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WHO: Sponsored by the Office of the Federal Register.

WHAT: Free public briefings (approximately 3 hours) to present:

1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between the Federal Register and Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

WHEN: Tuesday, April 10, 2007
9:00 a.m.–Noon

WHERE: Office of the Federal Register
Conference Room, Suite 700
800 North Capitol Street, NW.
Washington, DC 20002

RESERVATIONS: (202) 741-6008



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

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

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. APHIS–2007–0005]

Emerald Ash Borer; Additions to Quarantined Areas

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule and request for comments.

SUMMARY: We are amending the emerald ash borer regulations by designating the States of Illinois, Indiana, and Ohio, in their entirety, as quarantined areas. This action is necessary to prevent the artificial spread of the emerald ash borer into noninfested areas of the United States. As a result of this action, the interstate movement of regulated articles from those States is restricted.

DATES: This interim rule is effective April 2, 2007. We will consider all comments that we receive on or before June 1, 2007.

ADDRESSES: You may submit comments by either of the following methods:

- Federal eRulemaking Portal: Go to <http://www.regulations.gov>, select “Animal and Plant Health Inspection Service” from the agency drop-down menu, then click “Submit.” In the Docket ID column, select APHIS–2007–0005 to submit or view public comments and to view supporting and related materials available electronically. Information on using Regulations.gov, including instructions for accessing documents, submitting comments, and viewing the docket after the close of the comment period, is available through the site’s “User Tips” link.

- Postal Mail/Commercial Delivery: Please send four copies of your comment (an original and three copies)

to Docket No. APHIS–2007–0005, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comment refers to Docket No. APHIS–2007–0005.

Reading Room: You may read any comments that we receive on this docket in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue, SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690–2817 before coming.

Other Information: Additional information about APHIS and its programs is available on the Internet at <http://www.aphis.usda.gov>.

FOR FURTHER INFORMATION CONTACT: Ms. Deborah McPartlan, National Emerald Ash Borer Program Manager, Emergency and Domestic Programs, PPQ, APHIS, 4700 River Road Unit 137, Riverdale, MD 20737–1236; (301) 734–5356.

SUPPLEMENTARY INFORMATION:

Background

The emerald ash borer (EAB) (*Agrilus planipennis*) is a destructive woodboring insect that attacks ash trees (*Fraxinus* spp., including green ash, white ash, black ash, and several horticultural varieties of ash). The insect, which is indigenous to Asia and known to occur in China, Korea, Japan, Mongolia, the Russian Far East, Taiwan, and Canada, eventually kills healthy ash trees after it bores beneath their bark and disrupts their vascular tissues.

The EAB regulations in 7 CFR 301.53–1 through 301.53–9 (referred to below as the regulations) restrict the interstate movement of regulated articles from quarantined areas to prevent the artificial spread of EAB into noninfested areas of the United States. Portions of the States of Indiana, Michigan, and Ohio are already designated as quarantined areas.

Recent surveys conducted by inspectors of State, county, and city agencies and by inspectors of the Animal and Plant Health Inspection Service (APHIS) have revealed that spot infestations of EAB are prevalent outside the quarantined areas in Indiana and Ohio, and also in the State of

Illinois. Illinois, Indiana, and Ohio have quarantined the infested areas and have restricted the intrastate movement of regulated articles from the quarantined areas to prevent the spread of EAB within each State. However, Federal regulations are necessary to restrict the interstate movement of regulated articles from the quarantined areas to prevent the spread of EAB to other States and other countries.

The regulations in § 301.53–3(a) provide that the Administrator of APHIS will list as a quarantined area each State, or each portion of a State, where EAB has been found by an inspector, where the Administrator has reason to believe that EAB is present, or where the Administrator considers regulation necessary because of its inseparability for quarantine enforcement purposes from localities where EAB has been found.

Less than an entire State will be designated as a quarantined area only under certain conditions. Such a designation may be made if the Administrator determines that: (1) The State has adopted and is enforcing restrictions on the intrastate movement of regulated articles that are equivalent to those imposed by the regulations on the interstate movement of regulated articles; and (2) the designation of less than an entire State as a quarantined area will be adequate to prevent the artificial spread of the EAB. Although all three States have quarantined the infested areas within their boundaries, we believe that the prevalence of spot infestations of EAB throughout each State makes it necessary to quarantine these States in their entirety to prevent the artificial spread of EAB.

In accordance with these criteria and the recent EAB findings described above, we are amending § 301.53–3(c) to add the States of Illinois, Indiana, and Ohio, in their entirety, to the list of quarantined areas.

Emergency Action

This rulemaking is necessary on an emergency basis to help prevent the spread of EAB to noninfested areas of the United States. Under these circumstances, the Administrator has determined that prior notice and opportunity for public comment are contrary to the public interest and that there is good cause under 5 U.S.C. 553 for making this rule effective less than

30 days after publication in the **Federal Register**.

We will consider comments we receive during the comment period for this interim rule (see **DATES** above). After the comment period closes, we will publish another document in the **Federal Register**. The document will include a discussion of any comments we receive and any amendments we are making to the rule.

Executive Order 12866 and Regulatory Flexibility Act

This rule has been reviewed under Executive Order 12866. For this action, the Office of Management and Budget has waived its review under Executive Order 12866.

This emergency situation makes timely compliance with section 604 of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) impracticable. We are currently assessing the potential economic effects of this action on small entities. Based on that assessment, we will either certify that the rule will not have a significant economic impact on a substantial number of small entities or publish a regulatory flexibility analysis.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

Executive Order 12988

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are inconsistent with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

Paperwork Reduction Act

This interim rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 7 CFR Part 301

Agricultural commodities, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Transportation.

■ Accordingly, we are amending 7 CFR part 301 as follows:

PART 301—DOMESTIC QUARANTINE NOTICES

■ 1. The authority citation for part 301 continues to read as follows:

Authority: 7 U.S.C. 7701–7772 and 7781–7786; 7 CFR 2.22, 2.80, and 371.3.

Section 301.75–15 issued under sec. 204, Title II, Public Law 106–113, 113 Stat. 1501A–293; sections 301.75–15 and 301.75–16 issued under sec. 203, Title II, Public Law 106–224, 114 Stat. 400 (7 U.S.C. 1421 note).

■ 2. In § 301.53–3, paragraph (c) is amended by adding, in alphabetical order, an entry for Illinois, and by revising the entries for Indiana and Ohio to read as follows:

§ 301.53–3 Quarantined Areas.

* * * * *

(c) * * *

Illinois

The entire State.

Indiana

The entire State.

* * * * *

Ohio

The entire State.

Done in Washington, DC, this 27th day of March 2007.

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. E7–6007 Filed 3–30–07; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF ENERGY

10 CFR Part 300

RIN 1901–AB23

Corrections and Updates to Technical Guidelines for Voluntary Greenhouse Gas Reporting

AGENCY: Office of Policy and International Affairs, Department of Energy.

ACTION: Final rule.

SUMMARY: The Department of Energy (DOE) published an interim final rule on January 31, 2007, to correct, update, and make clarifying changes to Technical Guidelines used for reporting under the Voluntary Reporting of Greenhouse Gases Program authorized by section 1605(b) of the Energy Policy Act of 1992. The Technical Guidelines were incorporated by reference in final program guidelines that were published on April 21, 2006, and placed in the Code of Federal Regulations (CFR). In accordance with the rules governing incorporation by reference in the CFR,

DOE is required to amend its program regulations to reflect any update of the Technical Guidelines. DOE now discusses the comments received in response to the interim final rule, and adopts that rule as final without change.

DATES: Effective April 2, 2007, the interim rule published on January 1, 2007 (72 FR 4211), which became effective March 2, 2007, is confirmed as final.

FOR FURTHER INFORMATION CONTACT:

Stephen Eule, PI–63, Office of Policy and International Affairs, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington DC 20585, or e-mail: 1605bguidelines.comments@hq.doe.gov.

SUPPLEMENTARY INFORMATION:

I. Background

II. Summary and Response to Comments

III. Congressional Notification

IV. Approval of the Office of Secretary

I. Background

Section 1605(b) of the Energy Policy Act of 1992 directed DOE to issue guidelines establishing a voluntary greenhouse gas reporting program (42 U.S.C. 13385(b)). On February 14, 2002, the President directed DOE, together with other involved Federal agencies, to recommend reforms to enhance the Voluntary Reporting of Greenhouse Gases Program established by DOE in 1994. On April 21, 2006, following a lengthy public review process, DOE published revised final General Guidelines for Voluntary Greenhouse Gas Reporting (71 FR 20784). Those guidelines incorporated by reference detailed Technical Guidelines, dated March 2006, that are needed to fully implement the revised Voluntary Reporting of Greenhouse Gases Program.

Subsequent to the April 21, 2006 publication of the revised final General Guidelines and during preparation of new forms and instructions for reporting, DOE identified a number of errors and inconsistencies in the Technical Guidelines that warranted correction or clarification. To ensure that any revision of the March 2006 Technical Guidelines addressed as many of these problems as possible, on August 3, 2006, DOE sent a message by electronic mail to all persons who had previously expressed an interest in the guidelines and requested that they identify any needed technical corrections, clarifications, interpretations or other changes to the guidelines. Subsequently, DOE received communications that recommended additional corrections and other changes for consideration.

Following a careful review of the recommended corrections and other suggested changes, DOE made those modifications to the Technical Guidelines that it believed were necessary to correct all the identified errors and inconsistencies or other ambiguities, while adhering to the essential language and intent of the March 2006 version of the Technical Guidelines. The updated version of the Technical Guidelines is dated January 2007. As required by the regulations of the Administrative Committee of the **Federal Register**, DOE sent the January 2007 update of the Technical Guidelines to the Director of the Federal Register and obtained his approval of the incorporation by reference of the January 2007 Technical Guidelines in the regulations for the section 1605(b) program that are published in the **Federal Register** and the Code of Federal Regulations. On January 31, 2007, DOE published an interim final rule with opportunity for comment that changed the date of the Technical Guidelines incorporated by 10 CFR 300.13 from March 2006 to January 2007. (72 FR 4411.)

II. Summary and Response to Comments

DOE received six sets of comments in response to the interim final rule. All of the comments are posted on the internet at the following website: <http://www.pi.energy.gov/enhancingGHGregistry/comments2007.html>. None of the comments identified errors or inconsistencies in the January 2007 Technical Guidelines that would impair their implementation by the Energy Information Administration (EIA). DOE has decided not to adopt changes at this time so that EIA can complete the forms, instructions, and software expeditiously to permit reporting under the new guidelines in 2007 for the 2006 reporting year. However, some of the comments did identify further corrections or updates that may be warranted some time in the future. The specific comments provided fall into four main categories; those that:

- Identified inconsistencies, drafting errors or clarity problems in the Technical Guidelines that may warrant further corrections.
- Proposed to add or reference new measurement methods or calculation tools.
- Sought to reopen some issues that had been previously resolved during the development of the guidelines published on April 21, 2006.
- Proposed changes that exceed the DOE's statutory authority.

Possible Further Corrections. The comments submitted by the Edison Electric Institute and supported by comments from Ameren identified a number of additional, but comparatively minor inconsistencies, drafting errors or clarity problems in the January 2007 Technical Guidelines that may warrant further corrections. Comments by the American Forest and Paper Association (AF&PA) also identified a reference in the Forestry appendix that requires updating as well as an inconsistency between the terminology used in the Technical Guidelines and that used by the industry to refer to "spent pulping liquors".

DOE sees the value of making most of the changes that fall into this category, although none of these changes are necessary to enable the EIA to initiate reporting under the corrected Technical Guidelines dated January 2007. Since making these changes at this time could cause some confusion among prospective reporters and may further delay EIA's efforts to finalize its revised reporting forms and instructions, DOE has decided not to implement these changes at this time. Instead, DOE plans to address these changes when DOE proposes its first substantive amendments to the guidelines pursuant to 10 CFR 300.1(f).

Measurement Methods or Calculation Tools. Comments submitted by Beta Analytic, Inc., proposed that the guidelines be amended to recognize a new method for measuring biogenic or carbon-neutral CO₂ or methane emissions which represent part, but not all, of various emission streams.

Similarly, AF&PA's comments recommended that a specific calculation tool developed by the International Council of Forests and Paper Associations be referenced in the Technical Guidelines as an acceptable model for estimating the harvested wood products pool.

While the amendments proposed by Beta Analytic, Inc., and AF&PA may be worthwhile, they are outside the scope of this rulemaking, which is limited to correcting factual and drafting errors, eliminating inconsistencies, updating certain existing references, clarifying intent, and modifying or eliminating certain inappropriate calculation methods. Those organizations may formally propose that DOE adopt these methods when it undertakes to make substantive revisions to the guidelines pursuant to 10 CFR 300.1(f). Proposed calculation methods should be submitted in writing to the Assistant Secretary for Policy and International Affairs, 1000 Independence Ave., SW., Washington, DC, 20585, with an

electronic copy sent to 1605bguidelines.comments@hq.doe.gov. DOE will consider all such proposed methods. Any such proposal will be subject to public review and comment. If adopted, new calculation methods would be implemented as soon as practicable.

Issues Previously Resolved. The comments submitted by AF&PA also raised two issues that were previously considered and resolved during the development of the revised General Guidelines and Technical Guidelines that were published in April 2006. One issue concerns the treatment of carbon harvested from sustainably managed forests that is ultimately included in various long lived wood products. AF&PA proposed a change that would enable such carbon to be counted toward an entity's emission reductions, although the initial March 2006 Technical Guidelines and the January 2007 revised Technical Guidelines exclude such treatment. The other issue concerns the value to be used to represent the transmission and distribution losses associated with off-site combined heat and power plants. This value was also set by the March 2006 Technical Guidelines and was not changed in the January 2007 Technical Guidelines.

Section 300.1(f) of the General Guidelines indicates that DOE intends to periodically review and update the General Guidelines and Technical Guidelines, and that it anticipates that these reviews will occur approximately every three years. During these periodic reviews, DOE may reconsider any of the issues initially resolved by the April 2006 guidelines. DOE will solicit stakeholder input at the start of any such review process.

Changes that Exceed DOE's Statutory Authority. One commenter recommended that DOE change this program from a voluntary reporting program to one that is mandatory. Such a change would clearly exceed DOE's existing statutory authority under section 1605(b) of the Energy Policy Act of 1992.

Conclusion. Based on a review of the six comments received, DOE has decided not to make any changes at this time to the January 2007 Technical Guidelines, which became effective on March 2, 2007. When DOE proposes amendments to add new measurement methods or calculation tools to the January 2007 Technical Guidelines, it may incorporate some of the corrections suggested in the public comments summarized above.

III. Congressional Notification

As required by 5 U.S.C. 801, DOE will submit to Congress a report regarding the issuance of today's final rule. The report will state that it has been determined that the rule is not a "major rule" as defined by 5 U.S.C. 801(2).

IV. Approval of the Office of the Secretary

The Secretary of Energy has approved the publication of this final rule.

List of Subjects in 10 CFR part 300

Administrative practice and procedure, Energy, Gases, Incorporation by reference, Reporting and recordkeeping requirements.

Issued in Washington, DC on March 27, 2007.

Katharine A. Fredriksen,

Acting Assistant Secretary for Policy and International Affairs.

■ Accordingly, the interim final rule amending part 300 of title 10, chapter II, subchapter B of the Code of Federal Regulations, that was published at 72 FR 4411 on January 31, 2007, is adopted as a final rule without change.

[FR Doc. E7-6038 Filed 3-30-07; 8:45 am]

BILLING CODE 6450-01-P

FEDERAL HOUSING FINANCE BOARD

12 CFR Part 915

[No. 2007-04]

RIN 3069-AB-33

Federal Home Loan Bank Appointive Directors

AGENCY: Federal Housing Finance Board.

ACTION: Final rule.

SUMMARY: The Federal Housing Finance Board (Finance Board) is issuing a final regulation that is substantially the same as the interim final rule that established a process for the appointment of directors to the Federal Home Loan Banks (Bank or Banks), which was adopted on January 24, 2007. The final rule makes two changes to the interim rule, regarding the number of nominees to be submitted and the date by which nominations must be submitted. Both changes are being made in response to comments received on the interim final rule.

DATES: *Effective Date:* The final rule is effective April 2, 2007.

FOR FURTHER INFORMATION CONTACT: Neil R. Crowley, Acting General Counsel, 202-408-2990, crowleyn@fhfb.gov; or Thomas P. Jennings, Senior Attorney

Advisor, Office of General Counsel, 202-408-2553, jennings@fhfb.gov. You can send mail to the Federal Housing Finance Board, 1625 Eye Street, NW., Washington, DC 20006.

SUPPLEMENTARY INFORMATION:

I. Background and Legal Authority

Section 7(a) of the Federal Home Loan Bank Act (Bank Act) (12 U.S.C. 1427(a)) authorizes the Finance Board to appoint directors to the board of each Bank. Section 7(f)(2) of the Bank Act (12 U.S.C. 1427(f)(2)) authorizes the Finance Board to fill any vacancy in an appointive directorship for the remainder of its unexpired term. The Finance Board has determined that adopting procedures for the selection of appointive directors will enhance its ability to identify and appoint well-qualified individuals to serve as Bank directors.

Accordingly, on January 24, 2007 (72 FR 3028) the Finance Board issued an interim final rule that amended 12 CFR 915.10 to adopt procedures under which the board of directors of each Bank has to submit to the Finance Board a list of individuals to be considered for appointment to the board of the Bank. The list is to include information regarding each individual's eligibility and qualifications to serve as an appointive director, and the Finance Board will use that information in making its appointments to the boards. The interim rule set an initial deadline of March 31, 2007, by which the Banks are to provide a list of nominees to the Finance Board for the directorships that are currently vacant.

At the time that it published the interim final rule, the Finance Board requested comments from the public and established a 30-day comment period, which expired on February 23, 2007.

II. Analysis of the Public Comments

The Finance Board received 8 comment letters in response to the interim rule. Three letters were submitted by Banks, 1 by a member of a Bank, 3 from trade associations, and 1 from a community organization. All of the comments were supportive of the rule, but also suggested certain revisions to the rule.

One issue commenters raised relates to section 915.10(b), which gives the Finance Board the discretion to request additional names from any Bank if the Finance Board does not fill all vacant appointive directorships from the names the Bank initially submits. Certain of the comment letters objected to the permissive nature of the provision, contending that the provision should be

mandatory, i.e., that the final rule should require the Finance Board to seek additional names only from the Banks and should preclude it from considering prospective directors from other sources. For the reasons noted below, the Finance Board has determined to retain the language of the interim rule.

In adopting section 7 of the Bank Act (12 U.S.C. 1427), Congress vested the power to appoint Bank directors solely in the Finance Board. To revise the rule in the manner suggested would preclude the Finance Board from ever considering other sources for prospective appointive directors. Such a limitation likely would impair the Finance Board's ability to carry out its statutory responsibility. As a practical matter, the Finance Board fully expects that the Banks will make every effort to submit well-qualified nominees for the appointive directorships, both in their initial submissions and in response to any subsequent request from the Finance Board. In the event that a Bank does not do so, however, the Finance Board believes that it must reserve the right to consider nominees from other sources in order to carry out its own responsibilities.

A second issue raised by the comment letters relates to the number of nominees a Bank must submit for the number of directorships to be filled. Section 915.10(a)(3) of the interim rule requires each Bank to submit twice as many nominees as there are appointive directorships to be filled at the Bank. Three commenters suggested that the rule be changed to require the submission of only 1 nominee per directorship to be filled. These commenters believed that the Banks are more likely to find well qualified persons who are willing to serve if those persons have some reasonable expectation of being chosen if they agree to be nominated. These commenters noted that the interim rule created a process in which half of all nominees would be rejected, and contended that such a process would have a chilling effect on prospective nominees' willingness to go through the nominations process.

Another commenter urged the Finance Board to require at least twice as many nominees as there are directorships to be filled, particularly with respect to the community interest directorships. That commenter reasoned that doing so would help to maintain the independence of the community interest appointive directors by lessening the degree of control that the Banks would have over their selection. Another commenter proposed that the

Banks be allowed to designate the specific directorship for which each nominee is being submitted, and that the designation be binding on the Finance Board. This commenter reasoned that doing so would allow a Bank to nominate 2 persons with specific skills for each directorship, which would allow the Bank to obtain the optimum skills it believes it needs on its board of directors as a whole.

The Finance Board has considered each of the suggestions made with respect to the number of nominees to be submitted by the Banks. As noted below, the Finance Board believes that there is merit to the contention that the interim rule might have a chilling effect on the willingness of some qualified persons to agree to serve on the board of a Bank. To address that concern, the Finance Board has decided to modify the rule to require the Banks to submit up to 2 nominees for each directorship to be filled. As a result, a Bank with 4 directorships to be filled would have to submit at least 4 nominees, but could submit up to 8 nominees if it so chose.

Another area for which certain commenters sought changes to the interim rule relates to the March 31, 2007 deadline for the submission of nominees for the currently vacant directorships. One commenter suggested that the deadline be extended to allow the Banks a range of time beyond March 31, 2007 in which to submit nominees to the Finance Board. The commenter reasoned that some Banks may need more time to identify the appropriate number of nominees, particularly if they have to submit twice as many names as there are directorships to be filled. As discussed below, the Finance Board believes that the process of vetting prospective directors may be improved by allowing a Bank the opportunity to request additional time to complete the process and the final rule would allow a Bank to do so.

An additional concern raised by the comment letters related to the confidentiality of the information prospective directors must provide on the Federal Home Loan Bank Appointive Director Application Form (Form), which was published in the **Federal Register** along with the interim final rule. These commenters expressed concern that the Finance Board would have to produce the Form, or the personal information it contains, in response to a request under the Freedom of Information Act (FOIA) (5 U.S.C. 552). For the reasons described below, the Finance Board will not release such information in response to a FOIA request.

The Privacy Act of 1974 (Privacy Act) (5 U.S.C. 552a) governs the collection, maintenance, use, and dissemination of personal information by federal agencies. The Finance Board has issued a rule implementing the Privacy Act that governs how individuals can gain access to information about themselves that the Finance Board may possess. 12 CFR part 913. The Finance Board also has published "systems of records" explaining the types of information the agency may possess and the uses of that information that are permitted under the Privacy Act.

One of the Finance Board's Privacy Act systems of records covers the Form prospective appointive directors must submit to the Finance Board. Under that system of records, the Form is used only by appropriate Finance Board staff to determine whether the nominees and current appointive directors meet the applicable eligibility requirements and possess the requisite skills and background to perform the job effectively. Within this system of records, the Finance Board retains only the Forms of individuals who are appointed as a Bank director and only for the duration of their respective term of service as an appointive director.

The Forms themselves not subject to production to the public under FOIA because they are covered by the Privacy Act. However, the Finance Board has made limited biographical information about the newly appointed directors publicly available, typically through a press release issued after the appointments have been made. See, e.g., Press Release FHFB 04-05 (Jan. 23, 2004) (available on the Finance Board's Web site: <http://www.fhfb.gov/GetFile.aspx?FileID=3127>).

III. Summary of the Final Rule

As noted above, the final rule differs in 2 respects from the interim rule. First, section 915.10(e) is being modified to allow any Bank to request an extension of time beyond March 31, 2007 in which to submit its initial list of nominees for the directorships that currently are vacant. Second, section 915.10(a)(3) is being modified to allow any Bank to submit up to twice as many nominees as there are appointive directorships to be filled.

Extension of time. In considering the date by which the Banks must submit the lists of nominees for the existing vacancies, the Finance Board is mindful that the interim rule created an entirely new process for the Banks and provided only 2 months and 1 week for the Banks to submit the initial list of nominees. The Finance Board also is mindful that a larger number of vacancies currently

exist at each Bank than will exist for any future annual submissions, which have an October 1st deadline. The Finance Board has concluded that if any Bank believes that it will be better able to identify and submit well-qualified nominees if it is given additional time beyond the March 31st deadline, then it should be able to do so. Accordingly, the final rule allows a Bank to ask the Finance Board to extend the deadline, and authorizes the Director of the Office of Supervision to approve such requests. The Finance Board expects that any Bank making such a request will indicate how much additional time it needs to identify prospective directors, will act expeditiously, and will complete the process by the extended deadline.

Number of nominees. In considering the comments about the number of nominees a Bank must submit, the Finance Board is mindful that the final rule should not have the effect of discouraging well-qualified persons from seeking to be appointive directors of a Bank. As discussed in section II, some commenters have asserted that the interim rule could have a chilling effect on the willingness of potential well qualified nominees to go through the process, and could place the Banks at a disadvantage when competing with other financial institutions for directors. Generally speaking, candidates for public company directorships have a significant likelihood of being elected after they have been nominated by the company, whereas persons nominated by the Banks would have no more than a 50 percent chance of being appointed by the Finance Board under the interim rule. This disparity could discourage some well-qualified candidates from seeking appointment to the board of a Bank, especially if they have opportunities for other corporate directorships. In light of these comments, the Finance Board has decided that it could reduce any potential chilling effect by revising the final rule to allow a Bank to submit up to 2 nominees for each directorship to be filled.

In reaching this conclusion, the Finance Board also considered whether the revision could create any unintended consequences, such as lessening the independence of the appointive directors. One commenter suggested that persons who are nominated by the Bank are less likely to act independently of the persons who nominated them. Although there may be some such risk in a process where the board of the Bank plays a role in selecting new directors, the Finance Board believes that any such risk is

mitigated by the fact that the Finance Board retains the ultimate power to appoint the directors to the boards of the Banks. The Finance Board intends to evaluate carefully all nominees and will appoint an individual only if it believes that the person will serve the best interests of the Bank. Moreover, the practice at other corporations, which typically use the board or a nominating committee to vet prospective directors, suggests that the risks are not as great as suggested by the comments. As is the case for corporate directors generally, the directors of a Bank owe fiduciary duties to the Bank and the Finance Board expects directors will act consistently with those duties when submitting nominees.

