.99.0038, 7213.99.0090, 7227.20.0010, 7227.20.0020, 7227.20.0090, 7227.20.0095, 7227.90.6051, 7227.90.6053, 7227.90.6058, and 7227.90.6059 of the HTSUS. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this order is dispositive.

Product Comparisons

In accordance with section 771(16) of the Tariff Act of 1930, as amended (''the Act''), all products produced by the respondent covered by the description in the Scope of the Order section, above, and sold in Trinidad and Tobago during the POR are considered to be foreign like products for purposes of determining appropriate product comparisons to U.S. sales. We have relied on eight criteria to match U.S. sales of subject merchandise to comparison market sales of the foreign like product: grade range, carbon content range, surface quality, deoxidation, maximum total residual content, heat treatment, diameter range, and coating. These characteristics have been weighted by the Department where appropriate. Where there were no sales of identical merchandise in the home market made in the ordinary course of trade to compare to U.S. sales, we compared U.S. sales to the next most similar foreign like product on the basis of the characteristics listed above.

Comparisons to Normal Value

To determine whether sales of wire rod from Trinidad and Tobago were made in the United States at less than NV, we compared the export price (''EP'') or constructed export price (''CEP'') to the NV, as described in the ''Export Price and Constructed Export Price'' and ''Normal Value'' sections of this notice. In accordance with section 777A(d)(2) of the Act, we calculated monthly weighted–average prices for NV and compared these to individual U.S. transactions.

Export Price and Constructed Export Price

For the price to the United States, we used, as appropriate, EP or CEP, in accordance with sections 772(a) and (b) of the Act. We calculated EP when the merchandise was sold by the producer or exporter outside the United States directly to the first unaffiliated purchaser in the United States prior to importation and when CEP was not otherwise warranted based on the facts on the record. We calculated CEP for those sales where a person in the United States, affiliated with the foreign exporter or acting for the account of the exporter, made the sale to the first unaffiliated purchaser in the United States of the subject merchandise. We based EP and CEP on the packed prices charged to the first unaffiliated customer in the United States and the applicable terms of sale. When appropriate, we reduced these prices to reflect discounts and increased the prices to reflect billing adjustments.

In accordance with section 772(c)(2) of the Act, we made deductions, where appropriate, for movement expenses including inland freight, international freight, demurrage expenses, marine insurance, survey fees, U.S. customs duties and various U.S. movement expenses from arrival to delivery.

For CEP, in accordance with section 772(d)(1) of the Act, when appropriate, we deducted from the starting price those selling expenses that were incurred in selling the subject merchandise in the United States, including direct selling expenses (cost of credit, warranty, and further manufacturing). In addition, we deducted indirect selling expenses that related to economic activity in the United States. These expenses include certain indirect selling expenses incurred by affiliated U.S. distributors. We also deducted from CEP an amount for profit in accordance with sections 772(d)(3) and (f) of the Act.

Normal Value

A. Selection of Comparison Markets

To determine whether there was a sufficient volume of sales in the home market to serve as a viable basis for calculating NV, we compared Mittal's volume of home market sales of the foreign like product to the volume of its U.S. sales of the subject merchandise. Pursuant to sections 773(a)(1)(B) and 773(a)(1)(C) of the Act, because Mittal had an aggregate volume of home market sales of the foreign like product that was greater than five percent of its aggregate volume of U.S. sales of the subject merchandise, we determined that the home market was viable.

B. Cost of Production Analysis

In the most recently completed segment of the proceeding in which Mittal participated, the Department found that the respondent made sales in the home market at prices below the cost of producing the merchandise and excluded such sales from the calculation of NV. *See Notice of Final Results of Antidumping Duty Administrative Review: Carbon and Certain Alloy Steel Wire Rod from Trinidad and Tobago*, 70 FR 69512 (November 16, 2005). Therefore, pursuant to section 773(b)(2)(A)(ii) of the Act, the Department determined that there were reasonable grounds to believe or suspect that Mittal made wire rod sales in Trinidad and Tobago at prices below the cost of production (''COP'') in this administrative review. As a result, we initiated a COP inquiry for Mittal.

1. Calculation of COP

In accordance with section 773(b)(3) of the Act, we calculated a weighted–average COP based on the sum of the cost of materials and fabrication for the foreign like product, plus amounts for selling, general, and administrative expenses, packing expenses, and interest expense.

2. Test of Comparison Market Prices

As required under section 773(b)(2) of the Act, we compared the weighted–average COP to the per–unit price of the comparison market sales of the foreign like product, to determine whether these sales were made at prices below the COP within an extended period of time in substantial quantities, and whether such prices were sufficient to permit the recovery of all costs within a reasonable period of time. We determined the net comparison market prices for the below–cost test by subtracting from the gross unit price any applicable movement charges, discounts, rebates, direct and indirect selling expenses and packing expenses which were excluded from COP for comparison purposes.

3. Results of COP Test

Pursuant to section 773(b)(2)(C)(i) of the Act, where less than 20 percent of sales of a given product were at prices less than the COP, we did not disregard any below–cost sales of that product

because we determined that the below–cost sales were not made in ''substantial quantities.'' Where 20 percent or more of a respondent's sales of a given product during the POR were at prices less than the COP, we determined such sales to have been made in ''substantial quantities.'' *See* section 773(b)(2)(C) of the Act. Further, the sales were made within an extended period of time, in accordance with section 773(b)(2)(B) of the Act, because we examined below–cost sales occurring during the entire POR. In such cases, because we compared prices to POR–average costs, we also determined that such sales were not made at prices which would permit recovery of all costs within a reasonable period of time, in accordance with section 773(b)(2)(D) of the Act. Therefore, for purposes of this administrative review, we disregarded below–cost sales of a given product and used the remaining sales as the basis for determining NV, in accordance with section 773(b)(1) of the Act.

C. Calculation of Normal Value Based on Comparison Market Prices

We based home market prices on packed prices to unaffiliated purchasers in Trinidad and Tobago. We adjusted the starting price for inland freight pursuant to section 773(a)(6)(B)(ii) of the Act. In addition, for comparisons made to EP sales, we made adjustments for differences in circumstances of sale (''COS'') pursuant to section 773(a)(6)(C)(iii) of the Act. We made COS adjustments by deducting direct selling expenses incurred for home market sales (credit expense) and adding U.S. direct selling expenses (credit and warranty directly linked to sales transactions). No other adjustments to NV were claimed or allowed.

When comparing U.S. sales with comparison market sales of similar, but not identical, merchandise, we also made adjustments for physical differences in the merchandise in accordance with section 773(a)(6)(C)(ii) of the Act and 19 CFR 351.411. We based this adjustment on the difference in the variable cost of manufacturing for the foreign like product and subject merchandise, using POR–average costs.

D. Level of Trade

In accordance with section 773(a)(1)(B)(i) of the Act, to the extent practicable, we determine NV based on sales in the comparison market at the same level of trade (''LOT'') as the EP or CEP transaction. In identifying LOTs for EP and comparison market sales (*i.e.*, NV based on home market), we consider the starting prices before any adjustments. For CEP sales, we consider only the selling activities reflected in the price after the deduction of expenses and profit under section 772(d) of the Act. *See Micron Technology, Inc. v. United States*, 243 F.3d 1301, 1314 (Fed. Cir. 2001).

To determine whether NV sales are at a different LOT than EP or CEP transactions, we examine stages in the marketing process and selling functions along the chain of distribution between the producer and the unaffiliated customer. If the comparison market sales are at a different LOT and the difference affects price comparability, as manifested in a pattern of consistent price differences between the sales on which NV is based and comparison market sales at the LOT of the export transaction, we make an LOT adjustment under section 773(a)(7)(A) of the Act. For CEP sales, if the NV level is more remote from the factory than the CEP level and there is no basis for determining whether the difference in the levels between NV and CEP affects price comparability, we adjust NV under section 773(a)(7)(B) of the Act (the CEP–offset provision).

In the home market, Mittal reported sales made through one LOT corresponding to one channel of distribution. In the U.S. market, Mittal reported two LOTs corresponding to two channels of distribution. Mittal made sales to an unaffiliated trading company and through its U.S. affiliates. We have determined that the sales made by Mittal directly to U.S. customers are EP sales and those made by Mittal's affiliated U.S. resellers constitute CEP sales. Furthermore, we have found that U.S. sales and home market sales were made at the same LOT. Accordingly, we did not find it necessary to make an LOT adjustment or CEP offset. For further explanation of our LOT analysis see the *Preliminary Sales Calculation Memorandum for Mittal Steel Point Lisas Limited* from Dennis McClure and Stephanie Moore to the File, dated June 29, 2007.

Preliminary Results of Review

As a result of our review, we preliminarily determine that the following weighted–average dumping margin exists for the period October 1, 2005, through September 30, 2006:

Producer/Manufacturer	Weighted–Average Margin
Mittal Steel Point Lisas Limited	0.40% (*i.e.*, *de minimis*)

The Department will disclose calculations performed within five days of the date of publication of this notice to the parties of this proceeding in accordance with 19 CFR 351.224(b). An interested party may request a hearing within 30 days of publication of these preliminary results. *See* 19 CFR 351.310(c). Any hearing, if requested, will be held 37 days after the date of publication, or the first working day thereafter, unless the Department alters the date pursuant to 19 CFR 351.310(d). Interested parties may submit case briefs no later than 30 days after the date of publication of these preliminary results of review. *See* 19 CFR 351.309(c)(ii). Rebuttal briefs limited to issues raised in the case briefs, may be filed no later than 35 days after the date of publication. *See* 19 CFR 351.309(d). Parties who submit arguments are requested to submit with the argument (1) a statement of the issue, and (2) a brief summary of the argument. Further, parties submitting written comments are requested to provide the Department with an additional copy of the public version of any such comments on diskette. The Department will issue the final results of this administrative review, which will include the results of its analysis of issues raised in any such comments, or at a hearing, within 120 days of publication of these preliminary results. *See* section 751(a)(3)(A) of the Act.

Assessment Rate

The Department shall determine and CBP shall assess antidumping duties on all appropriate entries. Pursuant to 19 CFR 351.212(b), the Department calculated an assessment rate for each importer of the subject merchandise. Upon issuance of the final results of this administrative review, if any importer–specific assessment rates calculated in the final results are above *de minimis* (*i.e.*, at or above 0.5 percent), the Department will issue appraisement instructions directly to CBP to assess antidumping duties on appropriate entries by applying the assessment rate to the entered value of the merchandise. For assessment purposes, we calculate importer–specific assessment rates for the subject merchandise by aggregating the dumping margins for all U.S. sales to each importer and dividing the amount by the total entered value of the sales to that importer. The Department intends to issue assessment instructions to CBP 15 days after the date of publication of the final results of review.

The Department clarified its ''automatic assessment'' regulation on May 6, 2003. *See Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68

FR 23954 (May 6, 2003) (*Assessment Policy Notice*). This clarification will apply to entries of subject merchandise during the period of review produced by companies included in these final results of reviews for which the reviewed companies did not know that the merchandise it sold to the intermediary (*e.g.*, a reseller, trading company, or exporter) was destined for the United States. In such instances, we will instruct CBP to liquidate unreviewed entries at the all–others rate if there is no rate for the intermediary involved in the transaction. *See Assessment Policy Notice* for a full discussion of this clarification.

Cash Deposit Requirements

To calculate the cash deposit rate for each producer and/or exporter included in this administrative review, we divided the total dumping margins for each company by the total net value for that company's sales during the review period.

The following deposit rates will be effective upon publication of the final results of this administrative review for all shipments of wire rod from Trinidad and Tobago entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for Mittal will be the rate established in the final results of this review, except if the rate is less than 0.5 percent and, therefore, *de minimis*, the cash deposit rate will be zero; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company–specific rate published for the most recent final results in which that manufacturer or exporter participated; (3) if the exporter is not a firm covered in this review, a prior review, or the original less–than-fair–value (''LTFV'') investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent final results for the manufacturer of the merchandise; and, (4) if neither the exporter nor the manufacturer is a firm covered in this or any previous review conducted by the Department, the cash deposit rate will be 11.40 percent, the ''All Others'' rate established in the LTFV investigation. *See Wire Rod Orders*.

These cash deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

Notification to Importers

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and increase the subsequent assessment of the antidumping duties by the amount of antidumping duties reimbursed.

These preliminary results of review are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: June 29, 2007.

Stephen J. Claeys,

Acting Assistant Secretary for Import Administration.

[FR Doc. E7–13134 Filed 7–5–07; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–809]

Notice of Extension of Time Limit for the Final Results of Antidumping Duty Administrative Review: Certain Forged Stainless Steel Flanges From India

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

EFFECTIVE DATE: July 6, 2007.

FOR FURTHER INFORMATION CONTACT: Fred Baker or Robert James, AD/CVD Operations, Office 7, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–2924 or (202) 482–0649, respectively.

SUPPLEMENTARY INFORMATION:

Background

On March 7, 2007, the Department of Commerce (the Department) published the preliminary results of the 2005–2006 administrative review of the antidumping duty order on certain forged stainless steel flanges (stainless steel flanges) from India. *See Certain Forged Stainless Steel Flanges from India; Preliminary Results of Antidumping Duty Administrative Review, Partial Rescission and Intent to Rescind*, 72 FR 10142 (March 7, 2007). The review covers the period from February 1, 2005 through January 31, 2006, and three manufacturers/exporters of the subject merchandise to the United States: Echjay Forgings Pvt. Ltd., Shree Ganesh Forgings, Ltd., and Rollwell Forge, Ltd. (Rollwell). In the preliminary results we stated that we would issue our final results for the antidumping duty review no later than 120 days after the date of publication of the preliminary results (i.e., July 5, 2007).

Extension of Time Limit for Final Results

The Tariff Act of 1930, as amended (the Act), at section 751(a)(3)(A), states that if it is not practicable to complete the review within the time specified, the administering authority may extend the 120-day period, following the date of the publication of the preliminary results, to issue its final results by an additional 60 days. Due to the complexity of the issues raised in this review, which necessitated issuing an additional supplemental questionnaire to Rollwell following issuance of the preliminary results, and the corresponding necessity to analyze the response and comments, the completion of the final results within the 120-day period is not practicable.

Therefore, in accordance with section 751(a)(3)(A) of the Act, the Department is extending the time period for issuing the final results of review by an additional 30 days until August 4, 2007. Because August 4, 2007, falls on a Saturday, the final results will be due on August 6, 2007, the next business day.

Dated: June 28, 2007.

Stephen J. Claeys,

Deputy Assistant Secretary for Import Administration.

[FR Doc. E7–13122 Filed 7–5–07; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–803]

Notice of Extension of Time Limit for Final Results and Partial Rescission of the 2005–2006 Antidumping Duty Administrative Review of Heavy Forged Hand Tools, Finished or Unfinished, With or Without Handles, from the People's Republic of China

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

EFFECTIVE DATE: July 6, 2007.

FOR FURTHER INFORMATION CONTACT: Mark Flessner or Robert James, AD/CVD Enforcement Office 7, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution

Avenue, NW., Washington, DC 20230; telephone: (202) 482–6312 or (202) 482–0649, respectively.

SUPPLEMENTARY INFORMATION:

Background

The Department of Commerce (the Department) published the preliminary results and partial rescission of the 2005–2006 antidumping duty administrative review of heavy forged hand tools, finished or unfinished, with or without handles (Hand Tools), from the People's Republic of China (PRC) on March 8, 2007. *See Heavy Forged Hand Tools, Finished or Unfinished, With or Without Handles, From the People's Republic of China: Preliminary Results and Partial Rescission of the 2005–2006 Administrative Reviews*, 72 FR 10492 (March 8, 2007). We received a case brief from respondent Shandong Machinery Import & Export Company (SMC) on April 9, 2007. Separate rebuttal briefs were received from both petitioners, Ames True Temper (Ames) and Council Tool Company (Council Tools) on April 16, 2007. On April 24, 2007, the Customs Unit of the Department forwarded certain U.S. Customs and Border Protection (CBP) documents in response to our standard request. We placed these on the record of this review on April 24, 2007. *See* Memorandum to the File from Mark Flessner, Case Analyst, entitled ''Heavy Forged Hand Tools, Finished or Unfinished, With or Without Handles, From the People's Republic of China (A–580–803): U.S. Entry Documents and Opportunity to Comment,'' dated April 24, 2007. SMC, Ames, and Council Tools filed comments concerning these CBP documents on May 9, 2007. SMC requested and was granted time to file a rebuttal to the Ames and Council Tools comments; SMC's rebuttal was received on May 16, 2007.

Extension of Time Limits for Final Results

Pursuant to section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Tariff Act), and 19 CFR 351.213(h)(1), the Department shall issue the preliminary results of an administrative review within 245 days after the last day of the anniversary month of the date of publication of the order. The Tariff Act further provides that the Department shall issue the final results of review within 120 days after the date on which the notice of the preliminary results was published in the **Federal Register**. However, if the Department determines that it is not practicable to complete the review within this time period, section 751(a)(3)(A) of the Tariff Act and 19 CFR 351.213(h)(2) allow the Department to extend the 245-day period to 365 days and the 120-day period to 180 days.

Due to the addition of important new information to the record, the complexity of the issues involved, and the time required to analyze the numerous submissions and arguments raised in parties' briefs, the Department has determined that it is not practicable to complete these reviews within the original time period.

Section 751(a)(3)(A) of the Tariff Act and 19 CFR 351.213(h) allow the Department to extend the deadline for the final results of a review to a maximum of 180 days from the date on which the notice of the preliminary results was published. The current deadline for the final results is July 6, 2007. For the reasons noted above, the Department is extending the time limit for the completion of the final results for the 2005–2006 antidumping duty administrative review of Hand Tools from the PRC until no later than August 6, 2007, which is within 180 days from the date on which the notice of the preliminary results was published.

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

Dated: June 28, 2007.

Stephen J. Claeys,

Deputy Assistant Secretary for Import Administration.

[FR Doc. E7–13121 Filed 7–5–07; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–879]

Polyvinyl Alcohol from the People's Republic of China: Notice of Court Decision Not In Harmony with Final Determination

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

SUMMARY: On May 30, 2007, the United States Court of International Trade (''Court'') sustained the final remand determination made by the Department of Commerce (''the Department'') pursuant to the Court's remand of the final determination of sales at less than fair value of polyvinyl alcohol from the People's Republic of China. *See Sinopec Sichuan Vinylon Works v. United States*, Court No. 03–00791, Slip Op. 07–88 (CIT May 30, 2007) (''*Sinopec IV*''). This case arises out of the Department's *Notice of Final Determination of Sales at Less Than Fair Value: Polyvinyl Alcohol from the People's Republic of China* 68 FR 47538 (Aug. 11, 2003)(''*Final Determination*''), as amended by *Notice of Amended Final Determination of Sales at Less Than Fair Value: Polyvinyl Alcohol From the People's Republic of China* 68 FR 52183 (Sept. 2, 2003) (''*Amended Final Determination*''). The final judgment in this case was not in harmony with the Department's *Final Determination* and *Amended Final Determination.*

EFFECTIVE DATE: July 6, 2007.

FOR FURTHER INFORMATION CONTACT: Hallie Noel Zink, AD/CVD Operations, China/NME Group, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington DC 20230; telephone: (202) 482–6907.

SUPPLEMENTARY INFORMATION: *In Sinopec Sichuan Vinylon Works v. United States*, Slip Op. 06–191, 2006 WL 3929638 (CIT Dec. 28, 2006) (not reported in F. Supp.) (''*Sinopec III*''), the Court remanded the Department's calculation of Sinopec Sichuan Vinylon Works' (''SVW'') overhead costs for adjustments that comport with the Department's estimation of double–counting, if any, that may have occurred. Additionally, the Court stated that the Department was to provide the Court with a well–reasoned explanation for its final decision.

On March 16, 2007, the Department issued the draft results of redetermination pursuant to remand (''draft results'') for comment by interested parties. On March 23, 2007, SVW and Defendant–Intervenors[1] submitted comments in response to the Department's draft results of redetermination pursuant to remand. On April 14, 2007, the Department issued its final results of redetermination pursuant to remand to the Court. The remand redetermination explained that in accordance with the Court's instructions, the Department analyzed the information on the record and found no evidence on the record establishing the existence of double–counting. Therefore, the Department found that double–counting did not occur. Thus, for these final remand results, the Department applied Jubilant's[2] financial ratios to SVW's costs without any adjustment. Additionally, the Department provided the Court with further explanation with regard to its final decision, which was based upon the following findings: i) there is no

[1] Celanese Chemicals Ltd., and E.I. Dupont de Nemours & Co.

[2] Jubilant Organosys Ltd.'s (Jubilant).

evidence on the record establishing that the Department's application of Jubilant's financial ratios resulted in double counting; and ii) the Department's decision to use Jubilant's data in the calculation of SVW's overhead costs without adjustment is consistent with its decision to apply a by–product credit for SVW's acetic acid recovery into its figures. The recalculated margin for these final remand results is 5.51 percent.

On May 30, 2007, the Court found that the Department complied with the Court's remand order and sustained the Department's remand redetermination. *See Sinopec IV*.

Timken Notice

In its decision in *Timken Co., v. United States*, 893 F.2d 337, 341 (Fed. Cir. 1990) (''*Timken*''), the United States Court of Appeals for the Federal Circuit held that, pursuant to section 516A(e) of the Tariff Act of 1930, as amended (''the Act''), the Department must publish a notice of a court decision that is not ''in harmony'' with a Department determination, and must suspend liquidation of entries pending a ''conclusive'' court decision. SVW's margin, as originally calculated in the *Amended Final Determination*, was 6.91 percent. SVW's margin, as calculated now, following the Court's decision in *Sinopec IV* is 5.51 percent. The Court's decision in *Sinopec IV* constitutes a final decision of that court that is not in harmony with the Department's final determination in polyvinyl alcohol from the People's Republic of China. This notice is published in fulfillment of the publication requirements of *Timken*. Accordingly, the Department will continue the suspension of liquidation of the subject merchandise pending the expiration of the period of appeal, or, if appealed, upon a final and conclusive court decision.

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

Dated: June 27, 2007.

Joseph A. Spetrini,

Deputy Assistant Secretary for Import Administration.

[FR Doc. E7–13120 Filed 7–5–07; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

Applications for Duty–Free Entry of Scientific Instruments

Pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, as amended by Pub. L. 106–36; 80 Stat. 897; 15 CFR part 301), we invite comments on the question of whether instruments of equivalent scientific value, for the purposes for which the instruments shown below are intended to be used, are being manufactured in the United States. Comments must comply with 15 CFR 301.5(a)(3) and (4) of the regulations and be filed within 20 days with the Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue NW, Room 2104, Washington, D.C. 20230. Applications may be examined between 8:30 A.M. and 5:00 P.M. in Room 2104.

Docket Number: 07–036. Applicant: Methodist Hospitals of Dallas, d/b/a Methodist Health System, 1441 N. Beckley Avenue, Dallas, TX 75203. Instrument: Mass Spectrometer, Model H–7650. Manufacturer: Hitachi High Technologies, Japan. Intended Use: The instrument is intended to be used for clinical research and teaching in nephrology. The microscope is essential to conduct renal biopsies for the research. It will also be used to enable multiple students to simultaneously visualize the outcomes of the biopsies. Application accepted by Commissioner of Customs: June 8, 2007.

Docket Number: 07–037. Applicant: Regents of the University of California, Los Angeles, 570 Westwood Plaza Building 114, MC 722710, Los Angeles, CA 90095–7227. Instrument: Electron Microscope, Model Tecnai G2 F20. Manufacturer: FEI Company, The Netherlands. Intended Use: The instrument is intended to be used in a multi–user facility for a wide range of TEM research activities which will significantly enhance the inter–disciplinary research profile. It will advance state–of-the–art structural studies of a wide range of nano–devices, biological nanomachines and cellular assemblies. These activities have the potential for a profound impact on our understanding of several fundamental processes in biology, on determining the mechanisms of action of nanobiological machines, and on the development of novel nano–devices. Application accepted by Commissioner of Customs: June 7, 2007.

Docket Number: 07–038. Applicant: Regents of the University of California, Los Angeles, 570 Westwood Plaza Building 114, MC 722710, Los Angeles, CA 90095–7227. Instrument: Electron Microscope, Model FP 5600/XX Titan Krios cryo–EM. Manufacturer: FEI Company, The Netherlands. Intended Use: The instrument is intended to be used in a multi–user facility for a wide range of TEM research activities which will significantly enhance the inter–disciplinary research profile. It will advance state–of-the–art structural studies of a wide range of nano–devices, biological nanomachines and cellular assemblies. These activities have the potential for a profound impact on our understanding of several fundamental processes in biology, on determining the mechanisms of action of nanobiological machines, and on the development of novel nano–devices. It will also provide high–resolution data pushing the limit of cryoEM reconstruction to near atomic resolution for biological research. Application accepted by Commissioner of Customs: June 7, 2007.

Docket Number: 07–039. Applicant: Regents of the University of California, Los Angeles, 570 Westwood Plaza Building 114, MC 722710, Los Angeles, CA 90095–7227. Instrument: Electron Microscope, Model FP 5600/30 Titan 80–300 S/TEM. Manufacturer: FEI Company, The Netherlands. Intended Use: The instrument is intended to be used in a multi–user facility for a wide range of TEM research activities which will significantly enhance the inter–disciplinary research profile. It will advance state–of-the–art structural studies of a wide range of nano–devices, biological nanomachines and cellular assemblies. These activities have the potential for a profound impact on our understanding of fundamental processes in determining the structural properties of various materials. Application accepted by Commissioner of Customs: June 7, 2007.

Docket Number: 07–033. Applicant: Stanford University, Varian Physics Bldg., Room 218, 382 Via Pueblo Mall, Stanford, CA 94305. Instrument: Amplified Ultrafast Laser System. Manufacturer: Thales Laser, France. Intended Use: The instrument is intended to be used to study the quantum mechanical properties of matter by performing coherent control experiments. Genetic algorithms will be used to control molecular dynamics in molecules as big as proteins and as small as carbon dioxide by optimizing either absorption in proteins or fragmentation of smaller molecules. The laser system will generate light of different colors in a non–collinear optical parametric amplifier. The laser system used must be very reliable, with a clean mode and capability of generating reproducible high powers on a daily basis with very little noise or operator intervention. Application accepted by Commissioner of Customs: June 18, 2007.

Docket Number: 07–043. Applicant: Scripps Research Institute, 10550 North

Torrey Pines Road, La Jolla, CA 92037. Instrument: Electron Microscope, Model Technai G2 Spirit TWIN. Manufacturer: FEI Company, Czech Republic. Intended Use: The instrument is intended to be used for structural investigations of biological macromolecular assemblies in structures such as molecular motors, COPII coated vesicles, the HIV capsid assembly, the chloroplast ribosome, etc. Application accepted by Commissioner of Customs: June 18, 2007.

Docket Number: 07–044. Applicant: Johns Hopkins University, 3400 North Charles Street, Dunning Hall 102, Baltimore, MD 21218. Instrument: Electron Microscope, Model Technai G2 Spirit TWIN. Manufacturer: FEI Company, The Netherlands. Intended Use: The instrument is intended to be used for basic biological and biomedical research pertaining to ultrastructural studies of cells and tissues; single particle analysis of proteins and macromolecules; and immunolocalization studies of proteins by means of electron dense probes. Application accepted by Commissioner of Customs: June 20,2007.

Dated: June 29, 2007.

Faye Robinson,

Director Statutory Import Programs Staff Import Administration.

[FR Doc. E7–13123 Filed 7–5–07; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

[C–580–837]

Certain Cut–to-Length Carbon–Quality Steel Plate from the Republic of Korea: Notice of Partial Rescission of Countervailing Duty Administrative Review

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

EFFECTIVE DATE: July 6, 2007.

FOR FURTHER INFORMATION CONTACT: Jolanta Lawska, AD/CVD Operations, Office 3, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–8362.

SUPPLEMENTARY INFORMATION:

Background:

On February 28, 2007, Nucor Corporation (petitioner) requested that the Department of Commerce (the Department) conduct an administrative review of the countervailing duty order on certain cut–to-length carbon–quality steel plate from Korea with respect to Dongkuk Steel Mill Company Ltd. (DSM), TC Steel, and Daewoo Ship Engineering Company (DSEC) for the period of January 1, 2006, through December 31, 2006.

On March 28, 2007, the Department initiated the review. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 72 FR 14516 (March 28, 2007). On May 3, 2007, petitioner withdrew its request for a review of TC Steel pursuant to section 351.213(d)(1) of the Department's regulations.

Scope of Order

The products covered by this order are certain hot–rolled carbon–quality steel: (1) universal mill plates (*i.e.*, flat–rolled products rolled on four faces or in a closed box pass, of a width exceeding 150 mm but not exceeding 1250 mm, and of a nominal or actual thickness of not less than 4 mm, which are cut–to-length (not in coils) and without patterns in relief), of iron or non–alloy-quality steel; and (2) flat–rolled products, hot–rolled, of a nominal or actual thickness of 4.75 mm or more and of a width which exceeds 150 mm and measures at least twice the thickness, and which are cut–to-length (not in coils). Steel products to be included in the scope of the order are of rectangular, square, circular or other shape and of rectangular or non–rectangular cross-section where such non–rectangular cross-section is achieved subsequent to the rolling process (*i.e.*, products which have been ''worked after rolling'')--for example, products which have been beveled or rounded at the edges. Steel products that meet the noted physical characteristics that are painted, varnished or coated with plastic or other non–metallic substances are included within this scope. Also, specifically included in the scope of the order are high strength, low alloy (HSLA) steels. HSLA steels are recognized as steels with micro–alloying levels of elements such as chromium, copper, niobium, titanium, vanadium, and molybdenum. Steel products to be included in this scope, regardless of Harmonized Tariff Schedule of the United States (HTSUS) definitions, are products in which: (1) iron predominates, by weight, over each of the other contained elements; (2) the carbon content is two percent or less, by weight; and (3) none of the elements listed below is equal to or exceeds the quantity, by weight, respectively indicated: 1.80 percent of manganese, or 1.50 percent of silicon, or 1.00 percent of copper, or 0.50 percent of aluminum, or 1.25 percent of chromium, or 0.30 percent of cobalt, or 0.40 percent of lead, or 1.25 percent of nickel, or 0.30 percent of tungsten, or 0.10 percent of molybdenum, or 0.10 percent of niobium, or 0.41 percent of titanium, or 0.15 percent of vanadium, or 0.15 percent zirconium. All products that meet the written physical description, and in which the chemistry quantities do not equal or exceed any one of the levels listed above, are within the scope of this order unless otherwise specifically excluded. The following products are specifically excluded from the order: (1) products clad, plated, or coated with metal, whether or not painted, varnished or coated with plastic or other non–metallic substances; (2) SAE grades (formerly AISI grades) of series 2300 and above; (3) products made to ASTM A710 and A736 or their proprietary equivalents; (4) abrasion–resistant steels (*i.e.*, USS AR 400, USS AR 500); (5) products made to ASTM A202, A225, A514 grade S, A517 grade S, or their proprietary equivalents; (6) ball bearing steels; (7) tool steels; and (8) silicon manganese steel or silicon electric steel.

The merchandise subject to the order is currently classifiable under the HTSUS under subheadings: 7208.40.3030, 7208.40.3060, 7208.51.0030, 7208.51.0045, 7208.51.0060, 7208.52.0000, 7208.53.0000, 7208.90.0000, 7210.70.3000, 7210.90.9000, 7211.13.0000, 7211.14.0030, 7211.14.0045, 7211.90.0000, 7212.40.1000, 7212.40.5000, 7212.50.0000, 7225.40.3050, 7225.40.7000, 7225.50.6000, 7225.99.0090, 7226.91.5000, 7226.91.7000, 7226.91.8000, 7226.99.0000.

Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise covered by the order is dispositive.

Partial Rescission of Review

If a party that requested a review withdraws the request within 90 days of the date of publication of the notice of initiation of the requested review, the Secretary will rescind the review, in whole or in part, pursuant to 19 CFR 351.213(d)(1). In this case, petitioner withdrew its request for an administrative review for TC Steel within 90 days from the date of initiation. No other interested party requested a review of TC Steel and we have received no comments regarding the petitioner's withdrawal of its request for a review. Therefore, consistent with 19 CFR 351.213(d)(1), we are rescinding

this review of the countervailing duty order on certain cut–to-length carbon–quality steel plate from Korea in part with respect to TC Steel.

The Department intends to issue assessment instructions to U.S. Customs and Border Protection (CBP) 15 days after the publication of this notice. The Department will direct CBP to assess countervailing duties at the cash deposit rate in effect on the date of entry for entries during the period January 1, 2006, through December 31, 2006.

This notice is in accordance with section 777(i)(1) of the Tariff Act of 1930, as amended and 19 CFR 251.213(d)(4).

Dated: June 28, 2007.

Stephen J. Claeys,

Deputy Assistant Secretary for Import Administration.

[FR Doc. E7–13135 Filed 7–5–07; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

U.S. Coral Reef Task Force Public Meeting and Public Comment

AGENCY: National Ocean Service, NOAA, Department of Commerce.

ACTION: Notice of public meeting, notice of public comment.

SUMMARY: Notice is hereby given of a public meeting of the U.S. Coral Reef Task Force. The meeting will be held in Pago Pago, American Samoa. This meeting, the 18th bi-annual meeting of the U.S. Coral Reef Task Force, provides a forum for coordinated planning and action among federal agencies, state and territorial governments, and nongovernmental partners. Please register in advance by visiting the Web site listed below. This meeting has time allotted for public comment and provides exhibit space. All public comment must be submitted in written format. A written summary of the meeting will be posted on the Web site within two months of its occurrence.

DATES: The business meeting will be held from Wednesday, August 22–23, 2007. Associated activities will take place August 17–24, 2007. Advance public comments can be submitted to the e-mail, fax, or mailing address listed below from Monday, July 23, 2007–Friday, August 10, 2007.

Location: The meeting will be held in Pago Pago, American Samoa at the Lee Auditorium.

FOR FURTHER INFORMATION CONTACT: Beth Dieveney, U.S. Coral Reef Task Force Secretariat, Coral Reef Conservation Program, 1305 East-West Highway, Silver Spring, Maryland 20910 (Phone: 301–713–3155 ext. 129, Fax: 301–713–4389, e-mail: *Beth.Dieveney@noaa.gov,* or visit the U.S. Coral Reef Task Force Web site at *http://www.coralreef.gov*).

SUPPLEMENTARY INFORMATION: Established by Presidential Executive Order 13089 in 1998, the U.S. Coral Reef Task Force mission is to lead, coordinate, and strengthen U.S. government actions to better preserve and protect coral reef ecosystems. Co-chaired by the Departments of Commerce and Interior, Task Force members include leaders of 12 federal agencies, seven U.S. states and territories, and three freely associated states. For more information about the meeting, registering, exhibiting, and submitting public comment go to *http://www.coralreef.gov.*

Dated: June 13, 2007.

David Kennedy,

Manager, Coral Reef Conservation Program.

[FR Doc. 07–3231 Filed 7–5–07; 8:45 am]

BILLING CODE 3510–08–M

COMMISSION OF FINE ARTS

Notice of Meeting

The next meeting of the U.S. Commission of Fine Arts is scheduled for 19 July 2007, at 10 a.m. in the Commission's offices at the National Building Museum, Suite 312, Judiciary Square, 401 F Street, NW., Washington, DC 20001–2728. Items of discussion may include buildings, parks and memorials.

Draft agendas and additional information regarding the Commission are available on our Web site: *http://www.cfa.gov.* Inquiries regarding the agenda and requests to submit written or oral statements should be addressed to Thomas Luebke, Secretary, U.S. Commission of Fine Arts, at the above address, or call 202–504–2200. Individuals requiring sign language interpretation for the hearing impaired should contact the Secretary at least 10 days before the meeting date.

Dated in Washington, DC, 28 June 2007.

Thomas Leubke,

Secretary.

[FR Doc. 07–3289 Filed 07–5–07; 8:45 am]

BILLING CODE 6330–01–M

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 07–31]

36(b)(1) Arms Sales Notification

AGENCY: Department of Defense, Defense Security Cooperation Agency.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104–164 dated 21 July 1996.

FOR FURTHER INFORMATION CONTACT: Ms. B. English, DSCA/DBO/CFM, (703) 601–3740.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 07–31 with attached transmittal, policy justification, sensitivity of technology, and section 620C(d).

Dated: June 28, 2007.

C.R. Choate,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–06–M

DEFENSE SECURITY COOPERATION AGENCY

WASHINGTON, DC 20301-2800

JUN 4 2007

In reply refer to:
I-07/006100-CFM

The Honorable Nancy Pelosi
Speaker of the House of Representatives
Washington, DC 20515-6501

Dear Madam Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 07-31, concerning the Department of the Navy's proposed Letters(s) of Offer and Acceptance to Turkey for defense articles and services estimated to cost $159 million. After this letter is delivered to your office, we plan to issue a press statement to notify the public of this proposed sale.

You will also find attached a certification as required by Section 620C(d) of the Foreign Assistance Act of 1961, as amended, that this action is consistent with the principles set forth in subsection 620C(b) of that Act as codified in section 2373 of title 22, United States Code.

Sincerely,

LIEUTENANT GENERAL USAF
DIRECTOR

Enclosures:
1. **Transmittal**
2. **Policy Justification**
3. **Sensitivity of Technology**
4. **Section 620C(d)**

Transmittal No. 07-31

Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act, as amended

(i) **Prospective Purchaser:** Turkey

(ii) **Total Estimated Value:**

Major Defense Equipment*	$143 million
Other	$ 16 million
TOTAL	$159 million

(iii) **Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:** 51 All-Up-Round Selected Availability Anti-spoofing Module-compliant Block II Tactical HARPOON missiles in the following configurations: 8 Tartar, 38 Lightweight canisters, and 5 Encapsulated. Also included: containers, test sets and support equipment, spare and repair parts, publications and technical data, maintenance, personnel training and training equipment, U.S. Government (USG) support, and contractor representatives' engineering and technical support services, and other related elements of logistics support.

(iv) **Military Department:** Navy (AIG)

(v) **Prior Related Cases, if any:** FMS case AHG - $36 million - 12Aug98

(vi) **Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:** none

(vii) **Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:** See Annex attached

(viii) **Date Report Delivered to Congress:** [illegible] 2007

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Turkey - All-Up-Round Selected Availability Anti-Spoofing Module-compliant Block II Tactical HARPOON Missiles

The Government of Turkey has requested a possible sale of 51 All-Up-Round Selected Availability Anti-spoofing Module-compliant Block II Tactical HARPOON missiles in the following configurations: 8 Tartar, 38 Lightweight canisters, and 5 Encapsulated. Also included: containers, test sets and support equipment, spare and repair parts, publications and technical data, maintenance, personnel training and training equipment, U.S. Government (USG) support, contractor representatives' engineering and technical support services, and other related elements of logistics support. The estimated cost is $ 159 million.

Turkey is a political and economic power in Europe and in the Eastern Mediterranean, and a partner of the United States in ensuring peace and stability in those regions. It is vital to the U.S. national interest to assist our North Atlantic Treaty Organization (NATO) ally in developing and maintaining a strong and ready self-defense capability that will contribute to an acceptable military balance in the area. This proposed sale is consistent with those objectives.

Turkey will use these missiles to augment its present HARPOON missile inventory and enhance its anti-ship warfare capability. The capabilities of this weapon system will improve Turkey's ability to contribute to coalition NATO operations. The missiles will be provided in accordance with, and subject to the limitation on use and transfer, under the Arms Export Control Act, as amended, and as embodied in the Letter of Offer and Acceptance.

This proposed sale will not adversely affect either the military balance in the region or U.S. efforts to encourage a negotiated settlement of the Cyprus question.

The prime contractor will be McDonnell Douglas Company, a wholly Owned subsidiary of The Boeing Company in St. Louis, Missouri. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to Turkey; however, Contractor Engineering Technical Services may be required on an interim basis for installations.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 07-31

Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act

Annex
Item No. vii

(vii) Sensitivity of Technology:

1. The Block II HARPOON is an Anti-Surface Warfare missile that provides forces with a capability to engage targets in both the "blue water" regions and the littorals of the world. The highest classification level of all aspects of this proposed sale, including the missiles with its associated publications, documentation, operations, supply, maintenance, and training is Confidential.

2. These missiles incorporate components, software, and technical design information that are considered sensitive. The following components that are included in this proposed sale are considered sensitive and are classified Confidential:

Radar seeker.
Global Positioning System (GPS)/Inertial Navigation System (INS)
Operational Flight Program (OFP) Software
Missile operational characteristics and performance data

These elements are essential to the ability of the HARPOON missile to selectively engage hostile targets over a wide range of operational, tactical and environmental conditions. The Government of Turkey is approved for Precise Positioning Service (PPS) GPS.

3. The missiles' components are classified based on the premise that if a technologically advanced potential adversary were to obtain data on the missile seeker, (OFP), along with characteristics and performance data, systems and procedures could be developed for countermeasures which might reduce the HARPOON's effectiveness. In addition, the information could be used to develop missile systems with similar performance capabilities. All such releases are closely monitored and tailored to eliminate or minimize this risk.

CERTIFICATION PURSUANT TO § 620C(d) OF THE FOREIGN ASSISTANCE ACT OF 1961, AS AMENDED

Pursuant to Section 620C(d) of the Foreign Assistance Act of 1961, as amended (the Act), Executive Order 12163, State Department Delegation of Authority No. 293-1, and a State Department Delegation of Authority signed March 12, 2007, I hereby certify that the furnishing to Turkey of 51 All-Up-Round Selected Availability Anti-spoofing Module-compliant Block II Tactical HARPOON missiles, including containers, test sets and support equipment, spare and repair parts, publications and technical data, maintenance, personnel training and training equipment, U.S. Government (USG) support, and contractor representatives' engineering and technical support services, and other related elements of logistics support is consistent with the principles contained in Section 620C(b) of the Act.

This certification will be made part of the notification to Congress under Section 36(b) of the Arms Export Control Act, as amended, regarding the proposed sale of the above-named articles and services and is based on the justification accompanying said notification, of which said justification constitutes a full explanation.

John C. Rood
Assistant Secretary of State
for International Security and
Nonproliferation

[FR Doc. 07–3280 Filed 7–5–07; 8:45 am]
BILLING CODE 5001–06–C

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

Privacy Act of 1974; Systems of Records

AGENCY: Defense Logistics Agency, DOD.

ACTION: Notice to Delete a System of Records.

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

DATES: This action will be effective without further notice on August 6, 2007 unless comments are received that would result in a contrary determination.

ADDRESSES: Send comments to the Privacy Act Officer, Headquarters, Defense Logistics Agency, ATTN: DP, 8725 John J. Kingman Road, Stop 2533, Fort Belvoir, VA 22060–6221.

FOR FURTHER INFORMATION CONTACT: Ms. Jody Sinkler at (703) 767–5045.

SUPPLEMENTARY INFORMATION: The Defense Logistics Agency notices for systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The specific changes to the record system being amended are set forth below followed by the notice, as amended, published in its entirety. The proposed amendment is not within the purview of subsection (r) of the Privacy Act of 1974 (5 U.S.C. 552a), as amended, which requires the submission of a new or altered system report.

Dated: June 28, 2007.

C.R. Choate,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

Deletion
S850.10 DCMC–Q

SYSTEM NAME:

Contractor Flight Operations (November 16, 2004, 69 FR 67112).

REASON:

The mission was transferred to Defense Contract Management Agency. Therefore, required the deletion of system of records notice from Defense Logistic Agency's inventory.

Defense Contract Management Agency printed in the **Federal Register** as PDCMA 1 DoD, Contractor's Flight and Ground Operations on May 25, 2007

with the **Federal Register** number as 72 FR 29307.

[FR Doc. E7–13089 Filed 7–5–07; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Army

Notice of Availability of the Final Environmental Impact Statement (FEIS) for Base Closure and Realignment (BRAC) Actions at Fort Belvoir, VA

AGENCY: Department of the Army DoD.

ACTION: Notice of Availability (NOA).

SUMMARY: The Department of the Army announces the availability of an FEIS which evaluates the potential environmental impacts associated with realignment actions directed by the BRAC Commission at Fort Belvoir, Virginia. The FEIS also updates the land use plan portion of the installation's Real Property Master Plan due to the substantial changes at the installation because of the proposed realignment.

DATES: The waiting period for the FEIS will end 30 days after publication of an NOA in the **Federal Register** by the U.S. Environmental Protection Agency.

ADDRESSES: To obtain a copy of the FEIS contact the Fort Belvoir Directorate of Public Works, 9430 Jackson Loop, Suite 100, Fort Belvoir, Virginia 22060–5116; e-mail address: *environmental@belvoir.army.mil.*

FOR FURTHER INFORMATION CONTACT: Mr. Don Carr, Fort Belvoir Public Affairs Office, at (703) 805–2583 during normal business hours Monday through Friday.

SUPPLEMENTARY INFORMATION: The subject of the FEIS and the Proposed Action are the construction and renovation activities at the installation associated with the BRAC-directed realignment of Fort Belvoir.

To implement the BRAC recommendations, Fort Belvoir will be receiving personnel, equipment, and missions from various closure and realignment actions within the Department of Defense. To implement the BRAC Commission recommendations, the Army will provide the necessary facilities, buildings, and infrastructure to accommodate personnel being realigned from the Washington Headquarters Services (WHS); National Geospatial-Intelligence Agency (NGA); various Army entities moving from leased space in the National Capital Region (NCR); U.S. Army Medical Command (MEDCOM); Program Executive Office, Enterprise Information Systems (PEO EIS); and Missile Defense Agency Headquarters Command Center (MDA HQCC). Details of the BRAC Commission's recommendations can be found at *http://www.brac.gov.*

Alternatives in the FEIS include four alternative land use plans that contain alternative means of accommodating the units, agencies and activities being realigned to Fort Belvoir. These alternatives include: (1) Town Center Alternative, (2) City Center Alternative, (3) Satellite Campuses Alternative and (4) Preferred Alternative. The Preferred Alternative contains various elements of the other land use alternatives and includes construction, renovation, and operation of proposed facilities to accommodate incoming military missions as mandated by the 2005 BRAC Commission's recommendations for Fort Belvoir. The No Action Alternative is also addressed in the FEIS.

The FEIS analyses indicate that implementation of the preferred alternative will have short and long-term, significant adverse impacts on the transportation network at Fort Belvoir and its surrounding area, moderate to significant impacts on biological resources, and long-term minor adverse and beneficial impacts on socioeconomic resources. Minor short and long-term adverse impacts on all other resources at the installation would potentially occur from implementation of the preferred alternative. The no action alternative provides the baseline conditions for comparison to the preferred alternative.

An electronic version of the FEIS can be viewed or downloaded from the following Web site: *http://www.hqda.army.mil/acsim/brac/nepa_eis_docs.htm.*

Dated: June 29, 2007.

Addison D. Davis, IV,

Deputy Assistant Secretary of the Army, (Environment, Safety and Occupational Health).

[FR Doc. 07–3266 Filed 7–5–07; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Availability of Government-Owned Inventions; Available for Licensing

AGENCY: Department of the Navy, DoD.

ACTION: Notice.

SUMMARY: The inventions listed below are assigned to the United States Government as represented by the Secretary of the Navy. U.S. Patent No. 7,205,520: Portable Air Defense Ground Based Launch Detection System, Navy Case No. 84424//U.S. Patent No. 7,230,221: Portable Air Defense Ground Based Launch Detection System, Navy Case No. 97092.

ADDRESSES: Requests for copies of the inventions cited should be directed to Naval Air Warfare Center Weapons Division, Code 498400D, 1900 N. Knox Road Stop 6312, China Lake, CA 93555–6106 and must include the Navy Case number.

FOR FURTHER INFORMATION CONTACT: Michael D. Seltzer, Ph.D., Head, Technology Transfer Office, Naval Air Warfare Center Weapons Division, Code 498400D, 1900 N. Knox Road Stop 6312, China Lake, CA 93555–6106, telephone 760–939–1074, fax 760–939–1210, e-mail: *michael.seltzer@navy.mil.*

(Authority: 35 U.S.C. 207, 37 CFR 404.7). Dated June 26, 2006.

Dated: June 27, 2007.

L.R. Almand,

Office of the Judge Advocate General, U.S. Navy, Administrative Law Division, Federal Register Liaison Officer.

[FR Doc. E7–13085 Filed 7–5–07; 8:45 am]

BILLING CODE 3810–FF–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 September 4, 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: June 29, 2007.

Angela C. Arrington,

IC Clearance Official, Regulatory Information Management Services, Office of Management.

Office of Communications and Outreach

Type of Review: Extension.

Title: Outreach Sign-on Form.

Frequency: Other: one time.

Affected Public: Individuals or household; Not-for-profit institutions; Businesses or other for-profit; Federal Government State, Local, or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 800.

Burden Hours: 67.

Abstract: The database was started in 1994 to provide organizations and others with information about educational issues, programs, and products and is a convenient way to formalize a ''listserv'' by which to contact those who are interested. Information about the organizations and individuals is collected only through the sign-on form.

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 3403. 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. E7–13075 Filed 7–5–07; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

RIN 1820–ZA42

The Individuals With Disabilities Education Act Paperwork Waiver Demonstration Program

AGENCY: Office of Special Education and Rehabilitative Services, Department of Education.

ACTION: Notice of final additional requirements and selection criteria.

SUMMARY: The Assistant Secretary for Special Education and Rehabilitative Services announces additional requirements and selection criteria for a competition in which the Department will select up to 15 States to participate in a pilot program, the Paperwork Waiver Demonstration Program (Paperwork Waiver Program). State proposals approved under this program will create opportunities for participating States to reduce paperwork burdens and other administrative duties in order to increase time for instruction and other activities to improve educational and functional results for children with disabilities, while preserving students' civil rights and promoting academic achievement. The Assistant Secretary will use these additional requirements and selection criteria for a single, one-time-only competition for this program.

DATES: *Effective Date:* These additional requirements and selection criteria are effective August 6, 2007.

FOR FURTHER INFORMATION CONTACT: Patricia Gonzalez, U.S. Department of Education, 400 Maryland Avenue, SW., room 4078, Potomac Center Plaza, Washington, DC 20202–2700. Telephone: (202) 245–7355 or by e-mail: *Patricia.Gonzalez@ed.gov*

If you use a telecommunications device for the deaf (TDD), you may call the Federal Relay Service (FRS) at 1–800–877–8339.

Individuals with disabilities may obtain this document in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact person listed under **FOR FURTHER INFORMATION CONTACT**.

SUPPLEMENTARY INFORMATION: We published a notice of proposed requirements and selection criteria for the Paperwork Waiver Program in the **Federal Register** on December 19, 2005 (70 FR 75161) (December 2005 Notice).

On December 3, 2004, President Bush signed into law Public Law 108–446, 118 Stat. 2647, the Individuals with Disabilities Education Improvement Act of 2004, reauthorizing and amending the Individuals with Disabilities Education Act (Act). This new law reflects the importance of strengthening our Nation's efforts to ensure every child with a disability has available a free appropriate public education (FAPE) that is (1) of high quality and (2) designed to achieve the high standards established in the No Child Left Behind Act of 2001 (NCLB).

The Paperwork Waiver Program is one of two demonstration programs authorized under the new law that is designed to address parents', special educators' and States' desire to reduce excessive and repetitious paperwork, administrative burden, and non-instructional teacher time and, at the same time, to increase the resources and time available for classroom instruction and other activities focused on improving educational and functional results of children with disabilities.

Paperwork burden in special education affects (1) the time school staff can devote to instruction or service provision and (2) retention of staff, particularly special education teachers. In 2002, the Office of Special Education Programs (OSEP) funded a nationally representative study of teachers' perceptions of sources of paperwork burden, the hours devoted to these activities, and possible explanations for variations among teachers in the hours devoted to these tasks. Among the findings related to the Individualized Education Program (IEP), student evaluations, progress reporting, and case management was that teachers whose administrative duties and paperwork exceeded four hours per week were more likely to perceive these responsibilities as interfering with their job of teaching. Moreover, the study found that the mean number of hours reported by teachers to be devoted to these tasks was 6.3 hours per week.

However, data from the study also suggested that there was considerable variation in the amount of time special education teachers devoted to paperwork. For example, the average hours spent on administrative duties and paperwork varied significantly by geographic region, with the Northeast having the lowest paperwork burden.

Through the Paperwork Waiver Program, established under section 609(a) of the Act, the Secretary may grant waivers of certain statutory and regulatory requirements under part B of the Act to not more than 15 States, including Puerto Rico, the District of Columbia, and the outlying areas (States) based on State proposals to reduce excessive paperwork and non-instructional time burdens that do not assist in improving educational and functional results for children with disabilities. The Secretary is authorized to grant these waivers for a period of up to four years.

Although the purpose of the Paperwork Waiver Program is to reduce the paperwork burden associated with the Act, not all statutory and regulatory requirements under part B of the Act may be waived. Specifically, the Secretary may not waive any statutory or regulatory provisions relating to applicable civil rights requirements or procedural safeguards. Furthermore, waivers may not affect the right of a child with a disability to receive FAPE. In short, State proposals must preserve the basic rights of students with disabilities.

Statutory Requirements for Paperwork Waiver Program

As outlined in the December 2005 Notice, the Act establishes the following requirements to govern the Paperwork Waiver Program proposals:

1. States applying for approval under this program must submit a proposal to reduce excessive paperwork and non-instructional time burdens that do not assist in improving educational and functional results for children with disabilities.

2. A State submitting a proposal for the Paperwork Waiver Program must include in its proposal a list of any statutory requirements of, or regulatory requirements relating to, part B of the Act that the State desires the Secretary to waive, in whole or in part (not including civil rights requirements and procedural safeguards as noted elsewhere in this notice); and a list of any State requirements that the State proposes to waive or change, in whole or in part, to carry out the waiver granted to the State by the Secretary. Waivers may be granted for a period of up to four years.

3. The Secretary is prohibited from waiving any statutory requirements of, or regulatory requirements relating to procedural requirements under section 615 of the Act or applicable civil rights requirements. A waiver may not affect the right of a child with a disability to receive FAPE (as defined in section 602(9) of the Act).

4. The Secretary will not grant any waiver to a State if the Secretary has determined that the State currently meets the conditions under section 616(d)(2)(A)(iii) or (iv) of the Act relative to its implementation of part B of the Act.

5. The Secretary will terminate a State's waiver granted as part of this program if the Secretary determines that the State (a) needs assistance under section 616(d)(2)(A)(ii) of the Act and that the waiver has contributed to or caused the need for assistance; (b) needs intervention under section 616(d)(2)(A)(iii) of the Act or needs substantial intervention under section 616(d)(2)(A)(iv) of the Act; or (c) fails to appropriately implement its waiver.

Background for Additional Requirements and Selection Criteria

While the Act establishes the foregoing requirements, it does not provide for other requirements that are necessary for the implementation of this program. Accordingly, in the December 2005 Notice, we proposed additional Paperwork Waiver Program requirements to address program implementation issues as well as selection criteria that we will use to evaluate State proposals for this program.

In this notice, we also establish requirements with which States must comply that will allow the Department to evaluate the effectiveness of the Paperwork Waiver Program. Under section 609(b) of the Act, the Department is required to report to Congress on the effectiveness of this program. To accomplish this, the Institute of Education Sciences (IES) will conduct an evaluation using a quasi-experimental design that collects data on the following outcomes: (a) Educational and functional results (including academic achievement) for students with disabilities, (b) allocation and engagement of instructional time for students with disabilities, (c) time and resources spent on administrative duties and paperwork requirements by teaching and related services personnel, (d) quality of special education services and plans incorporated in IEPs, (e) teacher, parent, and administrator satisfaction, (f) the promotion of collaboration of IEP team members, and (g) enhanced long-term educational planning for students. These outcomes will be compared between students who participate in the Paperwork Waiver Program, and students who are matched on disability, age, socioeconomic status, race/ethnicity, language spoken in the home, prior educational outcomes, and to the extent feasible, the nature of special education, who do not participate in the paperwork waiver program. Specifics of the design will be confirmed during discussion with the evaluator, a technical workgroup, and the participating States during the first several months of the study.

Participating States will play a crucial supportive role in this evaluation. They will, at a minimum, assist in developing the evaluation plan, assure that districts participating in the Paperwork Waiver Program will collaborate with the evaluation, provide background information on relevant State policies and practices, supply data relevant to the outcomes from State data sources (*e.g.*, student achievement and functional performance data, complaint numbers), provide access to current student IEPs (if appropriate and paperwork waiver affects an IEP) during Year 1 of the evaluation (consistent with the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g (FERPA) and the privacy requirements under the Act), complete questionnaires and surveys, and participate in interviews. Data collection and analysis will be the responsibility of IES through its contractor. States can expect to allocate resources for this purpose at a minimum during Year 1 to assist with planning the details of the evaluation, ensuring participation of involved districts, providing access to relevant State records, and completing questionnaires or participating in interviews. Over the course of the evaluation, participating States will receive an annual incentive payment (described in the *Additional Requirements* section of this notice) that will offset the cost of participating in the evaluation.

The December 2005 Notice included a background statement that described the rationale for the additional requirements and selection criteria we were proposing. This notice of final requirements and selection criteria contains several changes from the December 2005 Notice. We fully explain these changes in the *Analysis of Comments and Changes* section that follows.

Analysis of Comments and Changes

In response to our invitation in the December 2005 Notice, 22 parties submitted comments on the proposed additional requirements and selection criteria. In addition, we received approximately 1,200 comments that were identical in form and substance and that summarized major recommendations submitted by one of the 22 commenters referenced in the preceding sentence; we do not respond to these 1,200 comments separately. An analysis of the comments and of any changes in the additional requirements and selection criteria since publication of the December 2005 Notice follows.

We group issues according to subject. We do not address technical or other minor changes, and suggested changes that the law does not authorize us to make under the applicable statutory authority, or comments that express concerns of a general nature about the Department or other matters that are not directly relevant to the Paperwork Waiver Program.

FAPE

Comment: A few commenters recommended that the final additional requirements and selection criteria identify all of the Federal requirements that a State applying for approval under this program can propose to waive while ensuring that students with disabilities continue to receive FAPE.

One commenter recommended that States be required to explain why they are requesting that certain Federal and State requirements be waived and why they feel that such waivers can be accomplished without denying FAPE

Discussion: The commenters misunderstand the statutory obligation, which is to ensure that the Paperwork Waiver Program does not affect the right of a child to receive a FAPE, not to ensure that children continue to receive a FAPE. In general, States are in a better position to identify Federal and State requirements that, in practice, do not assist in improving educational and functional results for children with disabilities residing in their State. States can make these determinations by taking into consideration the uniqueness of their State practices and policies, and the compliance history of local school districts within their State. We believe that the right to receive FAPE can be sufficiently protected by requiring that parents provide voluntary informed written consent for any change in policies or procedures under the Paperwork Waiver Program that affects the provision of FAPE to their child, such as changes to the IEP.

We do not believe that States should be required to explain why they are requesting that certain Federal and State requirements be waived. The purpose of the Paperwork Waiver Program is to provide an opportunity for States to identify ways to reduce paperwork burdens and other administrative duties that are directly associated with the requirements of the Act in order to increase the time and resources available for instruction and other activities aimed at improving educational and functional results for children with disabilities. The national evaluation will assess the extent to which the waivers were successful in reaching these goals.

Changes: We have revised paragraph 1 of the additional requirements by revising paragraph 1(f) and adding a new paragraph 1(g) (paragraph 1(f) and 1(g) now contain language from paragraph 1(e) of the proposed additional requirements) to require that local education agencies (LEAs) obtain voluntary informed written consent from parents to waive any paperwork requirements related to the provision of FAPE, such as changes related to IEPs, and requiring that the LEA must inform the parent in writing of any differences between the requirements of the Act related to the provision of FAPE (including changes related to IEPs), the parent's right to revoke consent, and the LEA's responsibility to meet all paperwork requirements related to the provision of FAPE when the parent does not provide informed written consent, or revokes that consent. Additionally, the LEA must inform the parents that if the parents revoke consent to a waiver of paperwork requirements regarding IEPs that the LEA must conduct, within 30 calendar days of such revocation, an IEP meeting to develop an IEP that meets all requirements of section 614(d) of the Act.

Comment: Many commenters recommended revising the final additional requirements and selection criteria to require States to identify effective mechanisms for reporting and resolving adverse events, such as the denial of FAPE. These commenters also urged the Department to add a requirement that would prevent districts or schools from participating in the program if they have a demonstrated history of not complying with the Act or have experienced a disproportionate number of complaints to the State educational agency (SEA) or participated in a disproportionate number of dispute resolution processes.

Discussion: We generally agree with the commenters and will add a new requirement that State applicants describe how they will collect, report on and respond to evidence of adverse consequences. The State is obligated to ensure that children with disabilities who participate in the program continue to receive services in accordance with the Act and implementing regulations, modified only to the extent consistent with the State's approved application. States therefore should take into consideration the compliance history of LEAs within the State as part of their process for selecting LEAs to participate in the Paperwork Waiver Program, and monitor implementation of the program and take corrective action, if needed.

Changes: Paragraph 1(c) of the additional requirements has been revised to require the State to provide an assurance that the State will collect and report to the Department and the evaluator all State complaints related to the denial of FAPE to any student with a disability, and how the State responded to this information, including the outcome of that response such as providing technical assistance to the LEA to improve implementation, or suspending or terminating the authority of an LEA to implement the Paperwork Waiver Program due to unresolved compliance problems. In addition, paragraph 1(h)(ii) of the additional requirements (paragraph 1(f)(ii) of the proposed additional requirements) has been revised to require the State to describe to the evaluator the circumstances under which district participation may be terminated.

Comment: One commenter recommended that the final additional requirements specify that the authority to implement the Paperwork Waiver Program will be terminated for any State that is found to be in noncompliance with the Act.

Discussion: We believe that the commenter's concern is addressed by the language in section 609(a)(4) of the Act. As explained in paragraph 5 of the *Statutory Requirements for Paperwork Waiver Program* section in this notice, the Secretary will terminate a State's waiver granted as part of this program if the Secretary determines that the State (a) needs assistance under section 616(d)(2)(A)(ii) of the Act and that the waiver has contributed to or caused the need for assistance; (b) needs intervention under section 616(d)(2)(A)(iii) of the Act or needs substantial intervention under section 616(d)(2)(A)(iv) of the Act; or (c) fails to appropriately implement its waiver.

Changes: None.

Comment: Several commenters agreed that a State should not be permitted to participate in the Paperwork Waiver

Program if the State meets the conditions under section 616(d)(2)(A)(iii) or (iv) of the Act, and recommended that the additional requirements and selection criteria also limit participation in the Paperwork Waiver Program to States in which the majority of the State's schools meet Adequate Yearly Progress (AYP) under the Elementary and Secondary Education Act of 1965, as amended, 20 U.S.C. 6301 *et seq.* (ESEA).

One commenter recommended that the Department contact the Chief State School Officers and Special Education Directors of States that are eligible to submit a proposal for the Paperwork Waiver Program to inform them of their eligibility.

Discussion: Section 609 of the Act does not limit participation in the Paperwork Waiver Program to States that have met the requirements of the ESEA. Given that Congress did not limit eligibility in this manner, the Department does not believe it is appropriate to limit eligibility to States in which the majority of their schools meet AYP under the ESEA.

The Secretary believes that the additional requirements and selection criteria provide clear guidance as to eligibility criteria for this program, and that separate notification of eligibility to States is not necessary.

Changes: None.

Comment: None.

Discussion: As part of our internal review of the proposed additional requirements and selection criteria, we determined that it was appropriate to revise paragraph 1 of the additional requirements to better align it with the language of the Act as specified in paragraph 1 of the *Statutory Requirements for Paperwork Waiver Program* section of this notice. Specifically, section 609(a)(1) of the Act specifies that the purpose of the Paperwork Waiver Program is to provide an opportunity for States to identify ways to reduce paperwork burdens and other administrative duties that are directly associated with the requirements of the Act in order to increase the time and resources available for instruction and other activities aimed at improving educational and functional results for children with disabilities.

Changes: We have revised the introductory language in paragraph 1 of the additional requirements to clarify that a State applying for approval under this program must submit a proposal to reduce excessive paperwork and non-instructional time burdens that do not assist in improving educational and functional results for children with disabilities.

Civil Rights/Procedural Safeguards

Comment: Many commenters recommended clarifying that States are prohibited from proposing any waiver of procedural safeguards under section 615 of the Act, and that the civil rights requirements that may not be waived are not limited to provisions set forth in section 615 of the Act.

Discussion: The Secretary agrees that additional clarification is needed because the civil rights requirements that may not be waived under this program are not limited to the civil rights requirements in section 615 of the Act. Accordingly, we have revised the wording of paragraph 3 in the *Statutory Requirements for Paperwork Waiver Program* section of this notice to clarify that States may not propose to waive any procedural safeguards under section 615 of the Act, and may not propose to waive any applicable civil rights requirements. No changes are necessary to the final additional requirements or selection criteria in response to these comments.

Changes: None.

Comment: Many commenters recommended including the Act in the list of statutes in the definition of *applicable civil rights requirements* in paragraph 2 of the proposed additional requirements. In addition, one commenter recommended that the list include the U.S. Constitution, and that States should be required to add a detailed explanation of what steps they will take to ensure that children's civil rights are not violated or waived.

Discussion: Consistent with section 609 of the Act, the additional requirements and selection criteria prohibit waiving any statutory or regulatory requirements related to *applicable civil rights* requirements. Paragraph 2 of the additional requirements defines the term applicable civil rights as all civil rights requirements in: Section 504 of the Rehabilitation Act of 1973, as amended; Title VI of the Civil Rights Act of 1964; Title IX of the Education Amendments of 1972; Title II of the Americans with Disabilities Act of 1990; and the Age Discrimination Act of 1975 and their implementing regulations. We have not included the Act in the list of statutes in this definition because section 609 of the Act clearly allows States that are participating in the Paperwork Waiver Program to waive some requirements of the Act. Including the Act in this list would preclude States from waiving any Federal requirements in order to reduce the paperwork burden associated with requirements of part B of the Act and would be inconsistent with the explicit purposes of section 609 of the Act. We do not include the U.S. Constitution in the list of applicable civil rights statutes because, as a matter of law, the Act could not be interpreted to allow for the waiver of any of the protections provided under the U.S. Constitution.

Changes: None.

Comment: One commenter expressed concern that the results of the national evaluation on the Paperwork Waiver Program could form the basis for waiving requirements of the Act in subsequent reauthorizations, which would erode civil rights protections and FAPE for children with disabilities.

Discussion: The Act provides for the Paperwork Waiver Program and directs the Secretary to report to Congress on the effectiveness of waivers granted under the program. The national evaluation will yield the information necessary for the Department to carry out this responsibility. We cannot address what future reauthorizations of the Act will require or provide.

Changes: None.

Public Input/Parental Notification and Consent

Comment: Many commenters recommended requiring that any State that submits a proposal for the Paperwork Waiver Program must establish a committee comprised of school district personnel, and at least three parents (each representing a different disability group) to provide input on the State's proposal, including defining the terms ''excessive paperwork'' and ''non-instructional time burdens.'' In addition, many commenters recommended requiring that the State's application: (a) Include a summary of the public input; (b) indicate what input the State incorporated into its proposal and who or what organization provided the suggestion; and (c) identify which stakeholders agreed and which stakeholders disagreed with each Federal and State requirement that the State proposed to waive under its proposed paperwork waiver program.

Many commenters recommended requiring States to use a variety of mechanisms to obtain broad stakeholder input, including public meetings held at convenient times and places and inviting written public comments. Similarly, two commenters observed that public input must be transparent, and involve the greatest number of stakeholders, particularly teachers, administrators, related services providers, students, and parents.

Several commenters urged the Secretary to require that (in addition to obtaining input from school and district personnel, and parents) States obtain input from representatives of parent training and information centers and community parent resource centers and parents. In addition, one commenter recommended that the Secretary should require States to (a) obtain input from family members and advocates for children with disabilities, (b) require the State to summarize the input that it received and the type of stakeholder who submitted the input, and (c) describe how each specific proposal to waive a Federal statutory or regulatory requirement, or State requirement, would improve educational and functional results for children by reducing paperwork.

One commenter recommended that the final additional requirements and selection criteria define the kinds of paperwork that may be waived that are excessive and impose non-instructional time burdens on school personnel, and the Secretary should not allow any waiver of notices to families, reports of evaluation results, IEPs, or performance reports to parents. The commenter also recommended that (a) the State ensure that the State Parent Training and Information Center and Special Education Advisory Council support the State's application for each proposed waiver; (b) institutions of higher education work in collaboration with the State in developing its application; and (c) the State have a plan for on-going implementation review that requires data collection and the submission of interim reports to the Secretary.

One commenter recommended clarifying that any proposed State plans must comply with section 612(a)(19) of the Act requiring public participation.

One commenter recommended that the Department should clearly articulate the impact that negative public input will have on the selection criteria of a State's application, if any.

Discussion: It is not appropriate or possible for the Department to prejudge the possible impact of stakeholder input on the peer reviewers' recommendations. Likewise, we believe that States should have some flexibility in designing their process for obtaining public input. We have revised paragraph 1(a) of the additional requirements to require States to include in their proposals a description of how they involved multiple stakeholders in selecting the requirements proposed for the waiver and any specific proposals for changing those requirements to reduce paperwork, and a description of how they provided an opportunity for public comment in selecting the requirements proposed for the waiver consistent with the requirements of section 612(a)(19) of the Act. Paragraph 1(b) of the additional requirements requires the proposal to include a summary of the public comments received upon implementing paragraph 1(a) and a description of how those comments were addressed in the proposal. Accordingly, each State's application will be judged on the extent to which the State involved multiple stakeholders and provided an opportunity for public comment in selecting the requirements proposed for the waiver.

Changes: We have revised paragraph 1(a) of the additional requirements to clarify that a State must include in its proposal a description of how the State (a) involved multiple stakeholders, including parents, children with disabilities, special education and regular education teachers, related services providers, and school and district administrators, in selecting the requirements proposed for the waiver and any specific proposals for changing those requirements to reduce paperwork, and (b) provided an opportunity for public comment in selecting the requirements proposed for the waiver. In addition, we have added a new paragraph 1(b) to the additional requirements to require the State to provide a summary of public comments and how public comments were addressed in the proposal.

Comment: Many commenters recommended that States be required to provide a detailed description of how they plan to provide training on the paperwork waivers for administrators, teachers, related services providers, education support professionals, and parents. The commenters expressed concern that children with disabilities would be denied FAPE absent sufficient training of parents and education personnel on Federal and State requirements that are waived by the State.

Discussion: The Secretary agrees with the commenters that it is essential that parents, teachers, administrators, related services providers, and education support professionals understand what Federal and State requirements are waived by the State as part of the Paperwork Waiver Program in order to ensure proper implementation.

Changes: We have revised the additional requirements by adding a new paragraph 1(d) to require applying States to provide as part of their proposals a description of the procedures they will employ to ensure that diverse stakeholders understand the proposed elements of the State's submission for the Paperwork Waiver Program. With the addition of this new paragraph 1(d), we have redesignated paragraphs 1(d) through (f) of the proposed additional requirements as paragraphs 1(e) through (g). Paragraphs 1(e) through (g) reflect additional changes as discussed in this preamble.

Comment: Many commenters recommended clarifying that the parents of children with disabilities should receive written notice, in addition to verbal notice, of any waiver of Federal requirements permitted under the Paperwork Waiver Program. If the State proposes to waive IEP requirements, the commenters recommended requiring that States receive informed written consent from the parents before an IEP that does not meet the requirements of section 614(d) of the Act is developed for a child with a disability. The commenters also recommended that parents should receive written notice of any State requirements that will be waived under the program, the anticipated effects of these waivers, and the protections that have been put into place to ensure that no child with a disability is denied FAPE. The commenters stressed that sending parents a list of references to Federal and State requirements that will be waived is insufficient to ensure that they are properly informed. The commenters recommended requiring that notice to parents of any waived requirements be fully explained, written in an easily understandable manner and in the parent's native language, with an explanation of the effect of such waivers and the protections that have been put in place to ensure the provision of FAPE in the least restrictive environment, and the protection of the child's civil rights and procedural safeguards under section 615 of the Act.

Three commenters recommended eliminating the parental notification requirement altogether.

One commenter recommended requiring that the Paperwork Waiver Program include effective mechanisms for reporting to the Department adverse effects of the program, such as denial of FAPE.

Discussion: Section 609(a)(3)(B)(i) of the Act requires the State to identify any statutory or regulatory requirements related to part B of the Act that would be waived, and section 609(a)(3)(B)(ii) of the Act requires the State to identify any State requirements that would be waived. Although not specifically required under section 609 of the Act, paragraph 1(e) of the additional requirements (paragraph 1(d) of the

proposed additional requirements), which requires States to ensure that parents are given notice of any statutory, regulatory, or State requirements that will be waived as part of the Paperwork Waiver Program, is consistent with the parental notice requirements in section 615 of the Act.

We agree with the commenters that the notice containing the requirements that are being waived should be presented to parents in writing and in a manner that is understandable to parents consistent with section 615 of the Act. We have incorporated, in paragraphs 1(f) and 1(g) of the additional requirements, parent consent requirements to ensure that waivers will not result in the denial of a child's right to FAPE. We agree that States should disseminate information about how they will ensure a child's right to FAPE, and otherwise protect the child's civil rights and procedural safeguards under section 615 of the Act to participating LEAs that, in turn, should provide the information to parents. Accordingly, we have added language to paragraph 1(e) of the additional requirements (paragraph 1(d) in the proposed additional requirements) to clarify that the parental notice on what Federal and State requirements are being waived include a description of the procedures the State will employ to ensure that the child's right to FAPE is preserved and that the child's civil rights and procedural safeguards under section 615 of the Act are protected, and that such notice should be in writing in easily understandable language and in the native language of the parent, unless it clearly is not feasible to do so.

In addition, we agree with the commenters that participating LEAs must obtain informed written consent from parents before an IEP that does not meet the requirements of section 614(d) of the Act is developed for a child with a disability. Paragraph 1(g) of the additional requirements (paragraph 1(e) of the proposed additional requirements) requires States to ensure that, in requesting voluntary informed written consent from parents, the LEA must inform the parent in writing of (i) any differences between the paperwork requirements of the Act related to the provision of FAPE, such as changes related to IEPs, (ii) the parent's right to revoke consent to waive any paperwork requirements related to the provision of FAPE at any time, (iii) the LEA's responsibility to meet all paperwork requirements related to the provision of FAPE if the parent does not provide voluntary written informed consent or revokes consent, and (iv) the LEA's responsibility to conduct an IEP meeting to develop an IEP that meets all requirements of section 614(d) of the Act within 30 calendar days if the parent revokes consent to waiving paperwork requirements related to the content, development, review, and revision of IEPs. We do not agree with commenters that the notice must include an explanation of the effects of such waivers. Section 609 of the Act does not require the State to include in such a notice specific anticipated effects of the waiver program. Moreover, we believe that the possible benefits of including this information in the notices are outweighed by the burden. In short, we believe that children are sufficiently protected by the fact that States must ensure that the waiver program does not affect the right of a child with a disability to receive FAPE.

Changes: We have re-designated paragraph 1(d) of the proposed additional requirements as paragraph 1(e) and revised paragraph 1(e) of the final additional requirements to require States to provide assurances that each parent of a child with a disability in participating LEAs will be given written notice (in the native language of the parent, unless it clearly is not feasible to do so) of any statutory, regulatory, or State requirements that will be waived and notice of the procedures that State will employ under paragraph 1(c) (which requires that States ensure the right to FAPE and protection of due process protections under section 615 of the Act, and applicable civil rights requirements).