The Finance Board also recognizes that allowing a Bank to submit only 1 nomination for each directorship has the potential to delay the appointment process if the Finance Board declines to appoint 1 or more of the persons nominated by the Bank. The Finance Board believes that any such delay is unlikely to cause a directorship to become vacant, principally because the Finance Board intends to act expeditiously in considering the nominations. Moreover, the October 1st deadline for the annual submission of nominations is far enough in advance of the start of a new term of office that a Bank should have sufficient time to submit additional nominees if they are needed. With respect to the submissions required for the currently vacant directorships, the Finance Board believes that allowing additional time to submit the nominations should allow a Bank to conduct a search that results in well-qualified persons being nominated and notes that the final rule allows a Bank to submit more than 1 nominee per directorship if it wishes to do so.

Apart from the revisions noted above, the final rule is identical to the interim final rule. Thus, the final rule: establishes a process for the Banks to submit a list of well-qualified nominees for the Finance Board to consider in filling appointive directorships; allows the Banks discretion in deciding whether to submit 1 or 2 names for each directorship; requires each Bank to submit a signed Finance Board Form for each nominee; and authorizes the Finance Board to require a Bank to submit additional nominees if the initial nominees are not appointed.

IV. Effective Date

The Finance Board for good cause finds that the final rule should become effective on April 2, 2007. *See* 5 U.S.C. 553(d)(3). It is in the public interest to fill appointive directorships at the

Banks with well qualified individuals as soon as it is practicable to do so. The final rule achieves this goal while providing additional flexibility to the Banks in fulfilling their obligation to nominate well-qualified individuals for Finance Board consideration.

V. Paperwork Reduction Act

The final rule will have no substantive effect on any collection of information covered by the Paperwork Reduction Act of 1995. *See* 44 U.S.C. 3501 et seq. Therefore, the Finance Board did not submit the proposed regulation to the Office of Management and Budget for review.

VI. Regulatory Flexibility Act

The Finance Board adopted this procedural amendment in the form of an interim final rule and not as a proposed rule. Therefore, the provisions of the Regulatory Flexibility Act do not apply to this final rule. *See* 5 U.S.C. 601(2) and 603(a).

List of Subjects in 12 CFR Part 915

Banks, Banking, Conflict of interests, Elections, Ethical conduct, Federal home loan banks, Financial disclosure, Reporting and recordkeeping requirements.

■ For the reasons stated in the preamble, the Finance Board amends 12 CFR part 915 as follows:

PART 915—BANK DIRECTOR ELIGIBILITY, APPOINTMENT, AND ELECTIONS

■ 1. The authority citation for part 915 continues to read as follows:

Authority: 12 U.S.C. 1422a(a)(3), 1422b(a), 1426, 1427, and 1432.

■ 2. Revise § 915.10 to read as follows:

§ 915.10 Selection of appointive directors.

(a) *Bank responsibilities.* (1) On or before October 1st of each year, the board of directors of each Bank shall submit to the Finance Board a list of eligible nominees who are well-qualified to fill the appointive directorships that will expire on December 31st of that year, along with the original Finance Board-prescribed appointive director application form executed by each individual on the list.

(2) If an appointive directorship becomes vacant prior to the expiration of its term, the board of directors of the Bank shall submit to the Finance Board a list of eligible nominees who are well-qualified to fill that directorship, along with each individual's executed appointive director application form, promptly after the vacancy arises.

(3) The number of nominees on any list submitted by a Bank's board of directors pursuant to paragraphs (a)(1) or (2) of this section shall be at least equal to the number of appointive directorships to be filled but shall not exceed 2 times the number of such directorships.

(b) *Finance Board selection.* As provided by the Act, the Finance Board has the sole responsibility for appointing individuals to the boards of directors of the Banks. In exercising that responsibility, the Finance Board shall select from among the nominees on the list submitted by the Bank pursuant to paragraph (a) of this section, provided, however, that if the Finance Board does not fill all of the appointive directorships from the list initially submitted by the Bank, it may require the Bank to submit a supplemental list of nominees for its consideration.

(c) *Prospective applicants.* Any individual who seeks to be appointed to the board of directors of a Bank may submit to the Bank an executed appointive director application form that demonstrates that the individual both is eligible and has business, financial, housing, community and economic development, and/or leadership experience. Any other interested party may recommend to the Bank that it consider a particular individual as a nominee for an appointive directorship, but the Bank may not do so until the individual has provided the Bank with an executed appointive director application form. The board of directors of the Bank may consider any individual for inclusion on the list it submits to the Finance Board provided it has determined that the individual is eligible and well-qualified for an appointive directorship at the Bank.

(d) *Term of office.* The term of office of each appointive directorship is 3 years, except as adjusted pursuant to section 7(d) of the Act (12 U.S.C. 1427(d)) to achieve a staggered board, and shall commence on January 1st. In the case of a discretionary appointive directorship that is terminated pursuant to § 915.3(b)(5), the term of office of the directorship shall end after the close of business on December 31st of that year.

(e) *Appointive directorship vacancies existing on January 1, 2007.* For appointive directorships that are vacant on January 1, 2007, the board of directors of each Bank shall submit the information required by paragraph (a) of this section on or before March 31, 2007, or such other date approved by the Director of the Office of Supervision upon the request of that Bank.

Dated: March 27, 2007.

By the Board of Directors of the Federal Housing Finance Board.

Ronald A. Rosenfeld,

Chairman.

[FR Doc. E7-5970 Filed 3-30-07; 8:45 am]

BILLING CODE 6725-01-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2006-25948; Directorate Identifier 2006-NE-32-AD; Amendment 39-15005; AD 2007-04-19R1]

RIN 2120-AA64

Airworthiness Directives; Superior Air Parts, Inc. (SAP), Cylinder Assemblies Part Numbers Series: SA47000L, SA47000S, SA52000, SA55000, SL32000W, SL32000WH, SL32006W, SL36000TW, SL36000W, and SL36006W

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

ACTION: Final rule; request for comments.

SUMMARY: The FAA is revising an existing airworthiness directive (AD) for certain SAP cylinder assemblies installed in Teledyne Continental Motors (TCM) 470, 520, and 550 series reciprocating engines, Lycoming Engines (LE) 320, 360, and 540 series reciprocating engines, Avco Lycoming (AL) 540 series reciprocating engines, and Superior Air Parts, Inc. (SAP) 360 series reciprocating engines. That AD currently requires removing from service certain SAP part numbered (P/N) cylinder assemblies installed in TCM, LE, and AL reciprocating engines. That AD also requires removing from service certain cylinder assemblies installed as original equipment in SAP reciprocating engines, or in certain overhauled or repaired SAP reciprocating engines.

This AD continues to require those same actions. This AD results from comments from the Public on the existing AD. We are issuing this AD to prevent cylinder separation that can lead to engine failure, a possible engine compartment fire, and damage to the airplane.

DATES: Effective May 7, 2007.

We must receive any comments on this AD by June 1, 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:** Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL-401, Washington, DC 20590-0001.

- **Fax:** (202) 493-2251.

- **Hand Delivery:** Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

You may examine the comments on this AD in the AD docket on the Internet at <http://dms.dot.gov>.

FOR FURTHER INFORMATION CONTACT:

Jurgen Priester, Aerospace Engineer, Special Certification Office, FAA, Rotorcraft Directorate, Southwest Regional Headquarters, 2601 Meacham Blvd., Fort Worth, Texas 76137; *e-mail:* Jurgen.E.Priester@faa.gov; telephone (817) 222-5159; fax (817) 222-5785.

SUPPLEMENTARY INFORMATION: On February 13, 2007, the FAA issued AD 2007-04-19, Amendment 39-14951 (72 FR 8089, February 23, 2007). That AD requires removing from service certain installed SAP cylinder assemblies, listed in that AD by P/N and serial number (SN), no later than 150 hours total time-in-service (TIS) to preclude cylinder head fatigue failure and separation at the head-to-barrel threaded interface. That AD was the result of nine separated SAP cylinder assemblies in TCM reciprocating engines and one in a LE reciprocating engine. That condition, if not corrected, could result in cylinder separation that can lead to engine failure, a possible engine compartment fire, and damage to the airplane.

Actions Since We Issued AD 2007-04-19

Since we issued AD 2007-04-19, we received comments that cause us to better define and reduce the applicability of this AD.

Comments

We provided the public the opportunity to participate in the development of this AD. We have considered the comments received.

Request To Provide a Range of Dates That SAP Manufactured the Suspect Cylinders

A number of commenters ask us to include the date range when SAP manufactured the cylinders. The

commenters state that including the range of dates will help users to determine if they need to investigate further and will eliminate unnecessary time and money spent to determine if a suspect cylinder assembly is installed on their engine.

We agree. We changed the applicability to provide a date range to help narrow the applicability. Also, we clarified the SN range to narrow the applicability even further.

Minor Editorial Changes

We included some minor editorial changes in this AD to clarify some nomenclature.

Conclusion

We have carefully reviewed the available data, including the comments received, and determined that air safety and the public interest require adopting the AD with the changes described previously. We have determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

FAA's Determination and Requirements of This AD

The unsafe condition described previously is likely to exist or develop on other TCM 470, 520, and 550; LE 320, 360, and 540; AL 540, and SAP 360 series reciprocating engines of the same type design with certain SAP cylinder assemblies that have a part number listed in this AD. For that reason, we are issuing this AD to prevent cylinder separation which can lead to engine failure, a possible engine compartment fire, and damage to the airplane. This AD requires removing from service installed SAP cylinder assemblies listed in this AD, no later than 150 hours total TIS to preclude cylinder head fatigue failure and separation at the head-to-barrel threaded interface.

FAA's Determination for No Prior Public Notice

Since we do not anticipate adverse public interest in this action, a situation exists that allows for immediate adoption of this AD, and we have found that notice and opportunity for further public comment before issuing this AD are unnecessary.

Comments Invited

This AD is a final rule that involves requirements affecting flight safety and was not preceded by notice and an opportunity for public comment; however, we invite you to send us any written relevant data, views, or arguments regarding this AD. Send your comments to an address listed under

ADDRESSES. Include “AD Docket No. FAA-2007-25948; Directorate Identifier 2006-NE-32-AD” in the subject line of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify it.

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 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 docket that contains the AD, any comments received, and any final disposition 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) 647-5227) is located on the plaza level of the Department of Transportation Nassif Building at the street address stated in **ADDRESSES**. Comments will be available in the AD docket shortly after the DMS receives them.

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 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 placed it in the AD Docket. You may get a copy of this summary at the address listed under **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

■ 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 Amendment 39-14951 (72 FR 8089, February 23, 2007), and by adding a new airworthiness directive, Amendment 39-15005, to read as follows:

2007-04-19R1 Superior Air Parts, Inc.:

Amendment 39-15005. Docket No. FAA-2006-25948; Directorate Identifier 2006-NE-32-AD.

Effective Date

(a) This airworthiness directive (AD) becomes effective May 7, 2007.

Affected ADs

(b) This AD revises AD 2007-04-19.

Applicability

(c) This AD applies to Superior Air Parts, Inc. (SAP), cylinder assemblies, manufactured between April 2005 and November 2005, part numbers (P/Ns): SA47000L-A1, SA47000L-A20P, SA47000S-A1, SA47000S-A20P, SA47000S-A21P, SA52000-A1, SA52000-A20P, SA52000-A21P, SA52000-A22P, SA52000-A23P, SA55000-A1, and SA55000-A20P, installed in Teledyne Continental Motors (TCM) 470, 520, and 550 series reciprocating engines. These P/N cylinder assemblies may be installed in the TCM engine models listed in the following Table 1.

TABLE 1.—AFFECTED TELEDYNE CONTINENTAL ENGINE MODELS

Engine model	
O-470	-G, -K, -L, -M, -P, -R, -S, -U.
IO-470	-C, -D, -E, -F, -G, -H, -L, -M, -N, -P, -R, -S, -U, -V.
IO-520	-A, B, BA, C, CB, D, E, F, J, K, L, M, BB, MB.
TSIO-520	-AF, B, BB, C, CE, D, DB, E, EB, G, H, J, JB, K, KB, L, LB, M, N, NB, P, R, T, UB, VB, WB.
IO-550	-A, B, C, D, E, F, L.

These engine models are installed in, but not limited to, the aircraft models listed in the following Table 2:

TABLE 2.—TELEDYNE CONTINENTAL MOTORS-RELATED AIRCRAFT MODELS

Engine model	Aircraft manufacturer	Aircraft model designation
IO-470-C	Beechcraft	J, K, M35.
IO-470-D	Cessna	310 G & H.
IO-470-D	Rockwell	200 A, B, & C.
IO-470-E	Cessna	210 & A.
IO-470-F	Bellanca	14-19-3.
IO-470-F	Cessna	185.
IO-470-H	Sierra Hotel Aero, Inc. (Navion)	Navion F & G (Rangemaster).
IO-470-L	Beechcraft	B55 Baron.
IO-470-M	Gulfstream	500 A.
IO-470-N	Beechcraft	N & P.
IO-470-N	Beechcraft	G33.
IO-470-S	Cessna	210 B & C.
IO-470-S	Cessna	205.
IO-470-U	Cessna	310 I & J.
IO-470-V/VO	Cessna	310K, L, N, P & Q.
IO-520-A	Cessna	210 D, E, F, G, & H.
IO-520-A	Cessna	206.
IO-520-A	Cessna	P206.
IO-520-A	Rockwell	200 D.
IO-520-B	Beechcraft	36 Bonanza.
IO-520-B	Beechcraft	A36.
IO-520-B	Sierra Hotel Aero, Inc. (Navion)	Navion H.
IO-520-BA	Beechcraft	A36.
IO-520-BA	Beechcraft	S & V35, V35A, V35B.
IO-520-BA	Beechcraft	C33 A.
IO-520-BA	Beechcraft	E33 A & C.
IO-520-BA	Beechcraft	F33 A & C.
IO-520-BA	Sierra Hotel Aero, Inc.	Navion G (Rangemaster).
IO-520-BA	Sierra Hotel Aero, Inc.	Navion H.
IO-520-BB	Beechcraft	A36.
IO-520-BB	Beechcraft	V35B.
IO-520-BB	Beechcraft	F33 A.
IO-520-C & CB	Beechcraft	C55-E55 Baron.
IO-520-D	Bellanca	17-30 Viking.
IO-520-D	Cessna	A188-300 AG Truck.
IO-520-D	Cessna	185.
IO-520-E	(Cessna 310)	Exec 600.
IO-520-E	(Beech Baron)	Pres 600.
IO-520-F	Cessna	207.
IO-520-F	Cessna	U206.
IO-520-K	Bellanca	17-30A.
IO-520-L	Cessna	210 K, L, M, N & R.
IO-520-L	Cessna	210N II.
IO-520-L	Cessna	210R.
IO-520-M	Cessna	310R.
IO-520-MB	Cessna	310R.
IO-550-A	Cessna	310 Conversion.
IO-550-B	Beechcraft	A36.
IO-550-B	(Beech Bonanza)	Foxstar.
IO-550-C	Beechcraft	58 Baron.
IO-550-D	Cessna	185/188 Conversion.
IO-550-E	Cessna	310 Conversion.
IO-550-F	Cessna	206/207 Conversion.
IO-550-L	Cessna	210 Conversion.
O-470-M	Cessna	310.
O-470-G	Beechcraft	H35.
O-470-K	Bellanca	14-19-2.
O-470-K	Cessna	180 (230 HP).
O-470-L	Cessna	182.
O-470-L	Cessna	180D.
O-470-M	Cessna	310 B.
O-470-P	Sierra Hotel Aero, Inc. (Navion)	Navion.
O-470-R	Cessna	188-230.
O-470-R	Cessna	182.
O-470-R	Cessna	180 E-J.
O-470-S	Cessna	182.
O-470-U	Cessna	182.
O-470-U	Cessna	180 K.
TSIO-520-AF	Cessna	P210N II.
TSIO-520-B	Cessna	320D, E & F.
TSIO-520-B	Cessna	T310-Q & R.
TSIO-520-BB	Cessna	T310R.

TABLE 2.—TELEDYNE CONTINENTAL MOTORS-RELATED AIRCRAFT MODELS—Continued

Engine model	Aircraft manufacturer	Aircraft model designation
TSIO-520-BE	Piper	PA-46-310 Malibu.
TSIO-520-C	Cessna	T210 F, G, & H.
TSIO-520-C	Cessna	TU206.
TSIO-520-C	Cessna	TP206.
TSIO-520-C&CB	Beechcraft	58 Baron.
TSIO-520-CE	Cessna	T210R.
TSIO-520-CF	Cessna	P210R.
TSIO-520-D	Beechcraft	V35, V35A, V35B-TC.
TSIO-520-E	Cessna	402, A & B.
TSIO-520-E	Cessna	401, A & B.
TSIO-520-EB	Cessna	335.
TSIO-520-G	Cessna	T207.
TSIO-520-H	Cessna	T210 J, K & L.
TSIO-520-J	Cessna	210 J.
TSIO-520-J	Cessna	414.
TSIO-520-J	Riley Conversions	340 Super Riley.
TSIO-520-L&LB	Beechcraft	58P Baron.
TSIO-520-L&LB	Beechcraft	58TC Baron.
TSIO-520-M	Cessna	T207.
TSIO-520-M	Cessna	TU206.
TSIO-520-N	Cessna	414-II Chancellor.
TSIO-520-N	Cessna	340.
TSIO-520-NB	Cessna	414-II.
TSIO-520-NB	Cessna	340.
TSIO-520-P	Cessna	P210N.
TSIO-520-R	Cessna	T210 M.
TSIO-520-R	Cessna	T210N II.
TSIO-520-T	Cessna	T188C AG Husky.
TSIO-520-UB	Beechcraft	A36TC Bonanza.
TSIO-520-UB	Beechcraft	B36TC.
TSIO-520-VB	Cessna	402 C.
TSIO-520-WB	Beechcraft	58P Baron.
TSIO-520-WB	Beechcraft	58TC Baron.

This AD also applies to SAP, cast cylinder assemblies, P/Ns SL32000W-A1, SL32000W-A20P, SL32000W-A21P, SL32000WH-A1, SL32000WH-A20P, SL32006W-A1, SL32006W-A20P, SL32006W-A21P, SL36000TW-A1, SL36000TW-A20P,

SL36000TW-A21P, SL36000TW-A22P, SL36000W-A1, SL36000W-A20P, SL36000W-A21P, SL36006W-A1, SL36006W-A20P, and SL36006W-A21P, installed in Lycoming Engines (LE) 320, 360, and 540 series reciprocating engines and

Avco Lycoming 540 series reciprocating engines. These P/N cylinder assemblies may be installed in the LE and AL engine models listed in the following Table 3.

TABLE 3.—AFFECTED LYCOMING ENGINES AND AVCO LYCOMING ENGINE MODELS

Engine model	
O-320	-A, -B, -C, -D, -E, H.
IO-320	-B, -D, -E.
LIO-320	-B.
AIO-320	-A, -B, -C.
AEIO-320	-D, -E.
O-360	-A, -B, -C, -D, -F, -G, -J.
IO-360	-B, -L, -M.
LO-360	-A.
AEIO-360	-B, -H.
HO-360	-C.
HIO-360	-B.
O-540	-A, -B, -E, -F, -G, -H, -J.
IO-540	-A, -C, -D, -N, -T, -V, -W.
AEIO-540	-D.

These engine models are installed in, but not limited to, the aircraft models listed in the following Table 4:

TABLE 4.—LYCOMING ENGINES AND AVCO LYCOMING-RELATED AIRCRAFT MODELS

Engine model	Aircraft manufacturer	Aircraft model designation
O-320-A	Mooney Aircraft	Mark 20A.
O-320-A1A	Piper Aircraft	PA-23-150 Apache.
O-320-A1A	Piper Aircraft	PA-22-150 Tri-Pacer.
O-320-A1A	Piper Aircraft	PA-22S-150 Tri-Pacer.
O-320-A1A	Piper Aircraft	PA-25 Pawnee.
O-320-A1A	Doyn Aircraft	Doyn-Cessna 170,170A,170B.
O-320-A1A	Dinfia	Ranquel 1A-46.
O-320-A1A	Simmering-Graz Pauker	Flamingo SGP-M-222.
O-320-A1A	Aviamilano	Scricciolo P-19.
O-320-A1A	Vos Helicopter Co	Spring Bok.
O-320-A1A	Mooney Aircraft	Mark 20A.
O-320-A1B	Piper Aircraft	PA-22-150 Tri-Pacer.
O-320-A1B	Piper Aircraft	PA-22S-150 Tri-Pacer.
O-320-A1B	Piper Aircraft	PA-23 Apache.
O-320-A1B	Doyn Aircraft	Doyn-Cessna 170,170A,170B.
O-320-A1B	S.O.C.A.T.A	Horizon (Gardan).
O-320-A2A	Piper Aircraft	PA-22-150.
O-320-A2A	Piper Aircraft	PA-22S-150.
O-320-A2A	Piper Aircraft	Agriculture PA-18A-150.
O-320-A2A	Piper Aircraft	Super Cub PA-18-150.
O-320-A2A	Piper Aircraft	Caribbean PA-22-150.
O-320-A2A	Piper Aircraft	PA-25 Pawnee.
O-320-A2A	Lake Aircraft	Colonial C1.
O-320-A2A	Intermountain Mfg. Co	Call Air Texas A-5, A-5T.
O-320-A2A	Rawdon Bros	Rawdon T-1, T-15, T-15D.
O-320-A2A	Shinn Engineering	Shinn 2150-A.
O-320-A2A	Dinfia	Ranquel 1A-46.
O-320-A2A	Neiva	1PD-5802.
O-320-A2A	Sud	Gardan-Horizon (GY-80).
O-320-A2A	La Verda	Falco F8L Series II, America.
O-320-A2A	Malmö	Vipan MF1-10.
O-320-A2A	Kingsford Smith	Autocrat SCRM-153.
O-320-A2B	Aero Commander	100.
O-320-A2B	Piper Aircraft	PA-22-150.
O-320-A2B	Piper Aircraft	PA-22S-150.
O-320-A2B	Piper Aircraft	Cherokee PA-28-150.
O-320-A2B	Piper Aircraft	Super Cub PA-18-150.
O-320-A2B	Champion Aircraft	Challenger 7GCA, 7GCB, 7KC.
O-320-A2B	Champion Aircraft	Citabria 7GCAA, 7GCRC.
O-320-A2B	Champion Aircraft	Agriculture 7GCBA.
O-320-A2B	Beagle	Pup 150.
O-320-A2B	Arctic	Interstate S1B2.
O-320-A2B	Robinson Helicopters	R-22.
O-320-A2C	Robinson Helicopters	R-22.
O-320-A2C	Varga	Kachina 2150a.
O-320-A2C	Cicare	Cicare AG.
O-320-A2D	Bellanca Aircraft	Citabria 150 (7GCAA).
O-320-A2D	Bellanca Aircraft	Citabria 150S (7GCBC).
O-320-A2D	Bellanca	Citabria 150S (7G(HU)).
O-320-A2F	Cessna Aircraft	177A.
O-320-A3A	Piper Aircraft	Apache PA-23.
O-320-A3A	Doyn Aircraft	Doyn-Cessna 170, 170A, 170B.
O-320-A3A	Corben-Fettes	Globe Special (Globe GC-1B).
O-320-A3B	Piper Aircraft	Apache PA-23.
O-320-A3B	Doyn Aircraft	Doyn-Cessna 170, 170A, 170B.
O-320-A3B	Teal II	TSC 1A2.
O-320-B1A	Piper Aircraft	Apache PA-23-160.
O-320-B1A	Doyn Aircraft	Doyn-Cessna 170, 170A, 170B.
O-320-B1A	Malmö	Vipan MF1-10.
O-320-B1B	Piper Aircraft	Apache PA-23-160.
O-320-B1B	Doyn Aircraft	Doyn-Cessna 170, 170A, 170B.
O-320-B2A	Piper Aircraft	PA-22-160.
O-320-B2A	Piper Aircraft	PA-22S-160.
O-320-B2B	Piper Aircraft	PA-22-160.
O-320-B2B	Piper Aircraft	PA-22S-160.
O-320-B2B	Beagle	Airedale D5-160.
O-320-B2B	Fuji-Heavy Industries	Fuji F-200.
O-320-B2B	Uirapuru	Aerotec 122.
O-320-B2C	Robinson Helicopters	R22-HP, Alpha, Beta.
O-320-B2D	Maule	MX-7-160.
O-320-B2E	Lycon.	
O-320-B3A	Piper Aircraft	Apache PA-23-160.

TABLE 4.—LYCOMING ENGINES AND AVCO LYCOMING-RELATED AIRCRAFT MODELS—Continued

Engine model	Aircraft manufacturer	Aircraft model designation
O-320-B3A	Doyn Aircraft	Doyn-Cessna 170, 170A, 170B.
O-320-B3B	Piper Aircraft	PA-23-160 Apache.
O-320-B3B	Doyn Aircraft	Doyn-Cessna 170, 170A, 170B.
O-320-B3B	Sud	Gardan (GY80-160).
O-320-C1A	Piper Aircraft	Apache PA-23-160.
O-320-C1A	Riley Aircraft	Rayjay (Apache).
O-320-C1B	Piper Aircraft	Apache PA-23-160.
O-320-C3A	Piper Aircraft	Apache PA-23-160.
O-320-C3B	Piper Aircraft	Apache PA-23-160.
O-320-D1A	Sud	Gardan (GY80).
O-320-D1A	Gyroflug	Speed Cancard.
O-320-D1A	Grob	G115.
O-320-D1D	Gulfstream	GA-7.
O-320-D1F	Slingsby	T67 Firefly.
O-320-D2A	Piper Aircraft	Cherokee PA-28S-160.
O-320-D2A	Robin	Major DR400-140B.
O-320-D2A	Robin	Chevalier DR-360, R-3140.
O-320-D2A	S.O.C.A.T.A	Tampico TB9.
O-320-D2A	Slingsby	T67C Firefly.
O-320-D2A	Daetwyler	MD-3-160.
O-320-D2A	Nash Aircraft Ltd	Petrel.
O-320-D2A	Aviolight	P66D Delta.
O-320-D2A	General Avia	Pinguino.
O-320-D2B	Beechcraft	Musketeer A23.
O-320-D2B	Piper Aircraft	Cherokee PA-28-160.
O-320-D2J	Cessna	Skyhawk 172 P.
O-320-D3G	Piper Aircraft	Cadet PA-28-161.
O-320-D3G	Piper Aircraft	Warrior II.
O-320-E1A	Grob	G115.
O-320-E1C	M.B.B. (Messerschmitt-Boelkow-Blohm)	Monsun (BO-209-B).
O-320-E1F	M.B.B	Monsun (BO-209-B).
O-320-E2A	Piper Aircraft	Cherokee PA-28-140.
O-320-E2A	Piper Aircraft	Cherokee PA-28-150.
O-320-E2A	Robin	Major (DR-340).
O-320-E2A	Robin	Sitar.
O-320-E2A	Robin	Bagheera (GY-100-135).
O-320-E2A	S.O.C.A.T.A	Super Rallye (MS-886).
O-320-E2A	S.O.C.A.T.A	Rallye Commodore (MS-892).
O-320-E2A	Siai-Marchetti	S-202.
O-320-E2A	F.F.A	Bravo (AS-202/15).
O-320-E2A	Partenavia	Oscar (P66B).
O-320-E2A	Partenavia	Bucker (131 APM).
O-320-E2A	Aeromot	Paulistina P-56.
O-320-E2A	Pezetel	Koliber 150.
O-320-E2C	Beechcraft	Musketeer (B19).
O-320-E2C	Beechcraft	Musketeer III (M-23111).
O-320-E2C	M.B.B	Monsun (BO-209-B).
O-320-E2D	Beechcraft	B19 Sport.
O-320-E2D	Cessna	177.
O-320-E2D	Cessna	172 I-M.
O-320-E2D	Piper Aircraft	PA-28-151.
O-320-E2D	Piper Aircraft	PA-28-140.
O-320-E2D	Cessna	Cardinal (172.1, 177).
O-320-E2F	M.B.B	Monsun (BO-209-B).
O-320-E2F	M.B.B	Wassmer Pacific (WA-5 1).
O-320-E2G	Gulfstream	AA5 Traveler.
O-320-E2G	Gulfstream	AA5A Cheetah.
O-320-E3D	Beechcraft	B19 Sport.
O-320-E3D	Piper Aircraft	Cherokee (140).
O-320-H2AD	Cessna	Skyhawk 172 N.
O-320-H2AD	Partenavia	P-66C.
O-320A2C	Varga	Kachina 2150.
IO-320-B2A	Piper Aircraft	Twin Comanche (PA-30).
IO-320-B1C	Hi.	
IO-320-B1C	Shear.	
IO-320-B1C	Wing.	
IO-320-B1D	Ted Smith Aircraft	Aerostar.
IO-320-D1A	M.B.B	Monsun (BO-209-C).
IO-320-D1B	M.B.B	Monsun (BO-209-C).
IO-320-E1A	Champion	KCAB.
IO-320-E1A	M.B.B	Monsun (BO-209-C).
IO-320-E1B	Bellanca Aircraft.	

TABLE 4.—LYCOMING ENGINES AND AVCO LYCOMING-RELATED AIRCRAFT MODELS—Continued

Engine model	Aircraft manufacturer	Aircraft model designation
IO-320-E2A	Champion	7 KCAB.
IO-320-E2A	Champion Aircraft	Citabria.
IO-320-E2B	Bellanca Aircraft.	
IO/LIO-320-B1A	Piper Aircraft	PA-30 Comanche (2).
IO/LIO-320-B1A	Piper Aircraft	Twin Comanche (PA-39).
AIO-320-BI B	M.B.B	Monsun (BO-209-C).
AEIO-320-D1B	Slingsby	T67M Firefly.
AEIO-320-D2B	Hindustan Aeronautics Ltd	HT-2.
AEIO-320-E1A	Bellanca Aircraft.	
AEIO-320-E1A	Champion Aircraft.	
AEIO-320-E1B	Bellanca Aircraft.	
AEIO-320-E1B	Champion Aircraft	Decathalon (8KCAB-CS).
AEIO-320-E2B	Bellanca Aircraft.	
AEIO-320-E2B	Champion Aircraft	Decathalon (8KCAB).
O-320-A1A	Riley Aircraft	Riley Twin.
O-360-A1A	Beechcraft	Travel Air (95, B-95).
O-360-A1A	Piper Aircraft	Comanche (PA-24).
O-360-A1A	Intermountain Mfg. Co	Call Air (A-6).
O-360-A1A	Lake Aircraft	Colonial (C-2, LA-4, 4A or 4P).
O-360-A1A	Doyn Aircraft	Doyn-Cessna (170B, 172, 172A, 172B).
O-360-1A	Mooney Aircraft	Mark "20B" (M-20B).
O-360-A1A	Earl Horton	Pawnee (Piper PA-25).
O-360-A1A	Dinfia	Ranquel (IA-51).
O-360-A1A	Neiva	(IPD-5901).
O-360-A1A	Regente	(N-591).
O-360-A1A	Wassmer	Super 4 (WA-50A).
O-360-A1A	Wassmer	Sancy (WA-40).
O-360-A1A	Wassmer	Baladou (WA-40).
O-360-A1A	Wassmer	Pariou (WA-40).
O-360-A1A	Sud	Gardan (GY-180).
O-360-A1A	Bolkow	(207).
O-360-A1A	Partenavia	Oscar (P-66).
O-360-A1A	Siai-Marchetti	(S-205).
O-360-A1A	Procaer	Picc Hio (F-15-A).
O-360-A1A	S.A.A.B	Safir (91-D).
O-360-A1A	Malmo	Vipan (MF-10B).
O-360-A1A	Aero Boero	AB-180.
O-360-A1A	Beagle	Airedale (A-109).
O-360-A1A	DeHavilland	Drover (DHA-3MK3).
O-360-A1A	Kingsford-Smith	Bushmaster (J5-6).
O-360-A1A	Aero Engine Service Ltd	Victa (R-2).
O-360-A1AD	S.O.C.A.T.A	Tabago TB-10.
O-360-A1D	Piper Aircraft	Comanche (PA-24).
O-360-A1D	Lake Aircraft	Colonial (LA-4, 4A or 4P).
O-360-A1D	Doyn Aircraft	Doyn-Beech (Beech 95).
O-360-A1D	Mooney Aircraft	Master 21 (M-20E).
O-360-A1D	Mooney Aircraft	Mark 20B, 20D, (M20B, M20C).
O-360-A1D	Mooney Aircraft	Mooney Statesman (M-20G).
O-360-A1D	Dinfia	Querandi (IA-45).
O-360-A1D	Wassmer	(WA-50).
O-360-A1D	Malmo	Vipan (MFI-10).
O-360-A1D	Cessna Aircraft	Skyhawk.
O-360-A1D	Doyn Aircraft	Doyn-Piper PA-23-160.
O-360-A1F6	Cessna Aircraft	Cardinal.
O-360-A1F6D	Cessna Aircraft	Cardinal 177.
O-360-A1F6D	Teal III	TSC (1A3).
O-360-A1G6	Aero Commander.	
O-360-A1G6D	Beech Aircraft	Duchess 76.
O-360-A1H6	Piper Aircraft	Seminole (PA-44).
O-360-A1 LD	Wassmer	Europa WA-52.
O-360-AIP	Aviat.	
O-360-AIP	Husky.	
O-360-A2A	Center Est Aeronautique	Regente (DR-253).
O-360-A2A	S.O.C.A.T.A	Rallye Commodore (MS-893).
O-360-A2A	Societe Aeronautique Normande	Mousquetaire (D-140).
O-360-A2A	Bolkow	Klemm (KI-1 07C).
O-360-A2A	Partenavia	Oscar (P-66).
O-360-A2A	Beagle	Husky (D5-180) (J1-U).
O-360-A2D	Piper Aircraft	Comanche PA-24.
O-360-A2D	Piper Aircraft	Cherokee C PA-28-180.
O-360-A2D	Mooney Aircraft	Master 21 (M-20D).
O-360-A2D	Mooney Aircraft	Mark 21 (M-20E).

TABLE 4.—LYCOMING ENGINES AND AVCO LYCOMING-RELATED AIRCRAFT MODELS—Continued

Engine model	Aircraft manufacturer	Aircraft model designation
O-360-A2E	Std. Helicopter.	
O-360-A2F	Aero Commander	Lark(100).
O-360-A2F	Cessna Aircraft	Cardinal.
O-360-A2G	Beech Aircraft	Sport.
O-360-A3A	C.A.A.R.P.S.A.N	(M-23111).
O-360-A3A	Societe Aeronautique Normande	Jodel (D-140C).
O-360-A3A	Robin	Regent (DR400/180).
O-360-A3A	Robin	Remorqueur (DR400/180R).
O-360-A3A	Robin	R-3170.
O-360-A3A	S.O.C.A.T.A	Rallye 180GT.
O-360-A3A	S.O.C.A.T.A	Sportavia Sportsman (RS-180).
O-360-A3A	Norman Aerospace Co	NAC-1 Freelance.
O-360-A3A	Nash Aircraft Ltd	Petre.
O-360-A3AD	S.O.C.A.T.A	TB-10.
O-360-A3AD	Robin	Aiglon (R-I 180T).
O-360-A4A	Piper Aircraft	Cherokee "D" PA-28-180.
O-360-A4D	Varga	Kachina.
O-360-A4G	Beech Aircraft	Musketeer Custom III.
O-360-A4K	Grumman American	Tiger.
O-360-A4K	Beech Aircraft	Sundowner 180.
O-360-A4M	Piper Aircraft	Archer II PA-28-18.
O-360-A4M	Valmet	PIK-23.
O-360-A4N	Cessna Aircraft	172 (Optional).
O-360-A4P	Penn Yan	Super Cub Conversion.
O-360-A5AD	C. Itoh and Co	Fuji FA-200.
O-360-B2C	Seabird Aviation	SB7L.
O-360-C1A	Intermountain Mfg. Co	Call Air (A-6).
O-360-C1E	Bellanca Aircraft	Scout (8GCBC-CS).
O-360-C1F	Maule	Star Rocket MX-7-180.
O-360-C1G	Christen	Husky (A-1).
O-360-C2B	Hughes Tool Co	(269A).
O-360-C2D	Hughes Tool Co	(269A).
O-360-C2E	Hughes Tool Co	YHO-2HU Military.
O-360-C2E	Bellanca Aircraft	Scout 8GCBC FP.
O-360-C4F	Maule	MX-7-180A.
O-360-C4P	Penn Van	Super Cub Conversion.
O-360-F1A6	Cessna Aircraft	Cutlass RG.
O-360-J2A	Robinson	R22.
IO-360-B1A	Beech Aircraft	Travel-Air (B-95A).
IO-360-B1A	Doyn Aircraft	Doyn-Piper PA-23-200.
IO-360-B1B	Beech Aircraft	Travel-Air (B-95B).
IO-360-B1B	Doyn Aircraft	Doyn-Piper PA-23-200.
IO-360-B1B	Fuji	FA-200.
IO-360-B1D	United Consultants	See-Bee.
IO-360-B1E	Piper Aircraft	Arrow PA-28-180R.
IO-360-B1F	Utva	75.
IO-360-B2E	C.A.A.R.P	C.A.P. (10).
IO-360-B1F6	Great Lakes	Trainer.
IO-360-B1G6	American Blimp	Spector 42.
IO-360-B2F6	Great Lakes	Trainer.
LO-360-A1 G6D	Beech Aircraft	Duchess.
LO-360-A1H6	Piper Aircraft	Seminole (PA-44).
IO-360-E1A	T.R. Smith Aircraft	AeroStar.
IO-360-L2A	Cessna Aircraft	Skyhawk C-172.
IO-360-M1A	Diamond Aircraft	DA-40.
IO-360-M1B	Vans Aircraft	RV6, RV7, RV8.
IO-360-M1B	Lancair	360.
AIO-360-B1B	Moravan	Zim (Z-526-L).
AEIO-360-B1G6	Great Lakes.	
AEIO-360-B2F	Mundry	CAP-10.
AEIO-360-B4A	Pitts	S-1S.
AEIO-360-HiA	Bellanca Aircraft	Super Decathlon (8KCAB-180).
AEIO-360-HiB	American Champion	Super Decathlon.
HO-360-B1A	Hughes Tool Co	269A.
HO-360-B1B	Hughes Tool Co	269A.
HO-360-C1A	Schweizer	300C.
HiO-360-A1A	Hughes Tool Co	300.
H1O-360-A1B	Silvercraft.	
HiO-360-B1A	Hughes Tool Co	Military 269-A-1.
H1O-360-B1B	Hughes Tool Co	269A.
O-360-D1A	Hughes Tool Co	269C, 300C.
O-360-D1A	Schweizer	300C.

TABLE 4.—LYCOMING ENGINES AND AVCO LYCOMING-RELATED AIRCRAFT MODELS—Continued

Engine model	Aircraft manufacturer	Aircraft model designation
HIO-360-E1AD	Enstrom Helicopter	F28C.
HIO-360-E1BD	Enstrom Helicopter	F28C.
HIO-360-F1AD	Enstrom Helicopter	Faicon F28F.
HIO-360-F1AD	Enstrom Helicopter	Shark 280FX.
HIO-360-F1AD	Enstrom Helicopter	Sentine F28F-P.
HIO-360-G1A	Schweizer	CB.
LHIO-360-C1A	Silvercraft	SH-4 Helicopter.
LHIO-360-C1B	Silvercraft	SH-3 Helicopter.
O-540-A1A	Rhein-Flugzeugbau	RF-1.
O-540-A1A5	Piper Aircraft	Comanche PA-24-150.
O-540-A1A5	Helio	Military H-250.
O-540-A1A5	Yoeman Aviation	YA-1.
O-540-A1B5	Piper Aircraft	Aztec PA-23-250.
O-540-A1B5	Piper Aircraft	Comanche PA-24-250.
O-540-A1C5	Piper Aircraft	Comanche PA-24-250.
O-540-A1D	Found Bros	FBA-2C.
O-540-A1D	Dornier	O-28-B1.
O-540-A1D5	Piper Aircraft	Aztec PA-23-250.
O-540-A1D5	Piper Aircraft	Comanche PA-24-250.
O-540-A1D5	Piper Aircraft	Military Aztec U-1 1A.
O-540-A1D5	Dornier	DO-28.
O-540-A2B	Aero Commander	500.
O-540-A2B	Mid-States Mfg. Co	Twin Courier 11-500, U-5.
O-540-A3D5	Piper Aircraft	Navy Aztec PA-23-250.
O-540-B1A5	Piper Aircraft	Apache PA-23-235.
O-540-B1B5	Piper Aircraft	Cherokee PA-24-250.
O-540-B1B5	Doyn Aircraft	Doyn-Piper PA-24-250.
O-540-B1D5	Wassmer	WA-421.
O-540-B2B5	Piper Aircraft	Pawnee PA-24-235.
O-540-B2B5	Piper Aircraft	Cherokee PA-28-235.
O-540-B2B5	Piper Aircraft	Aztec PA-23-235.
O-540-B2B5	Intermountain Mfg. Co	Call Air A-9.
O-540-B2B5	Rawdon Bros	Rawdon T-I.
O-540-B2B5	S.O.C.A.T.A	Rallye 235CA.
O-540-B2C5	Piper Aircraft	Pawnee PA-24-235.
O-540-B4B5	Piper Aircraft	Cherokee PA-28-235.
O-540-B4B5	Embraer	Coriaca EMB-710.
O-540-B4B5	S.O.C.A.T.A	Rallye 235GT.
O-540-B4B5	S.O.C.A.T.A	Rallye 235C.
O-540-B4B5	Maule	Star Rocket MX-7-235.
O-540-B4B5	Maule	Super Rocket M-6-235.
O-540-B4B5	Maule	Super Std. Rocket M-7-235.
O-540-E4A5	Piper Aircraft	Comanche PA-24-260.
O-540-E4A5	Aviamilano	Flamingo F-250.
O-540-E4A5	Siai-Marcobetti	SF-260, SF-208.
O-540-E4B5	Britten-Norman	BN-2.
O-540-E4C5	Piper Aircraft	Cherokee Six PA-32-260.
O-540-E4C5	Pilatus Britten-Norman	Islander BN-2A-26.
O-540-E4C5	Pilatus Britten-Norman	Islander BN-2A-27.
O-540-E4C5	Pilatus Britten-Norman	Islander II BN-2B-26.
O-540-E4C5	Pilatus Britten-Norman	Islander BN-2A-2 1.
O-540-E4C5	Pilatus Britten-Norman	Trislander BN-2A-Mark 111-2.
O-540-F1B5	Omega Aircraft	BS-12D1.
O-540-F1B5	Robinson	R-44.
O-540-G1A5	Piper Aircraft	Pawnee PA-25-260.
O-540-H1B5D	Aero Boero	260.
O-540-H2A5	Embraer	Impanema "AG".
O-540-H2A5	Gippsland	GA-200.
O-540-H2B5D	Aero Boero	260.
O-540-J1A5D	Maule	Star Rocket MX-7-235.
O-540-J1A5D	Maule	Super Rocket M-6-235.
O-540-J1A5D	Maule	Super Std. Rocket M-7-235.
O-540-J3A5	Robin	R-3000/235.
O-540-J3A5D	Piper Aircraft	Dakota PA-28-236.
O-540-J3C5D	Cessna Aircraft	Skylane RG.
IO-540-A1A5	Doyn Aircraft	Doyn-Piper PA-23-250.
IO-540-A1A5	Riley Aircraft	Rocket-Cessna 310.
IO-540-A1A5	Dornier	DO-8-B 1.
IO-540-A1A5	Siai-Marchetti	
IO-540-C1B5	Piper Aircraft	Aztec B PA-23-250.
IO-540-C1B5	Piper Aircraft	Comanche PA-24-250.
IO-540-C1C5	Riley Aircraft	Turbo-Rocket.

TABLE 4.—LYCOMING ENGINES AND AVCO LYCOMING-RELATED AIRCRAFT MODELS—Continued

Engine model	Aircraft manufacturer	Aircraft model designation
IO-540-C4B5	Piper Aircraft	Aztec C PA-23-250.
IO-540-C4B5	Piper Aircraft	Aztec F.
IO-540-C4B5	Wassmer	WA4-2 1.
IO-540-C4B5	Avions Pierre Robin	HR 100/250.
IO-540-C4B5	Bellanca Aircraft	Aries T-250.
IO-540-C4B5	Aerofab	Renegade 250.
IO-540-C4D5	S.O.C.A.T.A	TB-20.
IO-540-C4DSD	S.O.C.A.T.A	Trinidad TB-20.
IO-540-D4A5	Piper Aircraft	Comanche PA-24-260.
IO-540-D4A5	Siai-Marchetti	SF-260.
IO-540-D4B5	Cerva	CE-43 Guepard.
IO-540-E1A5	Aero Commander	500-E.
IO-540-EIB5	Aero Commander	500-U.
IO-540-EIB5	Shrike	500-S.
IO-540-EIB5	Poeschel	P-300.
IO-540-GIA5	Doyn Aircraft	Doyn-Piper PA-23-250.
IO-540-GIA5	Riley Aircraft	Turbo-Aztec.
IO-540-GIA5	DeHavilland	Heron Conversion.
IO-540-GIB5	T.R. Smith Aircraft	Aerostar 600.
IO-540-GIB5	Found Bros	Centennial 100.
IO-540-G1C5	Intermountain Mfg. Co	Call Air 1AR821.
IO-540-G1DS	Intermountain Mfg. Co	IAR-822, IAR-826, IAR-823.
IO-540-G1F5	Bellanca Aircraft.	
IO-540-N IA5	Piper Aircraft	Comanche 260.
IO-540-T4A5D	General Aviation	Model 114.
IO-540-T4B5	Commander	1 14B.
IO-540-T4B5D	Rockwell	114.
IO-540-T4C5D	Lake Aircraft	Seawolf.
IO-540-WIA5	Maule	MX-7-235, MT-7-235, M7235.
IO-540-W1A5D	Maule	Star Rocket MX-7-235.
IO-540-W1A5D	Maule	Super Rocket M-6-235.
IO-540-W1A5D	Maule	Super Std. Rocket M-7-235.
IO-540-W3A5D	Schweizer	Power Glider.
IO-540-AB1A5	Cessna Aircraft	Skylane C-182.
AEIO-540-D4A5	Christen	Pitts S-2S, S-2B.
AEIO-540-D4A5	Siai-Marchetti	SF-260.
AEIO-540-D4A5	H.A.L	HPT-32.
AEIO-540-D4A5	Slingsby	Firefly T3A.
AEIO-540-D4B5	Moravan	Zlin-50L.
AEIO-540-D4B5	H.A.L	HPT-32.
AEIO-540-D4D5	Burkhart Grob	Grob G, 1 15T Aero.

These engine models are known to be installed in the aircraft models listed in the following Table 5:

TABLE 5.—SUPERIOR AIR PARTS, INC.—RELATED AIRCRAFT MODELS

Engine model	Aircraft manufacturer	Aircraft model designation
O-360-A3A2	American Champion	7GCBC & 7GCAA.

Unsafe Condition

(d) This AD results from comments from the Public on the existing AD. We are issuing this AD to prevent cylinder separation that can lead to engine failure, a possible engine compartment fire, and damage to 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.

Determining Which Cylinder Assemblies Are Installed

(f) If aircraft engine records do not list the P/N of the cylinder installed during engine overhaul or repair, visually inspect the cylinders. The affected SAP cylinder head barrel flanges are marked: SA47000L-A1, SA47000L-A20P, SA47000S-A1, SA47000S-A20P, SA47000S-A21P, SA52000-A1, SA52000-A20P, SA52000-A21P, SA52000-A22P, SA52000-A23P, SA55000-A1, or SA55000-A20P or SL32000W-A1, SL32000W-A20P, SL32000W-A21P, SL32000WH-A1, SL32000WH-A20P, SL32006W-A1, SL32006W-A20P, SL32006W-A21P, SL36000TW-A1,

SL36000TW-A20P, SL36000TW-A21P, SL36000TW-A22P, SL36000W-A1, SL36000W-A20P, SL36000W-A21P, SL36006W-A1, SL36006W-A20P, or SL36006W-A21P.

Cylinder Assembly Removal

(g) Remove all cylinder assemblies with a serial number of 47LE053559 through 47LF053643, or 47SE054212 through 47SF054251, or 52D0531708 through 52H0532197, or 55E05223 through 55G05289, or 32WE059006 through 32WF059067, or 32WHE05379 through 32WHE05392, or 326WF055517 through 326WF055532, or 36TWF05430 through

36TWG05453, or 36WF058058 through 36WG058124, or 36WE056944 through 36WF057061, or 36WF057150 through 36WF057232, or 36WF057259 through 36WG057534, or 36WG057556, 36WG057569, 36WG057598, 36WG057616, 36WG057621, 36WG057624, or 36WJ057770 through 36WJ057776, or 36WL058131 no later than 150 hours total time-in-service (TIS) to preclude cylinder head fatigue failure and separation at the head-to-barrel threaded interface.

(h) For cylinder assemblies with more than 150 hours total TIS on the effective date of this AD, a 10 hour TIS extension is permitted for the purpose of flying the aircraft to a location where maintenance action can be done to meet the requirements of this AD.

(i) After the effective date of this AD, do not install any cylinder assemblies with P/Ns SA47000L-A1, SA47000L-A20P, SA47000S-A1, SA47000S-A20P, SA47000S-A21P, SA52000-A1, SA52000-A20P, SA52000-A21P, SA52000-A22P, SA52000-A23P, SA55000-A1, or SA55000-A20P, or SL32000W-A1, SL32000W-A20P, SL32000W-A21P, SL32000WH-A1, SL32000WH-A20P, SL32006W-A1, SL32006W-A20P, SL32006W-A21P, SL36000TW-A1, SL36000TW-A20P, SL36000TW-A21P, SL36000TW-A22P, SL36000W-A1, SL36000W-A20P, SL36000W-A21P, SL36006W-A1, SL36006W-A20P, or SL36006W-A21P with a serial number of 47LE053559 through 47LF053643, or 47SE054212 through 47SF054251, or 52D0531708 through 52H0532197, or 55E05223 through 55G05289, or 32WE059006 through 32WF059067, or 32WHE05379 through 32WHE05392, or 32WF055517 through 32WF055532, or 36TW05430 through 36TWG05453, or 36WF058058 through 36WG058124, or 36WE056944 through 36WF057061, or 36WF057150 through 36WF057232, or 36WF057259 through 36WG057534, or 36WG057556, 36WG057569, 36WG057598, 36WG057616, 36WG057621, 36WG057624, or 36WJ057770 through 36WJ057776, or 36WL058131 into any engine.