In addition, we have re-designated paragraph 1(e) of the proposed additional requirements as paragraph 1(f) and revised paragraph 1(f) of the additional requirements to require that in applying for a waiver of any paperwork requirements related to the provision of FAPE, such as changes related to IEPs, applicants must assure that they will require any participating LEA to obtain voluntary informed written consent from the parents. We also have added language to paragraph 1(g) of the additional requirements (paragraph 1(e) of the proposed additional requirements) to clarify that States must ensure that in requesting voluntary informed written consent from parents, the LEA must inform the parent in writing (and in the parent's native language, unless it clearly is not feasible to do so) of (i) any differences between the paperwork requirements of the Act related to the provision of FAPE, such as changes related to IEPs, (ii) the parent's right to revoke consent to waive any paperwork requirements related to the provision of FAPE at any time, (iii) the LEA's responsibility to meet all paperwork requirements related to the provision of FAPE if the parent does not provide voluntary written informed consent or revokes consent, and (iv) the LEA's responsibility to conduct an IEP meeting to develop an IEP that meets all requirements of section 614(d) of the Act within 30 calendar days if the parent revokes consent to waiving paperwork requirements related to the content, development, review and revision of IEPs.

Comment: One commenter recommended deleting the additional requirement that States allow parents to revoke consent to an IEP that does not meet the requirements of section 614(d) of the Act as part of the Paperwork Waiver Program proposal.

One commenter recommended deleting all parental consent requirements regarding the development of an IEP that does not meet the requirements of section 614(d) of the Act as part of the Paperwork Waiver Program.

One commenter recommended that the final additional requirements clarify that parental consent is voluntary to ensure that parents are not pressured or coerced into agreeing to an IEP that does not meet the requirements of section 614(d) of the Act.

Discussion: We disagree with the commenter that LEAs should not be required to receive parental consent before an IEP that does not meet the requirements of section 614(d) of the Act is developed. We also disagree with the commenter that parents should be prohibited from withdrawing their consent. We believe these provisions are essential to ensuring that States participating in the Paperwork Waiver Demonstration Program ensure the right to FAPE for all participating students.

We intended the reference to ''informed consent'' of parents in paragraph 1(e) of the proposed additional requirements to mean consent that is both informed and provided by the parents voluntarily. ''Consent'' in this context has the same meaning as given the term in 34 CFR 300.9. However, we agree with the commenter that additional clarification is needed to ensure that parental consent is voluntary.

Changes: As noted elsewhere in this section, we have re-designated paragraph 1(e) of the proposed additional requirements as paragraph 1(f) of the additional requirements. We also have revised that paragraph by inserting the term ''voluntary'' before the word ''informed'' and inserting the term ''written'' before the word ''consent.''

Comment: One commenter recommended that States be required to inform parents that refusing to consent to an IEP that does not meet the requirements of section 614(d) of the Act will not affect the delivery of special education and related services to their child.

Discussion: We agree with the commenter that additional clarification is needed regarding situations where a parent refuses to provide consent for an IEP that does not meet the requirements of section 614(d) of the Act. If a parent does not provide consent for an LEA to develop an IEP that does not meet the requirements of section 614(d) of the Act, the LEA is responsible for implementing the child's current IEP that meets all of the requirements of section 614(d) of the Act.

Changes: We have revised paragraph 1(g) of the additional requirements (paragraph 1(e) of the proposed additional requirements) to make clear that the information provided to parents must explain that if the parent does not provide consent, or revokes consent, the LEA is responsible for meeting all paperwork requirements related to the provision of FAPE.

Comment: Many commenters recommended prohibiting States from proposing to waive any requirements related to IEPs, Individualized Family Services Plans (IFSPs), Procedural Safeguards Notices or Prior Written Notices as part of their applications for the Paperwork Waiver Program. The commenters also recommended that the Secretary terminate a State's waiver granted as part of this program if the Secretary determines that the State has violated any requirements related to IEPs, IFSPs, Procedural Safeguards Notices or Prior Written Notices.

Many commenters recommended that the proposed additional requirements for this program be revised to prohibit applicants from using the Paperwork Waiver Program as a vehicle for implementing multi-year IEPs that do not comply with the terms of the Department's Multi-Year IEP Demonstration Program (Multi-Year IEP Program).

Many commenters recommended that the Department prohibit States from participating in both the Paperwork Waiver Program and the Multi-Year IEP Program.

Many commenters recommended adding a requirement that any State permitted to participate in both the Multi-Year IEP Program and the Paperwork Waiver Program may not implement both programs in the same district or school.

Discussion: Section 609 of the Act does not authorize the Secretary to allow States to propose waiving any requirements of IFSPs under part C of the Act. Section 609 of the Act authorizes the Secretary only to grant waivers of statutory requirements of, or regulatory requirements relating to, part B of the Act. In addition, sections 609 and 614(d)(5) of the Act do not preclude a State from proposing to waive requirements related to the content, development, review and revision of IEPs, nor does the Act preclude a State from proposing to incorporate elements of the Multi-Year IEP Program in its application for the Paperwork Waiver Program. We decline to make the requested changes because we believe that there are sufficient protections in the requirements for the Paperwork Waiver Program to protect a child's right to FAPE as well as to ensure that civil rights and procedural safeguard requirements are not waived.

The Act allows States to apply for the Multi-Year IEP Program and the Paperwork Waiver Program. However, we agree with the commenters that a State that receives awards for the Paperwork Waiver Program and the Multi-Year IEP Program should not be permitted to execute both programs in the same school district. We believe that this type of prohibition would allow for a more precise evaluation of each program.

Changes: A note has been added at the end of the *Additional Requirements and Selection Criteria* section to clarify that receipt of an award for the Paperwork Waiver Program does not preclude an applicant from applying for and receiving an award for the Department's Multi-Year IEP Program. However, a State that receives an award for both programs may not execute both programs within the same LEA.

Comment: Many commenters recommended requiring States to work with the national evaluator to convene Statewide meetings at a time and place convenient for parents and family members so that they can publicly express whether there is family satisfaction with the Paperwork Waiver Program.

Discussion: We strongly support parental involvement in the education of children, and believe that the involvement of parents and other stakeholders in the development and evaluation of the Paperwork Waiver Program is ensured through requirements established in this notice. In addition, parent satisfaction will be evaluated under the outcomes that are measured as part of the national evaluation. The evaluation contractor, working under the direction of IES and in consultation with a technical workgroup and participating States, may choose to convene Statewide public meetings as part of its research methodology to collect data on parent satisfaction. However, we see no compelling reason to require the evaluation contractor to convene Statewide meetings at this time. The details of the national evaluation will be confirmed during discussion with the evaluator, a technical workgroup, and the participating States during the first several months of the study, including how parent satisfaction will be evaluated.

Changes: None.

National Evaluation

Comment: None.

Discussion: Based on an internal review of the description of the national evaluation in the *Background for Additional Requirements and Selection Criteria* section of this notice, we have determined that it is appropriate to clarify for applicants and other stakeholders that academic measures are among those student outcomes to be assessed as part of the national evaluation.

Changes: In the *Background for Additional Requirements and Selection Criteria* section of this notice, we have added the phrase ''including academic achievement'' to the outcomes to be measured by the national evaluation. Paragraph (a) of the outcomes to be measured now reads: ''Educational and functional results (including academic achievement) for students with disabilities.''

Comment: Many commenters requested a definition of ''quasi-experimental design'' and an explanation of how it compares with a ''rigorous research design.'' One commenter recommended that the evaluation include a variety of qualitative and quantitative evaluation methods (e.g., case studies, observation, cost-benefit analyses).

One commenter noted the absence of a research question within the proposed additional requirements for the national evaluation conducted by IES and asked for clarification as to why a research question was not specified.

Discussion: A quasi-experimental research design is similar to experimental research design but it lacks one key ingredient—random assignment. In conducting the national evaluation, it may not be possible for IES to match LEAs within States according to demographic characteristics, programmatic features, and other factors in order to apply an

empirical research design that randomly assigns LEAs to experimental and control groups. For example, some States may have only one large urban school district, and a comparable control group within the State cannot be established.

Similarly, it may not be possible to match participating States according to demographic characteristics in order to establish experimental and control groups. For example, because this is a competitive program, only eligible States that apply for and are awarded authority to waive Federal and State requirements will participate in the Paperwork Waiver Program. As such, it is not possible to randomly assign States to experimental and control groups. For this reason, IES will conduct an evaluation using a rigorous quasi-experimental design (i.e., a research design that does not include random assignment of participating States and LEAs to experimental and control groups). The design will, however, allow for the collection of data on the following outcomes: (a) Educational and functional results (including academic achievement) for students with disabilities, (b) allocation and engagement of instructional time for students with disabilities, (c) time and resources spent on administrative duties and paperwork requirements by teaching and related services personnel, (d) quality of special education services and plans incorporated in IEPs, (e) teacher, parent, and administrator satisfaction, (f) the promotion of collaboration of IEP team members, and (g) enhanced long-term educational planning for students. These outcomes will be compared between students who participate in the Paperwork Waiver Program, and students who are matched on disability, age, socioeconomic status, race/ethnicity, language spoken in the home, prior educational outcomes, and to the extent feasible, the nature of special education, and who do not participate in the Paperwork Waiver Program.

Given that limitations may preclude random assignment of States and LEAs to experimental and control groups, the findings from the national evaluation may largely be ''descriptive'' in nature rather than drawing ''causal'' inferences that can be reached from experimental research design, which we believe is what the commenters were referring to as ''rigorous research design.'' That is, descriptive research has the goal of describing what, how, or why something is happening, whereas experimental research has the goal of determining whether something causes an effect. Therefore, specific research questions commonly associated with experimental research design cannot be generated a priori because independent and dependent variables associated with experimental research design cannot readily be established due to the variability of demographic characteristics between and within States that preclude random assignment of States and LEAs to experimental and control groups. The specifics of the national evaluation design will be confirmed during discussion with the evaluator, a technical workgroup, and the participating States during the first several months of the study and might include a variety of qualitative and quantitative evaluation methods (e.g., case studies, observation, cost benefit analyses).

Changes: None.

Comment: Several commenters recommended requiring States to prohibit participation of some LEAs within the State in order to create separate experimental and control groups.

Discussion: As discussed elsewhere in this section, it may not be possible to match LEAs within States according to demographic characteristics in order to establish experimental and control groups. The specifics of the national evaluation design will be confirmed during discussion with the evaluator, a technical workgroup, and the participating States during the first several months of the study, and decisions regarding the extent to which experimental research design can be employed will be decided at that time.

Changes: None.

Comment: Many commenters recommended clarifying that all States that participate in the Paperwork Waiver Program must participate in the national evaluation conducted by IES. The commenters also recommended adding a new requirement that participating States conduct a State evaluation of the project to ensure accountability to participating children and families and that the State must provide more detailed State specific data than would be required for the national evaluation. In addition, the commenters recommended that the Secretary consider the extent to which the applicant has devoted sufficient resources to conduct a State evaluation of its project and the training of administrators, educators, and parents to ensure proper implementation of the proposed project.

Discussion: IES will conduct the national evaluation of the Paperwork Waiver Program. Paragraph 1(h) of the additional requirements (paragraph 1(f) of the proposed additional requirements) makes clear that participating States must cooperate fully in this national evaluation. Section 609 of the Act does not require a State evaluation under the Paperwork Waiver Program and we do not think it is appropriate to require States to conduct a State evaluation. However, nothing in the Act or the final additional requirements and selection criteria prevents States from including a proposal to conduct a Statewide assessment of their project as part of their application, if determined appropriate by the State.

Changes: None.

Comment: Two commenters recommended deleting all requirements related to a State's participation in the national evaluation. The commenters expressed concern that such participation would add unnecessary costs and paperwork for States and local school districts and could discourage many States from applying for the Paperwork Waiver Program.

One commenter stated that it was unreasonable to expect States to allocate resources for the project to assist with planning the details of the evaluation and ensuring the participation of the involved school districts, and that it was unlikely that the research would yield reliable and valid experimental outcomes.

One commenter noted that the State lacked the authority to enforce the cooperation of school districts to participate in the national evaluation.

Discussion: IES will ensure that the national evaluation yields results that are reliable and valid. Under section 609 of the Act, the Department is responsible for reporting to Congress on the effectiveness of the waiver program. In order to accurately evaluate program effectiveness, the national evaluation is necessary, and it is appropriate for States that are granted waivers under the program, and participating LEAs, to participate in that evaluation. A State that does not provide an assurance that it will fully cooperate with the national evaluator will be deemed ineligible to participate in the Paperwork Waiver Program. Moreover, the State is responsible for ensuring that participating LEAs cooperate in the national evaluation conducted by IES. If a State is unable to provide an assurance that its participating LEAs will cooperate in the national evaluation, then the State will be deemed ineligible to participate in the Paperwork Waiver Program. Similarly, an LEA that does not provide an assurance to the applying State that it will fully cooperate with the national evaluator is ineligible to participate in the program.

In addition, we believe that participation in the national evaluation will not add unnecessary costs and paperwork or be overly burdensome for States and local school districts. Moreover, over the course of the evaluation, participating States will receive an annual incentive payment (described in the *Additional Requirements* section of this notice) that will offset the cost of participating in the evaluation.

Changes: None.

Comment: One commenter noted that the privacy rights of individuals under the privacy requirements of FERPA and the Act must be protected in making individual student's IEPs accessible as part of the national evaluation.

Discussion: We agree with the commenter and have revised paragraph 1(h)(i) of the additional requirements to clarify that States must ensure, consistent with the privacy requirements of FERPA and the Act, that the evaluator will have access to original and all subsequent new versions of the associated documents for each child involved in the evaluation, including IEPs (if applicable). We also have revised the description of the role that States will play in the national evaluation in the **SUPPLEMENTARY INFORMATION** section of this notice to ensure that the privacy requirements of FERPA and the Act are protected.

Changes: We have revised paragraph 1(h)(i) of the additional requirements (paragraph 1(f)(i) of the proposed additional requirements) by adding the words ''consistent with the privacy requirements of the Act and The Family Educational Rights and Privacy Act'' to the sentence requiring States to ensure that the evaluator will have access to the original and all subsequent new versions of the associated documents for each child involved in the evaluation.

Comment: Two commenters recommended revising paragraph 1(f) of the proposed additional requirements by deleting the phrase ''if selected.''

Discussion: Paragraph 1(f) of the proposed additional requirements (which has been re-designated as paragraph 1(h) of the additional requirements) requires States to provide assurances that they will cooperate fully, if selected, in a national evaluation of the Paperwork Waiver Program. The phrase ''if selected'' was intended to clarify that the requirement only applies to States that are selected to participate in the Paperwork Waiver Program; however, we agree with the commenters that the phrase is confusing. Accordingly, we have re-worded this paragraph to read, ''Assurances that the State will cooperate fully in a national evaluation of this program, if selected to participate in the Paperwork Waiver Program.''

Changes: As noted elsewhere, we have re-designated paragraph 1(f) of the proposed additional requirements as paragraph 1(h). We also have revised that paragraph to clarify that assurances are required from States selected to participate in the Paperwork Waiver Program.

Comment: Many commenters recommended including representatives of national parent organizations in the design of the national evaluation. The commenters stated that it is essential that stakeholders have confidence that the evaluation procedures will yield valid, reliable, and comprehensive data.

Discussion: IES will identify and select individuals with the necessary technical expertise to serve as members of the technical workgroup, which will advise IES on the development of a rigorous research design for conducting the national evaluation. These individuals may include representatives of national parent organizations. We decline at this time to add any other specific parties to those involved in determining the specifics of the evaluation design.

Changes: None.

Comment: Two commenters recommended eliminating the requirement for a State to designate a coordinator for the Paperwork Waiver Program.

Discussion: We believe that it is necessary and reasonable to ensure effective implementation and evaluation of the Paperwork Waiver Program to require States to designate a coordinator who will monitor the State's implementation of the program and work with the national evaluator.

Changes: None.

Comment: Many commenters recommended adding a new requirement that would preclude a State from authorizing school districts to begin implementing waivers until the beginning of the first school year after the specifics of the study design for the national evaluation and the State's evaluation have been determined. The commenters noted that more time was needed to work with the national evaluator on the specifics of the national study design before LEAs begin implementing the program.

One commenter recommended allowing States to establish their own implementation schedule in their proposals, and that the Department should encourage States to do so in an expeditious manner to meet the congressional expectation that the Department issue an ''effectiveness report'' to the Congress by the end of 2006.

Discussion: We believe that the commenters' concerns are addressed because the evaluation design will be determined prior to implementation of the Paperwork Waiver Program. Accordingly, LEAs may not begin implementing waivers until after the specifics of the study design for the national evaluation and the State's evaluation have been determined and all the background information for the national evaluation has been provided to IES. We believe that States should have some flexibility in the timing of their implementation and, while a State may propose to delay implementation of the Paperwork Waiver Program as part of its application, it must fully cooperate with the national evaluator in developing the specifics of the national study design.

Changes: None.

Comment: Many commenters recommended that the Department commence the national evaluation process as soon as the final evaluation design has been completed, and that the evaluator begin collecting background information from the States at this time.

Discussion: We do not agree with the commenters that it is necessary at this time to require the national evaluation process to commence as soon as the final study design has been completed, nor do we believe that the evaluator should be required to begin collecting background information from the States at this time. Rather, specifics of the design (including matters of when data collection will commence) will be confirmed during discussion with the evaluator, a technical workgroup, and the participating States during the first several months of the study.

Changes: None.

Comment: One commenter recommended that the Department contract with an independent agency to develop a research design that would produce reliable information about the effectiveness of the Paperwork Waiver Program and meet the requirements of the Department's ''What Works Clearinghouse.''

Discussion: Data collection and analysis will be the responsibility of IES through its independent contractor. The Department's ''What Works Clearinghouse'' (WWC) collects, screens, and identifies existing studies of effectiveness of educational interventions (programs, products, practices, and policies). The evaluation will be based on a strong quasi-experimental design that will yield valid and reliable results consistent with the WWC evidence standards for

quasi-experimental studies and will meet the needs of the Secretary for reporting to Congress under section 426 of the Department of Education Organization Act and section 609(b) of the Act.

Changes: None.

Comment: Many commenters recommended that the national evaluation include collection of data on ''family member'' satisfaction.

Discussion: We generally agree with the commenters that the national evaluation should collect data on the satisfaction of family members of children participating in the Paperwork Waiver Program. Section 609(b) of the Act requires the Department to report to Congress on the effectiveness of the waiver program and to provide specific recommendations for broader implementation of such waivers related to five outcomes, including ensuring satisfaction of family members. In this context, the Department interprets the term ''family members'' to mean ''parents'' and intends to collect data on parent satisfaction with the program. While the perspectives of family members, including siblings, grandparents, and other relatives can be important in making educational decisions for a child with a disability, we believe that the parents of a child with a disability are in the best position to represent the interests of their child. Moreover, while the Act provides a definition of ''parent,'' it does not provide a definition of ''family member.'' Parents may, at their discretion, convey the interests and perspectives of other family members in the operation of the project on behalf of their children.

Accordingly, we have included language in the background statement for the additional requirements and selection criteria in the **SUPPLEMENTARY INFORMATION** section of this notice to clarify that, as part of the national evaluation, IES will collect data on the extent to which program activities result in parent satisfaction. We have not made any changes to the additional requirements or selection criteria in response to these comments.

Changes: None.

Comment: One commenter recommended that the national evaluation not include collection of data on ''teacher'' and ''administrator'' satisfaction.

Discussion: Section 609 of the Act does not require the collection of data on teacher and administrator satisfaction as part of the national evaluation. However, because multiple stakeholders, including teachers and administrators, will be involved in the development and implementation of the Paperwork Waiver Program, the Secretary believes that the national evaluation should include collection of data on teacher and administrator satisfaction.

Changes: None.

Comment: Many commenters recommended that IES collect data on whether the Paperwork Waiver Program will promote collaboration of IEP team members and how long-term educational planning will be enhanced for students through the program.

Discussion: We agree with the commenters. Section 609(b) of the Act requires the Department to report on the effectiveness of the Paperwork Waiver Program and provide specific recommendations for broader implementation of such waivers related to five outcomes, including (but not limited to) promoting collaboration between IEP team members, and enhancing longer-term educational planning, in its annual report to Congress. Accordingly, we have included language in the background statement for the additional requirements and selection criteria in the **SUPPLEMENTARY INFORMATION** section of this notice to clarify that, as part of the national evaluation, IES will collect data on the extent to which program activities promote collaboration among IEP team members and enhance long-range educational planning. We have not made any changes to the additional requirements or selection criteria in response to these comments.

Changes: None.

Comment: One commenter requested that we clarify the language in paragraph 1(h)(i) of the additional requirements (paragraph 1(f)(i) of the proposed additional requirements) regarding an evaluator having access to the most recent IEP created before participating in the Paperwork Waiver Program because this language implies that no initially identified child could participate in the pilot project if elements of the IEP are waived.

Discussion: Initially identified children are eligible to participate in this program. We agree that additional clarification is needed because an initially identified child would not have a previous IEP, and therefore having access to the most recent IEP would not be applicable.

Changes: Paragraph 1(h)(i) (paragraph 1(f)(i) of the proposed additional requirements) has been revised to clarify that the evaluator will have access to the most recent IEP created (if a previous IEP was created) before participating in the Paperwork Waiver Program.

Comment: One commenter recommended re-ordering the requirements with which States must comply that will allow the Department to evaluate the effectiveness of the program to parallel the requirements of section 609(b) of the Act. The same commenter also recommended limiting data collection on the effectiveness of the program related to student outcomes to educational and functional results that are ''in accordance with each student's IEP.''

Discussion: Section 609(a)(1) of the Act specifies that the purpose of the Paperwork Waiver Program is to provide an opportunity for States to identify ways to reduce paperwork burdens and other administrative duties that are directly associated with the requirements of the Act in order to increase the time and resources available for instruction and other activities aimed at improving educational and functional results for children with disabilities. We believe that the ordering of evaluation outcomes is sufficiently clear, and re-ordering is not necessary. In addition, we believe that potential improvements in the educational and functional results for children with disabilities as a result of this program should not be limited to IEP goals. For example, the national evaluation could include examination of student assessment data or other indices of student progress beyond what is included in students' IEPs.

Changes: None.

Comment: Several commenters recommended eliminating some or all data collection requirements as part of the national evaluation to reduce burden and costs on States participating in the Paperwork Waiver Program.

Discussion: Section 609(b) of the Act requires the Department to report on the effectiveness of the Paperwork Waiver Program and provide specific recommendations for broader implementation of such waivers related to five outcomes. However, data collection and analysis will not be the responsibility of States. Rather, data collection and analysis will be the responsibility of IES through its contractor. States can expect to allocate resources, at a minimum during Year 1, to assist with planning the details of the evaluation, ensuring participation of involved districts, providing access to relevant State records, and completing questionnaires or participating in interviews. Over the course of the evaluation, participating States will receive an annual incentive payment (described in the *Additional Requirements* section of this notice) that

will offset the cost of participating in the evaluation.

Changes: None.

Comment: Many commenters recommended increasing the annual incentive payment provided to States to support program-related activities, and recommended requiring that the national evaluator provide funds to participating school districts based on the number of participating students in the evaluation.

Discussion: Paragraph 3 of the proposed additional requirements provided that each State receiving approval to participate in the Paperwork Waiver Program would be awarded an annual incentive payment of $10,000 to be used exclusively to support program-related evaluation activities, including one trip to Washington, DC, annually to meet with the project officer and the evaluator. In addition, paragraph 3 of the proposed additional requirements indicated that each participating State would receive an additional incentive payment of $15,000 annually from the evaluation contractor to support evaluation activities in the State, and that incentive payments may also be provided to participating districts to offset the cost of their participation in the evaluation of the Paperwork Waiver Program. Because the total available funds for each award will depend on the number of awards made, we are unable to specify an exact amount over the initially proposed incentive payment amounts. However, the Secretary agrees with the commenters that more funds should be made available if possible and, therefore, the final additional requirements have been revised to clarify that participating States will receive at least $10,000 to support program-related evaluation activities, and at least $15,000 annually from the evaluation contractor to support evaluation activities in the State.

Changes: We have revised paragraph 3 of the final additional requirements to clarify that each State receiving approval to participate in the Paperwork Waiver Program will be awarded an annual incentive payment of not less than $10,000 to support program-related evaluation activities, and not less than $15,000 annually from the evaluation contractor to support evaluation activities in the State, to offset the cost of participating districts, or to do both. We also have added language to this paragraph to clarify that the total available funds for each award will depend on the number of awards made.

Comment: Many commenters recommended that the Department indicate when the results of the national evaluation will be available and how they will be disseminated.

Discussion: We believe that it is not appropriate to set a timeline for disseminating the results of the national evaluation until the specifics of the national evaluation are confirmed during discussion with the evaluator, a technical workgroup, and the participating States during the first several months of the study. Consistent with section 609(b) of the Act, the Secretary will include in the annual report to Congress pursuant to section 426 of the Department of Education Organization Act information related to the effectiveness of waivers including any specific recommendations for broad implementation. It is the expectation of the Department that the annual report will be based, at least in part, on the results of the national evaluation.

Changes: None.

Selection Criteria

Comment: None.

Discussion: Upon further consideration of the proposed selection criteria, the Department has made the decision to use selection criteria already established in the Education Department General Administrative Regulations (EDGAR) in 34 CFR 75.210 for the review of this program. The proposed selection criteria included many of the measures that would be evaluated as part of the national evaluation of this program. Upon further consideration, we determined that it would be inappropriate to include these measures in the selection criteria. We believe that use of the EDGAR selection criteria will enable the Department to sufficiently evaluate State applications for this program.

Changes: Throughout the selection criteria, we have replaced or modified proposed selection criteria to better align with selection criteria from 34 CFR 75.210 of EDGAR. Specifically, we have deleted or modified proposed selection criteria 1(b), 2(a), 2(b), 3(b) and 3(c) and added language from 34 CFR 75.210 of EDGAR.

Comment: One commenter recommended eliminating proposed selection criterion 1(a) (i.e., that the proposed project demonstrate the extent to which it will develop or demonstrate promising new strategies that build on, or are alternatives to, existing strategies).

Discussion: We decline to make the requested change because we believe that selection criterion 1(a) is an important criterion for evaluating the innovativeness of each State application for the Paperwork Waiver Program.

Changes: None.

Comment: Many commenters recommended requiring the Secretary to evaluate, separately, the significance of the proposed project in terms of how likely it would lead to reduced paperwork burden, increase instructional time, and improve academic achievement. The commenters also recommended that the Secretary consider the likelihood that the proposed project will ensure parent satisfaction.

One commenter stated that section 609(b) of the Act anticipates ''positive outcomes'' for students and that the expected outcomes for the program should relate directly to the individual's annual IEP goals (educational and functional outcomes) as opposed to being limited to academic achievement.

Discussion: We believe that the commenters' concerns about the likelihood that the project will lead to reduced paperwork, increased instructional time, improved academic achievement, and will ensure parents' satisfaction are sufficiently addressed by the national evaluation. Similarly, we believe that the comment on measuring outcomes related to the IEP is already addressed by the national evaluation. Readers are referred to the *Background for Additional Requirements and Selection Criteria* section, which lists the measures on which IES will collect data for purposes of the national evaluation. These measures include data on the educational and functional results of students with disabilities, the quality of the services and plans within the IEP, allocation and engagement of instructional time for students with disabilities, time and resources spent on administrative duties and paperwork requirements by teaching and related services personnel, and parent satisfaction, among other things.

We strongly support parental involvement in all aspects of education, but believe that parental involvement in the development and evaluation of the Paperwork Waiver Program is more appropriately ensured through other additional requirements included in this notice (e.g., paragraphs 1(a) and (d) of the additional requirements) and will be addressed by the outcomes measured as part of the national evaluation conducted by IES (e.g., parent satisfaction) and selection criterion 3(c).

Changes: None.

Comment: None.

Discussion: Since publishing the December 2005 notice, we have decided to use certain selection criteria from those found in EDGAR in 34 CFR 75.210 for the review of this program. Proposed selection criterion 1(b), ''The likelihood that the proposed project will result in

improvements in the IEP process, especially long-term planning for children with disabilities, without compromising the provision of FAPE, satisfaction of parents, and educational outcomes for children with disabilities'' has been deleted. Upon internal review of the proposed selection criteria, we have determined that this criterion is inappropriate because it would require panel reviewers to speculate on the impact proposals would have on the variables to be measured by the national evaluation (i.e., long-term planning for children with disabilities, satisfaction of parents and educational outcomes for children with disabilities). If the relationship between certain paperwork waivers and outcome variables were known, then there would be no need for the evaluation.

We have replaced proposed selection criterion 1(b) with the following EDGAR criterion, which is from 34 CFR 75.210(b)(2)(iii): ''The potential contribution of the proposed project to increased knowledge or understanding of educational problems, issues or effective strategies.'' This criterion will allow panel reviewers to evaluate the proposal's significance relative to how articulately or persuasively the State can connect current problems or issues with the paperwork requested for waiver. This type of evaluation and subsequent scoring of an application is commonly done in proposal review by standing panel members.

Changes: Proposed selection criterion 1(b) has been deleted and replaced with the selection criterion from section 75.210(b)(2)(iii) of EDGAR.

Comment: Many commenters recommended that the Secretary consider the importance or magnitude of the results or outcomes likely to be attained by the project, especially improvements in teaching and student achievement.

Discussion: We agree with the commenter that the importance or magnitude of the results or outcomes likely to be attained by the project, particularly improvements in teaching and student achievement, is an important criterion in assessing the significance of a proposed project. We also agree that it is important to evaluate the effects a proposed project will have on instructional time that could lead to improvements in educational and functional outcomes for children with disabilities.

Changes: Selection criteria 1 has been amended by adding new selection criterion 1(c), which allows the Secretary to evaluate the importance or magnitude of the results or outcomes likely to be attained by the project, especially improvements in teaching and student achievement.

Comment: Many commenters recommended amending the selection criteria to ensure that the emphasis on paperwork reduction in a State's proposal includes a focus on improved student outcomes and does not come at the expense of FAPE for children with disabilities.

Discussion: We agree with the commenters that the program's emphasis on paperwork reduction should include a focus on improved student outcomes and should not come at the expense of a student's right to a FAPE. Accordingly, we have added selection criterion 1(c) and replaced proposed selection criterion 2(b) with an EDGAR selection criterion to enable the Secretary to focus on student outcomes or needs. The changes made in the additional requirements (discussed elsewhere in this notice) provide adequate protection to students' right to a FAPE.

Changes: We have added selection criterion 1(c) to enable the Secretary to evaluate the importance or magnitude of the outcomes likely to be attained by the project. We also have replaced proposed selection criterion 2(b) with an EDGAR selection criterion to enable the Secretary to assess the extent to which the proposed project will address the needs of the target population or other identified needs.

Comment: One commenter recommended striking selection criterion 2(c) as it seemed vague and duplicative of selection criterion 3(c).

Discussion: We agree that proposed selection criterion 2(c) is duplicative of selection criterion 3(c).

Changes: We have deleted proposed selection criterion 2(c) (i.e., the extent to which the proposed project encourages consumer involvement, including parental involvement).

Comment: Many commenters recommended that we consider the quality of the proposed project design and procedures for documenting project activities and results.

Discussion: We agree with the commenters. The design and procedures for documenting proposed activities and results of the Paperwork Waiver Program must be of high quality for evaluation purposes.

Changes: We have added a new selection criterion 2(c) (as noted elsewhere, we have deleted proposed selection criterion 2(c)) to enable the Secretary to consider the quality of the proposed project design and procedures for documenting project activities and results.

Comment: Many commenters recommended that the Secretary consider the extent to which the proposed project was designed to involve broad parental input.

Discussion: We believe that the commenters' concerns are addressed by selection criterion 3(c), which ensures that States involve multiple stakeholders, including parents, in the implementation of their projects. Moreover, we believe that paragraphs 1(a), 1(b), 1(d), 1(e), and 1(f) of the additional requirements ensure involvement by parents in this program.

Changes: None.

Comment: Many commenters recommended that the Secretary consider the extent to which the design of the proposed project is appropriate to, and will successfully address, the needs of children with disabilities.

Discussion: We agree that it is important to consider the extent to which the design of a project is appropriate to, and will successfully address, the needs of children with disabilities. As discussed elsewhere, we have replaced proposed selection criterion 2(b) with an EDGAR selection criterion to emphasize how well the project will address the needs of the target population as a basis for application review.

Changes: We have replaced proposed selection criterion 2(b) with an EDGAR selection criterion to enable the Secretary to consider the extent to which the design of the proposed project is appropriate to, and will successfully address, the needs of the target population or other identified needs.

Comment: Many commenters recommended including the selection criterion found in section 75.210(c)(2)(v) of EDGAR, which requires the Secretary to consider the extent to which the proposed activities constitute a coherent, sustained program of training in the field.

Discussion: We decline to include the selection criterion from section 75.210(c)(2)(v) of EDGAR in the selection criteria for this program because that selection criterion applies to professional development grants and is not appropriate for the Paperwork Waiver Program.

Changes: None.

Comment: Many commenters recommended that the Secretary consider the extent to which performance feedback and continuous improvement are integral to the design of the proposed project.

Discussion: We believe that the commenters' concerns are addressed under the management plan selection

criterion in paragraph 3(a) (i.e., that the Secretary consider the adequacy of procedures for ensuring feedback and continuous improvement in the operation of the proposed project).

Changes: None.

Comment: One commenter recommended amending the selection criteria to allow States to modify and revise their original statutory, regulatory, and administrative waiver requests during the course of the pilot project.

Discussion: We are committed to ensuring the objectivity and integrity of IES's national evaluation of the Paperwork Waiver Program. For this reason, we do not support allowing States to pursue changes to waiver activities proposed in their initial applications as this would significantly interfere with the reliability of the outcome data gathered as part of the evaluation component for this program.

Changes: None.

Comment: One commenter recommended amending the selection criteria to require States to address their commitment to cooperate in the national evaluation in their applications, but to clarify that they are not required to document the extent to which they devoted sufficient resources to conduct data collection and analysis as part of the evaluation of the waiver program.

Discussion: We agree with the commenters that documentation of the extent to which applicants have devoted sufficient resources to the data collection and analysis of the evaluation is not necessary. The applicant's commitment to the evaluation is assessed through additional requirement 1(h). However, the specific change requested by the commenter is unnecessary since, following further internal review of the selection criteria, we have deleted proposed selection criterion 3(b) in favor of including only EDGAR selection criteria.

Changes: Selection criterion 3(b) (i.e., the extent to which the applicant has devoted sufficient resources to the evaluation of the proposed project) has been deleted.

Comment: One commenter recommended that the Secretary consider how the applicant will ensure that the perspectives of children with disabilities are brought to bear in the operation of the proposed project.

One commenter recommended revising the selection criteria to ensure that the perspectives of family members and advocates for children with disabilities are considered.

Discussion: We believe it is important to involve children with disabilities in their educational programming. We therefore agree with the commenter that it is appropriate to ensure that the perspectives of children with disabilities are brought to bear in the operation of the project. We believe that the commenters' concerns are addressed by selection criterion 3(c), which authorizes the Secretary to consider how an applicant will ensure that a diversity of perspectives, including those of ''recipients or beneficiaries of services,'' are brought to bear in the operation of the proposed project. Children with disabilities are ''recipients or beneficiaries of services'' provided under this program.

We do not agree with the commenter regarding the need to involve family members and child advocates, other than the child's parents or legal guardian. While the perspectives of siblings, grandparents, other relatives, and outside advocates can be important in making educational decisions for a child with a disability, we believe that the parents of a child with a disability are in the best position to represent the interests of their child. Parents may, at their discretion, convey the interests and perspectives of other family members and outside advocates in the operation of the project on behalf of their children.

Changes: None.

Comment: Many commenters recommended that the Secretary consider the extent to which the methods of evaluation proposed by the State provide for examining the effectiveness of the project implementation strategies and provide guidance for quality assurance.

Discussion: We believe that the concerns of the commenters are addressed in the *Quality of the project design* selection criterion (selection criterion 2). Selection criterion 2 states that we will consider (a) the extent to which the goals, objectives, and outcomes to be achieved by the proposed project are clearly specified and measurable; (b) the extent to which the design of the proposed project is appropriate to, and will successfully address, the needs of the target population or other identified needs; and (c) the quality of the proposed project's procedures for documenting project activities and results.

Changes: None.

Comment: Many commenters recommended that the Secretary consider the extent to which the methods of evaluation proposed by the State will provide performance feedback and permit periodic assessment toward achieving intended outcomes.

Discussion: We believe that the concerns of the commenters are addressed in selection criteria 2(a) and 3(a). Selection criterion 2(a) provides that the Secretary will consider the extent to which the goals, objectives and outcomes to be achieved by the proposed project are clearly specified and measurable. Selection criterion 3(a) provides that we will consider the adequacy of procedures for ensuring feedback and continuous improvement in the operation of the proposed project.

Changes: None.

Comment: Many commenters recommended that the Secretary consider the extent to which the methods of evaluation proposed by the State include multiple methods for collecting data on parent satisfaction from a broad representative sample throughout the State with respect to the waivers and the usefulness of the information and training they receive.

Discussion: We believe that the evaluation of these projects is the responsibility of the national evaluation to be designed and conducted by IES in collaboration with the States. There is no requirement for the States to complete an impact evaluation of their projects independent of the national evaluation.

Changes: None.

Other Issues

Comment: One commenter recommended requiring that the design and development activities of the proposed project be completed during the course of the project period. The commenter noted that the proposed requirements for the program require States to begin to develop their model prior to the submission of the application, and that the period of the project performance would be devoted to implementation and evaluation of the program.

Discussion: Prior to submitting its application, a State must involve multiple stakeholders and convene public meetings to gather input on the Federal and State requirements that the State proposes to waive to reduce excessive paperwork and non-instructional time burdens that do not assist in improving educational and functional results for children with disabilities. The State also must provide a summary of public comments and how the public comments were addressed in its application. Because a State must meet these minimum requirements for its application to be deemed eligible for review, it follows that the focus of the project period must be on the implementation and evaluation of the program, rather than

program design and development activities.

Changes: None.

Comment: Many commenters recommended that the background for the additional requirements and selection criteria include information from the ''Project Forum Proceedings on Special Education Paperwork'',[1] and the ''Study of Personnel Needs in Special Education (SPeNSE)'',[2] particularly related to information regarding the geographical variation in the amount of time special education teachers devote to paperwork.

Discussion: The background for the proposed additional requirements and selection criteria included information from the SPeNSE study, although the study was not directly cited. That said, the Secretary agrees with the commenters that it is important to include in the background statement for the additional requirements and selection criteria information from the SPeNSE study that shows the geographical variation in the amount of time special education teachers devote to paperwork. The Secretary does not believe it is appropriate to include information from the Project Forum Proceedings on Special Education Paperwork because it was not intended to be a scientific study of the time that educators spend completing special education paperwork. Accordingly, we have included information from the SPeNSE study in the background statement for the additional requirements and selection criteria in the **SUPPLEMENTARY INFORMATION** section of this notice. We have not made any changes to the additional requirements or selection criteria in response to these comments.

Changes: None.

Comment: Many commenters recommended clarifying that the Department will not allow any State that fails to sufficiently address all requirements under section 609 of the Act in its application to participate in the Paperwork Waiver Program.

Discussion: We will ensure that only applications that meet the requirements of section 609 of the Act are deemed eligible for approval under the program.

Changes: None.

Comment: One commenter recommended defining the term ''parent'' to have the meaning of the term as defined in section 602(23) of the Act.

Discussion: We intend the term ''parent'' to have the meaning given the term in section 300.30 of the final regulations implementing part B of the Act (34 CFR 300.30). However, we agree that additional clarification is needed and will add a note reflecting this change.

Changes: We have revised the final additional requirements and selection criteria to include a note defining the term ''parent'' consistent with the definition of that term under section 300.30 of the final regulations implementing part B of the Act (34 CFR 300.30).

Comment: One commenter recommended that States be required to use the model IEP, procedural safeguards notice, and prior written notice forms developed by the Department.

Discussion: As part of the 2004 amendments to the Act, the Congress required the Department to publish and widely disseminate model forms that are consistent with the requirements of part B of the Act and are ''sufficient to meet those requirements.'' Specifically, the Act requires the Department to develop forms for the IEP; the notice of procedural safeguards; and the prior written notice. Consistent with the Act, the Department developed the three forms to assist SEAs and LEAs in understanding the content that part B of the Act requires for each of these three types of forms. The content of each of these forms is based upon the requirements set forth in the final regulations implementing part B of the Act. Although States must ensure that school districts include all of the content that part B of the Act requires for each of the documents that they provide to parents, States are not required to use the format or specific language reflected in these forms. States may choose to include additional content in their forms, so long as the additional content is consistent with all requirements under part B of the Act.

Changes: None.

Comment: One commenter recommended that States should indicate in their applications whether they will need technical assistance from the Office of Special Education Programs (OSEP) or some other entity.

Discussion: States may choose to indicate in their applications whether they will need technical assistance from OSEP in the implementation of the program. States that are awarded authority to participate in the Paperwork Waiver Program may contact OSEP for assistance. OSEP funds a number of national technical assistance centers and regional resource centers that can provide technical assistance to States in the operation of the Paperwork Waiver Program.

Changes: None.

Note: This notice does not solicit applications. We will invite applications through a separate notice in the **Federal Register**.

Additional Requirements and Selection Criteria

Additional Requirements

The Secretary establishes the following additional requirements for the Paperwork Waiver Program.

(1) A State applying for approval under this program must submit a proposal to reduce excessive paperwork and non-instructional time burdens that do not assist in improving educational and functional results for children with disabilities. A State submitting a proposal under the Paperwork Waiver Program must include the following material in its proposal:

(a) A description of how the State met the public participation requirements of section 612(a)(19) of the Act, including how the State (1) involved multiple stakeholders, including parents, children with disabilities, special education and regular education teachers, related services providers, and school and district administrators, in selecting the requirements proposed for the waiver and any specific proposals for changing those requirements to reduce paperwork, and (2) provided an opportunity for public comment in selecting the requirements proposed for the waiver.

(b) A summary of public comments received in accordance with paragraph 1(a) of these additional requirements and how the public comments were addressed in the proposal.

(c) A description of the procedures the State will employ to ensure that, if the waiver is granted, it will not result in a denial of the right to FAPE to any child with a disability, a waiver of any applicable civil rights requirements, or a waiver of any procedural safeguards under section 615 of the Act. This description also must include an assurance that the State will collect and report to the Department, as part of the State's annual performance report submission to the Secretary in accordance with section 616(b)(2)(c)(ii)(II) of the Act, and to the national evaluator, all State complaints related to the denial of FAPE to any student with a disability and how the State responded to this information, including the outcome of that response

[1] U.S. Department of Education, Office of Special Education Programs, Project Forum, Project Forum Proceedings Document, ''Policy Forum: Special Education Paperwork.'' 2002.

[2] U.S. Department of Education, Office of Special Education Programs, Study of Personnel Needs in Special Education (SPeNSE), Final Report of the Paperwork Substudy. 2003.

such as providing technical assistance to the LEA to improve implementation, or suspending or terminating the authority of an LEA to waive paperwork requirements due to unresolved compliance problems.

(d) A description of the procedures the State will employ to ensure that diverse stakeholders (including parents, teachers, administrators, related services providers, and other stakeholders, as appropriate) understand the proposed elements of the State's submission for the Paperwork Waiver Program.

(e) Assurances that each parent of a child with a disability in participating LEAs will be given written notice (in the native language of the parent, unless it clearly is not feasible to do so) of any statutory, regulatory, or State requirements that will be waived and notice of the procedures that State will employ under paragraph 1(c) in easily understandable language.

(f) Assurances that the State will require any participating LEA to obtain voluntary informed written consent from parents for a waiver of any paperwork requirements related to the provision of FAPE, such as changes related to IEPs.

(g) Assurances that the State will require any participating LEA to inform parents in writing (and in the native language of the parents, unless it clearly is not feasible to do so) of (i) any differences between the paperwork requirements of the Act related to the provision of FAPE, such as changes related to IEPs, (ii) the parent's right to revoke consent to waive any paperwork requirements related to the provision of FAPE at any time, (iii) the LEA's responsibility to meet all paperwork requirements related to the provision of FAPE if the parent does not provide voluntary written informed consent or revokes consent, and (iv) the LEA's responsibility to conduct an IEP meeting to develop an IEP that meets all requirements of section 614(d) of the Act within 30 calendar days if the parent revokes consent to waiving paperwork requirements related to the content, development, review and revision of IEPs.

(h) Assurances that the State will cooperate fully in a national evaluation of this program, if selected to participate in the Paperwork Waiver Program. Cooperation includes devoting a minimum of 4 months between the award and the implementation of the State's waiver to conduct joint planning with the evaluator. It also includes participation by the State educational agency (SEA) in the following evaluation activities:

(i) Ensuring that, for each item in the list of statutory, regulatory, or State requirements submitted pursuant to paragraph 2 in the *Statutory Requirements for Paperwork Waiver Program* section of this notice, and consistent with the privacy requirements of the Act and The Family Educational Rights and Privacy Act, the evaluator will have access to the original and all subsequent new versions of the associated documents for each child involved in the evaluation, together with a general description of the process for completing each of the documents. For example, if elements of the IEP process are waived, the evaluator shall have access to the most recent IEP created under previous guidelines for each participating child (if a previous IEP was created), as well as all of the new IEPs created under the waiver, along with a description of the process for completing both types of IEPs.

(ii) Recruiting districts or schools to participate in the evaluation (as established in the evaluation design) and ensuring their continued cooperation with the evaluation. Providing a list of districts and schools that have been recruited and have agreed to implement the proposed Paperwork Waiver Program, along with a description of the circumstances under which district participation may be terminated, allow data collection to occur, and cooperate fully with the evaluation. For each participating school or district, providing basic demographic information such as student enrollment, district wealth and ethnicity breakdowns, the number of children with disabilities by category, and the number or type of personnel, as requested by the evaluator.

(iii) Serving in an advisory capacity to assist the evaluator in identifying valid and reliable data sources and improving the design of data collection instruments and methods.

(iv) Providing to the evaluator an inventory of existing State-level data relevant to the evaluation questions or consistent with the identified data sources. Supplying requested State-level data in accordance with the timeline specified in the evaluation design.

(v) Providing assistance to the evaluator with the collection of data from parents, including obtaining informed consent, for parent interviews and responses to surveys and questionnaires, if necessary to the final design of the evaluation.

(vi) Designating a coordinator for the project who will monitor the implementation of the project and work with the evaluator. This coordinator also will serve as the primary point of contact for the OSEP project officer.

(2) For purposes of the statutory requirement prohibiting the Secretary from waiving any statutory requirements of, or regulatory requirements relating to, but not limited to, applicable civil rights, the term ''applicable civil rights requirements,'' as used in this notice, includes all civil rights requirements in: (a) Section 504 of the Rehabilitation Act of 1973, as amended; (b) Title VI of the Civil Rights Act of 1964; (c) Title IX of the Education Amendments of 1972; (d) Title II of the Americans with Disabilities Act of 1990; and (e) Age Discrimination Act of 1975 and their implementing regulations. The term does not include other requirements under the Act.

(3) Each State receiving approval to participate in the Paperwork Waiver Program will be awarded an annual incentive payment of not less than $10,000 to be used exclusively to support program-related evaluation activities, including one trip to Washington, DC, annually to meet with the project officer and the evaluator. Each participating State will receive an additional incentive payment of not less than $15,000 annually from the evaluation contractor to support evaluation activities in the State. Incentive payments may also be provided to participating districts to offset the cost of their participation in the evaluation of the Paperwork Waiver Program. Total available funds will depend on the number of awards made.

Note: Receipt of an award for the Paperwork Waiver Program does not preclude an applicant from applying for and receiving an award for the Department's Multi-Year IEP Program. However, a State that receives an award for both programs may not execute both programs within the same local school district.

Note: The term ''parent'' as used in these requirements and selection criteria for the Paperwork Waiver Program has the same meaning given the term in section 300.30 of the final regulations implementing part B of the Act.

Selection Criteria

The following selection criteria will be used to evaluate State proposals submitted under this program. These particular criteria were selected because they address the statutory requirements and program requirements and permit applicants to propose a distinctive approach to addressing these requirements.

Note: We will inform applicants of the points or weights assigned to each criterion and sub-criterion in a notice published in the

Federal Register inviting States to submit applications for this program.

1. *Significance*. The Secretary considers the significance of the proposed project. In determining the significance of the proposed project, the Secretary considers the following factors:

(a) The extent to which the proposed project involves the development or demonstration of promising new strategies that build on, or are alternatives to, existing strategies.

(b) The potential contribution of the proposed project to increased knowledge or understanding of educational problems, issues or effective strategies.

(c) The importance or magnitude of the results or outcomes likely to be attained by the project, especially improvements in teaching and student achievement.

2. *Quality of the project design*. The Secretary considers the quality of the design of the proposed project. In determining the quality of the design of the proposed project, the Secretary considers the following factors:

(a) The extent to which the goals, objectives, and outcomes to be achieved by the proposed project are clearly specified and measurable.

(b) The extent to which the design of the proposed project is appropriate to, and will successfully address, the needs of the target population or other identified needs.

(c) The quality of the proposed project's procedures for documenting project activities and results.

3. *Quality of the management plan*. The Secretary considers the quality of the management plan for the proposed project. In determining the quality of the management plan for the proposed project, the Secretary considers the following factors:

(a) The adequacy of procedures for ensuring feedback and continuous improvement in the operation of the proposed project.

(b) How the applicant will ensure that a diversity of perspectives are brought to bear in the operation of the proposed project, including those of parents, teachers, the business community, a variety of disciplinary and professional fields, recipients or beneficiaries of services, or others, as appropriate.

Executive Order 12866

This notice of final additional requirements and selection criteria has been reviewed in accordance with Executive Order 12866. Under the terms of the order, we have assessed the potential costs and benefits of this regulatory action.

The potential costs associated with this regulatory action are those resulting from statutory requirements and those we have determined as necessary for administering this program effectively and efficiently. Although there may be costs associated with participating in this pilot, the Department will provide incentive payments to States to help offset these costs. In addition, we expect that States will weigh these costs against the benefits of being able to participate in the pilot and will only opt to participate in this pilot if the potential benefits exceed the costs.

We have also determined that this regulatory action does not unduly interfere with State, local, and tribal governments in the exercise of their governmental functions.

Intergovernmental Review

This program is not subject to Executive Order 12372 and the regulations in 34 CFR part 79.

Electronic Access to This Document

You may view this document, as well as all other Department of Education documents published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: *http://www.ed.gov/news/fedregister*.

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1–888–293–6498; or in the Washington, DC, area at (202) 512–1530.

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: *http://www.gpoaccess.gov/nara/index.html*.

(Catalog of Federal Domestic Assistance Numbers 84.326P Individuals with Disabilities Education Act Paperwork Waiver Demonstration Program)

Program Authority: 20 U.S.C. 1408.

Dated: June 29, 2007.

Jennifer Sheehy,

Director of Policy and Planning for Special Education and Rehabilitative Services.

[FR Doc. E7–13145 Filed 7–5–07; 8:45 am]

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DEPARTMENT OF EDUCATION

RIN 1820–ZA41

The Individuals With Disabilities Education Act Multi-Year Individualized Education Program Demonstration Program

AGENCY: Office of Special Education and Rehabilitative Services, Department of Education.

ACTION: Notice of final additional requirements and selection criteria.

SUMMARY: The Assistant Secretary for Special Education and Rehabilitative Services announces additional requirements and selection criteria for a competition in which the Department will select up to 15 States to participate in a pilot program, the Multi-Year Individualized Education Program (IEP) Demonstration Program (Multi-Year IEP Program). State proposals approved under this program will create opportunities for participating local educational agencies (LEAs) to improve long-term planning for children with disabilities through the development and use of comprehensive multi-year IEPs. Additionally, the additional requirements and selection criteria focus on an identified national need to reduce the paperwork burden associated with IEPs while preserving students' civil rights and promoting academic achievement. The Assistant Secretary will use these additional requirements and selection criteria for a single one-time only competition.

DATES: *Effective Date:* These additional requirements and selection criteria are effective August 6, 2007.

FOR FURTHER INFORMATION CONTACT: Patricia Gonzalez, U.S. Department of Education, 400 Maryland Avenue, SW., Room 4088, Potomac Center Plaza, Washington, DC 20202–2700. Telephone: (202) 245–7355 or by e-mail: *Patricia.Gonzalez@ed.gov*.

If you use a telecommunications device for the deaf (TDD), you may call the Federal Relay Service (FRS) at 1–800–877–8339.

Individuals with disabilities may obtain this document in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact person listed under **FOR FURTHER INFORMATION CONTACT**.

SUPPLEMENTARY INFORMATION: We published a notice of proposed requirements and selection criteria for the Multi-Year IEP Program in the **Federal Register** on December 19, 2005 (70 FR 75158) (December 2005 Notice).

The purpose of the Multi-Year IEP Program established under section 614(d)(5) of the Individuals with Disabilities Education Act, as amended by the Individuals with Disabilities Education Improvement Act (Act), is to provide an opportunity for States (including Puerto Rico, the District of Columbia and the outlying areas) to allow parents and LEAs the opportunity for long-term planning by offering the option of developing a comprehensive multi-year IEP, not to exceed three years, that is designed to coincide with the natural transition points for the child. Under section 614(d)(5)(C) of the Act, the term ''natural transition points'' means those periods that are close in time to the transition of a child with a disability from preschool to elementary grades, from elementary grades to middle or junior high school grades, from middle or junior high school grades to secondary school grades, and from secondary school grades to post-secondary activities, but in no case a period longer than three years (for the full text of section 614(d)(5) of the Act, go to: *http://www.gpoaccess.gov/plaws/index.html)*.

Statutory Requirements for Multi-Year IEP Program

As outlined in the December 2005 Notice, the Act establishes the following requirements that States must follow in developing and implementing their Multi-Year IEP Program proposals:

1. A State applying for approval under this program must propose to conduct demonstrations using a comprehensive multi-year IEP (not to exceed three years) that coincides with natural transition points for each participating child.

2. Except as specifically provided for under this program, all of the Act's requirements regarding provision of a free appropriate public education (FAPE) to children with disabilities (including requirements related to the content, development, review, and revision of the IEP under section 614(d) of the Act and procedural safeguards under section 615 of the Act) apply to participants in this Multi-Year IEP Program.

3. A State submitting a proposal under the Multi-Year IEP Program must include the following material in its proposal:

(a) Assurances that if an LEA offers parents the option of a multi-year IEP, development of the multi-year IEP is voluntary.

(b) Assurances that the LEA will obtain informed consent from parents before a comprehensive multi-year IEP is developed for their child.

(c) A list of all required elements for a comprehensive multi-year IEP, including:

(i) Measurable long-term goals not to exceed three years, coinciding with natural transition points for the child, that will enable the child to be involved in and make progress in the general education curriculum and that will meet the child's other needs that result from the child's disability.

(ii) Measurable annual goals for determining progress toward meeting the long-term goals, coinciding with natural transition points for the child, that will enable the child to be involved in and make progress in the general education curriculum and that will meet the child's other needs that result from the child's disability.

(d) A description of the process for the review and revision of a multi-year IEP, including:

(i) A review by the IEP team of the child's multi-year IEP at each of the child's natural transition points.

(ii) In years other than a child's natural transition points, an annual review of the child's IEP to determine the child's current levels of progress and whether the annual goals for the child are being achieved, and a requirement to amend the IEP, as appropriate, to enable the child to continue to meet the measurable goals set forth in the IEP.

(iii) If the IEP team determines, on the basis of a review, that the child is not making sufficient progress toward the goals described in the multi-year IEP, a requirement that within 30 calendar days of the IEP team's determination, the LEA shall ensure that the IEP team carries out a more thorough review of the IEP in accordance with section 614(d)(4) of the Act.

(iv) A requirement that, at the request of the parent, the IEP team will conduct an immediate review of the child's multi-year IEP, rather than at the child's next transition point or annual review.

Background for Additional Requirements and Selection Criteria

While the Act establishes the foregoing requirements, it does not provide for other requirements that are necessary for the implementation of this program. Accordingly, in the December 2005 Notice, we proposed additional Multi-Year IEP Program requirements to address program implementation issues as well as selection criteria that we will use to evaluate State proposals for this program.

In the December 2005 Notice, we also proposed requirements with which States would need to comply to allow the Department to evaluate the effectiveness of the Multi-Year IEP Program. Under section 614(d)(5)(B) of the Act, the Department is required to report to Congress on the effectiveness of this program. To accomplish this, the Institute of Education Sciences (IES) will conduct an evaluation of the program using a quasi-experimental design that collects data on the following outcomes:

(i) Educational and functional results (including academic achievement) for students with disabilities.

(ii) Time and resource expenditures by IEP team members and teachers.

(iii) Quality of long-term education plans incorporated in IEPs.

(iv) Degree of collaboration among IEP members.

(v) Degree of parent satisfaction.

These outcomes will be compared for students whose parents consent to their child's participation in a multi-year IEP and students who are matched on type of disability, age, socioeconomic status, race/ethnicity, language spoken in the home, prior educational outcomes, and to the extent feasible, the nature of special education, who do not participate in the multi-year IEP. Specifics of the design will be confirmed during discussions with the evaluator, a technical workgroup, and the participating States during the first several months of the study. Participating States will play a crucial supportive role in this evaluation. They will, at a minimum—

(i) Assist in developing the specifics of the evaluation plan;

(ii) Assure that districts participating in the multi-year IEP will participate in the evaluation;

(iii) Supply data relevant to the outcomes being measured from State data sources (e.g., student achievement and functional outcome data, complaint numbers); and

(iv) Provide background information on relevant State policies and practices, provide access to current student IEPs (consistent with the Family Educational Rights and Privacy Act, 20 U.S.C. 1232g (FERPA) and the privacy requirements under the Act) during Year One of the evaluation, and complete questionnaires and participate in interviews.

The December 2005 Notice described the rationale for the additional requirements and selection criteria we were proposing. This notice of final additional requirements and selection criteria contains several changes from the December 2005 Notice. We fully explain these changes in the *Analysis of Comments and Changes* section that follows.

Analysis of Comments and Changes

In response to the Secretary's invitation in the December 2005 Notice, 31 parties submitted comments on the proposed additional requirements and selection criteria. In addition, we received approximately 1,200 comments that were identical in form and substance and that summarized major recommendations submitted by one of the 31 commenters referenced in the preceding sentence; we do not respond to these 1,200 comments separately.

An analysis of the comments and of any changes in the proposed additional requirements and selection criteria follows.

We group issues according to subject. Generally, we do not address technical and other minor changes, and suggested changes the law does not authorize us to make under the applicable statutory authority, or comments that express concerns of a general nature about the Department or other matters that are not directly relevant to the Multi-Year IEP Program.

FAPE

Comment: Many commenters recommended revising the final additional requirements and selection criteria to require States to identify effective mechanisms for reporting and resolving adverse events, such as the denial of FAPE.

Discussion: We agree that States participating in this program should be required to report on and remedy any adverse consequences of the Multi-Year IEP Program regarding the provision of appropriate services or the denial of other rights protected under the Act and its implementing regulations. Accordingly, we will add a new requirement for States to describe in their proposals how they will collect and report to the Department and the evaluator evidence of any adverse consequences of their projects, including information that children with disabilities are not receiving appropriate services because of their participation in the Multi-Year IEP Program, and information obtained through their complaint and due process systems relating to the Multi-Year IEP Program. The new requirement will also require States to report on how the States responded to this information, including the outcome of that response.

Changes: The additional Multi-Year IEP Program requirements have been revised by adding a new paragraph 3(e) to require each State to include in its proposal a description of how the State will collect and report to the Department and the evaluator evidence of adverse consequences of the project and how the State responded to this information, including the outcome of that response.

Comment: Many commenters recommended that multi-year IEPs should be limited to students who are given assessments based on grade-level achievement standards, and should not be offered to students given assessments based on modified or alternate achievement standards.

Many commenters recommended that States not be allowed to restrict any multi-year IEP to any specific disability category or group of categories.

Several commenters recommended restricting multi-year IEPs for students who are expected to achieve the same standards as their non-disabled peers, as these students must have annual IEPs that are directly tied to grade appropriate core curriculum content standards.

Several commenters recommended that clarification be given regarding processes that a State may use for students given assessments against modified or alternate achievement standards.

Discussion: Section 614(d)(1)(A)(i)(I)(cc) of the Act requires that the IEPs for students who take alternate assessments based on alternate achievement standards include benchmarks or short-term objectives. We believe that Congress included this provision to ensure explicit short-term planning for students with the most significant cognitive disabilities who participate in alternate assessments based on alternate achievement standards. However, these students might also benefit from longer-range planning as part of multi-year IEPs, provided that such longer-range planning is complemented with shorter-term planning. The Act does not require that an IEP include benchmarks or short-term objectives for a student who takes an assessment based on modified achievement standards, as proposed by the Department on December 15, 2005 (70 FR 74624).

We do not agree with the commenters who suggested that multi-year IEPs should be restricted for students who are expected to achieve the same standards as their non-disabled peers, or for students assessed based on alternate or modified achievement standards. These suggestions would preclude the participation of all children with disabilities in the program and would be inconsistent with the Act.

Clarification is available on the processes that a State may use for students given assessments based on alternate achievement standards (see *Alternate Achievement Standards for Students with the Most Significant Cognitive Disabilities: Non-Regulatory Guidance* (August, 2005); *http://www.ed.gov/policy/elsec/guid/altguidance.doc*). Because the final regulations on assessments based on modified achievement standards have not been finalized, we are unable to provide clarification at this time regarding processes that a State may use for students given assessments based on modified achievement standards.

We agree with the commenters who recommended that multi-year IEPs be available to all students with disabilities, regardless of disability category, except that the multi-year IEP for a student who takes an alternate assessment based on alternate achievement standards must also include benchmarks or short-term objectives in addition to meeting the other requirements of the multi-year IEP. Therefore, we will add language to additional requirement 3 reflecting this change.

Changes: We have added paragraph 3(a) to the additional requirements to require that States provide assurances that the multi-year IEP for any child with a disability who takes an alternate assessment based on alternate achievement standards includes a description of benchmarks or short-term objectives in accordance with section 614(d)(1)(A)(i)(I)(cc) of the Act.

Comment: Two commenters stated that there is a potential conflict between recently released proposed regulations permitting States to develop modified achievement standards and assessments based on those standards for certain children with disabilities (see the Notice of Proposed Rulemaking, published in the **Federal Register** on December 15, 2005 (70 FR 74623)). The commenters noted that section 200.1(e)(5) of the proposed regulations would require that IEP teams review, on an annual basis, decisions to assess students based on modified achievement standards to ensure that those standards remain appropriate. (70 FR 74623, 74635).

Discussion: The Department has not issued final regulations on modified achievement standards. However, when those regulations are finalized, if a State wanted to offer assessments based on modified academic achievement standards to eligible children with disabilities, the State would have to comply with the requirements specified in those regulations.

Changes: None.

Comment: Several commenters stated that nothing in the proposed additional requirements or selection criteria would

require an IEP team to revisit and adjust a student's IEP when a student is not progressing in accordance with his or her annual IEP goals.

Discussion: We believe that the commenters' concerns are addressed by the statutory requirements for this program. Under the Act, IEP teams are required to conduct annual reviews of a child's level of progress and whether the annual goals for the child are being achieved and to amend the IEP, as appropriate, to enable the child to continue to meet the measurable goals set forth in the IEP (see 614(d)(5)(A)(iii)(II)(dd)(BB) of the Act). Moreover, under 614(d)(5)(A)(iii)(II)(dd)(CC) of the Act, if the IEP team determines, on the basis of an annual review, that a child is not making sufficient progress toward the goals described in the multi-year IEP, the LEA must ensure that, within 30 days of the IEP team's determination, the IEP team carries out a more thorough review of the IEP. These statutory requirements are restated in paragraph 3(d)(ii) and (iii) of the *Statutory Requirements for Multi-Year IEP Program* section of this notice. Because the Act addresses the commenters' concerns, we do not believe additional requirements or selection criteria are necessary. Furthermore, all of the statutory requirements will be reflected in the application package for this competition.

Changes: None.

Comment: Many commenters recommended that States be required to provide a detailed description of how they plan to provide training on multi-year IEPs for administrators, teachers, related services providers, education support professionals, and parents. The commenters expressed concern that children with disabilities would be denied FAPE absent sufficient training of parents and education personnel on Federal and State requirements for multi-year IEPs.

Discussion: The Secretary agrees with the commenters that it is essential that parents, teachers, administrators, related services providers, and education support professionals understand the program in order to ensure proper implementation.

Changes: We have revised the additional requirements by adding a new paragraph 3(f) to require applying States to provide as part of their proposals a description of the procedures they will employ to ensure that diverse stakeholders understand the proposed elements of the State's submission for the Multi-Year IEP Program.

Comment: One commenter recommended defining the term ''parent'' to have the meaning of the term as defined in section 602(23) of the Act.

Discussion: We intend the term ''parent'' to have the meaning given the term in section 300.30 of the final regulations implementing part B of the Act (34 CFR 300.30).

However, we agree that additional clarification is needed and will add a note reflecting this change.

Changes: We have revised the final additional requirements and selection criteria to include a note defining the term ''parent'' consistent with the definition of that term under section 300.30 of the final regulations implementing part B of the Act (34 CFR 300.30).

Comment: One commenter asked the Department to provide additional clarification on the meaning of the term ''natural transition points.''

Discussion: Section 614(d)(5)(C) of the Act defines the term ''natural transition points'' as those periods that are close in time to the transition of a child with a disability from preschool to elementary grades, from elementary grades to middle or junior high school grades, from middle or junior high school grades to secondary school grades, and from secondary school grades to post-secondary activities, but in no case a period longer than three years. We believe that this definition is clear and that no further clarification is necessary.

Changes: None.

Comment: Many commenters expressed concerned that the Multi-Year IEP Program would compromise the right of children with disabilities to receive FAPE. The commenters recommended that the final requirements and selection criteria specify that all of the Act's requirements regarding the provision of FAPE to children with disabilities (including requirements related to the content, development, review, and revision of the IEP under section 614(d) of the Act and procedural safeguards under section 615 of the Act) apply to participants in this Multi-Year IEP Program.

Discussion: Public agencies participating in the Multi-Year IEP Program may develop, under the terms of their State's approved application, IEPs that may deviate in certain specified ways from the normal requirements regarding IEP content, review and revision. That said, nothing in this program authorizes participating public agencies to deny appropriate services to children with disabilities or to limit any other right they have under the Act and its implementing regulations.

Changes: None.

National Evaluation

Comment: One commenter recommended that the national evaluation study be completed as two separate Requests for Proposals (RFPs)—one awarded to a group that will work in multiple States and sites to investigate the outcomes variables in a more controlled, experimental way, and one awarded to a separate group that will complete the study evaluation.

Discussion: According to section 614(d)(5)(B) of the Act, the Department must report on the effectiveness of the program and provide to Congress recommendations for broader implementation, if appropriate. A maximum of 15 States can participate in this program. Including only select States in the evaluation would undermine the rigor of the evaluation, as well as limit the generalizability of the findings.

Changes: None.

Comment: None.

Discussion: Based on an internal review of the description of the national evaluation in the Background for Additional Requirements and Selection Criteria section of this notice, we have determined that it is appropriate to clarify for applicants and other stakeholders that academic measures are among those student outcomes to be assessed as part of the national evaluation.

Changes: In the *Background for Additional Requirements and Selection Criteria* section of this notice, we have added the phrase ''including academic achievement'' to the outcomes to be measured by the national evaluation. Paragraph (i) of the outcomes to be measured now reads: ''Educational and functional results (including academic achievement) for students with disabilities.''

Comment: Many commenters recommended that the Department commence the national evaluation process as soon as the final evaluation design has been completed, and that the evaluator begin collecting background information from the States at this time.

Discussion: We do not agree with the commenters regarding the need to establish a specific timeframe for evaluation activities to commence or to begin collecting background information from States prior to awards being made. The collection of background information cannot begin until after awards are made to States, and we believe that it is more appropriate to allow IES to confirm the specifics of the

evaluation design during its discussion with a technical workgroup and the participating States during the first several months of the study.

Changes: None.

Comment: Many commenters requested a definition of ''quasi-experimental design'' and an explanation of how it compares with a ''rigorous research design.'' One commenter recommended that the evaluation include a variety of qualitative and quantitative evaluation methods (e.g., case studies, observation, cost-benefit analyses).

Discussion: A quasi-experimental research design is similar to experimental research design but it lacks one key ingredient—random assignment. In conducting the national evaluation, it may not be possible for IES to match LEAs within States according to demographic characteristics, programmatic features, and other factors in order to apply an empirical research design that randomly assigns LEAs to experimental and control groups. For example, some States may have only one large urban school district, and a comparable control group within the State cannot be established. Similarly, it may not be possible to match participating States according to demographic characteristics in order to establish experimental and control groups. For this reason, IES will conduct the national evaluation using a rigorous quasi-experimental design (i.e., the evaluation will not randomly assign States or LEAs to ''experimental'' and ''control'' groups). In addition to quantitative analysis, IES may choose to employ a variety of qualitative evaluation methods (e.g., case studies, observation, cost-benefit analyses). Specifics of the design will be confirmed during discussion with the evaluator, a technical workgroup, and the participating States during the first several months of the study.

Changes: None.

Comment: Many commenters recommended deleting the requirement for States to work with the national evaluator for four months to conduct joint planning prior to implementing the program. The commenters instead recommended that States establish their own schedule to implement their proposals in an ''expeditious manner.''

Discussion: We believe that it is important to evaluate the effectiveness of the Multi-Year IEP Program. A successful evaluation of the program requires States to work with the national evaluator. We believe that the four-month timeline for States to conduct joint planning with the national evaluator is essential to adequately plan and lay the groundwork for data collection and implementation of the program and the national evaluation.

Changes: None.

Comment: Many commenters recommended clarifying that all States that participate in the Multi-Year IEP Program must participate in the national evaluation conducted by IES. The commenters also recommended adding a new requirement that participating States conduct a State evaluation of the project to ensure accountability to participating children and families and that the State must provide more detailed State specific data than would be required for the national evaluation.

Discussion: Paragraph 3(d) of the additional requirements makes clear that participating States must cooperate fully in the national evaluation. Section 614(d)(5) of the Act does not require a State evaluation component to the Multi-Year IEP Program and we believe that it is not appropriate to require States to conduct a State evaluation. However, nothing in the Act or the final additional requirements and selection criteria prevents States from including a proposal to conduct a Statewide assessment of their project as part of their application, if determined appropriate by the State.

Changes: None.

Comment: Many commenters recommended that LEAs not be required to participate in the national evaluation. One commenter noted that States lack the authority to enforce the cooperation of school districts to participate in the national evaluation.

Discussion: The State is responsible for ensuring that participating LEAs cooperate in the national evaluation conducted by IES. If a State is unable to provide an assurance that its participating LEAs will cooperate in the national evaluation, then the State will be deemed ineligible to participate in the Multi-Year IEP Program. Similarly, an LEA that does not provide an assurance to the applying State that it will fully cooperate with the national evaluator is ineligible to participate in the program.

Changes: None.

Comment: One commenter requested that we clarify the language in paragraph 3(d)(i) of the additional requirements regarding an evaluator having access to the most recent IEP created before participating in the Multi-Year IEP Program because this language implies that no initially identified child (where the multi-year IEP would be the child's first IEP) could participate in the pilot project.

Discussion: Initially identified children are eligible to participate in this program. We agree that additional clarification is needed because an initially identified child would not have a previous IEP, and therefore having access to the most recent IEP would not be applicable.

Changes: Paragraph 3(d)(i) has been revised to clarify that the evaluator will have access to the most recent IEP created (if applicable) before participating in the Multi-Year IEP Program.

Comment: Several commenters recommended that IES report on the extent to which program activities ensure satisfaction of family members.

Discussion: We generally agree with the commenters that the national evaluation should collect data on the satisfaction of family members of children participating in the Multi-Year IEP Program. Section 614(d)(5)(B)(v) of the Act requires the Department to submit a report to Congress and include in that report specific recommendations for ''ensuring satisfaction of family members.'' In this context, the Department interprets the term ''family members'' to mean ''parents'' and intends to collect data on parent satisfaction with the program. While the perspectives of family members, including siblings, grandparents, and other relatives, can be important in making educational decisions for a child with a disability, we believe that the parents of a child with a disability are in the best position to represent the interests of their child. Moreover, while the Act provides a definition of ''parent,'' it does not provide a definition of ''family member.'' Parents may, at their discretion, convey the interests and perspectives of other family members in the operation of the project on behalf of their children. We have revised the *Background for Additional Requirements and Selection Criteria* of this notice to clarify that IES will collect data on parent satisfaction with the program. In addition, as part of our internal review of the notice, we determined that it was appropriate to revise the *Background for Additional Requirements and Selection Criteria* to clarify that IES will collect data on teacher and administrator satisfaction. We have not made any changes to the additional requirements or selection criteria in response to these comments.

Changes: None.

Comment: Several commenters recommended that the list of parties who will be involved in determining the specifics of the evaluation design should be expanded to include representatives of national parent

organizations that represent a cross-section of disabilities, as opposed to being limited to the evaluator, a technical workgroup and the participating States.

Discussion: IES will identify and select individuals with the necessary technical expertise to serve as members of the technical workgroup, which will advise IES on the development of a rigorous research design for conducting the national evaluation. These individuals may include representatives of national parent organizations. We decline at this time to add any other specific parties to those involved in determining the specifics of the evaluation design.

Changes: None.

Comment: One commenter recommended that the evaluation process include public meetings during which parents who participate in the Multi-Year IEP Program may publicly state their opinions regarding the operation of the program.

Discussion: We do not believe that it is necessary to design the evaluation process to include public meetings for parents because parent participation in the national evaluation of the program is assured under paragraph 3(d)(v) of the additional requirements. In addition, parent participation in the development and implementation of the program is assured under paragraphs 3(b) and 3(c) of the additional requirements. However, we believe a change is necessary to paragraph 3(d)(v) of the additional requirements because it is appropriate to require all participating States to provide assistance to the evaluator on the collection of data from parents, including obtaining informed consent for parents to participate in interviews and respond to questionnaires and surveys.

Changes: Paragraph 3(d)(v) of the additional requirements has been amended by deleting the words ''If necessary to the final design of the study,'' to ensure that the national evaluation of the program will include the collection of data on the satisfaction of parents of children participating in the Multi-Year IEP Program.

Comment: Many commenters recommended that paragraph 3(d)(v) of the additional requirements should require the State to ensure that the national evaluation includes surveys of parents of children with disabilities from all 13 disability categories, and parents representing varying minority and socioeconomic backgrounds.

One commenter noted that the individual nature of each IEP may not be conducive for the use of the proposed treatment of comparing students participating in the Multi-Year IEP Program with those who are not. The commenter went on to state that the national evaluation should not group students by disability category.

Discussion: We recognize that random assignment of students to experimental and control groups is not possible due to the nature of the Multi-Year IEP Program. However, we believe that it is critical to compare the outcomes of students who participate in the program with those who do not to determine if patterns in student outcomes are demonstrated.