Alternative Methods of Compliance

(j) The Manager, Special Certification Office, FAA, Rotorcraft Directorate, has the authority to approve alternative methods of compliance for this AD if requested using the procedures found in 14 CFR 39.19.

Special Flight Permits

(k) For aircraft with engines that have between 140 hours and 150 hours TIS only, special flight permits may be issued in accordance with §§ 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the aircraft to a location where the requirements of this AD can be done. Special flight permits may not be issued for aircraft that have utilized the provisions of paragraph (h) of this AD.

Related Information

(l) Superior Air Parts, Inc. Mandatory Service Bulletin B06-01, Rev. E, dated

January 24, 2007, contains information related to the subject of this AD.

(m) Contact Jurgen Priester, Aerospace Engineer, Special Certification Office, FAA, Rotorcraft Directorate, Southwest Regional Headquarters, 2601 Meacham Blvd., Fort Worth, Texas 76137; e-mail: Jurgen.E.Priester@faa.gov; telephone (817) 222-5159; fax (817) 222-5785 for more information about this AD.

Material Incorporated by Reference

(n) None.

Issued in Burlington, Massachusetts, on March 23, 2007.

Peter A. White,

Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. E7-5915 Filed 3-30-07; 8:45 am]

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FEDERAL MARITIME COMMISSION

46 CFR Part 501

[Docket No. 05-01]

Agency Reorganization and Delegations of Authority

AGENCY: Federal Maritime Commission.

ACTION: Final rule; corrections.

SUMMARY: This document corrects the regulations in sections 501.27 of 46 CFR parts 501 inadvertently omitted from the Final Rule published on February 15, 2005. These revisions to the regulations are non-substantive and no public comments on the Final Rule are necessary.

DATES: *Effective Date:* April 2, 2007.

FOR FURTHER INFORMATION CONTACT:

Amy W. Larson, General Counsel, Federal Maritime Commission, 800 North Capitol Street, NW., Room 1018, Washington, DC 20573-0001, (202) 523-5740. E-mail: GeneralCounsel@fmc.gov.

Bryant L. VanBrakle, Secretary, Federal Maritime Commission, 800 North Capitol Street, NW., Room 1018, Washington, DC 20573-0001. (202) 523-5725. E-mail: Secretary@fmc.gov.

SUPPLEMENTARY INFORMATION: On October 27, 2004, the Federal Maritime Commission ("FMC" or "Commission") issued a final rule changing several provisions in the Commission's agreement rules and delegating authority to the Director, Bureau of Trade Analysis to request certain information. 46 CFR part 535. Docket No. 03-15, 46 CFR parts 501 and 535, *Ocean Common Carrier and Marine Terminal Operator Agreements Subject to the Shipping Act of 1984*, 69 FR 64398 (Nov. 4, 2004). On February 10, 2005, the Commission adopted a Final

Rule to amend its regulations in 46 CFR part 501 to reflect the reorganization of the agency that took effect on August 23, 2004. Docket No. 05-01, 46 CFR parts 501, 502, 515, *Agency Reorganization and Delegations of Authority*, 70 FR 7659 (Feb. 15, 2005).

This document revises certain sections of the regulation in part 501 of the Final Rule published on February 15, 2005. The revisions correct certain omissions and errors in the regulations, which were not detected in the course of preparing the Final Rule for publication. The revisions are non-substantive in nature and do not alter the decision adopted by the Commission in this Final Rule. Therefore, no further public comments on the Final Rule are necessary. The following sections in the regulations of part 501 of the Final Rule have been revised.

List of Subjects for 46 CFR Part 501

Administrative practice and procedure, Authority delegations (Government agencies).

■ Accordingly, the Federal Maritime Commission corrects 46 CFR part 501 as follows:

Authority: 46 U.S.C. 305; 46 U.S.C. 40104; 46 U.S.C. 40302; 46 U.S.C. 40304.

PART 501—THE FEDERAL MARITIME COMMISSION—GENERAL

■ 1. Amend § 501.27 by revising paragraphs (c) and (d), and adding new paragraphs (o) and (p) to read as follows:

§ 501.27 Delegation to the Director, Bureau of Trade Analysis.

* * * * *

(c) Authority to grant or deny applications filed under § 535.504 of this chapter for waiver of the Information Form requirements in subpart E of part 535.

(d) Authority to grant or deny applications filed under § 535.705 of this chapter for waiver of the reporting requirements in subpart G of part 535 of this chapter.

* * * * *

(o) Authority to require Monitoring Reports from, or prescribe alternative periodic reporting requirements for, parties to agreements under §§ 535.702(c) and (d) of this chapter.

(p) Authority to require parties to agreements subject to the Monitoring Report requirements in § 535.702(a)(2) of this chapter to report their agreement

commodity data on a sub-trade basis pursuant to § 535.703(d) of this chapter.

Bryant L. VanBrakle,
Secretary.

[FR Doc. E7-6060 Filed 3-30-07; 8:45 am]

BILLING CODE 6730-01-P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Parts 23 and 26

[Docket OST-97-2550]

RIN 2105-AD51

Disadvantaged Business Enterprise Program

AGENCY: Office of the Secretary, DOT.
ACTION: Final rule.

SUMMARY: This document adjusts the dollar limits and size limits used to define small businesses for the Department of Transportation's Airport Concessions Disadvantaged Business Enterprise (ACDBE) program. The Department of Transportation amends these size limits in order to ensure that the opportunity of small businesses to participate in the ACDBE program remains unchanged after taking inflation into account. This document, as required by statute, also adjusts the dollar limits used to define small businesses for the Department of Transportation's Disadvantaged Business Enterprise (DBE) program, which applies to State and local highway, transit, and airport recipients of DOT financial assistance. This document also corrects a reference error in a previous final rule. Finally, this document makes minor changes to the language of a previous rule in order to accurately explain the role of administrative guidance material.

DATES: This rule is effective May 2, 2007.

FOR FURTHER INFORMATION CONTACT: Robert C. Ashby, Deputy Assistant General Counsel for Regulation and Enforcement, Department of Transportation, 400 7th Street, SW., Room 10424, Washington, DC 20590, phone numbers (202) 366-9310 (voice), (202) 3669313 (fax), (202) 755-7687 (TTY), bob.ashby@dot.gov (e-mail).

SUPPLEMENTARY INFORMATION:

Background

On March 22, 2005, the Department published a final rule revising 49 CFR Part 23—the regulation governing the airport concessions disadvantaged business enterprise (ACDBE) program.

On the same day, the Department published a supplemental notice of proposed rulemaking (SNPRM) on the business size standards for eligibility in the ACDBE program as well as on two other matters concerning implementation of the program. This final rule addresses the issues raised in the SNPRM and the comments made in response to the SNPRM.

The DBE Airport Concessions and Contracting Programs

The DOT-assisted contracts DBE rule and airport concessions DBE rule are based on different statutes. Each statute applies to a distinct type of business that may seek DOT financial assistance. The ACDBE program is designed to give business opportunities to certain small business concerns that operate at airports and that are owned and controlled by socially and economically disadvantaged individuals. The ACDBE program is mandated by 49 U.S.C. 47107(e), originally enacted in 1987 and amended in 1992.

The DBE program for DOT-assisted contracts is a statutory program intended to ensure nondiscriminatory contracting opportunities for small business concerns owned and controlled by socially and economically disadvantaged individuals in the Department's highway, mass transit and airport financial assistance programs. The statutory provision governing the DBE program in the highway and mass transit financial assistance programs is 1101(b) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), Public Law 109-59, August 10, 2005. The statutory provision governing the DBE program as it relates to the airport planning and airport development financial assistance programs is 49 U.S.C. 47113.

ACDBE Gross Receipts Size Standards

The ACDBE program is designed to help small business concerns, owned and controlled by socially and economically disadvantaged individuals, become self-sufficient and able to compete with non-disadvantaged firms. Under the current DOT rule, if the airport concessions firm's annual gross receipts averaged over the preceding three fiscal years exceed \$30 million, then it is not considered a small business eligible to be certified as an ACDBE. The Department notes that the existing size standards have not been adjusted for inflation since June 1, 1992. This final rule adjusts the size standards for eligibility as an ACDBE.

A number of comments submitted to the Department supported adjusting the

gross receipts size limit for inflation. One comment suggested that the Department consider distinct size standards for each type of concession. A number of comments also suggested that an employee based size standard is inappropriate because businesses may operate using different business model configurations with different numbers of employees. These comments also point out that verifying the number of employees is more complex than verifying gross receipts, which are recorded in tax returns.

This final rule adjusts the general ACDBE gross receipts cap for inflation. This rule only applies an employee based size standard if the business operates pay telephones or if the business is an automobile dealer. The Department views a general gross receipts size limit that is adjusted for inflation as the most efficient and fair way to establish size limits for the ACDBE program. The adjustment compensates for the rise in the general level of prices over time from the second quarter of 1992 to the third quarter of 2006. In order to ensure that this adjustment is made on a more timely basis in the future, the rule provides for a similar adjustment every two years, using the same methods. At two year intervals, the Department will publish a final rule to update the size standard numbers.

It should be emphasized that this action does not increase the size standard for ACDBEs in real dollar terms. It simply maintains the status quo, adjusting to 2006 dollars. A number of comments opposed the idea of making Part 23 and Part 26 size standards identical because the capitalization requirements for airport concessions are much higher. The Department agrees and will not harmonize the standards.

In order to make an inflation adjustment to the gross receipts figures, the Department of Transportation uses a Department of Commerce price index. The Department of Commerce's Bureau of Economic Analysis prepares constant dollar estimates of state and local government purchases of goods and services by deflating current dollar estimates by suitable price indexes. These indices include purchases of durable and non-durable goods, and other services. Using these price deflators enables the Department to adjust dollar figures for past years' inflation. Given the nature of the Department's DBE Program and ACDBE Program, adjusting the gross receipts cap in the same manner in which inflation adjustments are made to the costs of state and local government

purchases of goods and services is simple, accurate, and fair.

The inflation rate on purchases by State and local governments for the current year is calculated by dividing the price deflator for the third quarter of 2006 (128.352) by 1992's second quarter price deflator (80.583). The result of the calculation is 1.5928, which represents an inflation rate of 59.28% from the second quarter of 1992. Multiplying the \$30,000,000 figure for small business enterprises by 1.5928 equals \$47,784,000, which will be rounded off to the nearest \$10,000, or \$47,780,000.

Therefore, under the new rule, if a firm's gross receipts, averaged over the firm's previous three fiscal years, exceeds \$47,780,000, then it exceeds the airport concessions small business size limit contained in Part 23.

ACDBE Car Rental Company Size Standards

Under the existing rule, car rental companies are not eligible to participate in the ACDBE program if their average gross receipts over the three previous fiscal years exceed \$40 million. This final rule adjusts the size standard for car rental companies to reflect the effects of inflation on the real dollar value.

The inflation rate on purchases by State and local governments for the current year is calculated by dividing the price deflator for the third quarter of 2006 (128.352) by 1992's second quarter price deflator (80.583). The result of the calculation is 1.5928, which represents an inflation rate of 59.28% from the second quarter of 1992. Multiplying the \$40,000,000 figure for car rental companies by 1.5928 equals \$63,712,000, which will be rounded off to the nearest \$10,000, or \$63,710,000.

Therefore, under the new rule, if a car rental company's gross receipts, averaged over the company's previous three fiscal years, exceeds \$63,710,000, then it exceeds the airport concessions car rental company size limit contained in Part 23.

A number of comments also supported establishing car rental goals on a nationwide basis for car rental agencies with a nationwide presence. The Department recognizes that a number of issues need to be considered before such a rule can be published. The Department will continue to consider developing a future rulemaking on nationwide car rental company goals. The Department will also continue to look for input from stakeholders when drafting any future rule on this subject.

ACDBE Banks and Financial Institutions Size Standards

A number of comments said that financial industry regulators (*e.g.*, the Federal Reserve Board of Governors, the Federal Deposit Insurance Corporation, the Office of the Comptroller of Currency, and the Office of Thrift Supervision) and the banking industry itself consider banks with less than \$1 billion in assets to be "small" institutions. These comments went on to point out that the assets needed to operate any financial institution are high, even for the smallest banks, because of compliance burdens and technology expenses. In its comments, the American Bankers Association discussed the difference in efficiency between banks with less than \$1 billion in assets and banks with over \$1 billion in assets. A December 5, 2006 report from the American Bankers Association stated that the largest minority bank has assets of \$638 million. The report also states that 61% of all black owned banks have assets under \$100 million.

The existing rule imposes a \$275 million asset limit for banks and financial institutions. This final rule increases the dollar amount of assets that a bank or financial institution may have while still remaining eligible to participate in the ACDBE program; the new limit is \$750 million. The new size standard will more closely approach the "small" bank and financial institution standards referenced in the comments while accommodating the size of actual minority financial institutions. The new standard will also reflect the size differences between most minority banks and the banking industry generally.

ACDBE Automobile Dealer Size Standards

Finally, the current rule has no unique size standard for automobile dealers. Some comments suggested that the size standard for automobile dealers selling vehicles to car rental concessionaires at airports should be based on the number of employees working for a dealer. The comments recommend an employee based size standard because automobile dealers who process sales of fleets of cars to car rental companies ("fleet dealers") generate high gross sales, with the result that few, if any, fleet dealers would qualify as small businesses, under the existing standard. A number of commenters recommended that a 500-employee size standard be created for car dealers, which, in their view, would ensure that all potential DBE car dealers would qualify as small businesses.

The Department believes that commenters made a persuasive case for replacing the current gross receipts standard with an employee-based standard. However, we are concerned that using the suggested 500 employee standard would go too far in the other direction, encompassing all but a few of all car dealers in the industry (2005 statistics from the National Association of Automobile Dealers, for example, state that the average number of employees of a dealer was 53). We believe that a small business standard should not be so inclusive that the distinction between smaller and larger businesses is erased. At the same time, we realize that "fleet dealers," who sell large numbers of cars to car rental companies and other fleet purchasers, are likely to have more employees than the typical retail dealer. Consequently, we are establishing a 200 employee standard for purposes of this rule.

Fraud, Abuse, and Administrative Burdens in the ACDBE Program

In the NPRM, the Department asked for comment on ways to better monitor the eligibility of ACDBEs as well as the ongoing performance of ACDBEs in the concession business. A number of comments responded to this inquiry. These comments suggested creating additional reporting requirements, detailed annual reviews, and more detailed initial review of certification applications. Some comments voiced concern with the administrative burdens from the monitoring and goal setting that is already required by the ACDBE program, pointing out that this burden is especially significant for small hub airports. The Department has reviewed the current administrative requirements of the rule and will not change the process in this final rule. The ACDBE program carefully balances the benefits of administrative requirements that are designed to eliminate fraud and abuse with the burdens associated with those requirements, and we do not believe that further regulatory provisions are needed at this time.

Business Size Standards for the DBE DOT Financial Assistance Programs

This rule also adjusts the gross receipts cap for the Department's financial assistance programs in 49 CFR Part 26. The existing DBE business size limits became effective on August 10, 2005 with the passage of SAFETEA-LU. Under the existing rule, if a firm's average annual gross receipts over the preceding three fiscal years exceed \$19,570,000, then it cannot qualify as an eligible DBE firm. SAFETEA-LU

Section 1101 (b) (1) (a) instructs the Secretary of Transportation to adjust this amount annually for inflation. The rule will provide for annual calculations to make this adjustment, with future adjustments made by final rule.

The inflation rate on purchases by State and local governments for the current year is calculated by dividing the price deflator for the third quarter of 2006 (128.352) by 2005's third quarter price deflator (123.079). The result of the calculation is 1.0428, which represents an inflation rate of 4.28% from the third quarter of 2005.

Multiplying the \$19,570,000 figure for disadvantaged business enterprises in Department of Transportation financial assistance programs by 1.0428 equals \$20,407,596, which will be rounded off to the nearest \$10,000, or \$20,410,000.

Therefore, if a firm's gross receipts, averaged over the firm's previous three fiscal years, exceeds \$20,410,000, then it exceeds the small business size limit for participation by disadvantaged business enterprises in Department of Transportation financial assistance programs contained in the statutes and in Part 26.

Corrections

This rule corrects an error in the definition section of the original ACDBE rule. In the first publication of the rule, the definition of "small business concern" incorrectly referred to § 23.23 for the applicable size standards. The definition of a "small business concern" now refers readers to § 23.33 for additional information on the size standards necessary to qualify as a "small business concern." In addition, we are amending sec. 23.11 to add an omitted reference to sec. 26.109, concerning confidentiality of DBE information.

Guidance Documents Issued by the Department of Transportation

The changes to § 26.9 of 49 CFR Part 26 are intended to clarify the role of guidance documents in the Department's Disadvantaged Business Enterprise (DBE) programs. Guidance documents do not have the same binding authority as a final "legislative" rule; however, guidance documents do express the Department's official view of the meaning and application of our rules. Consequently, we are deleting the word "binding."

The change also clarifies that this provision applies to guidance issued by individual operating administrations as well as by the Office of the Secretary of Transportation (OST) or DOT as a whole. For example, guidance could not purport to express the official views of

FHWA, FTA, or FAA if it did not comply with this provision. This provision also applies to any guidance or instructional material prepared by an outside party (e.g., a trade association) that is endorsed in any way or used in training sessions sponsored by DOT or any of its modal administrations. Section 26.9, as originally drafted, was intended to have this effect. However, because some questions have been raised about whether the language of the section effectively covers modal-specific, as distinct from Department-wide, guidance we are making the language of this section even more specific.

For the same reasons, this rule makes a parallel change to § 23.13 of 49 CFR Part 23. We also note that the review mechanism specified in these sections would be the method through which the Department would comply with provisions of the recently-issued Executive Order 13422 and OMB Bulletin on Good Guidance Practices for any guidance issued by the Department that would be considered to be significant guidance.

Regulatory Analyses and Notices

This rule is non-significant for purposes of Executive Order 12866 and the Department of Transportation's Regulatory Policies and Procedures. The rule is an essentially ministerial adjustment for inflation of a statutory small business size standard that does not change the standard in real dollar terms. It will not impose burdens on any regulated parties. This rule does not have Federalism impacts sufficient to warrant consultation with state and local officials. The rule does not impose information collection requirements subject to the Paperwork Reduction Act.

The only effect of the rule on small entities is to allow some small businesses to continue to participate in the ACDBE and the DBE programs by adjusting for inflation and modifying the size standards as measured by average annual gross receipts, total asset amounts, and total number of employees. Therefore, I certify that the rule will not have a significant economic impact on a substantial number of small entities. Since this rule pertains to a nondiscrimination requirement and affects only Federal financial assistance programs, the Unfunded Mandates Act does not apply.

List of Subjects

49 CFR Part 23

Administrative practice and procedure, Airports, Civil rights, Concessions, Government contracts,

Grant programs—transportation, Minority businesses, Reporting and recordkeeping requirements.

49 CFR Part 26

Administrative practice and procedure, Airports, Civil rights, Concessions, Government contracts, Grant programs—transportation, Highways and roads, Mass transportation, Minority business, Reporting and recordkeeping requirements.

■ For the reasons stated in the preamble, the Department of Transportation amends 49 CFR Parts 23 and 26 as follows:

PART 23—PARTICIPATION OF DISADVANTAGED BUSINESS ENTERPRISE IN AIRPORT CONCESSIONS

■ 1. The authority citation for part 23 continues to read as follows:

Authority: 42 U.S.C. 200d *et seq.*; 49 U.S.C. 47107 and 47123; Executive Order 12138, 3 CFR, 1979 Comp., p. 393.

■ 2. Amend § 23.3 by revising the definition of "Small business concern" to read as follows:

§ 23.3 What do the terms in this part mean?

* * *

Small business concern means a for profit business that does not exceed the size standards of § 23.33 of this part.

* * * * *

§ 23.11 [Amended]

■ 3. Amend § 23.11 by removing "26.107" and adding in its place "sec. 26.109".

■ 4. Amend § 23.13 by revising paragraphs (a) and (b) to read as follows:

§ 23.13 How does the Department issue guidance, interpretations, exemptions, and waivers pertaining to this part?

(a) Only guidance and interpretations (including interpretations set forth in certification appeal decisions) consistent with this part 23 and issued after April 21, 2005, express the official positions and views of the Department of Transportation or the Federal Aviation Administration.

(b) The Secretary of Transportation, Office of the Secretary of Transportation, and the FAA may issue written interpretations of or written guidance concerning this part. Written interpretations and guidance are valid, and express the official positions and views of the Department of Transportation or the FAA, only if they are issued over the signature of the

Secretary of Transportation or if they contain the following statement:

The General Counsel of the Department of Transportation has reviewed this document and approved it as consistent with the language and intent of 49 CFR part 23.

■ 5. Revise § 23.33 to read as follows:

§ 23.33 What size standards do recipients use to determine the eligibility of ACDBEs?

(a) As a recipient, you must, except as provided in paragraph (b) of this section, treat a firm as a small business eligible to be certified as an ACDBE if its gross receipts, averaged over the firm's previous three fiscal years, do not exceed \$47.78 million.

(b) The following types of businesses have size standards that differ from the standard set forth in paragraph (a) of this section:

(1) Banks and financial institutions: \$750 million in assets;

(2) Car rental companies: \$63.71 million average annual gross receipts over the firm's three previous fiscal years;

(3) Companies providing pay telephones: 1,500 employees;

(4) Automobile dealers: 200 employees.

(c) The Department adjusts the numbers in paragraphs (a) and (b)(2) of this section using the Department of Commerce price deflators for purchases by state and local governments as the basis for this adjustment. These adjustments are made every two years from May 2, 2007. The Department publishes a final rule informing the public of each adjustment.

PART 26—PARTICIPATION BY DISADVANTAGED BUSINESS ENTERPRISES IN DEPARTMENT OF TRANSPORTATION FINANCIAL ASSISTANCE PROGRAMS

■ 1. The authority citation for part 26 continues to read as follows:

Authority: 23 U.S.C. 324; 42 U.S.C. 2000d *et seq.*; 49 U.S.C 1615, 47107, 47113, 47123; Sec. 1101(b), Pub. L. 105–178, 112 Stat. 107, 113.

■ 2. Revise § 26.9 to read as follows:

§ 26.9 How does the Department issue guidance and interpretations under this part?

(a) Only guidance and interpretations (including interpretations set forth in certification appeal decisions) consistent with this part 26 and issued after March 4, 1999 express the official positions and views of the Department of Transportation or any of its operating administrations.

(b) The Secretary of Transportation, Office of the Secretary of

Transportation, FHWA, FTA, and FAA may issue written interpretations of or written guidance concerning this part. Written interpretations and guidance are valid, and express the official positions and views of the Department of Transportation or any of its operating administrations, only if they are issued over the signature of the Secretary of Transportation or if they contain the following statement:

The General Counsel of the Department of Transportation has reviewed this document and approved it as consistent with the language and intent of 49 CFR part 26.

■ 3. Revise § 26.65 to read as follows:

§ 26.65 What rules govern business size determinations?

(a) To be an eligible DBE, a firm (including its affiliates) must be an existing small business, as defined by Small Business Administration (SBA) standards. As a recipient, you must apply current SBA business size standard(s) found in 13 CFR part 121 appropriate to the type(s) of work the firm seeks to perform in DOT-assisted contracts.

(b) Even if it meets the requirements of paragraph (a) of this section, a firm is not an eligible DBE in any Federal fiscal year if the firm (including its affiliates) has had average annual gross receipts, as defined by SBA regulations (see 13 CFR 121.402), over the firm's previous three fiscal years, in excess of \$20.41 million.

(c) The Department adjusts the number in paragraph (b) of this section using the Department of Commerce price deflators for purchases by State and local governments as the basis for this adjustment. The Department issues a final rule by August 10 of each year making this adjustment.

Issued this 20 day of March 2007, at Washington DC.

Mary E. Peters,

Secretary of Transportation.

[FR Doc. E7–6054 Filed 3–30–07; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 061121304–7053–02; I.D. 112006B]

RIN 0648–AT87

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Gulf Red Snapper Management Measures

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

ACTION: Temporary rule; interim measures.

SUMMARY: This final rule implements interim measures to reduce overfishing of Gulf red snapper. This final rule reduces the commercial and recreational quotas for red snapper, reduces the commercial minimum size limit for red snapper, reduces the recreational bag limit for Gulf red snapper, prohibits the retention of red snapper under the bag limit for captain and crew of a vessel operating as a charter vessel or headboat, and establishes a target level of reduction of shrimp trawl bycatch mortality of red snapper. The intended effect is to reduce overfishing of red snapper in the Gulf of Mexico.

DATES: This final rule is effective May 2, 2007 through September 29, 2007, except for amendments to § 622.37, which are effective April 2, 2007 through September 29, 2007.

ADDRESSES: Copies of documents supporting this final rule, including a final environmental impact statement (FEIS), a Record of Decision (ROD), and a final regulatory flexibility analysis (FRFA), may be obtained from Peter Hood, Southeast Regional Office, NMFS, 263 13th Avenue South, St. Petersburg, FL 33701.

FOR FURTHER INFORMATION CONTACT: Peter Hood, telephone: 727–551–5784, fax: 727–824–5308, e-mail: peter.hood@noaa.gov.

SUPPLEMENTARY INFORMATION: The red snapper fishery of the Gulf of Mexico is managed under the Fishery Management Plan (FMP) for the Reef Fish Fishery of the Gulf of Mexico, and the shrimp fishery is managed under the FMP for the Shrimp Fishery of the Gulf of Mexico. The FMPs were prepared by the Gulf of Mexico Fishery Management Council (Council) and are implemented under the authority of the Magnuson-

Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

On October 13, 2006, NMFS published a notice of availability of the draft environmental impact statement (DEIS) for this action (71 FR 60509). The notice of availability of the final environmental impact statement (FEIS) was published on December 29, 2006 (71 FR 78427). On December 14, 2006, NMFS published the proposed rule and requested public comment. The rationale for these interim measures is provided in the FEIS and the preamble to the proposed rule and is not repeated here.

Comments and Responses

The following is a summary of comments received on the proposed rule and NMFS' responses. A total of 6,403 comments were received from individuals and organizations. In addition to these comments, NMFS received two comment letters, with a total of 10,280 signatures, that opposed various provisions of the proposed rule. NMFS' response to comments on the proposed rule including the issues presented in the two comment letters is provided below.

Comment 1: Many respondents asked NMFS not to implement the interim rule, but allow the Council to develop an amendment with updated data taking into account the effect of recent hurricanes on fishing.

Response: The Magnuson-Stevens Act requires NMFS to develop a plan to end overfishing once such a determination has been made. The Council has developed, and the Secretary has approved, a red snapper rebuilding plan ending overfishing between 2009 and 2010. The red snapper harvest and bycatch reduction measures the Council is evaluating to achieve this goal cannot be implemented in time to address overfishing during 2007. If overfishing continues in 2007, then substantially more severe harvest reductions will be required between 2008 and 2010 to end overfishing on schedule. Consequently, NMFS has determined interim measures are needed to address overfishing of red snapper during the 2007–fishing year.

The interim measures implemented through this final rule are designed to minimize to the extent practicable the unavoidable adverse impacts of ending overfishing during a time when Gulf of Mexico fisheries are recovering from the adverse effects of two particularly severe hurricane seasons. Additionally, the analyses underlying these measures assume effort in the red snapper and shrimp fisheries will be slightly below average during 2007 as a result of the

hurricanes. NMFS has determined this rule is based on the best scientific information available. NMFS continues to actively monitor red snapper and shrimp effort data so this information can be taken into account in developing measures to achieve the additional, longer-term reductions in red snapper harvest and bycatch needed to end overfishing of red snapper.

Comment 2: Many respondents suggested the rule violated national standard 2 of the Magnuson-Stevens Act. One respondent also suggested the rule violated national standards 4, 7, and 8. These national standards require fishery conservation and management measures be based upon the best scientific information available (national standard 2); be fair and equitable, promote conservation, and allow no one to have excessive shares in a fishery (national standard 4); minimize costs and avoid unnecessary duplication, where practicable (national standard 7); and, in achieving the conservation requirements of the Magnuson-Stevens Act, sustain the participation of and minimize adverse economic impacts to fishing communities to the extent practicable (national standard 8).

Response: NMFS has determined these interim measures and associated analytical documents comply with all Magnuson-Stevens Act national standards, as well as with all other applicable laws and regulations. The scientific data and information underlying the need for action was independently peer reviewed through the Southeast Data and Assessment Review (SEDAR) process, and certified by NMFS Southeast Fisheries Science Center (SEFSC) and the Council's Scientific and Statistical Committee as the best scientific information available. The interim measures promote conservation by addressing overfishing for the 2007 fishing season, and are fair and equitable because they apply to fishery participants in all coastal states of the Gulf of Mexico. Differences in the measures applicable to the commercial and recreational sectors of the directed red snapper fishery, and the bases for the measures applicable to the shrimp fishery, are discussed in further detail below. (See, e.g., responses to Comments 14 and 17–19.) These interim measures also minimize costs to fisheries participants to the extent practicable while meeting national standard 1 requirements to reduce overfishing, and minimize to the extent practicable the unavoidable costs and adverse economic impacts associated with reducing red snapper mortality in the Gulf of Mexico. Addressing

overfishing in the 2007 season will help to avoid more severe harvest reductions to end overfishing between 2008 and 2010.

Comment 3: Many respondents disagreed with the conclusions of the red snapper stock assessment on which the interim measures are based, stating red snapper fishing is improving and the stock appears healthy, particularly in the northeastern Gulf. Specific criticisms of the assessment stated the assessment does not take into account the full contribution of artificial reefs to stock productivity; overestimates bycatch in the recreational fishery; and does not account for post-settlement, density-dependent mortality.

Response: The 2005 red snapper stock assessment was conducted and reviewed using the SEDAR process, which is a cooperative fishery management council process initiated in 2002 to improve the quality and reliability of fishery stock assessments in the Gulf of Mexico and other Southeast fishery management council regions. SEDAR emphasizes constituent and stakeholder participation in assessment development, transparency in the assessment process, and a rigorous and independent scientific review of completed stock assessments. Council, NMFS, and state agency representatives, as well as affected fishermen, academics, and environmental non-governmental organizations participated in the 2005 red snapper SEDAR process, and all decisions were reached by consensus. Each SEDAR involves a series of three workshops—data, assessment, and review. Each workshop is open to the public and noticed in advance through the **Federal Register**.

The reports produced during the SEDAR workshops document in detail key findings regarding data usage and assessment methodology and were formally peer reviewed during the SEDAR Review Workshop in April 2005. The SEDAR Review panel identified the results of the red snapper stock assessment as the best scientific information available. Additionally, the SEDAR Review panel provided a series of recommendations including additional data needs to improve future assessments. An additional endorsement of the stock assessment came from the Gulf Council's Joint Standing and Special Reef Fish/Mackerel/Spiny Lobster Scientific and Statistical Committee who recognized the assessment as the best available science during their July 5–6, 2005, meeting.

The 2005 red snapper SEDAR assessment supports the observation

made by fishermen that stock biomass is increasing in the eastern Gulf. However, stock biomass remains far below the minimum threshold (i.e., overfished) and fishing mortality continues to exceed the maximum sustainable level defined in the red snapper rebuilding plan (i.e., overfishing). The assessment examined differences in the eastern and western components of the fishery, which are divided by the Mississippi River delta, and found that, although the eastern portion of the stock is in slightly better condition than is the western portion, red snapper is still significantly overfished in both regions.

SEDAR participants discussed and addressed, to the extent possible, the potential impacts of artificial reefs on stock productivity and recruitment, as well as issues related to each of the other criticisms described above. The rationale for their decisions on each of these issues is provided in the SEDAR 07 working papers and reports, which can be accessed online at: http://www.sefsc.noaa.gov/sedar/Sedar_Workshops.jsp?WorkshopNum=07.

Comment 4: Several respondents suggested either the “linked” or “delinked” bycatch reduction scenarios be used in determining the rebuilding strategy. Others indicated estimates of bycatch from the recreational fishery were overestimated by the stock assessment.

Response: Estimates of maximum sustainable yield (MSY) and stock size that allows harvest at MSY, are contingent on mortality (including bycatch mortality) from the directed red snapper and shrimp trawl fisheries. The “linked” scenario requires an equal reduction in fishing mortality across all sources of mortality (i.e., directed fishery, closed season bycatch, and shrimp trawl bycatch), while the “delinked” scenario does not require an equal reduction and allows fishery managers to establish individual mortality reduction goals for one or more sources of mortality. These decisions then define how much of a reduction of mortality is required in the remaining sectors, and enable fishery managers to hold each sector accountable for achieving its specific mortality reduction objective. NMFS is encouraging the Council to explore the pros and cons of “linking” and “delinking” the various sources of red snapper mortality. However, such a decision is beyond the scope of this temporary rule, the objective of which is to address overfishing on a temporary basis while the Council develops a strategy to end overfishing of the stock in compliance with the red snapper

rebuilding plan and the Magnuson-Stevens Act.

Estimates of red snapper recreational fishery discards were reviewed through the SEDAR process and have been determined to be the best available science (see response to Comment 3). During the SEDAR data workshop, discard estimates based on the Marine Recreational Fishery Statistics Survey (MRFSS) were reviewed and considered to underestimate total recreational discards. Additionally, there were concerns about estimating discards for headboats and from Texas waters using MRFSS discard estimates or other studies. Therefore, the red snapper stock assessment estimated recreational and commercial discards using predicted length composition of the catch, and discards were primarily attributed to the minimum size limit.

Comment 5: Many comments suggested the interim measures should reduce the total allowable catch (TAC) of red snapper to 6 million lb (2.72 million kg) or less to end overfishing as soon as possible.

Response: The 6.5-million lb (2.95-million kg) TAC implemented through this final rule is intended to reduce overfishing of the red snapper stock on a temporary basis, specifically for the 2007 fishing season, while the Council develops a strategy to end overfishing of the stock in compliance with the red snapper rebuilding plan and the Magnuson-Stevens Act. The chosen TAC is designed to minimize to the extent practicable the unavoidable adverse impacts of reducing red snapper mortality during a time when Gulf fisheries are recovering from the adverse effects of two particularly severe hurricane seasons. While a lower TAC and more restrictive management measures will be required in the future to end overfishing on schedule, NMFS believes that a 6.0 million-lb (2.7 million-kg) TAC is not necessary for purposes of this final rule and that longer-term management measures should, as appropriate, be developed through the Council process, which provides additional mechanisms for consulting with affected user groups.

Comment 6: One comment suggested red snapper TAC reductions should be phased in to the level needed to end overfishing.

Response: The red snapper TAC implemented through this final rule will reduce, rather than end, overfishing. The TAC will need to be reduced below 6.5 million lb (2.95 million kg) in the coming years to end overfishing on schedule.

Comment 7: Some respondents suggested closing the directed red

snapper (commercial and recreational) and shrimp fisheries to allow the red snapper stock to recover.

Response: Closing the red snapper and shrimp fisheries would be inconsistent with the national standard 1 mandate to achieve the optimum yield from each U.S. fishery and the national standard 8 mandate to minimize to the extent practicable adverse economic impacts on fishing communities because such action would exceed that required to meet the red snapper conservation objective.

Comment 8: Some respondents questioned why TAC was being reduced in the final rule rather than creating seasonal or area closures to protect spawning aggregations. They indicated fishing for red snapper should be closed in areas and at those times when red snapper are known to spawn.

Response: Area closures were considered but rejected by the Council as a management tool for Amendment 14/27 (a joint amendment to the Shrimp and Reef Fish FMPs). Using this management technique in this final rule would be limited to the 2007 fishing season and would therefore result in marginal gains for the stock should the Council not adopt these measures in future actions. The Council is considering reductions in length of the recreational fishing season in Amendment 14/27. The final rule does not reduce the length of the fishing season because other management measures accomplish the necessary reductions in harvest. However, the Council may choose to reconsider seasonal and area closures if public comment or other information suggests these are the preferred management strategies.

Comment 9: Several respondents suggested fishing seasons should be modified to one of the following: 1) a short time period for commercial and recreational fishermen that avoids the red snapper breeding season, 2) alternating months or opening portions of months for the recreational fishery, 3) a shorter commercial season concurrent with the recreational season, or 4) different seasons between the eastern and western Gulf.

Response: NMFS evaluated numerous alternatives, including various seasonal closures, to constrain the recreational red snapper fishery to the 2007 allocation implemented through this final rule. The range of alternative seasons considered was intended to preserve, if possible, a core season of May 15 to August 15. Many comments received on this rule during public testimony suggested that recreational fishermen would prefer methods other

than changing the current fishing season to reduce fishing effort.

The Council will examine recreational fishing regulations in Amendment 14/27. Consequently, if the core season can no longer be preserved, or if public comments request the Council to preserve different core seasons in the eastern and western Gulf, then the Council could re-examine these and other seasonal closure alternatives in developing a plan to end overfishing of red snapper in compliance with the red snapper rebuilding plan and the Magnuson-Stevens Act.

NMFS did not evaluate seasonal closure alternatives for the commercial red snapper fishery because the mortality rate of that fishery is managed in season through an individual fishing quota (IFQ) program. This program was implemented in part to eliminate the derby fishery conditions that had developed in response to short fishing seasons. IFQ programs intend to control total annual harvest by enabling fishery managers to track and limit the landings of each individual program participant.

Comment 10: Two respondents suggested that because red snapper have been successfully raised in captivity, aquaculture should be used to augment red snapper stocks, instead of implementing further harvest restrictions.

Response: Because stock enhancement through aquaculture is a longer-term alternative to address overfishing, it is beyond the scope of this rule to reduce overfishing of the red snapper stock on a temporary basis, for the 2007 fishing season. However, NOAA supports creation of environmentally sound and economically sustainable aquaculture opportunities. The Generic Amendment for Offshore Aquaculture, currently under development by the Council, in collaboration with NMFS, would provide a similar framework for regulating offshore aquaculture of federally managed species, including red snapper, in Federal waters of the Gulf of Mexico. Additionally, a multi-year grant awarded to the Gulf of Mexico Marine Stock Enhancement Program by NMFS in 2003 is funding research for red snapper stock enhancement possibilities.

Comment 11: Some respondents suggested the economic and social value of both the recreational and commercial sectors should be considered in setting TAC. Some comments indicated current allocation of TAC should be changed so the recreational fishery receives a higher percentage. Several respondents were concerned TAC reductions will have an adverse economic effect on charter

fishermen and businesses dependent on offshore fishing.

Response: Changes to the current methodology for allocating red snapper TAC between the commercial and recreational sectors are outside the scope of this rule, which is intended only to reduce overfishing of the red snapper stock on a temporary basis, for the 2007 fishing season. However, the Council is developing an amendment to address the allocation of different reef fish species and may include red snapper. The Council has established a working group with the SEFSC to examine harvest allocation between fishing sectors.

Best available survey and modeling results indicate relatively few trip cancellations are expected to occur as a result of this action. Most survey respondents indicated when faced with a reduced red snapper bag limit, they would either continue fishing for red snapper or fish for another species. This change in fishing behavior may generate distributional effects (i.e., the substituted trip may occur from a different port, different mode, or in a different season, resulting in one port/season losing while another gains). These distributional effects, however, cannot be predicted with current data.

Comment 12: Many respondents suggested the current four-fish bag limit should not be reduced because high fuel prices have reduced recreational fishing effort, and, therefore, no further actions need to be taken to constrain red snapper harvest. Other respondents suggested other alternatives to the two-fish bag limit should be considered to reduce bycatch and minimize adverse economic harm to the recreational fishery. Suggested measures included a bag limit of the first four or five red snapper of any size caught per day, a recreational IFQ program, eliminating fishing tournaments other than catch and release, developing a size-based daily points system, setting a red snapper slot limit, restricting the number of trips an angler may take, and establishing more artificial reefs.

Response: In managing the recreational fishery so harvest is constrained to the recreational quota, NMFS has employed bag limits, size limits, and seasonal closures. Assuming some reduction in recreational effort due to hurricanes and increased fuel prices, the combined effect of reducing the recreational bag limit from four to two fish and prohibiting a captain and crew bag limit for for-hire vessels should control effort sufficiently to ensure the recreational fishery remains within the 2007 quota of 3.185 million lb (1.445 million kg). When combining

these two measures, the recreational fishery would be allowed to maintain its current 194-day recreational fishing season (April 21 - October 31). To maintain a four-fish bag limit, the fishing season would need to be reduced. Testimony from many fishermen suggested they would prefer a reduction to the bag limit than a reduction in season length.

Alternative management strategies suggested above other than bag limits could create confusion for anglers should the Council adopt different measures in Amendment 14/27, which considers red snapper management beyond 2007. Other measures suggested above, such as retaining the first four or five fish caught, were considered but rejected because preliminary analyses indicated these regulations would increase total recreational fishing mortality Gulf-wide and across all modes, thus slowing recovery. Measures that slow recovery also have negative long-term economic consequences. However, the Council may choose to consider these alternatives in Amendment 14/27 to assist in ending overfishing and continue the recovery of the red snapper stock.

Comment 13: Many respondents suggested that prohibiting the captain and crew of for-hire vessels from retaining the recreational bag limit contributes little to reductions in recreational fishing mortality, and the captain and crew should be able to keep a bag limit. One respondent suggested captain and crew bag limit reductions were already factored into the current fishing regulations when the season was reduced by six days to account for the cancellation of a zero-bag limit for captain and crew in 2000.

Response: Analyses indicated that prohibiting captain and crew of for-hire vessels from retaining the recreational bag limit would reduce red snapper landings by approximately 2 percent. This action, coupled with the reduction in the recreational bag limit to two fish allows the fishing season to remain at its current length of 194 days (from April 21–October 31). Many for-hire fishermen indicated they would be willing to give up their bag limit if the current season was maintained. Additionally, this measure would also increase consistency among regulations and make them more equitable. Within the reef fish fishery, captain and crew of for-hire vessels are not allowed to keep bag limits of grouper and captain and crew of commercial vessels are not allowed to keep reef fish bag limits if commercial quantities of reef fish are onboard.

While NMFS did reduce the recreational fishing season by six days in 2000 to allow the captain and crew of for-hire vessels to maintain their bag limits, these measures were put in place based on a 1999 stock assessment. The measures considered in this final rule are based on the 2005 stock assessment using new and updated data. Thus the condition of the stock has been reevaluated, and the measures in this final rule are based on this updated assessment.

Comment 14: Many respondents indicated reducing the minimum size limit should also be applied to the recreational fishery. They suggested not doing so will adversely affect stock recovery, enhance user conflict, and would not be fair and equitable. Some suggested commercial fishermen should be restricted to fishing in deeper water to reduce conflict between fisheries. One respondent suggested data used to assess the potential commercial discard reductions was based on only one study having a limited sample size and geographic location, while others indicated more research on reduced minimum size limits is needed for the commercial and recreational fisheries to determine if in fact this type of measure decreases bycatch. Further, one respondent suggested reductions in bycatch resulting from lowering of the commercial minimum size to 13 inches (33 cm) will not work because commercial fishermen will not change their current fishing practices.

Response: This final rule is implemented under the provision of section 305(c) of the Magnuson-Stevens Act that provides for interim measures needed to reduce overfishing. Reducing the commercial minimum size limit from 15 to 13 inches (38 to 33 cm) reduces overfishing because 71–82 percent of the fish discarded by commercial fishermen do not survive. However, while reducing the recreational minimum size limit would reduce bycatch, it would not reduce overfishing, because the discard mortality rate in the recreational fishery is relatively low (15–40 percent); therefore, a greater proportion of the fish discarded by recreational fishermen survive. Thus, reductions in the recreational minimum size limit were not adopted in this rule. The Council is currently considering a reduction in the recreational size limit and other strategies to reduce bycatch in the recreational red snapper fishery while developing long-term measures to end overfishing of red snapper in compliance with the red snapper rebuilding plan and Magnuson-Stevens Act.

Differences in minimum size limits may potentially result in user conflicts. Recreational fishermen have expressed concern commercial fishermen could reduce the number of fish available to anglers at known fishing areas. However, the interim measures in this rule are designed to reduce overfishing for the 2007 season. If the Council determines the difference in the commercial and recreational minimum size limit results in a conflict between the sectors, then the Council could explore alternatives, such as restrictions on depth fished, to minimize or eliminate that conflict. With respect to measures in this final rule not being fair and equitable between the recreational and commercial sectors, percent reductions in quota are equivalent. However, because the fisheries are prosecuted differently, alternative measures are needed to constrain harvest to each fishery's respective quota.

For the commercial fishery, data used to assess the potential discard reductions was based on two studies. One was empirical sampling of 16 commercial vessels off Louisiana. The other used data from the 2005 stock assessment, which was Gulf-wide. The trends from both studies were similar, with the results from the empirical study showing a slightly higher discard rate than the Gulf-wide study. However, in describing discard rates of undersized fish, results from both studies provided a potential range in discard reductions relative to different minimum size limits.

More research is needed to evaluate discard mortality in both the commercial and recreational fisheries. Discussion in the SEDAR data workshop recognized the limitation of information on the fate of discarded red snapper. Rather than using direct estimates from the fishery, the SEDAR assessment panel chose to estimate recreational discards internally by the assessment model. Further, discard mortality research was identified in the SEDAR process as an important component for the next assessment.

With regards to reducing discard mortality in the commercial fishery by changing fishing practices, reductions in minimum size do not affect discard mortality rates once fish have been released. However, reducing the commercial minimum size limit does reduce the overall number of discards by the fishery because a greater number of fish, which would have been discarded under the current 15-inch (38-cm) size limit, will be retained under the 13-inch (33-cm) size limit and counted against the commercial

quota. If the Council determines further reductions in discard mortality may be achieved through changing fishing practices, the Council may evaluate alternatives in future actions.

Comment 15: Several comments indicated NMFS should include in the temporary rule requirements for gear that would decrease reef fish fishery bycatch and mortality such as circle hooks, larger hooks, less hooks, venting tools, and de-hookers. Two respondents suggested mandatory classes should be taught to charter vessel captains and crew on how to properly de-hook, vent, and release fish to reduce bycatch mortality.

Response: The rule addresses bycatch of red snapper to the extent practicable given the temporary duration of this final rule. NMFS evaluated alternative gear restrictions that could achieve additional bycatch reduction in the directed red snapper fisheries, but determined it is not practicable to implement, on an interim basis, measures that would require fishermen to invest in new gear or equipment, such as circle hooks and de-hooking devices. If such measures are adopted as part of the Council's longer-term strategy for ending overfishing, then NMFS will consider alternative strategies for educating fishermen about how to comply with these requirements, including public workshops.

Comment 16: Two comments questioned economic analyses of the charter fishery in the EIS for the temporary rule. Specifically, these responders asked why there exists a wide variance of economic conditions between west Florida and other Gulf states (in particular Alabama), and why the analyses examine excess capacity when in all likelihood the fishery will never reach overcapacity.

Response: There are several market characteristics that separate the charter fisheries in these two states. On average, Florida vessels are smaller, have smaller horsepower, have lower maximum passenger capacity, and take fewer passengers per trip than Alabama vessels. Additionally, increased competition created by the larger number of vessels in Florida may reduce profits. Because of the size and location of Alabama, in the event of closure of Federal waters off Alabama, anglers can easily relocate their fishing to another location (e.g., Florida or Mississippi). Relocation from Florida, however, would be much more costly for the average angler, other than those fishing from the Florida Panhandle near Alabama, because of the extensive coastline and distance required to fish an alternative site. Additionally, the

wider variety of species available to a Florida angler would be expected to make fishing in Florida more attractive than fishing in Alabama.

The fact that bag limit reductions and seasonal restrictions are necessary to constrain the recreational sector to allowable harvest levels demonstrates that the recreational sector has the capacity to harvest more than the target threshold for this fishery.

Comment 17: Many comments specified shrimp trawl bycatch must be minimized by 50 to 80 percent to allow red snapper stocks to recover.

Response: This final rule will establish a target reduction goal for shrimp trawl bycatch mortality on red snapper that is 50 percent less than the benchmark years of 2001–2003. This target reflects the level of effort documented in 2005 in areas where red snapper are abundant in the western Gulf, compared to the level of effort during the benchmark years. It does not meet the 74-percent target mortality reduction level necessary to rebuild the red snapper stock to a spawning potential ratio of 26 percent. However, preliminary information for 2006 suggests shrimp trawl effort has continued to decline in offshore waters of the western Gulf. Therefore, similar to the directed red snapper fishery, shrimp trawl effort for 2006 and 2007 is likely to be less than the level of effort documented during 2005 in areas where red snapper are commonly taken. Additional bycatch mortality reduction is expected from the introduction of new bycatch reduction devices (BRDs) under a pending revision to the certification criterion for BRDs. In combination, NMFS estimates red snapper bycatch mortality attributable to the shrimp fishery over the next few years may closely approximate the needed percent reductions in shrimp bycatch mortality from the benchmark years of 2001–2003.

Comment 18: Several comments indicated that seasonal and area closures should be established for shrimp trawls to reduce juvenile red snapper bycatch in the shrimp fishery, particularly in the 10–30 fathom depth range. Several commenters desired the establishment of a red snapper conservation zone consisting of waters at 10–30 fathoms west of Cape San Blas, Florida, in which effort in the shrimp fishery would be capped at an appropriate level to reduce red snapper bycatch.

Response: In addressing long-term management strategies to control shrimp trawl bycatch mortality of red snapper, the Council may choose seasonal or area closures in Amendment 14/27.

However, the reduction target in the temporary rule discussed above will provide NMFS with interim means to immediately address shrimp trawl bycatch in 2007. NMFS intends to provide the Council with 2006 shrimp trawl effort information in 2007. If shrimp effort for 2006 is above the target, the Council could take further action in 2007, if necessary, to maintain the proposed reductions in shrimp effort in areas of the western Gulf where red snapper are most abundant.

The EIS for this temporary rule evaluated a number of seasonal closure alternatives designed to reduce red snapper bycatch in the shrimp trawl fishery, but shrimp effort levels are such that they are unlikely to exceed the target reduction goal for 2007 set in this temporary rule. Therefore, they were not considered practicable for the temporary rule. The Council is currently evaluating the potential benefits of additional alternatives in Shrimp Amendment 15 that would establish seasonal or fixed closures in areas identified through a review of recent literature and ongoing research programs. Three of these areas are located off the coast of Texas, one is located south of Mobile, and one is located west of the Mississippi Delta.

Comment 19: One comment suggested long-term measures to restrict shrimp bycatch should not be considered in the temporary rule, and long-term measures incorporating recommendations of the Council's Ad Hoc Shrimp Effort Advisory Panel should be followed and implemented through Joint Amendments 14/27 and 15/31.