We decline to require the national evaluation to include surveys of parents of children with disabilities from all 13 disability categories. Specifics of the design will be confirmed during discussions with the evaluator, a technical workgroup, and the participating States during the first several months of the study. IES will conduct an evaluation of the program using a quasi-experimental design that collects data on educational and functional results for students with disabilities, time and resource expenditures by IEP team members and teachers, quality of long-term education plans incorporated in IEPs, degree of collaboration among IEP members, and degree of parent satisfaction. These outcomes will be compared between students whose parents consent to their child's participation in a multi-year IEP and students who are matched on type of disability, age, socioeconomic status, race/ethnicity, language spoken in the home, prior educational outcomes, and to the extent feasible, the nature of special education, who do not participate in the multi-year IEP.

Changes: None.

Comment: Two commenters recommended deleting all requirements related to a State's participation in the national evaluation. The commenters expressed concern that such participation would add unnecessary costs and paperwork for States and local school districts and could discourage many States from applying for the Multi-Year IEP Program.

One commenter noted that the quasi-experimental research design will be overly costly and burdensome to States and school districts, particularly regarding data collection.

Discussion: Participating States will play a crucial supportive role in this evaluation. They will assist in developing the specifics of the evaluation plan; assure that districts participating in the multi-year IEP will participate in the evaluation; supply data relevant to the outcomes being measured from State data sources (e.g., student achievement and functional outcome data, complaint numbers); and provide background information on relevant State policies and practices, provide access to current student IEPs during Year One of the evaluation, and complete questionnaires and participate in interviews. State participation in the national evaluation is critical to assess the impact of the program. We believe that participation in the national evaluation will not add unnecessary costs and paperwork or be overly burdensome for States and local school districts. Moreover, during the course of the evaluation, participating States will receive an annual incentive payment (described in the *Additional Requirement*s section of this notice) that will offset the cost of participating in the evaluation.

Changes: None.

Comment: One commenter noted that the privacy rights of individuals under the privacy requirements of FERPA and the Act must be protected in making individual student's IEPs accessible as part of the national evaluation.

Discussion: We agree with the commenter and have revised paragraph 3(d)(i) of the additional requirements to clarify that States must ensure, consistent with the privacy requirements of FERPA and the Act, that the evaluator will have access to students' most current IEPs. In addition, we have revised the description of the role that States will play in the national evaluation in the **SUPPLEMENTARY INFORMATION** section of this notice to ensure that the privacy requirements of FERPA and the Act are protected.

Changes: We have revised paragraph 3(d)(i) of the additional requirements by adding the words ''consistent with the privacy requirements of the Act and The Family Educational Rights and Privacy Act'' to the sentence requiring States to ensure that the evaluator will have access to students' IEPs.

Comment: Two commenters recommended that the Department contract with an independent agency to develop a research design that would produce reliable information about the effectiveness of the Multi-Year IEP Program and meet the requirements of the Department's ''What Works Clearinghouse.''

Discussion: Data collection and analysis will be the responsibility of IES through its independent contractor. The Department's ''What Works Clearinghouse'' (WWC) collects, screens, and identifies existing studies of effectiveness of educational interventions (programs, products, practices, and policies). The evaluation will be based on a strong quasi-

experimental design that will yield valid and reliable results consistent with the WWC evidence standards for quasi-experimental studies and will meet the needs of the Secretary for reporting to Congress under section 426 of the Department of Education Organization Act and section 614(d)(5)(B) of the Act.

Changes: None.

Comment: Many commenters recommended that the Department indicate when the results of the national evaluation will be available and how they will be disseminated.

Discussion: We believe that it is not appropriate to set a timeline for disseminating the results of the national evaluation until the specifics of the national evaluation are confirmed during discussion with the evaluator, a technical workgroup, and the participating States during the first several months of the study. Consistent with section 614(d)(5)(B) of the Act, the Secretary will submit an annual report to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate regarding the effectiveness of the program and any specific recommendations for broad implementation. It is the expectation of the Department that this annual report will be based, at least in part, on the results of the national evaluation.

Changes: None.

Comment: Several commenters recommended that the final additional requirements and selection criteria require States to assist the national evaluator in collecting data on the implementation of the program from parents and family members of children participating in the program, including by obtaining informed consent from parents to participate in interviews and respond to surveys and questionnaires.

Discussion: We agree with the commenters that States should be required to assist the national evaluator in collecting data from parents. Therefore, a change will be made.

Changes: Paragraph 3(d)(v) of the additional requirements has been revised to clarify that participating State educational agencies (SEAs) must provide assistance to the evaluator in the collection of data from parents, including obtaining informed consent for parents to participate in interviews and respond to surveys and questionnaires.

Consent

Comment: Many commenters recommended that the final additional requirements and selection criteria clarify that parents may revoke their consent for their child to participate in the Multi-Year IEP Program at any time.

Discussion: We agree with the commenters that it would be useful to clarify that consent may be revoked at any time. Therefore, a change will be made.

Changes: Paragraph 3(b)(ii) of the additional requirements (paragraph 3(a)(ii) of the proposed additional requirements) has been revised to clarify that parents may revoke their consent at any time during the implementation of the Multi-Year IEP Program.

Comment: Several commenters recommended requiring that, before a comprehensive multi-year IEP is developed for a child, the LEA must obtain informed written consent from the parent agreeing to allow the development of a multi-year IEP for the child that would supercede the regular IEP requirements, and that the notice that the LEA provides to the parent must be in the native language of the parent.

Discussion: We intended the phrase ''informed consent'' in paragraph 3(a) of the proposed additional requirements to mean written consent that is both informed and provided by the parents voluntarily. ''Consent'' in this context has the same meaning as given the term in 34 CFR 300.9. For consent to be informed, parents must understand what they are consenting to (i.e., that they are agreeing to a multi-year IEP for their child in lieu of an IEP that meets the requirements of section 614(d)(1)(A) of the Act). To avoid any confusion or misunderstanding, we agree to revise the final additional requirements to state explicitly that LEAs must obtain voluntary informed written consent from parents for a multi-year IEP for their child, and that, before an LEA requests such consent, it must inform the parents in writing (and in the native language of the parent, unless it clearly is not feasible to do so) of any differences between the requirements relating to the content, development, review, and revision of IEPs under section 614(d) of the Act and the State's requirements relating to the content, development, review, and revision of IEPs under the State's approved Multi-Year IEP Program proposal.

Changes: Paragraph 3(b) of the additional requirements (paragraph 3(a) of the proposed additional requirements) has been revised to clarify that States must include in their proposals assurances that, before an LEA requests a parent's voluntary informed written consent to the development of a multi-year IEP in lieu of an IEP that meets the requirements of section 614(d)(1)(A) of the Act, the LEA will inform the parent in writing (and in the native language of the parent, unless it clearly is not feasible to do so) of any differences between the requirements relating to the content, development, review, and revision of IEPs under section 614(d) of the Act and the State's requirements relating to the content, development, review, and revision of IEPs under the State's approved Multi-Year IEP Program proposal.

Comment: Many commenters recommended that informed written parental consent must include a statement including the opinions of those in the field that recommend against such consent. The commenters noted that such a statement should give a description of how the multi-year IEP differs from a regular IEP and encourage parents to seek advice from advocacy agencies and resource centers before consenting to a multi-year IEP.

Discussion: We believe it is unreasonable to expect States and school districts to seek out and collect information from individuals who oppose the development of multi-year IEPs for students with disabilities and to include such information in notices that are provided to parents. Parents are encouraged to consult with parent resource centers and other resources in making educational decisions for their child. The parent notification rights under section 615(c)(1)(D) of the Act requires that parents receive notification of sources that parents may contact to obtain assistance in understanding the provisions of the Act, including the provisions of the Multi-Year IEP Program under section 614(d)(5) of the Act. Furthermore, paragraph 3(b)(i) of the additional requirements (paragraph 3(a)(i) of the proposed additional requirements) requires the LEA to identify any differences between the requirements relating to the content, development, review, and revision of IEPs under section 614(d) of the Act and the State's requirements relating to the content, development, review, and revision of IEPs under the State's approved Multi-Year IEP Program proposal.

Changes: None.

Program Implementation

Comment: Many commenters recommended requiring that any State that submits a proposal for the Multi-Year IEP Program must establish a committee comprised of school district personnel, and at least three parents (each representing a different disability group) to provide input on the State's proposal. In addition, many commenters recommended requiring that the State's

application: (a) Include a summary of the public input; (b) indicate what input the State incorporated into its proposal and who or what organization provided the suggestion; and (c) identify which stakeholders agreed and which stakeholders disagreed with each Federal statutory and regulatory requirement, and State requirement, that the State proposed to waive under its proposed Multi-Year IEP Program.

Many commenters recommended requiring States to use a variety of mechanisms to obtain broad stakeholder input, including holding public meetings at convenient times and places and inviting written public comments. Similarly, two commenters observed that public input must be transparent, and involve the greatest number of stakeholders, particularly teachers, administrators, related services providers, and parents.

Many commenters recommended that paragraph 3(c) of the additional requirements clarify that proposed State proposals must comply with the public participation requirements in section 612(a)(19) of the Act.

Several commenters urged the Secretary to require that States obtain input from representatives of parent training and information centers and community parent resource centers (in addition to obtaining input from school and district personnel, and parents). In addition, one commenter recommended that the Secretary should require States to (1) Obtain input from family members and advocates for children with disabilities, (2) require the State to summarize input that it received and the type of stakeholder who submitted the input, and (3) describe how the State's proposal would improve educational and functional results for children.

Discussion: Proposed State plans must conform with the public participation requirements in section 612(a)(19) of the Act, which require that before the adoption of any policies and procedures needed to comply with the Act (including any amendments to such policies and procedures), the State ensures that there are public hearings, adequate notice of the hearings, and an opportunity for comment available to the general public, including individuals with disabilities and parents of children with disabilities.

However, we believe that States should have some flexibility in designing their process for obtaining public input, rather than adopting the specific suggestions of the commenter. Accordingly, we have revised paragraph 3 of the additional requirements (paragraphs 3(b) and 3(c) of the proposed additional requirements) to require States to include in their proposals a description of how they involved multiple stakeholders and provided an opportunity for public comment in developing their proposals consistent with section 612(a)(19) of the Act. With this change, each State's application will be judged on the extent to which the State involved multiple stakeholders and provided an opportunity for public comment when developing its proposal.

Changes: We have revised and renumbered paragraph 3(c) of the additional requirements to incorporate language from paragraph 3(b) of the proposed additional requirements and to clarify that a State must include in its proposal a description of how it will meet the public participation requirements of section 612(a)(19) of the Act. More specifically, paragraph 3(c) of the additional requirements now requires each State to include in its proposal how the State (a) Involved multiple stakeholders, including parents, children, special education and regular education teachers, related services providers, and school and district administrators in the development of its proposal; (b) provided an opportunity for public comment in developing its proposal, including a summary of public comments received by the State as well as a description of how the proposal addresses those public comments; and (c) obtained input from school and district personnel and parents in developing the list of required elements for each multi-year IEP and the description of the process for the review and revision of each multi-year IEP.

Comment: One commenter recommended requiring that the design and development activities of the proposed project be completed during the course of the project period. The commenter noted that the proposed additional requirements for the program require States to begin to develop their model prior to the submission of the application, and that the period of the project performance would be devoted to implementation and evaluation of the program.

Discussion: Prior to submitting its application, a State must involve multiple stakeholders and convene public meetings to gather input on Federal and State requirements that the State proposes to waive to reduce excessive paperwork and non-instructional time burdens that do not assist in improving educational and functional results for children with disabilities. The State must also provide a summary of public comments and how public comments were addressed in the application. Because a State must meet these minimum requirements for its application to be deemed eligible for review, it follows that the focus of the project period must be on the implementation and evaluation of the program, rather than program design and development activities.

Changes: None.

Comment: Many commenters recommended increasing the annual incentive payment provided to States to support program-related activities, and recommended requiring that the national evaluator provide funds to participating school districts based on the number of participating students in the evaluation.

One commenter asked for clarification on whether the Department will allocate additional dollars to school districts or if the State would use its incentive payments to offset school district costs.

Discussion: Paragraph 4 of the proposed additional requirements provided that each State receiving approval to participate in the Multi-Year IEP Program would be awarded an annual incentive payment of $10,000 to be used exclusively to support program-related evaluation activities, including one trip to Washington, DC, annually to meet with the project officer and the evaluator. In addition, paragraph 4 of the proposed additional requirements indicated that each participating State would receive an additional incentive payment of $15,000 annually from the evaluation contractor to support evaluation activities in the State, and that incentive payments may also be provided to participating districts to offset the cost of their participation in the evaluation of the Multi-Year IEP Program. Because the total available funds for each award will depend on the number of awards made, we are unable to specify an exact amount over the initially proposed incentive payment amounts. However, the Secretary agrees with the commenters that more funds should be made available if possible and, therefore, the final additional requirements have been revised to clarify that participating States will receive at least $10,000 to support program-related evaluation activities, and at least $15,000 annually from the evaluation contractor to support evaluation activities in the State.

Changes: We have revised paragraph 4 of the final additional requirements to clarify that each State receiving approval to participate in the Multi-Year IEP Program will be awarded an annual incentive payment of not less than $10,000 to support program-related evaluation activities, and not less than

$15,000 annually from the evaluation contractor to support evaluation activities in the State, to offset the cost of participating districts, or to do both. We also have added language to this paragraph to clarify that the total available funds for each award will depend on the number of awards made.

Comment: Many commenters recommended that States not be allowed to authorize LEAs to begin using multi-year IEPs until the beginning of the first school year after the specifics of the study design for the national evaluation and the State's evaluation have been determined and all the background information for the national evaluation has been provided to IES.

Discussion: We believe that the commenters' concerns are addressed because the evaluation design will be determined and all background information will be collected prior to implementation of the Multi-Year IEP Program. Accordingly, LEAs may not begin using multi-year IEPs until the beginning of the first school year after the specifics of the study design for the national evaluation and the State's evaluation have been determined and all the background information for the national evaluation has been provided to IES.

Changes: None.

Comment: Some commenters recommended prohibiting an existing annual IEP from being converted into a multi-year IEP before a child's next scheduled annual IEP meeting, unless the child's parent submits a written request to convene an IEP meeting on this issue at an earlier date.

Discussion: In its application, a State may propose to prohibit an existing IEP from being converted into a multi-year IEP before the child's next scheduled annual IEP meeting. However, we do not see a compelling reason to preclude States from proposing to allow participating LEAs to convert an existing IEP into a multi-year IEP that meets the requirements of section 614(d)(5) of the Act and the requirements in this notice. It is important to note, however, that if a participating school proposes to convert an existing IEP into a multi-year IEP before the child's next scheduled annual IEP meeting, it will need to obtain the informed written consent of the parent, and may not implement a multi-year IEP for the child without that informed written parental consent.

Changes: None.

Comment: Several commenters agreed with the language in paragraph 3(d)(ii) of the proposed additional requirements that requires States to provide a list of districts and schools that have been recruited and have agreed to implement the Multi-Year IEP Program. These commenters urged the Department to add a requirement that would prevent districts or schools from participating in the program if they have a demonstrated history of not complying with the Act or have experienced a disproportionate number of complaints to the SEA or participated in a disproportionate number of dispute resolution processes.

Discussion: We generally agree with the commenters. The State is obligated to ensure that children with disabilities who participate in the program continue to receive services in accordance with the Act and implementing regulations, modified only to the extent consistent with the State's approved application. States therefore should take into consideration the compliance history of LEAs within the State as part of their process for selecting LEAs to participate in the Multi-Year IEP Program, and monitor implementation of the program and take corrective action, if needed.

Changes: Paragraph 3(e) of the additional requirements (paragraph 3(d) of the proposed additional requirements) has been revised to require the State to provide a description of how it will collect and report to the Department and the evaluator evidence that children are not receiving appropriate services because of the State's implementation of the Multi-Year IEP Program, and how the State responded to this information, including the outcome of that response, such as providing technical assistance to the LEA to improve implementation, or suspending or terminating the authority of an LEA to implement multi-year IEPs due to unresolved compliance problems.

Comment: One commenter recommended that the final additional requirements and selection criteria reference the language from the report of the U.S. House of Representatives indicating that the usual rules for annual IEPs must apply to multi-year IEPs.

Discussion: We believe that the Act is clear that except as specifically provided for under section 614(d)(5) of the Act, all of the Act's requirements regarding the provision of FAPE to children with disabilities apply to participants in this Multi-Year IEP Program. We reiterate this information in the *Statutory Requirements for Multi-Year IEP Program* section of this notice. The provisions of section 614(d)(5) of the Act, though, do contemplate that States could propose to apply to multi-year IEPs some changes to the normally applicable rules for annual IEPs, such as changes in the process of reviewing multi-year IEPs in some years.

Changes: None.

Comment: Many commenters recommended that the Department prohibit States from participating in both the Multi-Year IEP Program and the Paperwork Waiver Demonstration Program (Paperwork Waiver Program), which is the subject of a separate notice.

Many commenters recommended adding a requirement that any State permitted to participate in both the Multi-Year IEP Program and the Paperwork Waiver Program may not implement both programs in the same district or school.

Discussion: The Act allows States to apply for the Multi-Year IEP Program and the Paperwork Waiver Program. However, we agree with the commenters that a State that receives awards for the Multi-Year IEP Program and the Paperwork Waiver Program should not be permitted to execute both programs in the same school district. We believe that this type of prohibition would allow for a more precise evaluation of each program.

Changes: Paragraph 5 has been added to the final additional requirements to clarify that States must describe how districts were selected and provide an assurance that districts are voluntarily participating along with a description of the circumstances under which district participation may be terminated. States participating in this program and the Paperwork Waiver Program may not select the same LEAs to participate in both programs.

Comment: Many commenters recommended that we approve only those Multi-Year IEP Program proposals that propose a project period of not more than four years.

Discussion: We agree with this comment. A four-year period is sufficient time to allow States to spend one year preparing to implement multi-year IEPs and three years on the actual implementation, which coincides with one full cycle of a multi-year IEP (i.e., three years). In addition, a four-year project period is consistent with the project period established under the Paperwork Waiver Program. (The Department will invite applications for the Paperwork Waiver Program through a separate competition.)

Changes: Paragraph 6 has been added to the final additional requirements to specify that State proposals will be approved for a project period not to exceed four years.

Comment: Many commenters recommended that the proposed additional requirements for this program be revised to prohibit

applicants from using the Paperwork Waiver Program (authorized under 609(a) of the Act) as a vehicle for implementing multi-year IEPs that do not comply with the terms of the Multi-Year IEP Program.

Discussion: Sections 609 and 614(d)(5) of the Act do not preclude a State from proposing to waive requirements related to the content, development, review and revision of IEPs, nor does the Act preclude a State from proposing to incorporate elements of the Multi-Year IEP Program in its application for the Paperwork Waiver Program. We decline to make the requested change because we believe that there are sufficient protections in the requirements for the Paperwork Waiver Program to protect a child's right to FAPE as well as to ensure that civil rights and procedural safeguard requirements are not waived.

Changes: None.

Comment: None.

Discussion: As part of our internal review of the proposed additional requirements and selection criteria for this program, we determined that it was appropriate to revise Paragraph 1 of the proposed additional requirements to provide that the Secretary may disapprove a State's application to participate in the program if the Secretary determines that the State currently meets the conditions under section 616(d)(2)(A)(iii) or (iv) of the Act relative to its implementation of part B of the Act. The Act does not require the Secretary to disapprove a State's application to participate in the program under these conditions and we do not believe that it would be appropriate to require the Secretary to deny approvals under these conditions. Instead, we believe that it is important that the Secretary have the authority to take into consideration the compliance history of States as part of the process used for selecting States to participate in the Multi-Year IEP Program. Accordingly, we have determined that the Secretary should retain the discretion to deny or approve a State's application if the Secretary determines that the State currently meets the conditions under section 616(d)(2)(A)(iii) or (iv) of the Act relative to its implementation of part B of the Act.

Changes: Paragraph 1 of the additional requirements has been revised by deleting the words ''will not grant'' and replacing them with the words ''may deny'' such that the requirement reads as follows: ''The Secretary may deny a State approval to participate in this program if the Secretary determines that the State currently meets the conditions under section 616(d)(2)(A)(iii) or (iv) of the Act relative to its implementation of part B of the Act.''

Comment: One commenter recommended revising paragraph 2 of the additional requirements by deleting the words ''may terminate'' and replacing them with the words ''shall terminate,'' so that there will be no option to allow a State's Multi-Year IEP Program to continue under the circumstances described in that paragraph.

Discussion: We disagree with the commenter that there should be no option to allow a State's Multi-Year IEP Program to continue under the circumstances identified in paragraph 2 of the additional requirements. The Act does not require the Secretary to terminate a State's application to participate in the program under the circumstances described in paragraph 2 of the proposed additional requirements. However, we believe that it is important that the Secretary have the authority to take into consideration the compliance history of States as part of the process used for monitoring implementation of the program and taking corrective action, if needed.

Changes: None.

Comment: Many commenters asked for additional clarity regarding the implementation of multi-year IEPs. Specifically, the commenters asked for examples, or a clear description, of the process for the development, review and revision of a comprehensive multi-year IEP.

Discussion: Only State applications that meet the requirements of the Act and the additional requirements and selection criteria in this notice will be eligible for approval. We offer the following example as one possible approach that States might propose to follow to develop, review and revise a comprehensive multi-year IEP, not to exceed three years, that coincides with natural transition points for a child. The following example should not be construed as a requirement:

(1) If the parent of a child with a disability provides informed written consent, an IEP team develops for the child a comprehensive IEP that meets all requirements of section 614(d) of the Act and includes longer-range measurable goals coinciding with natural transition points for the child.

(2) The IEP team conducts a comprehensive review of the child's IEP during natural transition points for the child, not to exceed three years from the date the child's initial IEP was developed, consistent with section 614(d)(4) of the Act.

(3) In the intervening years between the child's natural transition points, the child's primary special education teacher or related services provider (i.e., the educational professional who is primarily responsible for overseeing implementation of the child's IEP) conducts a streamlined annual review of the child's IEP to determine (a) The child's current levels of progress, (b) whether the annual goals for the child have been achieved, and (c) whether the child is on track for meeting the longer-range transition goals. Based on these reviews, the child's primary special education teacher or related services provider amends the IEP, as appropriate, to enable the child to continue to meet the measurable annual goals and natural transition point goals set out in the child's IEP.

(4) The child's parent is regularly informed of the child's progress and the extent to which the child is progressing toward meeting the measurable annual goals in the IEP and is on track for reaching the longer-range transition point goals set out in the IEP.

(5) If the primary special education teacher or related services provider determines that the child has met the measurable annual goals and is on track for meeting the longer-range transition goals, the special education teacher or related services provider submits his or her findings to all members of the IEP team, who have the opportunity to either agree and sign the IEP, or call for a thorough review of the child's IEP in accordance with section 614(d)(4) of the Act within 30 calendar days.

(6) If one or more members of the IEP determine that the child did not make sufficient progress toward the annual goals or is not on track for meeting the longer-range transition point goals described in the multi-year IEP, then the IEP team carries out a comprehensive review of the IEP within 30 calendar days.

(7) If requested by the parent, the IEP team conducts a comprehensive review of the child's multi-year IEP rather than or subsequent to a streamlined annual review.

Changes: None.

Comment: One commenter recommended that States should indicate in their applications whether they would need technical assistance from the Office of Special Education Programs (OSEP) or some other entity.

Discussion: States may choose to indicate in their applications whether they will need technical assistance from OSEP in the implementation of the program. States that are awarded authority to develop multi-year IEPs for students with disabilities consistent

with the program requirements may contact OSEP for assistance. OSEP funds a number of national technical assistance centers and regional resource centers that can provide technical assistance to States in the operation of the Multi-Year IEP Program.

Changes: None.

Comment: None.

Discussion: As part of our internal review of the proposed additional requirements and selection criteria, we determined that it is appropriate to revise paragraph 3(d) of the additional requirements by moving the phrase ''if selected.'' The phrase ''if selected'' was intended to clarify that the requirement only applies to States that are selected to participate in the Multi-Year IEP Program. However, we believe that the phrase might be misconstrued to mean that not all States that participate in the Multi-Year IEP Program will be selected to participate in the national evaluation. Accordingly, we have re-worded this paragraph to read, ''Assurances that the State will cooperate fully in a national evaluation of this program, if selected to participate in the Multi-Year IEP Program.''

Changes: We have revised paragraph 3(d) to clarify that assurances of cooperation with the national evaluation are required from States selected to participate in the Multi-Year IEP Program.

Selection Criteria

Comment: None.

Discussion: Upon further consideration of the proposed selection criteria, the Department has made the decision to use selection criteria already established in the Education Department General Administrative Regulations (EDGAR) in 34 CFR 75.210 for the review of this program. The proposed selection criteria included many of the measures that would be evaluated as part of the national evaluation of this program. We have determined that it would be inappropriate to include these measures in the selection criteria. We believe that use of the EDGAR selection criteria will enable the Department to sufficiently evaluate State applications for this program.

Changes: Throughout the selection criteria, we have replaced or modified proposed selection criteria to better align with language taken from 34 CFR 75.210 of EDGAR. Specifically, we have deleted or modified proposed selection criteria 1(b), 1(c), 2(a), 2(b), 3(b) and 3(c) and added language from 34 CFR 75.210 of EDGAR.

Comment: One commenter recommended eliminating proposed selection criteria 1(a) (i.e., that the proposed project demonstrate the extent to which it will develop or demonstrate promising new strategies that build on, or are alternatives to, existing strategies).

Discussion: We decline to make the requested change because we believe that selection criterion 1(a) is an important criterion for evaluating the innovativeness of each State application for the Multi-Year IEP Program.

Changes: None.

Comment: Many commenters recommended revising selection criterion 1(b) to emphasize that the potential for improved long-term planning as a result of a State's Multi-Year IEP Program proposal be weighted in light of other important outcomes of a well-written IEP. The commenters recommended inserting a statement that the Secretary will consider the extent to which the proposed project will result in improvements to the IEP without compromising the provision of FAPE, the measurement of progress toward the achievement of annual and long-term goals, educational outcomes, and family satisfaction.

Discussion: Since publishing the December 2005 notice, we have decided to use certain selection criteria from those found in EDGAR in 34 CFR 75.210 for the review of this program. Proposed selection criterion 1(b), ''The likelihood that the proposed project will result in improvements in the IEP process, especially long-term planning for children with disabilities, without compromising the provision of FAPE, satisfaction of parents, and educational outcomes for children with disabilities'' has been deleted. Upon internal review of the proposed selection criteria, we have determined that this criterion is inappropriate because it would require panel reviewers to speculate on the impact proposals would have on the variables to be measured by the national evaluation (i.e., long-term planning for children with disabilities, satisfaction of parents and educational outcomes for children with disabilities). If the relationship between changes in multi-year IEPs and outcome variables were known, then there would be no need for the evaluation.

We have replaced proposed selection criterion 1(b) with the following EDGAR criterion, which is from 34 CFR 75.210(b)(2)(iii): ''The potential contribution of the proposed project to increased knowledge or understanding of educational problems, issues or effective strategies.'' This criterion will allow panel reviewers to evaluate the proposal's significance relative to how articulately or persuasively the State can connect current problems or issues with its multi-year IEP proposal. This type of evaluation and subsequent scoring of an application is commonly done in proposal review by standing panel members.

Changes: Proposed selection criterion 1(b) has been deleted and replaced with the selection criterion from section 75.210(b)(2)(iii) of EDGAR.

Comment: Many commenters recommended that we consider the importance or magnitude of the results or outcomes likely to be attained by the project, especially improvements in teaching and student achievement. The commenters suggested that we include a selection criterion to evaluate the extent to which the proposed project will reduce the amount of non-instructional time spent by teachers and related services personnel.

Discussion: As described elsewhere in this notice, since publishing the December 2005 notice, we have decided to adopt certain selection criteria from those found in 34 CFR 75.210 of EDGAR for the review of this program. We believe that including variables, such as non-instructional time or student achievement in selection criteria, would be inappropriate because these are the dependent variables to be examined by the national evaluation. We do not believe it is appropriate for panel reviewers to speculate on the impact specific proposals would have on these variables.

Changes: None.

Comment: Many commenters suggested that we delete the reference to reducing the paperwork burden associated with IEPs in proposed selection criterion 2(b) and to add language clarifying that improvements in long-range planning not compromise the provision of FAPE, the measurement of progress toward the achievement of annual and long-term goals, educational outcomes and family satisfaction.

Discussion: Statutory and additional requirements for this program only permit certain changes to the development, review and revision of IEPs. Other than these changes, the requirements of the Act must be met. The statutory and additional requirements also require LEAs to complete annual reviews of children's progress and to protect parents' rights to remove their child from the Multi-Year IEP Program. Additionally, as noted previously, we have decided to adopt certain selection criteria from those found in 34 CFR 75.210 of EDGAR for the review of this program and the proposed 2(b) criterion referred to in these comments has been deleted.

Changes: Following a decision to adopt certain selection criteria from those found in 34 CFR 75.210 of EDGAR, criterion 2(b) was deleted.

Comment: One commenter recommended striking selection criterion 2(c) (i.e., that the Secretary consider the extent to which the proposed project encourages consumer involvement, including parental involvement) as it seemed vague and duplicative of selection criterion 3(c) (i.e., How the applicant will ensure that a diversity of perspectives are brought to bear in the operation of the proposed project, including those of parents, teachers, related services providers, administrators, or others, as appropriate).

Discussion: We agree that proposed selection criterion 2(c) is duplicative.

Changes: We have deleted proposed selection criterion 2(c) regarding the extent to which the proposed project encourages consumer involvement, including parental involvement.

Comment: Many commenters recommended that we consider the quality of the proposed project design and procedures for documenting project activities and results.

Discussion: We agree with the commenters. The design and procedures for documenting proposed activities and results of the Multi-Year IEP Program must be of high quality for evaluation purposes.

Changes: We have added a new selection criterion 2(c) (as noted elsewhere, we have deleted proposed selection criterion 2(c)) to enable the Secretary to consider the quality of the proposed project design and procedures for documenting project activities and results.

Comment: One commenter recommended revising selection criterion 3(b) to address resources devoted by the State to implement the project in addition to resources devoted by the State to evaluate the project activities.

Discussion: We do not believe that is necessary to require States to submit a detailed description of the resources they plan to devote to implement the project activities. We believe that the main cost incurred will relate to planned training activities. States certainly could include as part of their application a detailed description of planned training activities to demonstrate how their project will improve long-term planning and address the need to reduce the paperwork burden associated with IEPs, while maintaining the provision of FAPE.

Changes: None.

Comment: Many commenters recommended that the Secretary consider the extent to which the proposed project was designed to involve broad parental input.

Discussion: We believe that the commenters' concerns are addressed by selection criterion 3(c), which ensures that States seek a diversity of perspectives, including parents, in the implementation of their projects. Moreover, we believe that paragraphs 3(b)(ii), 3(c)(i), 3(c)(iii), and 3(d)(v) of the additional requirements ensure involvement by parents in this program.

Changes: None.

Comment: One commenter recommended that the Secretary consider the extent to which the State sufficiently describes how it will recruit school districts to participate in the program.

Discussion: We believe that additional requirement 5 addresses the commenter's concern. Additional requirement 5 requires that States must describe how districts were selected and provide an assurance that districts are voluntarily participating along with a description of the circumstances under which district participation may be terminated.

Changes: None.

Comment: Many commenters recommended that the Secretary consider the extent to which the design of the proposed project is appropriate to, and will successfully address, the needs of children with disabilities.

Discussion: We agree that it is important to consider the extent to which the design of a project is appropriate to, and will successfully address, the needs of children with disabilities. As discussed elsewhere, we have added new selection criterion 1(c) to highlight the importance of improving teaching and student achievement. To place even more emphasis within the selection criteria on this issue, we have also added another selection criterion that would require consideration of the extent to which the project's purpose will address the needs of the target population.

Changes: We have added selection criterion 2(b) to place further emphasis on how well the project will address the needs of the target population as a basis for application review.

Comment: Many commenters recommended revising the selection criteria to incorporate the statutory requirements laid out in section 614(d)(5)(A)(iii)(II) of the Act regarding the content of proposals.

Discussion: As noted in paragraph 2 of the *Statutory Requirements for Multi-Year IEP Program* section of this notice, all applicants are required to meet the statutory requirements laid out in section 614(d)(5)(A)(iii)(II) of the Act regarding the content of their proposals. All States must meet the statutory requirements of section 614(d)(5) of the Act in order to be deemed eligible to participate in the Multi-Year IEP Program. We do not believe it is necessary or appropriate to repeat the statutory requirements of section 614(d)(5)(A)(iii)(II) in the selection criteria section for this program.

Changes: None.

Comment: Many commenters recommended including the selection criterion found in section 75.210(c)(2)(v) of EDGAR, which requires the Secretary to consider the extent to which the proposed activities constitute a coherent, sustained program of training in the field.

Discussion: We decline to include the selection criterion from section 75.210(c)(2)(v) of EDGAR in the selection criteria for this program because that selection criterion applies to professional development grants and is not appropriate for the Multi-Year IEP Program.

Changes: None.

Comment: Many commenters recommended that the Secretary consider the extent to which performance feedback and continuous improvement are integral to the design of the proposed project.

Discussion: We believe that the commenters' concerns are addressed under the management plan selection criterion in paragraph 3(a) (i.e., that the Secretary consider the adequacy of procedures for ensuring feedback and continuous improvement in the operation of the proposed project).

Changes: None.

Comment: Many commenters recommended that we consider the adequacy of procedures for ensuring feedback and continuous improvement in the operation of the proposed project, and that we also consider whether such procedures ensured multiple methods for collecting data on parent satisfaction from a broad representative sample throughout the State.

One commenter recommended amending the selection criteria to allow States to modify and revise their original statutory, regulatory, and administrative waiver requests during the course of the pilot project.

One commenter recommended requiring States to include an evaluation of whether the pilot project has a mechanism for reporting adverse events, such as denial of FAPE to a child with disability, and the effectiveness of that mechanism.

Discussion: We believe that final selection criterion 3(c) addresses the concerns of commenters regarding the involvement of multiple stakeholders in the operation of the Multi-Year IEP Program. In addition, the Secretary is committed to ensuring the objectivity and integrity of the national evaluation conducted by IES. For this reason, we do not support allowing States to pursue changes to waiver activities proposed in their initial applications as this would significantly interfere with the reliability of outcome data gathered as part of the evaluation component for this program. Finally, with respect to the comment regarding FAPE, we believe that the commenter's concerns are addressed by paragraph 3(e) of the additional requirements.

Changes: None.

Comment: Many commenters recommended including a new selection criterion to require that the Secretary consider the extent to which the applicant has devoted sufficient resources to conduct a State evaluation of its project and the training of IEP Team members to ensure proper implementation of the demonstration program.

Discussion: Section 614(d)(5) of the Act does not require a State evaluation component to the Multi-Year IEP Program, rather, States are required to cooperate with the national evaluation conducted by IES. That said, nothing in the Act or the final additional requirements and selection criteria prevents States from including a proposal to conduct a Statewide assessment component of their project as part of their application, if determined appropriate by the State.

Changes: None.

Comment: One commenter recommended revising the selection criteria to require States to address their commitment to cooperate in the national evaluation in their applications, and to clarify that States are not required to document the extent to which they devoted sufficient resources to conduct data collection and analysis as part of the evaluation of the program.

Discussion: We believe that it is not necessary to include a selection criterion that evaluates an applicant's commitment to cooperate with the national evaluation because paragraph 3(d) of the additional requirements already requires applicants to include assurances to this effect in their proposals. Moreover, as noted elsewhere in this preamble, the Department has decided to use only selection criteria from EDGAR; consequently, selection criterion 3(b) has been deleted in its entirety, including references to the sufficiency of resources devoted to the evaluation.

Changes: Criterion 3(b) has been deleted.

Comment: Many commenters recommended that the Secretary consider how the applicant will ensure that the perspectives of children with disabilities are brought to bear in the operation of the proposed project.

One commenter recommended revising selection criterion 3(c) to ensure that the perspectives of family members and advocates for children with disabilities are considered.

Discussion: We believe it is important to involve children with disabilities in their educational programming. We therefore agree with the commenter that it is appropriate to ensure that the perspectives of children with disabilities are brought to bear in the operation of the project. However, we do not agree with the commenter regarding the need to involve family members and child advocates, other than the child's parents or legal guardian. Selection criterion 3(c) addresses how the applicant will ensure that a diversity of perspectives are brought to bear in the operation of the proposed project, including those of parents, teachers, the business community, a variety of disciplinary and professional fields, recipients or beneficiaries of services, or others, as appropriate. While the perspectives of siblings, grandparents, other relatives, and outside advocates can be important in making educational decisions for a child with a disability, we believe that the parents of a child with a disability are in the best position to represent the interests of their child. Parents may, at their discretion, convey the interests and perspectives of other family members and outside advocates in the operation of the project on behalf of their children.

In addition, outside stakeholder involvement in the development phase of the project is assured under paragraph 3(c) of the additional requirements.

Changes: Selection criterion 3(c) has been amended to adopt selection criteria from section 75.210(g)(2)(v) of EDGAR: ''How the applicant will ensure that a diversity of perspectives are brought to bear in the operation of the proposed project, including those of parents, teachers, the business community, a variety of disciplinary and professional fields, recipients or beneficiaries of services, or others, as appropriate.''

Comment: Many commenters recommended that the Secretary consider the extent to which the methods of evaluation proposed by the State provide for examining the effectiveness of the project implementation strategies and provide guidance for quality assurance.

Discussion: We believe that the concerns of the commenters are addressed in the *Quality of the project design* selection criterion (selection criterion 2). Selection criterion 2 provides that we will consider (a) The extent to which the goals, objectives, and outcomes to be achieved by the proposed project are clearly specified and measurable; (b) the extent to which the design of the proposed project is appropriate to, and will successfully address, the needs of the target population or other identified needs; and (c) the quality of the proposed project's procedures for documenting project activities and results. Additionally, the responsibility for evaluation of these projects rests with the national evaluation to be conducted by IES in cooperation with the States, not with the States themselves.

Changes: None.

Comment: Many commenters recommended that the Secretary consider the extent to which the methods of evaluation proposed by the State will provide performance feedback and permit periodic assessment toward achieving intended outcomes.

Discussion: We believe that the concerns of the commenters are addressed in selection criteria 2(a) and 3(a). Selection criterion 2(a) provides that the Secretary will consider the extent to which the goals, objectives and outcomes to be achieved by the proposed project are clearly specified, measurable, and address active participation in the program evaluation. Selection criterion 3(a) provides that we will consider the adequacy of procedures for ensuring feedback and continuous improvement in the operation of the proposed project.

Changes: None.

Comment: Many commenters recommended that the Secretary consider the extent to which the methods of evaluation proposed by the State include multiple methods for collecting data on parent satisfaction from a broad representative sample throughout the State with respect to the waivers and the usefulness of the information and training they have received.

Discussion: We believe that the evaluation of these projects is the responsibility of the national evaluation to be designed and conducted by IES in collaboration with the States. There is no requirement for the States to complete an impact evaluation of their

projects independent of the national evaluation.

Changes: None.

Note: This notice does not solicit applications. We will invite applications through a separate notice in the **Federal Register**.

Additional Requirements and Selection Criteria for Multi-Year IEP Program

Additional Requirements

The Secretary establishes the following additional requirements for the Multi-Year IEP Program:

1. The Secretary may deny a State approval to participate in this program if the Secretary determines that the State currently meets the conditions under section 616(d)(2)(A)(iii) or (iv) of the Act relative to its implementation of part B of the Act.

2. The Secretary may terminate any Multi-Year IEP Program project if the Secretary determines that the State (a) needs assistance under section 616(d)(2)(A)(ii) of the Act and the State's participation in this program has contributed to or caused the need for assistance; (b) needs intervention under 616(d)(2)(A)(iii) of the Act or needs substantial intervention under section 616(d)(2)(A)(iv) of the Act; or (c) failed to appropriately implement its project.

3. States submitting a proposal under the Multi-Year IEP Program must include the following material in their proposal:

(a) Assurances that the multi-year IEP for any child with a disability who takes an alternate assessment based on alternate achievement standards includes a description of benchmarks or short-term objectives in accordance with section 614(d)(1)(A)(i)(I)(cc) of the Act.

(b) Assurances that before an LEA requests a parent's voluntary informed written consent to the development of a multi-year IEP in lieu of an IEP that meets the requirements of section 614(d)(1)(A) of the Act, the LEA will inform the parent in writing (and in the native language of the parent, unless it clearly is not feasible to do so) of:

(i) Any differences between the requirements relating to the content, development, review, and revision of IEPs under section 614(d) of the Act and the State's requirements relating to the content, development, review, and revision of IEPs under the State's approved Multi-Year IEP Program proposal; and

(ii) The parent's right to revoke consent at any time during the implementation of the Multi-Year IEP Program and the LEA's responsibility to conduct, within 30 calendar days after revocation by the parent, an IEP meeting to develop an IEP that meets the requirements of section 614(d)(1)(A) of the Act.

(c) A description of how the State will meet the public participation requirements of section 612(a)(19) of the Act, including how the State:

(i) Involved multiple stakeholders, including parents, children with disabilities, special education and regular education teachers, related services providers, and school and district administrators, in the development of its proposal;

(ii) Provided an opportunity for public comment in developing its proposal. This description must include a summary of public comments received by the State as well as a description of how the proposal addresses those public comments; and

(iii) Obtained input from school and district personnel and parents in developing the list of required elements for each multi-year IEP and the description of the process for the review and revision of each multi-year IEP.

(d) Assurances that the State will cooperate fully in a national evaluation of this program, if selected to participate in the Multi-Year IEP Program. Cooperation includes devoting a minimum of four months between the State's award and subsequent implementation of this program to conduct joint planning with the evaluator. It also includes participation by the State educational agency (SEA) in the following evaluation activities:

(i) Providing to the evaluator the list of required elements for the multi-year IEP and the description of the process for the review and revision of the multi-year IEP submitted as part of the State's application for this program. Consistent with the privacy requirements of the Act and The Family Educational Rights and Privacy Act, ensuring that the evaluator will have access to the most recent IEP created (if applicable) before participating in the Multi-Year IEP Program and the multi-year IEP(s) created during the project for each participating child (multi-year IEP participants and matched participants who do not have a multi-year IEP), together with a general description of the process for completing both versions of the IEP.

(ii) Recruiting districts or schools to participate in the evaluation (as established in the evaluation design) and ensuring their continued cooperation with the evaluation. Providing a list of districts and schools that have been recruited and have agreed to implement the proposed Multi-Year IEP Program, allow data collection to occur, and cooperate fully with the evaluation. Providing, for each participating school or district, basic demographic information such as student enrollment, district wealth and ethnicity breakdowns, the number of children with disabilities by category, and the number or type of personnel, as requested by the evaluator.

(iii) Serving in an advisory capacity to assist the evaluator in identifying valid and reliable data sources and improving the design of data collection instruments and methods.

(iv) Providing to the evaluator an inventory of existing State-level data relevant to the evaluation questions or consistent with the identified data sources. Supplying requested State-level data in accordance with the timelines specified in the evaluation design.

(v) Providing assistance to the evaluator on the collection of data from parents, including obtaining written informed consent for parents to participate in interviews and respond to surveys and questionnaires.

(vi) Designating a coordinator for the project who will monitor the implementation of the project and work with the evaluator. This coordinator also will serve as the primary point of contact for the Office of Special Education Programs (OSEP) project officer.

(e) A description of how the State will collect and report to the Department, as part of the State's annual performance report submission to the Secretary in accordance with section 616(b)(2)(c)(ii)(II) of the Act, and to the national evaluator, that children are not receiving appropriate services because of the State's implementation of Multi-Year IEP Program, and how the State responded to this information, including the outcome of that response such as providing technical assistance to the LEA to improve implementation, or suspending or terminating the authority of an LEA to implement multi-year IEPs due to unresolved compliance problems.

(f) A description of the procedures the State will employ to ensure that diverse stakeholders (including parents, teachers, administrators, related services providers, and other stakeholders, as appropriate) understand the proposed elements of the State's submission for the Multi-Year IEP Program.

4. Each State receiving approval to participate in the Multi-Year IEP Program will be awarded an annual incentive payment of not less than $10,000 to be used exclusively to support program-related evaluation activities, including one trip to Washington, DC, annually to meet with the project officer and the evaluator.

Each participating State will receive an additional incentive payment of not less than $15,000 annually from the contractor to support evaluation activities in the State. Incentive payments may also be provided to participating districts to offset the costs of their participation in the evaluation of the Multi-Year IEP Program. Total available funds will depend on the number of awards made.

5. States must describe how districts were selected and provide an assurance that districts are voluntarily participating along with a description of the circumstances under which district participation may be terminated. States participating in this program and the Paperwork Waiver Demonstration Program may not select the same LEAs to participate in both programs.

6. Proposals must be for projects not to exceed a period of four years.

Note: The term ''parent'' as used in these requirements and selection criteria for the Multi-Year IEP Program has the same meaning given the term in section 300.30 of the final regulations implementing part B of the Act.

Selection Criteria

The following selection criteria will be used to evaluate State proposals submitted under this program. These particular criteria were selected because they address the statutory requirements and program requirements and permit applicants to propose a distinctive approach to addressing these requirements.

Note: We will inform applicants of the points or weights assigned to each criterion and sub-criterion in a notice published in the **Federal Register** inviting States to submit applications for this program.

1. *Significance.* The Secretary considers the significance of the proposed project. In determining the significance of the proposed project, the Secretary considers the following factors:

(a) The extent to which the proposed project involves the development or demonstration of promising new strategies that build on, or are alternatives to, existing strategies.

(b) The potential contribution of the proposed project to increased knowledge or understanding of educational problems, issues, or effective strategies.

(c) The importance or magnitude of the results or outcomes likely to be attained by the project, especially improvements in teaching and student outcomes.

2. *Quality of the project design.* The Secretary considers the quality of the design of the proposed project. In determining the quality of the design of the proposed project, the Secretary considers the following factors:

(a) The extent to which the goals, objectives, and outcomes to be achieved by the proposed project are clearly specified and measurable.

(b) The extent to which the design of the proposed project is appropriate to, and will successfully address, the needs of the target population or other identified needs.

(c) The quality of the proposed project design and procedures for documenting project activities and results.

3. *Quality of the management plan.* The Secretary considers the quality of the management plan for the proposed project. In determining the quality of the management plan for the proposed project, the Secretary considers the following factors:

(a) The adequacy of procedures for ensuring feedback and continuous improvement in the operation of the proposed project.

(b) How the applicant will ensure that a diversity of perspectives are brought to bear in the operation of the proposed project, including those of parents, teachers, the business community, a variety of disciplinary and professional fields, recipients or beneficiaries of services, or others, as appropriate.

Executive Order 12866

This notice of final additional requirements and selection criteria has been reviewed in accordance with Executive Order 12866. Under the terms of the order, we have assessed the potential costs and benefits of this regulatory action.

The potential costs associated with this regulatory action are those resulting from statutory requirements and those we have determined as necessary for administering this program effectively and efficiently. Although there may be costs associated with participating in this pilot, the Department will provide incentive payments to States to help offset these costs. In addition, we expect that States will weigh these costs against the benefits of being able to participate in the pilot and will only opt to participate in this pilot if the potential benefits exceed the costs.

We have also determined that this regulatory action does not unduly interfere with State, local, and tribal governments in the exercise of their governmental functions.

Intergovernmental Review

This program is not subject to Executive Order 12372 and the regulations in 34 CFR part 79.

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(Catalog of Federal Domestic Assistance Number 84.326Q Individuals with Disabilities Education Act Multi-Year Individualized Education Program Demonstration Program)

Program Authority: 20 U.S.C. 1414.

Dated: June 29, 2007.

Jennifer Sheehy,

Director of Policy and Planning for Special Education and Rehabilitative Services.

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BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Office of International Regimes and Agreements; Proposed Subsequent Arrangement

AGENCY: Department of Energy.

ACTION: Notice of proposed subsequent arrangement.

SUMMARY: This notice is being issued under the authority of Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160). The Department is providing notice of a proposed ''subsequent arrangement'' under the Agreement for Cooperation in the Peaceful Uses of Nuclear Energy between the United States and the European Atomic Energy Community (Euratom) and the Agreement for Cooperation in the Peaceful Uses of Nuclear Energy between the United States and Canada.

This subsequent arrangement concerns the retransfer of 147,929 kg of Natural UF6 (67.6% U), containing 100,000 kg of Uranium. This material will be retransferred from Cameco Corporation, Canada, to Urenco Deutschland GmbH, Germany for final use in a civilian nuclear power reactor

program by Exelon Generation, Illinois, USA. The material originally was exported to Canada pursuant to NRC Export License Number XSOU–8798. Urenco GmbH is authorized to receive nuclear material pursuant to the U.S.-Euratom Agreement for Cooperation.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, we have determined that this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

Dated: June 28, 2007.

For the Department of Energy.

Anatoli Welihozkiy,

Acting Director, Office of International Regimes and Agreements.

[FR Doc. E7–13111 Filed 7–5–07; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Office of International Regimes and Agreements; Proposed Subsequent Arrangement

AGENCY: Department of Energy.

ACTION: Notice of proposed subsequent arrangement.

SUMMARY: This notice is being issued under the authority of Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160). The Department is providing notice of a proposed ''subsequent arrangement'' under the Agreement for Cooperation in the Peaceful Uses of Nuclear Energy between the United States and the European Atomic Energy Community (Euratom) and the Agreement for Cooperation in the Peaceful Uses of Nuclear Energy between the United States and Canada.

This subsequent arrangement concerns the retransfer of 59,191.6 kg of Natural UF6 (67.6% U), containing 40,000 kg of Uranium. This material will be retransferred from Cameco Corporation, Canada, to Urenco Ltd., Netherlands for final use in a civilian nuclear power reactor program by Constellation Energy Group, Maryland, USA. The material originally was exported to Canada pursuant to NRC Export License Number XSOU–8798. Urenco Ltd. is authorized to receive nuclear material pursuant to the U.S.-Euratom Agreement for Cooperation.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, we have determined that this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

Dated: June 28, 2007.

For the Department of Energy.

Anatoli Welihozkiy,

Acting Director, Office of International Regimes and Agreements.

[FR Doc. E7–13112 Filed 7–5–07; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

[6450–01–P]

Office of Science; Advanced Scientific Computing Advisory Committee; Renewal

AGENCY: Department of Energy.

ACTION: Notice of renewal.

SUMMARY: Pursuant to Section 14(a)(2)(A) of the Federal Advisory Committee Act, and in accordance with section 102–3.65, title 41 of the Code of Federal Regulations, and following consultation with the Committee Management Secretariat, General Services Administration, notice is hereby given that the Advanced Scientific Computing Advisory Committee has been renewed for a two-year period beginning July 2007. The Committee will provide advice to the Director, Office of Science, on the Advanced Scientific Computing Research Program managed by the Office of Advanced Scientific Computing Research.

The renewal of the Advanced Scientific Computing Advisory Committee has been determined to be essential to the conduct of the Department of Energy business and to be in the public interest in connection with the performance of duties imposed upon the Department of Energy by law. The Committee will operate in accordance with the provisions of the Federal Advisory Committee Act, the Department of Energy Organization Act (Pub. L. 95–91), and rules and regulations issued in implementation of those Acts.

Further information regarding this Advisory Committee may be obtained from Ms. Rachel Samuel at (202) 586–3279.

Issued in Washington, DC, on July 1, 2007.

James N. Solit,

Advisory Committee Management Officer.

[FR Doc. E7–13140 Filed 7–5–07; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Office of Science; DOE/Advanced Scientific Computing Advisory Committee

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Advanced Scientific Computing Advisory Committee (ASCAC). Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Tuesday, August 14, 2007, 9 a.m. to 5 p.m.; Wednesday, August 15, 2007, 9 a.m. to 11:45 a.m.

ADDRESSES: American Geophysical Union (AGU), 2000 Florida Avenue, NW., Washington, DC 20009–1277.

FOR FURTHER INFORMATION CONTACT: Melea Baker, Office of Advanced Scientific Computing Research; SC–21/Germantown Building; U.S. Department of Energy; 1000 Independence Avenue, SW.; Washington, DC 20585–1290; Telephone (301) 903–7486, (E-mail: *Melea.Baker@science.doe.gov*).

SUPPLEMENTARY INFORMATION:

Purpose of the Meeting: The purpose of this meeting is to provide advice and guidance on the advanced scientific computing research program.

Tentative Agenda: Agenda will include discussions of the following:

Tuesday, August 14, 2007

Opening Remarks from the Committee Chair
Federal Advisory Committee Act Basics
View from Washington and Germantown
ESnet Workshops
Report Discussions on Scientific Discovery through Advanced Computing (SciDAC) Committee of Visitors (COV)
Report Discussion on Charge—Networking
Report Discussion on Charge—Joint Panel with the Biological and Environmental Research Advisory Committee (BERAC) on Genomes to Life (GTL)
Role of High Productivity Computing (HPC) in BER
New Charge—Joint Panel with BERAC on Climate Modeling
Presentation on Town Hall Meetings
What's Going on in European and Asian Supercomputing
Update on Incite
Public Comment

Wednesday, August 15, 2007

Update on High Productivity Computing System (HPCS)

Update on SciDAC

New Charge—Assessing the Strategic Priorities and Balance of the ASCR Program

The Future of Performance Engineering in HPC

Improving R&D Integration in DOE

Public Comment

Public Participation: The meeting is open to the public. If you would like to file a written statement with the Committee, you may do so either before or after the meeting. If you would like to make oral statements regarding any of the items on the agenda, you should contact Melea Baker via Fax at (301) 903–4846 or via e-mail (*Melea.Baker@science.doe.gov*). You must make your request for an oral statement at least 5 business days prior to the meeting. Reasonable provision will be made to include the scheduled oral statements on the agenda. The Chairperson of the Committee will conduct the meeting to facilitate the orderly conduct of business. Public comment will follow the 10-minute rule.

Minutes: The ASCAC will prepare meeting minutes within 45 days of the meeting. The minutes will be posted on the ASCAC Web site at *http://www.sc.doe.gov/ascr/ASCAC/LastMeet*.

Issued in Washington, DC on June 28, 2007.

Rachel Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. E7–13109 Filed 7–5–07; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

State Energy Advisory Board

AGENCY: Department of Energy.

ACTION: Notice of open teleconference correction.

On June 27, 2007, the Department of Energy published a notice of open teleconference announcing a teleconference of the State Energy Advisory Board, 72 FR 35227. In that notice, the meeting was scheduled for July 19, 2007. Today's notice is announcing that the meeting date will be July 18, 2007.

Issued in Washington, DC on July 2, 2007.

Rachel M. Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. E7–13141 Filed 7–5–07; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Office of Fossil Energy; Ultra-Deepwater Advisory Committee

AGENCY: Department of Energy.

ACTION: Notice of Open Meeting.

This notice announces a meeting of the Ultra-Deepwater Advisory Committee. Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that notice of these meetings be announced in the **Federal Register**.

DATES: Tuesday, July 24, 2007, 8:30 a.m. to 12 p.m., 1 p.m. to 5 p.m.

ADDRESSES: Crowne Plaza Houston North Greenspoint, 425 North Sam Houston Parkway, Houston, Texas 77060.

FOR FURTHER INFORMATION CONTACT: Elena Melchert or Bill Hochheiser, U.S. Department of Energy, Office of Oil and Natural Gas, Washington, DC 20585. Phone: 202–586–5600.

SUPPLEMENTARY INFORMATION:

Purpose of the Committee: The purpose of the Ultra-Deepwater Advisory Committee is to provide advice on development and implementation of programs related to ultra-deepwater natural gas and other petroleum resources to the Secretary of Energy; provide comments and recommendations and priorities for the Department of Energy Annual Plan per requirements of the Energy Policy Act of 2005, Subtitle J, Section 999.

Tentative Agenda

8:30 a.m.–9 a.m. Registration

8:30 a.m.–12 p.m. Welcome & Introductions, Opening Remarks by the Designated Federal Officer, Subcommittee presentations and reports

1 p.m.–4:30 p.m. Facilitated Discussions by the members regarding subcommittee reports; approval of final Committee recommendations

4:30 p.m.–5 p.m. Public Comments

5 p.m. Adjourn

Public Participation: The meeting is open to the public. The Designated Federal Officer, the Chairman of the Committee, and a Facilitator will lead the meeting for the orderly conduct of business. If you would like to file a written statement with the Committee, you may do so either before or after the meeting. If you would like to make oral statements regarding any of the items on the agenda, you should contact Elena Melchert or Bill Hochheiser at the address or telephone number listed above. You must make your request for an oral statement at least five business days prior to the meeting, and reasonable provisions will be made to include the presentation on the agenda. Public comment will follow the 10 minute rule.

Minutes: The minutes of this meeting will be available for public review and copying within 60 days at the Freedom of Information Public Reading Room, Room 1E–190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, between 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, DC, on July 2, 2007.

Rachel Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. E7–13110 Filed 7–5–07; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Office of Fossil Energy; Unconventional Resources Technology Advisory Committee

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

This notice announces a meeting of the Unconventional Resources Technology Advisory Committee. Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that notice of these meetings be announced in the **Federal Register**.

DATES: Wednesday, July 25, 2007, 8:30 a.m. to 12 p.m.; 1 p.m. to 5 p.m.

ADDRESSES: Crowne Plaza Houston North Greenspoint, 425 North Sam Houston Parkway, Houston, Texas 77060.

FOR FURTHER INFORMATION CONTACT: Elena Melchert or Bill Hochheiser, U.S. Department of Energy, Office of Oil and Natural Gas, Washington, DC 20585. Phone: 202–586–5600.

SUPPLEMENTARY INFORMATION:

Purpose of the Committee: The purpose of the Unconventional Resources Technology Advisory Committee is to provide advice on development and implementation of programs related to onshore unconventional natural gas and other petroleum resources to the Secretary of Energy; and provide comments and recommendations and priorities for the Department of Energy Annual Plan per requirements of the Energy Policy Act of 2005, Subtitle J, Section 999.

Tentative Agenda:

8:30 a.m.–9 a.m.—Registration.

8:30 a.m.–12 p.m.—Welcome & Introductions, Opening Remarks by

the Designated Federal Officer, Subcommittee presentations and reports.

1 p.m.–4:30 p.m.—Facilitated Discussions by the members regarding subcommittee reports; approval of final Committee recommendations.

4:30 p.m.–5 p.m.—Public Comments.

5 p.m.—Adjourn.

Public Participation: The meeting is open to the public. The Designated Federal Officer, the Chairman of the Committee and a Facilitator will lead the meeting for the orderly conduct of business. If you would like to file a written statement with the Committee, you may do so either before or after the meeting. If you would like to make oral statements regarding any of the items on the agenda, you should contact Elena Melchert or Bill Hochheiser at the address or telephone number listed above. You must make your request for an oral statement at least five business days prior to the meeting, and reasonable provisions will be made to include the presentation on the agenda. Public comment will follow the 10 minute rule.

Minutes: The minutes of this meeting will be available for public review and copying within 60 days at the Freedom of Information Public Reading Room, Room 1E–190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC, between 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, DC, on July 2, 2007.

Rachel Samuel,

Deputy Advisory Committee, Management Officer.

[FR Doc. E7–13139 Filed 7–5–07; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

[Certification Notice—214]

Office Electricity Delivery and Energy Reliability; Notice of Filing of Self-Certification of Coal Capability Under the Powerplant and Industrial Fuel Use Act; Lea Power Partners, LLC

AGENCY: Office Electricity Delivery and Energy Reliability, DOE.

ACTION: Notice of filing.

SUMMARY: On June 25, 2007, Lea Power Partners, LLC, as the owner and operator of a new base load electric powerplant, submitted a coal capability self-certification to the Department of Energy (DOE) pursuant to section 201(d) of the Powerplant and Industrial Fuel Use Act of 1978 (FUA), as amended, and DOE regulations in 10 CFR 501.60, 61. Section 201(d) of FUA requires DOE to publish a notice of receipt of the self-certification in the **Federal Register**.

ADDRESSES: Copies of self-certification filings are available for public inspection, upon request, in the Office of Electricity Delivery and Energy Reliability, Room 8G–026, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: Ellen Russell at (202) 586–9624.

SUPPLEMENTARY INFORMATION: Title II of FUA, as amended (42 U.S.C. 8301 *et seq.*), provides that no new base load electric powerplants may be constructed or operated without the capability to use coal or another alternate fuel as a primary energy source. Pursuant to FUA section 201(d), in order to meet the requirement of coal capability, the owner or operator of such facilities proposing to use natural gas or petroleum as its primary energy source shall certify to the Secretary of Energy (Secretary) prior to construction, or prior to operation as a base load electric powerplant, that such powerplant has the capability to use coal or another alternate fuel. Such certification establishes compliance with FUA section 201(a) as of the date it is filed with the Secretary. The Secretary is required to publish a notice in the **Federal Register** reciting that the certification has been filed.

The following owner of a proposed new base load electric powerplant has filed a self-certification of coal-capability with DOE pursuant to FUA section 201(d) and in accordance with DOE regulations in 10 CFR 501.60, 61:

Owner: Lea Power Partners, LLC.

Capacity: 600 MW.

Plant Location: Hobbs, New Mexico.

In-Service Date: June, 2008.

Issued in Washington, DC, on June 29, 2007.

Anthony J. Como,

Director, Permitting and Siting, Office of Electricity Delivery and Energy Reliability.

[FR Doc. E7–13105 Filed 7–5–07; 8:45 am]

BILLING CODE 6450–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–OAR–2007–0093, FRL–8336–3]

Agency Information Collection Activities; Proposed Collection; Comment Request; Clean Air Act Tribal Authority, EPA ICR No. 1676.05, OMB Control No. 2060–0306

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), this document announces that EPA is planning to submit a request to renew an existing approved Information Collection Request (ICR) to the Office of Management and Budget (OMB). This ICR is scheduled to expire on 12/31/2007. Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection as described below.

DATES: Comments must be submitted on or before September 4, 2007.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–OAR–2007–0093 identified by the Docket ID numbers provided for each item in the text, by one of the following methods:

- *http://www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *E-mail: a-and-r-Docket@epa.gov.*
- *Fax:* 202–566–9744.
- *Mail:* Clean Air Act Tribal Authority, Environmental Protection Agency, Mailcode: 2822T, 1200 Pennsylvania Ave., NW., Washington, DC 20460.
- *Hand Delivery:* EPA Docket Center, Public Reading Room, EPA West Building, Room 3334, 1301 Constitution Ave., 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.

Instructions: Direct your comments to Docket ID No. EPA–OAR–2007–0093. 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.*

FOR FURTHER INFORMATION CONTACT:

Darrel Harmon, Office of Air and Radiation, Immediate Office, (6101A), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: 202–564–7416; fax number: 202–501–0394; e-mail address: *harmon.darrel@epa.gov*.

SUPPLEMENTARY INFORMATION:

How Can I Access the Docket and/or Submit Comments?

EPA has established a public docket for this ICR under Docket ID No. EPA–OAR–2007–0093 established a public docket for each of the ICRs identified in this document which is available for online viewing at *www.regulations.gov*, or in person viewing at the Clean Air Act Tribal Authority 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 Clean Air Act Tribal Authority Docket is 202–566–1742.

Use *www.regulations.gov* to obtain a copy of the draft collection of information, submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the public docket that are available electronically. Once in the system, select ''search,'' then key in the docket ID number identified in this document.

What Information Is EPA Particularly Interested in?

Pursuant to section 3506(c)(2)(A) of the PRA, EPA specifically solicits comments and information to enable it to:

(i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(ii) Evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) Enhance the quality, utility, and clarity of the information to be collected; and

(iv) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses. In particular, EPA is requesting comments from very small businesses (those that employ less than 25) on examples of specific additional efforts that EPA could make to reduce the paperwork burden for very small businesses affected by this collection.

What Should I Consider When I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible and provide specific examples.
2. Describe any assumptions that you used.
3. Provide copies of any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.
5. Offer alternative ways to improve the collection activity.
6. Make sure to submit your comments by the deadline identified under **DATES.**
7. To ensure proper receipt by EPA, be sure to identify the docket ID number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

What Information Collection Activity or ICR Does This Apply to?

Docket ID No. EPA–OAR–2007–0093.

Affected entities: Entities potentially affected by this action are State, local or tribal governments.

Title: Clean Air Act Tribal Authority.

ICR numbers: EPA ICR No. 1676.05, OMB Control No. 2060–0306.

ICR status: This ICR is currently scheduled to expire on 12/31/2007. 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: This Information Collection Request (ICR) seeks authorization for tribes to demonstrate their eligibility to be treated in the same manner as states under the Clean Air Act (CAA) and to submit applications to implement a CAA program. This ICR extends the collection period of information for determining eligibility, which expires December 31, 2007. The ICR also is revising the estimates of burden costs for tribes in completing a CAA application.

The program regulation provides for Indian tribes, if they so choose, to assume responsibility for the development and implementation of CAA programs. The regulation, Indian Tribes: Air Quality Planning and Management (Tribal Authority Rule [TAR] 40 CFR parts 9, 35, 49, 50 and 81), sets forth how tribes may seek authority to implement their own air quality planning and management programs. The rule establishes: (1) Which CAA provisions Indian tribes may seek authority to implement, (2) what requirements the tribes must meet when seeking such authorization, and (3) what Federal financial assistance may be available to help tribes establish and manage their air quality programs. The TAR provides tribes the authority to administer air quality programs over all air resources, including non-Indian owned fee lands, within the exterior boundaries of a reservation and other areas over which the tribe can demonstrate jurisdiction. An Indian tribe that takes responsibility for a CAA program would essentially be treated in the same way as a state would be treated for that program.

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, and are identified on the form and/or instrument, if applicable.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 40 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.

The ICR provides a detailed explanation of the Agency's estimate, which is only briefly summarized here:

Estimated total number of potential respondents: 27.

Frequency of response: one-time application.

Estimated total average number of responses for each respondent: 1.

Estimated total annual burden hours: 360.

Estimated total annual costs: $18,838.80. This includes an estimated burden cost of $18,838.80 and an estimated cost of $0 for capital investment or maintenance and operational costs.

Are There Changes in the Estimates From the Last Approval?

There is no decrease of hours in the total estimated respondent burden compared with that identified in the ICR currently approved by OMB.

What Is the Next Step in the Process for This ICR?

EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval pursuant to 5 CFR 1320.12. At that time, EPA will issue another **Federal Register** notice pursuant to 5 CFR 1320.5(a)(1)(iv) to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB. If you have any questions about this ICR or the approval process, please contact the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

Dated: June 28, 2007.

Elizabeth Craig,

Acting Assistant Administrator for Office of Air and Radiation.

[FR Doc. E7–13113 Filed 7–5–07; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2007–0038; FRL–8136–9]

Management Support Technology, Inc. and System Integration Group, Inc.; Transfer of Data

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces that pesticide related information submitted to EPA's Office of Pesticide Programs (OPP) pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Federal Food, Drug, and Cosmetic Act (FFDCA), including information that may have been claimed as Confidential Business Information (CBI) by the submitter, will be transferred to Management Support Technology, Inc. and its subcontractor, System Integration Group, Inc. in accordance with 40 CFR 2.307(h)(3) and 2.308(i)(2). Management Support Technology, Inc. and its subcontractor, System Integration Group, Inc., have been awarded a contract to perform work for OPP, and access to this information will enable Management Support Technology, Inc. and its subcontractor, System Integration Group, Inc., to fulfill the obligations of the contract.

DATES: Management Support Technology, Inc. and its subcontractor, System Integration Group, Inc. will be given access to this information on or before July 11, 2007.

FOR FURTHER INFORMATION CONTACT: Felicia Croom, Information Technology and Resources Management Division (7502P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 305–0786; e-mail address: *croom.felicia@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action applies to the public in general. As such, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

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

1. *Docket.* EPA has established a docket for this action under docket identification (ID) number EPA–HQ–OPP–2007–0038. Publicly available docket materials are available either in the electronic docket at *http://www.regulations.gov*, or, if only available in hard copy, at the Office of Pesticide Programs (OPP) Regulatory Public Docket in Rm. S–4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. The hours of operation of this Docket Facility are from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket Facility telephone number is (703) 305–5805.

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

II. Contractor Requirements

Under Contract No. EP–W–07–063, Management Support Technology, Inc. and its subcontractor, System Integration Group, Inc., will provide image production support for study documents. This support involves the conversion of paper source documents into digital images. Management Support Technology, Inc. will provide image production support for pesticide administrative documents (registration jackets) including application forms and other forms associated with pesticide registration applications, pesticide product labels. And correspondence associated with pesticide registrations. Provide document destruction services.

The OPP has determined that access by Management Support Technology, Inc. and its subcontractor, System Integration Group, Inc. to information on all pesticide chemicals may be necessary for the performance of this contract.

Some of this information may be entitled to confidential treatment. The information has been submitted to EPA under sections 3, 4, 6, and 7 of FIFRA and under sections 408 and 409 of FFDCA.

In accordance with the requirements of 40 CFR 2.307(h)(2), the contract with Management Support Technology, Inc. and its subcontractor, System Integration Group, Inc. prohibits use of the information for any purpose not specified in the contract; prohibits disclosure of the information to a third party without prior written approval from the Agency; and requires that each official and employee of the contractor

sign an agreement to protect the information from unauthorized release and to handle it in accordance with the *FIFRA Information Security Manual*. In addition, Management Support Technology, Inc. and its subcontractor, System Integration Group, Inc., are required to submit for EPA approval a security plan under which any CBI will be secured and protected against unauthorized release or compromise. No information will be provided to Management Support Technology, Inc. and its subcontractor, System Integration Group, Inc., until the requirements in this document have been fully satisfied. Records of information provided to Management Support Technology, Inc. and its subcontractor, System Integration Group, Inc., will be maintained by EPA Project Officers for this contract. All information supplied to Management Support Technology, Inc. and its subcontractor, System Integration Group, Inc., by EPA for use in connection with this contract will be returned to EPA when Management Support Technology, Inc. and its subcontractor, System Integration Group, Inc., have completed their work.

List of Subjects

Environmental protection, Business and industry, Government contracts, Government property, Security measures.

Dated: June 25, 2007.

Robert A. Forrest,

Acting Director, Office of Pesticide Programs.

[FR Doc. E7–13005 Filed 7–5–07; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–6688–7]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act and Section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at 202–564–7167.

An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in the **Federal Register** dated April 6, 2007 (72 FR 17156).

Draft EISs

EIS No. 20070089, ERP No. D–MMS–A09833–00, PROGRAMMATIC—Alternative Energy Development and Production and Alternate Use of Facilities on the Outer Continental Shelf, Implementation, Atlantic, Gulf of Mexico, Pacific and Alaska.

Summary: EPA does not object to the proposed action. Rating LO.

EIS No. 20070131, ERP No. D–IBR–G39048–NM, Navajo-Gallup Water Supply Project, To Provide a Long-Term (Year 2040) Water Supply, Treatment and Transmission of Municipal and Industrial (M&I) Water to Navajo National and Jicarilla Apache Nation, City of Gallup, New Mexico.

Summary: EPA does not object to the proposed action. Rating LO.

Final EISs

EIS No. 20070157, ERP No. F–MMS–A02244–00, Outer Continental Shelf Oil & Gas Leasing Program: 2007–2012, Exploration and Development Offshore Marine Environment and Coastal Counties of AL, AK, DE, FL, LA, MD, MS, NJ, NC, TX, and VA.

Summary: EPA does not object to the proposed action.

EIS No. 20070195, ERP No. F–AFS–L65514–AK, Traitors Cove Timber Sale Project, Timber Harvest and Road Construction, Implementation, Revillagigedo Island, Ketchikan-Misty Fiords Ranger District, Tongass National Forest, AK.

Summary: EPA continues to have environmental concerns about potential cumulative water quality impacts.

EIS No. 20070201, ERP No. F–FHW–H40188–00, US 59—Amelia Earhart Memorial Bridge over the Missouri River, Construction from Atchison, Kansas to U.S. 59/State Route 45 Intersection, US Coast Guard Section 9 Permit and U.S. Army COE Section 10 and 404 Permits, Atchison, KS and Buchanan County, MO.

Summary: No formal comment letter was sent to the preparing agency.

EIS No. 20070202, ERP No. F–AFS–L65497–ID, South Fork Salmon River Subbasin Noxious and Invasive Weed Management Program, Implementation, Krassel and McCall Ranger Districts, Payette National Forest and Cascade Ranger District, Valley and Idaho Counties, ID.

Summary: EPA's previous concerns have been resolved; therefore, EPA does not object to the proposed action.

EIS No. 20070232, ERP No. F–FHW–H50002–00, Bellevue Bridge Study, To Improve Connectivity between the Omaha Metropolitan Area and across the Missouri River from U.S. 75 to I–29, Coast Guard Permit, NPDES Permit, U.S. Army COE Section 10 and 404 Permits, Mills County, IA and Sarp County, NE.

Summary: EPA's previous issues have been resolved; therefore, EPA does not object to the action as proposed.

Dated: July 2, 2007.

Robert Hargrove,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. E7–13093 Filed 7–5–07; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–6688–6]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564–7167 or *http://www.epa.gov/compliance/nepa/*.

Weekly receipt of Environmental Impact Statements

Filed 06/25/2007 Through 06/29/2007

Pursuant to 40 CFR 1506.9.

EIS No. 20070265, Final EIS, AFS, CA, Pilgrim Vegetation Management Project, Proposed Restoration of Forest Health and Ecosystem, Implementation, Shasta-Trinity National Forest, Siskiyou County, CA, *Wait Period Ends:* 08/06/2007. *Contact:* Dennis Poehlmann 530–926–9656. This document is available on the Internet at: *http://www.fs.fed.us/r5/shastatrinity/projects/smmu-projects.shtml*.

EIS No. 20070266, Draft EIS, SFW, 00, Lake Umbagog National Wildlife Refuge, Comprehensive Conservation Plan, 15 Year Guidance for Management of Refuge Operations, Habitat and Visitor Services, Implementation, Coos County, NH and Oxford County, ME. *Comment Period Ends:* 08/20/2007. *Contact:* Nancy McGarigal 413–253–8562.

EIS No. 20070267, Second Draft Supplement, COE, FL, Lake Okeechobee Regulation Schedule Study, New Updated Information, Evaluation of Three New Alternatives on Operational Changes to the Current Water Control Plan, Lake Okeechobee and the Everglades Agricultural Area, Lake Okeechobee, Glades, Okeechobee Hendry, Palm Beach and Martin Counties, FL. *Comment Period Ends:* 08/20/2007. *Contact:* Yvonne L. Haberer 904–232–1701.

EIS No. 20070268, Final EIS, GSA, VT, U.S. Commercial Port of Entry, Replacing existing Station at Route I–91, Design and Construction, Derby Line, Vermont. *Wait Period Ends:* 08/06/2007. *Contact:* Glenn C. Rotondo 617–565–5694.

EIS No. 20070269, Draft EIS, IBR, CA, Lower Yuba River Accord, Proposal to Resolve Instream Flow Issues Associated with Operation, Yuba River, Yuba County, CA. *Comment Period Ends:* 08/24/2007. *Contact:* Tamara LaFramboise 916–978–5269.

EIS No. 20070270, Draft EIS, NRC, MD, License Renewal of the National Bureau of Standards Reactor (NBSR), Renew the Operating License for an Addditional 20 Years, National Institute of Standards and Technology (NIST), NUREG–1873, Montgomery County, MD. *Comment Period Ends:* 09/05/2007. *Contact:* Dennis Beissel 301–415–2145.