Response: Long-term measures to manage shrimp fishing effort in relation to the target red snapper bycatch mortality reduction goal are needed. For 2007, anticipated declines in effort from external factors are expected to meet or exceed the 50-percent reduction target level. However, should effort increase and exceed the 50-percent threshold, NMFS can implement, through future action, time or area closures or both. In developing Amendment 14/27, the Council will evaluate long-term measures to restrict shrimp bycatch. The Council will take into consideration recommendations of the Council's Ad Hoc Shrimp Effort Advisory Panel.

Comment 20: Several comments were received that were beyond the scope of the temporary rule, and, therefore, NMFS did not provide responses. However, NMFS will consider these comments, as appropriate, in evaluating the need for future rulemaking. The purpose of this temporary rule is to reduce overfishing of the red snapper stock on a temporary basis, for the 2007 fishing season, while the Council

develops a strategy to end overfishing of the stock in compliance with the red snapper rebuilding plan and the Magnuson-Stevens Act. Comments outside the scope of the rule included the following suggestions for longer-term fisheries management: (1) create a voluntary buyout program to reduce overcapitalization in the commercial red snapper fishery; (2) increase enforcement in the commercial and recreational red snapper fisheries; (3) redistribute IFQ shares among commercial and recreational red snapper fishermen; (4) change fishing practices in the IFQ program; (5) create a buyout program for the shrimp fleet; (6) implement a moratorium on shrimp permits; and (7) close large areas of the Gulf to shrimp fishing.

Recent Court Ruling

On March 12, 2007, the United States District Court for the Southern District of Texas, Houston Division, issued a ruling on legal challenges to the current red snapper rebuilding plan contained in Amendment 22 to the FMP for the Reef Fish Resources of the Gulf of Mexico (*Coastal Conservation Association v. Gutierrez et al.*, Case No. H–05–1214, consolidated with *Gulf Restoration Network et al. v. Gutierrez et al.*, Case No. H–05–2998). The Court required a new rebuilding plan within the next 9 months. However, the Court also ordered that status quo, i.e., implementation of Amendment 22, be maintained during the pendency of the remand. Amendment 22 explicitly stated that additional measures would likely be necessary to end overfishing of red snapper consistent with the then upcoming stock assessment. This rule implementing interim measures necessary to reduce overfishing as provided under section 305(c) of the Magnuson-Stevens Act would reduce overfishing for 2007 and increase the likelihood of achieving Amendment 22's target for ending overfishing.

Future Action

NMFS finds that this temporary rule is necessary to reduce overfishing of red snapper in the Gulf of Mexico. NMFS issues this temporary rule, effective for not more than 180 days, as authorized by section 305(c) of the Magnuson-Stevens Act. This temporary rule may be extended for an additional 186 days, as authorized by section 305(c) of the Magnuson-Stevens Reauthorization Act, provided the public has had an opportunity to comment on the rule and provided that the Council is actively preparing proposed regulations to address overfishing of Gulf red snapper on a permanent basis. Public comments

requested on the proposed temporary rule (71 FR 75220) will be considered in determining whether to maintain or extend this rule to address overfishing of red snapper. The Council is preparing an amendment to address, on a permanent basis, red snapper overfishing issues that are the subject of this rule.

Classification

The Administrator, Southeast Region, NMFS, (RA) has determined that the interim measures this final rule will implement are necessary for the conservation and management of the Gulf red snapper fishery. The RA has also determined that this rule is consistent with the national standards of the Magnuson-Stevens Act and other applicable laws.

This final rule has been determined to be significant for purposes of Executive Order 12866.

NMFS prepared an FEIS for this action. The FEIS was filed with the Environmental Protection Agency on December 22, 2006. A notice of availability was published on December 29, 2006 (71 FR 78427). NMFS issued a ROD on March 5, 2007. A copy of the ROD is available from NMFS (see **ADDRESSES**).

NMFS prepared a FRFA, as required by section 604 of the Regulatory Flexibility Act, for this final rule. The FRFA describes the economic impact this final rule is expected to have on small entities and incorporates the IRFA, comments received on the IRFA and the economic impact of the rule, and NMFS' responses to those comments. A succinct statement of the need for and objectives of the action are contained in the SUMMARY section of the preamble. A copy of the full analysis is available from NMFS (see **ADDRESSES**). A summary of the FRFA follows.

This final rule will reduce total allowable catch (TAC) and the resultant commercial and recreational quotas in the red snapper fishery, lower the recreational red snapper bag limit to 2 fish, lower the red snapper bag limit for captain and crew of a vessel operating as a charter vessel or headboat to 0 fish, reduce the red snapper minimum size limit in the commercial fishery to 13 inches (33 cm), and establish a reduction goal for red snapper bycatch mortality in the commercial shrimp fishery. The purpose of this action is to reduce overfishing of the red snapper stock on a temporary basis, for the 2007 fishing season, while the Council develops a comprehensive plan to reduce directed and incidental red snapper fishing mortality rates in the

red snapper and shrimp fisheries. The Magnuson-Stevens Act provides the statutory basis for the final temporary rule.

Several comments on the economic impact of the rule were received from the public in response to the proposed rule. For the reasons described in the responses to these comments above, no changes were made in the final rule as a result of these comments. These comments raised issues regarding the economic impacts of the proposed TAC reduction on the charter fishermen and businesses dependent on offshore fishing. Best available survey and modeling results indicate that relatively few trip cancellations are expected to occur as a result of this action. Most survey respondents indicated that when faced with a reduced red snapper bag limit, they would either continue fishing for red snapper or fish for another species. Fishing for other species may generate distributional effects (i.e., the trips may occur from different ports, modes, or seasons, resulting in one port/entity/season losing business while another gains). These distributional effects, however, cannot be predicted with current data.

This final rule is expected to impact red snapper commercial fishers and for-hire operators, and reef fish dealers and processors participating in the red snapper trade. This final rule also contains actions that apply to the commercial shrimp fishery. However, the shrimp fishery actions either maintain the status quo or otherwise accommodate current fishery conditions, such that no direct impacts are expected to accrue at this time. Nevertheless, a description of the entities in the shrimp fishery is included in the following discussion.

The Small Business Administration (SBA) has established size criteria for all major industry sectors in the U.S. including fish harvesters, for-hire operations, fish processors, and fish dealers. A business involved in fish harvesting is classified as a small business if it is independently owned and operated, is not dominant in its field of operation (including its affiliates), and has combined average annual receipts not in excess of \$4.0 million (NAICS code 114111, finfish fishing) for all affiliated operations worldwide. For for-hire operations, the other qualifiers apply and the annual receipts threshold is \$6.5 million (NAICS code 713990, recreational industries). For seafood processor and dealers, rather than a receipts threshold, the SBA uses an employee threshold of 500 or fewer persons on a full-time, part-time, temporary, or other basis, at

all affiliated operations for a seafood processor and 100 or fewer persons for a seafood dealer.

Just prior to the implementation of the red snapper individual fishing quota (IFQ) program on January 1, 2007, 136 entities held Class 1 licenses that allowed a commercial vessel trip limit of up to 2,000 lb (907 kg) of red snapper and 628 entities held Class 2 licenses that allowed a trip limit of up to 200 lb (91 kg) of red snapper. Between 2002 and 2004, the top 50 red snapper vessels harvested a total of 2.77 million lb (1.26 million kg) of red snapper, on average, or 64 percent of the industry total. Vessels ranked 51 to 131 harvested 1.29 million lb (0.58 million kg), on average, or 30 percent of the industry total for the same period. In total, the top 131 vessels accounted for approximately 94 percent of the total red snapper commercial landings. Red snapper are mainly harvested by vertical line fishermen, who accounted for approximately 90 percent of commercial red snapper Gulf harvests, on average, between 2002 and 2004.

Reported average annual gross receipts (2004 dollars) of commercial reef fish vessels in the Gulf range from \$24,095 for low-volume vertical line vessels to \$116,989 for high-volume longline vessels. Annual net incomes range from \$4,479 for low-volume vertical line vessels to \$28,466 for high-volume vertical line vessels. Some fleet activity is known to exist in the commercial red snapper fishery, but the extent of such activity is unknown. The maximum number of reef fish permits reported owned by the same person/entity is six permits. Additional permits (and the revenues associated with those permits) may be linked to an entity through affiliation rules, but such affiliation links cannot be made using existing data. A definitive determination of whether any commercial entities would be considered large entities cannot be made using average income information. However, based on the size and value of the commercial red snapper fishery (an average of 4.336 million lb (1.967 million kg) and \$11.652 million ex-vessel revenue per year, 2002–2004), the number of participants in the fishery, the summary statistics provided above, and the maximum number of permits owned by a single entity, NMFS determined, for the purpose of this assessment, that all commercial reef fish harvest entities that would be affected by this final rule are small entities.

Currently, 1,625 vessels are estimated to possess the required Federal permit to operate in the Gulf reef fish for-hire fishery. Fleet behavior also exists in this

sector, with at least one entity reported to hold 12 permits. The bulk of the fishery, however, consists of single-permit operations.

The for-hire fleet is comprised of charterboats, which charge a fee on a vessel basis, and headboats, which charge a fee on an individual angler (head) basis. The average charterboat is estimated to generate \$76,960 in annual revenues and \$36,758 in annual profits, whereas the appropriate values for the average headboat are \$404,172 and \$338,209, respectively. The calculation of profits does not include fixed and other non-operating expenses, which tend to be higher for headboats.

Based on the average revenue figures, it is determined, for the purpose of this assessment, that all for-hire operations that will be affected by this final rule are small entities.

The measures in this final rule are also expected to affect fish dealers that handle red snapper. Two hundred and twenty-seven dealers currently have the required Federal permit to buy and sell commercial reef fish species. All processors would be included in this total since all processors must be dealers. From 1997–2002, an average of 154 dealers purchased red snapper from commercial vessels. Average employment information per reef fish dealer is unknown. Although dealers and processors are not synonymous entities, reported total employment for reef fish processors in the Southeast is estimated to be approximately 700 individuals, both part and full time. While all processors must be dealers, a dealer need not be a processor. Further, processing is a much more labor-intensive exercise than dealing. Therefore, given the total employment estimate for the processing sector (700 persons), the total number of dealers recently operating in the red snapper fishery (154), and the total number of permitted reef fish dealers, NMFS concludes that the average number of employees per dealer and the average number of employees per processor would be unlikely to surpass the SBA employment benchmark and, for the purpose of this analysis, NMFS determined that all red snapper dealers and processors that will be affected by this final rule are small entities.

Beginning on March 26, 2007, a moratorium permit will be required to shrimp in Federal waters of the Gulf. Although it is unknown how many eligible applicants will apply for a moratorium permit, 2,666 vessels could qualify for the shrimp permit and are assumed to constitute the potential affected universe of shrimp vessels. The average annual gross revenue (from all

fishing activity) per qualifying vessel in 2005 was approximately \$116,000, while the comparable figure for active qualifying vessels (vessels with recorded shrimp harvests) is approximately \$152,000. In the same year, the maximum annual gross revenue from shrimp by a vessel was approximately \$757,000 for both all qualifying and active qualifying vessels, whereas the maximum annual gross revenue from all harvest activities was approximately \$1.89 million by an inactive qualifier and \$757,000 for an active qualifier. This indicates that the inactive qualifier found activity in other fisheries more lucrative than participation in the shrimp fishery, whereas the most active qualifier operated exclusively in the shrimp fishery. Fleet activity is also known to exist in the commercial shrimp fishery, but the magnitude of such activity cannot be determined with available data. Given these findings, for the purpose of this analysis, NMFS determined that all Gulf shrimp vessels are small entities.

In 2005, 609 dealers were identified operating in the commercial shrimp fishery. Employment information for this sector is not available. In 2004, 61 shrimp processors were identified, employing approximately 3,700 persons, or an average of 61 employees per entity. Similar to the finfish sector, shrimp processing is more labor intensive than dealing, so average employment in the shrimp dealer sector is assumed to be less than that in the processing sector. Since the average employment per entity does not exceed the SBA threshold, NMFS determined, for this analysis, that all Gulf shrimp dealers and processors are small entities.

This final rule does not change current reporting, recordkeeping, or other compliance requirements under either the Reef Fish or Shrimp FMPs. Preexisting requirements include qualification criteria for vessel permits and participation in data collection programs if selected by NMFS. All of the information elements required for these processes are standard elements essential to the successful operation of a fishing business and should, therefore, already be collected and maintained as standard operating practice by the business. The requirements do not require professional skills that fishery participants do not already possess.

This final rule is expected to affect all vessels that operate in the commercial Gulf red snapper fishery, all vessels that have a Federal reef fish for-hire permit, and all reef fish dealers and processors. All such entities have been determined,

for the purpose of this analysis, to be small entities. Therefore, NMFS determined that the final rule will affect a substantial number of small entities.

Commercial red snapper fishing vessels, for-hire operations, and red snapper dealers are expected to bear the primary burden of the actions in the final rule that pertain to red snapper, though spill-over impacts would be expected in associated industries, such as marinas and fishery suppliers. The net result of the combined TAC reduction and commercial minimum size limit decrease for the commercial red snapper fishery is expected to be an approximate 28-percent decline in net revenues, or approximately \$7.0 million. Although over 750 entities were recently permitted to operate in the commercial red snapper fishery, 131 vessels accounted for approximately 94 percent of the red snapper harvests from 2002–2005, which had an average ex-vessel value of approximately \$11.18 million out of total average annual ex-vessel revenues for all fishing activity by these entities of approximately \$17.34 million. Since most commercial red snapper fishing entities operate in multiple fisheries, the projected \$7.0 million reduction in net revenues captures lost revenue for all species.

During 2002–2005, the top 50 harvesters in the commercial red snapper fishery averaged approximately \$144,000 in ex-vessel revenue per year out of total finfish revenues of approximately \$211,000, indicating approximately 68 percent of the total revenues came from red snapper. The second tier vessels averaged approximately \$40,000 in red snapper revenues and approximately \$84,000 total revenues, or 48 percent of total revenues coming from red snapper. Combined, the top 131 vessels averaged approximately \$80,000 per year from red snapper, \$132,000 total revenues, and 60 percent of total revenues coming from red snapper. The remaining vessels that landed red snapper accounted for only approximately \$700 per vessel per year from red snapper, out of total average revenues of \$14,000, or approximately 5 percent from red snapper. Red snapper is most likely not the primary species this third-tier group is targeting for harvest.

The TAC reduction is expected to primarily impact operations that target red snapper rather than those that incidentally harvest red snapper. If the entire quota reduction is assumed borne by the top 50 and 131 vessels, respectively, the reduction in net revenues would equate to approximately \$140,000 and \$53,000 per vessel for the two groups,

respectively. Relating these figures to the averages provided in the previous paragraph is difficult because the annual averages represent gross ex-vessel values, whereas the losses represent net values, and the expected losses incorporate an expected increase of approximately \$1.14 in the price per pound of red snapper expected to develop as a result of the IFQ program. This price increase equates to a 47.5-percent increase in the average price per pound over 2002–2005 (\$11.18 million per year/4.66 million lb (2.11 million kg) = \$2.40 per pound; \$1.14/\$2.40 = 47.5 percent). If the annual average red snapper revenues presented above are inflated by this 47.5-percent factor, the resultant values per vessel are \$212,400 in red snapper revenues and \$279,400 total revenues for the top 50 vessels, and \$118,000 and \$170,000 in red snapper and total revenues, respectively, for the top 131 vessels. Because the projected losses include all species harvested, the projected losses (\$140,000 and \$53,000) equate to approximately 50 percent of total revenues (\$140,000/\$279,400) for the top 50 vessels and approximately 31 percent of total revenues (\$53,000/\$170,000) for the top 131 vessels.

An alternative perspective is to consider the number of vessels projected to operate under the IFQ program. Under the IFQ program, the commercial red snapper fleet is expected to consolidate to 39–95 vessels, the range determined by whether the fleet gravitates to exclusively larger vessels (39 65-ft (19.8-m) vessels) or small vessels (95 35-ft (10.7-m) vessels). The period of time required to achieve this consolidation is not known, but TAC reduction may accelerate the consolidation. It is noted that any IFQ-related consolidation is voluntary, vessels are compensated for their exit (through sale of their quota shares), and exiting vessels may continue to operate in other fisheries. Under this final rule (i.e., during the 2007 season), the commercial red snapper fleet is projected to consolidate to 28–68 vessels, or 11–27 fewer vessels than the status quo (IFQ final rule), with the range again determined by whether the resultant fleet is primarily large vessels (28 vessels), or small vessels (68 vessels). Average performance of the fleet under the status quo (IFQ final rule) (39–95 vessels) is estimated at approximately \$274,000 (\$26.0 million over 95 vessels, revenues from all fishing activity) to \$667,000 (\$26.0 million over 39 vessels) in net revenues. The projected loss of \$7.0 million in net revenues under the TAC reduction is

expected to reduce these values to approximately \$200,000 and \$487,000, respectively, or reductions of 27 percent.

The for-hire sector is expected to lose approximately 2,000 trips in the charter vessel sector, 643 angler days in the headboat sector, and \$43,000 overall for the entire for-hire sector in producer surplus as a result of the final temporary rule. These reductions are not expected to occur uniformly across all operations because some vessels are more active in the red snapper fishery than others. The extent of individual vessel activity, however, cannot be determined with available data. If averaged over the 1,625 vessels active in the for-hire fleet, these reductions amount to fewer than 2 trips and less than \$30 per permitted vessel.

Related businesses are also expected to lose income from the expenditures associated with the trip losses in the for-hire and private angler sectors as a result of this final rule. These trips, however, represent less than 1 percent of the total effort directed at the species encompassed in the assessment (red snapper as the focus species, and grouper, dolphin, and king mackerel as potential substitute target species).

The target bycatch reduction goal for the commercial shrimp fishery is administrative in nature and is not expected to have a direct economic impact on any entities in the shrimp fishery or associated sectors.

Five alternatives, including the preferred alternative and the status quo, were considered for the action to set TAC in the red snapper fishery. Three of the alternatives contained multiple options and sub-options to manage the recreational fishery under the respective TAC. The first alternative, the status quo, would not have achieved progress towards eliminating overfishing, and would increase the necessary reduction in subsequent years to allow the resource to continue on the designated recovery path, thereby increasing the subsequent year short-term adverse economic impacts relative to the final temporary rule, and would not meet NMFS objectives.

The second alternative would have reduced the red snapper TAC to 7.0 million lb (3.2 million kg). Although this alternative has the potential of generating, depending upon the sub-option selected, lower first-year adverse economic impacts than the 6.5 million lb (3.0 million kg) TAC, this TAC would require greater TAC reduction in subsequent years, with greater adverse economic impacts in subsequent years than the final temporary rule.

The third alternative would have reduced the red snapper TAC to 6.0

million lb (2.7 million kg). This alternative would be expected to result in greater short-term adverse economic impacts, ranging from losses in economic value (consumer and producer surplus) in the overall recreational sector of approximately \$16.0 million to \$27.0 million and a loss of approximately \$8.5 million in net revenues in the commercial sector, than the final temporary rule, which is expected to result in a reduction of consumer and producer surplus of approximately \$15.0 million in the recreational sector and a reduction in net revenues of \$7.0 million in the commercial sector.

The fourth alternative would have reduced the red snapper TAC to 5.0 million lb (2.3 million kg). This alternative would be expected to result in greater short-term adverse economic impacts, ranging from losses in economic value in the recreational sector of approximately \$23.0 million to \$25.0 million and a loss of approximately \$11.5 million in net revenues in the commercial sector, than the final temporary rule.

Two alternatives, the preferred alternative and the status quo, were considered for the action to set the captain and crew red snapper bag limit. The status quo would be expected to decrease the ability of meeting harvest reduction targets and would have required more restrictive measures on recreational anglers, resulting in increased adverse economic impacts relative to the final rule.

Three alternatives, including the preferred alternative and the status quo, were considered for the commercial red snapper minimum size limit. The first alternative, the status quo alternative, would be expected to result in continued unnecessary bycatch mortality and would not, therefore, meet NMFS objectives.

The second alternative would eliminate the commercial minimum size limit entirely. Because no commercial market is known to exist for red snapper smaller than 12 inches (30 cm), the expected economic impacts of this alternative and the final rule are very similar. However, maintaining a minimum size limit in the commercial sector, as will be accomplished by the final rule, is expected to generate unquantifiable economic benefits accruing to a perception of greater sector equity and avoidance of user conflict because the final temporary rule will decrease the incentive, relative to no minimum size limit, for commercial operations to move their fishing location to areas where smaller fish congregate.

Four alternatives were considered for gear requirements in the red snapper fishery. The final rule (status quo) will not impose any new gear requirements on fishermen and will not result in any direct adverse economic impacts on these entities. Each of the three alternatives to the final temporary rule would be expected to result in greater adverse economic impacts than the final temporary rule as a result of either increased gear costs or reduced operating efficiency. Given the short-term nature of the final temporary rule, these adverse impacts would not be expected to be balanced by the economic benefits of reduced bycatch mortality and improved stock conditions. Thus, each alternative would be expected to increase costs in the fishery without demonstrable benefits and, thus, would not meet NMFS objectives.

Three alternatives, including the preferred alternative and the status quo, were considered for the red snapper bycatch mortality reduction target in the commercial shrimp fishery. The status quo would not have established a bycatch reduction target, would not ensure consistent reductions in bycatch fishing mortality of juvenile red snapper in the shrimp fishery, and would not meet NMFS objectives. The second alternative would establish a higher reduction target than the final rule. Although the establishment of a bycatch reduction target is an administrative action with no expected direct adverse economic effects, the higher target exceeds the level of bycatch reduction the fishery has demonstrated to date and would, therefore, be expected to require effort reductions in the commercial shrimp fishery, resulting in greater adverse economic impacts than the final rule.

Four alternatives were considered for effort reduction in the commercial shrimp fishery. The final rule (status quo) will not impose any effort controls on the fishery and will not result in any adverse economic impacts on the shrimp fishery or associated businesses. Each of the other alternatives would have imposed effort limitations in the shrimp fishery and would, therefore, be expected to result in greater adverse economic impacts than the final rule, ranging from \$7.8 million to \$14.8 million reductions in ex-vessel revenues, fishery-wide, and adversely impact 394–863 vessels. Although some behavioral changes would be expected by these vessels to mitigate these losses, the nature of these changes and their net impact cannot be determined.

Copies of the FRFA are available from NMFS (see **ADDRESSES**).

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 an 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.” As part of this rulemaking process, NMFS prepared a fishery bulletin, which also serves as a small entity compliance guide. The fishery bulletin will be sent to all vessel permit holders and permitted dealers in the Gulf red snapper and shrimp fisheries.

Pursuant to 5 U.S.C. 553(d), there is good cause to waive the 30-day delay in effective date for reducing the commercial minimum size limit from 15 inches (38 cm) to 13 inches (33 cm). Reducing the minimum size limit for commercial Gulf red snapper will result in additional legal-sized fish being available to fishers and will help minimize bycatch and bycatch mortality as required by national standard nine of the Magnuson-Stevens Act. The current 15-inch (38 cm) minimum size limit results in unnecessarily high levels of red snapper bycatch mortality because most undersized fish are discarded dead. To end overfishing as soon as possible, bycatch and bycatch mortality of undersized red snapper must be curtailed. Prolonging overfishing of the red snapper resource would lead to more severe harvest reductions and associated short-term adverse socioeconomic impacts in the future. For all of these reasons, the 30-day delay of effective date for this measure is waived.

List of Subjects in 50 CFR Part 622

Fisheries, Fishing, Puerto Rico, Reporting and recordkeeping requirements, Virgin Islands.

Dated: March 28, 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 622 is amended as follows:

PART 622—FISHERIES OF THE CARIBBEAN, GULF, AND SOUTH ATLANTIC

■ 1. The authority citation for part 622 continues to read as follows:

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

■ 2. In § 622.37, paragraph (d)(1)(iv) is suspended and paragraph (d)(1)(vi) is added to read as follows:

§ 622.37 Size limits.

* * * * *

(d) * * *

(1) * * *

(vi) Red snapper—16 inches (40.6 cm), TL, for a fish taken by a person subject to the bag limit specified in § 622.39(b)(1)(iii) and 13 inches (38.1 cm), TL, for a fish taken by a person not subject to the bag limit.

* * * * *

■ 3. In § 622.39, paragraphs (b)(1)(iii) and (b)(1)(v) are suspended and paragraphs (b)(1)(viii) and (b)(1)(ix) are added to read as follows:

§ 622.39 Bag and possession limits.

* * * * *

(b) * * *

(1) * * *

(viii) Red snapper—2. However, no red snapper may be retained by the captain or crew of a vessel operating as a charter vessel or headboat. The bag limit for such captain and crew is zero.

(ix) Gulf reef fish, combined, excluding those specified in paragraphs (b)(1)(i), (ii), (iv), (vi), (vii), and (viii) of this section and excluding dwarf sand perch and sand perch—20, but not to exceed 10 vermillion snapper.

* * * * *

■ 4. In § 622.42, paragraphs (a)(1)(i) and (a)(2) are suspended and paragraphs (a)(1)(v) and (a)(3) are added to read as follows:

§ 622.42 Quotas.

* * * * *

(a) * * *

(1) * * *

(v) Red snapper—3.315 million lb (1.504 million kg), round weight.

* * * * *

(3) *Recreational quota for red snapper.* The following quota applies to persons who harvest red snapper other than under commercial vessel permits for Gulf reef fish and the commercial quota specified in paragraph (a)(1)(v) of this section—3.185 million lb (1.445 million kg), round weight.

* * * * *

[FR Doc. 07–1605 Filed 3–28–07; 1:43 pm]

BILLING CODE 3510–22–S

Proposed Rules

Federal Register

Vol. 72, No. 62

Monday, April 2, 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.