EIS No. 20070271, Final EIS, AFS, WI, Fishbone Project Area, Vegetation and Road Management, Implementation, Washburn Ranger District, Chequamegon-Nicolet National Forest, Bayfield County, WI. *Wait Period Ends:* 08/06/2007. *Contact:* Jennifer Maziasz 715–373–2267 Ext 235.

EIS No. 20070272, Draft EIS, STB, UT, Central Utah Rail Project, Six Counties Association of Governments, Construction and Operation Exemption Rail Line between Levan and Salina, Right-of-Way Application, Docket No. FD 34075, Sanpete, Sevier, Juab Counties, UT. *Comment Period Ends:* 08/22/2007. *Contact:* Phillis Johnson-Ball 202–245–0304.

EIS No. 20070273, Draft Supplement, MMS, 00, Eastern Planning Area Outer Continental Shelf (OCS) Oil and Gas Lease Sale 224, Gulf of Mexico Offshore Marine Environment and Coastal Marshes/Counties of LA, MS, AL, and North Western Florida. *Comment Period Ends:* 08/20/2007. *Contact:* Dr. Sally Valdes 703–787–1707.

EIS No. 20070274, Draft EIS, COE, MD, Atlantic Coast of Maryland Shoreline Protection Project, Proposed Dredging of Several New Offshore Shoals to Provide Sand for Borrow Sources from 2010 to 2044, Ocean City, Worcester County, MD. *Comment Period Ends:* 08/28/2007. *Contact:* Christopher Spaur 410–962–6134.

EIS No. 20070275, Draft EIS, FHW, CA, Eureka–Arcata Route 101 Corridor Improvement Project, Proposed Roadway Improvements on Route 101 between the Eureka Slough Bridge and 11th St. Overcrossing in Arcata, Humbolt County, CA. *Comment Period Ends:* 08/24/2007. *Contact:* Lanh Phan 916–498–5046.

EIS No. 20070276, Draft Supplement, COE, MS, Pascagoula Harbor Navigation Channel Project, To Construct Congressionally Authorized Widening and Deepening Improvements, To Update the FEIS–1985, Jackson County, MS. *Comment Period Ends:* 08/20/2007. *Contact:* Jenny L. Jackson 251–690–2724.

EIS No. 20070277, Draft EIS, CGD, AL, Bienville Offshore Energy Terminal Deepwater Port License Application, Proposes to Construct and Operate a Liquefied Natural Gas Receiving and Regasification Facility, Outer Continental Shelf of the Gulf of Mexico, South of Fort Morgan, AL. *Comment Period Ends:* 08/20/2007. *Contact:* Mary Jager 202–372–1454.

EIS No. 20070278, Draft EIS, FHW, CA, Tier 1—Placer Parkway Corridor Preservation Project, Select and Preserve a Corridor for the Future Construction from CA–70/99 to CA 65, Placer and Sutter Counties, CA. *Comment Period Ends:* 08/20/2007. *Contact:* Cesar Perez 916–498–5065.

EIS No. 20070279, Final EIS, AFS, WA, White Pass Expansion Master Development Plan, Implementation, Naches Ranger District, Okanogan-Wenatchee National Forests and Cowlitz Valley Ranger District, Gifford Pinchot National Forest, Yakima and Lewis Counties, WA. *Wait Period Ends:* 08/06/2007. *Contact:* Randy Shepard 509–653–1446.

EIS No. 20070280, Final EIS, USA, VA, Fort Belvoir 2005 Base Realignment and Closure (BRAC). Recommendations and Related Army Actions, Implementation, Fairfax County, VA. *Wait Period Ends:* 08/06/2007. *Contact:* Bob Ross 703–602–2878.

Dated: July 2, 2007.

Robert W. Hargrove,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. E7–13095 Filed 7–5–07; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP–2007–0402; FRL–8136–8]

Bioban P–1487 Risk Assessment; Notice of Availability and Risk Reduction Options

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the availability of EPA's risk assessments, and related documents for the pesticide Bioban P–1487, and opens a public comment period on these documents. The public is encouraged to suggest risk management ideas or proposals to address the risks identified. EPA is developing a Reregistration Eligibility Decision (RED) for Bioban P–1487 through a modified, 4–Phase public participation process that the Agency uses to involve the public in developing pesticide reregistration decisions. Through this program, EPA is ensuring that all pesticides meet current health and safety standards.

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

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA-HQ-OPP–2007–0402, by one of the following methods:

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

• *Mail*: Office of Pesticide Programs (OPP) Regulatory Public Docket (7502P), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001.

• *Delivery*: OPP Regulatory Public Docket (7502P), Environmental Protection Agency, Rm. S–4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. Deliveries are only accepted during the Docket's normal hours of operation (8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays). Special arrangements should be made for deliveries of boxed information. The Docket Facility telephone number is (703) 305–5805.

Instructions: Direct your comments to docket ID number EPA-HQ-OPP–2007–0402. EPA's policy is that all comments received will be included in the docket without change and may be made available on-line at *http://www.regulations.gov*, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through regulations.gov or e-mail. The Federal regulations.gov website is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through regulations.gov, your e-mail address will be automatically

captured and included as part of the comment that is placed in the docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the docket are listed in the docket index available in regulations.gov. To access the electronic docket, go to *http://www.regulations.gov*, select ''Advanced Search,'' then ''Docket Search.'' Insert the docket ID number where indicated and select the ''Submit'' button. Follow the instructions on the regulations.gov web site to view the docket index or access available documents. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either in the electronic docket at *http://www.regulations.gov*, or, if only available in hard copy, at the OPP Regulatory Public Docket in Rm. S–4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. The hours of operation of this Docket Facility are from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket Facility telephone number is (703) 305–5805.

FOR FURTHER INFORMATION CONTACT:

Michelle Centra, Antimicrobials Division (7510P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 308–2476; fax number: (703) 305–5620; e-mail address: *centra.michelle @epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general, and may be of interest to a wide range of stakeholders including environmental, human health, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides. Since others also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. What Should I Consider as I Prepare My Comments for EPA?

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

2. *Tips for preparing your comments*. When submitting comments, remember to:

i. Identify the document by docket ID number and other identifying information (subject heading, **Federal Register** date and page number).

ii. Follow directions. The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.

iii. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

iv. Describe any assumptions and provide any technical information and/or data that you used.

v. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

vi. Provide specific examples to illustrate your concerns and suggest alternatives.

vii. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

viii. Make sure to submit your comments by the comment period deadline identified.

II. Background

A. What Action is the Agency Taking?

EPA is releasing for public comment its human health and environmental fate and effects risk assessment and related documents for Bioban P–1487, an antimicrobial pesticide, and soliciting public comment on risk management ideas or proposals. Bioban P–1487, a mixture of the two active ingredients morpholine and dimorpholine, is currently registered for indoor non-food and non-feed use as an antimicrobial agent (inhibition of microbial growth and materials preservative) for the control of slime-forming fungi and bacteria. EPA developed the risk assessment and risk characterization for Bioban P–1487 through a modified version of its public process for making pesticide reregistration eligibility and tolerance reassessment decisions. Through these programs, EPA is ensuring that pesticides meet current standards under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Federal Food, Drug, and Cosmetic Act (FFDCA), as amended by the Food Quality Protection Act of 1996 (FQPA).

For inhibition of microorganism growth, Bioban P–1487 containing products are approved for use in industrial processes and water systems such as metalworking fluids; oil storage tank bottom water, fuel storage tank bottom water; and diesel oil, fuel oil, gasoline, and kerosene (hydrocarbon preservation). Bioban P–1487 is also used as a materials preservative in die cast lubricants, corrosion inhibiting metal coatings, mold-release agents (manufacture of plastics), and diesel engines (fuel conditioner).

EPA is providing an opportunity, through this notice, for interested parties to provide comments and input on the Agency's risk assessment for Bioban P–1487. Such comments and input could address, for example, the availability of additional data to further refine the risk assessments, such as an acute inhalation toxicity study, a 90–day inhalation toxicity study, a 90–day subchronic dermal toxicity study conducted in the rabbit, a two-generational reproductive toxicity study, a combined chronic toxicity/carcinogenicity study, acute toxicity testing of rainbow trout, acute toxicity testing of Daphnid, algal growth testing using freshwater green algae, application and/or treatment rates for occupational uses of metalworking fluids and fuels, and monitoring data to confirm the estimated (CMA and/or PHED) dermal and inhalation unit exposure values, or could address the Agency's risk assessment methodologies and assumptions as applied to this specific pesticide.

Through this notice, EPA also is providing an opportunity for interested parties to provide risk management

proposals or otherwise comment on risk management for Bioban P–1487. The risk of concern associated with the use of Bioban P–1487 is: Occupational handler (machinist) dermal exposure to metalworking fluids. In targeting these risks of concern, the Agency solicits information on effective and practical risk reduction measures.

EPA seeks to achieve environmental justice, the fair treatment and meaningful involvement of all people, regardless of race, color, national origin, or income, in the development, implementation, and enforcement of environmental laws, regulations, and policies. To help address potential environmental justice issues, the Agency seeks information on any groups or segments of the population who, as a result of their location, cultural practices, or other factors, may have atypical, unusually high exposure to Bioban P–1487, compared to the general population.

EPA is applying the principles of public participation to all pesticides undergoing reregistration and tolerance reassessment. The Agency's Pesticide Tolerance Reassessment and Reregistration; Public Participation Process, published in the **Federal Register** on May 14, 2004, (69 FR 26819) (FRL–7357–9), explains that in conducting these programs, the Agency is tailoring its public participation process to be commensurate with the level of risk, extent of use, complexity of the issues, and degree of public concern associated with each pesticide. For Bioban P–1487, a modified, 4–Phase process with 1 comment period and ample opportunity for public consultation seems appropriate in view of its refined risk assessment, limited use, small number of users, few complex issues, and few affected stakeholders. However, if as a result of comments received during this comment period EPA finds that additional issues warranting further discussion are raised, the Agency may lengthen the process and include a second comment period, as needed.

All comments should be submitted using the methods in **ADDRESSES**, and must be received by EPA on or before the closing date. Comments will become part of the Agency Docket for Bioban P–1487. Comments received after the close of the comment period will be marked ''late.'' EPA is not required to consider these late comments.

B. What is the Agency's Authority for Taking this Action?

Section 4(g)(2) of FIFRA as amended directs that, after submission of all data concerning a pesticide active ingredient, ''the Administrator shall determine whether pesticides containing such active ingredient are eligible for reregistration,'' before calling in product-specific data on individual end-use products and either reregistering products or taking other ''appropriate regulatory action.''

Section 408(q) of the FFDCA, 21 U.S.C. 346a(q), requires EPA to review tolerances and exemptions for pesticide residues in effect as of August 2, 1996, to determine whether the tolerance or exemption meets the requirements of section 408(b)(2) or (c)(2) of FFDCA. This review was completed by August 3, 2006.

List of Subjects

Environmental protection, Pesticides and pests.

Dated: June 25, 2007.

Betty Shackleford,

Acting Director, Antimicrobials Division, Office of Pesticide Programs.

[FR Doc. E7–12738 Filed 7–5–07; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2007–0364; FRL–8138–3]

Glutaraldehyde Risk Assessment; Notice of Availability and Risk Reduction Options

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the availability of EPA's risk assessment and related documents for the pesticide glutaraldehyde, and opens a public comment period on these documents. The public is encouraged to suggest risk management ideas or proposals to address the risks identified. EPA is developing a Reregistration Eligibility Decision (RED) for Glutaraldehyde through a modified, 4-Phase public participation process that the Agency uses to involve the public in developing pesticide reregistration decisions. Through this program, EPA is ensuring that all pesticides meet current health and safety standards.

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

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPP–2007–0364, by one of the following methods:

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

• *Mail*: Office of Pesticide Programs (OPP) Regulatory Public Docket (7502P), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001.

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Instructions: Direct your comments to docket ID number EPA–HQ–OPP–2007–0364. EPA's policy is that all comments received will be included in the docket without change and may be made available on-line at *http://www.regulations.gov*, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through regulations.gov or e-mail. The Federal regulations.gov website is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through regulations.gov, your e-mail address will be automatically captured and included as part of the comment that is placed in the docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

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vii. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

viii. Make sure to submit your comments by the comment period deadline identified.

II. Background

A. What Action is the Agency Taking?

EPA is releasing for public comment its human health and environmental fate and effects risk assessment and related documents for glutaraldehyde, an antimicrobial pesticide, and soliciting public comment on risk management ideas or proposals. Glutaraldehyde is registered for use in disinfectant, sanitizer, biocide, fungicide, microbiocide, tuberculocide, and virucide antimicrobial products. EPA developed the risk assessment and risk characterization for glutaraldehyde through a modified version of its public process for making pesticide reregistration eligibility and tolerance reassessment decisions. Through these programs, EPA is ensuring that pesticides meet current standards under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Federal Food, Drug, and Cosmetic Act (FFDCA), as amended by the Food Quality Protection Act of 1996 (FQPA).

As an antimicrobial agent, glutaraldehyde is applied to various sites, including food handling and food storage establishments such as commercial egg hatcheries, poultry/livestock equipment and processing premises, animal feeding and watering equipment; commercial/industrial buildings and trucks, construction materials, and laundry equipment; oil recovery drilling muds and secondary oil recovery injection water; metalworking cutting fluids; commercial/industrial water cooling systems and evaporative condenser and heat exchanger water systems; hospital, veterinary and laboratory premises/equipment in addition to critical hospital plastic and rubber items; industrial coatings; and in the manufacture of a variety of materials as a preservative: cleaners, adhesives, paper and paperboard, water based coatings, latex paints, inks and dyes. It is not registered for any direct food uses. Glutaraldehyde containing products are also approved for use in aquatic areas such as ponds, flood water and sewage water and cooling tower water.

EPA is providing an opportunity, through this notice, for interested parties to provide comments and input on the Agency's risk assessment for glutaraldehyde. Such comments and input could address, for example, the availability of additional data to further refine the risk assessments, such as an aerobic soil metabolism study; nontarget plant phytotoxicity tests in four species; seedling emergence and vegetative vigor testing; monitoring data in soil; and water for once-through cooling tower use, or could address the Agency's risk assessment methodologies and assumptions as applied to this specific pesticide.

Through this notice, EPA also is providing an opportunity for interested parties to provide risk management proposals or otherwise comment on risk management for glutaraldehyde. Risks of concern associated with the use of glutaraldehyde are: Residential handler inhalation and dermal exposures to paint and laundry detergent; residential postapplication inhalation exposures to paints and cooling tower emissions; occupational handler inhalation exposures to hard surface disinfection in medical, dental, and veterinary offices and poultry houses; occupational postapplication inhalation exposures to professional painters; and occupational postapplication dermal exposures to machinists using metal working fluids, and toxicity to terrestrial and aquatic organisms. In targeting these risks of concern, the Agency solicits information on effective and practical risk reduction measures.

EPA seeks to achieve environmental justice, the fair treatment and meaningful involvement of all people, regardless of race, color, national origin, or income, in the development,

implementation, and enforcement of environmental laws, regulations, and policies. To help address potential environmental justice issues, the Agency seeks information on any groups or segments of the population who, as a result of their location, cultural practices, or other factors, may have atypical, unusually high exposure to glutaraldehyde, compared to the general population.

EPA is applying the principles of public participation to all pesticides undergoing reregistration and tolerance reassessment. The Agency's Pesticide Tolerance Reassessment and Reregistration; Public Participation Process, published in the **Federal Register** on May 14, 2004 (69 FR 26819) (FRL–7357–9), explains that in conducting these programs, the Agency is tailoring its public participation process to be commensurate with the level of risk, extent of use, complexity of the issues, and degree of public concern associated with each pesticide. For glutaraldehyde, a modified, 4-Phase process with 1 comment period and ample opportunity for public consultation seems appropriate in view of its refined risk assessment. However, if as a result of comments received during this comment period EPA finds that additional issues warranting further discussion are raised, the Agency may lengthen the process and include a second comment period, as needed.

All comments should be submitted using the methods in **ADDRESSES**, and must be received by EPA on or before the closing date. Comments will become part of the Agency Docket for glutaraldehyde. Comments received after the close of the comment period will be marked ''late.'' EPA is not required to consider these late comments.

B. What is the Agency's Authority for Taking this Action?

Section 4(g)(2) of FIFRA as amended directs that, after submission of all data concerning a pesticide active ingredient, ''the Administrator shall determine whether pesticides containing such active ingredient are eligible for reregistration,'' before calling in product-specific data on individual end-use products and either reregistering products or taking other ''appropriate regulatory action.''

Section 408(q) of the FFDCA, 21 U.S.C. 346a(q), requires EPA to review tolerances and exemptions for pesticide residues in effect as of August 2, 1996, to determine whether the tolerance or exemption meets the requirements of section 408(b)(2) or (c)(2) of FFDCA. This review was completed by August 3, 2006.

List of Subjects

Environmental protection, Pesticides and pests.

Dated: June 27, 2007.

Betty Shackleford,

Acting Director, Antimicrobials Division, Office of Pesticide Programs.

[FR Doc. E7–12996 Filed 7–5–07; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2007–0037; FRL–8135–7]

Pesticide Registration Review; New Dockets Opened for Review and Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has established registration review dockets for the following pesticides: 1-Methyl-3, 5, 7-Triaza-1-Azoniatricyclodecane Chloride (Busan 1024), Case number 5026; and 2,4-Imidazolidinedione, Case number 5020. With this document, EPA is opening the public comment period for these registration reviews. Registration review is EPA's periodic review of pesticide registrations to ensure that each pesticide continues to satisfy the statutory standard for registration, that is, the pesticide can perform its intended function without unreasonable adverse effects on human health or the environment. Registration review dockets contain information that will assist the public in understanding the types of information and issues that the Agency may consider during the course of registration reviews. Through this program, EPA is ensuring that each pesticide's registration is based on current scientific and other knowledge, including its effects on human health and the environment.

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

ADDRESSES: Submit your comments identified by the docket identification (ID) number for the specific pesticide of interest provided in the table in Unit III.A., by one of the following methods:

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

• *Mail*: Office of Pesticide Programs (OPP) Regulatory Public Docket (7502P), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001.

• *Delivery*: OPP Regulatory Public Docket (7502P), Environmental Protection Agency, Rm. S–4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. Deliveries are only accepted during the Docket's normal hours of operation (8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays). Special arrangements should be made for deliveries of boxed information. The Docket Facility telephone number is (703) 305–5805.

Instructions: Direct your comments to the docket ID numbers listed in the table in Unit III.A. For the pesticides you are commenting on. EPA's policy is that all comments received will be included in the docket without change and may be made available on-line at *http://www.regulations.gov*, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through regulations.gov or e-mail. The regulations.gov website is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through regulations.gov, your e-mail address will be automatically captured and included as part of the comment that is placed in the docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the docket are listed in the docket index available at regulations.gov. To access the electronic docket, go to *http://www.regulations.gov*, select ''Advanced Search,'' then ''Docket Search.'' Insert the docket ID number where indicated and select the ''Submit'' button. Follow the instructions on the regulations.gov web site to view the docket index or access available documents. 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 electronically at *http://www.regulations.gov*, or, if only available in hard copy, at the OPP Regulatory Public Docket in Rm. S–4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. The hours of operation of this Docket Facility are from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket Facility telephone number is (703) 305–5805.

FOR FURTHER INFORMATION CONTACT: For information about the pesticides included in this document, contact the specific Chemical Review Managers for these pesticides as identified in the table in Unit III.A.

For general questions on the registration review program, contact Kennan Garvey, Special Review and Reregistration Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 305–7106; fax number: (703) 308–8090; e-mail address: *garvey.kennan@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general, and may be of interest to a wide range of stakeholders including environmental, human health, farmworker, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides. Since others also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. What Should I Consider as I Prepare My Comments for EPA?

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

2. *Tips for preparing your comments.* When submitting comments, remember to:

i. Identify the document by docket ID number and other identifying information (subject heading, **Federal Register** date and page number).

ii. Follow directions. The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.

iii. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

iv. Describe any assumptions and provide any technical information and/or data that you used.

v. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

vi. Provide specific examples to illustrate your concerns and suggest alternatives.

vii. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

viii. Make sure to submit your comments by the comment period deadline identified.

II. Authority

EPA is initiating its reviews of the pesticides identified in this document pursuant to section 3(g) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Procedural Regulations for Registration Review published in the **Federal Register** of August 9, 2006, and effective on October 10, 2006 (71 FR 45719) (FRL–8080–4). You may also access the Procedural Regulations for Registration Review on the Agency's website at *http://www.epa.gov/fedrgstr/EPA-PEST/2006/August/Day-09/p12904.htm*. Section 3(g) of FIFRA provides, among other things, that the registrations of pesticides are to be periodically reviewed. The goal is a review of a pesticide's registration every 15 years. Under FIFRA section 3(a), a pesticide product may be registered or remain registered only if it meets the statutory standard for registration given in FIFRA section 3(c)(5). When used in accordance with widespread and commonly recognized practice, the pesticide product must perform its intended function without unreasonable adverse effects on the environment; that is, without any unreasonable risk to man or the environment, or a human dietary risk from residues that result from the use of a pesticide in or on food.

III. Registration Reviews

A. What Action is the Agency Taking?

As directed by FIFRA section 3(g), EPA is periodically reviewing pesticide registrations to assure that they continue to satisfy the FIFRA standard for registration—that is, they can still be used without unreasonable adverse effects on human health or the environment. The implementing regulations establishing the procedures for registration review appear at 40 CFR part 155. A pesticide's registration review begins when the Agency establishes a docket for the pesticide's registration review case and opens the docket for public review and comment. At present, EPA is opening registration review dockets for the cases identified in the following table.

TABLE—REGISTRATION REVIEW DOCKETS OPENING

Registration Review Case Name and Number	Pesticide Docket ID Number	Chemical Review Manager, Telephone Number, E-Mail Address
1-Methyl-3, 5, 7-Triaza-1-Azoniatricyclodecane Chloride (Busan 1024); Case 5026	EPA–HQ–OPP–2006–0243	K. Avivah Jakob, (703) 305–1328, jakob.kathryn@epa.gov
2,4-Imidazolidinedione; Case 5020	EPA–HQ–OPP–2006–0244	Diane Isbell, (703) 308–8154, isbell.diane@epa.gov

B. Docket Content

1. *Review dockets*. The registration review dockets contain information that the Agency may consider in the course of the registration review. The Agency may include information from its files including, but not limited to, the following information:

• An overview of the registration review case status.

• A list of current product registrations and registrants.

• **Federal Register** notices regarding any pending registration actions.

• **Federal Register** notices regarding current or pending tolerances.

• Risk assessments.

• Bibliographies concerning current registrations.

• Summaries of incident data.

• Any other pertinent data or information.

Each docket contains a document summarizing what the Agency currently knows about the pesticide case and a preliminary work plan for anticipated data and assessment needs. Additional documents provide more detailed information. During this public comment period, the Agency is asking that interested persons identify any additional information they believe the Agency should consider during the registration reviews of these pesticides. The Agency identifies in each docket the areas where public comment is specifically requested, though comment in any area is welcome.

2. *Other related information*. More information on these cases, including the active ingredients for each case, may be located in the registration review schedule on the Agency's website at *http://www.epa.gov/oppsrrd1/registration_review/schedule.htm*. Information on the Agency's registration review program and its implementing regulation may be seen at *http://www.epa.gov/oppsrrd1/registration_review*.

3. *Information submission requirements*. Anyone may submit data or information in response to this document. To be considered during a pesticide's registration review, the submitted data or information must meet the following requirements:

• To ensure that EPA will consider data or information submitted, interested persons must submit the data or information during the comment period. The Agency may, at its discretion, consider data or information submitted at a later date.

• The data or information submitted must be presented in a legible and useable form. For example, an English translation must accompany any material that is not in English and a written transcript must accompany any information submitted as an audiographic or videographic record. Written material may be submitted in paper or electronic form.

• Submitters must clearly identify the source of any submitted data or information.

• Submitters may request the Agency to reconsider data or information that the Agency rejected in a previous review. However, submitters must explain why they believe the Agency should reconsider the data or information in the pesticide's registration review.

• As provided in 40 CFR 155.58, the registration review docket for each pesticide case will remain publicly accessible through the duration of the registration review process; that is, until all actions required in the final decision on the registration review case have been completed.

List of Subjects

Environmental protection, Pesticides and pests, antimicrobials, Busan 1024, 2,4-Imidazolidinedione.

Dated: June 26, 2007.

James B. Gulliford,

Assistant Administrator, Office of Prevention, Pesticides and Toxic Substances.

[FR Doc. E7–12869 Filed 7–5–07; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2005–0231; FRL–8137–5]

Metaldehyde; Amendment and Closure of Reregistration Eligibility Decision; Notice of Availability

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's intention to modify certain provisions of the 2006 Reregistration Eligibility Decision (RED) for the pesticide metaldehyde. EPA is amending the metaldehyde RED in response to comments received during the public comment period on the RED and new information considered by the Agency after the RED was issued. The public comments submitted during the comment period have prompted the Agency to reconsider several risk mitigation measures discussed in the RED. This reconsideration has resulted in revisions to several elements of the risk mitigation program, including product labeling.

FOR FURTHER INFORMATION CONTACT: Jill Bloom, Special Review and Reregistration Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 308–8019; fax number: (703) 308–7070; e-mail address: *bloom.jill]@epa.gov*.

SUPPLEMENTARY INFORMATION: This action is directed to the public in general, and may be of interest to a wide range of stakeholders including environmental, human health, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides. Since others also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

II. Background

A. What Action is the Agency Taking?

Under section 4 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), EPA is reevaluating existing pesticides to ensure that they meet current scientific and regulatory standards. In 2006, EPA issued a RED for metaldehyde under section 4(g)(2)(A) of FIFRA. In response to a notice of availability published in the **Federal Register** on August 9, 2006 (71 FR 45551) (FRL–8067–1), the Agency received comments from stakeholders, including a dog owner, registrants, government agencies, and users.

The Agency reviewed these comments and additional information that became available after the RED was released, and determined that certain changes were warranted to the explanatory text and requirements of the RED. These changes are captured in the amendment to the metaldehyde RED, which includes the revised label table. These documents, and an analysis of the comments received during the public comment period on the RED, may be found on the public docket at *www.regulations.gov* (use the advanced search for docket ''OPP-2005-0231''). Changes to the RED made in response to comments and additional information are summarized in this Notice.

Several commenters thought that the precautionary labeling and storage restrictions required by the RED for end-use products were excessive in length and contained redundant phrases. The Agency has reexamined this labeling, and is revising it to be more concise.

The phrase, ''metaldehyde can be fatal to children and dogs...if ingested'' and its variants in the precautionary statements are being revised in response to a comment that fatal poisonings of children have not been ascribed to metaldehyde. Because nonlethal incidents in children have been recorded, the subject phrase is revised to note that metaldehyde may be harmful to children if ingested.

Also in reference to precautionary labeling, some commenters suggested that it is premature to require two poisoning hotline numbers, one each for incidents in humans and in domestic animals, or to designate that poisoning calls be routed to NPIC. The Agency has reexamined its requirements and agrees that its concerns can be addressed through the use of a standardized incident handling and data collection system, covering both human and domestic animal exposures, by entities that the registrants choose for their hotline service.

Other changes to the precautionary statements were made in response to comments on the environmental hazard statements, as detailed in the amendment, and can be viewed from the docket.

The Agency solicited ideas for a graphic warning to be placed on the front of residential end-use product labels. The purpose of the graphic is to draw attention to the need for keeping children and pets out of treated areas from the time the metaldehyde product is applied until the applied product is no longer visible. No comments were submitted offering alternatives to the graphic suggested by the RED, so the RED is now revised to require that the suggested graphic, i.e., a red circle with the words ''Children'' and ''Pets'' within the circle and with a red bar running diagonally through it, be incorporated onto the front of the label.

The Agency received comments on key general application restrictions and repeating language in the Directions for Use portions of the labels. The Agency determined that some additional restrictions would be added, that the repetition was warranted, and that unusual restrictions must be offset from the surrounding text by the use of boldface or other contrasting type. The Agency also abbreviated the cultural practices language to be more concise. These changes are incorporated into the amended label table to the RED.

One registrant requested that the number of applications allowed on blueberries be increased from two per season to three. During development of the original mitigation plan, the Agency consulted an expert in the field who advised that blueberry growers have a critical need for a third application in years of high rainfall and high pest pressure. The Agency's restriction to two applications per season was made in error and the number of applications is increased to three in the amended RED. Three aplications per season is a decrease from the assessed five per season.

Based on comments from stakeholders and additional research findings obtained after the RED was released, the Agency has determined that the requirement for adding blue dye to metaldehyde pellets will be withdrawn. The comments and information led the Agency to conclude that the blue-dyed pellets would not with certainty reduce wildlife ingestion of metaldehyde formulations, and that the blue color might turn out to be attractive to children.

USDA's Animal and Plant Health Inspection Service commented that some use sites the Agency excluded from product labels (such as railroad rights-of-way) were essential to the Service's program for controlling invasive slug and snail species that threaten plant and human health. The Agency is allowing these use sites within a ''Special Use Box'' on the labels of products that have been used this way in the past or which may be used in this manner. The Special Use Box indicates that such applications must only be made in response to Federal and/or State mollusk eradication operations.

The body of the RED is revised in several places to expand on EPA findings and correct errors based on comments submitted by the registrants. The comparison of costs for metaldehyde and alternatives is revised to address the differences in maximum vs. typical application rates. A passage describing the potential for exposures other than ingestion to cause death in domestic animals is corrected to note that while such exposures are possible, they are not known to be fatal.

The metaldehyde RED will be implemented with the changes cited above, as detailed in the amendment and the revised label table posted on the public docket.

B. What is the Agency's Authority for Taking this Action?

Section 4(g)(2) of FIFRA as amended directs that, after submission of all data concerning a pesticide active ingredient, ''the Administrator shall determine whether pesticides containing such active ingredient are eligible for reregistration,'' before calling in product specific data on individual end-use products and either reregistering products or taking other ''appropriate regulatory action.''

List of Subjects

Environmental protection, Pesticides and pests.

Dated: June 26, 2007.

Peter Caulkins,

Acting Director, Special Review and Reregistration Division, Office of Pesticide Programs

[FR Doc. E7–12865 Filed 7–5–07; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2007-0081; FRL-8136-3]

Notice of Filing of a Pesticide Petition for an Exemption from the Requirements of a Tolerance for Thymol (as Present in Thyme Oil) in or on Food Commodities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the initial filing of a pesticide petition proposing the exemption of regulations for residues of thymol (as present in thyme oil) in or on various food commodities.

DATES: Comments must be received on or before August 6, 2007.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA-HQ-OPP-2007-0081 and the pesticide petition number (PP) 6F7147, by one of the following methods:

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

• *Mail*: Office of Pesticide Programs (OPP) Regulatory Public Docket (7502P), Environmental Protection Agency, 1200 Pennsylvania Ave., NW, Washington, DC 20460-0001.

• *Delivery*: OPP Regulatory Public Docket (7502P), Environmental Protection Agency, Rm. S-4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. Deliveries are only accepted during the Docket's normal hours of operation (8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays). Special arrangements should be made for deliveries of boxed information. The Docket Facility telephone number is (703) 305-5805.

Instructions: Direct your comments to docket ID number EPA-HQ-OPP-2007-0081. EPA's policy is that all comments

received will be included in the docket without change and may be made available on-line at *http://www.regulations.gov*, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through regulations.gov or e-mail. The regulations.gov website is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through regulations.gov, your e-mail address will be automatically captured and included as part of the comment that is placed in the docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the docket are listed in the docket index available in regulations.gov. To access the electronic docket, go to *http://www.regulations.gov*, select ''Advanced Search,'' then ''Docket Search.'' Insert the docket ID number where indicated and select the ''Submit'' button. Follow the instructions on the regulations.gov website to view the docket index or access available documents. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either in the electronic docket at *http://www.regulations.gov*, or, if only available in hard copy, at the OPP Regulatory Public Docket in Rm. S-4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. The hours of operation of this Docket Facility are from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket Facility telephone number is (703) 305-5805.

FOR FURTHER INFORMATION CONTACT:

Adam Heyward, Product Manager (PM) 34, Antimicrobials Division (7510P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 308-6422; e-mail address: *heyward.adam@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected entities may include, but are not limited to:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. What Should I Consider as I Prepare My Comments for EPA?

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

2. *Tips for preparing your comments*. When submitting comments, remember to:

i. Identify the document by docket ID number and other identifying information (subject heading, **Federal Register** date and page number).

ii. Follow directions. The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.

iii. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

iv. Describe any assumptions and provide any technical information and/or data that you used.

v. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

vi. Provide specific examples to illustrate your concerns and suggest alternatives.

vii. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

viii. Make sure to submit your comments by the comment period deadline identified.

II. What Action is the Agency Taking?

EPA is printing notice of the filing of a pesticide petition received under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, proposing the establishment or modification of regulations in 40 CFR part 180 for residues of pesticide chemicals in or on various food commodities. EPA has determined that the pesticide petition described in this notice contains data or information regarding the elements set forth in FFDCA section 408(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data supports granting of the pesticide petition. Additional data may be needed before EPA rules on this pesticide petition.

Pursuant to 40 CFR 180.7(f), a summary of the petition included in this notice, prepared by the petitioner, is included in a docket EPA has created for this rulemaking. The docket for this petition is available on-line at *http://www.regulations.gov*.

New Exemption from Tolerance

PP 6F7147. Sensible Life Products (Division of LBD, Ltd.), 34-7 Innovation Dr., Ontario, Canada L9H7H9, proposes to establish an exemption from the requirement of a tolerance for residues of the antimicrobial, thymol (as present in thyme oil) in or on food commodities when used as a hard surface disinfectant. Because this petition is a request for an exemption from the requirement of a tolerance without

numerical limitations, no analytical method is required.

List of Subjects

Environmental protection, Agricultural commodities, Feed additives, Food additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: June 27, 2007.

Betty Shackleford,

Acting Director, Antimicrobials Division, Office of Pesticide Programs.

[FR Doc. E7–12995 Filed 7–5–07; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2007–0432; FRL–8134–4]

(E,E)-9,11-Tetradecadien-1-yl Acetate; Receipt of Application for Emergency Exemption, and Solicitation of Public Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received a quarantine exemption request from the United States Department of Agriculture/Animal and Plant Health Inspection Service (USDA/APHIS) to use the pesticide (E,E)-9,11-tetradecadien-1-yl acetate (CAS No. 30562–09–5) to treat host plants to control the Light Brown Apple Moth (LBAM). The Applicant proposes the use of a new chemical which has not been registered by EPA. Due to the unique nature of this emergency situation, in which the time to review the conditions of this situation was short, it was not possible to issue a solicitation for public comment, in accordance with 40 CFR 166.24, prior to the Agency's decision to grant these exemptions.

DATES: EPA is waiving the public comment period, as allowed in 40 CFR 166.24, due to the short period of time available with which to review this situation and render a timely decision. However, comments may still be submitted and will be evaluated.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPP–2007–0432, by one of the following methods:

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

• *Mail*: Office of Pesticide Programs (OPP) Regulatory Public Docket (7502P), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001.

• *Delivery*: OPP Regulatory Public Docket (7502P), Environmental Protection Agency, Rm. S–4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. Deliveries are only accepted during the Docket's normal hours of operation (8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays). Special arrangements should be made for deliveries of boxed information. The Docket Facility telephone number is (703) 305–5805.

Instructions: Direct your comments to docket ID number EPA–HQ–OPP–2007–0432. EPA's policy is that all comments received will be included in the docket without change and may be made available on-line at *http://www.regulations.gov*, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through regulations.gov or e-mail. The Federal regulations.gov website is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through regulations.gov, your e-mail address will be automatically captured and included as part of the comment that is placed in the docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the docket are listed in the docket index available in regulations.gov. To access the electronic docket, go to *http://www.regulations.gov*, select ''Advanced Search,'' then ''Docket Search.'' Insert the docket ID number where indicated and select the ''Submit'' button. Follow the instructions on the regulations.gov web site to view the docket index or access available documents. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either in the electronic docket at *http://www.regulations.gov*, or, if only available in hard copy, at the OPP Regulatory Public Docket in Rm. S–4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. The hours of operation of this Docket Facility are from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket Facility telephone number is (703) 305–5805.

FOR FURTHER INFORMATION CONTACT: Andrew Ertman, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 308–9367; fax number: (703) 605–0781; e-mail address: *ertman.andrew@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected entities may include, but are not limited to:

• Crop production (NAICS code 111).

• Animal production (NAICS code 112).

• Food manufacturing (NAICS code 311).

• Pesticide manufacturing (NAICS code 32532).

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. To determine whether you or your business may be affected by this action, you should carefully examine the applicability of the provisions discussed above. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. What Should I Consider as I Prepare My Comments for EPA?

1. *Submitting CBI*. Do not submit this information to EPA through

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

2. *Tips for preparing your comments.* When submitting comments, remember to:

i. Identify the document by docket ID number and other identifying information (subject heading, **Federal Register** date and page number).

ii. Follow directions. The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.

iii. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

iv. Describe any assumptions and provide any technical information and/or data that you used.

v. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

vi. Provide specific examples to illustrate your concerns and suggest alternatives.

vii. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

II. What Action is the Agency Taking?

Under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136p), at the discretion of the Administrator, a Federal or State agency may be exempted from any provision of FIFRA if the Administrator determines that emergency conditions exist which require the exemption. USDA/APHIS has requested the Administrator to issue a quarantine exemption for the use of (E,E)-9,11-tetradecadien-1-yl acetate on host plants to control the LBAM. Information in accordance with 40 CFR part 166 was submitted as part of this request.

As part of this request, the Applicant asserts that requested chemical is needed as part of a quarantine program to eradicate the LBAM. The LBAM destroys, stunts, or deforms young seedlings, spoils the appearance of ornamental plants, and injures deciduous fruit-tree crops, citrus, and grapes. LBAM has the potential to cause significant economic losses due to increased production costs and the possible loss of international and domestic markets. The impact on production costs for LBAM hosts may exceed $100 million in the state of California.

The Applicant proposes to place the pheromone dispensers in tree crops and field crops. Dispensers are to be applied uniformly throughout the treated acreage to obtain a reduction in mating. Between 200 to 300 dispensers should be used per acre.

This notice does not constitute a decision by EPA on the application itself. The regulations governing section 18 of FIFRA require publication of a notice of receipt of an application for a specific exemption proposing use of a new chemical (i.e., an active ingredient) which has not been registered by EPA. The notice provides an opportunity for public comment on the application.

EPA is waiving the public comment period, as allowed in 40 CFR 166.24, due to the short period of time available with which to review this situation and render a timely decision. However, comments may still be submitted and will be evaluated.

List of Subjects

Environmental protection, Pesticides and pests.

Dated: June 22, 2007.

Lois Rossi,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. E7–12872 Filed 7–5–07; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[FRL–8336–6]

Casmalia Superfund Site; Notice of Proposed CERCLA Administrative De Minimis Settlement

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; request for public comment.

SUMMARY: In accordance with section 122(i) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (''CERCLA''), 42 U.S.C. 9622(i), the EPA is hereby providing notice of a proposed administrative *de minimis* settlement concerning the Casmalia Superfund Site in Santa Barbara County, California (''the Casmalia Superfund Site''). Section 122(g) of CERCLA, 42 U.S.C. 9622(g), provides EPA with the authority to enter into administrative *de minimis* settlements. This settlement is intended to resolve the liabilities of 31 settling parties for the Casmalia Superfund Site under CERCLA and section 7003 of the Resource Conservation and Recovery Act (''RCRA''), 42 U.S.C. 6973. The settlement will also resolve the Casmalia Superfund Site-related liability for response costs incurred or to be incurred, and potential natural resource damage claims, by the United States Fish and Wildlife Service, the National Oceanic and Atmospheric Administration, and the United States Air Force. The settling parties will pay a total of $1,067,477 to EPA.

DATES: EPA will receive written comments relating to the settlement until August 10, 2007. The EPA will consider all comments it receives during this period, and may modify or withdraw its consent to the settlement if any comments disclose facts or considerations indicating that the settlement is inappropriate, improper, or inadequate.

In accordance with section 7003(d) of RCRA, 42 U.S.C. 6973(d), commenters may request an opportunity for a public meeting in the affected area. The deadline for requesting a public meeting is July 19, 2007. Requests for a public meeting may be made by calling Karen Goldberg at (415) 972–3951, or e-mailing her at *goldberg.karen@epa.gov*, or submitting a written request by facsimile addressed to her at (415) 947–3570.

ADDRESSES: Written comments should be addressed to Casmalia Case Team, U.S. Environmental Protection Agency Region IX, 75 Hawthorne Street (mail code SFD–7–1), San Francisco, California 94105–3901.

FOR FURTHER INFORMATION CONTACT: Additional information about the Casmalia Superfund Site and about the proposed settlement may be obtained on the Casmalia Web site at: *http://www.epa.gov/region09/Casmalia* or by calling Karen Goldberg at (415) 972–3951.

LIST OF SETTLING PARTIES

PRP	Volume (pounds)
AK Steel Corporation, Successor by Merger to Armco, Inc	1,112,240
Bioresearch, Inc	25,366
Carlsbad Unified School District	682,892
City of San Jose	411,927
E.C. Loomis & Son	1,268,700
General Atomics	369,696
Goleta Water District	212,560
Guadalupe Union School District	55,140
Kevex Corporation	431
Lear Siegler Diversified Holdings Corp	1,555,738
Paccar, Inc	511,100
Plessey Semiconductors, Inc	167,208
Redevelopment Agency of San Jose	78,200
Santa Palm Car Wash	777,886
Saticoy Lemon Association	278,898
Siemens Energy & Automation	158,722
Siemens Holding, LLC	76,021
Siemens Information & Communication Networks, Inc	34,979
Siemens Medical Systems, Inc., Oncology Care Systems Group	8,972
Sweetwater Union High School District	54,518
Technitron Incorporated	51,918
Tenneco Packaging, Inc. (n/k/a Pactiv Corporation)	166,718
Thermo Finnigan LLC, formerly Finnigan Corporation	10,907
Thermo Securities Corporation (as Successor to Cal-Doran Metallurgical Services)	64,206
Thermo Separation Product, Inc	1,514
U.S. Coast Guard	604,643
U.S. Department of Interior	18,420
U.S. Department of Veterans Affairs	871,758
United States Environmental Protection Agency	72,501

Dated: June 26, 2007.

Keith Takata,

Director, Superfund Division, Region IX.

[FR Doc. E7–13124 Filed 7–5–07; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[Docket #EPA–RO4–SFUND–2007–0518; FRL–8336–4]

Climan Transportation of the Carolinas, Inc. Truck Wreck Livingston, Rockcastle County, KY; Notice of Settlement

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of settlement.

SUMMARY: Under Section 122(h)(1) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), the United States Environmental Protection Agency has entered into a settlement for reimbursement of past response concerning the Climan Transportation of the Carolinas, Inc. Truck Wreck located in Livingston, Rockcastle County, Kentucky.

DATES: The Agency will consider public comments settlement until August 6, 2007. The Agency will consider all comments received and may modify or withdraw its consent to the settlement if comments received disclose facts or considerations which indicate that the settlement is inappropriate, improper, or inadequate.

ADDRESSES: Copies of the settlement are available from Ms. Paula V. Batchelor. Submit your comments, identified by Docket ID No. EPA–RO4–SFUND–2007–0518 or Site name Climan Transportation of the Carolinas, Inc. Truck Wreck Superfund Site by one of the following methods:

- *http://www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *E-mail: Batchelor.Paula@epa.gov.*
- *Fax:* 404/562–8842/Attn Paula V. Batchelor.

Mail: Ms. Paula V. Batchelor, U.S. EPA Region 4, SD–SEIMB, 61 Forsyth Street, SW., Atlanta, Georgia 30303. ''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., NW., Washington, DC 20503.''

Instructions: Direct your comments to Docket ID No. EPA–R04–SFUND–2007–0518. 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 U.S. EPA Region 4 office located at 61 Forsyth Street, SW., Atlanta, Georgia 30303. Regional office is open from 7 a.m. until 6:30 p.m. Monday through Friday, excluding legal holidays.

Written comments may be submitted to Ms. Batchelor within 30 calendar days of the date of this publication.

FOR FURTHER INFORMATION CONTACT: Paula V. Batchelor at 404/562–8887.

Dated: June 20, 2007.

Greg Armstrong,

Acting Chief, Superfund Enforcement & Information Management Branch, Superfund Division.

[FR Doc. E7–13114 Filed 7–5–07; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL ELECTION COMMISSION

Sunshine Act Meeting

DATE AND TIME: Tuesday, July 10, 2007 at 10 a.m.

PLACE: 999 E Street, NW., Washington, DC.

STATUS: This meeting will be closed to the public.

ITEMS TO BE DISCUSSED:

Compliance matters pursuant to 2 U.S.C. 437g.

Audits conducted pursuant to 2 U.S.C. 437g, 438(b), and Title 26, U.S.C.

Matters concerning participation in civil actions or proceedings or arbitration.

Internal personnel rules and procedures or matters affecting a particular employee.

DATE AND TIME: Wednesday, July 11, 2007 at 10 a.m.

PLACE: 999 E Street, NW., Washington, DC.

STATUS: This hearing will be open to the public.

MATTER BEFORE THE COMMISSION: Hybrid Communications.

DATE AND TIME: Thursday, July 12, 2007 at 10 a.m.

PLACE: 999 E Street, NW., Washington, DC (ninth floor).

STATUS: This meeting will be open to the public.

ITEMS TO BE DISCUSSED:

Correction and Approval of Minutes.

Advisory Opinion 2007–08: Michael King by counsel, Marc Elias and Caroline Goodson.

Notice of Proposed Rulemaking—Use of Campaign Funds for Donations to Non-Federal Candidates and Any Other Lawful Purpose Other Than Personal Use.

Report of the Audit Division on Ted Poe for Congress.

Management and Administrative Matters.

PERSON TO CONTACT FOR INFORMATION: Mr. Robert Biersack, Press Officer, Telephone: (202) 694–1220.

Mary W. Dove,

Secretary of the Commission.

[FR Doc. 07–3313 Filed 7–3–07; 12:27 pm]

BILLING CODE 6715–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

American Indian/Alaska Native Health Disparities Program

AGENCY: Department of Health and Human Services, Office of the Secretary, Office of Public Health and Science, Office of Minority Health.

ACTION: Notice.

Announcement Type: Competitive Initial Announcement of Availability of Funds.

Catalog of Federal Domestic Assistance Number: The CFDA Number is pending.

DATES: To receive consideration, applications must be received by the Office of Grants Management, Office of Public Health and Science (OPHS), Department of Health and Human Services (DHHS) c/o WilDon Solutions, Office of Grants Management Operations Center, Attention Office of Minority Health, American Indian/Alaska Native Health Disparities Program, no later than 5 p.m. Eastern Time on August 6, 2007. The application due date requirement in this announcement supercedes the instructions in the OPHS–1 form.

ADDRESSES: Application kits may be obtained electronically by accessing Grants.gov at *http://www.grants.gov* or GrantSolutions at *www.GrantSolutions.gov.* To obtain a hard copy of the application kit, contact WilDon Solutions at 1–888–203–6161. Applicants may fax a written request to WilDon Solutions at (703) 351–1138 or e-mail the request to *OPHSgrantinfo@teamwildon.com.* Applications must be prepared using Form OPHS–1 ''Grant Application,'' which is included in the application kit.

FOR FURTHER INFORMATION CONTACT: WilDon Solutions, Office of Grants Management Operations Center, 1515 Wilson Blvd., Third Floor Suite 310, Arlington, VA 22209 at 1–888–203–6161, e-mail *OPHSgrantinfo@teamwildon.com,* or fax at 703–351–1138.

SUMMARY: This announcement is made by the United States Department of Health and Human Services (HHS or Department), Office of Minority Health (OMH) located within the Office of Public Health and Science (OPHS), and working in a ''One-Department'' approach collaboratively with participating HHS agencies and programs (entities). As part of a continuing HHS effort to improve the health and well being of racial and ethnic minorities, the Department announces availability of FY 2007 funding for the American Indian/Alaska Native Health Disparities Program (hereafter referred to as the AI/AN Health Disparities Program). OMH is authorized to conduct this program under 42 U.S.C. 300 u–6, section 1707 of the Public Health Service Act, as amended. The mission of the OMH is to improve the health of racial and ethnic minority populations through the development of policies and programs that address disparities and gaps. OMH serves as the focal point in the HHS for leadership, policy development and coordination, service demonstrations, information exchange, coalition and partnership building, and related efforts to address the health needs of racial and ethnic minorities. OMH activities are implemented in an effort to address *Healthy People 2010,* a comprehensive set of disease prevention and health promotion objectives for the Nation to achieve over the first decade of the 21st century (*http://www.healthypeople.gov*). This funding announcement is also made in support of the OMH National Partnership for Action initiative. The mission of the National Partnership for Action is to work with individuals and organizations across the country to create a Nation free of health disparities with quality health outcomes for all by achieving the following five objectives: Increasing awareness of health disparities; strengthening leadership at all levels for addressing health disparities; enhancing patient-provider communication; improving cultural and linguistic competency in delivering health services; and better coordinating

and utilizing research and outcome evaluations.

The AI/AN Health Disparities Program is intended to strengthen the capacity of Tribal Epidemiology Centers (TECs) to collect and manage data more effectively and to better understand and develop the link between public health problems and behavior, socioeconomic conditions, and geography. The establishment of the TECs was authorized by Congress to provide support to tribes in the areas of health data acquisition, analysis, and interpretation. The TECs were identified for this program because they are uniquely positioned to be effective in disease surveillance and control programs, assessing the effectiveness of public health programs and recognizing the significance and complexities of tribal communities, and understand their distinct operating systems. TECs recognize the challenge of adapting their services to geographically isolated communities, whose access to information, technology, data, and manpower varies considerably by tribe. TECs must possess a breadth of knowledge about a multitude of health topics, housing, social and economic issues, and evidence-based methodologies to better inform decision-making and planning. TECs recognize the importance of providing services in a culturally sensitive manner, and understand and appreciate tribal history and customs.

Health disparities continue to plague the American Indian and Alaska Native communities. Tribal leaders have discussed with HHS the numerous health issues that affect their communities and the dearth of American Indian and Alaska Native health professionals. According to the Centers for Disease Control and Prevention:

- Heart disease and cancer are the leading causes of death among American Indians and Alaska Natives;
- American Indian and Alaska Native adults are 60% more likely to have a stroke than white adults are;
- American Indians and Alaska Natives have a 40% higher AIDS rate than their non-Hispanic counterparts do;
- The age-adjusted prevalence of diabetes for American Indians and Alaska Natives is over twice that for all U.S. adults;
- The infant mortality rate for the American Indian and Alaska Native populations is 1.7 times higher than the non-Hispanic white population; and
- The sudden infant death syndrome (SIDS) rate is the highest of any population group, more than double that of whites in 1999.

However, unlike other ethnic minority groups, American Indians and Alaska Natives frequently contend with issues such as: geographic isolation, inadequate sewage disposal, and occasional conflicts between western medical practices and traditional spiritual beliefs, which prevent them from receiving quality medical care.

The American Indian/Alaska Native Health Disparities Program is designed to address these barriers to healthcare as well as concerns raised by Tribal Leaders regarding the lack of American Indian and Alaska Native healthcare professionals, paraprofessionals, and researchers by funding tribal epidemiology centers (TECs). TEC activities include:

- Data collection;
- Evaluating existing delivery systems, data systems, and other systems that impact the improvement of American Indian and Alaska Native health;
- Assisting tribes and urban American Indian and Alaska Native communities in identifying their highest priority health status objectives and the services needed to achieve such objectives, based on epidemiological data;
- Making recommendations for the targeting of services needed by tribal, urban, and other American Indian and Alaska Native communities; and
- Making recommendations to improve healthcare delivery systems for American Indians and Alaska Natives.

However, the mission of TECs is not limited to epidemiological research. TECs are also responsible for the development and implementation of disease control and prevention programs in addition to the coordination of activities with other public health authorities in the region. Different from other potential grant applicants, TECs are ideally situated to work locally and be responsive to the needs and sensitivities of tribal communities while cultivating close collaborative relationships with State and Federal agencies and academic departments. Because of this potential to serve as a bridge between the American Indian and Alaska Native communities and institutions of higher learning, TECs are excellent vehicles for:

- Providing research internships and opportunities to current and future American Indian and Alaska Native health professionals;
- Increasing awareness within the American Indian and Alaska Native populations of the need for healthcare professionals;
- Disseminating information about educational opportunities in the healthcare field; and
- Working cooperatively with tribal providers of health and social services in order to avoid duplication of existing services.

In FY 2007 the AI/AN Health Disparities Program will support projects that enhance the TECs' capacity to carry out disease surveillance, including the interpretation and dissemination of surveillance data; address vital statistics needs; conduct epidemiologic analysis; investigate disease outbreaks; develop disease control and prevention strategies and programs; and/or coordinate with other health agencies in the region. In addition, to building their data capacity, TECs may form collaborative partnerships and alliances to improve access to quality health and human services, and/or design programs to increase the number of American Indians and Alaska Natives serving as health professionals, para-professionals, and researchers. OMH recognizes the importance of optimizing the use of Federal resources and makes this announcement with the expectation of coordinating its efforts under this program with other HHS agencies that support the TECs (e.g., AHRQ, CDC, IHS, NIH) to ensure that activities are complementary and not duplicative.

SUPPLEMENTARY INFORMATION:

Table of Contents

Section I. Funding Opportunity Description
1. Purpose
2. OMH Expectations
3. Applicant Project Results
4. Project Requirements
Section II. Award Information
Section III. Eligibility Information
1. Eligible Applicants
2. Cost Sharing or Matching
3. Other
Section IV. Application and Submission Information
1. Address to Request Application Package
2. Content and Form of Application Submission
3. Submission Dates and Times
4. Intergovernmental Review
5. Funding Restrictions
Section V. Application Review Information
1. Criteria
2. Review and Selection Process
3. Anticipated Award Date
Section VI. Award Administration Information
1. Award Notices
2. Administrative and National Policy Requirements
3. Reporting Requirements
Section VII. Agency Contacts
Section VIII. Other Information
1. Healthy People 2010

2. Definitions

Section I. Funding Opportunity Description

1. Purpose

The purpose of the AI/AN Health Disparities Program is to improve the effectiveness of efforts to eliminate health disparities for American Indian and Alaska Native communities through increased access and utilization of data and data-related activities. Through this FY 2007 announcement, the OMH is promoting utilization of epidemiological data to identify high priority health status objectives and to make recommendations relative to the services and/or activities required to address those objectives. Support will also be provided to projects that include the development of alliances and partnerships to improve coordination of and access to quality health services, and/or the development of programs designed to increase the representation of the American Indians/Alaska Natives in the healthcare workforce (including research positions).

2. OMH Expectations

It is intended that the AI/AN Health Disparities Program will result in:

Enhanced data collection/utilization to identify highest priority health status objectives and services needed to achieve such objectives; and

Development of alliances and partnerships which improve coordination/alignment of health and human services; and/or

Provision of technical training in public health practices and prevention oriented research to create public health career pathways for tribal members.

3. Applicant Project Results

Applicants must identify at least 3 of the 4 following anticipated project results that are consistent with the AI/AN Health Disparities Program overall and OMH expectations:

Increased awareness of health disparities;

Strengthening of leadership at all levels for addressing health disparities;

Improved cultural and linguistic competency; and/or

Improved coordination and utilization of research and outcome evaluations.

The outcomes of these projects will be used to develop other national efforts to address health disparities among American Indian and Alaska Native populations.

4. Project Requirements

Each applicant under the AI/AN Health Disparities Program must implement activities designed to enhance effective data collection and management methods to create better understanding and development of the link between public health problems, behavior, socioeconomic conditions, and geography. Applicants must also propose to conduct activities related to at least one of the following:

Establishment of partnerships and development of systems to improve coordination and continuity of access to quality health and human services; or

Development of methods to establish career pathways for AI/AN health care professionals, paraprofessionals, and researchers.

Section II. Award Information

Estimated Funds Available for Competition: $1,000,000 in FY 2007.

Anticipated Number of Awards: 4.

Range of Awards: $175,000 to $250,000 per year.

Anticipated Start Date: September 1, 2007.

Period of Performance: 5 Years (September 1, 2007 to August 31, 2012).

Budget Period Length: 12 months.

Type of Award: Grant.

Type of Application Accepted: New.

Section III. Eligibility Information

1. Eligible Applicants

To qualify for funding, an applicant must be one of the 12 established Tribal Epidemiologic Centers currently supported by the Indian Health Service.

The organization submitting the application will:

Serve as the lead agency for the project, responsible for its implementation and management; and

Serve as the fiscal agent for the Federal grant awarded.

OMH encourages TECs to work collaboratively on this project. Applications from a group or consortium of TECs must identify one of its members as the lead agency for the project.

To demonstrate coordination between the TEC and participating Tribes, letters of support and collaboration from the participating Tribes should be included with the application.

2. Cost Sharing or Matching

Matching funds are not required for the AI/AN Health Disparities Program.

3. Other

If funding is requested in an amount greater than the ceiling of the award range, the application will be considered non-responsive and will not be entered into the review process. The application will be returned with notification that it did not meet the submission requirements.

Applications that are not complete or that do not conform to or address the criteria of this announcement will be considered non-responsive and will not be entered into the review process. The application will be returned with notification that it did not meet the submission requirements.

An organization may submit no more than one application to the AI/AN Health Disparities Program. Organizations submitting more than one proposal for this grant program will be deemed ineligible. The multiple proposals from the same organization will be returned without comment.

Organizations are not eligible to receive funding from more than one OMH grant program to carry out the same project and/or activities.

Section IV. Application and Submission Information

1. Address To Request Application Kit

Application kits for the AI/AN Health Disparities Program may be obtained by accessing Grants.gov at *http://www.grants.gov* or the GrantSolutions system at *http://www.grantsolutions.gov.* To obtain a hard copy of the application kit for this grant program, contact WilDon Solutions at 1–888–203–6161. Applicants may also fax a written request to WilDon Solutions at (703) 351–1138 or e-mail the request to *OPHSgrantinfo@teamwildon.com.* Applications must be prepared using Form OPHS–1, which can be obtained at the Web sites noted above.

2. Content and Form of Application Submission

A. Application and Submission

Applicants must use Grant Application Form OPHS–1 and complete the Face Page/Cover Page (SF 424), Checklist, and Budget Information Forms for Non-Construction Programs (SF 424A). In addition, the application must contain a project narrative. The project narrative (including summary and appendices) is limited to 75 pages double-spaced. The narrative description of the project must contain the following, in the order presented:

Table of Contents.

Project Summary: Describe key aspects of the Background, Objectives, Program Plan, and Evaluation Plan. The summary is limited to 3 pages.

Background:

Statement of Need: Describe and document, with data, demographic information of the targeted local geographic area(s) that are to be included in the project, the significance and prevalence of health problems or

issues, gaps in services affecting the local targeted communities. Describe demographics of the local American Indian and Alaska Native populations expected to be affected by the project.

Experience: Discuss the applicant organization's background and experience in managing projects/activities, especially those targeting the population to be served. Indicate where the project will be administered within the applicant organization's structure and the reporting channels. Provide a chart of the proposed project's organizational structure, showing who will report to whom.

Objectives: Provide objectives stated in measurable terms including baseline data, improvement targets, and time frames for achievement for the five-year project period.

Program Plan: Provide a plan which clearly describes how the project will be carried out. Describe specific activities and strategies planned to achieve each objective. For each activity, describe how, when, where, by whom, and for whom the activity will be conducted. Describe methods to be employed to enhance data access, collection and utilization. Describe any special studies to be conducted that will inform and enhance the ability of the TECs to collect and manage data more effectively, to better understand and develop the link between public health problems and behavior, and to help guide health policy and action for prioritizing health status objectives and monitor progress toward meeting those objectives. Describe the role of each participating Tribe, tribal organization, and/or other partner involved in project activities. Provide a description of the proposed program staff, including résumés and job descriptions for key staff, qualifications and responsibilities of each staff member, and percent of time each will commit to the project. Provide a description of duties for any proposed consultants. Describe any products to be developed by the project. Provide a time line for each of the five years of the project.

Evaluation Plan: Delineate how program activities will be evaluated. The evaluation plan must clearly articulate how the project will be evaluated to determine if the intended results have been achieved. The evaluation plan must describe, for all funded activities:

Intended results (i.e., impacts and outcomes);

How impacts and outcomes will be measured (i.e., what indicators or measures will be used to monitor and measure progress toward achieving project results);

Methods for collecting and analyzing data on measures;

Evaluation methods that will be used to assess impacts and outcomes;

Evaluation expertise that will be available for this purpose;

How results are expected to contribute to the objectives of the Program as a whole, and Healthy People 2010 goals and objectives; and

The potential for replicating the evaluation methods for similar efforts.

Discuss plans and describe the vehicle (e.g., manual, CD) that will be used to document the steps which others may follow to replicate the proposed project in similar communities.

Describe plans for disseminating project results.

Appendices:

—Submit letters of support from collaborating tribal partners and other collaborating organizations (if applicable).

—Include other relevant information in this section.

In addition to the project narrative, the application must contain a detailed budget justification which includes a narrative explanation and indicates the computation of expenditures for each year for which grant support is requested. The budget request must include funds for key project staff to attend an annual OMH grantee meeting. (The budget justification does not count toward the page limitation.)

B. Data Universal Numbering System Number (DUNS)

Applications must have a Dun & Bradstreet (D&B) Data Universal Numbering System number as the universal identifier when applying for Federal grants. The D&B number can be obtained by calling (866) 705–5711 or through the Web site at *http://www.dnb.com/us/.*

3. Submission Dates and Times

To be considered for review, applications must be received by the Office of Public Health and Science (OPHS), Office of Grants Management, c/o WilDon Solutions, by 5 p.m. Eastern Time on August 6, 2007. Applications will be considered as meeting the deadline if they are received on or before the deadline date. The application due date requirement in this announcement supercedes the instructions in the OPHS–1 form.

Submission Mechanisms

OPHS provides multiple mechanisms for the submission of applications, as described in the following sections. Applicants will receive notification via mail from the OPHS Office of Grants Management confirming the receipt of applications submitted using any of these mechanisms. Applications submitted to the OPHS Office of Grants Management after the deadlines described below will not be accepted for review. Applications which do not conform to the requirements of the grant announcement will not be accepted for review and will be returned to the applicant.

While applications are accepted in hard copy, the use of the electronic application submission capabilities provided by the Grants.gov and GrantSolutions.gov systems is strongly encouraged. Applications may only be submitted electronically via the electronic submission mechanisms specified below. Any applications submitted via any other means of electronic communication, including facsimile or electronic mail, will not be accepted for review.

In order to apply for new funding opportunities which are open to the public for competition, you may access the Grants.gov Web site portal. All OPHS funding opportunities and application kits are made available on Grants.gov. If your organization has/had a grantee business relationship with a grant program serviced by the OPHS Office of Grants Management, and you are applying as part of ongoing grantee related activities, please access GrantSolutions.gov.

Electronic grant application submissions must be submitted no later than 5 p.m. Eastern Time on the deadline date specified in the **DATES** section of the announcement using one of the electronic submission mechanisms specified below. All required hardcopy original signatures and mail-in items must be received by the OPHS Office of Grants Management, c/o WilDon Solutions, no later than 5 p.m. Eastern Time on the next business day after the deadline date specified in the **DATES** section of the announcement.

Applications will not be considered valid until all electronic application components, hardcopy original signatures, and mail-in items are received by the OPHS Office of Grants Management according to the deadlines specified above. Application submissions that do not adhere to the due date requirements will be considered late and will be deemed ineligible.

Applicants are encouraged to initiate electronic applications early in the application development process, and to submit early on the due date or before. This will aid in addressing any

problems with submissions prior to the application deadline.

Electronic Submissions via the Grants.gov Web site Portal

The Grants.gov Web site Portal provides organizations with the ability to submit applications for OPHS grant opportunities. Organizations must successfully complete the necessary registration processes in order to submit an application. Information about this system is available on the Grants.gov Web site, *http://www.grants.gov.*

In addition to electronically submitted materials, applicants may be required to submit hard copy signatures for certain Program related forms, or original materials as required by the announcement. It is imperative that the applicant review both the grant announcement, as well as the application guidance provided within the Grants.gov application package, to determine such requirements. Any required hard copy materials, or documents that require a signature, must be submitted separately via mail to the OPHS Office of Grants Management, and, if required, must contain the original signature of an individual authorized to act for the applicant agency and the obligations imposed by the terms and conditions of the grant award. When submitting the required forms, do not send the entire application. Complete hard copy applications submitted after the electronic submission will not be considered for review.

Electronic applications submitted via the Grants.gov Web site Portal must contain all completed online forms required by the application kit, the Program Narrative, Budget Narrative, and any appendices or exhibits. All required mail-in items must be received by the due date requirements specified above. Mail-In items may only include publications, resumes, or organizational documentation. When submitting the required forms, do not send the entire application. Complete hard copy applications submitted after the electronic submission will not be considered for review.

Upon completion of a successful electronic application submission via the Grants.gov Web site Portal, the applicant will be provided with a confirmation page from Grants.gov indicating the date and time (Eastern Time) of the electronic application submission, as well as the Grants.gov Receipt Number. It is critical that the applicant print and retain this confirmation for their records, as well as a copy of the entire application package. All applications submitted via the Grants.gov Web site Portal will be validated by Grants.gov. Any applications deemed ''Invalid'' by the Grants.gov Web site Portal will not be transferred to the GrantSolutions system, and OPHS has no responsibility for any application that is not validated and transferred to OPHS from the Grants.gov Web site Portal. Grants.gov will notify the applicant regarding the application validation status. Once the application is successfully validated by the Grants.gov Web site Portal, applicants should immediately mail all required hard copy materials to the OPHS Office of Grants Management to be received by the deadlines specified above. It is critical that the applicant clearly identify the Organization name and Grants.gov Application Receipt Number on all hard copy materials.

Once the application is validated by Grants.gov, it will be electronically transferred to the GrantSolutions system for processing. Upon receipt of both the electronic application from the Grants.gov Web site Portal, and the required hardcopy mail-in items, applicants will receive notification via mail from the OPHS Office of Grants Management confirming the receipt of the application submitted using the Grants.gov Web site Portal.

Applicants should contact Grants.gov regarding any questions or concerns regarding the electronic application process conducted through the Grants.gov Web site Portal.

Electronic Submissions via the GrantSolutions System

OPHS is a managing partner of the GrantSolutions.gov system. GrantSolutions is a full life-cycle grants management system managed by the Administration for Children and Families, Department of Health and Human Services (HHS), and is designated by the Office of Management and Budget (OMB) as one of the three Government-wide grants management systems under the Grants Management Line of Business initiative (GMLoB). OPHS uses GrantSolutions for the electronic processing of all grant applications, as well as the electronic management of its entire Grant portfolio.

When submitting applications via the GrantSolutions system, applicants are required to submit a hard copy of the application face page (Standard Form 424) with the original signature of an individual authorized to act for the applicant agency and assume the obligations imposed by the terms and conditions of the grant award. If required, applicants will also need to submit a hard copy of the Standard Form LLL and/or certain Program related forms (e.g., Program Certifications) with the original signature of an individual authorized to act for the applicant agency. When submitting the required forms, do not send the entire application. Complete hard copy applications submitted after the electronic submission will not be considered for review.

Electronic applications submitted via the GrantSolutions system must contain all completed online forms required by the application kit, the Program Narrative, Budget Narrative, and any appendices or exhibits. The applicant may identify specific mail-in items to be sent to the Office of Grants Management separate from the electronic submission; however these mail-in items must be entered on the GrantSolutions Application Checklist at the time of electronic submission, and must be received by the due date requirements specified above. Mail-In items may only include publications, resumes, or organizational documentation. When submitting the required forms, do not send the entire application. Complete hard copy applications submitted after the electronic submission will not be considered for review.

Upon completion of a successful electronic application submission, the GrantSolutions system will provide the applicant with a confirmation page indicating the date and time (Eastern Time) of the electronic application submission. This confirmation page will also provide a listing of all items that constitute the final application submission including all electronic application components, required hardcopy original signatures, and mail-in items, as well as the mailing address of the OPHS Office of Grants Management where all required hard copy materials must be submitted.

As items are received by the OPHS Office of Grants Management, the electronic application status will be updated to reflect the receipt of mail-in items. It is recommended that the applicant monitor the status of their application in the GrantSolutions system to ensure that all signatures and mail-in items are received.

Mailed or Hand-Delivered Hard Copy Applications

Applicants who submit applications in hard copy (via mail or hand-delivered) are required to submit an original and two copies of the application. The original application must be signed by an individual authorized to act for the applicant agency or organization and to assume for the organization the obligations

imposed by the terms and conditions of the grant award.

Mailed or hand-delivered applications will be considered as meeting the deadline if they are received by the OPHS Office of Grant Management on or before 5 p.m. Eastern Time on the deadline date specified in the **DATES** section of the announcement. The application deadline date requirement specified in this announcement supersedes the instructions in the OPHS–1. Applications that do not meet the deadline will be returned to the applicant unread.

4. Intergovernmental Review

The Executive Order 12372 ''Intergovernmental Review of Federal Programs'' does not apply to this program. The Public Health System Impact Statement (PHSIS) does not apply to this program.

5. Funding Restrictions

Budget Request If funding is requested in an amount greater than the ceiling of the award range, the application will be considered non-responsive and will not be entered into the review process. The application will be returned with notification that it did not meet the submission requirements.

Grant funds may be used to cover costs of:

Personnel
Consultants
Equipment
Supplies (including screening and outreach supplies)
Grant-related travel (domestic only), including attendance at an annual OMH grantee meeting
Other grant-related costs

Grant funds may not be used for:

Building alterations or renovations
Construction
Fund-raising activities
Job training
Medical care, treatment or therapy
Political education and lobbying
Research studies involving human subjects
Vocational rehabilitation.

Guidance for completing the budget can be found in the Program Guidelines, which are included with the complete application kit.

Section V. Application Review Information

1. Criteria

The technical review of the AI/AN Health Disparities Program applications will consider the following four generic factors listed, in descending order of weight.

A. Factor 1: Program Plan (40%)

Appropriateness and merit of proposed approach and specific activities for each objective.

Logic and sequencing of the planned approaches as they relate to the statement of need and to the objectives.

• Qualifications and appropriateness of proposed staff or requirements for ''to be hired'' staff and consultants.

Proposed staff level of effort.

Appropriateness of defined roles including staff reporting channels and that of any proposed consultants.

B. Factor 2: Evaluation Plan (25%)

The degree to which intended results are appropriate for the objectives of the AI/AN Health Disparities Program overall, stated objectives of the proposed project and proposed activities.

Appropriateness of the proposed methods for data collection (including demographic data to be collected on project participants), analysis, and reporting.

Suitability of process, outcome, and impact measures.

Clarity of the intent and plans to assess and document progress toward achieving objectives, planned activities, and intended outcomes.

Potential for the proposed project to impact the health status of the target population(s) relative to the health areas addressed.

Soundness of the plan to document the project for replicability in similar communities.

Soundness of the plan to disseminate project results.

Potential for replicating the evaluation methods for similar efforts by this or other applications.

C. Factor 3: Background (20%)

Demonstrated knowledge of the problem at the local level.

Significance and prevalence of targeted health issues in the proposed community and target population(s).

Extent to which the applicant demonstrates access to the target population(s), and whether it is well positioned and accepted within the community(ies) to be served.

Extent and documented outcome of past efforts and activities with the target population.

Applicant's capability to manage and evaluate the project as determined by:

The applicant organization's experience in managing project/activities involving evidence-based data and data-related activities (including special studies that informs decision-making applying evidence-based methods).

The applicant organization's experience in managing project activities involving the target population.

The applicant's organizational structure and proposed project organizational structure.

Demonstrate clear lines of authority of the applicant and partner organizations.

D. Factor 4: Objectives (15%)

Merit of the objectives.

Relevance to Healthy People 2010 and National Partnership for Action objectives.

Relevance to the AI/AN Health Disparities Program purpose and expectations, and to the stated problem to be addressed by the proposed project.

Degree to which the objectives are stated in measurable terms.

Attainability of the objectives in the stated time frames.

2. Review and Selection Process

Accepted AI/AN Health Disparities Program applications will be reviewed for technical merit in accordance with Public Health Service (PHS) policies. Applications will be evaluated by an Objective Review Committee (ORC). Committee members are chosen for their expertise in minority health and health disparities, and their understanding of the unique health problems and related issues confronted by the racial and ethnic minority populations in the United States. Funding decisions will be determined by the Deputy Assistant Secretary for Minority Health who will take under consideration:

The recommendations and ratings of the ORC; and

Geographic distribution.

3. Anticipated Award Date

September 1, 2007.

Section VI. Award Administration Information

1. Award Notices

Successful applicants will receive a notification letter from the Deputy Assistant Secretary for Minority Health and a Notice of Grant Award (NGA), signed by the OPHS Grants Management Officer. The NGA shall be the only binding, authorizing document between the recipient and the Office of Minority Health. Unsuccessful applicants will receive notification from OPHS.

2. Administrative and National Policy Requirements

In accepting this award, the grantee stipulates that the award and any activities thereunder are subject to all provisions of 45 CFR parts 74 and 92,

currently in effect or implemented during the period of the grant.

The DHHS Appropriations Act requires that, when issuing statements, press releases, requests for proposals, bid solicitations, and other documents describing projects or programs funded in whole or in part with Federal money, all grantees shall clearly state the percentage and dollar amount of the total costs of the program or project which will be financed with Federal money and the percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

3. Reporting Requirements

A successful applicant under this notice will submit: (1) Semi-annual progress reports; (2) an annual Financial Status Report; and (3) a final progress report and Financial Status Report in the format established by the OMH, in accordance with provisions of the general regulations which apply under ''Monitoring and Reporting Program Performance,'' 45 CFR Part 74.51–74.52, with the exception of State and local governments to which 45 CFR part 92, Subpart C reporting requirements apply.

Uniform Data Set: The Uniform Data Set (UDS) is a Web-based system used by OMH grantees to electronically report progress data to OMH. It allows OMH to more clearly and systematically link grant activities to OMH-wide goals and objectives, and document programming impacts and results. All OMH grantees are required to report program information via the UDS (*http://www.dsgonline.com/omh/uds*). Training will be provided to all new grantees on the use of the UDS system during the annual grantee meeting.

Grantees will be informed of the progress report due dates and means of submission. Instructions and report format will be provided prior to the required due date. The Annual Financial Status Report is due no later than 90 days after the close of each budget period. The final progress report and Financial Status Report are due 90 days after the end of the project period. Instructions and due dates will be provided prior to required submission.

Section VII. Agency Contacts

For application kits, submission of applications, and information on budget and business aspects of the application, please contact: WilDon Solutions, Office of Grants Management Operations Center, 1515 Wilson Blvd., Third Floor Suite 310, Arlington, VA 22209 at 1–888–203–6161, e-mail *OPHSgrantinfo@teamwildon.com,* or fax 703–351–1138.

For questions related to the AI/AN Health Disparities Grant Program or assistance in preparing a grant proposal, contact Ms. Sonsiere Cobb-Souza, Director, Division of Program Operations, Office of Minority Health, Tower Building, Suite 600, 1101 Wootton Parkway, Rockville, MD 20852. Ms. Cobb-Souza can be reached by telephone at (240) 453–8444 or by e-mail at *sonsiere.cobb-souza@hhs.gov.*

For additional technical assistance, contact the OMH Regional Minority Health Consultant for your region listed in your grant application kit.

For health information, call the Office of Minority Health Resource Center (OMHRC) at 1–800–444–6472.

Section VIII. Other Information

1. Healthy People 2010

The PHS is committed to achieving the health promotion and disease prevention objectives of Healthy People 2010, a PHS-led national activity announced in January 2000 to eliminate health disparities and improve years and quality of life. More information may be found on the Healthy People 2010 Web site: *http://www.healthypeople.gov/* and copies of the documents may be downloaded. Copies of the Healthy People 2010: Volumes I and II can be purchased by calling (202) 512–1800 (cost $70 for a printed version; $20 for CD–ROM). Another reference is the Healthy People 2010 Final Review—2001.

For one free copy of the Healthy People 2010, contact: The National Center for Health Statistics, Division of Data Services, 3311 Toledo Road, Hyattsville, MD 20782, or by telephone at (301) 458–4636. Ask for HHS Publication No. (PHS) 99–1256. This document may also be downloaded from: *http://www.healthypeople.gov.*

2. Definitions

For purposes of this announcement, the following definitions apply:

Minority Populations—American Indian or Alaska Native, Asian, Black or African American, Hispanic or Latino, and Native Hawaiian or Other Pacific Islander. (42 U.S.C. 300u–6, section 1707 of the Public Health Service Act, as amended).

Tribal Epidemiology Centers—Entities whose mission includes enhancing the health and wellness of American Indian and Alaska Native communities; the implementation and enhancement of data systems; disease surveillance, bioterrorism and disease outbreak protocols; guidance of public health policy; and facilitation of disease control and prevention programs.

Tribal Organizations—Tribal organizations that may partner with TECs include Federally Recognized Indian Tribes, Tribally sanctioned non-profit tribal organizations or eligible consortium of Tribes.

Dated: June 20, 2007.

Garth N. Graham,

Deputy Assistant Secretary for Minority Health.

[FR Doc. E7–13080 Filed 7–5–07; 8:45 am]

BILLING CODE 4150–29–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–07–0636]

Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call 404–639–5760 or send comments to Maryam I. Daneshvar, Acting, CDC Assistant Reports Clearance Officer, 1600 Clifton Road, MS–D74, Atlanta, GA 30333 or send an e-mail to *omb@cdc.gov.*

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Written comments should be received within 60 days of this notice.

Proposed Project

State-based Evaluation of the Alert Notification Component of CDC's Epidemic Information Exchange (Epi-X) Secure Public Health Communications Network (OMB No. 0920–0636)—3-year Extension—National Center for Health

Marketing (NCHM), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

A central component of the CDC's mission is to strengthen the nation's public health infrastructure by coordinating public health surveillance at CDC and providing domestic and international support through scientific communications and terrorism preparedness and emergency response. The Epidemic Information Exchange (Epi-X) provides CDC and its state and local partners and collaborators with a secure public health communications network intended for routine and emergent information exchange in a secure environment.

Great attention has been focused on improving secure public health communications networks for the dissemination of critical disease outbreak and/or bioterrorism-related events, which may have multi-jurisdictional involvement and cause disease and death within a short time-frame.

The purpose of the information gathered during this notification proficiency testing exercise is to evaluate the extent to which new registrants and currently authorized users of the Epidemic Information Exchange (Epi-X) are able to utilize alert notification functionality to minimize or prevent unnecessary injury or disease-related morbidity and mortality through the use of secure communications and rapid notification systems. In this case, notification alerts would be sent to targeted public health professionals through a ''barrage'' of office cell phone, home telephone, and pager calls to rapidly inform key health authorities from multidisciplinary backgrounds and multiple jurisdictions of evolving and critical public health information, and assist with the decision-making process. Presently, the necessity of this evaluation process is timely because of ongoing terrorism threats and acts perpetrated worldwide.

The survey information will be gathered through an online questionnaire format, and help evaluate user comprehension and facility solely with the targeted notification and rapid alerting functionalities of Epi-X. The questionnaire will consist of both closed- and open-ended items, and will be administered through Zoomerang, an online questionnaire program, or as a last resort, by telephone. Approximately 1,000 Epi-X users from every state of the union will be asked to volunteer input (in a 5–10 question format) about their experiences using the alert notification functionalities of the Epi-X communications system. There will be no cost to respondents, whose participation will be strictly voluntary.

ESTIMATED ANNUALIZED BURDEN HOURS

Respondents	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
Public Health Professionals	1,000	1	10/60	167

Dated: June 29, 2007.

Maryam I. Daneshvar,

Acting Reports Clearance Officer, Centers for Disease Control and Prevention.

[FR Doc. E7–13086 Filed 7–5–07; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Cooperative Agreement to Support the Joint Institute for Food Safety and Applied Nutrition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its intention to receive and consider a single source application for the award of a cooperative agreement in fiscal year 2007 (FY) to the University of Maryland, College Park (UMCP) to support the Joint Institute for Food Safety and Applied Nutrition (JIFSAN). This award will strengthen existing programs and allow expansion of JIFSAN's education, outreach and applied research programs and external partnerships that have already been established.

DATES: Applications are due within 30 days after the publication of the funding opportunity in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Gladys M. Bohler, Office of Acquisition and Grants Services, Food and Drug Administration, 5630 Fishers Lane, rm. 2105, Rockville, MD 20857, 301–827–7168, or e-mail: gladys.melendez-bohler@fda.hhs.gov.

SUPPLEMENTARY INFORMATION:

I. Funding Opportunity Description

Funding Opportunity Number; Notice of Intent to Renew a Cooperative Agreement; RFA–FD–07–001 CFSAN Catalog of Federal Domestic Assistance Number: 93.103

An estimated amount of support in FY07 will be for up to $2.0 million (direct plus indirect cost) the total amount being subject to annual budget appropriations, with an additional 4 years of support. JIFSAN is located on the University of Maryland Campus in College Park, MD. Competition is limited to UMCP because of the unique partnership between FDA and UMCP. The cooperative agreement will continue to allow for a more efficient use of research, scientific, education, and outreach resources which enhance overall public health by expanding and improving food safety and nutrition as well as other program areas that impact on public health policy.

II. Eligibility Information

FDA believes UMCP is uniquely qualified to fulfill the objectives of the proposed cooperative agreement. UMCP is in close proximity to the FDA's Center for Food Safety and Applied Nutrition (CFSAN) and the Center for Veterinary Medicine offices and laboratories in Prince Georges County, MD. UMCP has vast resources which complement and greatly expand FDA's research, scientific, education and outreach resources. As the UMCP and FDA are both located within the greater Washington, DC area increased interactions with the USDA Beltsville Agricultural Research Center and other world class research and medical institutions are possible. UMCP is the Washington region's most comprehensive research institution, with numerous academic programs relevant to FDA's mission and the resources to support CFSAN's areas of interest, including: microbiology, chemistry, food science, animal health sciences, agriculture, public policy, risk assessment, computational science, economics, and survey methodology. UMCP serves as a primary center for

graduate study and research and provides undergraduate and graduate instruction across a broad spectrum of academic disciplines. The University extends its intellectual resources to the community through innovative projects designed to serve individuals, governments and the private sector throughout the State of Maryland, the nation, and the international community.

The University has developed core facilities to provide effective use of state-of-the-art scientific instrumentation with high acquisition, installation, and maintenance costs to conduct research at the forefront of science. An electron microscopy facility jointly supported by FDA and the University opened in 2000. CFSAN has moved its nuclear magnetic resonance (NMR) instrumentation and personnel to the University's NMR facility in the Chemistry building. These instrumentation centers complement CFSAN's resources and expertise.The University has developed *http://www.FoodRisk.org* (formerly the Risk Analysis Clearinghouse) which is the only web-based information resource specializing in food safety risk analysis, including risk assessment, risk management, and risk communication. Users include government officials from around the world seeking the latest risk assessment, or training and workshop opportunities. The Web site for FoodRisk.org contains: (1) Data and tools for researchers seeking to fill data gaps, build models, and develop expertise; (2) specialized data, peer networks, and access to modeling tools for risk assessors and project managers; and (3) the latest risk assessments, and information on workshops and training opportunities for interested individuals from around the world. The Web site for FoodRisk.org also operates the Food and Agricultural Organization/World Health Organization (FAO/WHO) Acrylamide in Food Network, the internationally sanctioned repository for information about the safety and prevention of acrylamide in food.

The University through JIFSAN has developed a broad range of international agreements with: (1) The Ministry of Science and Technology Thailand; (2) the Korea Food and Drug Administration (KFDA); (3) the Central Science Laboratory, Department for Environment Food and Rural Affairs in York, UK; and (4) the Department of Natural Resources and Environment in Victoria Australia. Additionally JIFSAN has been designated a Pan American Health Organization/World Health Organization (PAHO/WHO) Collaborating Center for Food Safety Risk Analysis. These agreements enable UMCP and JIFSAN to: (1) Further promote international scientific, education, outreach and cooperative research activities; and (2) deepen the understanding of the scientific, economic and social issues/needs within the respective countries.

Acknowledging the importance of an interdisciplinary approach to knowledge, the University maintains organized research units outside the usual academic department structures. Through collaborative projects, FDA has access to additional University resources that include: (1) The Center for Risk Communication Research where cooperative projects related to risk communication studies have been and will continue to be developed; (2) The Center for Food Systems Security and Safety, within the College of Agriculture and Natural Resources, providing opportunities for the development of multidisciplinary food safety research using an integrated food systems approach; and (3) The Maryland NanoCenter established as a partnership among the A. James Clark School of Engineering, the College of Computer, Math, and Physical Sciences (CMPS), and the College of Chemical and Life Sciences provides access to major nano-research, equipment and informational seminars that could foster trans-disciplinary collaboration among a critical mass of researchers spanning the sciences and engineering.

As UMCP is part of the University System of Maryland (comprised of eleven universities, two research institutions and two regional higher education centers) additional education, research and outreach expertise through affiliated campuses/faculty may be accessed to build additional relationships that advance our mutual goals. Collaboration between the public and the private sectors has proven to be an efficient means for both FDA and the University to remain current with scientific and technical advances associated with FDA regulated products (i.e., foods, cosmetics and animal drugs and feed additives). The degree to which we nurture, develop and build on these collaborations directly impacts our ability to enhance public health. The information and expertise obtained through this partnership between FDA and UMCP can be leveraged by all segments of the food safety and nutrition community, as well as by public health organizations, other Federal agencies, and academic institutions in the performance of their roles.

As of October 1, 2003, applicants are required to have a DUNS number to apply for a grant or cooperative agreement from the Federal government. The DUNS number is a 9–digit identification number, which uniquely identifies business entities. Obtaining a DUNS number is easy and there is no charge. To obtain a DUNS number, call 1–866–705–5711. Be certain that you identify yourself as a Federal grant applicant when you contact Dun and Bradstreet.

III. Application and Submission

FDA will accept the application for this program electronically via http://www.grants.gov. The applicant is encouraged to apply electronically by visiting the Web site http://www.grants.gov and following instructions under ''Apply for Grants.'' The required application, SF 424 (Research & Related) (also referred to as the ''SF424 (R&R)''), can be completed and submitted online. The package should be labeled ''Response to RFA-FD-07 001''. If you experience technical difficulties with your online submission you should contact Gladys M. Bohler by telephone 301–827–7168 or by e-mail: *gladys.melendez-bohler@fda.hhs.gov*.

Information about submitting an application electronically can be found on the *http://www.grants.gov* Web site. In order to apply electronically, the applicant must have a DUNS number and register in the central contractor registration (CCR) database.

A. Dun and Bradstreet Number (DUNS)

As of October 1, 2003, applicants are required to have a DUNS number to apply for a grant or cooperative agreement from the Federal government. The DUNS number is a 9-digit identification number, which uniquely identifies business entities. Obtaining a DUNS number is easy and there is no charge. To obtain a DUNS number, call 1–866–705–5711. Be certain that you identify yourself as a Federal grant applicant when you contact Dun and Bradstreet.

B. Central Contractor Registration

Applicants must register with the CCR database. This database is a government-wide warehouse of commercial and financial information for all organizations conducting business with the Federal Government. The preferred method for completing a registration is through the World Wide Web at *http://www.ccr.gov*. This Web site provides a CCR handbook with detailed information on data you will need prior to beginning the online pre-registration, as well as steps to walk you through the registration process. You must have a DUNS number to begin your

registration. For foreign entities the Web site is *http://www.grants.gov/RequestaDUNS.gov*.In order to access grants.gov an applicant will be required to register with the Credential Provider. Information about this is available at *https://apply.grants.gov/OrcRegister*.

A copy of the complete RFA can also be viewed on FDA's Center for Food Safety and Applied Nutrition Web site at *http://www.cfsan.fda.gov/list.html*. (FDA has verified the Web site and its address but we are not responsible for changes subsequent to the Web site or its address after this document publishes in the **Federal Register**).

IV. Agency Contacts

For issues regarding the programmatic aspects of this document, contact Christine L. Hileman, Center for Food Safety and Applied Nutrition (HFS-006), Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740, 301–436–1674, or e-mail: *christine.hileman@fda.hhs.gov*.

For issues regarding the administrative and financial management aspects of this document contact, Gladys Melendez-Bohler at 301–827–7168 or by e-mail: *gladys.melendez-bohler@fda.hhs.gov*.

Dated: June 26, 2007.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. E7–13046 Filed 7–5–07; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 2007N–0238]

Medical Devices: The Mammography Quality Standards Act of 1992 and Subsequent Mammography Quality Standards Reauthorization Act and Amendments; Inspection Fees

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the increased fees the agency will assess for inspections of mammography facilities starting October 1, 2007. The Mammography Quality Standards Act of 1992 (the MQSA) requires FDA to assess and collect fees from mammography facilities to cover the costs of annual inspections required by the MQSA. Because these costs have increased, FDA is raising the fees to ensure the program is able to meet its objective of ensuring that high quality mammography remains available to women. This document explains which facilities are subject to payment of inspection fees, provides information on the costs included in developing inspection fees, and provides information on the inspection billing and collection processes.

DATES: Effective October 1, 2007, for all inspections conducted under section 354(g) of the Public Health Service Act (PHS Act) (42 U.S.C. 263b(g)). Submit written or electronic comments by October 1, 2007.

ADDRESSES: Submit written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Submit electronic comments to *http://www.fda.gov/dockets/ecomments*. Identify comments with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Helen J. Barr, Center for Devices and Radiological Health (HFZ–240), Food and Drug Administration, 1350 Piccard Dr., Rockville, MD 20850, 240–276–3332, FAX: 240–276–3272.

SUPPLEMENTARY INFORMATION:

I. Background

The MQSA requires all mammography facilities, other than facilities of the Department of Veterans Affairs, to be accredited by an approved accreditation body and certified by the Secretary of Health and Human Services, as meeting quality standards (section 354(b) and (d) of the PHS Act). The MQSA requires FDA to establish and operate the following: (1) A Federal certification and inspection program for mammography facilities, (2) regulations and standards for accreditation bodies, and (3) standards for equipment, personnel, quality assurance, and recordkeeping and reporting by mammography facilities (section 354(c), (e), (f), and (g) of the PHS Act). The MQSA requires annual facility inspections to determine compliance with the quality standards (section 354(g) of the PHS Act). Section 354(r) of the PHS Act requires FDA to assess and collect fees for inspections of mammography facilities, other than governmental entities as determined by FDA, to cover the costs of inspections.

An updated resource review has demonstrated that the recoverable costs of the MQSA inspection program have increased since the last notice on fees in 2003 (68 FR 5289, September 4, 2003). In addition, the annual amount of fees collected under the current fee schedule has been well below the level authorized by Congress. FDA needs to be able to collect the full cost of mammography inspections to ensure it has the resources to ensure high quality mammography remains available to women. Accordingly, the fees have been recalculated so that the aggregate amount of fees collected will equal the aggregate recoverable costs of the inspections conducted, as mandated by the MQSA. Therefore, FDA is providing notice of the increased fees to be assessed starting on October 1, 2007, and additional information relating to those fees.

II. Inspections Under the Mammography Quality Standards Act of 1992

Section 354(g)(1) of the PHS Act requires FDA, States as Certifier (SAC) States, or a State or local agency acting on behalf of the FDA, to conduct an annual inspection of each mammography facility. The purpose of the annual inspection is to determine facility compliance with quality standards established under the MQSA. Inspectors who have met Federal training requirements and who are qualified by FDA will conduct inspections.

Under ordinary circumstances, inspections will be conducted during the regular business hours of the facility or at a mutually agreed time. FDA normally will provide 5 working days advance notice of each annual inspection. If a significant deficiency is identified during an inspection, FDA will provide information on necessary corrective action and, in appropriate cases, will schedule a followup inspection after the facility has had a reasonable time to correct the deficiency. FDA normally will provide 5 working days advance notice of each followup inspection. FDA may make unannounced inspections or may provide shorter notice if prompt action is necessary to protect the public health (see section 354(g)(4) of the PHS Act).

III. Costs Included in the Fees to Be Assessed Beginning on October 1, 2007

Section 354(r) of the PHS Act requires FDA to assess and collect fees from persons who own or lease mammography facilities, or their agents, to cover the costs of inspections conducted by FDA, SAC States, or a State or local agency acting on behalf of FDA. Section 354(r) of the PHS Act limits FDA's discretion in setting inspection fees in three ways: (1) Fees must be set so that, for a given fiscal year (FY), the aggregate amount of fees collected will equal the aggregate costs of inspections conducted; (2) a facility's

liability for fees must be reasonably based on the proportion of the inspection costs that relate to the facility; and (3) governmental entities, as determined by FDA, are exempt from payment of fees. FDA has determined that the following categories of costs are recoverable under section 354(r) of the PHS Act and has included them in the fees to be assessed beginning on October 1, 2007. These categories represent the same costs that have been assessed in fees since the beginning of the inspection program. Facilities are not being assessed for any new costs associated with inspections.

Cost categories are as follows: (1) Personnel costs of annual and followup inspections of mammography facilities, including administration and support; (2) purchase of equipment, calibration of instruments used in the inspections, and modification and maintenance of training facilities and laboratories to support the MQSA operations; (3) design, programming, and maintenance of data systems necessary to schedule and track inspections and to collect data during inspections; (4) training and qualification of inspectors (both FDA and State inspectors); (5) costs of billing facilities for fees due for annual and followup inspections and collecting facility payments; (6) tracking, coordination, and direction of inspections; and (7) overhead and support attributable to facility inspections.

Because most equipment used for inspections is durable and can be used for a period of years, it is not appropriate to recover the full costs of such expenditures in the year of purchase. To do so would result in the MQSA inspection fee varying widely from one year to the next. Instead, FDA recovers these costs over the useful life of the asset.

The recoverable portions of all fixed costs of the inspection program and appropriate variable costs are recovered in the annual inspection fee. This fee will vary depending on how many mammography units are used by a facility. All mammography facilities, except governmental entities, are subject to an inspection fee. If the annual inspection of a facility identifies a deficiency that necessitates a followup inspection, the facility will be assessed an additional fee to recover the costs of that additional inspection (unless it is a governmental entity). Facilities that do not require a followup inspection are not subject to this fee.

IV. Inspection Fees to be Assessed Beginning on October 1, 2007

FDA reviewed the past methodologies for calculating the inspection fee, which accounted for differences in facility size. The same method was adopted for calculating the fees FDA will assess beginning on October 1, 2007 (Ref. 1). A facility's inspection fee will be based on the number of mammography units used by the facility.

The total recoverable aggregate cost of the MQSA inspection program is estimated to be $15.77 million in FY 2008. This is below the $16.4 million authorized by Congress for collections in FY 2004, the last time fees were increased, and well below the $18.4 million authority requested from Congress for MQSA user fee collections in FY 2008. To recover the costs of the inspection program, the facility portion of the fee is $1,900 and each unit portion is $250. The cost of each additional unit must be added to the facility portion of the fee to determine the total inspection fee. This new fee of $2,150 for a facility with one unit replaces the current fee of $1,749 for a facility with one unit.

FDA will assess the following fees, beginning on October 1, 2007, for facility inspections, as shown in table 1 of this document:

TABLE 1.—ANNUAL INSPECTION FEE BY NUMBER OF UNITS

Number of Units	Fee
1	$2,150
2	$2,400
3	$2,650
4	$2,900
5	$3,150
6	$3,400
7	$3,650
8	$3,900
9	$4,150
10	$4,400
Followup Inspection Fee	$1,144

FDA will continue to charge separately for annual and followup inspections. FDA believes it is more appropriate and equitable for the costs of followup inspections to be borne entirely by the facilities that require such inspections. FDA has again chosen to adopt a flat fee for followup inspections over an hourly rate that would vary the fee by the length of the inspection. This approach eliminates concerns about variations among inspectors and differential treatment of facilities. The fee schedule is subject to change each year to ensure that the aggregate amount of fees collected during any year equals the aggregate amount of costs for that year's facility inspections. FDA will monitor the adequacy of the fee on an annual basis to account for any major programmatic and budget changes.

FDA continues to use a uniform national fee structure. The methodology adopted by FDA to determine inspection fees does not pass on the costs of inspecting governmental entities to other facilities. The entire cost of inspecting governmental entities has been and will continue to be borne by appropriated funds.

V. Facilities Subject to Payment of Inspection Fees

Under the MQSA, all mammography facilities, except governmental entities as determined by FDA, are subject to payment of inspection fees (see section 354(r) of the PHS Act). FDA will continue to use the definition that was previously developed and applied to determine whether a facility qualifies as a governmental entity for the purpose of determining whether a facility is exempt from payment of inspection fees under section 354(r) of the PHS Act. A facility may qualify as a governmental entity in two ways. First, a facility may qualify if any Federal department, State, district, territory, possession, Federally-recognized Indian tribe, city, county, town, village, municipal corporation, or similar political organization does the following: (1) Operates the facility; (2) pays the entire salary of all onsite personnel for the facility; (3) owns, rents, or leases all of the facility's mammography equipment; and (4) has the ultimate authority to make day-to-day decisions concerning the management and operation of the facility.

Second, a facility may qualify as a governmental entity if the facility provides services under the Breast and Cervical Cancer Mortality Prevention Act of 1990, (*http://apps.nccd.cdc.gov/cancercontacts/nbccedp/contacts.asp*) and at least 50 percent of the mammography screening examinations provided during the preceding 12 months were funded under that statute. (FDA has verified the Web site address, but FDA is not responsible for any subsequent changes to the Web site after this document publishes in the **Federal**

Register.) Facilities providing mammography services using grants under other statutes will not qualify as government entities. FDA does not recognize, as a governmental entity, a facility providing Medicare/Medicaid services unless that facility qualifies as a governmental entity as described in the previous paragraph.

VI. Billing and Collection Procedures

Within 30 days following inspection, FDA mails a bill and a ''Governmental Entity Declaration'' form (Form 3422) to the inspected facility. Facilities who believe they meet the governmental entity criteria complete the form and return it in lieu of the inspection fee payment. The bill sets forth the type of inspection conducted (annual or followup), the fee to be paid, and the date payment is due (30 days after billing date). Inspection fees are billed to and collected from the party that operates the facility. If the facility is owned or controlled by an entity other than the operator, it is up to the parties to establish, through contract or otherwise, how the costs of facility inspections will be allocated.

If full payment is not received by the due date, a second bill is sent. At that time, interest begins to accrue at the prevailing rate set by the Department of the Treasury, a 6 percent late payment penalty is assessed in accordance with 45 CFR 30.13, and a $20 administrative fee is assessed for each 30-day period that a balance remains due. If payment is not received within 30 days of a third and final bill, FDA may initiate action to collect unpaid balances (with interest and penalties), including the use of collection agencies, the reporting of delinquencies to commercial credit reporting agencies, and forwarding delinquent accounts to the Department of the Treasury. Any questions or concerns about the billing and collection procedures may be addressed to Billing Inquiries c/o Mammography Quality Assurance Program, P.O. Box 6057, Columbia, MD 21045, 1–800–838–7715.

VII. Request for Comments

Although the MQSA does not require FDA to solicit comments on fee exemption, assessment, and collection, FDA is inviting comments from interested persons in order to have the benefit of additional views and information, as the agency continues to evaluate its fee assessment procedures.

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.

VIII. References

The following reference is on display in the Division of Dockets Management (see **ADDRESSES**) and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday.

1. U.S. Food and Drug Administration, MQSA Inspection Fees: Methodology and Fees for Fiscal Year 2008.

Dated: June 27, 2007.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. E7–13044 Filed 7–5–07; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health, Public Health Service, HHS.

ACTION: Notice.

SUMMARY: The inventions listed below are owned by an agency of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

ADDRESSES: Licensing information and copies of the U.S. patent applications listed below may be obtained by writing to the indicated licensing contact at the Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, Maryland 20852–3804; telephone: 301/496–7057; fax: 301/402–0220. A signed Confidential Disclosure Agreement will be required to receive copies of the patent applications.

Potential Serum Bio-Markers for Alpha-Fetoprotein (AFP) Negative Hepatocellular Carcinoma

Description of Technology: This technology relates to improved methods of detecting hepatocellular carcinoma (HCC) by using new biomarkers. The overexpression of Gpc3, Mdk, SerpinI1, PEG–10 and QP–C correlates with the presence of HCC, even in small tumors. By comparing the expression levels of at least three of these markers in subject samples with their expression levels in control samples, the presence of HCC can be diagnosed. The method can also be used to monitor the progression, and regression of HCC.

HCC is a common and aggressive cancer with a high mortality rate. The high mortality rate stems from an inability to diagnose the cancer at an early stage in patients, due to the lack of available biomarkers for HCC. Currently, HCC is diagnosed by measuring the levels of serum alpha-fetoprotein (AFP); however, AFP is not always present in HCC tumors, especially small tumors.

Applications: Protein markers useful for screening HCC more accurately and with increased sensitivity; The proteins can also serve as prognostic and therapeutic response biomarkers.

Advantages: Highly sensitive, secretory markers that can be easily identified in patient serum; Markers can identify HCC in patients with small tumors that would previously go undetected.

Benefits: HCC affects 20,000 people in U.S. or over half a million worldwide every year and 90% of them die of the disease. Improving the quality of life and duration of life for people suffering from this disease will depend a lot on early detection of the disease and this technology can contribute significantly to that social cause. Furthermore, the cancer diagnostic market is estimated to grow to almost $10 billion dollars in the next 5 years.

Inventors: *Xin Wei Wang* (NCI) et al.

U.S. Patent Status: Pending PCT Application PCT/US2006/042591, published as WO 2007/053659 (HHS Reference No. E–333–2005/0–PCT–02).

Licensing Contact: David A. Lambertson, PhD; Phone: (301) 435–4632; Fax: (301) 402–0220; E-mail: *lambertsond@mail.nih.gov.*

Collaborative Research Opportunity: The National Cancer Institute, Laboratory of Human Carcinogenesis, is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate, or commercialize new biomarkers for hepatocellular carcinoma (HCC). Please contact John D. Hewes, PhD at 301–435–3121 or *hewesj@mail.nih.gov* for more information.

Modification of Recombinant Anti-Tumor RNase (rapLR1) for Optimal Use in the Large Scale Manufacture of Stable and Potent RapLR1-Antibody Conjugates

Description of Technology: This technology involves modified rapLR1 molecules having an improved capacity for conjugation to targeting moieties. Previously, techniques for attaching wild-type rapLR1 to a targeting moiety required an excess of RNase, leading to high production costs. The inventors have now mutated specific amino acids in rapLR1 to allow a more efficient (and therefore less costly) conjugation reaction.

Members of the ribonuclease A (RNase A) superfamily, such as rapLR1, have the ability to efficiently kill a wide range of cancer cells. Ligand binding moieties such as antibodies or peptides can be used to target RNases to a particular cell or cell type that expresses a marker, e.g., a marker that is associated with cancer. The current invention provides rapLR1 molecules that have been genetically modified to contain a cysteine at a specific location that does not interfere with the enzymatic activity of the molecule. The inserted cysteine provides the advantage of a site-directed and specific attachment of rapLR1 to targeting moieties, which results in more efficient production of the therapeutic. This significantly reduces the cost of bringing rapLR1-related cancer therapeutics to market.

Applications: Targeted anti-cancer therapy molecules; Targeting moiety can be interchanged based on target cancer cells; Targeting any disease in which the cell is transformed and presents unique levels of cell surface markers.

Advantages: RapLR1 delivery, specificity and toxicity to cancer cells is increased by conjugation to a targeting moiety; Modified rapLR1 increases conjugation efficiency, making the preparation of the anti-cancer agents more cost effective without sacrificing specificity.

Benefits: Cancer is the second leading cause of death in the United States, with approximately 600,000 cancer-related deaths occurring in 2006 alone. Because rapLR1 can be used to treat a number of different cancers (depending on the targeting moiety), there is a powerful social benefit from this technology: Improving the duration and quality of life of a wide range of cancer patients. Furthermore, the cancer therapeutic market is expected to reach $27 billion by 2009. Because rapLR1 can now be efficiently conjugated to targeting moieties, there is an opportunity to occupy a significant niche in that predicted market, with lower cost to the licensee.

Inventors: Dianne L. Newton et al. (NCI).

U.S. Patent Status: Pending PCT Application PCT/US2006/038180, published as WO 2007/041361 (HHS Reference No. E–265–2005/0–PCT–02).

Licensing Contact: David A. Lambertson, PhD; Phone: (301) 435–4632; Fax: (301) 402–0220; E-mail: *lambertsond@mail.nih.gov.*

Methods for Expression and Purification of Immunotoxins

Description of Technology: The invention concerns immunotoxins and methods of making the immunotoxins. Targeting of the immunotoxins occurs via an antibody that is specific to T cells. This allows the specific ablation of malignant T cells and resting T cells. The transient ablation of resting T cells can ''reset'' the immune system by accentuating tolerizing responses. As a result, the immunotoxin can be used to treat autoimmune disease, malignant T cell-related cancers, and graft-versus-host disease. The toxin portion of the immunotoxin is engineered to maintain bioactivity when produced in yeast, specifically *Pichia pastoris*. This system allows the production of dimeric antibody fragments with increased binding affinity and potency.

Applications: Immunotoxins produced by this method can be used for the treatment of autoimmune diseases such as multiple sclerosis, lupus, type I diabetes, aplastic anemia; Immunotoxins produced by this method can be used for treatment of T-cell leukemias and lymphomas such as cutaneous T cell leukemia/lymphoma (CTCL); Immunotoxins produced by this method can be used for increasing immune tolerance in patients requiring transplants/grafts.

Advantages: Method produces GMP quality immunotoxin and can be scaled up to industry scales; Modified toxin moiety has reduced glycosylation in this system, resulting in a more effective and efficient immunotoxin; Immunotoxin doesn't produce the deleterious side-effects seen with other methods of treating autoimmune disease, malignant T cell leukemia/lymphoma and graft-versus-host disease.

Benefits: New methods and compositions with limited side-effects have the potential to revolutionize treatment of autoimmune disease; provides an opportunity to capture a significant market share for the millions of people who suffer from an autoimmune disease.

Inventors: *David Neville* et al. (NIMH)

Patent Status: U.S. Patent Application No. 10/566,886 filed 01 Feb 2006, which published as U.S. 2006/0216782 on 28 Sep 2006 (HHS Reference No. E–043–1997/2–US–03); U.S. Patent No. 6,632,928 issued 14 Oct 2003 (HHS Reference No. E–044–1997/0–US–07); U.S. Patent Application No. 10/435,567 filed 09 May 2003, which published as 2003/0185825 on 02 Oct 2003 (HHS Reference No. E–044–1997/0–US–08); U.S. Patent Application No. 10/296,085 filed 18 Nov 2002, which published as 2004/0127682 on 01 Jul 2004 (HHS Reference No. E–044–1997/1–US–06); Foreign rights are also available.

Licensing Status: Available for exclusive or non-exclusive licensing.

Licensing Contact: David A. Lambertson, PhD; 301/435–4632; *lambertsond@mail.nih.gov.*

Collaborative Research Opportunity: The National Institute of Mental Health, Laboratory of Molecular Biology, is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate, or commercialize methods of expression and purification of immunotoxins. Please contact David Neville at *davidn@mail.nih.gov* for more information.

Dated: June 28, 2007.

Steven M. Ferguson,

Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institutes of Health.

[FR Doc. E7–13128 Filed 7–5–07; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institutes of Neurological Disorders and Stroke; 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 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 Institutes of Neurological Disorders and Stroke Special Emphasis Panel, Texas–SNRP.

Date: July 16–17, 2007.

Time: 8 a.m. to 1 p.m.

Agenda: To review and evaluate grant applications.

Place: Marriott San Antonio Riverwalk, 711 East River Walk, San Antonio, TX 78205.

Contact Person: Philip F. Wiethorn, Scientific Review Administrator, DHHS/NIH/NINDS/DER/SRB, 6001 Executive Boulevard; MSC 9529, Neuroscience Center; Room 3203, Bethesda, MD 20892–9529, (301) 496–5388, *wiethorp@ninds.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institutes of Neurological Disorders and Stroke Special Emphasis Panel, Neurofibromatosis/Tuberous Sclerosis.

Date: July 24, 2007.

Time: 11 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Shantadurga Rajaram, PHD, Scientific Review Administrator, Scientific Review Branch, NIH/NINDS/Neuroscience Center, 6001 Executive Blvd., Suite 3208, Msc 9529, Bethesda, MD 20852, (301) 435–6033, *rajarams@mail.nih.gov.*

The 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. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurocsciences, National Institutes of Health, HHS)

Dated: June 29, 2007.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–3292 Filed 7–5–07; 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, International and Domestic Pediatric and Maternal HIV Studies Coordinating Center.

Date: July 31, 2007.

Time: 11:55 a.m. to 1:30 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, 6100 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Hameed Khan, PhD, Scientific Review Administrator, Division of Scientific Review, National Institute of Child Health and Human Development, NIH, 6100 Executive Blvd., Room 5B01 Bethesda, MD 20892, (301) 435–6902, *khanh@mail.nih.gov.*

(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: June 29, 2007.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–3294 Filed 7–5–07; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel, Imaging of Drug Use Prevention Messages (R21).

Date: July 24, 2007.

Time: 8 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: The Fairmont Washington, DC, 2401 M Street, NW, Washington, DC 20037.

Contact Person: Mark R. Green, PhD, Deputy Director, Office of Extramural Affairs, National Institute on Drug Abuse, NIH, DHHS, Room 220, MSC 8401, 6101 Executive Boulevard, Bethesda, Md 20892–8401, (301) 435–1431, *mgreen1@nida.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.279, Drug Abuse and Addiction Research Programs. National Institutes of Health, HHS)

Dated: June 29, 2007.

Anna Snoufer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–3295 Filed 7–05–07; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the 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 Aging Special Emphasis Panel, Cognition and Hippocampal Aging.

Date: July 17, 2007.

Time: 1 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, 2C212, Bethesda, MD 20814 (Telephone Conference Call).

Contact Person: William Cruce, PhD, Health Scientist Administrator, Scientific Review Office, National Institute on Aging, National Institutes of Health, Room 2C212, 7201 Wisconsin Avenue, Bethesda, MD 20814, 301–402–7704, *crucew@nia.nih.gov.*

Name of Committee: National Institute on Aging Special Emphasis Panel, Alzheimer's Disease and Oxidative Stress.
Date: July 19, 2007.
Time: 4 p.m. to 7 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, 2C212, Bethesda, MD 20814 (Telephone Conference Call).
Contact Person: William Cruce, PhD, Health Scientist Administrator, Scientific Review Office, National Institute on Aging, National Institutes of Health, Room 2C212, 7201 Wisconsin Avenue, Bethesda, MD 20814, 301–402–7704, *crucew@nia.nih.gov.*

Name of Committee: National Institute on Aging Special Emphasis Panel, Health Care Productivity.
Date: July 19–20, 2007.
Time: 4 p.m. to 4 p.m.
Agenda: To review and evaluate grant applications.
Place: Hyatt Regency Bethesda, One Bethesda Metro Center, Bethesda, MD 20814.
Contact Person: Wilbur C. Hadden, PhD, Health Scientist Administrator, National Institute on Aging, Gateway Building, Room 2C212, 7201 Wisconsin Avenue, Bethesda, MD 20892, *hadden@mail.nih.gov.*

Name of Committee: National Institute on Aging Special Emphasis Panel, Cowan P01–A2 Review Teleconference.
Date: July 23, 2007.
Time: 10 a.m. to 1 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, 2C212, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Jon E. Rolf, PhD, Scientific Review Administrator, Scientific Review Office, National Institute on Aging, Bethesda, MD 20814, (301) 402–7703, *rolfj@nia.nih.gov.*

Name of Committee: National Institute on Aging Special Emphasis Panel, Aging, Abeta Proteotoxicity, and Neurodegeneration.
Date: July 26–27, 2007.
Time: 5 p.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Hilton Silver Spring, 8727 Colesville Road, Silver Spring, MD 20910.
Contact Person: Elaine Lewis, PhD, Scientific Review Administrator, Scientific Review Office, National Institute on Aging, Gateway Building, Suite 2C212, MSC–9205, 7201 Wisconsin Avenue, Bethesda, MD 20892, (301) 402–7707, *elainelewis@nia.nih.gov.*

Name of Committee: National Institute on Aging Special Emphasis Panel, Hearing and Aging.
Date: August 1, 2007.
Time: 11 a.m. to 3 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Room 2C212, Bethesda, MD 20814, (Telephone Conference Call).
Contact Person: Mary Nekola, PhD, Chief, Scientific Review Office, National Institute on Aging, Gateway Building, Room 2C212, 7201 Wisconsin Avenue, Bethesda, MD 20814–9692, (301) 496–9666, *nekolam@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: June 28, 2007.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–3296 Filed 7–5–07; 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, Exploratory and Developmental Alcohol Research Center Review FRA 07–001.
Date: July 24–25, 2007.
Time: 1 p.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: NIAAAA, 5635 Fishers Lane, Room 3037, Rockville, MD 20852, (Telephone Conference Call).
Contact Person: Katrina L. Foster, PhD, Scientific Review Administrator, National Inst. on Alcohol Abuse & Alcoholism, National Institutes of Health, 5635 Fishers Lane, Rm. 3037, Rockville, MD 20852, 301–443–3037, *katrina@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: June 28, 2007.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–3298 Filed 7–5–07; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; Notice of Closed 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 General Medical Sciences Special Emphasis Panel, 2007 NIH Director's New Innovator Award External Review.
Date: July 23, 2007.
Time: 8 a.m. to 11:59 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, Natcher Building, 45 Center Drive, Bethesda, MD 20892, (Virtual Meeting).
Contact Person: Judith H. Greenberg, PhD, Director, Division of Genetics and National Institute of General Medical Sciences, National Institutes of Health, Natcher Building, Room 2AN–12B, Bethesda, MD 20892, 301–594–2755, *greenbej@nigms.nih.gov.*

Name of Committee: National Institute of General Medical Sciences Special Emphasis Panel, NIH Support for Conferences and Scientific Meetings.
Date: July 23, 2007.
Time: 9 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of General Medical Sciences, Office of Scientific Review, 45 Center Drive, Room 3AN–12, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Arthur L. Zachary, PhD, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, Natcher Building, Room 3AN–12, Bethesda, MD 20892, (301) 594–2886, *zacharya@nigms.nih.gov.*

Name of Committee: National Institute of General Medical Sciences Special Emphasis

Panel, MBRS Support of Competitive Research.

Date: July 25, 2007.

Time: 8:30 a.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: DoubleTree Hotel, 8120 Wisconsin Ave., Bethesda, MD 20814.

Contact Person: C. Craig Hyde, PhD, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, Building 45, Room 3AN18, Bethesda, MD 20892, 301–435–3825, *ch2v@nih.gov.*

Name of Committee: National Institute of General Medical Sciences Special Emphasis Panel, NIH Pathway to Independence Awards.

Date: July 25–26, 2007.

Time: 7 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: DoubleTree Hotel, 8120 Wisconsin Ave., Bethesda, MD 20814.

Contact Person: Meredith D. Temple-O'Connor, PhD, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, 45 Center Drive, Room 3AN12C, Bethesda, MD 20892, 301–594–2772, *templeocm@mail.nih.gov.*

(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: June 27, 2007.

Anna Snouffer,

Deputy Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–3299 Filed 7–5–07; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Center for Scientific Review Special Emphasis Panel, June 20, 2007, 8 a.m. to June 21, 2007, 11 p.m., National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 which was published in the **Federal Register** on May 4, 2007, 72 FR 25324–25325.

The meeting will be held July 12, 2007 to July 13, 2007. The meeting time and location remain the same. The meeting is closed to the public.

Dated: June 28, 2007.

Anna Snouffer,

Deputy Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–3297 Filed 7–5–07; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6). Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property, such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Immunity and Host Defense Special.

Date: July 12, 2007.

Time: 2:30 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: 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.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Endocrinology, Nutritional Metabolism, and Reproductive Sciences.

Date: July 13, 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: Sooja K. Kim, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6182, MSC 7892, Bethesda, MD 20892, (301) 435–1780, *kims@csr.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, AIDS Fellowship Review.

Date: July 24–26, 2007.

Time: 9 p.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Hilary D. Sigmon, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5216, MSC 7852, Bethesda, MD 20892, (301) 435–2211, *sigmonh@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Immunity and Immunopathogenesis in AIDS.

Date: July 30, 2007.

Time: 11 a.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Mary Clare Walker, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5208, MSC 7852, Bethesda, MD 20892, (301) 435–1165, *waltermc@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Member Conflict: Mechanisms of Cardiovascular Risk and Body Weight Control.

Date: August 6, 2007.

Time: 2 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: 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: Center for Scientific Review Special Emphasis Panel, IRSDA Review.

Date: August 6-7, 2007.

Time: 12 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Dan D. Gerendasy, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5132, MSC 7843, Bethesda, MD 20892, 301–594–6830, *gerendad@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, S10–Review of Instrumentation Requests.

Date: August 7–8, 2007.

Time: 8 a.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Nuria E. Assa-Munt, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4164, MSC 7806, Bethesda, MD 20892, (301) 451–1323, *assamunu@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Chronic Fatigue Syndrome, Fibromyalgia Syndrome, Temporomandibular Dysfunction.

Date: August 7, 2007.

Time: 10 a.m. to 1 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: J. Terrell Hoffeld, DDS, PhD, Dental Officer, USPHS, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4116, MSC 7816, Bethesda, MD 20892, 301–435–1781, *th88q@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: June 27, 2007.

Anna Snouffer,

Deputy Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–3300 Filed 7–05–07; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Research Resources 2009 Strategic Plan

AGENCY: National Center for Research Resources, NIH, HHS.

ACTION: Notice.

SUMMARY: In order to prepare for the future, The National Center for Research Resources (NCRR), National Institutes of Health (NIH), is developing a new strategic plan. The purpose of the plan is to ensure that NCRR remains responsive to the emerging needs of biomedical researchers and provides them with the infrastructure, tools, and training they need to understand, detect, treat, and prevent a wide range of diseases. The NCRR requests input from biomedical scientists to define future needs for shared research resources and technologies that facilitate NIH-supported biomedical research. The NCRR's existing 2004–2008 strategic plan may be accessed over the World Wide Web: *http://www.ncrr.nih.gov/about_us/StrategicPlan2004-08.pdf.*

DATES: Submit responses to the Office of Science Policy and Public Liaison, NCRR (see below) on or before August 24, 2007.

FOR FURTHER INFORMATION CONTACT: The Office of Science Policy and Public Liaison, NCRR/NIH/DHHS, 6701 Democracy Boulevard, MSC 4874, Suite 994, Bethesda, MD 20892–4874, telephone 301–435–0866, FAX 301–480–3654, e-mail *PLANEVAL@MAIL.NIH.GOV*, Internet *http://www.ncrr.nih.gov.*

SUPPLEMENTARY INFORMATION: The National Center for Research Resources (NCRR) provides clinical and translational researchers with the training and tools they need to understand, detect, treat, and prevent a wide range of diseases. This support enables discoveries that begin at a molecular and cellular level, move to animal-based studies, and then are translated to patient-oriented clinical research, resulting in cures and treatments for both common and rare diseases. NCRR connects researchers with one another, as well as with patients and communities across the Nation, to harness the power of shared resources and research.

Transcending geographic boundaries and research disciplines, NCRR supports unique and essential research and resources that help to transform basic discoveries into improved human health. Together, the programs accelerate and enhance research along the entire continuum of biomedical science to:

- Fund clinical and translational science awards at academic health centers to speed basic discoveries into improved medical care. Working as a national Consortium, these institutions will develop novel approaches, enhance informatics, and improve training and mentoring that will be disseminated across the Consortium and beyond.
- Provide access to state-of-the-art technologies and instruments that enable both basic biomedical research and clinical investigations of a multitude of health issues, from cancer to infectious diseases.
- Develop and provide access to critical animal models, which offer essential clues to a broad range of human disorders such as Parkinson's disease, multiple sclerosis, and AIDS.
- Train veterinarians in translational research in order to respond to deadly human diseases, such SARS, influenza, and hepatitis.
- Enhance development programs for underserved states and institutions, focusing on health disparities that negatively impact racial and ethnic minority populations.
- Provide funding to expand, remodel, and renovate or alter existing research facilities or construct new research facilities.
- Fund career development programs that attract talented medical students, physicians, and dentists to the challenge of clinical research careers.
- Stimulate basic research to develop versatile new technologies and methods that help researchers to study virtually every human disease.
- Increase the public's understanding of medical research and delivers information about healthy living and career opportunities in science to children and the general public.

To ensure the continued relevance of its Strategic Plan, the NCRR seeks input to the following questions in terms of the issues described above:

- What are the most significant trends, developments, and/or needs in biomedical research that are likely to materialize over the next five years, and what can NCRR do to be prepared to respond to them?
- From the standpoint of achieving the broadest impact among investigators, what *new* or *expanded* research resources and/or animal models should be developed over the next five to eight years?
- The recently-introduced CTSA (Clinical Translational Science Award) Program seeks to transform the local, regional and national environment for clinical and translational science, thereby increasing the efficiency and speed of clinical and translational research. What considerations will be most crucial to the long-term success of this initiative?
- Despite significant progress, research institutions serving predominantly minority and underserved populations face stiff challenges. What can NCRR do to most effectively support the long-term advancement of these institutions?
- NCRR has, and will continue to, work closely with many federal and private sector institutions, agencies, and organizations. Looking forward, what organizations should NCRR seek out for future partnerships to most effectively support, expand, and advance its programs and services?
- Is there anything else you would like to add that would be helpful to NCRR?

For your convenience, we have provided a user-friendly response form at the NCRR's Strategic Planning Web site: *http://www.ncrr.nih.gov/strategicplan.* If you do not have access, please send your responses to the above address.

Dated: June 21, 2007.

Barbara Alving,

Director, NCRR, National Institutes of Health.

[FR Doc. E7–13131 Filed 7–5–07; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5121–N–25]

Notice of Proposed Information Collection: Comment Request; Recertification of Family Income and Composition, Section 235(b) and Statistical Report Section 235(b), (i) and (j)

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be 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.

DATES: *Comments Due Date:* September 4, 2007.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Lillian Deitzer, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., L'Enfant Plaza Building, Room 8001, Washington, DC 20410 or *Lillian_L._Deitzer@hud.gov*

FOR FURTHER INFORMATION CONTACT: Vance Morris, Director, Office of Single Family Asset Management, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410, telephone (202) 708–3175 (this is not a toll free number) for copies of the proposed forms and other available information.

SUPPLEMENTARY INFORMATION: The Department is submitting the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

This Notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection 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 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: Recertification of Family Income and Composition, Section 235(b) and Statistical Report Section 235(b), (i) and (j).

OMB Control Number, if applicable: 2502–0082.

Description of the need for the information and proposed use: The Form HUD–93101 is sent by lenders to individual borrowers to determine and adjust the amount of subsidy a mortgagor is eligible to receive. It is used for securing re-certifications. The forms serve as vehicles for obtaining the information necessary to determine family income and composition, and to compute assistance under HUD guidelines. The HUD–93101–A form is no longer submitted to HUD by lenders for statistical analysis of increase and decrease in subsidy and general program information. Mortgagees maintain copies of both forms HUD–93101 and 93101–A for audit purposes.

Agency form numbers, if applicable: HUD–93101 and HUD–93101–A.

Estimation of the total numbers of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response: The number of respondents is 7,000, the frequency of responses is annually, for a total of 7,000 total annual responses. The estimated time to prepare collection varies from 6 minutes to 1 hour, for a total annual burden hours of 3,850.

Status of the proposed information collection: This is an extension of a currently approved collection.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C., Chapter 35, as amended.

Dated: June 26, 2007.

Frank L. Davis,

General Deputy Assistant Secretary for Housing—Deputy Federal Housing Commissioner.

[FR Doc. E7–13038 Filed 7–5–07; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5125–N–27]

Federal Property Suitable as Facilities To Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

FOR FURTHER INFORMATION CONTACT: Kathy Ezzell, Room 7266, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410; telephone (202) 708–1234; TTY number for the hearing- and speech-impaired (202) 708–2565 (these telephone numbers are not toll-free), or call the toll-free Title V information line at 1–800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with 24 CFR part 581 and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this Notice to identify Federal buildings and other real property that HUD has reviewed for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property. This Notice is also published in order to comply with the December 12, 1988 Court Order in *National Coalition for the Homeless* v. *Veterans Administration*, No. 88–2503–OG (D.D.C.).

Properties reviewed are listed in this Notice according to the following categories: Suitable/available, suitable/unavailable, suitable/to be excess, and unsuitable. The properties listed in the three suitable categories have been reviewed by the landholding agencies, and each agency has transmitted to HUD: (1) Its intention to make the property available for use to assist the homeless, (2) its intention to declare the property excess to the agency's needs, or (3) a statement of the reasons that the property cannot be declared excess or made available for use as facilities to assist the homeless.

Properties listed as suitable/available will be available exclusively for homeless use for a period of 60 days from the date of this Notice. Where

property is described as for ''off-site use only'' recipients of the property will be required to relocate the building to their own site at their own expense. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to John Hicks, Division of Property Management, Program Support Center, HHS, room 5B–17, 5600 Fishers Lane, Rockville, MD 20857; (301) 443–2265. (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 24 CFR part 581.

For properties listed as suitable/to be excess, that property may, if subsequently accepted as excess by GSA, be made available for use by the homeless in accordance with applicable law, subject to screening for other Federal use. At the appropriate time, HUD will publish the property in a Notice showing it as either suitable/available or suitable/unavailable.

For properties listed as suitable/unavailable, the landholding agency has decided that the property cannot be declared excess or made available for use to assist the homeless, and the property will not be available.

Properties listed as unsuitable will not be made available for any other purpose for 20 days from the date of this Notice. Homeless assistance providers interested in a review by HUD of the determination of unsuitability should call the toll free information line at 1–800–927–7588 for detailed instructions or write a letter to Mark Johnston at the address listed at the beginning of this Notice. Included in the request for review should be the property address (including zip code), the date of publication in the **Federal Register**, the landholding agency, and the property number.

For more information regarding particular properties identified in this Notice (*i.e.*, acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: *ARMY:* Ms. Veronica Rines, Department of the Army, Office of the Assistant Chief of Staff for Installation Management, Attn: DAIM–ZS, Rm 8536, 2511 Jefferson Davis Hwy., Arlington, VA 22202; (703) 601–2545; *ENERGY:* Mr. John Watson, Department of Energy, Office of Engineering & Construction Management, ME–90, 1000 Independence Ave, SW., Washington, DC 20585: (202) 586–0072; *INTERIOR:* Mr. Michael Wright, Acquisition & Property Management, Department of the Interior, 1849 C Street, NW., MS2603, Washington, DC 20240; (202) 513–0747; *NAVY:* Mr. Warren Meekins, Associate Director, Department of the Navy, Real Estate Services, Naval Facilities Engineering Command, Washington Navy Yard, 1322 Patterson Ave., SE., Suite 1000, Washington, DC 20374–5065; (202) 685–9305. (These are not toll-free numbers.)

Dated: June 28, 2007.

Mark R. Johnston,

Deputy Assistant Secretary for Special Needs.

Title V, Federal Surplus Property Program Federal Register Report

Unsuitable Properties

Building

California

Bldgs. 194A, 198
Lawrence Livermore Natl Lab
Livermore CA
Landholding Agency: Energy
Property Number: 41200720007
Status: Excess
Reasons: Secured Area, Within 2000 ft. of flammable or explosive material

Bldgs. 213, 280
Lawrence Livermore Natl Lab
Livermore CA
Landholding Agency: Energy
Property Number: 41200720008
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldgs. 312, 345
Lawrence Livermore Natl Lab
Livermore CA
Landholding Agency: Energy
Property Number: 41200720009
Status: Excess
Reasons: Secured Area, Within 2000 ft. of flammable or explosive material

Unsuitable Properties

Building

California

Bldgs. 2177, 2178
Lawrence Livermore Natl Lab
Livermore CA
Landholding Agency: Energy
Property Number: 41200720010
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldgs. 2687, 3777
Lawrence Livermore Natl Lab
Livermore CA
Landholding Agency: Energy
Property Number: 41200720011
Status: Excess
Reasons: Secured Area, Within 2000 ft. of flammable or explosive material

Bldgs. 263, 419
Lawrence Livermore Natl Lab
Livermore CA
Landholding Agency: Energy
Property Number: 41200720012
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldgs. 1401, 1402, 1404
Lawrence Livermore Natl Lab
Livermore CA
Landholding Agency: Energy
Property Number: 41200720013
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Unsuitable Properties

Building

California

Bldgs. 1405, 1406, 1407
Lawrence Livermore Natl Lab
Livermore CA
Landholding Agency: Energy
Property Number: 41200720014
Status: Excess
Reasons: Secured Area, Within 2000 ft. of flammable or explosive material

Bldgs. 1408, 1413, 1456
Lawrence Livermore Natl Lab
Livermore CA
Landholding Agency: Energy
Property Number: 41200720015
Status: Excess
Reasons: Secured Area, Within 2000 ft. of flammable or explosive material

Bldg. 2684
Lawrence Livermore Natl Lab
Livermore CA
Landholding Agency: Energy
Property Number: 41200720016
Status: Excess
Reasons: Secured Area, Within 2000 ft. of flammable or explosive material

Bldg. 4048
Yosemite National Park
Wawona CA
Landholding Agency: Interior
Property Number: 61200720011
Status: Unutilized
Reasons: Extensive deterioration

Unsuitable Properties

Building

California

Bldgs. 11090, 98033
Naval Air Weapons
China Lake CA 93555
Landholding Agency: Navy
Property Number: 77200720054
Status: Excess
Reasons: Secured Area, Extensive deterioration

Bldgs. 41314, 41362
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200720055
Status: Excess
Reasons: Extensive deterioration

Bldgs. 192, 193, 410
Naval Base
San Diego CA

Landholding Agency: Navy
Property Number: 77200720063
Status: Excess
Reasons: Secured Area

Unsuitable Properties

Building

Florida

Bldgs. 421, 422
Everglades National Park
Flamingo District
Monroe FL
Landholding Agency: Interior
Property Number: 61200720012
Status: Unutilized
Reasons: Extensive deterioration

Bldg. 473
Everglades National Park
Flamingo Lodge
Monroe FL
Landholding Agency: Interior
Property Number: 61200720013
Status: Unutilized
Reasons: Extensive deterioration

Bldgs. 474–485
Everglades National Park
Flamingo Lodge
Monroe FL
Landholding Agency: Interior
Property Number: 61200720014
Status: Unutilized
Reasons: Extensive deterioration

Bldgs. A–G
Everglades National Park
Flamingo Lodge
Monroe FL
Landholding Agency: Interior
Property Number: 61200720015
Status: Unutilized
Reasons: Extensive deterioration

Unsuitable Properties

Building

Florida

Stilt Dormitory House
Flamingo
Monroe FL
Landholding Agency: Interior
Property Number: 61200720016
Status: Unutilized
Reasons: Extensive deterioration

Bldgs. T60, T61
Everglades National Park
Flamingo
Monroe FL
Landholding Agency: Interior
Property Number: 61200720017
Status: Unutilized
Reasons: Extensive deterioration

Bldg. 701
Everglades National Park
Chekika
Monroe FL
Landholding Agency: Interior
Property Number: 61200720018
Status: Unutilized
Reasons: Extensive deterioration

Bldgs. 714A, 717
Everglades National Park
Chekika
Monroe FL
Landholding Agency: Interior
Property Number: 61200720019
Status: Unutilized
Reasons: Extensive deterioration

Unsuitable Properties

Building

Florida

Waste Water Treatment Plant
Everglades National Park
Chekika
Monroe FL
Landholding Agency: Interior
Property Number: 61200720020
Status: Unutilized
Reasons: Extensive deterioration

Hawaii

Bldg. 25
Naval Computer & Telecommunications
Wahiawa HI 96786
Landholding Agency: Navy
Property Number: 77200720056
Status: Excess
Reasons: Extensive deterioration

Bldg. 398
Naval Computer & Telecommunications
Wahiawa HI 96786
Landholding Agency: Navy
Property Number: 77200720057
Status: Excess
Reasons: Extensive deterioration

Bldg. 408
Naval Station
Pearl Harbor HI 96860
Landholding Agency: Navy
Property Number: 77200720058
Status: Excess
Reasons: Extensive deterioration

Unsuitable Properties

Building

Hawaii

Bldgs. 300, 442
Ford Island
Naval Station
Pearl Harbor HI 96860
Landholding Agency: Navy
Property Number: 77200720059
Status: Excess
Reasons: Extensive deterioration, Secured Area

Bldgs. A3, 425
Naval Station
Pearl Harbor HI 96860
Landholding Agency: Navy
Property Number: 77200720060
Status: Excess
Reasons: Extensive deterioration, Secured Area

Bldg. 59
Naval Station
Beckoning Point
Pearl Harbor HI 96860
Landholding Agency: Navy
Property Number: 77200720061
Status: Excess
Reasons: Extensive deterioration, Secured Area

Unsuitable Properties

Building

Illinois

Bldgs. 306A, B, C, TR–5
Argonne National Lab
Argonne IL 60439
Landholding Agency: Energy
Property Number: 41200720017
Status: Excess
Reasons: Secured Area

Virginia

Bldg. 00172
Defense Supply Center
Richmond VA 23297
Landholding Agency: Army
Property Number: 21200720112
Status: Excess
Reasons: Secured Area

West Virginia

Bldg. 64
Naval Info Operations Command
Sugar Grove WV 26815
Landholding Agency: Navy
Property Number: 77200720062
Status: Excess
Reasons: Secured Area, Within 2000 ft. of flammable or explosive material

[FR Doc. E7–12890 Filed 7–5–07; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Guam National Wildlife Refuge, Dededo, Guam

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of intent to prepare a comprehensive conservation plan; announcement of public meeting and open house; and request for comments.

SUMMARY: This notice advises the public that the U.S. Fish and Wildlife Service (Service, we) intends to prepare a Comprehensive Conservation Plan (CCP) and associated environmental compliance document for the Guam National Wildlife Refuge (Refuge). The Refuge includes the Ritidian Unit in northern Guam and two overlay units, the Andersen Air Force Base Unit in northern Guam and the Navy Unit. The Navy Unit includes portions of the Naval Computer and Telecommunications Station (NCTS) and Public Works Center (PWC) in northern Guam, and portions of the Naval Station and Ordnance Annex areas in central and southern Guam. We are furnishing this notice to advise the public and other agencies of our intentions, and to obtain public comments, suggestions, and information on the scope of issues to be considered during the CCP planning process. The Refuge will hold a public open house to provide information about the CCP and the planning process, and to obtain public comments (see **SUPPLEMENTARY INFORMATION** for details).

DATES: Please provide written comments on the scope of the CCP by August 31, 2007. To begin the CCP planning process, a public meeting will be held on July 14, 2007, which is also the first day of an open house that will run through July 22, 2007, see **SUPPLEMENTARY INFORMATION** for details.

ADDRESSES: Address comments, questions, and requests for information to Chris Bandy, Project Leader, Guam National Wildlife Refuge, P.O. Box 8134, MOU–3, Dededo, GU 96929. Comments may be faxed to the Refuge at (671) 355–5098; or e-mailed to *FW1PlanningComments@fws.gov.* Include ''Guam NWR CCP'' in the subject line of the message. Additional information about the CCP planning process is available on the Internet at: *http://www.fws.gov/pacific/planning.*

FOR FURTHER INFORMATION CONTACT: Chris Bandy, Project Leader, Guam National Wildlife Refuge, phone (671) 355–5096.

SUPPLEMENTARY INFORMATION: The National Wildlife Refuge System Administration Act of 1966, as amended by the National Wildlife Refuge System Improvement Act of 1997 (16 U.S.C. 668dd–668ee), requires all lands within the National Wildlife Refuge System to be managed in accordance with an approved CCP. A CCP guides a refuge's management decisions, and identifies long-range goals, objectives, and strategies for achieving the purposes for which the refuge was established. During the CCP planning process many elements will be considered, including wildlife and habitat protection and management, and public use opportunities. Public input during the planning process is essential. The CCP for the Guam Refuge will describe the purposes and desired conditions for the Refuge units, and the long-term conservation goals, objectives, and strategies for fulfilling the purposes and achieving those conditions. As part of the planning process, the Service will prepare an environmental compliance document in accordance with the National Environmental Policy Act (NEPA) of 1969, as amended (42 U.S.C. 4371 *et seq.*)

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.

Background

Guam National Wildlife Refuge is located on the island of Guam, the southernmost island in the Mariana Islands Archipelago in the western Pacific Ocean. Guam is a U.S. Territory located between 13°15′ and 13°14′ N latitude, and between 144°30′ and 144°57′ E longitude. The Refuge is comprised of three units: the Ritidian Unit, in northern Guam; the Andersen Air Force Base Unit, in northern Guam; and the Navy Unit, with areas in northern, central, and southern Guam.

The Ritidian Unit, in northern Guam, is approximately 772 acres including approximately 370 acres of terrestrial land and 401 acres of marine waters. The Unit includes a densely vegetated coastal plain bounded on one side by sheer limestone cliffs jutting to approximately 200 feet above sea level. Native vegetation on the Ritidian Unit includes high-quality coastal strand, backstrand, and limestone forest natural communities; a sandy beach; and nearshore marine habitats to the depth of 30 meters (approximately 100 feet). The clear waters of the Ritidian Unit feature sandy areas, platform reefs, and coral habitats that support a diversity of fish, marine invertebrates, and algae and provide foraging areas for endangered hawksbill and green sea turtles.

The terrestrial lands on the Ritidian Unit are designated critical habitat for the endangered Mariana crow, the endangered Guam Micronesian kingfisher, and the threatened Mariana fruit bat. Threatened green sea turtles nest on the Unit's beach.

Management programs at the Ritidian Unit focus on preserving and restoring essential wildlife habitat, and protection and recovery of endangered and threatened species. Protecting habitat for endangered species also conserves a rich diversity of other plant and animals species. The Ritidian Unit supports a diversity of tropical trees, shrubs, vines, ferns, cycads, grasses, and other species that in turn provide habitat for native birds, the Mariana fruit bat, tree snails, coconut crabs, land crabs, skinks, geckos, and a myriad of native insects.

The Ritidian Unit is the only Refuge site on northern Guam open to the public. Visitors have access to it seven days a week from 8:30 a.m. to 4:00 p.m., except for Federal holidays. A variety of visitor programs are offered in the open areas, including certain types of fishing, wildlife observation and photography, natural and cultural resources interpretation, and environmental education. A recently opened nature center provides visitors with additional information about the wildlife values of the Unit. The public enjoys opportunities to picnic, swim, snorkel, SCUBA dive, and hike in open portions of the Ritidian Unit. Collection of traditionally important plant parts for medicine or food is allowed in a designated area with a Special Use Permit.

The 10,219-acre Air Force Unit at Andersen Air Force Base in northern Guam is contiguous with the Ritidian Unit and includes high-quality native limestone forest, coastal strand, and backstrand natural communities and beaches. The Air Force Unit supports some of the last remaining endangered Mariana crows, threatened Mariana fruit bats, and endangered *Serianthes nelsoni* trees in the wild, and supports a diversity of other native wildlife and plant species.

The Navy Unit includes approximately 12,237 acres of native habitats in north, central, and south Guam. High-quality habitats on the Navy Unit include limestone forest, backstrand, coastal strand, and beaches in northern and central Guam; and ravine forests, limestone forests, mangroves, and wetlands in southern and central Guam. These areas provide habitat for a diversity of tropical plants and wildlife, including threatened Mariana fruit bats, endangered Mariana swiftlets, endangered Mariana Moorhen, threatened green turtles, and a rich diversity of other plants, skinks, lizards, land snails, and land crabs. Several freshwater rivers and springs are located on Navy lands and support aquatic fauna.

Both the Air Force and Navy work cooperatively with the Service, the Guam Division of Aquatic and Wildlife Resources, and other conservation partners to implement proactive measures to protect and enhance wildlife and habitat, while operating the military bases for their primary use.

Natural resources and management programs on the Air Force and Navy Units are described in their respective Integrated Natural Resources Management Plans (INRMPs) for Navy and Air Force lands on Guam. Both INRMPs are currently being updated and will be incorporated into the CCP for the Guam Refuge. The Service is a close cooperator in the INRMPs' planning processes and will continue to have input on proposed natural resource management priorities and programs on the overlay Refuge units. The CCP will incorporate the revised or draft INRMPs by reference, extracting those programs that the Service will be most closely involved with in the foreseeable future.

Preliminary Issues, Concerns, and Opportunities

A brief summary of the preliminary issues, concerns, and opportunities that have been identified follows. The issues fall into five general categories: (1) Natural resources management on the Ritidian Unit; (2) management of visitor services on the Ritidian Unit; (3) management of cultural resources on the Ritidian Unit; (4) facilities, operations, and maintenance on the Ritidian Unit; and (5) natural resources management priorities on the Air Force and Navy Units. Additional issues may be identified during public scoping.

The CCP will focus on management at the Ritidian Unit. During the CCP planning process, the Service will analyze methods for protecting the unique and important natural and cultural resources of the terrestrial and marine portions of the Ritidian Unit in the long term, while continuing to provide quality opportunities for wildlife-dependent public uses.

The Ritidian Unit includes important cultural and historic resources that reflect human occupation and use of the area during pre-western contact periods, the early post-contact period, and on through to the modern era. Service archaeologists, working in coordination with the Guam Historic Preservation Office, have developed a draft Cultural Resources Management Plan (CRMP) for the Ritidian Unit that will be distributed for public review with the CCP. Ensuring adequate protection and management of unique cultural resources at Ritidian, and their study and interpretation, are topics that will be covered in the final CRMP.

Public Meeting and Open House

The Refuge will hold a public meeting that will include a brief presentation and information and handouts about the Refuge and CCP planning process. The meeting will be held on Saturday, July 14, 2007, from 10 a.m. to 12 noon at the Guam National Wildlife Refuge Headquarters' Nature Center located on the Ritidian Unit, at the end of Route 3A, in northern Guam. An informal open house will continue in the Nature Center from July 15 through July 22, 2007. A specific area will be set up for the public to obtain information on the CCP planning process and provide written comments. The Nature Center is open from 8:30 a.m. to 4 p.m. daily (except Federal holidays). Additional opportunities for public input will be announced throughout the CCP planning process.

Dated: June 29, 2007.

David J. Wesley,

Acting Regional Director, Region 1, Portland, Oregon.

[FR Doc. E7–13084 Filed 7–5–07; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Receipt of Applications for Permit

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of applications for permit.

SUMMARY: The public is invited to comment on the following applications to conduct certain activities with endangered species and/or marine mammals.

DATES: Written data, comments or requests must be received by August 6, 2007.

ADDRESSES: Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents within 30 days of the date of publication of this notice to: U.S. Fish and Wildlife Service, Division of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203; fax 703/358–2281.

FOR FURTHER INFORMATION CONTACT: Division of Management Authority, telephone 703/358–2104.

SUPPLEMENTARY INFORMATION:

Endangered Species

The public is invited to comment on the following applications for a permit to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*). Written data, comments, or requests for copies of these complete applications should be submitted to the Director (**ADDRESSES** above).

Applicant: University of Texas, Department of Anthropology, Austin, TX, PRT–152122.

The applicant requests a permit to import two male and four female captive-born gray mouse lemurs (*Microcebus murinus*) from the Museum National d'Histoire Naturelle, Brunoy, France, for the purpose of scientific research.

Applicant: Los Angeles Zoo, Los Angeles, CA, PRT–152102.

The applicant requests a permit to import one female captive-born mandrill (Mandrillus sphinx) from the Granby Zoo, Quebec, Canada for the purpose of enhancement of the species through captive breeding.

Applicant: American Museum of Natural History, Sackler Institute for Comparative Genomics, New York, NY, PRT–156381.

The applicant requests a permit to import biological samples from dwarf crocodile (*Osteolaemus tetraspis osborni*), Nile crocodile (*Crocodylus niloticus*), and African slender-snout crocodile (*Crocodylus cataphractus*) from the Republics of Gabon and Congo for the purpose of enhancement of the species through scientific research. This notification covers activities conducted by the applicant for a five-year period.

Marine Mammals

The public is invited to comment on the following applications for a permit to conduct certain activities with marine mammals. The applications were submitted to satisfy requirements of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), and the regulations governing marine mammals (50 CFR part 18). Written data, comments, or requests for copies of the complete applications or requests for a public hearing on these applications should be submitted to the Director (**ADDRESSES** above). Anyone requesting a hearing should give specific reasons why a hearing would be appropriate. The holding of such a hearing is at the discretion of the Director.

Applicant: U.S. Fish and Wildlife Service, Marine Mammals Management, Anchorage, AK, PRT–046081.

The applicant requests renewal and amendment of a permit to take polar bears (Ursus maritimus) in Alaska for the purpose of scientific research. The take activities include capture and release; tag, mark and radio collar; and collection of biometrics and biological samples. This notification covers activities to be conducted by the applicant over a five-year period.

Concurrent with the publication of this notice in the **Federal Register**, the Division of Management Authority is forwarding copies of the above applications to the Marine Mammal Commission and the Committee of Scientific Advisors for their review.

Applicant: Jim B. Dismukes, Fair Oaks, CA, PRT–155535.

The applicant requests a permit to import a polar bear (*Ursus maritimus*) sport hunted from the Northern Beaufort

Sea polar bear population in Canada for personal, noncommercial use.

Applicant: Raymond T. Cuppy, Souderton, PA, PRT–156394.

The applicant requests a permit to import a polar bear (*Ursus maritimus*) sport hunted from the Lancaster Sound polar bear population in Canada for personal, noncommercial use.

Dated: June 8, 2007.

Lisa J. Lierheimer,

Senior Permit Biologist, Branch of Permits, Division of Management Authority.

[FR Doc. E7–13063 Filed 7–5–07; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Proposed Low Effect Habitat Conservation Plan for the Jurupa Avenue Road Widening Project, City of Fontana, County of San Bernardino, CA

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability.

SUMMARY: The City of Fontana (applicant) has applied to the U.S. Fish and Wildlife Service (Service) for a 3-year incidental take permit for one covered species pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (Act). The application addresses the potential for ''take'' of the endangered Delhi Sands flower-loving fly (*Rhaphiomidas terminatus abdominalis*) associated with the proposed widening of Jurupa Avenue between Sierra and Tamarind avenues in the City of Fontana, San Bernardino County, California. A conservation program to mitigate for the project activities would be implemented as described in the proposed Jurupa Avenue Widening Project Low Effect Habitat Conservation Plan (proposed HCP), which would be implemented by the applicant.

We are requesting comments on the permit application and on the preliminary determination that the proposed HCP qualifies as a ''Low-effect'' Habitat Conservation Plan, eligible for a categorical exclusion under the National Environmental Policy Act (NEPA) of 1969, as amended. The basis for this determination is discussed in the Environmental Action Statement (EAS) and the associated Low Effect Screening Form, which are also available for public review.

DATES: Written comments should be received on or before August 6, 2007.

ADDRESSES: Comments should be addressed to the Field Supervisor, Fish and Wildlife Service, Carlsbad Fish and Wildlife Office, 6010 Hidden Valley Road, Carlsbad, CA 92011. Written comments may be sent by facsimile to (760) 918–0638.

FOR FURTHER INFORMATION CONTACT: Ms. Karen Goebel, Assistant Field Supervisor, Carlsbad Fish and Wildlife Office (see **ADDRESSES**); telephone: (760) 431–9440.

SUPPLEMENTARY INFORMATION:

Availability of Documents

Individuals wishing copies of the proposed HCP and EAS should immediately contact the Service by telephone at (760) 431–9440 or by letter to the Carlsbad Fish and Wildlife Office. Copies of the proposed HCP and EAS also are available for public inspection during regular business hours at the Carlsbad Fish and Wildlife Office [*see* **ADDRESSES**].

Background

Section 9 of the Act and its implementing Federal regulations prohibit the take of animal species listed as endangered or threatened. Take is defined under the Act as harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect listed animal species, or attempt to engage in such conduct (16 U.S.C. 1538). However, under section 10(a) of the Act, the Service may issue permits to authorize incidental take of listed species. ''Incidental take'' is defined by the Act as take that is incidental to, and not the purpose of, carrying out an otherwise lawful activity. Regulations governing incidental take permits for threatened and endangered species, respectively, are found in the Code of Federal Regulations at 50 CFR 17.22 and 50 CFR 17.32

The applicant is seeking a permit for take of the Delhi Sands flower-loving fly during the life of the permit. This species is referred to as the ''DSF'' in the proposed HCP.

The applicant proposes to widen Jurupa Avenue between Sierra and Tamarind avenues in the City of Fontana, San Bernardino County, California. The proposed project would impact 4.7 acres of land, of which less than 1 acre is likely occupied by the DSF. We anticipate that all DSF within the project site would be lost during project construction. The project site does not contain any other rare, threatened or endangered species or habitat. No critical habitat for any listed species occurs on the project site.

The applicant proposes to mitigate the effects to the DSF associated with the covered activities by fully implementing the HCP. The purpose of the proposed HCP's conservation program is to promote the biological conservation of the DSF. The applicant proposes to mitigate impacts to the DSF through purchase of 1 acre of credit within the Colton Dunes Conservation Bank in the City of Colton, San Bernardino County, California.

The Proposed Action consists of the issuance of an incidental take permit and implementation of the proposed HCP, which includes measures to mitigate impacts of the project on the DSF. One alternative to the taking of the listed species under the Proposed Action is considered in the proposed HCP. Under the No Action Alternative, no permit would be issued, and no construction or conservation would occur.

The Service has made a preliminary determination that approval of the proposed HCP qualifies as a categorical exclusion under NEPA, as provided by the Department of the Interior Manual (516 DM 2 Appendix 1 and 516 DM 6 Appendix 1) and as a ''low-effect'' plan as defined by the Habitat Conservation Planning Handbook (November 1996). Determination of Low-effect Habitat Conservation Plans is based on the following three criteria: (1) Implementation of the proposed HCP would result in minor or negligible effects on federally listed, proposed, and candidate species and their habitats; (2) Implementation of the proposed HCP would result in minor or negligible effects on other environmental values or resources; and (3) Impacts of the proposed HCP, considered together with the impacts of other past, present and reasonably foreseeable similarly situated projects would not result, over time, in cumulative effects to environmental values or resources which would be considered significant.

Based upon this preliminary determination, we do not intend to prepare further NEPA documentation. We will consider public comments in making the final determination on whether to prepare such additional documentation.

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.