FEDERAL HOUSING FINANCE BOARD

12 CFR Part 915

[No. 2007-05]

RIN 3069-AB34

Financial Interests of Appointive Directors

AGENCY: Federal Housing Finance Board.

ACTION: Proposed rule.

SUMMARY: The Federal Housing Finance Board (Finance Board) is proposing to clarify the types of financial interests a Federal Home Loan Bank (Bank) appointive director may own in a Bank member. The proposal would incorporate into Finance Board rules its long-standing policy that financial interests in a Bank member acquired through ownership of shares of a diversified mutual fund are permissible holdings for an appointive director. The proposal would extend the rationale for permitting mutual fund investments to other types of vehicles and accounts that share certain of the same key features as mutual funds and thus are unlikely to pose a risk of conflict of interest for an appointive director. The proposal also would set forth additional criteria to define when owning shares of a holding company, or having other types of financial interests in a member, would be permissible for an appointive director.

DATES: The Finance Board will accept written comments on the proposed rule on or before May 17, 2007.

ADDRESSES: Submit comments to the Finance Board using any one of the following methods:

E-mail: comments@fhfb.gov.

Fax: 202-408-2580.

Mail/Hand Delivery: Federal Housing Finance Board, 1625 Eye Street NW., Washington DC 20006, *Attention:* Public Comments.

Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments. If you submit your comment to the

Federal eRulemaking Portal, please also send it by e-mail to the Finance Board at comments@fhfb.gov to ensure timely receipt by the agency. Include the following information in the subject line of your submission: Federal Housing Finance Board. *Proposed Rule:* Financial Interests of Appointive Directors. RIN Number 3069-AB34. Docket Number 2007-05.

We will post all public comments we receive without change, including any personal information you provide, such as your name and address, on the Finance Board Web site at <http://www.fhfb.gov/Default.aspx?Page=93&Top=93>.

FOR FURTHER INFORMATION CONTACT: Neil R. Crowley, Acting General Counsel, crowleyn@fhfb.gov or 202-408-2990; or Thomas E. Joseph, Senior Attorney-Advisor, Office of General Counsel, josepht@fhfb.gov or 202-408-2512. You can send regular mail to the Federal Housing Finance Board, 1625 Eye Street NW., Washington, DC 20006.

SUPPLEMENTARY INFORMATION:

I. Background

Section 7(a) of the Federal Home Loan Bank Act (Bank Act) (12 U.S.C. 1427(a)), provides for management of each Bank by a board of directors of at least 14 persons, with 8 directors elected by the members and 6 directors appointed by the Finance Board. This provision also states that any individual appointed by the Finance Board may not, "during such Bank director's term of office, serve as an officer of any Federal Home Loan Bank or a director or officer of any member of a Bank, or hold shares, or any other financial interest in, any member of a Bank."¹ The provision concerning the qualifications for appointive directors was added to the Bank Act by section 706 of the Finance Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA) (Pub. L. 101-73, 103 Stat. 183 (Aug. 9, 1989)). In adopting the FIRREA amendments, Congress indicated that it did not intend these conflict of interest provisions to preclude an appointive director from

¹ Should an appointive directorship become vacant during the term of the appointment because the director no longer meets any of the statutory or regulatory requirements for serving on a Bank's board or for any other reason, section 7(f) of the Bank Act (12 U.S.C. 1427(f)) authorizes the Finance Board to fill the vacancy for the remainder of the unexpired term.

investing in a diversified mutual fund that in turn may own shares in a Bank member. See H.R. Conf. Rep. 101-209 at 430 (1989). The Bank Act, however, does not further define the terms "shares" or "financial interests," nor does it otherwise indicate how the provision should be applied. As a result, the Finance Board has had to interpret these terms whenever prospective appointive directors have asked whether certain of their investments were permissible under this provision. The Finance Board has provided guidance to these individuals in the past on a case-by-case basis, as well as through its regulations.

In January 1990, the Finance Board adopted an interim final rule implementing the FIRREA appointive director and conflict of interest provision. See Interim Final Rule: Election of Directors; Eligibility Requirements, 55 FR 1393 (Jan. 18, 1990), codified at 12 CFR 932.18 (1991). The Finance Board later modified this rule somewhat based on the comments it received on the interim final rule. See Final Rule: Eligibility and Financial Disclosure Requirements for Directors of the Federal Home Loan Banks, 56 FR 55205 (Oct. 25, 1991). The rule, as amended in October 1991, provided among other things, that no appointive director may during his or her term of office have a financial interest in any member (or a subsidiary or non-diversified holding company thereof, or affiliate of such holding company) of the Bank on whose board the director served.² It also specifically defined a financial interest to include the ownership or control, either directly or indirectly, of any shares of common or

² See 56 FR at 55220. The 1991 amendments clarified the prohibition on serving on the board of, or ownership in, a member, member subsidiary or a non-diversified holding company of a member or affiliate of such holding company to make clear that the term "member" meant only a member of the Bank on whose board an appointive director served and not a member of another Bank. See 56 FR at 55206-207. The 1991 amendments also added a definition for the term "diversified holding company" that read:

A holding company whose member subsidiary and related activities, as specified in 12 U.S.C. 1467a(c)(2), represented on either an actual or pro forma basis less than fifty (50) percent of both its consolidated net worth and its consolidated net earnings at the close of its preceding fiscal year. For purposes of the foregoing, consolidated net worth and consolidated net earnings shall be determined in accordance with generally accepted accounting principles. 56 FR at 55219.

preferred capital stock, any other equity security, any debt security or obligation (except deposit or savings accounts) including subordinated debt, but allowed an appointive director to hold such interests if they arose solely through ownership of shares or other investment units of one or more diversified mutual funds (as defined in section 5(a) and (b)(1) of the Investment Company Act of 1940, as amended).³ The rule also prohibited an appointive director from having other financial relationships, including loans or other extensions of credit, with a member of the Bank on whose board the director served, or with the member's subsidiary, or its non-diversified holding company (or an affiliate of such holding company), which were not transacted in the ordinary course of business and on normal commercial terms, as discussed in the rule itself. 56 FR at 55220.

In 1998, the Finance Board substantially revised its rules governing elective and appointive directors.⁴ Among other things, the 1998 amendments required the Banks to adopt conflict of interest policies that applied to both elective and appointive directors. The rule specifically required the conflict of interest policy to prohibit an appointive director from serving as an officer of any Bank or as an officer or director of any member or from owning any equity or debt security issued by a member or from having any other financial interest in a member. See 63 FR at 65690.

The 1998 revisions also deleted the detailed provisions addressing appointive director qualifications and prohibited financial interests in favor of more general references to the Bank Act and somewhat more general definitions of terms such as "financial interests." The new definition of "financial interests" specifically excluded deposit or savings accounts maintained with a member and loans and other extensions of credit from a member so long as they were obtained in the normal course of business on terms generally available to the public. See 63 FR at 65691. Among the provisions that were dropped in 1998, however, was the one that specifically had allowed an appointive director to hold shares or other financial interests in a member if they arose

solely through ownership of one or more diversified mutual funds. Notwithstanding that change, the Finance Board has continued to interpret section 7(a) as it had done previously, and has allowed appointive directors to have indirect financial interests in a member if held through ownership of shares of a diversified mutual fund.

The conflict of interest rules for appointive directors remain substantively the same as adopted in 1998, and currently are found at 12 CFR § 915.11. The Finance Board recently adopted an interim final rule to address procedures for how appointive directors are selected.⁵ Under the new procedures, the boards of directors of each Bank have to submit to the Finance Board a list of individuals who could serve in appointive directorships. Along with the list, the Banks must submit information regarding each individual's eligibility and qualifications to serve as a Bank director.

II. Analysis of the Proposed Rule

A. Reasons for the Proposed Changes

The recent changes in the selection process for appointive directors have prompted questions to the Finance Board about whether specific investments held by potential candidates would be barred by section 7(a), and thus would have to be sold if the person were to accept an appointment to the board of a Bank. These questions have brought to light the extent to which developments in the financial services marketplace in recent years have created different types of investment accounts and investment vehicles that either did not exist when FIRREA was enacted or were not as widely held as they are today, and for which the Finance Board has not previously provided formal guidance.

The Finance Board believes that the lack of a rule providing clear guidance as to what investments are encompassed by the terms "shares" and "financial interests" could cause some potential appointive director candidates to decline to consider an appointive directorship for fear that they would be required to divest certain investments in order to accept the position. Any such divestiture could prove financially costly and disruptive to their personal

financial planning strategies. At the same time, the Finance Board recognizes that as the Banks have become involved in more complex financial activities, it is important that some of a Bank's individual appointive directors have more sophisticated skills and a deeper understanding of financial markets to provide strong oversight. Such persons can bring business and leadership skills to the boards that will complement the skills and expertise brought by the elective directors and the community interest directors. In some cases, persons who possess those analytical skills and related business experience may also be sophisticated investors in their own right and have investments that go beyond traditional stock, bond, and mutual fund holdings.

The possibility that persons who can bring needed skills and experience to the board of a Bank might be discouraged from serving as appointive directors due to uncertainty about how the conflict of interest limitations may apply to their investments has caused the Finance Board to consider whether it should amend its regulations. The Finance Board hopes that in updating these provisions, a new rule will better reflect the range of investments or investment vehicles (beyond traditional investments) through which an appointive director may obtain some interest in a member but which, because of the director's lack of control over the investment or the minimal value of the interest obtained, would not present concerns that should disqualify such individual from serving as an appointive director. Thus, the Finance Board is proposing this rule in an attempt to balance the need to assure that appointive directors do not have actual or apparent conflicts that would undermine their ability to represent the public interest against the need to attract a sufficient pool of candidates with sophisticated skills in areas such as housing and finance to build boards of directors capable of overseeing the Banks as they evolve and undertake new activities.

The proposal is based primarily on the Finance Board's experience to date in administering section 7(a) and the questions raised about potential conflicts as a result of interests in various investment vehicles and strategies. The Finance Board recognizes that it has had only limited experience in dealing with the types of investment products that are available in today's financial marketplace, particularly those that are available to high net worth individuals. In order to craft a final rule that will strike an appropriate balance between allowing investments that

³ 56 FR at 55219, 55220. The definition of "financial interest" applied if the interest was held by an appointive director or director candidate or by his or her immediate family member and related interests, or the related interest of the immediate family member. 56 FR at 55219.

⁴ See Final Rule: Election of Federal Home Loan Bank Directors, 63 FR 65683 (Nov. 30, 1998). These rules are now found in part 915 of the Finance Board's regulations (12 CFR part 915).

⁵ See Interim Final Rule: Federal Home Loan Bank Appointive Directors, 72 FR 3028 (Jan. 24, 2007) (adopting new § 915.10). The Finance Board also solicited comments on this interim final rule. The Finance Board considered the comments received and adopted a final rule to address the selection process at the same meeting in which it approved this proposed rule for publication in the **Federal Register**.

share key characteristics associated with mutual fund shares, which were permitted by Congress, and barring investments that are more like direct ownership interests in member stock, the Finance Board will benefit greatly from the perspectives of persons more familiar with the universe of investment products currently available. Accordingly, the Finance Board welcomes all comments on how to further refine the proposal to assure that the rule will not unintentionally allow individuals to hold investments that may create conflicts with their duties as appointive directors but still remain flexible enough not to create unnecessary barriers to finding candidates with the skills and experience to be strong Bank directors.

B. Proposed Rule Changes

General. The Finance Board is proposing to add a new paragraph (f) to § 915.10 of its rules to address the issues described above.⁶ The proposed provision first would set out the general prohibition against an appointive director owning any debt or equity securities issued by, or otherwise having any financial interest in, a member of the Bank on whose board the director serves. The provision also would restate the statutory requirements that an appointive director may not serve as an officer of any Bank or as an officer or director of any member of the Bank on whose board the director serves.⁷ This proposed language closely follows the wording of section 7(a) of the Bank Act and the requirements of current § 915.11(a)(2) of the Finance Board's rules.⁸ The proposal goes on to describe certain types of investments or contractual relationships that would not be deemed to constitute shares or financial interests in a member for purposes of determining whether an appointive director may hold such interests while serving on the board of a Bank.

The Finance Board emphasizes that because it is not proposing to amend the

broad definition of "financial interests" now contained in § 915.11(f)(2), the proposed rule would not change the extent to, or the manner in which an individual Bank's disclosure and recusal policies must address the types of investments or activities identified in proposed § 915.10(f), even if the investments themselves would no longer be deemed to disqualify an individual from serving as an appointive director. See 12 CFR §§ 915.11(b) and (f)(2). The Finance Board views continued application of the rules related to the Bank's recusal and disclosures policies to the types of investments identified in proposed § 915.10(f) as an additional safeguard to assure that these investments would not create a conflict of interest. The Finance Board, however, requests comments on whether this approach is appropriate or if some modification to §§ 915.11(b) and (f)(2) may be warranted. The Finance Board also requests comment on whether it should require appointive directors to disclose their financial holdings to the Banks as part of their application so the Banks can verify that the investments—including the vehicles and accounts described below—do not create a conflict that would be barred by section 7(a).

Investment Vehicles. Both the legislative history of FIRREA and the Finance Board's prior regulations expressly permitted an appointive director to own shares of a diversified mutual fund that in turn owned debt or equity securities issued by a member of the Bank on whose board the director served. The legislative history offers scant insight into the intent of Congress in adding this provision, but the use of the term "diversified mutual fund" appears to reflect a view that an appointive director can own indirectly securities he or she cannot own directly under certain circumstances. Thus, in the case of mutual funds, indirect ownership of member securities would be permissible, provided the securities are owned by a legally distinct entity (the fund), and the investment decisions are made by that entity (or by an investment adviser acting on its behalf), and the appointive director lacks any control over the purchase or sale of the securities owned by the entity. The proposed rule is intended to include within the universe of permissible investments other types of investment vehicles and accounts that share those key concepts, and thus should pose no greater risk of conflict than would exist in the case of ownership of shares through a mutual fund.

Accordingly, proposed § 915.11(f)(1) would allow an appointive director to

own shares or other interests in certain investment vehicles, which in turn may own equity or debt securities issued by a member of the director's Bank, without violating section 7(a) of the Bank Act. In order for such an investment to be permissible, the investment vehicle must be a legally separate entity and the appointive director must not control the investment vehicle or play any role in the selection of the entity's underlying investments. By providing that the investment vehicle must be organized as a "legally recognized entity," the proposal would require that the vehicle be a corporation, limited partnership, trust, or similar entity that is recognized as having its own corporate existence under state law and is legally separate and distinct from the individual appointive director. As drafted, the provision would include registered investment companies (mutual funds) as well as limited partnership interests and other passive interests in distinct entities, even if those investment vehicles were not required to register under the Investment Company Act.

The proposal would require that an appointive director not control the investment entity or be involved in decisions involving investments or trading strategies, which is intended to assure that the director could not direct the entity to purchase or sell member securities or otherwise manipulate trading based on knowledge acquired as a result of the individual's duties on the Bank's board. Because a general partner typically is deemed under state law to have the ability to control or otherwise act on behalf of either a general or limited partnership, a general partnership interest would not be permissible under this proposal.

Investment Accounts. Since the Congress adopted the limitation on appointive directors' financial interests in 1989, the financial investment marketplace has evolved considerably. It has come to the attention of the Finance Board that among the investment alternatives used with much greater frequency by the investing public are arrangements that, while structured differently than mutual funds, are functionally similar, especially with respect to the client's lack of control over the investment decisions for the portfolio. Such investments may have somewhat differing structures and may have different names depending on the company offering the investment. One such investment alternative has been described as a "managed account" or a "separately managed account." Persons using these accounts may direct the

⁶ As already noted, § 915.10 sets forth the new process for the selection of appointive directors.

⁷ For purposes of applying the prohibitions on financial interests in a member and on serving as an officer or director of a member, the Finance Board interprets the term "member" broadly to include the member institutions itself, as well as any subsidiary, holding company and affiliate. See Federal Home Loan Bank Appointive Director Application Form, Statutory Eligibility Requirements § 4, Conflict of Interests (reproduced at 72 FR at 3033). The Finance Board currently intends to continue to interpret the term "member" in this broad manner.

⁸ See 12 U.S.C. 1427(a) and 12 CFR § 915.11(a)(2). As discussed in the next section, the Finance Board also is proposing conforming changes to § 915.11(a)(2) of its rules.

investment adviser to allocate the portfolio among certain classes of assets, such as growth stocks, value stocks, bonds, or foreign equities, but do not direct the purchase or sale of securities within those asset classes. A key distinction between a mutual fund and a managed account is that in the former case the investor owns shares of the fund, which in turn owns the portfolio securities in its own name, whereas in the latter case the investor will own the portfolio securities in his or her own name. A key similarity between the two is that in both cases the investor plays no role in the purchase or sale of the portfolio securities, as a typical requirement of the managed account is that the investor must confer full investment discretion on the investment adviser that manages the portfolio.

Proposed § 915.10(f)(2) is intended to allow appointive directors to hold securities of a member through such an account, based principally on the requirement that the director would have no control over the acquisition of securities for the account. Thus, the proposal would deem any debt or equity securities issued by a member that an appointive director owns through accounts where the director has no investment discretion not to constitute shares or financial interests in a member. To qualify for the exclusion under the proposed provision, however, the account would have to be managed by an investment adviser registered with the Securities and Exchange Commission under the Investment Advisers Act, the appointive director would have to pay a fee to the adviser for the advisory services that are provided as an integral component of the account, and the director would have to give the adviser complete discretion to buy or sell all securities in the account. The Finance Board believes that where an appointive director has turned over all investment decisions regarding the portfolio to a professional adviser and is not otherwise involved in the investment decisions concerning the account to have no greater interest in the member securities, in a practical sense, than does a director who owns such securities indirectly through a mutual fund. To further assure that the director could not indirectly influence the purchase or sale of securities within the portfolio, the proposal provides that the director could not be affiliated with the investment adviser and could not otherwise have control over the choice of securities acquired for the account. Given these proposed safeguards (coupled with the continued application of current disclosure and recusal

policies), the Finance Board views accounts covered by this proposed provision as not presenting risks of a conflict of interest greater than those posed by investments in mutual funds or similar investments.

In applying this provision, an investor's right to identify broad financial goals or broad investment strategies or asset classes (e.g., aggressive growth, value investing, etc.) would not constitute sufficient investment discretion to violate section 7(a), so long as the strategies would not allow a director to direct the purchase of individual securities. The Finance Board understands that persons investing through such accounts sometimes are able to direct an investment adviser not to purchase securities issued by a particular company, such as where the investor is an officer or director of a publicly traded company and instructs the adviser not to purchase any securities issued by that company. In such circumstances, the Finance Board would not be inclined to view that limited right to identify specific companies whose securities should be excluded from the account as violating the statute or the proposed rule. If the type of account held by an appointive director gives the director the ability to identify securities to sell on an ad hoc basis or based on current market conditions, however, such an arrangement would confer significant investment discretion in the client, and thus would not fall within the proposed exclusion established by this provision.

Holding Companies. Section 7(a) of the Bank Act speaks in terms of shares or other financial interests in "any member" of the Bank, but does not refer expressly to treatment of securities issued by a holding company for a member. In the current financial services sector, many depository institutions are owned by one or more holding companies and thus do not issue their own equity securities to the public. Although the statute does not address this matter, the Finance Board previously had regulations that effectively exempted securities issued by certain holding companies from the reach of section 7(a). Under that regulation, which was in effect from 1991 to 1998, securities issued by a diversified holding company were permissible investments for an appointive director. A bank holding company or a savings and loan holding company was deemed to be "diversified" for these purposes if less than 50 percent of its net worth and net earnings, on a consolidated basis, were attributable to the depository

institutions that it controlled. See n.2. The Finance Board is proposing to adopt a similar test for determining whether an appointive director may own securities issued by a holding company that controls one or more members of the Bank on whose board the director serves.

Accordingly, proposed § 915.10(f)(3) would deem debt or equity securities issued by a holding company that controls one or more members to not constitute "shares" or "financial interests" in a member, provided that the assets of all members of the Bank that are controlled by the holding company constitute less than 25 percent of the total assets of the holding company, on a consolidated basis. The Finance Board believes that where the assets of the institutions that are members of the Bank on whose board the director sits constitute less than 25 percent of the total assets of a holding company, the debt or equity instruments issued by the holding company represent interests that are predominately something other than an interest in a member.

The Finance Board believes the proposed standard limiting members' assets to less than 25 percent of the consolidated assets would be more restrictive than the standard applied under the former the definition of "diversified holding company" (i.e., 50 percent of consolidated net worth and net earnings). The Finance Board also believes the proposed standard would be easier to apply and would be less subject to fluctuations over time (so that companies would be less likely to shift status under the exclusion from year-to-year). Nonetheless, the Finance Board specifically seeks comments on how best to measure the relative sizes of the holding company and its member subsidiaries (i.e., a percentage of assets or a percentage of capital or earnings) and whether some threshold other than 25 percent would be appropriate.

Moreover, while proposed § 915.10(f)(3) would deem interests in certain holding companies not to constitute shares or financial interests in a member, the proposed provision does not deal with other relationships with a holding company. Given the current practice, however, the Finance Board would not permit an appointive director to serve as an officer or director of any holding company that controls a member, even if the member constitutes less than 25 percent of the assets of the holding company.⁹ It would appear to

⁹ While the prohibition on an appointive director serving as an officer or director of a holding company or an affiliate or a subsidiary of a member

be incompatible with the independence expected of an appointive director and the public interests the director is expected to serve to allow that person simultaneously to serve as an officer or director of any holding company that controlled any member of the Bank. As an appointive director, the individual would owe fiduciary duties to the Bank and the Finance Board does not believe that an appointive director also should owe fiduciary duties to a member or its holding company. These competing duties could make it difficult for the appointive director to competently serve in either capacity. The Finance Board is requesting comment on whether it should apply the same standard for determining if a holding company's securities are permissible investments for an appointive director to other types of relationships, such as service as a director or officer of such company or contractual relationships with, or receipt of income from, such company.

Loans and Deposits. Proposed § 915.10(f)(4) would provide that loans from, or deposits in, a member would not constitute a financial interest in the member if the transaction occurs in the normal course of business and on terms that are no more favorable than those available under like circumstances to members of the public. This provision does not represent a change in current Finance Board practices. Loans and deposits meeting the proposed criteria already are excluded from the definition of financial interest contained in § 915.11(f)(2) and holding such loans and deposits does not currently disqualify a candidate from consideration for an appointive directorship. See 12 CFR § 915.11(f)(2); see also Federal Home Loan Bank Appointive Director Application Form, Statutory Eligibility Requirements § 4, Conflict of Interest. Such items also had been permitted under the prior regulations. See, e.g., 56 FR at 55220 (adopting §§ 931.30 and 932.18 of the Finance Board's rules).

Contractual Relationships. There have been instances in the past in which individuals have asked if certain contractual relationships with a member, such as those associated with serving as legal counsel or as auditor,

would constitute a financial interest in the member that is prohibited by section 7(a).¹⁰ The answers to such questions are largely dependent on the facts of each case, and typically have been addressed by staff on a case-by-case basis. Although it is not practicable to create a regulation that would address all such circumstances, the Finance Board believes that the regulations could be revised to establish a type of safe harbor for contractual relationships that do not contribute a significant amount to the person's income. Accordingly, proposed § 915.11(f)(5) would establish a presumption that an appointive director's contractual relationships with members of the Bank would not constitute a financial interest in a member if the money paid to the person under such contracts in any calendar year constitutes less than 10 percent of the appointive director's adjusted gross income for that year.

The Finance Board would intend the director to calculate his or her adjusted gross income for the purposes of this proposed test in the same manner as would be done for federal tax purposes. The Finance Board would also expect the director to aggregate all amounts earned (or to be earned) under contracts with all members of the Bank on whose board the director serves in determining the amount due the director for purposes of applying the proposed test. Given the attribution provision in proposed § 915.11(f)(6), if an appointive director's spouse has contractual relationships with Bank members, the amounts due under those contracts also would be combined with those of the director (and the adjusted gross income would represent that of both the director and the spouse) to determine if the contracts exceed the 10 percent threshold. If only the director's spouse had a contract with Bank members, the adjusted gross income used in applying the test would be that of the spouse only.

The proposed rule also would require an appointive director to disclose all contractual relationships with members of the Bank on whose board the director serves (or will serve) whether or not the amounts due exceed 10 percent of the director's adjusted gross income, as well as those of a spouse. Where the amounts due under such contracts would be 10 percent or more of the director's adjusted gross income, the proposed rule would require the Finance Board to

determine on a case-by-case basis whether the contractual relationships represent a financial interest that would disqualify an individual from serving as an appointive director. In making the determination, the Finance Board would consider, among other things, if the contractual relationships may result in the appointive director not fairly representing the public interest when considering matters that come before the board or otherwise causing the director to be partial toward or biased against any member or otherwise partial in his or her judgment. In weighing this matter, the Finance Board would consider whether the contractual relationships may create an appearance of partiality in deciding if the contractual relationship may disqualify a person from holding an appointive directorship.

Attribution. Proposed § 915.10(f)(6) would establish that debt or equity securities owned by a spouse or minor child of an appointive director are attributed to the appointive director for purposes of complying with proposed § 915.10(f). This proposed provision also would make clear that any contractual relationships between a member and the spouse of a director would be attributed to the appointive director. How the calculation would be performed to determine whether such contracts exceeded the proposed threshold in § 915.10(f)(5) has already been discussed above. The Finance Board has not included minor children in the proposed attribution provision with regard to contracts because it would not expect that minor children would, or could legally, enter into such agreements. The Finance Board believes that the financial interests of a spouse or minor child of a director would be so closely aligned with the interests of the director that these proposed attribution provisions are fair and are generally consistent with how attribution provisions dealing with conflict of interests and similar matters are generally structured.