This notice is provided pursuant to section 10(c) of the Act. We will evaluate the permit application, the proposed HCP, and comments submitted thereon to determine whether the application meets the requirements of section 10(a) of the Act. If the requirements are met, we will issue a permit to the City of Fontana for the incidental take of the Delhi Sands flower-loving fly from widening of Jurupa Avenue between Sierra and Tamarind Avenues in the City of Fontana, San Bernardino County, California.

Dated: June 29, 2007.

Jim A. Bartel,

Field Supervisor, Carlsbad Fish and Wildlife Office, Carlsbad, California.

[FR Doc. E7–13129 Filed 7–5–07; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Availability, Final Restoration Plan

AGENCY: U.S. Fish and Wildlife Service, Department of the Interior.

ACTION: Notice of availability.

SUMMARY: The U.S. Fish and Wildlife Service (Service), on behalf of the Department of the Interior (DOI), as the sole natural resource trustee, announces the release of the Final Restoration Plan (RP) for the Cortese Landfill Superfund Site (Site). As a result of remedial activities and off-Site migration of Site-related contaminants, 1.6 acres of wetlands were destroyed and/or degraded. Adversely affected natural resources include waterfowl, wading birds, hawks, woodpeckers, swallows, migratory songbirds, invertebrates, reptiles, and amphibians. In addition, the section of the Upper Delaware River watershed near the Site hosts the largest population of wintering bald eagles in the Northeast. An embayment of the Delaware River adjacent to the Site provides feeding and/or spawning habitat for forage fish, American shad, striped bass, and American eel. the funds available from this settlement for restoration activities total approximately $85,000. The restoration project selected for implementation in the Final RP involves wet meadow/wetland restoration and protection.

The Final RP presents the preferred alternative consisting of a restoration project that compensates for injuries to natural resources caused by contaminant releases and remedial activities associated with the Site.

ADDRESSES: Requests for copies of the RP may be made to: U.S. Fish and Wildlife Service, New York Field Office, 3817 Luker road, Cortland, New York 13045.

FOR FURTHER INFORMATION CONTACT: Ken Karwowski, Environmental Contaminants Program, U.S. Fish and Wildlife Service, New York Field Office, 3817 Luker Road, Cortland, New York 13045. Interested parties may also contact Mr. Karwowski by telephone at 607–753–9334 or by electronic mail at the following address: *Ken_Karwowski@fws.gov* for further information.

SUPPLEMENTARY INFORMATION: In May 1996, a natural resource damage settlement was achieved for the Cortese Landfill Superfund Site. The Service, on behalf of the DOI, was the sole settling natural resource Trustee. The funds available from the settlement for restoration activities total approximately $85,000. The RP is being released in accordance with the Comprehensive Environmental Response, Compensation and Liability Act of 1980 as amended, (CERCLA) (42 U.S.C. 9601 *et seq.*), the Department of the Interior's Natural Resource Damage Assessment Regulations (43 CFR, part 11), and the National Environmental Policy Act (NEPA) 45 U.S.C. 4371 *et seq.,* and 42 CFR part 1500. The Final RP is intended to describe the Trustee's selected alternative to restore natural resources injured as a result of the discharge of hazardous substances at or from the Site.

Based on an evaluation of various restoration alternatives, the preferred alternative consists of a restoration project involving wet meadow/wetland restoration and protection.

Interested members of the public are invited to review the RP. Copies of the RP are available for review at the Service's New York Field Office at 3817 Luker Road, Cortland, New York. Additionally, the RP will be available for review at the following Web site link (*http://nyfo.fws.gov/ec/CorteseFRP.pdf*). Written comments on the Draft RP were considered and addressed in the Final RP.

Author: The primary author of this notice is Ken Karwowski, U.S. Fish and Wildlife Service, New York Field Office, 3817 Luker Road, Cortland, New York 13045.

Authority: The authority for this action is the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, (CERCLA) (42 U.S.C. 9601 et seq.), and the Department of the Interior's Natural Resource Damage Assessment Regulations found at 43 CFR, part 11.

Dated: April 20, 2007.

Thomas J. Healy,

Acting Regional Director, Region 5, U.S. Fish and Wildlife Service, U.S. Department of the Interior, DOI Authorized Official.

[FR Doc. 07–3282 Filed 7–5–07; 8:45 am]

BILLING CODE 4310–55–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Lake Umbagog National Wildlife Refuge

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability of draft comprehensive conservation plan and environmental impact statement for Lake Umbagog National Wildlife Refuge; request for comments.

SUMMARY: The Fish and Wildlife Service (Service) announces the availability for review of the Draft Comprehensive Conservation Plan and Environmental Impact Statement for Lake Umbagog National Wildlife Refuge (NWR). The Service prepared the Draft CCP/EIS in compliance with the National Environmental Policy Act of 1969 and the National Wildlife Refuge System Administration Act of 1966, as amended by the National Wildlife Refuge System Improvement Act of 1997. We request public comments.

DATES: The Draft CCP/EIS will be available for public review and comment until close of business on August 20, 2007.

ADDRESSES: You may obtain copies of the draft CCP/EIS on compact diskette or in print by writing to Nancy McGarigal, Refuge Planner, U.S. Fish and Wildlife Service, 300 Westgate Center Drive, Hadley, Massachusetts 01035, or by electronic mail at *northeastplanning@fws.gov*. You may also view the draft on the Web at *http://library.fws.gov/ccps.htm*. We plan to host public meetings in Errol, Berlin, and Concord, New Hampshire, and in Bethel and Augusta, Maine. We will post the details of each meeting approximately 2 weeks in advance, via our project mailing list, in local papers, and at the refuge.

FOR FURTHER INFORMATION CONTACT: For more information, or to get on the project mailing list, contact Nancy McGarigal, Refuge Planner, at the address above, by telephone at 413–253–8562, by fax at 413–253–8468, or by e-mail at *Nancy_McGarigal@fws.gov*.

SUPPLEMENTARY INFORMATION: The National Wildlife Refuge System Administration Act of 1966, as amended

by the National Wildlife Refuge System Improvement Act of 1997 (16 U.S.C. 668dd et seq.), requires the Service to develop a CCP for each refuge. The purpose of developing a CCP is to provide refuge managers with a 15-year strategy for achieving refuge purposes and contributing to the mission of the National Wildlife Refuge System (NWRS), in conformance with the sound principles of fish and wildlife science, natural resources conservation, legal mandates, and Service policies. In addition to outlining broad management direction on conserving wildlife and habitats, CCPs identify wildlife-dependent recreational opportunities available to the public, including opportunities for hunting, fishing, wildlife observation and photography, and environmental interpretation and education. The Service will review and update each CCP at least once every 15 years, in accordance with the National Wildlife Refuge System Improvement Act of 1997 and the National Environmental Policy Act of 1969.

We established Lake Umbagog NWR with its first land purchase in 1992. Its purposes are to provide long-term protection for unique wetlands, threatened and endangered species and migratory birds of conservation concern, and sustain regionally significant concentrations of wildlife.

This 20,513-acre refuge lies in Coos County, New Hampshire, and Oxford County, Maine. It contains widely diverse types of upland and wetland habitat around the 8,500-acre Umbagog Lake. Since establishing the refuge, we have focused primarily on conserving lands within its approved boundary; monitoring the occupancy and productivity of common loon, bald eagle, and osprey nesting sites, and protecting them from human disturbance; conducting baseline biological inventories; and providing wildlife-dependent recreational opportunities.

The Draft CCP/EIS evaluates three alternatives, which address 18 major issues identified during the planning process. Several sources generated those issues: The public, State or Federal agencies, other Service programs, and our planning team. The draft describes those issues in detail. Highlights of the alternatives follow.

Alternative A (Current Management): This alternative is the ''No Action'' alternative required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4347, as amended). Alternative A defines our current management activities, including those planned, funded, or under way, and serves as the baseline against which to compare the other two action alternatives. It would maintain our present levels of approved refuge staffing and the biological and visitor programs now in place. Our biological program would continue its passive habitat management. That is, the program would focus on protecting and monitoring key resources and conducting baseline inventories to improve our knowledge of the ecosystem. We would not manage our habitats actively, (*e.g.*, by conducting silvicultural operations) under this alternative. However, we would continue such projects as monitoring and protecting common loon, bald eagle, and osprey nests, and biological inventories for breeding and migrating waterfowl, land birds, rare plant communities, and amphibians. If funding were available, we would conduct other projects, such as mapping vernal pools and surveying for small mammals. We would continue to allow research by others on refuge lands, as long as it contributes to our knowledge of refuge resources.

Regarding our visitor services programs, we would continue to conduct hunting, wildlife observation and photography, and limited environmental education and interpretation programs as staffing and funding allow. We would continue planning to extend our only trail, the Magalloway River Trail, and make it an accessible, self-guided, interpretive trail. We would also continue to allow snowmobiling on designated trails that are part of an established trail system, and allow remote lake camping at 12 sites, and river camping at 2 sites under a reservation system administered for us by the New Hampshire Division of State Parks and Recreation. We would continue our annual community outreach by participating in the ''Umbagog Wildlife Festival'' and ''Take Me Fishing'' events. Finally, we would continue to pursue the acquisition from willing sellers of the 6,392 acres of important wildlife habitat that lies within our currently approved acquisition boundary.

Alternative B (the Service-preferred alternative): This alternative represents the combination of actions we believe most effectively achieves the purposes and goals of the refuge and address the major issues. It builds on the programs identified under current management. Funding and staffing would need to increase to support adequately the program expansions we propose. We would construct a new administrative headquarters and visitor contact facility in a location more centrally located and better suited for administrating refuge resources. The protection and restoration of wetlands would continue to be our highest priority biological program, followed by forest management in upland habitats to benefit refuge focal species. Those include species that national and regional plans identify as conservation priorities. We would also expand our program to monitor the human disturbance of resources of concern and evaluate wildlife responses to refuge management strategies.

We would adapt those strategies to those results to ensure full resource protection. We would also manage furbearers.

We would expand three of our existing priority public use programs, and formally open the refuge for fishing. We would develop new infrastructure to facilitate wildlife observation, nature photography, and interpretation. Those include the construction of several new walking trails with observation platforms, interpretative signs, and roadside areas for viewing wildlife. Our hunting program would not change. We would continue to allow remote lake camping at 12 sites on refuge lands, but would close and restore the 2 sites on the river. Snowmobiling would continue on existing, designated trails, but we would not expand it.

We would enhance local and regional partnerships consistent with our mission. Those would include visitor contact facilities, regional wildlife trails and auto-tours, land conservation, and wildlife habitat management. We would pursue the establishment of a Land Management Research Demonstration (LMRD) site on the refuge to promote research and development of applied management practices, primarily for the benefit of refuge focal species and other resources of concern in the Northern Forest.

In addition to our acquisition of land in Alternative A, Alternative B includes expanding the refuge by 49,718 acres by combining 65 percent fee-simple acquisition with 35 percent conservation easement acquisition from willing sellers. All of those lands are contiguous with refuge land and undeveloped. They consist of high-quality, important wildlife habitat in an amount and distribution to provide us with management flexibility in achieving refuge habitat goals and objectives. Collectively, they would form a land base that affords vital links to other conserved lands in the Upper Androscoggin River watershed. Finally, they would fully complement and enhance the Federal, State and private conservation partnerships actively

involved in protecting this unique ecosystem.

Alternative C: This alternative proposes to establish and maintain the ecological integrity of natural communities on the refuge and surrounding landscape without specific emphasis or concern for any particular species or species groups. As in Alternative B, funding and staffing would increase to support the program expansions we propose, and we would construct a new administrative headquarters and visitor contact facility. Our biological program would build off the passive habitat management in Alternative A to include some habitat manipulations to create or hasten the development of mature forest structural conditions shaped by natural disturbances. Much of that would include upland forest management to diversify the age and structure of the young, even-aged stands created by past commercial uses of refuge forestland.

We would offer the same variety of programs as in Alternative B. However, we would promote more dispersed, low-density, undeveloped backcountry experiences. The only new infrastructure developments would be located at the new administrative facility. If necessary in order to promote a back-country experience in our hunting and fishing programs, we would develop a permit system, limit access, and designate hunting and fishing areas. We would continue to allow snowmobiling and remote lake camping as in Alternative B. However, we would place additional restrictions on the activities allowed at campsites to promote low-density management.

Alternative C would also include the LMRD program and furbearer management. It also builds off the proposal in Alternative A to include a refuge expansion of 76,304 acres, acquired in fee simple from willing sellers. We designed this proposal to protect and conserve large, contiguous blocks of habitat exceeding 25,000 acres and connect them to other conserved lands in the Upper Androscoggin River watershed. As in Alternative B, those expansion lands consist of high-quality, important wildlife habitat; occur in an amount and distribution that provide us the management flexibility to achieve refuge habitat goals and objectives; and, fully complement and enhance the land management of adjacent conservation partners.

After we evaluate and respond to public comments on this Draft CCP/EIS, we will prepare a Final CCP/EIS and announce its availability in the **Federal Register** for a 30-day review period. After this period, we will prepare a Record of Decision (ROD), which is the decision document that certifies that the selected alternative meets all agency compliance requirements and achieves refuge purposes and the NWRS mission. The Regional Director signs the final CCP and ROD, which, if approved by the Director, will include the decision to expand the refuge as detailed in the Land Protection Plan.

Dated: July 18, 2006.

Richard O. Bennett,

Acting Regional Director, Region 5, U.S. Fish and Wildlife Service, Hadley, Massachusetts.

This document was received at the Office of the Federal Register on June 26, 2007.

[FR Doc. E7–12626 Filed 7–5–07; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Job Placement and Training (Adult Vocational Training and Direct Employment)

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of proposed renewal of information collection document.

SUMMARY: The Office of the Assistant Secretary-Indian Affairs is seeking comments on the renewal of the Job Placement and Training (Adult Vocational Training and Direct Employment) Information Collection. This action is being taken due to the impending expiration of the existing data collection. This action will allow the Department on-going collection of data required by statute, regulation and policy.

DATE: Submit comments on or before September 4, 2007.

ADDRESSES: Comments should be sent to Robert W. Middleton, Ph.D., Director, Office of Indian Energy and Economic Development, either by facsimile at (202) 208–4564, or by mail to 1951 Constitution Avenue, NW., Mailstop 20–SIB, Washington, DC 20245.

FOR FURTHER INFORMATION CONTACT: You may request further information or obtain copies of the proposed information collection request from Lynn Forcia, Chief, Division of Workforce Development, telephone (202) 219–5270 or Jody Garrison, Manpower Development Specialist on (202) 208–2685.

SUPPLEMENTARY INFORMATION: The information collection is necessary to be in compliance with 25 CFR parts 26 and 27 and 25 U.S.C. 309 (Pub. L. 84–959 of 1956). The information is used to make determinations of eligibility for services provided by the Department's Job Placement and Training Program (Adult Vocational Training Program). Data collection allows us to ensure uniformity of services, and to ensure current, accurate records, comply with the Government Performance Results Act (GPRA) and provide sufficient data for Performance Assessment Rating Tool (PART) evaluations. All information collected is retained in an individual case record and is used for case management/case planning purposes by the service provider. Data collected will be retained for three years.

Request for Comments: The Department of the Interior requests your comments on this collection concerning:

(a) The necessity of this information collection 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 (hours and cost) of the collection of information, including the validity of the methodology and assumptions used;

(c) Ways we could enhance the quality, utility and clarity of the information to be collected; and

(d) Ways we could minimize the burden of the collection of the information on the respondents, such as through the use of automated collection techniques or other forms of information technology.

Please note that an agency may not sponsor or request and an individual need not respond to, a collection of information unless it has a valid OMB Control Number.

It is our policy to make all comments available to the public for review at the location listed in the **ADDRESSES** section, room 18, South Interior Building, during the hours of 8 a.m. 5 p.m., EST Monday through Friday except for legal holidays. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, be advised that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold from public review your personal identifying information, we cannot guarantee that we will be able to do so. All comments from organizations or representatives will be available for review. We may withhold comments from review for other reasons.

OMB Control Number: 1076–0062.

Type of review: Renewal.

Title: 25 CFR parts 26 and 27.

Brief Description of Collection: Data Collection using this form is submitted

voluntarily to obtain or retain a benefit; namely, vocational training.

Respondents: Individuals seeking financial assistance for Adult vocational training, job placement and related supportive services in accordance with 25 CFR part 26 and part 27 complete this data collection instrument.

Number of Respondents: 4,900.

Estimated Time per Response: We estimate one-half hour to complete the form for each applicant.

Frequency of Response: Each applicant will complete the form one time, upon application for benefits.

Total Annual Burden to Respondents: We estimate a total of 4,900 applicants in one year times one-half hour to complete the form equals total burden hours per year of 2,450 hours.

Dated: June 26, 2007.

Carl J. Artman,

Assistant Secretary—Indian Affairs.

[FR Doc. E7–13074 Filed 7–5–07; 8:45 am]

BILLING CODE 4310–40–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Building Tribal Energy Development Capacity

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Grant program to build tribal energy development capacity.

SUMMARY: The Energy Policy Act of 2005 authorizes the Secretary to provide development grants to Indian tribes and tribal energy resource development organizations for use in developing or obtaining the managerial and technical capacity needed to develop energy resources on Indian land, and to properly account for resulting energy production and revenues. In furtherance of this goal, the Department of the Interior's Office of Indian Energy and Economic Development is soliciting proposals from tribes and tribal energy resource development organizations. The Department will award several grants of up to $50,000 each for this program.

DATES: Submit grant proposals by August 6, 2007. We will not consider grant proposals received after this date.

ADDRESSES: You must submit the Tribal Energy Development Capacity proposal by mail or hand-carry to the Department of the Interior, Office of Indian Energy and Economic Development, Attention: Tribal Energy Development Capacity Proposal, Room 20—South Interior Building, 1951 Constitution Avenue, NW., Washington, DC 20245.

FOR FURTHER INFORMATION CONTACT: Darryl Francois, Program Analyst, Office of Indian Energy and Economic Development, Room 20—South Interior Building, 1951 Constitution Avenue, NW., Washington, DC 20245, Telephone (202) 219–0740 or Fax (202) 208–4564.

SUPPLEMENTARY INFORMATION: Title V, Section 503 of the Energy Policy Act of 2005 (Pub. L. 109–58) amends Title XXVI (Indian Energy) of the Energy Policy Act of 1992 to require the Secretary of the Interior (Secretary) to offer Indian tribes the opportunity to enter into a Tribal Energy Resource Agreement (TERA) with the Department of the Interior. The intent of these agreements is to promote tribal oversight and management of energy and mineral resource development on tribal lands and further the goal of Indian Self-Determination. A TERA offers a tribe an entirely new alternative for entering into energy-related business agreements and leases and for granting rights-of-way for pipelines and electric transmission and distribution lines without the Secretary's review and approval.

The Energy Policy Act of 2005 requires that the Secretary, before approving a TERA with a tribe, make a determination of a tribe's capacity to manage the full scope of administrative, regulatory, and energy resource development that the tribe proposes to assume under an approved TERA.

Recognizing that a tribe wanting to enter into a TERA with the Department may need technical assistance in building its management capacity, the Energy Policy Act of 2005 also authorizes the Secretary to provide development grants to Indian tribes and tribal energy resource development organizations for use in developing or obtaining the managerial and technical capacity needed to develop energy resources on Indian land, and to properly account for resulting energy production and revenues. In furtherance of this goal, the Department of the Interior's Office of Indian Energy and Economic Development (IEED) is soliciting proposals from tribes and tribal energy resource development organizations to achieve the following goals:

- Evaluate the type and range of energy development activities that a tribe may want to assume under a TERA.
- Determine the current level of scientific, technical, administrative, or financial management capacity of the tribe to assume responsibility for the identified development activities; and
- Determine which scientific, technical, administrative, or financial management capacities need enhancement and what process and/or procedures the grantee may use to eliminate these capacity gaps.

A. Items To Consider Before Preparing an Application for a Tribal Energy Devlopment Capacity Grant

1. Trust Land Status

Tribal Energy Development Capacity (TEDC) funding can only be made available to Tribes whose lands are held in trust or restricted fee by the Federal government. Congress has appropriated these funds to develop tribal capacity to manage the full scope of administrative, regulatory, and energy resource development only on Indian trust or restricted fee lands.

2. Tribes' Compliance History

All grant programs are under constant and close scrutiny by the Administration and Congress. Therefore, IEED must monitor all TEDC grants for statutory and regulatory compliance to assure that awarded funds are correctly applied to projects that the IEED is authorized to support. Tribes that expend funds on unapproved functions may forfeit remaining funds in that project year, as well as future year TEDC funding. Consequently, IEED may request a tribe to provide a summary of any funds they have received in past years through award programs administered by IEED, and IEED may conduct a review of award expenditures before making a decision on current year proposals.

3. BIA Sanction List

Tribes who are on the BIA's list of sanctioned tribes with a Level 1 rating will not be considered for an award.

4. Multi-Year Projects

The TEDC program cannot award multi-year funding for a project. Funding available for building energy development capacity is subject to annual appropriations by Congress and therefore IEED can only consider single-year projects. Therefore, Tribal Energy Development Capacity projects should be designed to be completed in one year.

5. What the Tribal Energy Development Capacity Award Cannot Fund

As stated above, these funds are used specifically to assist tribes in an assessment of their ability to manage the full scope of administrative, regulatory, and energy resource development work only. Examples of items that cannot be funded include, but are not limited to the following:

• Purchasing and/or leasing of equipment for the development of energy and mineral resources;
• Establishing or operating a tribal office, and/or purchase of office equipment not specific to the assessment project. Tribal salaries may be included only if they are directly involved in the project and only for the duration of the project;
• Indirect costs and overhead as defined by the Federal Acquisition Regulation (FAR);
• Purchase of project equipment such as computers, vehicles, field gear, etc.;
• The payment of fees or procurement of any services associated with energy assessment or exploration or development activity;
• Legal fees;
• Research and development of unproven technologies;
• Training;
• Contracted negotiation fees;
• Purchase of resource assessment data; and
• Any other activities not authorized by the Tribal resolution or by the award letter.

B. How To Prepare an Application for Tribal Energy Development Capacity Funding

Applications must be prepared in accordance with this section. A complete application for TEDC funding must contain the following components:

(a) A tribal resolution authorizing the proposed project;

(b) A proposal describing the planned activities and deliverable products;

(c) A detailed budget estimate.

IEED will examine every application for these components. Any application that does not contain all of the mandatory components will be considered incomplete and returned to the tribe, with an explanation. Tribes will then be allowed ten working days to correct all deficiencies and submit the application for re-consideration.

1. Mandatory Component 1: Tribal Resolution

The tribal resolution must be current, and it must be signed. It must authorize tribal approval for a TEDC proposed project in the same fiscal year as that of the proposal and must explicitly refer to the proposal being submitted.

2. Mandatory Component 2: Tribal Energy Development Capacity Proposal

A tribe must present its TEDC proposal in the format prescribed in this section. The proposal should be well organized, contain as much detail as possible, yet be presented succinctly to allow a quick and thorough understanding of the proposal by the IEED evaluation team. The proposal must include the following sections:

(a) *Overview:* A short summary overview of the proposal that includes the following:

—Elements of the proposed study;
—Reasons the proposed study is needed;
—Total requested funding;
—Responsible parties for technical execution and administration of the proposed project; and
—A tribal point of contact for the project and contact information.

(b) *Technical Summary and Current Status:* Describe in relevant detail the proposed project. Acknowledge any existing capacity assessments or building efforts already underway or previously completed. Give examples of the tribe's experience with energy development activities (both in the target area for capacity assessment and other energy development activities). Describe future plans the tribe has for energy development and growth. The proposed new study should not duplicate previous work. Describe the tribe's existing capabilities in comparison with the spectrum of abilities necessary for successful energy development, including but not limited to the following:

• Land and lease management
• Technical, scientific and engineering assessment
• Financial and revenue management
• Environmental monitoring and assessment
• Regulatory monitoring and development (especially Federal, State, and Tribal environmental and safety regulations)

(c) *Project Objectives, Goals and Scope of Work:* Describe the work proposed and the project goals and objectives expected to be achieved by the proposed project. Specifically, identify the areas where the proposal's assessment will focus. Describe in relevant detail the scope of work and justify a particular approach to be used in assessing the tribe's capacity to manage energy development activities and determine proposed next steps to be taken to eliminate identified skill gaps.

(d) *Deliverable Products:* Describe the deliverable products that the proposed project will generate. Discuss and provide deadlines for planned status reports as well as the final report.

(e) *Resumes of Key Personnel:* If the tribe will use consultant services, provide the resumes of key personnel who will do the project work. The resumes should provide information on each individual's expertise. If subcontractors are used, these should also be disclosed.

3. Mandatory Component 3: Detailed Budget Estimate

A detailed budget estimate is required for the funding level requested. The detail not only provides the tribe with an estimate of costs, but it also provides IEED with the means of evaluating each project. This line-by-line budget must fully detail all projected and anticipated expenditures under the TEDC proposal. The ranking committee reviews each budget estimate to determine whether the budget is reasonable and can produce the results outlined under the proposal.

Each proposed project function should have a separate budget. The budget should break out contract and consulting fees, travel, and all other relevant project expenses. Preparation of the budget portion of a proposal should be considered a top priority. A TEDC proposal that includes sound budget projections will receive a more favorable ranking over those proposals that fail to provide appropriate budget projections.

The budget should provide a comprehensive breakdown for those project line items that involve several components or contain numerous sub-functions.

(a) *Contracted Personnel Costs.* This includes all contracted personnel and consultants, their respective positions and time (staff-hour) allocations for the proposed functions of a project.

• Personnel funded under the Public Law 93–638 Tribal Energy Development Capacity Program must have documented professional qualifications necessary to perform the work. Attach position descriptions to the budget estimate.
• If a consultant is to be hired for a fixed fee, itemize the consultant's expenses as part of the project budget.
• Consultant fees must be accompanied by documentation that clearly identifies the qualifications of the proposed consultants, specifies how the consultant(s) are to be used and includes a line item breakdown of costs associated with each consultant activity.

(b) *Travel Estimates.* Estimates should be itemized by airfare and vehicle rental, lodging and per diem, based on the current federal government per diem schedule.

(c) *Data Collection and Analysis Costs.* These costs should be itemized in sufficient detail for the reviewer to evaluate the charges.

(d) *Other Expenses.* Include computer rental, report generation, drafting, and advertising costs for a proposed project.

As previously stated, a tribe or tribal organization that expends TEDC funds on unapproved project functions is subject to forfeiture of any remaining funds in that project year as well as sanctions against receipt of any future year TEDC funding.

C. Submission of Application in Digital Format

Submit the application in digital form. Acceptable formats are MS Word, WordPerfect, and Adobe Acrobat PDF. Image and graphic files may be JPG, TIF, or other PC bit image file formats.

Files must be saved with filenames that clearly identify the file being submitted. File name extensions must clearly indicate the software application used for preparation of the documents (i.e., .wpd, .doc, .pdf.)

Documents requiring an original signature, such as cover letters, tribal resolutions, and other letters of tribal authorization must also be submitted in hard copy (paper) form.

If you have any additional questions concerning the Tribal Energy Development Capacity proposal submission process, please contact Darryl Francois, IEED's TEDC Coordinator at (202) 208–7253.

D. Award Evalaution and Administrative Information

1. Ranking Criteria

The proposal ranking criteria factors and associated scores as follows:

(a) Resource potential, 25 points.

(b) Energy development history and current status, 15 points.

(c) Existing energy development capabilities, 20 points.

(d) Demonstrated willingness to develop independent energy development business entity, 20 points.

(e) Tribal funding commitment, 20 points.

2. Ranking of Proposals and Award Letters

The TEDC review committee will rank the tribal energy development capacity proposals using the ranking criteria. The evaluation team will then forward the rated requests to the Director of IEED (Director) for approval. Once approved, the Director will submit all proposals to the Assistant Secretary of Indian Affairs for concurrence and announcement of awards to the selected tribes, via written notice. Those tribes not receiving an award will also be notified immediately in writing.

E. When to Submit

The IEED will accept applications at any time before August 6, 2007, and will send a notification of receipt to the return address on the application package, along with a determination of whether or not the application is complete. However, the technical evaluation of the proposal will begin only after August 6, 2007.

F. Where to Submit

Applicants must submit the Tribal Energy Development Capacity proposals to IEED at the following address: ATTN: Tribal Energy Development Capacity Proposal, South Interior Building—Room 20, 1951 Constitution Avenue, NW., Washington, DC 20245.

A tribe may fax a complete TEDC proposal to IEED prior to the deadline for submission of proposals; however, an original signature copy, including all signed tribal resolutions and/or letters of tribal authorization, must also be received in IEED's office within five working days after the deadline.

G. Transfer of Funds

IEED will transfer a tribe's TEDC funds to the BIA Regional Office that serves that tribe, via a sub-allotment funding document coded for the tribe's TEDC project. The tribe should be anticipating the transfer of funds and be in contact with their budget personnel contacts at the Regional and Agency office levels. Tribes receiving TEDC awards must establish a new 638 contract to complete the transfer process, or use an existing 638 contract, as applicable.

H. Reporting Requirements for Award Recipients

1. Quarterly Reporting Requirements

During the life of the TEDC project, quarterly reports are to be submitted to the IEED project coordinator assigned to your project. The beginning and ending quarter periods are to be based on the actual start date of the TEDC project. This date can be determined between the IEED project coordinator and the tribe.

The quarterly report can be a one to two page summary of events, accomplishments, problems and/or results that took place during the quarter. Quarterly reports are due two weeks after the end of a project's fiscal quarter.

2. Final Reporting Requirements

• *Delivery Schedules:* The tribe must deliver all products and data generated by the proposed assessment project to IEED through the TEDC project coordinator within two weeks after completion of the project.

• *Provide Reports and Data in Digital Form.* IEED requires that deliverable products be provided in digital format, along with printed hard copies. Reports can be provided in either MS Word or PDF format. Spreadsheet data can be provided in MS Excel or PDF formats. Images can be provided in PDF, JPEG, TIFF, or any of the Windows metafile formats.

• *Number of Copies.* When a tribe prepares a proposal for a TEDC project, it must describe the deliverable products and include a requirement that the products be prepared in standard format (see format description above). Each proposal's budget estimate will provide funding for a total of six printed and six digital copies of the final report to be distributed as follows:

(a) The tribe will receive two printed and two digital copies of the TEDC report.

(b) IEED will receive four printed copies and four digital copies of the report. IEED will transmit one of these copies to the tribe's BIA Regional Office, and one copy to the tribe's BIA Agency office.

(c) Two printed and two digital copies will then reside with IEED. These copies should be forwarded to the IEED office in Washington, DC, to the attention of the Tribal Energy Resource Agreement Office.

Dated: June 26, 2007.

Carl J. Artman,

Assistant Secretary—Indian Affairs.

[FR Doc. E7–13138 Filed 7–5–07; 8:45 am]

BILLING CODE 4310–40–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Steens Mountain Advisory Council—Notice of Renewal

AGENCY: Bureau of Land Management, Oregon State Office, DOT.

ACTION: Notice of Renewal of the Steens Mountain Advisory Council.

SUMMARY: This notice is published in accordance with section 9(a)(2) of the Federal Advisory Committee Act of 1972, Public Law 92–463. Notice is hereby given that the Secretary of the Interior (Secretary) has renewed the Bureau of Land Management's Steens Mountain Advisory Council.

The purpose of the Council will be to advise the Secretary in managing and promoting cooperative management of the Steens Mountain Cooperative Management and Protection Area.

FOR FURTHER INFORMATION CONTACT: Doug Herrema, National Landscape Conservation System (171), Bureau of Land Management, 1620 L Street, NW.,

Room 301 LS, Washington, DC 20236, telephone (202) 452–7787.

Certification Statement

I hereby certify that the renewal of the Steens Mountain Advisory Council is necessary and in the public interest in connection with the Secretary's responsibilities to manage the lands, resources, and facilities administered by the Bureau of Land Management.

Dated: June 22, 2007.

Dirk Kempthorne,

Secretary of the Interior.

[FR Doc. 07–3276 Filed 7–5–07; 8:45 am]

BILLING CODE 4310–33–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV–050–5853–EU]

Notice of Intent To Prepare a Supplemental Environmental Impact Statement to the Las Vegas Valley Disposal Boundary Final Environmental Impact Statement to Analyze Boundary Adjustments to and Management of the Conservation Transfer Area

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent.

SUMMARY: In accordance with Section 102(2)(c) of the National Environmental Policy Act (NEPA) of 1969, the Bureau of Land Management (BLM) Las Vegas Field Office, Nevada intends to prepare a Supplemental Environmental Impact Statement (SEIS) to the Las Vegas Disposal Boundary Final Environmental Impact Statement (FEIS) to analyze a possible adjustment of the boundary of the Conservation Transfer Area (CTA) referenced in the December 2004 FEIS and Record of Decision (ROD). Analysis of this possible boundary adjustment will include the management of approximately 13,400 acres of lands managed by the BLM. Under the ROD for the 2004 FEIS, approximately 5,000 acres were determined to be subject to a process of more study, collaboration, further NEPA analysis, and approval of a conservation agreement, prior to the transfer of title. The conservation agreement would determine the allowable uses to protect the resources within the CTA. Furthermore, the ROD stated that the boundary of the CTA would be adaptable to the needs and concerns of interested parties. The option was open to increase or decrease the size of the CTA with additional analysis. The SEIS to be prepared will analyze the effects of a variety of options for a final boundary for the CTA, as well as the impacts of several proposed uses, and the effect of retention of the CTA by the United States for management by the BLM. This analysis, and any decision made on the basis of this analysis, will ensure the direction reflected in the 2004 FEIS and ROD is met. This action is consistent with the Las Vegas Resource Management Plan of 1998, as superseded by the Southern Nevada Public Lands Management Act (SNPLMA) of 1998 and the Clark County Conservation of Public Land and Natural Resources Act (Clark County Act) of 2002.

DATES: Publication of this notice initiates the public scoping process. Scoping meetings will be held in Las Vegas, Nevada. All public meetings will be announced through the local news media, newsletters, and the BLM Web site at *http://www.nv.blm.gov* at least 15 days prior to the meeting.

ADDRESSES: Comments and information should be submitted to the BLM within 30 days of publication of this notice in the **Federal Register**. You may submit comments by any of the following methods:

- E-mail: *Jeffrey_Steinmetz@nv.blm.gov*.
- Fax: 702–515–5023.
- Mail: Bureau of Land Management, Las Vegas Field Office, Attention: Jeffrey Steinmetz, 4701 North Torrey Pines Drive, Las Vegas, Nevada 89130–2301.

Documents pertinent to this proposal may be examined at the Las Vegas Field Office.

FOR FURTHER INFORMATION: For further information and/or to have your name added to our mailing list, contact Jeffrey Steinmetz, BLM Las Vegas Field Office, by telephone (702) 515–5097 or by e-mail (*Jeffrey_Steinmetz@nv.blm.gov*).

SUPPLEMENTARY INFORMATION: The BLM conducted 10 public stakeholder meetings from November, 2004 to August, 2005. More than 160 members of the public participated in this process. Input was received on behalf of (1) the City of Las Vegas, (2) the City of North Las Vegas, (3) conservation groups, (4) recreation groups, (5) regional governmental entities (flood, water, transportation), (6) State of Nevada, (7) U.S. Fish and Wildlife Service (both Ecological Services and Refuge), (8) Clark County, (9) education institutions, (10) utilities, (11) builders/developers, and (12) Native American Tribes. All meetings were open to the public. The BLM received preliminary input on a variety of topics, including vision statements, goals and objectives, boundaries, infrastructure, recreation, education, and management options. By the end of this process, the BLM determined that a SEIS was warranted to analyze proposed boundaries and management of the CTA because the complexity of issues surrounding the CTA and the interest of local governments and citizens necessitates a comprehensive analysis of any adjustment to the boundary and/or management of the CTA, as referenced in the 2004 FEIS and ROD. The major issue themes anticipated to be addressed in the SEIS include: Impacts to air quality; impacts to surface water hydrology and water quality; protection of fossil-bearing formations; protection of federally-listed species, state-listed species, and BLM sensitive species; analysis of development scenarios based on updated local community development land use plans; impacts to visual resources; balancing conflicting and compatible land uses; protection of cultural and paleontological resources; environmental justice, social and economic impacts, cumulative impacts of the project based on build-out (build-out will include land sales and other land use authorizations); and assessment of land surface conditions.

The purpose of the public scoping process is to determine relevant issues that will influence the scope of the environmental analysis as well as alternatives analyzed in the SEIS. You may submit comments on issues and planning criteria in writing to the BLM at any public scoping meeting, or you may submit them to the BLM using one of the methods listed in the **ADDRESSES** section above. To be most helpful, you should submit formal scoping comments within 30 days after publication of this notice in the **Federal Register**. 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. All submissions from organizations and businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be available for public inspection in their entirety. The minutes and list of attendees for each scoping meeting will be available to the public and open for 30 days after the meeting to any participant who wishes to clarify the view he or she expressed.

After gathering public comments on what additional issues the SEIS should address, the suggested issues will be placed in one of two categories:

1. Issues to be analyzed in the SEIS and

2. Issues beyond the scope of the SEIS.

Rationale for the placement of each issue in category one or two, as well as for the resolution of such issue(s) will be included in the SEIS and/or ROD for the CTA. During the scoping phase, the public is encouraged to help identify questions and concerns to be addressed through the management of the CTA.

An interdisciplinary approach will be used to develop the SEIS in order to consider the variety of resource issues and concerns identified. Disciplines involved in the SEIS process will include specialists with expertise in soils, minerals and geology; hydrology; botany; wildlife; transportation; visual resources; air quality; lands and realty; outdoor recreation; archaeology; paleontology; and sociology and economics, including community development.

Authority: 40 CFR 1501.7.

Dated: April 3, 2007.

Juan Palma,

Field Manager.

[FR Doc. E7–13102 Filed 7–5–07; 8:45 am]

BILLING CODE 5853–EU–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AK–932–1430–ET; F–025943]

Notice of Public Meeting on Withdrawal Extension

AGENCY: Bureau of Land Management, Department of the Interior.

ACTION: Notice of public meeting.

SUMMARY: As required by 43 CFR 2310.3–1 notice is hereby given that a public meeting will be held regarding the proposed extension of the withdrawal to protect the Fairbanks Command and Data Acquisition Station (also known as the Gilmore Satellite Tracking Station). The station is operated by NOAA's National Satellite Information Services (also known as the National Environmental Satellite, Data, and Information Service). The Bureau of Land Management (BLM) proposes to extend the duration of Public Land Order (PLO) No. 3708, as modified by PLO No. 6709 (54 FR 6919, February 15, 1989) for an additional 20 year period. The lands comprise approximately 8,500 acres and are located in T. 2 N., R. 1 E., and T. 2 N., R. 2 E., Fairbanks Meridian near Fox, Alaska. A complete description can be provided by the BLM Fairbanks District Office at the address below.

DATES: August 8, 2007, 3–5 p.m. Alaska Daylight Time.

Location: BLM Fairbanks District Office, 1150 University Avenue, Fairbanks, Alaska.

FOR FURTHER INFORMATION CONTACT: BLM's Betsy Bonnell at 907–474–2336/ e-mail *betsy_bonnell@blm.gov* or NOAA's Richard Von Wittkamp at 206–526–4400/e-mail *richard.vonwittkamp@noaa.gov*.

SUPPLEMENTARY INFORMATION: Notice of the proposed withdrawal extension was published in the **Federal Register** on February 1, 2007 (Volume 72, Number 21). The meeting will be handicap accessible.

Dated: June 29, 2007.

Nichelle W. Jacobson,

Field Manager.

[FR Doc. E7–13087 Filed 7–5–07; 8:45 am]

BILLING CODE 3510–HR–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA–920–1310–FI); (CACA 44895]

Proposed Reinstatement of Terminated Oil and Gas Lease CACA 44895

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Reinstatement of Terminated Oil and Gas Lease.

SUMMARY: Under the provisions of Public Law 97–451, Carneros Energy, Inc timely filed a petition for reinstatement of oil and gas lease CACA 44895 for lands in Kern County, California, and it was accompanied by all required rentals and royalties accruing from January 1, 2007, the date of termination.

FOR FURTHER INFORMATION CONTACT: Rita Altamira, Land Law Examiner, Branch of Adjudication, Division of Energy & Minerals, BLM California State Office, 2800 Cottage Way, W–1834, Sacramento, California 95825, (916) 978–4378.

SUPPLEMENTARY INFORMATION: No valid lease has been issued affecting the lands. The lessee has agreed to new lease terms for rentals and royalties at rates of $10.00 per acre or fraction thereof and 16⅔ percent, respectively. The lessee has paid the required $500 administrative fee and has reimbursed the Bureau of Land Management for the cost of this **Federal Register** notice. The Lessee has met all the requirements for reinstatement of the lease as set out in Sections 31(d) and (e) of the Mineral Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate the lease effective January 1, 2007, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

Dated: June 28, 2007.

Debra Marsh,

Supervisor, Branch of Adjudication, Division of Energy & Minerals.

[FR Doc. E7–13082 Filed 7–5–07; 8:45 am]

BILLING CODE 4310–40–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY–923–1310–FI; WYW135113]

Wyoming: Notice of Proposed Reinstatement of Terminated Oil and Gas Lease

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Proposed Reinstatement of Terminated Oil and Gas Lease.

SUMMARY: Under the provisions of 30 U.S.C. 188(d) and (e), and 43 CFR 3108.2–3(a) and (b)(1), the Bureau of Land Management (BLM) received a petition for reinstatement from Samson Oil & Gas USA Inc. for competitive oil and gas lease WYW135113 for land in Sweetwater County, Wyoming. The petition was filed on time and was accompanied by all the rentals due since the date the lease terminated under the law.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management, Pamela J. Lewis, Chief, Branch of Fluid Minerals Adjudication, at (307) 775–6176.

SUPPLEMENTARY INFORMATION: The lessee has agreed to the amended lease terms for rentals and royalties at rates of $10 per acre or fraction thereof, per year and 16⅔ percent, respectively. The lessee has paid the required $500 administrative fee and $163.00 to reimburse the Department for the cost of this **Federal Register** notice. The lessee has met all the requirements for reinstatement of the lease as set out in Sections 31(d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate lease WYW135113 effective February 1, 2007, under the original terms and conditions of the lease and the

increased rental and royalty rates cited above. BLM has not issued a valid lease affecting the lands.

Pamela J. Lewis,

Chief, Branch of Fluid Minerals Adjudication.

[FR Doc. E7–13101 Filed 7–5–07; 8:45 am]

BILLING CODE 4310–22–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management, Interior

[MT066–1220–FV]

Notice of Intent To Collect Fees on Public Land in Chouteau County, Montana Under the Federal Lands Recreation Enhancement Act (REA) and Impose Supplementary Rules

AGENCY: Bureau of Land Management, Lewistown Field Office, Fort Benton, Montana.

ACTION: Notice of intent.

SUMMARY: The Bureau of Land Management proposes to establish fees and supplementary rules for the Upper Missouri River Breaks National Monument (UMRBNM) Interpretive Center for public use of the day-use areas. The fees are authorized under the Federal Lands Recreation Enhancement Act (REA), 16 U.S.C. 6801 *et seq.* The UMRBNM Interpretive Center qualifies as a site wherein visitors can be charged a ''Standard Amenity Recreation Fee'' authorized under section 3(4)(f) of the REA, for a recreation use permit described at 43 CFR part 2930. The supplementary rules, developed pursuant to 43 CFR 8365.1–6, are necessary for human health and safety and to protect the natural resources of the site. In accordance with BLM recreation fee program policy, the business plan explains the fee collection process, as well as outlining how the fees will be used at the UMRBNM Interpretive Center. BLM has notified and involved the public at each stage of the planning process, including the proposal to collect fees.

DATES: There will be a thirty (30) day public comment period that will expire 30 days after publication of this notice. The public is encouraged to participate in the public comment period. Effective 6 months after the publication of this notice, the Bureau of Land Management, Lewistown Field Office will initiate fee collection in the UMRBNM Interpretive Center, unless BLM publishes a **Federal Register** notice to the contrary. The Central Montana Resource Advisory Council (RAC) will review consideration for the new fee at least 3 months prior to the proposed initiation date. BLM may not necessarily consider or include in the Administrative Record for the final supplementary rules comments that are received after the close of the comment period described in this paragraph or comments that are delivered to an address other than that listed in the following paragraph.

ADDRESSES: (1) You may mail comments on the proposed fee and supplementary rules to Bureau of Land Management (BLM), Field Manager, Lewistown Field Office, 920 NE Main Street, Lewistown, MT 59457; (2) You may hand deliver comments to the Bureau of Land Management at the same address.

FOR FURTHER INFORMATION CONTACT: June Bailey, Field Office Manager, Bureau of Land Management, 920 NE Main Street, Lewistown, MT 59457, 406–538–1900.

SUPPLEMENTARY INFORMATION: The UMRBNM Interpretive Center is a day-use site located at the head of the Wild and Scenic Upper Missouri River, and the Upper Missouri River Breaks National Monument in Fort Benton, Montana. Pursuant to the REA, a fee per person will be charged for day use. BLM will charge separate fees for day use, educational tours, area passes and group reservations of the center. These fees will be posted at the UMRBNM Interpretive Center, at the Web site *http://www.mt.blm.gov/ldo/um/docs/interpretivecenter.htm*, and at the Lewistown Field Office in Lewistown, MT. Fees must be paid at the front desk located in the lobby of the interpretive center. People holding a River and Plains Society partnership pass; the America The Beautiful—The National Parks and Federal Recreational Lands Pass (i.e. the Interagency Annual Pass, Interagency Senior Pass, Interagency Access Pass, and Interagency Volunteer Pass); the National Parks Pass with Golden Eagle Hologram; and the Golden Eagle, Golden Age or Golden Access Passports will be entitled to free admission to the UMRBNM Interpretive Center.

The REA provides authority for 10 years for the Secretary of the Interior and the Secretary of Agriculture to establish, modify, charge, and collect recreation fees for use of some Federal recreation lands and waters, and contains specific provisions addressing public involvement in the establishment of recreation fees, including a requirement that Recreation Resource Advisory Committees or Councils have the opportunity to make recommendations regarding establishment of such fees. REA also directed the Secretaries of the Interior and Agriculture to publish advance notice in the **Federal Register** whenever new recreation fee areas are established under their respective jurisdictions. In accordance with BLM recreation fee program policy, the Lewistown Field Office UMRBNM Interpretive Center business plan explains the fee collection process, and outlines how the fees will be used at the UMRBNM Interpretive Center. BLM has notified and involved the public at each stage of the planning process, including the proposal to collect fees. Fee amounts will be posted on-site, and at the Lewistown Field Office, and copies of the business plan will be available at the Lewistown Field Office and the BLM Montana State Office.

The supplementary rules proposed pursuant to 43 CFR 8366.1–5 will not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency. These proposed supplementary rules do not alter the budgetary effects of entitlements, grants, user fees, or loan programs or the rights or obligations of their recipients; nor do they raise novel legal or policy issues. They merely impose rules of conduct and other limitations on certain recreational activities at a recreation site at the UMRBNM Interpretive Center to protect natural resources and human health and safety. This new interpretive center opened to the public on October 18, 2006. Fees have not been charged at this site in the past. Information concerning the proposed new fees has been available on the BLM Web site, is posted on site, has been written up in local newspapers, and has been spread through word of mouth from on-site volunteer hosts and local users. These efforts will continue following publication of this notice, with additional press releases to local news media.

Clarity of the Supplementary Rules

Executive Order 12866 requires each agency to write regulations that are simple and easy to understand. The BLM invites your comments on how to make these proposed supplementary rules easier to understand, including answers to questions such as the following: (1) Are the requirements in the proposed supplementary rules clearly stated? (2) Do the proposed supplementary rules contain technical language or jargon that interferes with their clarity? (3) Does the format of the proposed supplementary rules (grouping and order of sections, use of headings, paragraphing, etc.) aid or reduce their clarity? (4) Would the supplementary rules be easier to understand if they were divided into more (but shorter) sections? (5) Is the

discussion of the proposed supplementary rules in the **SUPPLEMENTARY INFORMATION** section of this preamble helpful to your understanding of the proposed supplementary rules? and (6) How could this material be more helpful in making the proposed supplementary rules easier to understand?

BLM welcomes public comments on this proposal, both as to the proposed fee and supplementary rules. Please send any comments to the address specified in the **ADDRESSES** section. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you are advised that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold from public review your personal identifying information, we cannot guarantee that we will be able to do so.

National Environmental Policy Act

BLM prepared Environmental Impact Statement No. MT 060–02–16 (EIS) to analyze the environmental impacts of the construction of the UMRBNM Interpretive Center. These proposed supplementary rules are designed to mitigate potential user-related issues discussed in the environmental impact statement. While the EIS does not include or analyze specific language for the proposed rules, it does inform the public that rules for use of the area will be developed to reduce user/residential conflicts and to protect important resources and values of the area.

The EIS states that visitation to the area is expected to increase with time, and this would occur in a primarily residential area. This would adversely impact a quiet residential area due to increased traffic on Front Street. Using Front Street and not Main Street as the primary access route would create less residential impact since there are fewer homes on Front Street than on Main Street.

The proposed supplementary rules are designed to mitigate these specific issues addressed in the EIS. The BLM has found that the proposed supplementary rules would not constitute a major Federal action significantly affecting the quality of the human environment under section 102(2)(C) of the Environmental Protection Act of 1969 (NEPA), 42 U.S.C. 4332(2)(C). The EIS is available for review in the BLM Administrative Record at the address specified in the **ADDRESSES** section.

Regulatory Flexibility Act

Congress enacted the Regulatory Flexibility Act of 1980 (RFA), as amended, 5 U.S.C. 601–612, to ensure that Government regulations do not unnecessarily or disproportionately burden small entities. The RFA requires a regulatory flexibility analysis if a rule would have a significant economic impact, either detrimental or beneficial, on a substantial number of small entities. These proposed supplementary rules should have no effect on business entities of whatever size. They merely would impose reasonable restrictions on certain recreational activities on the UMRBNM to protect natural resources and the environment, and human health and safety.

To determine an appropriate fee structure, BLM has worked with its partners in the project, the city of Fort Benton and the River and Plains Society. The River and Plains Society is responsible for administering three interpretive sites in Fort Benton: The Old Fort, the Agricultural Museum and Pioneer Village, and the Museum of the Upper Missouri (local Fort Benton history and 'tall tales'). BLM has also queried managers of regional recreational facilities, including the Lewis and Clark Interpretive Center, Ulm Pishkun State Park, Giant Springs State Park as well as the C.M. Russell Museum, all in Great Falls. As part of this process, BLM will work closely with its partners in Fort Benton to assure them of appropriate and commensurate fees. BLM also plans to offer an 'area pass' that can be purchased at any site, and allow the ticket holder admittance to any of these venues in Fort Benton. In addition, the proposed fees will be consistent with fees being charged for the same services at other public and BLM facilities. Therefore, BLM has determined under the RFA that these proposed supplementary rules would not have a significant economic impact on a substantial number of small entities.

Small Business Regulatory Enforcement Fairness Act (SBREFA)

These proposed supplementary rules are not a ''major rule'' as defined at 5 U.S.C. 804(2). They would not result in an effect on the economy of $100 million or more, in an increase in costs or prices, or in significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets. They would merely impose reasonable restrictions on certain activities at one recreation site within the Upper Missouri River Breaks National Monument and inside the city limits of Fort Benton, to protect natural resources and the environment, and human health and safety. The user fees proposed for the site are comparable to fees charged for similar facilities in the region and will not unfairly compete with local small businesses.

Unfunded Mandates Reform Act

These proposed supplementary rules do not impose an unfunded mandate on State, local or Tribal governments or the private sector of more than $100 million per year; nor do these proposed supplementary rules have a significant or unique effect on State, local, or tribal governments or the private sector. They would merely impose reasonable restrictions on certain activities at one recreation site within the UMRBNM Interpretive Center and inside the city limits of Fort Benton to protect natural resources and the environment, and human health and safety. Therefore, BLM is not required to prepare a statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 et seq.)

Executive Order 12630, Governmental Actions and Interference With Constitutionally Protected Property Rights (Takings)

The proposed supplementary rules do not represent a government action capable of interfering with constitutionally protected property rights. The proposed supplementary rules would have no effect on private lands or property. Therefore, the Department of the Interior has determined that the rule would not cause a taking of private property or require preparation of a takings assessment under this Executive Order.

Executive Order 13132, Federalism

The proposed supplementary rules 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. The proposed supplementary rules would have no effect on State or local government, and specifically exempt State and local government law enforcement and emergency personnel and activities from the effect of the supplementary rules. Therefore, in accordance with Executive Order 13132, BLM has determined that these proposed supplementary rules do not have sufficient federalism implications

to warrant preparation of a federalism assessment.

Executive Order 12988, Civil Justice Reform

Under Executive Order 12988, the Office of the Solicitor determined that these proposed supplementary rules would not unduly burden the judicial system and that they meet the requirements of sections 3(a) and 3(b)(2) of the Order.

Executive Order 13175, Consultation and Coordination With Indian Tribal Governments

Coordination and consultation as to development of the UMRBNM Interpretive Center and the proposed establishment of new fees has included contact with the following Tribal entities: Blackfeet, Nez Perce and Little Shell Band of the Chippewa Tribes. As a result of the consultation and coordination, in accordance with Executive Order 13175, BLM has found that these proposed fees and supplementary rules for the recreation site do not include policies that have Tribal implications.

Paperwork Reduction Act

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

Author

The principal author of these proposed supplementary rules is Connie Jacobs, UMRBNM Interpretive Center, Lewistown Field Office, Bureau of Land Management. The proposed supplementary rules for the UMRBNM Interpretive Center will go into effect six months after the publication of this notice. The supplementary rules will be posted at the site, in the center and the Lewistown Field Office and on the Web site *http://www.mt.blm.gov/ldo/index.html.*

The following supplementary rules are established for the interpretive center site:

1. Rules.

a. No parking at the site overnight; no parking lot use from 10:30 p.m. through 6 a.m.

b. Vehicles and camping gear may not be left unattended in the parking lot or interpretive center site for longer than 24 hours.

c. Firearms, bows and arrows, other weapons, air rifles, paintball equipment, pistols and any projectile may not be discharged in the parking lot or on the interpretive center site at any time.

d. Persons using the interpretive center will be subject to a standard amenity fee. Future adjustments in the fee amount will be modified in accordance with the BLM Upper Missouri River Breaks National Monument Interpretive Center business plan, consultation with the Central Montana Resource Advisory Council and other public notice prior to a fee increase. All fee information will be on the Web site *http://www.blm.gov/mt/st/en/fo/lewistown_field_office.html* and posted at the Lewistown Field Office and the UMRBNM Interpretive Center. Fee amounts are posted on-site, at the BLM Montana State Office, and the BLM Lewistown Field Office. Copies of the adjustment schedule and the Upper Missouri River Breaks National Monument Interpretive Center business plan are available for inspection at on-site, at the BLM Montana State Office, and at the BLM Lewistown Field Office.

e. Motorized vehicles must remain on constructed roadways, must park at designated sites only, and may not obstruct traffic flow or park at handicap accessible sites without having required accessible parking documentation. Cross-country vehicle travel is not allowed.

f. Drivers must obey posted speed limits at all times.

g. Pets must be kept on a leash within the interpretive center site, and day use areas must be kept free of pet waste.

h. Organizations making a profit, or organizations seeking to make a profit at the UMRBNM Interpretive Center, are classified as commercial and must obtain a special recreation permit separate from the standard amenity fee at the interpretive center.

2. Exceptions.

Federal, state, and local law enforcement officers, government employees, and BLM volunteers acting in the course of their official duties are exempt from these supplementary rules. Limitations on the use of motorized vehicles do not apply to emergency vehicles, fire suppression and rescue vehicles, law enforcement vehicles, and other vehicles performing official duties, or as approved by an authorized officer of BLM.

3. Violations of these rules are punishable by a fine not to exceed $1,000 and/or imprisonment not to exceed 12 months (43 CFR 8360.0–7), or the enhanced penalties established in 18 U.S.C. 3571.

Authority: Notice of establishment of the fee area is provided pursuant to 16 U.S.C. 6803(b). Supplementary Rules are established pursuant to 43 CFR 8365.1–5. BLM welcomes public comments on this proposal.

Dated: April 17, 2007.

June Bailey,

Field Office Manager, Lewistown Field Office.

[FR Doc. E7–13083 Filed 7–5–07; 8:45 am]

BILLING CODE 4310–SS–P

INTERNATIONAL TRADE COMMISSION

[Inv. No. 337–TA–610]

In the Matter of Certain Endodontic Instruments; Notice of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on June 5, 2007, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of Dentsply International Inc. of York, Pennsylvania. A supplement to the complaint was filed on June 22, 2007. The complaint, as supplemented, alleges violations of section 337 in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain endodontic instruments by reason of infringement of U.S. Patent Nos. 5,628,674 and 6,206,695. The complaint, as supplemented, further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

The complainant requests that the Commission institute an investigation and, after the investigation, issue a permanent exclusion order and permanent cease and desist order.

ADDRESSES: The complaint and supplement, except for any confidential information contained therein, are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Room 112, Washington, DC 20436, telephone 202–205–2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its Internet server at *http://www.usitc.gov*. The public record for this investigation may be viewed on the

Commission's electronic docket (EDIS) at *http://www.usitc.gov/secretary/edis.htm*.

FOR FURTHER INFORMATION CONTACT: Erin D.E. Joffre, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205–2550.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2006).

Scope of Investigation: Having considered the complaint and supplement, the U.S. International Trade Commission, on June 27, 2007, *ordered that*—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain endodontic instruments by reason of infringement of one or more of claims 1–3, and 5 of U.S. Patent No. 5,628,674 and claim 2 of U.S. Patent No. 6,206,695, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is:

Dentsply International Inc., Susquehanna Commerce Center, 221 West Philadelphia Street, York, Pennsylvania 17405.

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint, as supplemented, is to be served:

Guidance Endodontics, LLC, 7520 Montgomery Blvd NE, Suite E–1, Albuquerque, New Mexico 87109.

Micro Mega International Manufactures, BP 1353—5–12, rue du Tunnel, 25006 Besancon cedex, France.

(c) The Commission investigative attorney, party to this investigation, is Erin D.E. Joffre, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, SW., Room 401, Washington, DC 20436; and

(3) For the investigation so instituted, the Honorable Carl C. Charneski is designated as the presiding administrative law judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(d) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of a limited exclusion order or cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: July 2, 2007.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. E7–13119 Filed 7–5–07; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Inv. No. 337–TA–608]

In the Matter of Certain Nitrile Gloves; Notice of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on May 30, 2007, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of Tillotson Corporation d/b/a Best Manufacturing Company of Menlo, Georgia. The complaint alleges violations of section 337 in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain nitrile gloves by reason of infringement of U.S. Patent No. Re. 35,616. The complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

The complainant requests that the Commission institute an investigation and, after the investigation, issue a permanent general exclusion order and permanent cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Room 112, Washington, DC 20436, telephone 202–205–2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server at *http://www.usitc.gov*. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://www.usitc.gov/secretary/edis.htm*.

FOR FURTHER INFORMATION CONTACT: Vu Q. Bui, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205–2582.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2006).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on June 26, 2007, *ordered that*—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain nitrile gloves by reason of infringement of one or more of claims 1 and 17–19 of U.S. Patent No. Re. 35,616, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is—

Tillotson Corporation, d/b/a Best Manufacturing Company, 579 Edison Street, Menlo, Georgia 30731.

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Top Glove Corporation Bhd., Lot 4969, Jalan Teratai, Batu 6, Off Jalan Meru, 41050 Klang, Selangor D.E., Malaysia.

Ansell Ltd., 3/678 Victoria Street, Richmond, Victoria, 3121 Australia.

Beijing Huateng Rubber Plastic, Ciqu Industrial Zone, Tongzhou District, Beijing, China 101111.

Glovco (M) Sdn. Bhd., Lot 760, Jalan Haji Sirat, Off Jalan Meru Klang, 42100, Selangor D.E., Malaysia.

Hartalega Holdings Bhd., Lot 9, Jalan Kuang Bulan, Taman Kepong Industrial Estate, 52100, Kuala Lumpur, Malaysia.

Ideal Healthcare Group Co. Ltd., Bldg. 18, No. 1, South Section of Huacheng (W) Road, Ningbo, China.

JDA (Tianjin) Plastic Rubber Co. Ltd., No. 17 Hai Bin No. 7 Rd, Tianjin Port Free Trade Zone, Tianjin, 300456, China.

Kossan Rubber Industries Bhd., Lot 16632 Batu 5 1/4 Jalan Meru, 41050 Klang, Selangor, D.E., Malaysia.

Laglove (M) Sgn. Bhd., Lot 478, Jalan Simpang Balak, Off B, 4300 Kajang, Selangor, Malaysia.

PT Medisafe Technologies, JL. Batang Kuis, GG Tambak Rejo/PSR IX, Desa Buntu, Bedimbar, Tanjung Marawa, Medan, Sumatera, Utar, Indonesia.

PT Shamrock Manufacturing Corporation, Jalan Permuda No. 11, Medan–20151 North, Sumatra, Indonesia.

Riverstone Resources Sdn. Bhd., Lot 21909, No. 5, Lorong Helang Hindik, Kepong Baru, Industrial Estate, 52100 Kuala Lumpur, Malaysia.

Seal Polymer Industries Bhd., Lot 72706, Jalan, Lahat, Kawasan Perindustrian Buki Merah, 31500 Lahat, Perak, Malaysia.

Smart Glove Holdings Sdn. Bhd., Lot 6487, Batu 5 3/4, Sementajln Kapar, 42100 Klang, Selangor D.E., Malaysia.

Supermax Corporation Bhd., Lot 38, Putra, Industrial Park, Bukit Rahman Putra, 47000, Sungai Buloh, Selangor D.E., Malaysia.

Yee Lee Corporation Bhd., Lot 85 Jalan, Portland, Tasek Industrial Estates, 31400 Ipoh, Perak Darul Ridzuan, Malaysia.

YTY Holdings Sdn. Bhd., Lot 2935B, Kg Batu, 9 Kebun Baru, Jalan Masjid, 42500 Telok, Panglima Garang, Kuala Langat, Selangor, D.E., Malaysia.

Adenna, Inc., 12216 McCann Drive, Santa Fe Springs, California 90670.

Basic Medical Industries Inc., 12390 East End Avenue, Chino, California 91710.

Cypress Medical Products, LLC, c/o Richard M. Horwood, 180 N. Lasalle Street, Suite 3700, Chicago, Illinois 60601.

Darby Group Companies, Inc., 300 Jericho Quadrangle, Jericho, New York 11753.

Dash Medical Gloves, Inc., c/o Robert J. Sullivan, 1018 South 54th Street, Franklin, Wisconsin 53132.

Delta Medical Systems, Inc., d/b/a/ The Delta Group, 6865 Shiloh Road East, Suite 400, Alpharetta, Georgia 30202.

Dentexx/First Medica Infection Control Assoc., 3704C Boren Drive, Greensboro, North Carolina 27407.

Dynarex Corp., 10 Glenshaw Street, Orangeburg, New York 10962.

Liberty Glove and Safety Co. c/o Sonia Heh, 21880 Buckskin Drive, Walnut, California 91789.

Magla Products LLC, 120 N. 3rd Street, Albemarle, North Carolina 28001.

Protective Industrial Products, Inc., c/o Germaine Curtin, 10715 Indian Village Drive, Alpharetta, Georgia 30022.

QRP Inc. d/b/a QRP Gloves, Inc., c/o Daniel J. Quigley, 2730 E. Broadway #160, Tucson, Arizona 85716.

Tronex International, Inc., One Tronex Centre, 3 Luger Road, Denville, New Jersey 07834.

West Chester Holdings, Inc., 100 Corridor Park Drive, Monroe, Ohio 45050.

(c) The Commission investigative attorney, party to this investigation, is Vu Q. Bui, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, SW., Suite 401, Washington, DC 20436; and

(3) For the investigation so instituted, the Honorable Charles E. Bullock is designated as the presiding administrative law judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(d) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of a general exclusion order or cease and desist order or both directed against the respondent.

Issued: June 29, 2007.

By order of the Commission.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. E7–13118 Filed 7–5–07; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act and the Solid Waste Disposal Act

Notice is hereby given that on June 21, 2007, a proposed Consent Decree in *United States and California Department of Toxic Substances Control* v. *Azusa Pipe and Tube Bending Corp., et al.,* Case No. CV06–165 CAS (RZx) (C.D. Cal.), relating to the Baldwin Park Operable Unit of the San Gabriel Valley Superfund Sites, Areas 1–4, located in and near the cities of Azusa, Irwindale, Baldwin Park, and Covina in Los Angeles County, California (''BPOU''), was lodged with the United States District Court for the Central District of California.

The proposed Consent Decree is a settlement of claims brought against: (1) Azusa Pipe and Tube Bending Corp. (''Azusa Pipe'') as well as individual owners of the Azusa Pipe property (collectively, the ''Settling Defendants''), and (2) General Services Administration, Department of the Army, Department of Defense, Department of the Navy, Department of the Air Force, and Army Corps of Engineers (''Settling Federal Agencies''), pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (''CERCLA''), 42 U.S.C. 9601–9675, and Section 7003 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 and the Hazardous and Solid Waste Amendments of 1984 (collectively ''RCRA''), 42 U.S.C. 6973.

The proposed Consent Decree requires the Settling Defendants to pay $1,025,000 to the United States for response costs incurred by the U.S. Environmental Protection Agency (''EPA'') and the U.S. Department of Justice (''Department of Justice'' or ''DOJ''), and to pay $75,000 to the California Department of Toxic Substances Control (''DTSC'') for response costs incurred by DTSC. The proposed Consent Decree includes a covenant not to sue the Settling Defendants under Sections 106 and 107 of CERCLA, 42 U.S.C. 9606, 9607, and under Section 7003 of RCRA, 42 U.S.C. 6973.

The proposed consent Decree also requires the Settling Federal Agencies to pay $490,000 to EPA for response costs incurred by EPA DOJ, and to pay $105,000 to DTSC for response costs incurred by DTSC. The Consent Decree includes a covenant not to sue the Settling Federal Agencies under CERCLA Section 107, 42 U.S.C. 9607.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either e-mailed to *pubcomment-ees.enrd@usdoj.gov,* or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, with a copy to Robert Mullaney, U.S. Department of Justice, 301 Howard Street, Suite 1050, San Francisco, CA 94105, and should refer to *United States, et al.,* v. *Azusa Pipe and Tube Bending Corp., et al.,* D.J. Ref. 90–11–2–354/22. Commenters may request an opportunity for a public meeting in the affected area, in accordance with Section 7003(d) of RCRA, 42 U.S.C. 6973(d).

The Consent Decree may be examined at U.S. EPA Region 9, Office of Regional Counsel, 75 Hawthorne Street, San Francisco, California. During the public comment period, the Decree may also be examined on the following Department of Justice Web site: *http://www.usdoj.gov/enrd/Consent_Decrees.html.* A copy of the Consent Decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611 or by faxing or e-mailing a request to Tonia Fleetwood (*tonia.fleetwood@usdoj.gov*), fax number (202) 514–1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of $91.25 (25 cents per page reproduction cost) payable to the U.S. Treasury or, if by e-mail or fax, forward a check in that amount to the Consent Decree Library at the stated address. In requesting a copy exclusive of exhibits, please enclose a check in the amount of $9.25 (25 cents per page reproduction cost) payable to the U.S. Treasury.

Henry Friedman,

Assistant Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 07–3271 Filed 7–5–07; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging Proposed Consent Decree

In accordance with Departmental Policy, 28 CFR 50.7, notice is hereby given that a proposed Consent Decree in *United States, et al.* v. *Costello, et al.,* No. 06–cv–329 (D. Md.), was lodged with the United States District Court for the District of Maryland on June 26, 2007.

This proposed Consent Decree concerns a complaint filed by the United States and the State of Maryland against William Costello, Janice Costello, Scott C. Mielke, and The Permit Coordinators, Inc., pursuant to Section 301(a) of the Clean Water Act, 33 U.S.C. 1311(a); Section 10 of the Rivers and Harbors Act, 33 U.S.C. 403; and Section 16–202(a) of the Environment Article of the Annotated Code of Maryland (collectively, ''the statutes''), to obtain injunctive relief from and to impose civil penalties against the Defendants for violating the statutes by discharging pollutants without a permit into waters of the United States and the State of Maryland. The proposed Consent Decree resolves these allegations by requiring Defendants William and Janice Costello to restore the impacted areas, to pay a civil penalty, and to make a payment to the State of Maryland's Wetland Compensation fund. It also requires Defendant The Permit Coordinators, Inc. to pay civil penalties and to make a payment to the State of Maryland's Wetland Compensation Fund. In the event that Defendant The Permit Coordinators, Inc. fails to make the required payments, both Defendant Scott C. Mielke and Defendant The Permit Coordinators, Inc. would be jointly and severally liable for the unpaid amounts.

The Department of Justice will accept written comments relating to this proposed Consent Decree for thirty (30) days from the date of publication of this Notice. Please address comments to Michael Schon, Trial Attorney, Environmental Defense Section, P.O. Box 23986, Washington, DC 20026, and refer to *United States, et al.* v. *Costello, et al.,* DJ #90–5–1–1–17683.

The proposed Consent Decree may be examined at the Clerk's Office, United States District Court for the District of Maryland. In addition, the proposed Consent Decree may be viewed at *http://www.usdoj.gov/enrd/Consent_Decrees.html.*

Russell Young,

Assistant Chief, Environmental Defense Section, Environment & Natural Resources Division.

[FR Doc. 07–3269 Filed 7–5–07; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Amended Notice of Lodging of Settlement Agreement Under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (''CERCLA'')

This Notice amends and replaces the original notice published on June 21, 2001, 72 Fed. Reg. 34277. Consistent with Section 122(d) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (''CERCLA'') 42 U.S.C. 9622(d), and 28 CFR 50.7, notice is hereby given that on May 24, 2007, a proposed Settlement Agreement with Dean R. Soulliere et al. in *United States* v. *Dean R. Soulliere and Colleen A. Soulliere,* and Soulliere and Jackson, Inc., d/b/a One Hour Martinizing, No. 8:07-cv-00203 (D. Nebraska), was lodged with the United States District Court for the District of Nebraska.

In this action, the United States sought to establish the amount of the defendant's liability, pursuant to Section 107 of CERCLA, 42 U.S.C. 9607, for the costs incurred and to be incurred by the United States in responding to the release and/or threatened release of hazardous substances at and from the 10th Street Superfund Site in the south-central portion of the City of Columbus in Platte County, Nebraska. Under the proposed Settlement Agreement, Defendants shall pay to the United States and EPA the amount of $100,000.00 to the United States Department of Justice in reimbursement of costs incurred by the United States at the Site.

The Department of Justice will receive for a period of thirty (30) day from the date of this publication comments relating to the Settlement Agreement. Comments should be addressed to the Assistant Attorney General,

Environmental and Natural Resources Division, and either e-mailed *pubcomment-ees.enrd@usdoj.gov* or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, and should refer to *United States* v. *Dean R. Soulliere et al.* (Settlement Agreement with Dean R. Soulliere et al., DOJ Ref. No. 90–11–2–07430/2).

The Settlement Agreement may be examined at U.S. EPA Region 7, 901 North 5th Street, Kansas City, KS 66101. Please reference the EPA Region and Site-Spill ID number 07CS OU2 (contact Gearhardt Braeckel (931) 551–7108). Agreement may also be examined at United States Attorney's Office for the District of Nebraska, 1620 Dodge Street, Suite 1400, Omaha, NE 68102–1506 (contact Laurie Kelly (402) 661–3700). During the public comment period, the Settlement Agreement may also be examined on the following Department of Justice Web site, *http://www.usdoj.gov/enrd/Consent_Decrees.html.* A copy of the Settlement Agreement may also be obtained by mail from the Consent Decree Library, U.S. Department of Justice, P.O. Box 7611, Washington, DC 20044–7611 or by faxing, or e-mailing a request to Tonia Fleetwood (*tonia.fleetwood@usdoj.gov*), fax no. (202) 512–0097, phone confirmation number (202) 514–1547. In requesting a copy from the Consent Decree Library, please refer to *United States* v. *Dean R. Soulliere and Colleen A. Soulliere,* and Soulliere and Jackson, Inc., d/b/a One Hour Martinizing (Settlement Agreement with Dean R. Soulliere et al., DOJ Ref. No. 90–11–2–07430), and enclose a check in the amount of $2.00 (25 cents per page reproduction cost) payable to the U.S. Treasury or, if by e-mail or fax, forward a check in that amount to the Consent Decree Library at the stated address.

Robert E. Maher, Jr.,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 07–3270 Filed 7–5–07; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Foreign Claims Settlement Commission

Foreign Claims Settlement Commission; F.C.S.C. Meeting Notice No. 5–07

The Foreign Claims Settlement Commission, pursuant to its regulations (45 CFR part 504) and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice in regard to the scheduling of meetings for the transaction of Commission business and other matters specified, as follows:

Date and Time: Friday, July 20, 2007, at 1:30 p.m.

Subject Matter: Issuance of Amended Proposed Decisions and Amended Final Decisions in claims against Albania.

Status: Open.

All meetings are held at the Foreign Claims Settlement Commission, 600 E Street, NW., Washington, DC. Requests for information, or advance notices of intention to observe an open meeting, may be directed to: Administrative Officer, Foreign Claims Settlement Commission, 600 E Street, NW., Room 6002, Washington, DC 20579. Telephone: (202) 616–6988.

Dated at Washington, DC.

Mauricio J. Tamargo,

Chairman.

[FR Doc. 07–3312 Filed 7–3–07; 11:58 am]

BILLING CODE 4410–01–P

DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Review: Comment Request; Republication

Editorial Note: FR Doc. E7–12729 was originally published on page 36044 in the issue of Monday, July 2, 2007. Due to omitted text, the document is being reprinted in its entirety.

June 27, 2007.

The Department of Labor (DOL) has submitted the following public information collection requests (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. chapter 35). A copy of each ICR, with applicable supporting documentation, may be obtained from RegInfo.gov at *http://www.reginfo.gov/public/do/PRAMain* or by contacting Darrin King on 202–693–4129 (this is not a toll-free number)/e-mail: *king.darrin@dol.gov*.

Comments should be sent to Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the Mine Safety and Health Administration (MSHA), Office of Management and Budget, Room 10235, Washington, DC 20503, Telephone: 202–395–7316/Fax: 202–395–6974 (these are not toll-free numbers), within 30 days from the date of this publication in the **Federal Register**.

The OMB 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 submission of responses.

Agency: Mine Safety and Health Administration.

Type of Review: Extension without change of currently approved collection.

Title: Operations Under Water.

OMB Number: 1219–0020.

Type of Response: Reporting.

Affected Public: Private Sector: Business or other for-profit (Mines).

Number of Respondents: 30.

Estimated Number of Annual Responses: 30.

Average Response Time: 5 hours.

Estimated Annual Burden Hours: 150.

Total Annualized capital/startup costs: $450.

Total Annual Costs (operating/maintaining systems or purchasing services): $0.

Description: 30 CFR 1716 requires coal mine operators to obtain a permit to mine under a body of water if in the judgment of the Secretary of Labor, it is sufficiently large enough to constitute a hazard to miners.

Agency: Mine Safety and Health Administration.

Type of Review: Extension without change of currently approved collection.

Title: Program to Prevent Smoking in Hazardous Areas.

OMB Number: 1219–0041.

Type of Response: Reporting.

Affected Public: Private Sector: Business or other for-profit (Mines).

Number of Respondents: 101.

Estimated Number of Annual Responses: 101.

Average Response Time: 30 minutes.

Estimated Annual Burden Hours: 51.

Total Annualized capital/startup costs: $0.

Total Annual Costs (operating/maintaining systems or purchasing services): $0.

Description: The information collection requirements contained in 30

CFR 75.1702 and § 75.1702–1 help to ensure that miners are protected from the unnecessary hazards associated with the open flame of a cigarette lighter or match.

Darrin A. King,

Acting Departmental Clearance Officer.

[FR Doc. E7–12729 Filed 6–29–07; 8:45 am]

Editorial Note: FR Doc. E7–12729 was originally published on page 36044 in the issue of Monday, July 2, 2007. Due to omitted text, the document is being reprinted in its entirety.

[FR Doc. R7–12729 Filed 7–5–07; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2006–0028]

MET Laboratories, Inc.; Application for Expansion of Recognition

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice.

SUMMARY: This notice announces the application of MET Laboratories, Inc., (MET) for expansion of its recognition, and presents the Agency's preliminary finding in favor of granting this request. This preliminary finding does not constitute an interim or temporary approval of this application.

DATES: You must submit information or comments, or any request for extension of the time to comment, by the following dates:

- Hard copy: Postmarked or sent by July 23, 2007.
- Electronic transmission or facsimile: Sent by July 23, 2007.

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

Electronically: You may submit comments and attachments electronically at *http://www.regulations.gov*, which is the Federal eRulemaking Portal. Follow the instructions online for making electronic submissions.

Fax: If your submissions, including attachments, are not longer than 10 pages, you may fax them to the OSHA Docket Office at (202) 693–1648.

Mail, hand delivery, express mail, messenger, or courier service: You must submit three copies of your comments and attachments to the OSHA Docket Office, Docket No. OSHA–2006–0028 (formerly, NRTL1–88), U.S. Department of Labor, Room N–2625, 200 Constitution Avenue, NW., Washington, DC 20210. Deliveries (hand, express mail, messenger and courier service) are accepted during the Department of Labor's and Docket Office's normal business hours, 8:15 a.m.–4:45 p.m., e.t.

Instructions: All submissions must include the Agency name and the OSHA docket number for this notice (OSHA Docket No. OSHA–2006–0028; formerly, NRTL1–88). Submissions, including any personal information you provide, are placed in the public docket without change and may be made available online at *http://www.regulations.gov*.

Docket: To read or download submissions or other material in the docket, go to *http://www.regulations.gov* or the OSHA Docket Office at the address above. All documents in the docket are listed in the *http://www.regulations.gov* index; however, some information (e.g., copyrighted material) is not publicly available to read or download through the Web site. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office.

Extension of Comment Period: Submit requests for extensions concerning this notice to the Office of Technical Programs and Coordination Activities, NRTL Program, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N–3655, Washington, DC 20210. Or, fax to (202) 693–1644.

FOR FURTHER INFORMATION CONTACT: MaryAnn Garrahan, Director, Office of Technical Programs and Coordination Activities, NRTL Program, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N3655, Washington, DC 20210, or phone (202) 693–2110. Our Web page includes information about the NRTL Program (see *http://www.osha.gov* and select ''N'' in the site index).

SUPPLEMENTARY INFORMATION:

Notice of Application

The Occupational Safety and Health Administration (OSHA) hereby gives notice that MET Laboratories, Inc., (MET) has applied for expansion of its current recognition as a Nationally Recognized Testing Laboratory (NRTL). MET's expansion request covers the use of additional test standards. OSHA's current scope of recognition for MET may be found in the following informational Web page: *http://www.osha.gov/dts/otpca/nrtl/met.html*.

OSHA recognition of an NRTL signifies that the organization has met the legal requirements in Section 1910.7 of Title 29, Code of Federal Regulations (29 CFR 1910.7). Recognition is an acknowledgment that the organization can perform independent safety testing and certification of the specific products covered within its scope of recognition and is not a delegation or grant of government authority. As a result of recognition, employers may use products properly approved by the NRTL to meet OSHA standards that require testing and certification.

The Agency processes applications by an NRTL for initial recognition or for expansion or renewal of this recognition following requirements in Appendix A to 29 CFR 1910.7. This appendix requires that the Agency publish two notices in the **Federal Register** in processing an application. In the first notice, OSHA announces the application and provides its preliminary finding and, in the second notice, the Agency provides its final decision on the application. These notices set forth the NRTL's scope of recognition or modifications of that scope. We maintain an informational Web page for each NRTL, which details its scope of recognition. These pages can be accessed from our Web site at *http://www.osha.gov/dts/otpca/nrtl/index.html*.

The most recent notice published by OSHA specifically related to MET's recognition was published on August 17, 2006 (71 FR 47532), which was also a preliminary notice for expansion.

The current address of the MET facility (site) already recognized by OSHA is: MET Laboratories, Inc., 914 West Patapsco Avenue, Baltimore, MD 21230.

General Background on the Application

MET has submitted an application, dated April 25, 2006 (see Exhibit 41–1), to expand its recognition to include 22 additional test standards; however, one standard is already included in MET's scope. The NRTL Program staff has determined that the remaining 21 standards are ''appropriate test standards'' within the meaning of 29 CFR 1910.7(c). Therefore, OSHA would approve these 21 test standards for the expansion.

MET seeks recognition for testing and certification of products for demonstration of conformance to the following test standards:

ANSI A17.5 Elevator and Escalator Electrical Equipment
UL 250 Household Refrigerators and Freezers
UL 399 Drinking Water Coolers
UL 430 Waste Disposers
UL 474 Dehumidifiers
UL 498A Current Taps and Adapters
UL 563 Ice Makers
UL 749 Household Dishwashers
UL 826 Household Electric Clocks

UL 858 Household Electric Ranges
UL 998 Humidifiers
UL 1005 Electric Flatirons
UL 1082 Household Electric Coffee Makers and Brewing-Type Appliances
UL 1086 Household Trash Compactors
UL 1261 Electric Water Heaters for Pools and Tubs
UL 1640 Portable Power-Distribution Equipment
UL 1741 Inverters, Converters, Controllers and Interconnection System Equipment for Use With Distributed Energy Resources
UL 1994 Luminous Egress Path Marking Systems
UL 2157 Electric Clothes Washing Machines and Extractors
UL 2158 Electric Clothes Dryers
UL 60335–2–8 Household and Similar Electrical Appliances, Part 2: Particular Requirements for Shavers, Hair Clippers, and Similar Appliances

The designations and titles of the above test standards were current at the time of the preparation of this notice.

OSHA's recognition of MET, or any NRTL, for a particular test standard is limited to equipment or materials (i.e., products) for which OSHA standards require third-party testing and certification before use in the workplace. Consequently, if a test standard also covers any product(s) for which OSHA does not require such testing and certification, an NRTL's scope of recognition does not include that product(s).

A test standard listed above may also be approved as an American National Standard by the American National Standards Institute (ANSI). However, for convenience, we use the designation of the standards developing organization for the standard as opposed to the ANSI designation. Under our procedures, any NRTL recognized for an ANSI-approved test standard may use either the latest proprietary version of the test standard or the latest ANSI version of that standard. You may contact ANSI to find out whether or not a test standard is currently ANSI-approved.

Preliminary Finding on the Application

MET has submitted an acceptable request for expansion of its recognition as an NRTL. In connection with this request, OSHA did not perform an on-site review of MET's NRTL testing facilities. However, NRTL Program assessment staff reviewed information pertinent to the request and recommended that MET's recognition be expanded to include the additional test standards listed above (see Exhibit 41–2). Our review of the application file, the assessor's recommendation, and other pertinent documents indicate that MET can meet the requirements, as prescribed by 29 CFR 1910.7, for expansion of its scope to include the additional test standards listed above. This preliminary finding does not constitute an interim or temporary approval of the application.

OSHA welcomes public comments, in sufficient detail, as to whether MET has met the requirements of 29 CFR 1910.7 for expansion of its recognition as a Nationally Recognized Testing Laboratory. Your comments should consist of pertinent written documents and exhibits. Should you need more time to comment, you must request it in writing, including reasons for the request. OSHA must receive your written request for extension at the address provided above no later than the last date for comments. OSHA will limit any extension to 30 days, unless the requester justifies a longer period. We may deny a request for extension if it is not adequately justified. You may obtain or review copies of MET's requests, the assessor's recommendation, other pertinent documents, and all submitted comments, as received, by contacting the Docket Office, Room N–2625, Occupational Safety and Health Administration, U.S. Department of Labor, at the above address. Docket No. OSHA–2006–0028 (formerly, NRTL1–88) contains all materials in the record concerning MET's application.

The NRTL Program staff will review all timely comments and, after resolution of issues raised by these comments, will recommend whether to grant MET's expansion request. The Assistant Secretary will make the final decision on granting the expansion and, in making this decision, may undertake other proceedings that are prescribed in Appendix A to 29 CFR 1910.7. OSHA will publish a public notice of this final decision in the **Federal Register**.

Signed at Washington, DC, this 25th day of June, 2007.

Edwin G. Foulke, Jr.,

Assistant Secretary for Occupational Safety and Health.

[FR Doc. E7–13106 Filed 7–5–07; 8:45 am]

BILLING CODE 4510–26–P

THE NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Meeting of National Council on the Humanities

AGENCY: The National Endowment for the Humanities.

ACTION: Notice of Meeting.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, as amended) notice is hereby given that the National Council on the Humanities will meet in Washington, DC on July 26–27, 2007.

The purpose of the meeting is to advise the Chairman of the National Endowment for the Humanities with respect to policies, programs, and procedures for carrying out his functions, and to review applications for financial support from and gifts offered to the Endowment and to make recommendations thereon to the Chairman.

The meeting will be held in the Old Post Office Building, 1100 Pennsylvania Avenue, NW., Washington, DC. A portion of the morning and afternoon sessions on July 26–27, 2007, will not be open to the public pursuant to subsections (c)(4), (c)(6) and (c)(9)(B) of section 552b of Title 5, United States Code because the Council will consider information that may disclose: Trade secrets and commercial or financial information obtained from a person and privileged or confidential; information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and information the premature disclosure of which would be likely to significantly frustrate implementation of proposed agency action. I have made this determination under the authority granted me by the Chairman's Delegation of Authority dated July 19, 1993.

The agenda for the sessions on July 26, 2007 will be as follows:

Committee Meetings

(Open to the Public)

Policy Discussion

9–10:30 a.m.
Challenge Grants/Digital Humanities Initiative—Room 415
Education Programs—Room 315
Federal/State Partnership—Room 510A
Public Programs—Room 421

(Closed to the Public)

Discussion of Specific Grant Applications and Programs Before the Council

10:30 a.m. until adjourned
Challenge Grants/Digital Humanities Initiative—Room 415
Education Programs—Room 315
Federal/State Partnership—Room 510A
Public Programs—Room 421

2:30–3:30 p.m.
National Humanities Medals—Room 527

The morning session of the meeting on July 27, 2007 will convene at 9 a.m., in the first floor Council Room M–09, and will be open to the public, as set out below. The agenda for the morning session will be as follows:

A. Minutes of the Previous Meeting
B. Reports
1. Introductory Remarks.
2. Staff Report.
3. Congressional Report.
4. Reports on Policy and General Matters.
a. Challenge Grants.
b. Digital Humanities Initiative.
c. Education Programs.
d. Federal/State Partnership.
e. Public Programs.
f. National Humanities Medals.

The remainder of the proposed meeting will be given to the consideration of specific applications and will be closed to the public for the reasons stated above.

Further information about this meeting can be obtained from Heather Gottry, Acting Advisory Committee Management Officer, National Endowment for the Humanities, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, or by calling (202) 606–8322, TDD (202) 606–8282.

Advance notice of any special needs or accommodations is appreciated.

Heather C. Gottry,

Acting Advisory Committee Management Officer.

[FR Doc. E7–13076 Filed 7–5–07; 8:45 am]

BILLING CODE 7536–01–P

NATIONAL SCIENCE FOUNDATION

National Science Board ad hoc Committee on Nominations for the Class of 2008–2014; Sunshine Act Meetings; Notice

The National Science Board's ad hoc Committee on Nominations for the class of 2008–2014, pursuant to NSF regulations (45 CFR part 614), the National Science Foundation Act, as amended (42 U.S.C. 1862n–5), and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice in regard to the scheduling of meetings for the transaction of National Science Board business and other matters specified, as follows:

DATE AND TIME: Thursday, July 19, 2007 at 2 p.m.

SUBJECT MATTER: Discussion of candidates for the National Science Board Membership for the term 2008–2014.

STATUS: Closed.

This meeting will be held by teleconference originating at the National Science Board Office, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230. Please refer to the National Science Board Web site (*http://www.nsf.gov/nsb*) for information or schedule updates, or contact: Ann Noonan, National Science Board Office, 4201 Wilson Blvd., Arlington, VA 22230. Telephone: (703) 292–7000.

Russell Moy,

Attorney-Advisor.

[FR Doc. E7–13059 Filed 7–5–07; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

Draft Regulatory Guide: Issuance, Availability

AGENCY: Nuclear Regulatory Commission.

ACTION: Draft Regulatory Guide: Issuance, Availability.

FOR FURTHER INFORMATION CONTACT: Bonnie A. Schnetzler, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Telephone: (301) 415–7883 or e-mail *BAS5@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

The U.S. Nuclear Regulatory Commission (NRC) has issued for public comment a draft guide in the agency's Regulatory Guide Series. This series has been developed to describe and make available to the public such information as methods that are acceptable to the NRC staff for implementing specific parts of the NRC's regulations, techniques that the staff uses in evaluating specific problems or postulated accidents, and data that the staff needs in its review of applications for permits and licenses.

The draft regulatory guide, entitled ''Reporting of Safeguards Events,'' is temporarily identified by its task number, DG–5019, which should be mentioned in all related correspondence.

This draft regulatory guide provides an approach acceptable to the NRC staff for use by licensees for reporting of security events. In 10 CFR part 73, ''Physical Protection of Plants and Materials,'' Section 73.71 requires licensees to report to the Operations Center of the Nuclear Regulatory Commission (NRC) or to record in a log certain security events. Appendix G, ''Reportable Safeguards Events,'' to 10 CFR part 73 (Appendix G) describes reporting requirements in detail. Appendix E to 10 CFR part 50 (Appendix E), ''Emergency Planning and Preparedness for Production and Utilization Facilities,'' provides more detailed information for emergency planning and preparedness. The events to be reported or recorded are those that represent actual or potential threats, suspicious activities, external attacks, or internal tampering with equipment that threaten or affect safe plant operations or effective security operations. The events to be recorded are those that affect or lessen the effectiveness of the security systems, components, and procedures as established by security regulations and the licensee's approved security plans.

Proposed revisions to 10 CFR 73.71 included two new requirements for power reactors: (1) The reporting within 15 minutes after discovery of an actual or imminent threat against a facility, and (2) the reporting of suspicious surveillance activities or attempts at access, both of which are addressed in this guide.

II. Further Information

The NRC staff is soliciting comments on Draft Regulatory Guide DG–5019. Comments may be accompanied by relevant information or supporting data, and should mention DG–5019 in the subject line. Comments submitted in writing or in electronic form will be made available to the public in their entirety through the NRC's Agencywide Documents Access and Management System (ADAMS). Personal information will not be removed from your comments. You may submit comments by any of the following methods:

1. *Mail comments to:* Rulemaking, Directives, and Editing Branch, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

2. *E-mail comments to: NRCREP@nrc.gov.* You may also submit comments via the NRC's rulemaking Web site at *http://ruleforum.llnl.gov.* Address questions about our rulemaking Web site to Carol A. Gallagher (301) 415–5905; e-mail *CAG@nrc.gov.*

3. *Hand-deliver comments to:* Rulemaking, Directives, and Editing Branch, Office of Administration, U.S. Nuclear Regulatory Commission, 11555 Rockville Pike, Rockville, Maryland 20852, between 7:30 a.m. and 4:15 p.m. on Federal workdays.

4. *Fax comments to:* Rulemaking, Directives, and Editing Branch, Office of Administration, U.S. Nuclear Regulatory Commission at (301) 415–5144.

Requests for technical information about Draft Regulatory Guide DG–5019 may be directed to NRC Senior Program Manager, Bonnie A. Schnetzler, at (301) 415–7883 or e-mail BASA5@nrc.gov.

Comments would be most helpful if received by 60 days from issuance of the FRN. Comments received after that date will be considered if it is practical to do so, but the NRC is able to ensure consideration only for comments received on or before this date. Although a time limit is given, comments and suggestions in connection with items for inclusion in guides currently being developed or improvements in all published guides are encouraged at any time.

Electronic copies of Draft Regulatory Guide DG–5019 are available through the NRC's public Web site under Draft Regulatory Guides in the Regulatory Guides document collection of the NRC's Electronic Reading Room at *http://www.nrc.gov/reading-rm/doc-collections/*. Electronic copies are also available in ADAMS (*http://www.nrc.gov/reading-rm/adams.html*), under Accession No. ML071710233.

In addition, regulatory guides are available for inspection at the NRC's Public Document Room (PDR), which is located at 11555 Rockville Pike, Rockville, Maryland. The PDR's mailing address is USNRC PDR, Washington, DC 20555–0001. The PDR can also be reached by telephone at (301) 415–4737 or (800) 397–4209, by fax at (301) 415–3548, and by e-mail to *PDR@nrc.gov.*

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(5 U.S.C. 552(a))

Dated at Rockville, Maryland, this 28th day of June, 2007.

For the Nuclear Regulatory Commission.

Andrea Valentin,

Chief, Regulatory Guide Branch, Division of Fuel, Engineering and Radiological Research, Office of Nuclear Regulatory Research.

[FR Doc. E7–13098 Filed 7–5–07; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–55983; File No. SR–Amex–2007–68]

Self-Regulatory Organizations; American Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Modify the Fees Charged to Member Organizations for Transactions in Exchange-Traded Funds and To Implement a Revenue Sharing Program for Specialists in Exchange-Traded Funds

June 29, 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 June 28, 2007, the American Stock Exchange LLC (''Exchange'' or ''Amex'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been substantially prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to: (1) Amend the Exchange Traded Funds (''ETFs'') and Trust Issued Receipts Fee Schedule (''Fee Schedule'') to revise various transaction fees; and (2) adopt a revenue sharing program for specialists and registered traders in ETFs. The text of the proposed rule change is available on the Exchange's Web site (*http://www.amex.com*), at the Exchange's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

a. Charges Assessed for Transactions in Customer Accounts

The Exchange proposes to revise the fees it charges to members for transactions in customer accounts.[3] Currently, Amex transaction charges for ETFs are assessed for customer accounts monthly on a per-share basis with the application of various caps and discounts. The Exchange now proposes to: (1) Decrease the transaction charge for customers from $0.0030 to $0.0023 (given the lower rate, the $100 per transaction cap will result in transaction charges being assessed only on the first 43,478 shares); (2) eliminate the waiver of fees for electronically entered orders of 2,400 shares or less; (3) establish a flat rate of $0.0007 per share (or seven cents per 100 shares) for clearing charges for orders routed to and executed at another market center; (4) establish a flat rate of $0.0030 per share for orders routed to and executed at another market center; [4] and (5) establish a fee of 0.3% of the total dollar value of the transaction for ETFs trading with a share price of less than $1.00.[5]

b. Transaction Charges for Specialists.

Currently, ETF specialists and registered traders are assessed a transaction charge of $0.0003 per share (or 3 cents per 100 shares) for all shares executed per month. In addition, transaction charges for ETF specialists are capped at $400,000 per month. There are no caps or discounts applied to transaction charges for ETF registered traders. In conjunction with the revenue sharing program described below and a prohibition on specialist commissions, which is proposed by means of a separate filing [6] submitted in conjunction with this proposal, the Exchange proposes to eliminate

[3] Customer accounts are defined for purposes of the fee schedule to include accounts for all market participants except specialists and registered traders. Therefore, customer accounts (and the fees charged to them) include members' off-floor proprietary accounts, competing market makers on other exchanges, and other member and non-member broker-dealers.

[4] Orders routed to and executed at another exchange are charged this fee in lieu of the Amex transaction charge.

[5] Item (5) was corrected to clarify that the proposed fee change set forth therein applies to ETFs and not to equities, as the text originally read in the Exchange's filing. Telephone Conversation between Claire McGrath, Senior Vice President and General Counsel, Exchange, and Nathan Saunders, Special Counsel, Division of Market Regulation, Commission, on June 29, 2007.

[6] *See* File No. SR–Amex 2007–67, filed on June 28, 2007.

transaction charges for ETF specialists and ETF registered traders and the $400,000 per-month cap for ETF specialists.

c. Revenue Sharing Program.

The Exchange proposes to introduce a revenue sharing program for ETF specialists. Revenue sharing payments will be made from the Exchange's general revenues and will not be limited to a particular revenue source. The Exchange's reasons for introducing this revenue sharing program for specialists reflect a recognition of both the uncertainties faced by specialists in light of the implementation of Regulation NMS and their proposed loss of commission income. To provide ETF specialists with a source of payments in lieu of commissions and to provide incentives to specialists to quote aggressively in Amex-traded shares, the Exchange proposes to distribute revenue to the ETF specialists and ETF registered traders as outlined below. The program will be in effect through the end of December 2007.

There will be two ways in which ETF specialists will participate in revenue sharing. An ETF specialist will receive a payment (calculated monthly) of $0.0024 per share (or 24 cents per 100 shares) whenever the specialist either buys or sells its specialty ETF on the Exchange and is a provider of liquidity in that transaction (*e.g.*, the specialist's quote is traded against or the specialist offsets an order imbalance as part of an opening or closing transaction). Additionally, an ETF specialist will receive a payment (calculated monthly) of $0.0004 per share (or 4 cents per 100 shares) for all shares executed on the Exchange in its specialty ETF in which the specialist does not participate. A registered trader in ETFs will receive a revenue sharing payment of $0.0010 per share (or 10 cents per 100 shares) whenever the registered trader either buys or sells an ETF on the Exchange and is a provider of liquidity in that transaction. Neither the specialist nor the registered trader will receive a payment when it is a contra-party to the same transaction.

Revenue sharing will also be paid on transactions in securities trading at less than $1.00, equal to the amount collected by the Exchange. However, the revenue sharing payment for such transactions will be paid only on the portion of the transaction for which the Exchange collects revenue. As discussed above, customer transaction charges are capped at $100 per transaction, which means that transaction charges are assessed on only the first 43,478 shares. Thus, for transactions of more than 43,478 shares, specialists and registered traders will receive payments based only on the first 43,478 shares.

The revisions to the Fee Schedule and the adoption of a revenue sharing program for ETF specialists and ETF registered traders will be implemented beginning July 1, 2007. As discussed above, the Exchange is also proposing to eliminate ETF specialist commissions in a separate filing in which the Exchange requests waiver of the 30-day operative delay under Rule 19b–4(f)(6)(iii) [7] so that the prohibition on ETF specialists' commissions will also take effect on July 1, 2007.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act [8] in general, and furthers the objectives of Section 6(b)(4) of the Act [9] in particular, in that it is designed to provide for the equitable allocation of reasonable dues, fees, and other charges among its members and other persons using its facilities. Specifically, the Exchange is proposing to reduce and/or eliminate various fees for its market participants while instituting a revenue sharing program to provide incentives for an increase in order flow.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were 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 has been designated by the Exchange as one that establishes or changes a due, fee, or other charge imposed by the Exchange, it has become effective upon filing pursuant to Section 19(b)(3)(A) of the Act [10] and Rule 19b–4(f)(2) thereunder.[11] At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov*. Please include File No. SR–Amex–2007–68 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–2007–68. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Amex. 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–2007–68 and should be submitted on or before July 27, 2007.

[7] 17 CFR 19b–4(f)(6)(iii).

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(4).

[10] 15 U.S.C. 78s(b)(3)(A).

[11] 17 CFR 19b–4(f)(2).

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[12]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E7–13023 Filed 7–5–07; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–55986; File No. SR–Amex–2007–69]

Self-Regulatory Organizations; American Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Modify the Fees Charged to Member Organizations for Transactions in Equity Securities

June 29, 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 June 29, 2007, the American Stock Exchange LLC (''Exchange'' or ''Amex'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been substantially prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its Equity Fee Schedule to revise various transaction fees. The text of the proposed rule change is available on the Exchange's Web site (*http://www.amex.com*), at the Exchange's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant 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 revise certain fees it charges to members for transactions in customer accounts.[3] Currently, Amex does not assess transaction charges for equities priced under $1.00. Additionally, for orders routed to another market center, Amex charges clearing fees and passes through to its customers the access charges it incurs for such orders. In order to provide members with consistent and transparent fees, the Exchange now proposes to: (1) Establish a flat rate of $0.0007 per share (or seven cents per 100 shares) for clearing charges for orders routed to and executed at another market center; (2) establish a flat rate of $0.0030 per share for orders routed to and executed at another market center;[4] and (3) establish a fee of 0.3% of the total dollar value of the transaction for equities trading with a share price of less than $1. All other aspects of the existing fee schedule will remain unchanged, including fee caps and waivers for small transactions.

The revisions to the Equity Fee Schedule will be implemented beginning July 1, 2007.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act[5] in general, and furthers the objectives of Section 6(b)(4) of the Act[6] in particular, in that it is designed to provide for the equitable allocation of reasonable dues, fees, and other charges among its members and other persons using its facilities. Specifically, the Exchange is proposing to establish and revise various fees for transactions in its equity securities in order to collect revenue for transactions in equities with a share price of less than $1.00 and to provide consistency and clarity in the fees charged for orders routed to and executed on another market center.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were 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 has been designated by the Exchange as one that establishes or changes a due, fee, or other charge imposed by the Exchange, it has become effective upon filing pursuant to Section 19(b)(3)(A) of the Act[7] and Rule 19b–4(f)(2) thereunder.[8] At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov*. Please include File No. SR–Amex–2007–69 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–2007–69. This file number should be included on the

[12] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Customer accounts are defined for purposes of the fee schedule to include accounts for all market participants except specialists and registered traders. Therefore, customer accounts (and the fees charged to them) include members' off-floor proprietary accounts, competing market makers on another exchange, and other member and non-member broker-dealers.

[4] Orders routed to and executed on another exchange are charged this fee in lieu of the Amex transaction charge.

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(4).

[7] 15 U.S.C. 78s(b)(3)(A).

[8] 17 CFR 19b–4(f)(2).

subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Amex. 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–2007–69 and should be submitted on or before July 27, 2007.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[9]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E7–13066 Filed 7–5–07; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–55977; File No. SR–CBOE–2007–69]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Regarding Fees for the CBOE Stock Exchange

June 28, 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 June 25, 2007, the Chicago Board Options Exchange, Incorporated (''Exchange'' or ''CBOE'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been substantially prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to modify its fees applicable to the CBOE Stock Exchange (''CBSX''). The text of the proposed rule change is available on the Exchange's Web site (*http://www.cboe.org/legal*), at the Exchange's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant 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 CBSX fee schedule lists the fees applicable to trading on CBSX. The Exchange is proposing to cease providing market data rebates to users in connection with cross transactions. Transaction fees do not apply to cross trades, and the Exchange believes it is appropriate to exclude cross transactions from the calculation of market data rebates. The market data rebate program will remain unchanged in all other respects.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act[3] in general, and furthers the objectives of Section 6(b)(4)[4] in particular, in that it is designed to provide for the equitable allocation of reasonable dues, fees, and other charges among its members and other persons using its facilities.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were 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 establishes or changes a due, fee, or other charge imposed by the Exchange, it has become effective upon filing pursuant to Section 19(b)(3)(A) of the Act[5] and Rule 19b–4(f)(2) thereunder.[6] At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File No. SR–CBOE–2007–69 on the subject line.

Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–CBOE–2007–69. 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

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[9] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78f(b).

[4] 15 U.S.C. 78f(b)(4).

[5] 15 U.S.C. 78s(b)(3)(A).

[6] 17 CFR 19b–4(f)(2).

post all comments on the Commissions Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the CBOE. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CBOE–2007–69 and should be submitted on or before July 27, 2007.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[7]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E7–13071 Filed 7–5–07; 8:45 am]

BILLING CODE 8010–01–P

[7] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–55973; File No. SR–ISE–2007–39]

Self-Regulatory Organizations; International Securities Exchange, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change as Modified by Amendment No. 1 Thereto Relating to a Fee Reduction and Fee Cap in Options on IWM

June 28, 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 June 1, 2007, the International Securities Exchange, LLC (''ISE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been substantially prepared by the Exchange. On June 26, 2007, the Exchange filed Amendment No. 1 to the proposed rule change.[3] ISE has designated this proposal as one establishing or changing a due, fee, or other charge imposed by ISE under Section 19(b)(3)(A)(ii) of the Act[4] and Rule 19b–4(f)(2) 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.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

ISE proposes to establish a reduction and a cap in fees for trading options on the iShares Russell 2000® Index Fund (''IWM''). The text of the proposed rule change is available at the Exchange, its Web Site at *http://www.iseoptions.com/legal/proposed_rule_changes.asp*, and the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change, and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant 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 its Schedule of Fees to impose, on a pilot basis until June 30, 2007, both a reduction in and a cap on exchange transaction and comparison fees for IWM options. Specifically, any Member with monthly Average Daily Volume (''ADV'') of 8,000 contracts in IWM options would receive a $.10 discount from the standard transaction fees for contracts traded above that amount, up to ADV of 10,000 contracts in IWM options. For contracts in IWM options traded in excess of 10,000 ADV for a month, the Exchange will waive all transaction and comparison fees. The proposed fee discount program applies to ISE Market Maker orders, non-ISE Market Maker orders, and Firm Proprietary orders in IWM options. The Exchange's current transaction fees for these order types are as follows: For ISE Market Maker orders, the transaction fees range from $.21 to $.12 a contract, depending on the Exchange's trading volume, plus a comparison fee of $.03 per contract; for non-ISE Market Maker orders and Firm Proprietary orders, the transaction fees are $.37 and $.15, respectively, plus a comparison fee of $.03 per contract. The fee reduction and waiver is intended to increase the Exchange's competitiveness in trading IWM options. The Exchange notes that the proposed discount will apply to transaction fees only and not to the payment for order flow fee or any licensing surcharge fee that may be applicable to the trading of options in IWM.

This proposal is similar to the volume-based discount fee program currently in place for trading in options on the NASDAQ–100 Index Tracking Stock® (QQQQ®) and for trading in the Exchange's Facilitation Mechanism.[6]

2. Statutory Basis

The basis under the Act for this proposed rule change is the requirement under Section 6(b)(4) of the Act[7] that an exchange have an equitable allocation of reasonable dues, fees, and other charges among its members and other persons using its facilities.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change does not 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 not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from members or other interested parties.

[3] Amendment No. 1 made clarifying changes to the purpose section, clarified the operation of the Exchange's waiver program with respect to the Comparison and Non-ISE Market Maker fees, and corrected a typographical error in Exhibit 5.

[4] 15 U.S.C. 78s(b)(3)(A)(ii).

[5] 17 CFR 240.19b–4(f)(2).

[6] *See* Securities Exchange Act Release No. 49147 (January 29, 2004), 69 FR 5629 (February 5, 2004) (SR–ISE–2003–32).

[7] 15 U.S.C. 78f(b)(4).

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing proposed rule change has been designated as a fee change pursuant to Section 19(b)(3)(A)(ii) of the Act [8] and Rule 19b–4(f)(2) [9] thereunder, because it establishes or changes a due, fee, or other charge imposed by the Exchange. Accordingly, the proposal took effect upon filing with the Commission. At any time within 60 days of the filing of such proposed rule change the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.[10]

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–ISE–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–ISE–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, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–ISE–2007–39 and should be submitted on or before July 27, 2007.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[11]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E7–13068 Filed 7–5–07; 8:45 am]

BILLING CODE 8010–01–P

[8] 15 U.S.C. 78s(b)(3)(A)(ii).

[9] 17 CFR 240.19b–4(f)(2).

[10] For purposes of calculating the 60-day period within which the Commission may summarily abrogate the proposed rule change under Section 19(b)(3)(C) of the Act, the Commission considers the period to commence on June 26, 2007, the date on which ISE filed Amendment No. 1. *See* 15 U.S.C. 78s(b)(3)(C).

[11] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–55975; File No. SR–ISE–2007–48]

Self-Regulatory Organizations; International Securities Exchange, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Fee Changes

June 28, 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 June 15, 2007, the International Securities Exchange, LLC (''ISE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been substantially prepared by ISE. ISE filed the proposal pursuant to Section 19(b)(3)(A)(ii) of the Act [3] and Rule 19b–4(f)(2) [4] thereunder, as establishing or changing a due, fee, or other charges applicable to a member, which renders the proposed rule change effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

ISE is proposing to amend its Schedule of Fees to: (1) Remove the surcharge fee for transactions in options on the iShares Russell 2000® Index Fund (''IWM''), the iShares Russell 2000® Value Index Fund (''IWN''), the iShares Russell 2000® Growth Index Fund (''IWO''), the iShares Russell 1000® Value Index Fund (''IWD'') and the iShares Russell 1000® Index Fund (''IWB''); and (2) raise the surcharge fee for transactions in options on the Russell 1000® Index (''RUI''), the Russell 2000® Index (''RUT''), and the Mini Russell 2000® Index (''RMN''). The text of the proposed rule change is available at ISE, *http://www.iseoptions.com,* and the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange is proposing to amend its Schedule of Fees to: (1) Remove the surcharge fee previously adopted for transactions in options on IWM, IWN, IWO, IWD,[5] and IWB; [6] and (2) raise the surcharge fee previously adopted for transactions in options on RUI, RUT and RMN.[7] The Exchange is proposing to remove the surcharge fee from its Schedule of Fees because it no longer pays a license fee to the Frank Russell

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b–4(f)(2).

[5] *See* Securities Exchange Act Release No. 47075 (December 20, 2002), 67 FR 79673 (December 30, 2002) (SR–ISE–2002–29).

[6] *See* Securities Exchange Act Release No. 47564 (March 24, 2003), 68 FR 15256 (March 28, 2003) (SR–ISE–2003–13).

[7] *See* Securities Exchange Act Release No. 51858 (June 16, 2005), 70 FR 36218 (June 22, 2005) (SR–ISE–2005–26).

Company (''Russell'') in connection with transactions in options on IWM, IWN, IWO, IWD and IWB. Accordingly, there is no longer a need for this surcharge fee. The Exchange will continue to charge an execution fee and a comparison fee for transactions in options on IWM, IWN, IWO, IWD and IWB.

Additionally, pursuant to a revised license agreement between Russell and ISE in connection with the listing and trading of options on RUI, RUT and RMN, and to defray the increased licensing costs, the Exchange is raising its surcharge fee from $0.10 per contract to $0.15 per contract for trading in options on RUI, RUT and RMN. The Exchange believes charging the participants that trade this instrument is the most equitable means of recovering the costs of the license. However, because of competitive pressures in the industry, the Exchange proposes to continue excluding Public Customer Orders [8] from this surcharge fee. Accordingly, this surcharge fee shall continue to be charged only to Exchange members with respect to non-Public Customer Orders (*e.g.*, ISE Market Maker, non-ISE Market Maker & Firm Proprietary orders) and shall apply to certain Linkage Orders under a pilot program that is set to expire on July 31, 2007.[9] The Exchange will, however, continue to charge an execution fee and a comparison fee for transactions in options on RUI, RUT and RMN.

2. Statutory Basis

The basis under the Act for this proposed rule change is the requirement under Section 6(b)(4) [10] that the rules of an exchange provide for the equitable allocation of reasonable dues, fees, and other charges among its members and issuers and other persons using its facilities.

B. Self-Regulatory Organization's Statement on Burden on Competition

ISE does not believe that the proposed rule change will result in 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 Form Members, Participants, or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from members or interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing proposed rule change has become effective upon filing with the Commission pursuant to Section 19(b)(3)(A)(ii) of the Act [11] and Rule 19b–4(f)(2) [12] thereunder, because it establishes or changes a due, fee, or other charge applicable only to a member.

At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–ISE–2007–48 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–ISE–2007–48. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of ISE. 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–ISE–2007–48 and should be submitted on or before July 27, 2007.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[13]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E7–13070 Filed 7–5–07; 8:45 am]

BILLING CODE 8010–01–P

[8] Public Customer Order is defined in Exchange Rule 100(a)(39) as an order for the account of a Public Customer. Public Customer is defined in Exchange Rule 100(a)(38) as a person that is not a broker or dealer in securities.

[9] Linkage Orders are defined in ISE Rule 1900(10). Under a pilot program that is set to expire on July 31, 2007, these fees will also be charged to Principal Acting as Agent Orders and Principal Orders (as defined in ISE Rule 1900(10)(i)–(ii)). *See* Securities Exchange Act Release No. 54204 (July 25, 2006), 71 FR 43548 (August 1, 2006) (SR–ISE–2006–38).

[10] 15 U.S.C. 78f(b)(4).

[11] 15 U.S.C. 78s(b)(3)(A)(ii).

[12] 17 CFR 240.19b–4(f)(2).

[13] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–55979; File No. SR–NASDAQ–2007–055]

Self-Regulatory Organizations; the NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Modify Fees for Members Using the Nasdaq Market Center

June 28, 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 May 29, 2007, The NASDAQ Stock Market LLC (''Nasdaq'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been substantially prepared by Nasdaq. Nasdaq filed the proposal pursuant to Section 19(b)(3)(A)(ii) of the Act [3] and

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

Rule 19b–4(f)(2)[4] thereunder, as establishing or changing a member due, fee, or other charge, which renders the proposed rule change effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Nasdaq proposes to modify pricing for Nasdaq members using the Nasdaq Market Center. Nasdaq will implement this rule change on June 1, 2007. The text of the proposed rule change is available at Nasdaq, *http://www.nasdaq.com,* and the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Nasdaq is increasing its fees for routing orders in securities other than exchange-traded funds to the New York Stock Exchange (''NYSE'') in instances where the order does not check the Nasdaq book prior to routing. The current fees for such orders are $0.0035 per share executed for a Directed Intermarket Sweep Order for securities priced at $1 or more per share, $0.000275 per share executed for other orders for securities priced at $1 or more per share, and 0.3% of the total transaction cost for routed orders in securities priced at less than $1 per share. The fees for Directed Intermarket Sweep Orders and transactions at under $1 per share will remain unchanged. Effective June 1, 2007, however, the fee of $0.000275 per share executed for securities priced at $1 or more per share will be available only if a member has an average daily volume through the Nasdaq Market Center in all securities during the month of more than 35 million shares of liquidity provided; members with an average daily volume through the Nasdaq Market Center in all securities during the month of more than 20 million shares of liquidity provided will pay $0.000325 per share executed, and other members will pay $0.00035.

Nasdaq is also changing the means of calculating whether members qualify for reduced fees when accessing liquidity in the Nasdaq Market Center, routing to venues other than NYSE, and/or routing orders for exchange-traded funds to the NYSE. These fees are determined by a member's average daily volume of shares of liquidity provided, and its average daily volume of shares of liquidity accessed and/or routed. Nasdaq will not count orders that do not attempt to execute in Nasdaq prior to routing to other venues in determining a member's average daily volume of shares of liquidity accessed and/or routed.[5]

The changes are designed to enhance the quality of Nasdaq's market by providing an incentive for members to enter orders that check the Nasdaq book prior to routing. An increase in the extent to which members check the book will in turn encourage liquidity providers to post executable quotes in Nasdaq. Moreover, orders that check the Nasdaq book have an opportunity to post to the book if they are not immediately executable in Nasdaq or elsewhere, and therefore may themselves serve as a source of liquidity provision in Nasdaq. In a Regulation NMS trading environment, market participants must seek the best immediately executable price, and therefore the ability to encourage liquidity provision will be key to a market's ability to compete. Moreover, in situations where market centers are quoting the same price, the pricing change will provide an incentive for market participants to access liquidity in Nasdaq before accessing it elsewhere. To the extent that market participants do enter orders that route immediately, moreover, the pricing change will offer a better price to market participants that nevertheless contribute to market quality by providing liquidity.

2. Statutory Basis

Nasdaq believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,[6] in general, and with Section 6(b)(4) of the Act,[7] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility or system which Nasdaq operates or controls. Nasdaq believes that the fee change reflects an allocation of fees that recognizes the benefits to Nasdaq market quality of liquidity provision and orders that access liquidity in Nasdaq prior to routing.

B. Self-Regulatory Organization's Statement on Burden on Competition

Nasdaq does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing proposed rule change has become effective upon filing with the Commission pursuant to Section 19(b)(3)(A)(ii) of the Act[8] and Rule 19b–4(f)(2) thereunder,[9] in that the proposed rule change establishes or changes a member due, fee, or other charge imposed by the self-regulatory organization. At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–NASDAQ–2007–055 on the subject line.

[4] 17 CFR 240.19b–4(f)(2).

[5] Nasdaq is also deleting obsolete language that described pricing temporarily in effect in March 2007 for securities priced under $1.

[6] 15 U.S.C. 78f.

[7] 15 U.S.C. 78f(b)(4).

[8] 15 U.S.C. 78s(b)(3)(A)(ii).

[9] 17 CFR 240.19b–4(f)(2).

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–NASDAQ–2007–055. 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, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of 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–2007–055 and should be submitted on or before July 27, 2007.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[10]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E7–13072 Filed 7–5–07; 8:45 am]

BILLING CODE 8010–01–P

[10] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–55974; File No. SR–NYSE–2007–52]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change to Exclude Interest Expense on Financial Instruments Classified Under GAAP as Liabilities From the Exchange's Earnings Standard

June 28, 2007.

Pursuant to Section 19(b)(1)[1] of the Securities Act of 1934 (the ''Act''),[2] and Rule 19b–4 thereunder,[3] notice is hereby given that on June 11, 2007, New York Stock Exchange LLC (the ''NYSE'' or the ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule changes as described in Items I and II below, which items have been substantially prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule changes from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the earnings standard of Section 102.01C(I) of the Exchange's Listed Company Manual (the ''Manual''). The amendment will enable the Exchange to adjust companies'' earnings for purposes of the earnings standard to exclude actual historical interest expense paid on financial instruments classified as liabilities under generally accepted accounting principles (''GAAP'') that are either retired with the proceeds of an offering occurring in conjunction with the listing or converted into common stock in conjunction with the company's initial public offering (''IPO'') at the time of listing. The text of the proposed rule change is available on the Exchange's Web site (*http://www.nyse.com*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The NYSE has prepared summaries, set forth in Sections A, B and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the earnings standard of Section 102.01C(I) of the Manual. The amendment will enable the Exchange to adjust the earnings of companies listing in conjunction with an IPO by excluding actual historical interest expense paid on financial instruments classified as liabilities under GAAP that are either retired with the proceeds of an offering occurring in conjunction with the listing or converted into common stock in conjunction with the company's IPO at the time of listing.

Nonpublic companies engaging in pre-IPO financings often raise capital through the sale of preferred stock. Preferred stock is also sometimes issued by pre-IPO companies to service providers in lieu of cash compensation. At the time of the company's IPO, the preferred stock may be converted into common stock. Companies may also redeem some or all of the outstanding preferred stock with a portion of the proceeds from the IPO.

Section 102.01C(I) currently provides that a company's historical earnings may be adjusted for purposes of the earnings standard to reflect the elimination of the actual historical interest on debt retired with offering proceeds. If the event giving rise to the adjustment occurred during a time period such that pro forma amounts are not set forth in the SEC registration statement, the company must prepare the relevant adjusted financial data to reflect the adjustment to its historical financial data, and its outside audit firm must provide a report of having applied agreed-upon procedures with respect to such adjustments. Such report must be prepared in accordance with the standards established by the American Institute of Certified Public Accountants. Preferred stock generally entitles the holders to the payment of regular dividends. Prior to the adoption of FASB Statement No. 150, many companies treated accreted dividends on preferred stock as a charge to stockholders' equity. Under FASB

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

Statement No. 150, companies are now required to treat certain preferred stock as a liability and, accordingly, any dividends accrued or paid on such preferred stock are treated as interest expense on the income statement. The Exchange believes that it is appropriate to allow the same adjustment to all retired financial instruments classified as liabilities under GAAP as is made for interest paid on retired debt so as to eliminate the effect of dividend payments that are classified as interest expense on earnings when the instrument is retired out of the proceeds of the offering. The Exchange also believes that it is logical to apply the same treatment to the interest associated with any debt or other financial instrument which is converted into common stock at the time of a company's IPO occurring in conjunction with its listing, as the instrument that has given rise to the obligation to pay interest is extinguished at that time. The Exchange believes that this extension is reasonable given the purpose of the earnings standard, which is to determine the suitability for listing of companies on a forward-looking basis. The Exchange anticipates that this amendment will primarily benefit companies retiring preferred stock in connection with their IPOs.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) [4] of the Act,[5] in general, and furthers the objectives of Section 6(b)(5) of the Act,[6] in particular in that it is designed 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 and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

[4] 15 U.S.C. 78f(b).

[5] 15 U.S.C. 78a.

[6] 15 U.S.C. 78f(b)(5).

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (1) Significantly affect the protection of investors or the public interest; (2) impose any significant burden on competition; and (3) become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest,[7] it has become effective pursuant to Section 19(b)(3)(A) of the Act [8] and Rule 19b–4(f)(6) thereunder.[9]

Under Rule 19b–4(f)(6) of the Act,[10] the proposal does not become operative for 30 days after the date of its filing, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest. NYSE has requested that the Commission waive the 30-day operative delay so that it may immediately implement this proposal. The Commission believes that it is consistent with the protection of investors and the public interest to waive the 30-day operative delay and make this proposed rule change immediately effective.[11]

The Commission notes that, according to the Exchange, Manual Section 102.01(C)(I)(a)(i) already provides for certain adjustments to reflect the net proceeds of an offering, and the intended application of such proceeds to pay off a company's existing debt, including the elimination of actual historical interest on debt being retired with offering proceeds or by conversion into common stock. The proposed rule change would add language to the Manual to clarify that such adjustments to ''debt'' may properly be made to exclude interest expense on any financial instrument classified under GAAP as a liability. In this respect, the Commission believes that the change represents an effort by the Exchange to interpret the term ''debt'' as being consistent with the treatment of certain financial instruments considered liabilities under GAAP. Moreover, the proposal will extend the interest expense exclusion from the Exchange's earnings standard to interest associated with debt extinguished by conversion into common stock at the time of a company's IPO occurring in connection with listing. Given the purpose of the Exchange's earnings standard, which is to determine the suitability of applicants for listing on a forward-looking basis, the Commission believes that this change is consistent with such purposes and is reasonable.

At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

[7] Rule 19b–4(f)(6)(iii) requires that a self-regulatory organization submit to the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied the five-day pre-filing notice requirement.

[8] 15 U.S.C. 78s(b)(3)(A).

[9] 17 CFR 240.19b–4(f)(6).

[10] *Id.*

[11] For purposes only of waiving the operative delay for this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change, as amended, 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 e-mail to *rule-comments@sec.gov*. Please include File Number SR–NYSE–2007–52 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–2007–52. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro/shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the

Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing will also be available for inspection and copying at the principal office of the 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–2007–52 and should be submitted on or before July 27, 2007.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[12]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E7–13069 Filed 7–5–07; 8:45 am]

BILLING CODE 8010–01–P

[12] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–55972; File No. SR–Phlx–2007–47]

Self-Regulatory Organizations; Philadelphia Stock Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Automating the Rebate Request Process for Dividend, Merger and Short Stock Interest Strategies

June 28, 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 June 15, 2007, the Philadelphia Stock Exchange, Inc. (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been substantially prepared by Phlx. Phlx has designated this proposal as one constituting a stated policy, practice, or interpretation with respect to the meaning, administration, or enforcement of an existing rule pursuant to Section 19(b)(3)(A) of the Act[3] and Rule 19b–4(f)(1) thereunder,[4] which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(1).

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange proposes to eliminate the members' requirement to manually submit rebate request forms and to automate the rebate request process for dividend, merger, and short stock interest strategies, effective for transactions settling on or after July 1, 2007.

The text of the proposed rule change is available on the Exchange's Web site (*http://www.phlx.com/exchange/phlx_rule_fil.html*), at the Exchange's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Currently, the Exchange provides a rebate for certain contracts executed in connection with transactions occurring as part of a dividend,[5] merger,[6] or short stock interest[7] strategy. Specifically, for these option contracts executed pursuant to a dividend strategy, the Exchange rebates $0.08 per contract side for Registered Options Trader (''ROT'') executions and $0.07 per contract side for specialist executions transacted on the day prior to the date on which the underlying stock goes ex-dividend. The Exchange also provides for a rebate of $0.08 per contract side for ROT executions and $0.07 per contract side for specialist executions made pursuant to a merger or short stock interest strategy.[8]

The Exchange currently uses a manual procedure to process rebate requests. To qualify a transaction for the rebate process, a written rebate request form, along with supporting documentation, must be submitted to the Exchange within three business days following the end of the previous month.

The Exchange proposes to eliminate the manual rebate process and replace it with an automated process. In order to capture the necessary information electronically, the Exchange has modified its trade tickets to allow for members to designate on the trade ticket whether the trade involves a dividend, merger, or short stock interest strategy.

The purpose of eliminating the manual procedure is to increase efficiency in connection with the processing of the dividend, merger, and short stock interest rebate request forms.

For transactions settling in June 2007, members must continue to submit the required written rebate request forms as described above. Beginning with transactions settling on or after July 1, 2007, written rebate request forms will no longer be accepted by the Exchange as the rebates will be processed automatically.

2. Statutory Basis

The Exchange believes that its proposal to automate its procedures relating to processing the rebate request forms for dividend, merger, or short stock interest strategies as described above is consistent with Section 6(b) of the Act[9] in general, and furthers the objectives of Section 6(b)(5) of the Act[10] in particular, as the proposal is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster

[5] For purposes of this proposal, the Exchange defines a ''dividend strategy'' as transactions done to achieve a dividend arbitrage involving the purchase, sale, and exercise of in-the-money options of the same class, executed prior to the date on which the underlying stock goes ex-dividend.

[6] For purposes of this proposal, the Exchange defines a ''merger strategy'' as transactions done to achieve a merger arbitrage involving the purchase, sale, and exercise of options of the same class and expiration date, executed prior to the date on which shareholders of record are required to elect their respective form of consideration, *i.e.*, cash or stock.

[7] For purposes of this proposal, the Exchange defines a ''short stock interest strategy'' as transactions done to achieve a short stock interest arbitrage involving the purchase, sale, and exercise of in-the-money options of the same class.

[8] *See, e.g.*, Securities Exchange Act Release Nos. 54174 (July 19, 2006), 71 FR 42156 (July 25, 2006) (SR–Phlx–2006–40) and 53094 (January 10, 2006), 71 FR 2975 (January 18, 2006) (SR–Phlx–2005–75).

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

[10] 15 U.S.C. 78f(b)(5).

cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [11] and Rule 19b–4(f)(1) thereunder,[12] because it constitutes a stated policy, practice, or interpretation with respect to the meaning, administration, or enforcement of an existing rule. At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–Phlx–2007–47 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–Phlx–2007–47. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of Phlx. 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–Phlx–2007–47 and should be submitted on or before July 27, 2007.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[13]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E7–13067 Filed 7–5–07; 8:45 am]

BILLING CODE 8010–01–P

[11] 15 U.S.C. 78s(b)(3)(A).

[12] 17 CFR 240.19b–4(f)(1).

[13] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #10912]

Florida Disaster #FL–00026 Declaration of Economic Injury

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Economic Injury Disaster Loan (EIDL) declaration for the State of Florida, dated

Incident: Wildland Fires.

Incident Period: 03/26/2007 through 05/31/2007.

EFFECTIVE DATE: 06/25/2007.

EIDL Loan Application Deadline Date: 03/25/2008.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the Administrator's EIDL declaration, applications for economic injury disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties:

Bradford, Columbia, Hamilton, Suwannee.

Contiguous Counties:

Florida: Alachua, Baker, Clay, Gilchrist, Lafayette, Madison, Putnam, Union.

Georgia: Clinch, Echols, Lowndes.

The Interest Rate is: 4.000.

The number assigned to this disaster for economic injury is 109120.

The States which received an EIDL Declaration # are Florida, Georgia.

(Catalog of Federal Domestic Assistance Number 59002)

Dated: June 25, 2007.

Steven Preston,

Administrator.

[FR Doc. E7–13094 Filed 7–5–07; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration # 10883 and # 10884]

Iowa Disaster Number IA–00008

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 2.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the State of Iowa (FEMA–1705–DR), dated 05/25/2007.

Incident: Severe Storms, Flooding and Tornadoes.

Incident Period: 05/05/2007 through 05/07/2007.

Effective Date: 06/22/2007.

Physical Loan Application Deadline Date: 07/24/2007.

EIDL Loan Application Deadline Date: 02/25/2008.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: The notice of the Presidential disaster declaration for the State of Iowa, dated 05/25/2007 is hereby amended to include the following areas as adversely affected by the disaster:

Primary Counties:
Crawford, Monona, Audubon.
Contiguous Counties:
Nebraska, Thurston.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Herbert L. Mitchell,
Associate Administrator for Disaster Assistance.

[FR Doc. E7–13099 Filed 7–5–07; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #10902]

Kentucky Disaster #KY–00011 Declaration of Economic Injury

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Economic Injury Disaster Loan (EIDL) declaration for the Commonwealth of Kentucky, dated 06/26/2007.

Incident: Below Average Water Levels.

Incident Period: 01/01/2007 and continuing.

EFFECTIVE DATE: 06/26/2007.

EIDL Loan Application Deadline Date: 03/26/2008.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the Administrator's EIDL declaration, applications for economic injury disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties:
Clinton, Laurel, Mccreary, Pulaski, Russell, Wayne.
Contiguous Counties:
Kentucky: Adair, Casey, Clay, Cumberland, Jackson, Knox, Lincoln, Rockcastle, Whitley.
Tennessee: Campbell, Clay, Pickett, Scott.

The Interest Rate is: 4.000.

The number assigned to this disaster for economic injury is 109020.

The States which received an EIDL Declaration # are Kentucky, Tennessee.

(Catalog of Federal Domestic Assistance Number 59002)

Dated: June 26, 2007.

Steven C. Preston,
Administrator.

[FR Doc. E7–13097 Filed 7–5–07; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #10913 and #10914]

Texas Disaster #TX–00253

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Administrative declaration of a disaster for the State of Texas Dated 06/26/2007.

Incident: Excessive rain, flooding and flash flooding.

Incident Period: 05/21/2007 through 05/28/2007.

EFFECTIVE DATE: 06/26/2007.

Physical Loan Application Deadline Date: 08/27/2007.

Economic Injury (EIDL) Loan Application Deadline Date: 03/26/2008.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the Administrator's disaster declaration, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties:
Lampasas.
Contiguous Counties:
Texas: Bell, Burnet, Coryell, Hamilton, Mills, San Saba.

The Interest Rates are:

	Percent
Homeowners with Credit Available Elsewhere	5.750
Homeowners without Credit Available Elsewhere	2.875
Businesses with Credit Available Elsewhere	8.000
Businesses & Small Agricultural Cooperatives without Credit Available Elsewhere	4.000
Other (Including Non-Profit Organizations) with Credit Available Elsewhere	5.250
Businesses and Non-Profit Organizations without Credit Available Elsewhere	4.000

The number assigned to this disaster for physical damage is 109136 and for economic injury is 109140.

The States which received an EIDL Declaration # is Texas.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Dated: June 26, 2007.

Steven C. Preston,
Administrator.

[FR Doc. E7–13096 Filed 7–5–07; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

Reopening of Economic Injury Disaster Loan Declarations for the Gulf Coast Hurricane Disasters of 2005

As a result of Public Law 110–28, enacted on May 25, 2007, the Small Business Administration (SBA) is reopening the filing period for Economic Injury Disaster Loans (EIDL) to pre-existing small businesses located in a parish or county which the President declared a major disaster area because of the hurricanes in the Gulf of Mexico in calendar year 2005.

The following counties in Alabama were declared a major disaster area as a result of Hurricane Dennis:

Baldwin, Escambia, Mobile.

The economic injury number assigned to Alabama Hurricane Dennis is 109040.

The following counties in Florida were declared a major disaster area as a result of Hurricane Dennis:

Bay, Dixie, Escambia, Franklin, Gula, Okaloosa, Santa Rosa, Taylor, Wakulla, Walton.

The economic injury number assigned to Florida Hurricane Dennis is 109050.

The following counties in Alabama were declared a major disaster area as a result of Hurricane Katrina:

Baldwin, Choctaw, Clarke, Greene, Hale, Marengo, Mobile, Pickens, Sumter, Tuscaloosa, Washington.

The economic injury number assigned to Alabama Hurricane Katrina is 109060.

The following parishes in Louisiana were declared a major disaster area as a result of Hurricane Katrina:

Acadia, Ascensión, Assumption, Calcasieu, Cameron, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Jefferson Davis, Lafayette, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, Saint Bernard, Saint Charles, Saint Helena, Saint James, Saint Martin, Saint Mary, Saint Tammany, St. John the Baptist, Tangipahoa, Terrebonne, Vermilion, Washington, West Baton Rouge, West Feliciana.

The economic injury number assigned to Louisiana Hurricane Katrina is 109070.

The following counties in Mississippi were declared a major disaster area as a result of Hurricane Katrina:

Adams, Amite, Attala, Choctaw, Claiborne, Clarke, Copiah, Covington, Forrest, Franklin, George, Greene, Hancock, Harrison, Hinds, Holmes, Humphreys, Jackson, Jasper, Jefferson, Jefferson Davis, Jones, Kemper, Lamar, Lauderdale, Lawrence, Leake, Lincoln, Lowndes, Madison, Marion, Neshoba, Newton, Noxubee, Oktibbeha, Pearl River, Perry, Pike, Rankin, Scott, Simpson, Smith, Stone, Walthall, Warren, Wayne, Wilkinson, Winston, Yazoo.

The economic injury number assigned to Mississippi Hurricane Katrina is 109080.

The following parishes in Louisiana were declared a major disaster area as a result of Hurricane Rita:

Acadia, Allen, Ascensión, Beauregard, Calcasieu, Cameron, Evangeline, Iberia, Jefferson, Jefferson Davis, Lafayette, Lafourche, Livingston, Plaquemines, Sabine, Saint Landry, Saint Martin, Saint Mary, Saint Tammany, Terrebonne, Vermilion, Vernon, West Baton Rouge.

The economic injury number assigned to Louisiana Hurricane Rita is 109090.

The following counties in Texas were declared a major disaster area as a result of Hurricane Rita:

Angelina, Brazoria, Chambers, Fort Bend, Galveston, Hardin, Harris, Jasper, Jefferson, Liberty, Montgomery, Nacogdoches, Newton, Orange, Polk, Sabine, San Augustine, San Jacinto, Shelby, Trinity, Tyler, Walker.

The economic injury number assigned to Texas Hurricane Rita is 109100.

The following counties in Florida were declared a major disaster area as a result of Hurricane Wilma:

Brevard, Broward, Collier, Glades, Hendry, Indian River, Lee, Martin, Miami-Dade, Monroe, Okeechobee, Palm Beach, Saint Lucie.

The economic injury number assigned to Florida Hurricane Wilma is 109110.

The filing period for pre-existing small businesses to apply to SBA for EIDL assistance is December 31, 2007. The interest rate for eligible small businesses is 4.000 percent.

(Catalog of Federal Domestic Assistance Program No. 590002.)

Dated: June 20, 2007.

Herbert L. Mitchell,

Associate Administrator for Disaster Assistance.

[FR Doc. E7–13103 Filed 7–5–07; 8:45 am]

BILLING CODE 8025–01–P

SOCIAL SECURITY ADMINISTRATION

[Docket No. SSA–2007–2007–0051]

The Ticket To Work and Work Incentives Advisory Panel Meeting

AGENCY: Social Security Administration (SSA).

ACTION: Notice of quarterly meeting.

DATES: July 24, 2007—9 a.m. to 5 p.m.; July 25, 2007—1 p.m. to 5:30 p.m.

ADDRESSES: Sheraton Crystal City Hotel, 1800 Jefferson Davis Highway, Arlington, VA 22202. *Phone:* 703–486–1111.

SUPPLEMENTARY INFORMATION:

Type of meeting: On July 24–25, 2007, the Ticket to Work and Work Incentives Advisory Panel (the ''Panel'') will hold a quarterly meeting open to the public.

Purpose: In accordance with section 10(a)(2) of the Federal Advisory Committee Act, the Social Security Administration (SSA) announces a meeting of the Ticket to Work and Work Incentives Advisory Panel. Section 101(f) of Public Law 106–170 establishes the Panel to advise the President, the Congress, and the Commissioner of SSA on issues related to work incentive programs, planning, and assistance for individuals with disabilities as provided under section 101(f)(2)(A) of the TWWIA. The Panel is also to advise the Commissioner on matters specified in section 101(f)(2)(B) of that Act, including certain issues related to the Ticket to Work and Self-Sufficiency Program established under section 101(a) of that Act.

Interested parties are invited to attend the meeting. The Panel will use the meeting time to receive briefings and presentations on matters of interest, conduct full Panel deliberations on the implementation of the Act and receive public testimony.

The Panel will meet in person commencing on Tuesday, July 24, 2007, from 9 a.m. until 5 p.m. The quarterly meeting will continue on Wednesday, July 25, 2007, from 1 p.m. until 5:30 p.m.

Agenda: The full agenda will be posted at least one week before the start of the meeting on the Internet at *http://www.ssa.gov/work/panel/meeting_information/agendas.html*, or can be received, in advance, electronically or by fax upon request. Public testimony will be heard on Tuesday, July 24, 2007 from 4–5 p.m. Individuals interested in providing testimony in person should contact the Panel staff as outlined below to schedule a time slot. Members of the public must schedule a time slot in order to comment. In the event public comments do not take the entire scheduled time period, the Panel may use that time to deliberate or conduct other Panel business. Each individual providing public comment will be acknowledged by the Chair in the order in which they are scheduled to testify and is limited to a maximum five-minute, verbal presentation.

Full written testimony on the Implementation of the Ticket to Work and Work Incentives Program, no longer than five (5) pages, may be submitted in person or by mail, fax or e-mail on an ongoing basis to the Panel for consideration.

Since seating may be limited, persons interested in providing testimony at the meeting should contact the Panel staff by e-mailing Ms. Tinya White-Taylor, at *Tinya.White-Taylor@ssa.gov* or by calling (202) 358–6420.

Contact Information: Records are kept of all proceedings and will be available for public inspection by appointment at the Panel office. Anyone requiring information regarding the Panel should contact the staff by:

- Mail addressed to the Social Security Administration, Ticket to Work and Work Incentives Advisory Panel Staff, 400 Virginia Avenue, SW., Suite 700, Washington, DC 20024.
- Telephone contact with Tinya White-Taylor at (202) 358–6420.
- Fax at (202) 358–6440.
- E-mail to *TWWIIAPanel@ssa.gov.*

Dated: June 28, 2007.

Chris Silanskis,

Designated Federal Officer.

[FR Doc. E7–13132 Filed 7–5–07; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF STATE

[Public Notice 5828]

Advisory Committee on International Economic Policy; Notice of Open Meeting

The Advisory Committee on International Economic Policy (ACIEP) will meet from 2 p.m. to 4 p.m. on Tuesday, July 31, 2007, at the U.S. Department of State, 2201 C Street, NW., Room 1107, Washington, DC. The meeting will be hosted by Assistant Secretary of State for Economic, Energy and Business Affairs, Daniel S. Sullivan and Committee Chairman R. Michael Gadbaw. The ACIEP serves the U.S. Government in a solely advisory capacity concerning issues and challenges in international economic policy. The meeting will focus on Total Economic Engagement, including a regional focus on Nigeria, sectoral focus on health and the President's Malaria Initiative, and Subcommittee reports and discussions led by the new Strategic Regions Subcommittee (related to the new Economic Engagement in Strategic Regions initiative) and the work program of the ongoing Economic Sanctions Subcommittee.

This meeting is open to the public as seating capacity allows. Entry to the building is controlled; to obtain pre-clearance for entry, members of the public planning to attend should provide, by Friday, July 27, their name, professional affiliation, valid government-issued ID number (i.e., U.S. Government ID [agency], U.S. military ID [branch], passport [country], or drivers license [state]), date of birth, and citizenship to Ronelle Jackson by fax (202) 647–5936, e-mail (*JacksonRS@state.gov*), or telephone (202) 647–9204. One of the following forms of valid photo identification will be required for admission to the State Department building: U.S. driver's license, passport, or U.S. Government identification card. Enter the Department of State from the C Street lobby. In view of escorting requirements, non-Government attendees should plan to arrive not less than 15 minutes before the meeting begins.

For additional information, contact Senior Coordinator Nancy Smith-Nissley, Office of Economic Policy and Public Diplomacy, Bureau of Economic, Energy and Business Affairs, at (202) 647–1682 or *Smith-NissleyN@state.gov.*

Dated: June 26, 2007.

Kurt D. Donnelly,

Deputy Director, Office of Economic Policy Analysis and Public Diplomacy, Department of State.

[FR Doc. E7–13127 Filed 7–5–07; 8:45 am]

BILLING CODE 4710–07–P

DEPARTMENT OF STATE

[Public Notice 5864]

Notice of Issuance of Presidential Permit To Construct, Operate and Maintain a New Commercial Land Border Crossing Near San Luis, AZ

AGENCY: Department of State.

ACTION: Public notice.

The Department of State provides notice that effective June 30, 2007, the Department has issued a Presidential permit authorizing the General Services Administration to construct, operate and maintain a new commercial land border crossing near San Luis, Arizona, known as the ''San Luis II'' crossing. This notice is provided by the Coordinator, U.S.-Mexico Border Affairs, WHA/MEX, Room 4258, Department of State, 2201 C St., NW., Washington, DC 20520. The following is the text of the issued permit:

Presidential Permit 07–1 Authorizing the General Services Administration to Construct, Operate and Maintain a Commercial Border Crossing called ''SAN LUIS II'' Near San Luis, Arizona, at the International Boundary Between the United States and Mexico

By virtue of the authority vested in me as Assistant Secretary of State for Economic, Energy and Business Affairs, pursuant to Department of State Delegation number 299 from the Secretary of State dated April 2, 2007, to exercise, to the extent authorized by law, all authorities vested in the Under Secretary of State for Economic, Business and Agricultural Affairs, including those authorities under Executive Order 11423, 33 FR 11741 (1968), as amended by Executive Order 12847 of May 17, 1993, 58 FR 29511 (1993), Executive Order 13284 of January 23, 2003, 68 FR 4075 (2003), and Executive Order 13337 of April 30, 2004, 69 FR 25299 (2004); having considered the environmental effects of the proposed action in accordance with the National Environmental Policy Act of 1969 (83 Stat. 852; 42 U.S.C. 4321 *et seq.*) and other statutes relating to environmental concerns; having considered the proposed action in accordance with the National Historic Preservation Act (80 Stat. 917, 16 U.S.C. 470f *et seq.*); and having requested and received the views of various of the federal departments and other interested persons; I hereby grant permission, subject to the conditions herein set forth, to the United States General Services Administration (GSA) (hereinafter referred to as the ''permittee''), to construct, operate and maintain a new commercial land border crossing (hereinafter referred to as ''San Luis II''), approximately five miles east of the existing San Luis Port of Entry near San Luis, Arizona.

* * * * *

The term ''facilities'' as used in this permit means the facilities to be constructed at the San Luis II Port of Entry in San Luis, Arizona, consisting of the following improvements and structures:

- Inspection and X-Ray Facilities
- Containment Areas and Docks
- Commercial Inspection Building with Import and Export Docks
- Export Inspection
- Main Administrative Building
- Entry and Exit Control Booths
- Roadways and related Infrastructure, Pathways, Parking Lots, and related Lots
- Landscaping
- Ancillary Support Facilities
- Commercial Cargo lanes
- Related Improvements and Infrastructure

These facilities are the subject of the Finding of No Significant Impact, approved by the GSA Regional Administrator, Region 9 on April 15, 2007, FR Vol. 72, No. 32 (Feb. 16, 2007) (hereinafter referred to as the ''FONSI'').

This permit is subject to the following conditions:

Article 1. The facilities herein described, and all aspects of their operation, shall be subject to all the conditions, provisions and requirements of this permit and any amendment thereof. This permit may be terminated upon a determination of the Executive Branch that the San Luis II border crossing shall be closed. This permit may be amended by the Secretary of State or the Secretary's delegate in consultation with the permittee and, as appropriate, other Executive Branch agencies; the permittee's obligation to implement such an amendment is subject to the availability of funds. The permittee shall make no substantial change in the location of the facilities or in the operation authorized by this permit until such changes have been approved by the Secretary of State or the Secretary's delegate.

Article 2. The permittee shall comply with all applicable federal laws and regulations regarding the construction, operation and maintenance of the facilities. Further, the permittee shall comply with nationally recognized codes to the extent required under 40 U.S.C. 3312(b). The permittee shall cooperate with state and local officials to the extent required under 40 U.S.C. 3312(d).

Article 3. In the event that the San Luis II Port of Entry is permanently closed and is no longer used as an international crossing, this permit shall terminate and the permittee may manage, utilize, or dispose of the facilities in accordance with its statutory authorities.

Article 4. The permittee is a federal agency that is responsible for managing and operating the San Luis II Port of Entry, as authorized by applicable federal laws and regulations. This permit shall continue in full force and effect for only so long as the permittee shall continue the operations hereby authorized.

Article 5. This Article applies to transfer of the facilities or any part thereof as an operating land border crossing. The permittee shall immediately notify the United States Department of State of any decision to transfer custody and control of the facilities or any part thereof to any other agency or department of the United States Government. Said notice shall identify the transferee agency or department and seek the approval of the United States Department of State for the transfer of the permit. In the event of approval by the Department of State of such transfer of custody and control to another agency or department of the United States Government, the permit shall remain in force and effect, and the facilities shall be subject to all the conditions, permissions and requirements of this permit and any amendments thereof. The permittee may transfer ownership or control of the facilities to a non-federal entity or individual only upon the prior express approval of such transfer by the United States Department of State, which approval may include such conditions, permissions and requirements that the Department of State, in its discretion, determines are appropriate and necessary for inclusion in the permit, to be effective on the date of transfer.

Article 6. (1) The permittee or its agent shall acquire such right-of-way grants or easements and permits as may become necessary and appropriate.

(2) The permittee shall maintain the facilities and every part thereof.

Article 7. (1) The permittee shall take or cause to be taken all appropriate measures to prevent or mitigate adverse environmental impacts or disruption of significant archeological resources in connection with the construction, operation and maintenance of the facilities, including those mitigation measures adopted by the permittee in the FONSI.

(2) Before issuing the notice to proceed for construction, the permittee shall obtain the concurrence of the International Boundary and Water Commission.

Article 8. The permittee shall comply with all agreed actions and obligations set forth in the FONSI. The permittee's acceptance of transfer of the land upon which the San Luis II Port of Entry is to be built is conditioned upon the Greater Yuma Port Authority's commitments to implement the mitigation measures described in the FONSI.

Article 9. The permittee shall file any applicable statements and reports that might be required by applicable federal law in connection with this project.

Article 10. The permittee shall not issue a notice to proceed for construction work until the Department of State has provided notification to the permittee that the Department has completed its exchange of diplomatic notes with the Government of Mexico regarding authorization of construction. The permittee shall provide written notice to the Department of State at such time as the construction authorized by this permit is begun, and again at such time as construction is completed, interrupted for more than ninety days or discontinued.

Article 11. This permit is not intended to, and does not, create any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or in equity, by any party against the United States, its departments, agencies, instrumentalities or entities, its officers or employees, in their individual or official capacities, or any other person.

In Witness Whereof, I, Daniel S. Sullivan, Assistant Secretary of State for Economic, Energy and Business Affairs of the United States, have hereunto set my hand this 13th day of June, 2007, in the City of Washington, District of Columbia.

Dated: June 29, 2007.

Daniel S. Sullivan,

Assistant Secretary of State, United States Department of State.

Richard M. Sanders,

Acting Director, Office of Mexican Affairs, Department of State.

[FR Doc. E7–13126 Filed 7–5–07; 8:45 am]

BILLING CODE 4710–29–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[USCG–2006–24644]

TORP Terminal LP, Bienville Offshore Energy Terminal Liquefied Natural Gas Deepwater Port License Application; Preparation of Environmental Impact Statement

AGENCY: Maritime Administration, DOT.

ACTION: Notice of availability; notice of public meeting; request for comments.

SUMMARY: The Coast Guard and the Maritime Administration (MARAD) announce the availability of the Draft Environmental Impact Statement (DEIS) for the TORP Terminal LP, Bienville Offshore Energy Terminal Liquefied Natural Gas Deepwater Port license application. The application describes a project that would be located in the Gulf of Mexico, in Main Pass block MP 258, approximately 63 miles south of Mobile Point, Alabama. The Coast Guard and MARAD request public comments on the DEIS. Publication of this notice begins a 45 day comment period and provides information on how to participate in the process.

DATES: The public meeting in Mobile, Alabama will be held on July 25, 2007. The public meeting will be held from 5 p.m. to 7 p.m. and will be preceded by an open house from 3 p.m. to 4:30 p.m. The public meeting may end earlier or later than the stated time, depending on the number of people wishing to speak. Material submitted in response to the request for comments on the DEIS must reach the Docket Management Facility by August 20, 2007.

ADDRESSES: The open house and public meeting will be held at: Mobile Convention Center, One South Water Street, Room 203, Mobile, Alabama 36602; telephone: 251–208–2100.

The DEIS, the application, and associated documentation is available for viewing at the DOT's Docket Management System Web site: *http://dms.dot.gov* under docket number 24644. The DEIS is also available at public libraries in Mobile (Ben May Main Library and Spring Hill College

Library), Bayou La Batre (Mose Hudson Tapia Public Library), Orange Beach (Orange Beach Public Library), Daphne (Daphne Public Library), and Gulf Shores (Thomas B. Norton Public Library).

Address docket submissions for USCG–2006–24644 to: Department of Transportation, Docket Management Facility, 1200 New Jersey Avenue, SE.,West Building,Ground Floor, Room W12–140,Washington, DC 20590–0001.

The Docket Management Facility accepts hand-delivered submissions, and makes docket contents available for public inspection and copying at this address between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Facility telephone number is 202–366–9329, the fax number is 202–493–2251, and the Web site for electronic submissions or for electronic access to docket contents is *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: Mary K. Jager, U.S. Coast Guard, telephone: 202–372–1454, e-mail: *Mary.K.Jager@uscg.mil*; LTJG Hannah Kim, U.S. Coast Guard, telephone 202–372–1438, e-mail: *Hannah.Kim@uscg.mil*; or Gregory V. Sparkman, Maritime Administration, telephone 202–366–1908, e-mail: *greg.sparkman@dot.gov.* If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone: 202–493–0402.

SUPPLEMENTARY INFORMATION:

Public Hearing and Open House

We invite you to learn about the proposed deepwater port at an informational open house, and to comment at a public hearing on the proposed action and the evaluation contained in the DEIS.

In order to allow everyone a chance to speak at the public meeting, we may limit speaker time, or extend the meeting hours, or both. You must identify yourself, and any organization you represent, by name. Your remarks will be recorded or transcribed for inclusion in the public docket.

You may submit written material at the public meeting, either in place of or in addition to speaking. Written material must include your name and address, and will be included in the public docket.

Public docket materials will be made available to the public on the Docket Management Facility's Docket Management System (DMS). See ''Request for Comments'' for information about DMS and your rights under the Privacy Act.

All public meeting locations will be wheelchair-accessible. If you plan to attend the open house or public hearing, and need special assistance such as sign language interpretation or other reasonable accommodation, please notify the Coast Guard (see **FOR FURTHER INFORMATION CONTACT**) at least 3 business days in advance. Include your contact information as well as information about your specific needs.

Request for Comments

We request public comments or other relevant information on the DEIS. The public hearing is not the only opportunity you have to comment. In addition to or in place of attending a meeting, you can submit comments to the Docket Management Facility during the public comment period (see **DATES**). We will consider all comments and material received during the comment period for the DEIS. We will announce the availability of the Final EIS (FEIS) and once again give you the opportunity to review and comment. If you want that notice sent directly to you please contact representatives at the public hearing or the Coast Guard representative identified in **FOR FURTHER INFORMATION CONTACT**.

Submissions should include:

- Docket number USCG–2006–24644.
- Your name and address.
- Your reasons for making each comment or for bringing information to our attention.

Submit comments or material using only one of the following methods:

- Electronic submission to DMS, *http://dms.dot.gov.*
- Fax, mail, or hand delivery to the Docket Management Facility (see **ADDRESSES**). Faxed or hand delivered submissions must be unbound, no larger than 8½ by 11 inches, and suitable for copying and electronic scanning. If you mail your submission and want to know when it reaches the Facility, include a stamped, self-addressed postcard or envelope.

Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the DMS Web site (*http://dms.dot.gov*), and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to read the Privacy Act notice that is available on the DMS Web site, or the Department of Transportation Privacy Act Statement that appeared in the **Federal Register** on April 11, 2000 (65 FR 19477).

You may view docket submissions at the Docket Management Facility (see **ADDRESSES**), or electronically on the DMS Web site.

Background

Information about deepwater ports, the statutes, and regulations governing their licensing, and the receipt of the current application for a liquefied natural gas (LNG) deepwater port appears at 71 FR 26605, May 5, 2006. The Notice of Intent to Prepare an EIS for the proposed action was published in the **Federal Register** at 71 FR 31258, June 1, 2006. The DEIS, application materials and associated comments are available on the docket. Information from the ''Summary of the Application'' from previous **Federal Register** notices is included below for your convenience.

Proposed Action and Alternatives

The proposed action requiring environmental review is the Federal licensing of the proposed deepwater port described in ''Summary of the Application'' below. The alternatives to licensing the proposed port are: (1) Licensing with conditions (including conditions designed to mitigate environmental impact), and (2) denying the application, which for purposes of environmental review is the ''no-action'' alternative. These alternatives are more fully discussed in the DEIS. The Coast Guard and MARAD are the lead Federal agencies for the preparation of the EIS. You can address any questions about the proposed action or the DEIS to the Coast Guard project manager identified in **FOR FURTHER INFORMATION CONTACT**.

Summary of the Application

TORP Terminal LP, proposes to own, construct, and operate a deepwater port, named Bienville Offshore Energy Terminal (BOET), in the Federal waters of the Outer Continental Shelf on Main Pass block MP 258, approximately 63 miles south of Mobile Point, Alabama, in a water depth of approximately 425 feet. The BOET Deepwater Port would be capable of mooring two LNG carriers of up to approximately 250,000 cubic meter capacity by means of Single Anchor Leg Moorings.

The LNG carriers would be off loaded one at a time to HiLoad floating re-gasification facilities, which use four submerged shell-and-tube heat exchangers to vaporize the LNG before sending natural gas via 14-inch diameter flexible risers to a Pipeline End Manifold (PLEM) on the seafloor, then through a 30-inch diameter pipeline to the support platform, where the gas will be metered and further sent via interconnecting pipelines to four existing pipelines (Dauphin Island Gathering System Feedline, Transco Feedline, Destin Feedline, and Viosca Knoll Gathering System Feedline).

The major components of the proposed deepwater port would be the Support Platform, two HiLoad floating LNG transfer and re-gasification units, two PLEMs with ancillary risers and terminal pipelines, HiLoad parking line pilings, and approximately 25 miles of new subsea pipeline.

BOET will have an average throughput capacity of 1.2 billion standard cubic feet per day (Bscfd) of natural gas. No new onshore pipelines or LNG storage facilities are proposed with this action. A shore based facility will be used to facilitate movement of personnel, equipment, supplies, and disposable materials between the Terminal and shore.

Construction of the deepwater port would be expected to take 30 months; with startup of commercial operations in 2010, should a license be issued. The deepwater port, if licensed, would be designed, constructed and operated in accordance with applicable codes and standards and would have an expected operating life of approximately 25 years.

Privacy Act

The electronic form of all comments received into the DOT docket can be searched by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70, pages 19477–78) or you may visit *http://dms.dot.gov.*

(Authority 49 CFR 1.66)

By order of the Maritime Administrator.

Dated: June 29, 2007.

Daron T. Threet,

Secretary, Maritime Administration.

[FR Doc. E7–13030 Filed 7–5–07; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 35054]

Union Pacific Railroad Company—Temporary Trackage Rights Exemption—BNSF Railway Company

BNSF Railway Company (BNSF), pursuant to a written trackage rights agreement entered into between BNSF and Union Pacific Railroad Company (UP), has agreed to grant temporary overhead trackage rights to UP, to expire on August 15, 2007, over BNSF's lines between St. Louis (Grand Avenue), MO (milepost 2.1), and Pacific, MO (milepost 34.1), a total distance of 32 miles.

The transaction is scheduled to be consummated on July 24, 2007. The purpose of the temporary overhead trackage rights is to allow UP to facilitate maintenance work on its lines.

As a condition to this exemption, any employees affected by the acquisition of the temporary trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN,* 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate,* 360 I.C.C. 653 (1980), and any employees affected by the discontinuance of those trackage rights will be protected by the conditions set out in *Oregon Short Line R. Co.—Abandonment—Goshen,* 360 I.C.C. 91 (1979).

This notice is filed under 49 CFR 1180.2(d)(8). If it contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the transaction. Any stay petition must be filed on or before July 13, 2007 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 35054, must be filed with the Surface Transportation Board, 395 E Street, SW., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on Gabriel S. Meyer, Assistant General Attorney, Union Pacific Railroad Company, 1400 Douglas Street, STOP 1580, Omaha, NE 68179.

Board decisions and notices are available on our Web site at: *http://www.stb.dot.gov.*

Dated: June 27, 2007.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. E7–12819 Filed 7–5–07; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB–33 (Sub-No. 250X)]

Union Pacific Railroad Company—Abandonment Exemption—in Cass County, NE

On June 18, 2007, Union Pacific Railroad Company (UP) filed with the Surface Transportation Board (Board) a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903 to abandon a 1.98-mile line of railroad known as the Weeping Water Industrial Lead extending from milepost 461.74 to milepost 463.72 near Weeping Water, in Cass County, NE. The line traverses U.S. Postal Service Zip Code 68463, and includes no stations.

UP states that, based on information in its possession, the line does not contain Federally granted rights-of-way. Any documentation in UP's possession will be made available promptly to those requesting it.

The interest of railroad employees will be protected by the conditions set forth in *Oregon Short Line R. Co.—Abandonment—Goshen,* 360 I.C.C. 91 (1979).

By issuance of this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b). A final decision will be issued by October 5, 2007.

Any offer of financial assistance (OFA) under 49 CFR 1152.27(b)(2) will be due no later than 10 days after service of a decision granting the petition for exemption. Each OFA must be accompanied by a $1,300 filing fee. *See* 49 CFR 1002.2(f)(25).

All interested persons should be aware that, following abandonment of rail service and salvage of the line, the line may be suitable for other public use, including interim trail use. Any request for a public use condition under 49 CFR 1152.28 [1] or for trail use/rail banking under 49 CFR 1152.29 will be due no later than July 26, 2007. Each trail use request must be accompanied by a $200 filing fee. *See* 49 CFR 1002.2(f)(27).

All filings in response to this notice must refer to STB Docket No. AB–33 (Sub-No. 250X), and must be sent to: (1) Surface Transportation Board, 395 E Street, SW., Washington, DC 20423–0001, and (2) Mack H. Shumate, Jr., Senior General Attorney, Union Pacific Railroad Company, 101 North Wacker Drive, Room 1920, Chicago, IL 60606. Replies to UP's petition are due on or before July 26, 2007.

Persons seeking further information concerning abandonment procedures may contact the Board's Office of Public Services at (202) 245–0230 or refer to the full abandonment or discontinuance regulations at 49 CFR part 1152. Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis

[1] UP notes, however, that it does not believe that the line of railroad is suitable for other public purposes.

(SEA) at (202) 245–0305. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1–800–877–8339.]

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by SEA will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Other interested persons may contact SEA to obtain a copy of the EA (or EIS). EAs in these abandonment proceedings normally will be made available within 60 days of the filing of the petition. The deadline for submission of comments on the EA generally will be within 30 days of its service.

Board decisions and notices are available on our website at: *http://www.stb.dot.gov.*

Dated: June 27, 2007.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. E7–12827 Filed 7–5–07; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 1098

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 1098, Mortgage Interest Statement.

DATES: Written comments should be received on or before September 4, 2007 to be assured of consideration.

ADDRESSES: Direct all written comments to Joseph Durbala, Internal Revenue Service, room 6516, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for copies of the form and instructions should be directed to Allan Hopkins, at Internal Revenue Service, room 6516, 1111 Constitution Avenue, NW., Washington, DC 20224, or at (202) 622–6665, or through the Internet at *Allan.M.Hopkins@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Mortgage Interest Statement.

OMB Number: 1545–0901.

Form Number: Form 1098.

Abstract: Section 6050H of the Internal Revenue Code requires mortgagors to report mortgage interest, including points, of $600 or more paid to them during the year by an individual. The form will be used by the IRS to verify that taxpayers have deducted the proper amount of mortgage interest expense or have included the proper amount of mortgage interest refunds in income on their tax returns.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households and business or other for-profit organizations.

Estimated Number of Respondents: 66,989,155.

Estimated Time per Respondent: 7 minutes.

Estimated Total Annual Burden Hours: 8,038,699.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: June 28, 2007.

R. Joseph Durbala,

IRS Reports Clearance Officer.

[FR Doc. E7–13047 Filed 7–5–07; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8835

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 8835, Renewable Electricity Production Credit.

DATES: Written comments should be received on or before September 4, 2007 to be assured of consideration.

ADDRESSES: Direct all written comments to R. Joseph Durbala, Internal Revenue Service, room 6516, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Allan Hopkins, at Internal Revenue Service, room 6516, 1111 Constitution Avenue, NW., Washington, DC 20224, or at (202) 622–6665, or through the Internet at *Allan.M.Hopkins@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Renewable Electricity Production Credit.

OMB Number: 1545–1362.

Form Number: Form 8835.

Abstract: Form 8835 is used to claim the renewable electricity production credit. The credit is allowed for the sale of electricity produced in the United States or U.S. possessions from qualified energy resources. The IRS uses the information reported on the form to ensure that the credit is correctly computed.

Current Actions: We have added a net addition of 2 lines to this form.

Form 8835 at this time.

Type of Review: Extension of a current OMB approval.

Affected Public: Business or other for-profit organizations and individuals.

Estimated Number of Respondents: 46.

Estimated Time per Respondent: 20 hrs. 30 minutes.

Estimated Total Annual Burden Hours: 943.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: June 28, 2007.

R. Joseph Durbala,

IRS Reports Clearance Officer.

[FR Doc. E7–13048 Filed 7–5–07; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8826

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 8826, Disabled Access Credit.

DATES: Written comments should be received on or before September 4, 2007 to be assured of consideration.

ADDRESSES: Direct all written comments to R. Joseph Durbala, Internal Revenue Service, room 6516, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for copies of the form and instructions should be directed to Allan Hopkins, at Internal Revenue Service, room 6516, 1111 Constitution Avenue, NW., Washington, DC 20224, or at (202) 622–6665, or through the Internet at *Allan.M.Hopkins@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Disabled Access Credit.

OMB Number: 1545–1205.

Form Number: Form 8826.

Abstract: Internal Revenue Code section 44 allows eligible small businesses to claim a nonrefundable income tax credit of 50% of the amount of eligible access expenditures for any tax year that exceed $250 but do not exceed $10,250. Form 8826 figures the credit and the tax liability limit.

Current Actions: We deleted 18 line items and 1 Code reference from this form.

Type of Review: Revision of a currently approved collection.

Affected Pubic: Business or other for-profit organizations, farms and individuals.

Estimated Number of Respondents: 17,422.

Estimated Time per Respondent: 3 hrs., 10 minutes.

Estimated Total Annual Burden Hours: 55,054.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: June 28, 2007.

R. Joseph Durbala,

IRS Reports Clearance Officer.

[FR Doc. E7–13050 Filed 7–5–07; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 13559

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 13559, Rating in State-Qualified Private Plans.

DATES: Written comments should be received on or before September 4, 2007 to be assured of consideration.

ADDRESSES: Direct all written comments to Joseph Durbala, at Internal Revenue Service, room 6516, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for copies of the form and instructions should be directed to Allan Hopkins, at Internal Revenue Service,

room 6516, 1111 Constitution Avenue NW., Washington, DC 20224, or at (202) 622–6665, or through the Internet at *Alla.M.Hopkins@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Rating in State-Qualified Private Plan.

OMB Number: 1545–1888.

Form Number: Form 13559.

Abstract: The Trade Reform Act of 2002, Public Law No. 107–210 created the Health Coverage Tax Credit (HCTC) for the purchase of private health coverage for certain individuals. Individuals who claim the credit must be enrolled in a qualified health plan. Only specific health plans qualify for the HCTC including those qualified by a State. A State qualified health plan must be submitted to the IRS by the state's Department of Insurance as meeting the legislative requirements for health insurance set forth in the Trade Act of 2002 and defined in Internal Revenue Code (IRC) Section 35(e)(2). Any State Department of Insurance submitting a plan as qualified for HCTC will submit Form 13559, Rating in HCTC State-Qualified Private Plans to provide information sufficient to determine its compliance with HCTC requirements and provide information about the health plan to those individuals who are eligible for the HCTC.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations, and Federal, state, local, or Tribal Government.

Estimated Number of Respondents: 100.

Estimated Time per Respondent: 30 minutes.

Estimated Total Annual Burden Hours: 50.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: June 28, 2007.

R. Joseph Durbala,

IRS Reports Clearance Officer.

[FR Doc. E7–13055 Filed 7–5–07; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Office of Thrift Supervision

[No. 2007–32]

2007–2012 Strategic Plan Notice; Request for Comments

AGENCY: Office of Thrift Supervision (OTS), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The Office of Thrift Supervision (OTS) updates its Strategic Plan every three years. The mission and strategic goals contained in the Plan support statutory and regulatory requirements, current and long-range industry issues, and long-range strategic objectives. The goals and objectives are implemented through annual Performance Plans. OTS requests comments on its draft 2007–2012 Strategic Plan. The draft Plan is available on the OTS Internet Site at *http://www.ots.treas.gov* under ''About OTS: Plans and Reports''.

DATES: Comments must be submitted by July 20, 2007.

ADDRESSES:

Mail: Send comments to: Strategic Plan Comments, Chief Financial Officer, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, Attention: Wayne G. Leiss. Commenters may prefer to make their comments via e-mail, or hand delivery.

Delivery: Hand deliver comments to the Guard's Desk, East Lobby Entrance, 1700 G Street, NW., from 9 a.m. to 4 p.m. on business days, Attention: Strategic Plan Comments, Wayne G. Leiss, Chief Financial Officer.

E-Mail: Send e-mails to *Wayne.Leiss@ots.treas.gov.* Subject: Strategic Plan Comments and include your name and telephone number.

FOR FURTHER INFORMATION CONTACT: Anita C. Tyndall, (202) 906–6458, Planning, Budget and Finance, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552.

Dated: June 26, 2007.

By the Office of Thrift Supervision.

John M. Reich,

Director.

[FR Doc. E7–13057 Filed 7–5–07; 8:45 am]

BILLING CODE 6720–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0586]

Agency Information Collection Activities Under OMB Review

AGENCY: Office of Acquisition and Materiel Management, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3521), this notice announces that the Office of Acquisition and Materiel Management, Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before August 6, 2007.

ADDRESSES: Submit written comments on the collection of information through www.Regulations.gov; or to VA's OMB Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395–7316. Please refer to ''OMB Control No. 2900–0586'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Denise McLamb, Records Management Service (005G2), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 565–8374, FAX (202) 565–7045 or e-mail: *denise.mclamb@mail.va.gov.* Please refer to ''OMB Control No. 2900–0586.''

SUPPLEMENTARY INFORMATION:

Title: Veterans Affairs Acquisition Regulation (VAAR) Provision 852.211–75, Technical Industry Standards.

OMB Control Number: 2900–0586.

Type of Review: Extension of a currently approved collection.

Abstract: VAAR provision 852.211–75, Technical Industry Standards, requires that items offered for sale to VA under the solicitation conform to certain technical industry standards, such as Underwriters Laboratory (UL) or the National Fire Protection Association, and that the contractor furnish evidence to VA that the items meet that requirement. The evidence is normally in the form of a tag or seal affixed to the item, such as the UL tag on an electrical cord or a tag on a fire-rated door. This requires no additional effort on the part of the contractor, as the items come from the factory with the tags already in place, as part of the manufacturer's standard manufacturing operation. Occasionally, for items not already meeting standards or for items not previously tested, a contractor will have to furnish a certificate from an acceptable laboratory certifying that the items furnished have been tested in accordance with, and conform to, the specified standards. Only firms whose products have not previously been tested to ensure the products meet the industry standards required under the solicitation will be required to submit a separate certificate. The information will be used to ensure that the items being purchased meet minimum safety standards and to protect VA employees, VA beneficiaries, and the public.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on April 2, 2007, at pages 15763–15764.

Affected Public: Business or other for profit, individuals or households, and not-for-profit institutions.

Estimated Annual Burden: 50 hours.

Estimated Average Burden per Respondent: 30 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 100.

Dated: June 25, 2007.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Records Management Service.

[FR Doc. E7–13032 Filed 7–5–07; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0099]

Agency Information Collection Activities Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3521), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before August 6, 2007.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov* or to VA's OMB Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395–7316. Please refer to ''OMB Control No. 2900–0099'' in any correspondence

FOR FURTHER INFORMATION CONTACT: Denise McLamb, Records Management Service (005G2), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 565–8374, FAX (202) 565–7870 or e-mail *denise.mclamb@mail.va.gov.* Please refer to ''OMB Control No. 2900–0099.''

SUPPLEMENTARY INFORMATION:

Title: Request for Change of Program or Place of Training—Survivors' and Dependents' Educational Assistance, (Under Provisions of Chapter 35, Title 38, U.S.C.), VA Form 22–5495.

OMB Control Number: 2900–0099.

Type of Review: Extension of a currently approved collection.

Abstract: Spouses, surviving spouses, or children of veterans who are eligible for Dependent's Educational Assistance, complete VA Form 22–5495 to change their program of education and/or place of training. VA uses the information collected to determine if the new program selected is suitable to their abilities, aptitudes, and interests and to verify that the new place of training is approved for benefits.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on April 2, 2007, at page 15767.

Affected Public: Individuals or households.

Estimated Annual Burden: 12,646 hours.

Estimated Average Burden per Respondent: 20 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 38,418.

Dated: June 25, 2007.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Records Management Service.

[FR Doc. E7–13035 Filed 7–5–07; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0589]

Agency Information Collection Activities Under OMB Review

AGENCY: Office of Acquisition and Materiel Management, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3521), this notice announces that the Office of Acquisition and Materiel Management, Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before August 6, 2007.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov*; or to VA's OMB Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington DC 20503 (202) 395–7316. Please refer to ''OMB Control No. 2900–0589'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Denise McLamb, Records Management Service (005G2), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 565–8374, FAX (202) 565–7870 or e-mail: *denise.mclamb@mail.va.gov.* Please refer to ''OMB Control No. 2900–0589.''

SUPPLEMENTARY INFORMATION:

Title: Veterans Affairs Acquisition Regulation (VAAR) Provision 852.270–3, Shellfish.

OMB Control Number: 2900–0589.

Type of Review: Extension of a currently approved collection.

Abstract: VAAR clause 852.270–3, Shellfish, requires that a firm furnishing shellfish to VA must ensure that the shellfish is packaged in a container that is marked with the packer's State certificate number and State abbreviation. In addition, the firm must ensure that the container is tagged or labeled to show the name and address of the approved producer or shipper, the name of the State of origin, and the certificate number of the approved producer or shipper. This information normally accompanies the shellfish from the packer and is not information that must be separately obtained by the seller. The information is needed to ensure that shellfish purchased by VA comes from a State- and Federal-approved and inspected source. The information is used to help ensure that VA purchases healthful shellfish.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on April 2, 2007, at pages 15765–15766.

Affected Public: Business or other for profit, individuals or households, and not-for-profit institutions.

Estimated Annual Burden: 17 hours.

Estimated Average Burden per Respondent: 1 minute.

Frequency of Response: On occasion.

Estimated Number of Respondents: 1,000.

Dated: June 25, 2007.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Records Management Service.

[FR Doc. E7–13037 Filed 7–5–07; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0593]

Agency Information Collection Activities Under OMB Review

AGENCY: Office of Acquisition and Materiel Management, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3521), this notice announces that the Office of Acquisition and Materiel Management, Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before August 6, 2007.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov*; or to VA's OMB Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503, (202) 395–7316. Please refer to ''OMB Control No. 2900–0593'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Denise McLamb, Records Management Service (005G2), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 565–8374, FAX (202) 565–7870 or e-mail: *denise.mclamb@mail.va.gov.* Please refer to ''OMB Control No. 2900–0593.''

SUPPLEMENTARY INFORMATION:

Title: Veterans Affairs Acquisition Regulation (VAAR) Provision 852.214–70, Caution to Bidders—Bid Envelopes.

OMB Control Number: 2900–0593.

Type of Review: Extension of a currently approved collection.

Abstract: VAAR provision 852.214–70, Caution to Bidders—Bid Envelopes, advises bidders that it is their responsibility to ensure that their bid price cannot be ascertained by anyone prior to bid opening. It also advises bidders to identify their bids by showing the invitation number and bid opening date on the outside of the bid envelope. The Government often furnishes a blank bid envelope or a label for use by bidders/offers to identify their bids. The bidder is advised to fill in the required information. This information requested from bidders is needed by the Government to identify bid envelopes from other mail or packages received without having to open the envelopes or packages and possibly exposing bid prices before bid opening. The information will be used to identify which parcels or envelopes are bids and which are other routine mail. The information is also needed to help ensure that bids are delivered to the proper bid opening room on time and prior to bid opening.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on April 2, 2007, at pages 15764–15765.

Affected Public: Business or other for profit, individuals or households, and not-for-profit profit institutions.

Estimated Annual Burden: 960 hours.

Estimated Average Burden per Respondent: 10 seconds.

Frequency of Response: On occasion.

Estimated Number of Respondents: 346,000.

Dated: June 25, 2007.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Records Management Service.

[FR Doc. E7–13042 Filed 7–5–07; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0588]

Agency Information Collection Activities Under OMB Review

AGENCY: Office of Acquisition and Materiel Management, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3521), this notice announces that the Office of Acquisition and Materiel Management, Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before August 6, 2007.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov*; or to VA's OMB Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395–7316. Please refer to ''OMB Control No. 2900–0588'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Denise McLamb, Records Management Service (005G2), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 565–8374, FAX (202) 565–7870 or e-mail: *denise.mclamb@mail.va.gov.* Please refer to ''OMB Control No. 2900–0588.''

SUPPLEMENTARY INFORMATION:

Title: Veterans Affairs Acquisition Regulation (VAAR) Provision 852.211–74, Special Notice (previously 852.210–74).

OMB Control Number: 2900–0588.

Type of Review: Extension of a currently approved collection.

Abstract: VAAR provision 852.211–74, Special Notice, is used only in VA's telephone system acquisition solicitations and requires the contractor, after award of the contract, to submit descriptive literature on the equipment the contractor intends to furnish to show how that equipment meets specification requirements of the solicitation. The information is needed to ensure that equipment proposed by the contractor meets specification requirements. Failure to require the information could result in the installation of equipment that does not meet contract requirements, with significant loss to the contractor if the contractor subsequently had to remove the equipment and furnish equipment that did meet the specification requirements.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on April 2, 2007, at page 15766.

Affected Public: Business or other for profit, individuals or households, and not-for-profit.

Estimated Annual Burden: 150 hours.

Estimated Average Burden per Respondent: 5 hours.

Frequency of Response: On occasion.

Estimated Number of Respondents: 30.

Dated: June 25, 2007.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Records Management Service.

[FR Doc. E7–13043 Filed 7–5–07; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0587]

Agency Information Collection Activities Under OMB Review

AGENCY: Office of Acquisition and Materiel Management, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3521), this notice announces that the Office of Acquisition and Materiel Management, Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before August 6, 2007.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov*; or to VA's OMB Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395–7316. Please refer to ''OMB Control No. 2900–0587'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Denise McLamb, Records Management Service (005G2), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 565–8374, FAX (202) 565–7870 or e-mail: *denise.mclamb@mail.va.gov*. Please refer to ''OMB Control No. 2900–0587.''

SUPPLEMENTARY INFORMATION:

Title: Veterans Affairs Acquisition Regulation (VAAR) Clause 852.211–70, Service Data Manual (previously 852.210–70).

OMB Control Number: 2900–0587.

Type of Review: Extension of a currently approved collection.

Abstract: VAAR clause 852.211–70, Service Data Manual, is used when VA purchases technical medical equipment and devices, or mechanical equipment. The clause requires the contractor to furnish both operator's manuals and maintenance/repair manuals with the equipment provided to the Government. This clause sets forth those requirements and sets forth the minimum standards those manuals must meet to be acceptable. Generally, this is the same operator's manual furnished with each piece of equipment sold to the general public and the same repair manual used by company technicians in repairing the company's equipment. The cost of the manuals is included in the contract price or listed as separately priced line items on the purchase order. The operator's manual will be used by the individual actually operating the equipment to ensure proper operation and cleaning. The repair manual will be used by VA equipment repair staff to repair equipment.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on April 2, 2007, at pages 15766–15767.

Affected Public: Business or other for profit, individuals or households, and not-for-profit institutions.

Estimated Annual Burden: 2,500 hours.

Estimated Average Burden per Respondent: 10 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 15,000.

Dated: June 25, 2007.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Records Management Service.

[FR Doc. E7–13045 Filed 7–5–07; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0249]

Agency Information Collection Activities Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501-3521), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before August 6, 2007.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov*; or to VA's OMB Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395–7316. Please refer to ''OMB Control No. 2900–0249'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Denise McLamb, Records Management Service (005G2), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 565–8374, fax (202) 565–7870 or e-mail *denise.mclamb@mail.va.gov*. Please

refer to ''OMB Control No. 2900–0249'' In any correspondence.

SUPPLEMENTARY INFORMATION:

Title: Loan Service Report, VA Form 26–6808.

OMB Control Number: 2900–0249.

Type of Review: Extension of a currently approved collection.

Abstract: VA personnel complete VA Form 26–6806 during personal contact with delinquent obligors. VA will use the information collected to determine whether a loan default is insoluble or whether the obligor has reasonable prospects for curing the default and maintaining the mortgage obligation in the future. The information will also be used to intercede with the holder of the loan to accept a specially arranged repayment plan or other forbearance aimed at assisting the obligor in retaining his or her home.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on April 9, 2007, at page 17627.

Affected Public: Individuals or households.

Estimated Annual Burden: 6,250 hours.

Estimated Average Burden per Respondent: 25 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 15,000.

Dated: June 25, 2007.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Records Management Service.

[FR Doc. E7–13053 Filed 7–5–07; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0585]

Agency Information Collection Activities Under OMB Review

AGENCY: Office of Acquisition and Materiel Management, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501 -3521), this notice announces that the Office of Acquisition and Materiel Management, Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before August 6, 2007.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov*; or to VA's OMB Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395–7316. Please refer to ''OMB Control No. 2900–0585'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Denise McLamb, Records Management Service (005G2), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 565–8374, FAX (202) 565–7045 or e-mail: *denise.mclamb@mail.va.gov*. Please refer to ''OMB Control No. 2900–0585.''

SUPPLEMENTARY INFORMATION:

Title: Veterans Affairs Acquisition Regulation (VAAR) Clause 852.211–77, Brand Name or Equal (was 852.210–77).

OMB Control Number: 2900–0585.

Type of Review: Extension of a currently approved collection.

Abstract: VAAR clause 852.211–77, Brand Name or Equal, advises bidders or offerors who are proposing to offer an item that is alleged to be equal to the brand name item stated in the bid, that it is the bidder's or offeror's responsibility to show that the item offered is in fact, equal to the brand name item. This evidence may be in the form of descriptive literature or material, such as cuts, illustrations, drawings, or other information. While submission of the information is voluntary, failure to provide the information may result in rejection of the firm's bid or offer if the Government cannot otherwise determine that the item offered is equal. The contracting officer will use the information to evaluate whether or not the item offered meets the specification requirements.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on April 2, 2007, at page 15764.

Affected Public: Business or other for profit, individuals or households, and not-for-profit institutions.

Estimated Annual Burden: 833 hours.

Estimated Average Burden per Respondent: 5 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 10,000.

Dated: June 25, 2007.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Records Management Service.

[FR Doc. E7–13054 Filed 7–5–07; 8:45 am]

BILLING CODE 8320–01–P

Corrections

Federal Register

Vol. 72, No. 129

Friday, July 6, 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 AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2007–0027]

ArborGen, LLC; Availability of an Environmental Assessment and Finding of No Significant Impact for a Controlled Release of Genetically Engineered *Eucalyptus* Hybrids

Correction

In notice document E7–12532 beginning on page 35215 in the issue of Wednesday, June 27, 2007, make the following correction:

On page 35216 in the first column under **DATES**, ''June 28, 2007'' should read ''June 27, 2007''.

COM019[FR Doc. Z7–12532 Filed 7–5–07; 8:45 am]

BILLING CODE 1505–01–D

Federal Register

Friday,
July 6, 2007

Part II

Department of Education

Technical Assistance on Data Collection—Technical Assistance Center for Data Collection, Analysis, and Use for Accountability in Special Education and Early Intervention; Notices

DEPARTMENT OF EDUCATION

Technical Assistance on Data Collection—Technical Assistance Center for Data Collection, Analysis, and Use for Accountability in Special Education and Early Intervention

AGENCY: Office of Special Education and Rehabilitative Services, Department of Education.

ACTION: Notice of final priority and eligibility requirements.

SUMMARY: The Assistant Secretary for Special Education and Rehabilitative Services announces a funding priority and eligibility requirements under the Technical Assistance on State Data Collection program authorized under the Individuals with Disabilities Education Act (IDEA). The Assistant Secretary may use the priority and eligibility requirements for competitions in fiscal year (FY) 2007 and later years. We take this action to focus attention on an identified national need to provide technical assistance to improve the capacity of States to meet data collection requirements relating to their implementation of section 616 of the IDEA.

DATES: *Effective Date:* This priority is effective August 6, 2006.

FOR FURTHER INFORMATION CONTACT: Scott Campbell Brown, U.S. Department of Education, 400 Maryland Avenue, SW., room 4076, Potomac Center Plaza, Washington, DC 20202–2700. Telephone: (202) 245–7282 or via Internet: *Scott.Brown@ed.gov*.

If you use a telecommunications device for the deaf (TDD), you may call the Federal Relay Service (FRS) at 1–800–877–8339.

Individuals with disabilities may obtain this document in an alternative format (*e.g.*, Braille, large print, audiotape, or computer diskette) on request to the contact person listed under **FOR FURTHER INFORMATION CONTACT**.

SUPPLEMENTARY INFORMATION: We published a notice of proposed priority and eligibility requirements (NPP) for this program in the **Federal Register** on January 26, 2007 (72 FR 3809). Under the Technical Assistance on State Data Collection program established under section 616(i)(2) of the IDEA, we make awards to provide technical assistance to improve the capacity of States to meet the section 616 data collection requirements. In the NPP, we described our rationale for the priority and eligibility requirements proposed. This notice of final priority and eligibility requirements contains no changes from the NPP.

Analysis of Comments and Changes

In response to the Secretary's invitation in the NPP, four parties submitted comments on the proposed priority. An analysis of the comments follows. We group major issues according to subject. Generally, we do not address technical and other minor and suggested changes that we are not allowed to make under the applicable statutory authority.

Comment: Two commenters requested that the priority include activities that would improve a State's use of data to improve compliance with the IDEA, such as providing guidance to States in developing corrective action plans to remedy noncompliance. The commenters also suggested that the priority be more prescriptive about the data activities that the Center must provide.

Discussion: Under section 616(i)(2) of the IDEA, funds must be used to improve the capacity of States to meet the section 616 data collection requirements. Therefore, activities aimed at improving a State's compliance with the IDEA are allowable only to the extent that the activities improve the capacity of a State to meet the section 616 data requirements. For example, activities that help a State collect better section 616 data to demonstrate correction of noncompliance, or activities that help a State collect more accurate data through monitoring would be allowable. However, activities focused solely on correcting noncompliance or using data to improve program performance are not allowable.

Paragraph (c) in the priority provides examples of activities that the Center may conduct to improve States' data quality. We do not agree that the priority should be more prescriptive about the types of activities that the Center must provide. Rather, we believe that the Center should have the flexibility to work with States and determine the activities that would be most appropriate, given each State's unique needs.

Changes: None.

Comment: One commenter requested that the priority place more emphasis on providing on-site technical assistance to States. Another commenter stated that more than 30 percent of the funds should be used to provide direct technical assistance to States.

Discussion: This new priority combines functions previously performed by two different entities under separate awards. Prior to issuing this priority, the Department analyzed the past level of effort expended by these entities for activities under paragraph (c), as well as their level of effort for other activities covered by this priority. We then applied that ratio to establish the requirement that 30 percent of the funds in this priority be spent on providing on-site technical assistance. We believe the priority provides the Center with the flexibility to work with States and to determine the activities that would be most appropriate, given each State's unique needs. At the same time, we believe that if the priority placed more emphasis on on-site technical assistance, other critical activities outside of paragraph (c) would suffer.

Changes: None.

Comment: One commenter urged that applicants be required to describe the services they will provide directly and those that will be provided by subcontractors.

Discussion: There is no requirement in this priority for applicants to contract with other organizations. It is up to applicants to describe in their applications the proposed services and key personnel. If an applicant chooses to contract with other organizations for certain activities, the activities of the contractors in support of the applicant should be described.

Changes: None.

Comment: One commenter recommended that the Center develop training modules on (a) Reporting data to the public in a manner that is easily understood and accessible and (b) involving stakeholders in States' exercise of general supervision responsibilities.

Discussion: While we agree that stakeholder involvement and public reporting are important components of States' exercise of general supervision, they are not the focus of this priority. The funds supporting this priority can only be used to improve the capacity of States to meet the 616 data collection requirements.

Changes: None.

Comment: One commenter urged that the technical assistance activities listed in the priority include helping States (a) Provide public report cards and data collection reports that are easily understood by the public, and (b) involve stakeholders in decision making related to these reports and data. The commenter also recommended that the technical assistance activities include assisting States to form stakeholder groups that include families to guide activities related to a State's Performance Plan (SPP).

Discussion: It is not clear how the activities proposed by the commenter will improve the capacity of the States to meet the section 616 data collection

requirements. Activities directed solely at improving the reporting of data to the public or involving stakeholders in State activities would not be allowable activities under the priority.

Changes: None.

Comment: One commenter recommended that the priority include a requirement for data sharing and collaboration with the National Center on Dispute Resolution and other technical assistance centers.

Discussion: The purpose of this priority is to provide technical assistance to States to improve their data and data collection systems. Under the activities included in paragraph (a), the Center must develop and implement an annual strategic plan for technical assistance and dissemination to improve State-reported data. Collaborating with other technical assistance centers will likely be a component of the strategic plan. However, we believe it would be inappropriate to require data sharing and collaboration with any specific technical assistance center and therefore, decline to change the priority in the manner suggested by the commenter.

Changes: None.

Note: This notice does *not* solicit applications. In any year in which we choose to use this priority, we invite applications through a notice in the **Federal Register**. When inviting applications, we designate the priority as absolute, competitive preference, or invitational. The effect of each type of priority follows:

Absolute Priority: Under an absolute priority, we consider only applications that meet the priority (34 CFR 75.105(c)(3)).

Competitive Preference Priority: Under a competitive preference priority, we give competitive preference to an application by either (1) awarding additional points, depending on how well, or the extent to which, the application meets the competitive preference priority (34 CFR 75.105(c)(2)(i)); or (2) selecting an application that meets the competitive preference priority over an application of comparable merit that does not meet the priority (34 CFR 75.105(c)(2)(ii)).

Invitational Priority: Under an invitational priority, we are particularly interested in applications that meet the invitational priority. However, we do not give an application that meets the invitational priority a competitive or absolute preference over other applications (34 CFR 75.105(c)(1)).

Priority

Technical Assistance Center for Data Collection, Analysis, and Use for Accountability in Special Education and Early Intervention

Absolute Priority: The Assistant Secretary for Special Education and Rehabilitative Services establishes a priority for the funding of a Technical Assistance Center for Data Collection, Analysis, and Use for Accountability in Special Education and Early Intervention (Center) to provide: (1) Technical assistance and information to States to help them provide high-quality data needed to implement parts B and C of the IDEA and improve their data collection infrastructures; and (2) assistance to the Department regarding these data collections. The Center's activities and products must include, but are not limited to, the following:

(a) Develop and implement an annual strategic plan for technical assistance and dissemination to improve State-reported data. At the end of each year, the Center must prepare and submit to the Department a summary and evaluation of its technical assistance and dissemination activities for the year;

(b) Design and conduct two national data managers' meetings each year of the project period, of approximately 100 participants each, to provide information and technical assistance to State Part B and C data managers. Both meetings must be held in the Washington, DC metropolitan area in facilities that are accessible to individuals with disabilities. The Center must arrange and pay for meeting rooms; honoraria and expenses for speakers; visual aids and print materials; and travel expenses, lodging, and per diem at government rates for one to two representatives from each State or reporting entity. The meetings must include both large-group and small-group sessions, as well as time for informal discussions. Topics for the meetings must include specific State-reported data problems identified during the year, methods of data collection and verification, updates on Federal reporting requirements, potential uses of data by States, and reports on other data collections specified by the Office of Special Education Programs (OSEP). Each meeting also must include a training session for new State data managers. After each meeting, the Center must prepare and disseminate a newsletter that summarizes meeting highlights and describes key presentations and handouts;

(c) Provide technical assistance and information to States to improve State data quality through activities such as: (1) Developing data systems, including monitoring systems, that incorporate the collection and analysis of valid data to measure Statewide progress on State targets; (2) developing data systems, including monitoring systems, that incorporate the collection and analysis of valid data, to measure local progress on State targets; (3) interpreting and portraying data related to State targets, including data obtained through monitoring; (4) incorporating data analysis results into State and local strategies for improving performance under parts B and C; (5) developing and revising measurable and rigorous targets based on data and input from stakeholder groups, for State Performance Plans (SPPs); (6) collecting and disseminating valid and reliable assessment data relative to State achievement standards; (7) developing technically-sound sampling plans for collecting valid and reliable data on SPP indicators that permit sampling; and (8) developing training modules for SEAs, State lead agencies, local educational agencies (LEAs) and early intervention service (EIS) programs that focus on collecting high-quality data;

(d) Develop and distribute to States: (1) Annual updates of the part B and part C data dictionaries, data collection histories, and data fact sheets; (2) current State data system profiles describing the types of systems employed by States including their efforts to ensure collection of high-quality data; (3) analyses of data provided by States under sections 616 and 618 of the IDEA addressing the process by which a State collects, enters, and verifies data; (4) based on State-reported data, a description and analysis of data trends relative to States' performance on their measurable and rigorous targets; (5) tables of annual State data organized to provide States with an enhanced perspective of their performance relative to other States; (6) data and other information for the Web site, *http://www.IDEADATA.org*; (7) analyses of part B and part C annual performance report data; (8) training modules for both State and local agencies that focus on collecting high-quality data; (9) documents, as needed by the Department, for meetings with the Education Information Management Advisory Committee (EIMAC), a standing committee of the Council of Chief State School Officers; (10) updated annual versions of the Early Intervention Data Handbook and supporting materials, as requested; (11) annual studies of extant data from other sources to analyze broad trends in the population characteristics of infants, toddlers, and children with disabilities, as requested by OSEP; and (12) other documents requested by the Department, including roughly five to seven ad hoc analyses per month;

(e) Provide direct interaction with, and support to, States by mail, telephone, online communication, video, or on-site visits, including

providing customized technical assistance. The Center also must participate in the semi-annual EIMAC meetings and other meetings, as requested by the Department;

(f) Assist States to provide high-quality data to the Department's ED*Facts* system. The Center must log in data, check data for completeness and errors or anomalies, communicate with States to resolve any errors or anomalies, and prepare data notes on any unresolved problems. The Center also must provide monthly and annual data status reports to OSEP, including all data notes related to data reported through ED*Facts*;

(g) Assist the Department with developing forms for collecting data not submitted through ED*Facts,* such as data related to part C of the IDEA. The Center also must prepare forms clearance packages for submission to the Office of Management and Budget (OMB). At the direction of OSEP, the Center must prepare responses to public comments received on proposed information collection packages and revise the forms, if necessary. As directed by OSEP, the Center must take the following steps in developing a new data collection form: (1) Convene a task force of State representatives, relevant stakeholders, and Department personnel; (2) prepare a draft form based on the task force recommendations; (3) pilot test the draft form; (4) revise the form as necessary; and (5) prepare the OMB clearance forms;

(h) Conduct an annual assessment of the operations and processes to collect section 618 data from States and make specific recommendations to OSEP to improve, enhance, or redesign current processes to meet the Department's needs for data collections in ED*Facts*. The annual study must consider the availability of new Internet and other technologies to collect and report data, as well as any new data needs;

(i) Establish, maintain, and meet at least annually with a national advisory group that will be responsible for providing annual feedback on the plans, activities, and accomplishments of the Center;

(j) Maintain ongoing communication with the OSEP Project Officer, including monthly conference calls. The Center must budget for a three-day Project Directors' meeting in Washington, DC during each year of the project, plus ten additional two-day trips annually to Washington, DC to attend national meetings and to meet with the OSEP Project Officer and other funded projects for purposes of cross-project collaboration and information exchange;

(k) Budget five percent of the award amount annually to support emerging needs as identified jointly through consultation with the OSEP project officer; and

(l) If the project maintains a Web site, include relevant information and documents in a format that meets a government or industry-recognized standard for accessibility.

Note: In each budget period of 12 months, approximately 30 percent of the effort under this priority must be devoted to activities and products described in paragraph (c) of the priority (technical assistance and information to States), and approximately 70 percent of the effort must be devoted to the remaining activities described in the priority.

Fourth and Fifth Years of the Project

In deciding whether to continue funding the Center for the fourth and fifth years, the Secretary will consider the requirements of 34 CFR 75.253(a), and in addition—

(1) The recommendation of a review team consisting of experts selected by the Secretary, which review will be conducted in Washington, DC during the last half of the project's second year. The Center must budget for travel expenses associated with this one-day intensive review;

(2) The timeliness and effectiveness with which all requirements of the negotiated cooperative agreement have been, or are being, met by the Center; and

(3) Evidence of the degree to which the Center's activities have contributed to improvements in the quality of State-reported data.

Eligibility Requirements

The following entities are eligible for funding under this program: Public and private agencies and organizations, including for-profit and non-profit agencies and organizations.

Executive Order 12866

This notice of final priority and eligibility requirements has been reviewed in accordance with Executive Order 12866. Under the terms of the order, we have assessed the potential costs and benefits of this regulatory action.

The potential costs associated with this regulatory action are those resulting from statutory requirements and those we have determined as necessary for administering this program effectively and efficiently.

In assessing the potential costs and benefits—both quantitative and qualitative—of this regulatory action, we have determined that the benefits of the regulatory action justify the costs.

We also have determined that this regulatory action does not unduly interfere with State, local, and tribal governments in the exercise of their governmental functions.

Intergovernmental Review

This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. One of the objectives of the Executive Order is to foster an intergovernmental partnership and a strengthened federalism. The Executive Order relies on processes developed by State and local governments for coordination and review of Federal financial assistance.

This document provides early notification of our specific plans and actions for this program.

Electronic Access to This Document

You may view this document, as well as all other Department of Education documents published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: *http://www.ed.gov/news/fedregister*.

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1–888–293–6498; or in the Washington, DC, area at (202) 512–1530.

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: *http://www.gpoaccess.gov/nara/index.htm*.

(Catalog of Federal Domestic Assistance Number 84.373Y Technical Assistance on Data Collection—Technical Assistance Center for Data Collection, Analysis, and Use for Accountability in Special Education and Early Intervention)

Program Authority: 20 U.S.C. 1411(c) and 1416(i)(2).

Dated: June 29, 2007.

Jennifer Sheehy,

Director of Policy and Planning for Special Education and Rehabilitative Services.

[FR Doc. E7–13142 Filed 7–5–07; 8:45 am]

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DEPARTMENT OF EDUCATION

Office of Special Education and Rehabilitative Services; Overview Information; Technical Assistance on Data Collection—Technical Assistance Center for Data Collection, Analysis, and Use for Accountability in Special Education and Early Intervention; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2007

Catalog of Federal Domestic Assistance (CFDA) Number: 84.373Y.

Dates: Applications Available: July 6, 2007.

Deadline for Transmittal of Applications: August 6, 2007.

Deadline for Intergovernmental Review: September 4, 2007.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: Under section 616(i)(2) of the Individuals with Disabilities Education Act, as amended (IDEA), the Department may make awards to provide technical assistance to improve the capacity of States to meet data collection requirements.

Priorities: This priority is from the notice of final priority and eligibility requirements for this program, published elsewhere in this issue of the **Federal Register**.

Absolute Priority: For FY 2007 this priority is an absolute priority. Under 34 CFR 75.105(c)(3), we consider only applications that meet this priority.

This priority is:

Technical Assistance Center for Data Collection, Analysis, and Use for Accountability in Special Education and Early Intervention.

Program Authority: 20 U.S.C. 1411(c) and 1416(i)(2).

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 84, 85, 97, 98, and 99. (b) The notice of final priority and eligibility requirements for this program, published elsewhere in this issue of the **Federal Register**.

Note: The regulations in 34 CFR part 79 apply to all applicants except federally recognized Indian tribes.

Note: The regulations in 34 CFR part 86 apply to institutions of higher education only.

II. Award Information

Type of Award: Cooperative agreement.

Estimated Available Funds: $3,250,000.

Maximum Award: We will reject any application that proposes a budget exceeding $3,250,000 for a single budget period of 12 months. The Assistant Secretary for Special Education and Rehabilitative Services may change the maximum amount through a notice published in the **Federal Register**.

Estimated Number of Awards: 1.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 60 months.

III. Eligibility Information

1. *Eligible Applicants:* Public and private agencies and organizations, including for-profit and non-profit agencies and organizations.

2. *Cost Sharing or Matching:* This competition does not require cost sharing or matching.

3. *Other: General Requirements*—The projects funded under this competition must make positive efforts to employ and advance in employment qualified individuals with disabilities (see section 606 of IDEA).

IV. Application and Submission Information

1. *Address to Request Application Package:* Education Publications Center (ED Pubs), P.O. Box 1398, Jessup, MD 20794–1398. Telephone, toll free: 1–877–433–7827. FAX: (301) 470–1244. If you use a telecommunications device for the deaf (TDD), call toll free: 1–877–576–7734. You can contact ED Pubs at its Web site, also: *http://www.ed.gov/pubs/edpubs.html* or at its e-mail address: *edpubs@inet.ed.gov*.

If you request an application from ED Pubs, be sure to identify this competition as follows: CFDA number 84.373Y.

Individuals with disabilities can obtain a copy of the application package in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) by contacting the person or team listed under *Alternative Format* in section VIII of this notice.

2. *Content and Form of Application Submission:* Requirements concerning the content of an application, together with the forms you must submit, are in the application package for this competition.

Page Limit: The application narrative (Part III of the application) is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. You must limit Part III to the equivalent of no more than 70 pages, using the following standards:

- A ''page'' is 8.5″ × 11″, on one side only, with 1'' margins at the top, bottom, and both sides.
- Double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs.
- Use a font that is either 12-point or larger or no smaller than 10 pitch (characters per inch).

The page limit does not apply to Part I, the cover sheet; Part II, the budget section, including the narrative budget justification; Part IV, the assurances and certifications; or the one-page abstract, the resumes, the bibliography, the references, or the letters of support. However, you must include all of the application narrative in Part III.

We will reject your application if—

- You apply these standards and exceed the page limit; or
- You apply other standards and exceed the equivalent of the page limit.

3. *Submission Dates and Times:*

Applications Available: July 6, 2007.

Deadline for Transmittal of Applications: August 6, 2007.

Applications for grants under this competition may be submitted electronically using the *Grants.gov* Apply site (*Grants.gov*), or in paper format by mail or hand delivery. For information (including dates and times) about how to submit your application electronically, or by mail or hand delivery, please refer to section IV.6. *Other Submission Requirements* in this notice.

We do not consider an application that does not comply with the deadline requirements.

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII in this notice. If the Department provides an accommodation or auxiliary aid to an individual with a disability in connection with the application process, the individual's application remains subject to all other requirements and limitations in this notice.

Deadline for Intergovernmental Review: September 4, 2007.

4. *Intergovernmental Review:* This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this competition.

5. *Funding Restrictions:* We reference regulations outlining funding

restrictions in the *Applicable Regulations* section of this notice.

6. *Other Submission Requirements:* Applications for grants under this competition may be submitted electronically or in paper format by mail or hand delivery.

a. *Electronic Submission of Applications.*

To comply with the President's Management Agenda, we are participating as a partner in the Governmentwide *Grants.gov* Apply site. The Technical Assistance Center for Data Collection, Analysis, and Use for Accountability in Special Education and Early Intervention competition—CFDA number 84.373Y is included in this project. We request your participation in *Grants.gov.*

If you choose to submit your application electronically, you must use the Governmentwide *Grants.gov* Apply site at *http://www.Grants.gov.* Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may not e-mail an electronic copy of a grant application to us.

You may access the electronic grant application for the Technical Assistance Center for Data Collection, Analysis, and Use for Accountability in Special Education and Early Intervention competition—CFDA number 84.373Y at: *http://www.grants.gov.* You must search for the downloadable application package for this program by the CFDA number. Do not include the CFDA number's alpha suffix in your search (e.g., search for 84.373, not 84.373Y).

Please note the following:

- Your participation in *Grants.gov* is voluntary.
- When you enter the *Grants.gov* site, you will find information about submitting an application electronically through the site, as well as the hours of operation.
- Applications received by *Grants.gov* are date and time stamped. Your application must be fully uploaded and submitted, and must be date and time stamped by the *Grants.gov* system no later than 4:30 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not consider your application if it is date and time stamped by the *Grants.gov* system later than 4:30 p.m., Washington, DC time, on the application deadline date. When we retrieve your application from *Grants.gov*, we will notify you if we are rejecting your application because it was date and time stamped by the *Grants.gov* system after 4:30 p.m., Washington, DC time, on the application deadline date.
- The amount of time it can take to upload an application will vary depending on a variety of factors, including the size of the application and the speed of your Internet connection. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the submission process through *Grants.gov*.
- You should review and follow the Education Submission Procedures for submitting an application through *Grants.gov* that are included in the application package for this competition to ensure that you submit your application in a timely manner to the *Grants.gov* system. You can also find the Education Submission Procedures pertaining to *Grants.gov* at *http://e-Grants.ed.gov/help/GrantsgovSubmissionProcedures.pdf.*
- To submit your application via *Grants.gov*, you must complete the steps in the *Grants.gov* registration process (*http://www.grants.gov/applicants/get_registered.jsp*). These steps include: (1) Registering your organization, a multi-part process that includes registration with the Central Contractor Registry (CCR); (2) registering yourself as an Authorized Organization Representative (AOR); and (3) getting authorized as an AOR by your organization. Details on these steps are outlined in the *Grants.gov* 3-Step Registration Guide (see *http://www.grants.gov/section910/Grants.govRegistrationBrochure.pdf*). You also must provide on your application the same D–U–N–S Number used with this registration. Please note that the registration process may take five or more business days to complete, and you must have completed all registration steps to allow you to successfully submit an application via *Grants.gov*. In addition you will need to update your CCR registration on an annual basis. This may take three or more business days to complete.
- You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you submit your application in paper format.
- If you submit your application electronically, you must submit all documents electronically, including all information you typically provide on the following forms: Application for Federal Assistance (SF 424), the Department of Education Supplemental Information for SF 424, Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications. Please note that two of these forms—the SF 424 and the Department of Education Supplemental Information for SF 424—have replaced the ED 424 (Application for Federal Education Assistance).
- If you submit your application electronically, you must attach any narrative sections of your application as files in a .DOC (document), .RTF (rich text), or .PDF (Portable Document) format. If you upload a file type other than the three file types specified in this paragraph or submit a password-protected file, we will not review that material.
- Your electronic application must comply with any page limit requirements described in this notice.
- After you electronically submit your application, you will receive from *Grants.gov* an automatic notification of receipt that contains a *Grants.gov* tracking number. (This notification indicates receipt by *Grants.gov* only, not receipt by the Department.) The Department then will retrieve your application from *Grants.gov* and send a second notification to you by e-mail. This second notification indicates that the Department has received your application and has assigned your application a PR/Award number (an ED-specified identifying number unique to your application).
- We may request that you provide us original signatures on forms at a later date.

Application Deadline Date Extension in Case of System Technical Issues with the Grant.Gov System: If you are experiencing problems submitting your application through *Grants.gov*, please contact the *Grants.gov* Support Desk at 1–800–518–4726. You must obtain a *Grants.gov* Support Desk Case Number and must keep a record of it.

If you are prevented from electronically submitting your application on the application deadline date because of technical problems with the *Grants.gov* system, we will grant you an extension until 4:30 p.m., Washington, DC time, the following business day to enable you to transmit your application electronically or by hand delivery. You also may mail your application by following the mailing instructions described elsewhere in this notice.

If you submit an application after 4:30 p.m., Washington, DC time, on the application deadline date, please contact the person listed elsewhere in this notice under **FOR FURTHER INFORMATION CONTACT** and provide an explanation of the technical problem you experienced with *Grants.gov*, along with the *Grants.gov* Support Desk Case Number. We will accept your application if we can confirm that a

technical problem occurred with the *Grants.gov* system and that that problem affected your ability to submit your application by 4:30 p.m., Washington, DC time, on the application deadline date. The Department will contact you after a determination is made on whether your application will be accepted.

Note: The extensions to which we refer in this section apply only to the unavailability of, or technical problems with, the *Grants.gov* system. We will not grant you an extension if you failed to fully register to submit your application to *Grants.gov* before the application deadline date and time or if the technical problem you experienced is unrelated to the *Grants.gov* system.

b. *Submission of Paper Applications by Mail.*

If you submit your application in paper format by mail (through the U.S. Postal Service or a commercial carrier), you must mail the original and two copies of your application, on or before the application deadline date, to the Department at the applicable following address:

By mail through the U.S. Postal Service:
U.S. Department of Education,
Application Control Center,
Attention: (CFDA Number 84.373Y)
400 Maryland Avenue, SW.,
Washington, DC 20202–4260; or

By mail through a commercial carrier:
U.S. Department of Education,
Application Control Center—Stop 4260, Attention: (CFDA Number 84.373Y), 7100 Old Landover Road,
Landover, MD 20785–1506.

Regardless of which address you use, you must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

If your application is postmarked after the application deadline date, we will not consider your application.

Note: The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

c. *Submission of Paper Applications by Hand Delivery.*

If you submit your application in paper format by hand delivery, you (or a courier service) must deliver the original and two copies of your application by hand, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.373Y), 550 12th Street, SW., Room 7041, Potomac Center Plaza, Washington, DC 20202–4260.

The Application Control Center accepts hand deliveries daily between 8 a.m. and 4:30 p.m., Washington, DC time, except Saturdays, Sundays and Federal holidays.

Note for Mail or Hand Delivery of Paper Applications: If you mail or hand deliver your application to the Department—

(1) You must indicate on the envelope and—if not provided by the Department—in Item 11 of the SF 424 the CFDA number, including suffix letter, if any, of the competition under which you are submitting your application; and

(2) The Application Control Center will mail to you a notification of receipt of your grant application. If you do not receive this notification within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245–6288.

V. Application Review Information

1. *Selection Criteria:* The selection criteria for this competition are from 34 CFR 75.210 and are listed in the application package.

2. *Review and Selection Process: Treating a Priority as Two Separate Competitions:* In the past, there have been problems in finding peer reviewers without conflicts of interest for competitions in which many entities throughout the country submit applications. The Standing Panel requirements under IDEA also have placed additional constraints on the availability of reviewers. Therefore, the Department has determined that, for some discretionary competitions, applications may be separated into two or more groups and ranked and selected for funding within the specific group. This procedure will ensure the availability of a much larger group of reviewers without conflicts of interest. It also will increase the quality, independence and fairness of the review process and permit panel members to review applications under discretionary competitions for which they have also submitted applications. However, if the Department decides to select for funding an equal number of applications in each group, this may result in different cut-off points for fundable applications in each group.

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notice (GAN). We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Reporting:* At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multi-year award, you must submit an annual performance report that provides the most current performance and financial expenditure information as specified by the Secretary in 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *http://www.ed.gov/fund/grant/apply/appforms/appforms.html.*

4. *Performance Measures:* To evaluate the overall success of the project funded under this competition, the Department will determine at the end of the performance period whether the grantee has improved the capacity of States to meet data collection requirements under section 616 of the IDEA. The grantee will also be required to report information on project performance in its annual reports to the Department. (34 CFR 75.590)

VII. Agency Contact

FOR FURTHER INFORMATION CONTACT: Scott Brown, U.S. Department of Education, 400 Maryland Avenue, SW., Room 4076, Potomac Center Plaza, Washington, DC 20202–2600. Telephone: (202) 245–7282.

If you use a TDD, call the FRS, toll-free, at 1–800–877–8339.

VIII. Other Information

Alternative Format: Individuals with disabilities can obtain this document and a copy of the application package in an alternative format (e.g., Braille, large print, audiotape, or computer diskette)

by contacting the Grants and Contracts Services Team, U.S. Department of Education, 400 Maryland Avenue, SW., Room 5075, PCP, Washington, DC 20202–2550. Telephone: (202) 245–7363. If you use a TDD, call the FRS, toll-free, at 1–800–877–8339.

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Dated: June 29, 2007.

Jennifer Sheehy,

Director of Policy and Planning for Special Education and Rehabilitative Services.

[FR Doc. E7–13137 Filed 7–5–07; 8:45 am]

BILLING CODE 4000–01–U–P

Federal Register

Friday,
July 6, 2007

Part III

The President

Proclamation 8159—Grant of Executive Clemency

Federal Register
Vol. 72, No. 129
Friday, July 6, 2007

Presidential Documents

Title 3—

The President

Proclamation 8159 of July 2, 2007

Grant of Executive Clemency

By the President of the United States of America

A Proclamation

WHEREAS Lewis Libby was convicted in the United States District Court for the District of Columbia in the case *United States v. Libby*, Crim. No. 05–394 (RBW), for which a sentence of 30 months' imprisonment, 2 years' supervised release, a fine of $250,000, and a special assessment of $400 was imposed on June 22, 2007;

NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States of America, pursuant to my powers under Article II, Section 2, of the Constitution, do hereby commute the prison terms imposed by the sentence upon the said Lewis Libby to expire immediately, leaving intact and in effect the two-year term of supervised release, with all its conditions, and all other components of the sentence.

IN WITNESS THEREOF, I have hereunto set my hand this second day of July, in the year of our Lord two thousand and seven, and of the Independence of the United States of America the two hundred and thirty-first.

[FR Doc. 07–3328
Filed 7–5–07; 11:34 am]
Billing code 3195–01–P

Reader Aids

Federal Register

Vol. 72, No. 129

Friday, July 6, 2007

CUSTOMER SERVICE AND INFORMATION

Federal Register/Code of Federal Regulations

General Information, indexes and other finding aids	**202–741–6000**
Laws	**741–6000**

Presidential Documents

Executive orders and proclamations	**741–6000**
The United States Government Manual	**741–6000**

Other Services

Electronic and on-line services (voice)	**741–6020**
Privacy Act Compilation	**741–6064**
Public Laws Update Service (numbers, dates, etc.)	**741–6043**
TTY for the deaf-and-hard-of-hearing	**741–6086**

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FEDERAL REGISTER PAGES AND DATE, JULY

35907–36336 2
36337–36588 3
36589–36858 5
36859–37096 6

CFR PARTS AFFECTED DURING JULY

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
8158 36587
8159 37095

Executive Orders:
13338 36587
13381 (Amended by 13436) 36337
13436 36337
13437 36339

Administrative Orders:
Memorandums:
Memorandum of June 26, 2007 36335
Memorandum of June 28, 2007 35907

7 CFR

2 36859
301 35909
305 35909
353 35915
1170 36341

Proposed Rules:
305 36629
981 36900

12 CFR

205 36589

Proposed Rules:
1 36550
2 36550
3 36550
4 36550
5 36550
7 36550
9 36550
10 36550
11 36550
12 36550
16 36550
19 36550
21 36550
22 36550
23 36550
24 36550
26 36550
27 36550
28 36550
31 36550
32 36550
34 36550
37 36550
40 36550

14 CFR

39 ..... 36860, 36861, 36863, 36866
71 ..... 36345, 36346, 36593, 36868
73 35917

Proposed Rules:
39 ..... 36370, 36373, 36378, 36380, 36385, 36391, 36901, 36905, 36907, 36912, 36914, 36916, 36920, 36925
71 36397

15 CFR

4 36594
285 36347

17 CFR

3 35918
240 36348
242 36348

Proposed Rules:
230 36822
239 36822

18 CFR

Proposed Rules:
35 36276

20 CFR

402 36359

21 CFR

510 36595
524 36595
880 36360
1309 35920
1310 35920

Proposed Rules:
878 36398

26 CFR

1 36869
53 36871
54 36871
301 36869

Proposed Rules:
1 36927
53 36927
54 36927
301 36927

29 CFR

404 36106
1625 36873

30 CFR

946 36595

Proposed Rules:
946 36632

32 CFR

197 36875
841 35931

33 CFR

3 36316
20 36316
100 ..... 36316, 36598
104 36316

110 36316
135 36316
151 36316
160 36316
162 36316
165 ....36316, 36881

36 CFR

Proposed Rules:
1193 36401
1194 36401

37 CFR

202 36883

40 CFR

52 ....36599, 36601, 36889, 36892
62 36605
63 36363
81 ....36601, 36889, 36892, 36895
300 36607

Proposed Rules:
52 ....36402, 36404, 36406
62 36413
63 36415
97 36406
300 36634

42 CFR

100 36610
412 ....36612, 36613
413 ....36612, 36613

44 CFR

65 ....35932, 35934, 35937
67 35938

Proposed Rules:
67 ....35947, 35949, 35956

46 CFR

1 36316
2 36316
4 36316
5 36316
16 36316
28 36316
45 36316
50 36316
67 36316
115 36316
122 36316
153 36316
169 36316
170 36316
176 36316
185 36316

47 CFR

73 36616

Proposed Rules:
73 36635

48 CFR

Ch. 1 ....36852, 36858
4 36852
17 36852
19 36852
52 36852
6101 36794
6102 36794
6103 36794
6104 36794
6105 36794
9903 36367

Proposed Rules:
212 35960
225 35960

49 CFR

350 36760
375 36760
383 36760
384 36760
385 36760
386 36760
390 36760
395 36760

Proposed Rules:
172 35961

50 CFR

660 36617
679 36896

Proposed Rules:
17 ....36635, 36939, 36942

REMINDERS

The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

RULES GOING INTO EFFECT JULY 6, 2007

AGRICULTURE DEPARTMENT

Organization, functions, and authority delegations:
- Director, Homeland Security Staff; published 7-6-07

ENVIRONMENTAL PROTECTION AGENCY

Air quality implementation plans; approval and promulgation; various States:
- Arizona and California; published 6-6-07

Air quality implementation plans; approval and promulgation; various States; air quality planning purposes; designation of areas:
- Pennsylvania; published 7-6-07
- Virginia; correction; published 7-6-07

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Age Discrimination in Employment Act:
- Coverage; Supreme Court interpretation; published 7-6-07

FEDERAL COMMUNICATIONS COMMISSION

Radio frequency devices:
- Cognitive radio technologies and software defined radios; published 6-6-07

Radio services, special:
- Maritime services—
  - VHF Public Coast and Automated Maritime Telecommunications System station licensees; additional operational flexibility to provide service to land units; published 6-6-07

HOMELAND SECURITY DEPARTMENT

Coast Guard

Ports and waterways safety; regulated navigation areas, safety zones, security zones, etc.:
- Atlantic Ocean off Riverside Boulevard, Long Beach, NY; published 6-20-07

JUSTICE DEPARTMENT

Prisons Bureau

Inmate control, custody, care, etc.:
- Non-inmates; searching and detaining or arresting; published 6-6-07

LIBRARY OF CONGRESS

Copyright Office, Library of Congress

Copyright office and procedures:
- Online registration of claims to copyright; published 7-6-07

TRANSPORTATION DEPARTMENT

Federal Aviation Administration

Airworthiness directives:
- Cessna; published 6-1-07

TREASURY DEPARTMENT

Internal Revenue Service

Excise taxes:
- Return requirement and filing time; published 7-6-07

Income taxes:
- Prohibited tax shelter transactions; disclosure requirements; published 7-6-07

RULES GOING INTO EFFECT JULY 7, 2007

HOMELAND SECURITY DEPARTMENT

Coast Guard

Ports and waterways safety; regulated navigation areas, safety zones, security zones, etc.:
- Connecticut River, Hartford, CT; published 6-20-07
- Havens Beach, Sag Harbor, NY; published 6-19-07
- San Francisco Bay, CA; published 6-15-07

COMMENTS DUE NEXT WEEK

AGRICULTURE DEPARTMENT

Agricultural Marketing Service

Watermelon research and promotion plan; assessment increase; comments due by 7-9-07; published 5-8-07 [FR E7-08726]

AGRICULTURE DEPARTMENT

Animal and Plant Health Inspection Service

Animal Welfare:
- Animal Welfare Act; Class B licensee definition; rulemaking petition; comment request; comments due by 7-9-07; published 5-23-07 [FR E7-09901]

Plant-related quarantine, domestic:
- Black stem rust; berberis rust-resistant varieties; comments due by 7-12-07; published 6-12-07 [FR E7-11275]

AGRICULTURE DEPARTMENT

Forest Service

National Forest System lands:
- Unauthorized mineral operations; criminal citation issuance; clarification; comments due by 7-9-07; published 5-10-07 [FR E7-08706]

AGRICULTURE DEPARTMENT

Rural Utilities Service

Rural broadband access loans and loan guarantees; deployment modifications; comments due by 7-10-07; published 5-11-07 [FR E7-09021]

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration

Fishery conservation and management:
- Western Pacific fisheries—
  - Hawaii-based charter fishery for pelagic fishes; control date; comments due by 7-10-07; published 5-11-07 [FR E7-09090]

DEFENSE DEPARTMENT

Army Department

Personnel:
- Regular Army and Reserve Components; recruiting and enlistments; comments due by 7-9-07; published 5-10-07 [FR E7-08793]

ENERGY DEPARTMENT

Federal Energy Regulatory Commission

Natural gas companies (Natural Gas Act and Energy Policy Act):
- Transparency provisions; extension of comment period; comments due by 7-11-07; published 6-6-07 [FR E7-10803]

ENVIRONMENTAL PROTECTION AGENCY

Air pollution; standards of performance for new stationary sources:
- Petroleum refineries; comments due by 7-13-07; published 5-14-07 [FR E7-08547]

Air programs:
- Ambient air quality standards, national—
  - Particulate matter; correction; comments due by 7-12-07; published 6-12-07 [FR 07-02237]
- Stratospheric ozone protection—
  - Class I ozone-depleting substances; essential use allowances allocation (2008 CY); comments due by 7-12-07; published 6-12-07 [FR E7-11299]

Air quality implementation plans:
- Preparation, adoption, and submittal—
  - Electric generating units emission increases; prevention of significant deterioration and nonattainment new source review; comments due by 7-9-07; published 5-8-07 [FR E7-08263]

Air quality implementation plans; approval and promulgation; various States; air quality planning purposes; designation of areas:
- Ohio; comments due by 7-12-07; published 6-12-07 [FR E7-11294]
- Pennsylvania; comments due by 7-9-07; published 6-7-07 [FR E7-11019]

Air quality implementation plans; approval and promulgation; various States:
- Alabama; comments due by 7-11-07; published 6-13-07 [FR E7-11412]
- Arizona; comments due by 7-9-07; published 6-8-07 [FR 07-02848]
- Texas; comments due by 7-9-07; published 6-7-07 [FR E7-10766]
- Virginia; comments due by 7-9-07; published 6-7-07 [FR E7-11038]

Energy policy:
- Low emission and energy-efficient vehicles; qualification criteria—
  - High occupancy vehicle facilities; exemption; comments due by 7-9-07; published 5-24-07 [FR E7-09821]

Pesticide programs:
- Plant-incorporated protectants; procedures and requirements—

Production regulations; revisions; comments due by 7-13-07; published 5-23-07 [FR E7-09847]

Plant-incorporated protectorants; procedures and requirements—

Bacillus thuringiensis Vip3Aa19 protein in cotton; tolerance requirement exemption; comments due by 7-9-07; published 5-9-07 [FR E7-08951]

Pesticides; tolerances in food, animal feeds, and raw agricultural commodities:

Clethodim; comments due by 7-9-07; published 5-9-07 [FR E7-08938]

Fenpyroximate; comments due by 7-9-07; published 5-9-07 [FR E7-08954]

Flufenacet; comments due by 7-9-07; published 5-9-07 [FR E7-08936]

Foramsulfuron; comments due by 7-9-07; published 5-9-07 [FR E7-08901]

FEDERAL COMMUNICATIONS COMMISSION

Common carrier services:

Customer proprietary network information; use and disclosure; comments due by 7-9-07; published 6-8-07 [FR E7-10734]

FEDERAL ELECTION COMMISSION

Bipartisan Campaign Reform Act; implementation:

Federal election activity; definition; comments due by 7-9-07; published 6-7-07 [FR E7-10994]

HEALTH AND HUMAN SERVICES DEPARTMENT

Centers for Medicare & Medicaid Services

Medicaid:

Federal-State financial partnership integrity and cost limit provisions for governmentally-operated health care providers; comments due by 7-13-07; published 5-29-07 [FR 07-02657]

HOMELAND SECURITY DEPARTMENT

Customs and Border Protection Bureau

Automated Commercial Environment Truck Manifest System; advance electronic truck cargo information requirement; comments due by 7-12-07; published 4-13-07 [FR E7-06908]

HOMELAND SECURITY DEPARTMENT

Coast Guard

Regattas and marine parades:

Crystal Coast Super Boat Grand Prix; comments due by 7-13-07; published 6-13-07 [FR E7-11344]

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Mortgage and loan insurance programs:

Single family mortgage insurance—

Mortgaged property; mortgagor's investment standards; comments due by 7-10-07; published 5-11-07 [FR E7-09067]

LABOR DEPARTMENT

Occupational Safety and Health Administration

Occupational safety and health standards:

Hazardous materials; explosives and blasting agents; comments due by 7-12-07; published 4-13-07 [FR E7-06607]

MERIT SYSTEMS PROTECTION BOARD

Merit Systems Protection Board employees; supplemental standards of ethical conduct; comments due by 7-9-07; published 5-10-07 [FR E7-09035]

NUCLEAR REGULATORY COMMISSION

Domestic licensing proceedings and issuance of orders; practice rules:

Access to sensitive unclassified non-safeguards and safeguards information; interlocutory review; comments due by 7-11-07; published 6-11-07 [FR 07-02884]

Rulemaking petitions:

Gregoire, Christine O.; comments due by 7-11-07; published 4-27-07 [FR E7-08094]

TRANSPORTATION DEPARTMENT

Federal Aviation Administration

Airworthiness directives:

Airbus; comments due by 7-11-07; published 6-11-07 [FR E7-11198]

Boeing; comments due by 7-9-07; published 5-25-07 [FR E7-10137]

Bombardier; comments due by 7-11-07; published 6-11-07 [FR E7-11199]

General Electric Co.; comments due by 7-9-07; published 5-10-07 [FR E7-08990]

Learjet; comments due by 7-13-07; published 6-18-07 [FR E7-11682]

McDonnell Douglas; comments due by 7-9-07; published 5-8-07 [FR E7-08768]

Raytheon; comments due by 7-13-07; published 5-29-07 [FR E7-10216]

Sierra Hotel Aero, Inc.; comments due by 7-11-07; published 4-12-07 [FR E7-06928]

Airworthiness standards:

Aircraft engines; engine control system requirements; comments due by 7-10-07; published 4-11-07 [FR E7-06535]

Special conditions—

Cirrus Design Corp. Model SR22 airplane; comments due by 7-9-07; published 6-7-07 [FR E7-11044]

Quest Aircraft Co., LLC, Kodiak Model 100 airplanes; comments due by 7-9-07; published 6-7-07 [FR E7-11018]

Class D airspace; comments due by 7-13-07; published 5-29-07 [FR E7-10257]

TRANSPORTATION DEPARTMENT

National Highway Traffic Safety Administration

Motor vehicle safety standards:

Transportation Recall Enhancement, Accountability, and Documentation (TREAD) Act; implementation—

Early warning information; reporting requirements; comments due by 7-13-07; published 5-29-07 [FR E7-10155]

TREASURY DEPARTMENT

Comptroller of the Currency

Lending limits:

Residential real estate, small business, and small farm loans; comments due by 7-9-07; published 6-7-07 [FR E7-11014]

TREASURY DEPARTMENT

Internal Revenue Service

Income taxes:

Consolidated subsidiaries stock disposition loss; anti-avoidance and anti-loss reimportation rules; cross-reference; comments due by 7-9-07; published 4-10-07 [FR E7-06534]

Open account debt between S corporations and their shareholders; hearing; comments due by 7-10-07; published 4-12-07 [FR E7-06764]

TREASURY DEPARTMENT

Thrift Supervision Office

Savings and loan holding companies; prohibited service; comments due by 7-9-07; published 5-8-07 [FR E7-08677]

LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "P L U S" (Public Laws Update Service) on 202–741–6043. This list is also available online at *http://www.archives.gov/federal-register/laws.html*.

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H.R. 57/P.L. 110–40

To repeal certain sections of the Act of May 26, 1936, pertaining to the Virgin Islands. (June 29, 2007; 121 Stat. 232)

H.R. 692/P.L. 110–41

Army Specialist Joseph P. Micks Federal Flag Code Amendment Act of 2007 (June 29, 2007; 121 Stat. 233)

H.R. 1830/P.L. 110–42

To extend the authorities of the Andean Trade Preference Act until February 29, 2008. (June 30, 2007; 121 Stat. 235)

S. 1352/P.L. 110–43

To designate the facility of the United States Postal Service located at 127 East Locust Street in Fairbury, Illinois, as the "Dr. Francis Townsend Post Office Building". (July 3, 2007; 121 Stat. 237)

Last List June 25, 2007

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