C. Other Conforming Amendments

The Finance Board also is proposing amendments to § 915.11(a)(2) to conform this provision to the changes proposed in new § 915.10(f). As now written, § 915.11(a)(2), given the broad definition of financial interest in § 915.11, could be read to require the Banks to adopt policies for appointive directors that would be more restrictive with regard to allowable investments than the changes proposed in § 915.10(f). Because the Bank Act provides the Finance Board the sole discretion to select appointive directors,

is not set out in the current rules, it has been agency policy to interpret the term "member" for purposes of applying the conflict of interest rules broadly to refer to the member itself, any subsidiary or affiliate of the member or any holding company of the member. See n.7. As previously noted, this interpretation currently is embodied in the explanation addressing conflict of interest provided in the application form for appointive directors, but the Finance Board specifically is requesting comment as to whether this interpretation should be clearly incorporated into the text of its rules.

¹⁰ As already noted, when determining if a contractual relationship with a member exists, the Finance Board would interpret the term "member" broadly to include a member itself, any subsidiary or affiliate of a member, and any holding company of a member. See n.7 and n.9.

the Finance Board would not intend the Banks to apply more restrictive criteria in determining when an appointive director may hold certain investments than that set forth in the Finance Board rules and policies. Thus, proposed § 915.11(a)(2) would state that a Bank's conflict of interest policy must require appointive directors to comply with § 915.10(f).

The Finance Board also is proposing to delete §§ 915.16 and 915.17, which applied only to election cycles that occurred between 1999 and 2001 and primarily were needed to implement changes made by the Gramm-Leach-Bliley Act¹¹ to the Bank Act's election and director provisions. Thus, the regulatory provisions in §§ 915.16 and 915.17 no longer serve any purpose and are not applicable to current or future election cycles. Similarly, the Finance Board is proposing to delete Appendix A to part 915, which includes matrices that were created in conjunction with earlier elections and appointments and related to the directorships of the Banks. Over the past few years, as part of its annual designation of elective directorships, the Finance Board has created updated versions of these matrices to reflect the revised board structure for each Bank for that year, and expects to continue to create new matrices as part of each annual designation exercise. Because the matrices in Appendix A relate to prior years and have been superseded by more current versions, it no longer is necessary to include them in the regulations.

III. Paperwork Reduction Act

The appointive director application form is part of the information collection entitled "Federal Home Loan Bank Directors." Under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Office of Management and Budget (OMB) has assigned control number 3069-0002, which is due to expire on November 30, 2007. The Finance Board and the Banks use the information contained in the application form to determine whether prospective appointive Bank directors satisfy the statutory and regulatory eligibility requirements and are well qualified to serve as a Bank director. Only individuals meeting these requirements may serve as Bank directors. See 12 U.S.C. 1427. The proposed rule, if adopted as a final rule, would not make substantive or material modifications to the "Federal Home Loan Bank Directors" information

collection. Consequently, the Finance Board has not submitted any information to OMB for review.

IV. Regulatory Flexibility Act

The proposed rule would apply only to the Banks and to individuals who may be willing to serve as Bank appointive directors. Neither the Banks nor individuals come within the meaning of "small entities" as defined in the Regulatory Flexibility Act (RFA). See 5 U.S.C. 601(6). Thus, in accordance with section 605(b) of the RFA, 5 U.S.C. 605(b), the Finance Board hereby certifies that the proposed rule, if promulgated as a final rule, will not have a significant economic impact on a substantial number of small entities.

Lists of Subjects in 12 CFR Part 915

Conflict of interests, Elections, Federal home loan banks, Reporting and recordkeeping requirements.

For the reasons stated in the preamble, the Finance Board is proposing to amend 12 CFR Part 915 as follows:

PART 915—BANK DIRECTOR ELIGIBILITY, APPOINTMENT, AND ELECTIONS

1. The authority citation for part 915 continues to read as follows:

Authority: 12 U.S.C. 1422a(a)(3), 1422b(a), 1426, 1427, and 1432.

2. Amend § 915.10 by adding a new paragraph (f) to read as follows:

§ 915.10 Selection of appointive directors.

* * * * *

(f) Financial interests. Except as otherwise provided in this section, an appointive director may not own any debt or equity securities issued by, or have any other financial interest in, a member of the Bank on whose board the director serves. An appointive director also may not serve as an officer or director of any member of the Bank on whose board the director serves or serve as an officer of any Bank.

(1) Investment vehicles. An appointive director's investment in a legally recognized entity that owns debt or equity securities issued by a member shall not be deemed to constitute the shares or other financial interests in a member, provided that the appointive director does not control the entity and plays no role in the purchase or sale of the securities owned by the entity.

(2) Investment accounts. Debt or equity securities owned by an appointive director through an account managed by an investment adviser registered under the Investment Advisers Act of 1940 (15 U.S.C. 80b-1

et seq.), for which the director pays a fee for advisory services and with respect to which the director has given the investment adviser complete discretion to buy and sell all securities in the account, shall not be deemed to constitute the shares or other financial interests in a member, provided that the appointive director is not affiliated with the investment adviser and has no control over the selection of securities acquired for the account.

(3) Holding companies. Debt or equity securities issued by a holding company that controls one or more members of the Bank on whose board an appointive director serves shall not be deemed to constitute the shares or other financial interest in a member, provided that the assets of all such members constitute less than 25 percent of the assets of the holding company, on a consolidated basis.

(4) Loans and deposits. Loans obtained from a member and money placed on deposit with a member shall not be deemed to constitute a financial interest in a member, provided that the transactions occur in the normal course of business of the member and are on terms that are no more favorable than those that would be available under like circumstances to members of the public.

(5) Contractual relationships. Any contractual relationship between an appointive director and one or more members of the Bank on whose board an appointive director serves, under which the director has a contractual right to the payment of money, shall be presumed not to constitute a financial interest in a member if the amount due to the director under such contracts in any calendar year is less than 10 percent of the director's adjusted gross income for that calendar year. An appointive director with any such contractual relationships, or any contractual relationship involving amounts greater than the above threshold, shall disclose the relationship to the board of directors of the Bank and to the Finance Board. The Finance Board shall determine, on a case by case basis, whether any contractual relationships greater than the above threshold constitutes a financial interest in a member.

(6) Attribution. Any debt or equity securities owned by the spouse or minor children of an appointive director shall be attributed to the director for purposes of complying with this section, as shall be any contractual relationships between a member and the spouse of an appointive director.

3. Amend § 915.11 by revising paragraph (a) to read as follows:

¹¹ Pub. L. No. 106-102, 133 Stat. 1338 (Nov. 12, 1999).

§ 915.11 Conflict of interests policy for Bank directors.

(a) Adoption of conflict of interest policy. Each Bank shall adopt a written conflict of interest policy that shall apply to all Bank directors. At a minimum, the conflict of interest policy of each Bank shall:

(1) Require the directors to administer the affairs of the Bank fairly and impartially and without discrimination in favor of or against any member or nonmember borrower;

(2) Require appointive directors to comply with § 915.10(f) of this part;

(3) Prohibit the use of a director's official position for personal gain;

(4) Require directors to disclose actual or apparent conflict of interests and establish procedures for addressing such conflicts;

(5) Provide internal controls to ensure that reports are filed and that conflicts are disclosed and resolved in accordance with this section; and

(6) Establish procedures to monitor compliance with the conflict of interests policy.

* * * * *

§ 915.16 [Removed]

4. Remove § 915.16.

§ 915.17 [Removed]

5. Remove § 915.17.

Appendix A to Part 915—[Removed]

6. Remove Appendix A to part 915.

Dated: March 27, 2007.

By the Board of Directors of the Federal Housing Finance Board.

Ronald A. Rosenfeld,
Chairman.

[FR Doc. E7-5973 Filed 3-30-07; 8:45 am]

BILLING CODE 6725-01-P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 39**

[Docket No. FAA-2007-27348; Directorate Identifier 2007-CE-015-AD]

RIN 2120-AA64

Airworthiness Directives; Diamond Aircraft Industries GmbH Model DA 40 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:

Abnormal manufacturing variations of the universal joints in combination with mechanical wear can lead to a joint failure and subsequent disconnection between selector and the fuel valve. This result in a loss of capability to select the fuel tank for supply. This condition might remain unrecognized by the pilot and can result in fuel starvation during flight and/or unavailability of emergency fuel shutoff.

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

DATES: We must receive comments on this proposed AD by May 2, 2007.

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

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

- **Fax:** (202) 493-2251.

- **Mail:** Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL-401, Washington, DC 20590-0001.

- **Hand Delivery:** Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

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

Examining the AD Docket

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

FOR FURTHER INFORMATION CONTACT: Mr. Sarjapur Nagarajan, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; *telephone:* (816) 329-4145; *fax:* (816) 329-4090.

SUPPLEMENTARY INFORMATION:**Streamlined Issuance of AD**

The FAA is implementing a new process for streamlining the issuance of

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

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

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the

ADDRESSES section. Include "Docket No. FAA-2007-27348; Directorate Identifier 2007-CE-015-AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

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

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued AD No. 2006-0067, dated March 24, 2006 (referred to after this as "the MCAI"), to correct an unsafe condition for the specified products. The MCAI states:

Abnormal manufacturing variations of the universal joints in combination with mechanical wear can lead to a joint failure and subsequent disconnection between selector and the fuel valve. This result in a loss of capability to select the fuel tank for supply. This condition might remain unrecognized by the pilot and can result in fuel starvation during flight and/or unavailability of emergency fuel shutoff.

Revision History:

This inspection was initially addressed by Austrian AD A-2004-003. The design of the fuel selector/fuel valve universal joint has than been changed by design change M-M

40–142/a and was introduced into serial production. The initial repetitive AD inspection interval of 50 Hrs is also applicable for this design. The investigation of the inspections carried out, has identified that the new joint design eliminated the design problem and no additional inspection is required.

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

Relevant Service Information

Diamond Aircraft Industries GmbH has issued Mandatory Service Bulletin No. MSB 40–030/3, dated January 31, 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 476 products of U.S. registry. We also estimate that it would take about 1.5 work-hours per product to comply with the basic requirements of this proposed AD. The average labor rate is \$80 per work-hour.

Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be \$57,120, or \$120 per product.

In addition, we estimate that any necessary follow-on actions would take about 2.5 work-hours and require parts costing \$382, for a cost of \$582 per product. We have no way of determining the number of products that may need these actions.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

1. Is not a "significant regulatory action" under Executive Order 12866;
2. Is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and
3. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator,

the FAA proposes to amend 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Diamond Aircraft Industries GmbH: Docket No. FAA–2007–27348; Directorate Identifier 2007–CE–015–AD.

Comments Due Date

(a) We must receive comments by May 2, 2007.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Model DA 40 airplanes, serial numbers 40.006 up to and including 40.079, 40.081 up to and including 40.083, 40.201 up to and including 40.417, that:

- (1) Are certificated in any category; and
- (2) Have fuel shaft part number D41–2823–20–00 Rev “–” installed.

Subject

(d) Air Transport Association of America (ATA) Code 28: Fuel.

Reason

(e) The mandatory continuing airworthiness information (MCAI) states: Abnormal manufacturing variations of the universal joints in combination with mechanical wear can lead to a joint failure and subsequent disconnection between selector and the fuel valve. This result in a loss of capability to select the fuel tank for supply. This condition might remain unrecognized by the pilot and can result in fuel starvation during flight and/or unavailability of emergency fuel shutoff.

Actions and Compliance

(f) *Unless already done, do the following actions:*

(1) Upon accumulating 200 hours time-in-service (TIS) or within 15 hours TIS after the effective date of this AD, whichever occurs later, inspect the universal joint in accordance with Diamond Aircraft Industries GmbH Mandatory Service Bulletin No. MSB 40–030/3, dated January 31, 2006. Repetitively inspect thereafter at intervals not to exceed 50 hours TIS until the modified universal joint specified in paragraph (f)(2) of this AD is installed.

(2) Before further flight, replace the complete joint assembly with the new joint assembly, part number (P/N) D41–2823–20–00 rev “a” or higher in accordance with Diamond Aircraft Industries GmbH Mandatory Service Bulletin No. MSB 40–030/3, dated January 31, 2006, if one or more defects are found on the universal joint during any inspection required by this AD.

(3) The 50-hour TIS repetitive inspection interval required in paragraph (f)(1) of this AD is terminated when the joint assembly has been replaced with the new joint specified in paragraph (f)(2) of this AD.

(4) At 1,000-hour TIS intervals after the replacement specified in paragraph (f)(2) of this AD, inspect the universal joints in the fuel selector shaft as specified in Diamond Aircraft DA 40 Series Temporary Revision to the Airplane Maintenance Manual (AMM), AMM-TR-MAM-40-142/a, Fuel Tank Selector, Doc. No. 6.02.01, Section 25-20-00, page 28a, dated May 23, 2005.

FAA AD Differences

Note: This AD differs from the MCAI and/or service information as follows: The MCAI incorporates the repetitive inspection requirement for the new joint assembly, P/N D41-2823-20-00 rev "a" or higher, into the AMM. In order for this inspection to be required for U.S.-owner/operators, we are incorporating the 1,000-hour repetitive inspection into this AD.

Other FAA AD Provisions

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

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Standards Staff, FAA, Small Airplane Directorate, ATTN: Sarjapur Nagarajan, Aerospace Engineer, 901 Locust, Room 301, Kansas City, Missouri 64106; *telephone:* (816) 329-4145; *fax:* (816) 329-4090, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

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

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

Related Information

(h) Refer to MCAI European Aviation Safety Agency (EASA) AD No. 2006-0067, dated March 24, 2006; and Diamond Aircraft Industries GmbH Mandatory Service Bulletin No. MSB 40-030/3, dated January 31, 2006, for related information.

Issued in Kansas City, Missouri, on March 27, 2007.

Kim Smith,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. E7-6012 Filed 3-30-07; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2007-27530; Directorate Identifier 2007-CE-019-AD]

RIN 2120-AA64

Airworthiness Directives; APEX Aircraft (formerly Avions Mudry et CIE) Model CAP 10 B 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:

Two cases of rudder lower support with cracks have been reported, waiting for a technical solution * * *

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

DATES: We must receive comments on this proposed AD by May 2, 2007.

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

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

Examining the AD Docket

You may examine the AD docket on the Internet at <http://dms.dot.gov>; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the

Docket Office (telephone (800) 647-5227) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT:

Sarjapur Nagarajan, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; *telephone:* (816) 329-4145; *fax:* (816) 329-4090.

SUPPLEMENTARY INFORMATION:

Streamlined Issuance of AD

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

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

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include "Docket No. FAA-2007-27530; Directorate Identifier 2007-CE-019-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. F-2004-143, dated August 18, 2004 (referred to after this as "the MCAI"), to correct an

unsafe condition for the specified products. The MCAI states:

Two cases of rudder lower support with cracks have been reported, waiting for a technical solution * * *

The MCAI requires:

* * * inspections are required.

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

Relevant Service Information

APEX Aircraft has issued Apex Aircraft Service Bulletin No. 040707, dated July 29, 2004. 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 31 products of U.S. registry. We also estimate that it would take about 8 work-hours per product to comply with the basic requirements of this proposed AD. The average labor rate is \$80 per work-hour.

Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be \$19,840, or \$640 per product.

In addition, we estimate that any necessary follow-on actions would take about 5 work-hours and require parts provided by APEX Aircraft under warranty, for a cost of \$400 per product. We have no way of determining the number of products that may need these actions.

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:

APEX AIRCRAFT (formerly Avions Mudry et CIE) (Type Certificate No. A36EU formerly held by AVIONS MUDRY et CIE); Docket No. FAA-2007-27530; Directorate Identifier 2007-CE-019-AD.

Comments Due Date

(a) We must receive comments by May 2, 2007.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Model CAP 10 B airplanes fitted with a rudder lower support, part number (P/N) CAP10-30-08-01* or CAP230-30-08-01* (* with or without a letter at the reference end), as applicable, supplied by APEX Aircraft after January 1, 2001 (supplied as spare part or incorporated in production), all serial numbers, certificated in any category.

Subject

(d) Air Transport Association of America (ATA) Code 55: Stabilizers.

Reason

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

Two cases of rudder lower support with cracks have been reported, waiting for a technical solution * * *

Actions and Compliance

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

(1) Within the next 50 hours time-in-service (TIS) after the effective date of this AD, do inspection A using Apex Aircraft Service Bulletin No. 040707, dated July 29, 2004.

(2) Every 50 hours TIS after the inspection required by paragraph (f)(1) of this AD, do inspection B using Apex Aircraft Service Bulletin No. 040707, dated July 29, 2004.

(3) When a crack is detected as a result of any inspection required by paragraph (f)(1) or (f)(2) of this AD, before further flight, return the part to APEX Aviation using Apex Aircraft Service Bulletin No. 040707, dated July 29, 2004. Continued operation with any rudder lower support with cracks is prohibited.

(4) As of the effective date of this AD, do not install a rudder lower support, P/N CAP10-30-08-01* or CAP230-30-08-01*, unless it is inspected and found to be crack free per the requirements of this AD.

FAA AD Differences

Note: This AD differs from the MCAI and/or service information as follows: The MCAI and service bulletin require inspection A before the next flight and inspection B every 25 flight hours. We consider before the next flight as an urgent safety of flight compliance time, and we do not consider this unsafe condition to be an urgent safety of flight condition. Because we do not consider this unsafe condition to be an urgent safety of flight condition, we issued this action through the normal notice of proposed rulemaking (NPRM) AD process. The time of 50 hours TIS is an adequate compliance for this AD action and meets the FAA requirements of an NPRM.

Other FAA AD Provisions

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

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Standards Staff, FAA, ATTN: Sarjapur Nagarajan, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329-4145; fax: (816) 329-4090, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

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

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

Related Information

(h) Refer to MCAI EASA AD No. F-2004-143, dated August 18, 2004; and Apex Aircraft Service Bulletin No. 040707, dated July 29, 2004, for related information.

Issued in Kansas City, Missouri, on March 27, 2007.

Kim Smith,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. E7-6015 Filed 3-30-07; 8:45 am]

BILLING CODE 4910-13-P

COMMODITY FUTURES TRADING COMMISSION**17 CFR Parts 1, 3, 4, 15 and 166**

RIN 3038-AC26

Exemption From Registration for Certain Foreign Persons

AGENCY: Commodity Futures Trading Commission.

ACTION: Proposed rules.

SUMMARY: The Commodity Futures Trading Commission ("Commission") is proposing to amend Commission Regulation 3.10 regarding the registration of firms located outside the U.S. that are engaged in commodity interest activities with respect to trading on U.S. designated contract markets ("DCMs") and U.S. derivative transaction execution facilities ("DTEFs").¹ The amended regulation would codify past actions of the Commission or its staff permitting certain foreign firms that limit their customers to foreign customers to submit U.S. DCM and DTEF business on behalf of those customers for clearing on an omnibus basis through a registered futures commission merchant ("FCM"), without the foreign firm having to register as an FCM pursuant to section 4d of the Commodity Exchange Act ("Act").

DATES: Comments must be received on or before May 2, 2007.

ADDRESSES: Comments may be submitted, identified by RIN 3038-AC26, by any of the following methods:

- Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.
- E-mail: secretary@cftc.gov. Include "Exemption from Registration for Certain Foreign Persons" in the subject line of the message.
- Fax: 202/418-5521.
- Mail or Courier: Send to Eileen A. Donovan, Acting Secretary, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st St., NW., Washington, DC 20581.

All comments received will be posted without change to <http://www.cftc.gov>, including any personal information provided.

FOR FURTHER INFORMATION CONTACT:

Lawrence B. Patent, Deputy Director, or Andrew V. Chapin, Special Counsel, at (202) 418-5430, Division of Clearing and Intermediary Oversight, Commodity Futures Trading Commission, Three

Lafayette Centre, 1155 21st Street, NW., Washington, DC 20581. Electronic mail: 1patent@cftc.gov or achapin@cftc.gov.

SUPPLEMENTARY INFORMATION:**I. Background Information**

A. Registration Requirements for Commodity Interest Activities on U.S. Markets

Part 3 of the Commission's regulations governs the registration of intermediaries engaged in the offer and sale of, and providing advice concerning, futures and commodity options traded on U.S. markets, including both DCMs and DTEFs. In particular, Regulation 3.10 sets forth the manner in which FCMs, introducing brokers ("IBs"), commodity trading advisors ("CTAs"), commodity pool operators ("CPOs") and leverage transaction merchants must apply for registration with the Commission. Regulation 3.10(c) also provides an exemption from registration for certain persons. Currently, the only exemption from registration as an FCM is for any person trading solely for proprietary accounts, as defined in Regulation 1.3(y).

With respect to registration, the Act does not distinguish between an intermediary located within or outside the U.S., nor does that Act distinguish between a firm conducting commodity interest² activities on behalf of U.S. persons and those conducting such activities solely on behalf of persons located outside the U.S. For example, Section 1a(20) of the Act defines an FCM as a person that is

(A) Engaged in soliciting or accepting orders for the purchase or sale of any commodity for future delivery on or subject to the rules of any contract market or derivatives transaction execution facility; and (B) in or in connection with such solicitation or acceptance of orders, accepts any money, securities or property (or extends credit in lieu thereof) to margin, guarantee, or secure any trades or contracts that result or may result therefrom.³

Section 4d(a) of the Act states that:

[I]t shall be unlawful for any person to engage as [an FCM] * * * in soliciting or accepting orders for the purchase or sale of any commodity for future delivery, or involving any contracts of sale of any commodity for future delivery, on or subject to the rules of any contract market or

² See discussion of proposed new Regulation 1.3(yy) defining the term "commodity interest," *infra*.

³ 7 U.S.C. 1a(20) (2000). See also Regulation 1.3(p). The definitions of CPO, CTA and IB similarly are applicable to transactions entered into on U.S. markets without regard to the location of the intermediary. See 7 U.S.C. 1a(5), (6) and (23), respectively.

¹ Commission regulations referred to herein are found at 17 CFR Ch. I (2006). References to trading on U.S. DCMs or DTEFs shall include trading that is subject to the rules of such entities as well.

derivatives transaction execution facility unless

(1) Such person shall have registered, under this Act, with the Commission as such [FCM] * * * and such registration shall not have expired nor been suspended nor revoked; * * *

Accordingly a person located outside the U.S. engaged in FCM-type activity with respect to transactions entered into on a DCM or DTEF would be required to register as an FCM even though such person restricts its customer base to persons located outside of the U.S.

B. Foreign Broker Exemption

The term "foreign broker" never has been defined in the context of the Part 3 registration requirements. Rather, the term "foreign broker" has been defined solely in the context of the financial surveillance reporting requirements set forth in Parts 15 to 21 of the Commission's regulations. Specifically, Regulation 15.00(a)(1) defines "foreign broker" to mean "any person located outside the U.S. or its territories who carries an account in commodity futures or commodity options on any contract market for any other person." In various contexts, the Commission has indicated that it would not require registration of a foreign broker that (1) limits its customers to foreign customers, (2) submits the trades of such foreign customers that are entered into on U.S. markets for clearing on an omnibus basis through a registered FCM, and (3) does not solicit or accept orders from U.S. customers for trading on U.S. markets. In contrast, the Commission always has maintained that any commodity interest activities undertaken by a foreign broker on behalf of any U.S. person for trading on or subject to the rules of a U.S. market would have required registration on the part of the foreign broker.

The genesis of the "foreign broker exemption" occurred in 1938 when the Commodity Exchange Authority ("CEA"), the Commission's predecessor, issued an Administrative Determination stating that the segregation requirements in Section 4d of the Act did not apply to foreign, non-clearing member firms because that provision, despite containing no express territorial limitation, was considered to be "confined to the geographical area over which the law-making power has jurisdiction."⁴ The Commission notes that the scope of the CEA's determination was restricted to non-clearing activities.

In 1980, the Commission further addressed the participation of foreign persons on U.S. markets in a **Federal Register** release amending Part 15 of the Commission's regulations. The Commission stated that:

[F]oreign entities presently comprise a significant portion of the traders in various commodities on domestic exchanges. Nevertheless by engaging in futures trading in the United States, foreign persons, like domestic market participants, become subject to the regulatory scheme of the Commodity Exchange Act * * *.⁶

As a consequence, the Commission promulgated market surveillance reporting rules that contemplate that a foreign broker submits its trades for clearing on an omnibus basis through an FCM.⁷

In 1983, the Commission unambiguously set forth its policy regarding the registration of foreign brokers in a final rulemaking establishing the registration requirements and procedures for introducing brokers and other futures industry professionals. The Commission stated that

Given this agency's limited resources, it is appropriate at this time to focus [the Commission's] customer protection activities upon domestic firms and upon firms soliciting or accepting orders from domestic users of the futures markets and that the protection of foreign customers of firms confining their activities to areas outside this country, its territories, and possessions may best be for local authorities in such areas.⁸

Accordingly, the Commission concluded that "a foreign broker would generally not need to register as an introducing broker."⁹

⁶ 45 FR 30426 (May 8, 1980). The 1980 **Federal Register** release cited the Commission's decision in *In the Matter of AWscope*, S.A. CFTC Docket No. 79-114 [1977-1990 Transfer Binder] Comm. Fut. L. Rep. (CCH) ¶ 20,785 at p. 23192, n. 12 (March 19, 1979), *vacated on other grounds*, 604 F.2d 764 (2d Cir. 1979). In the *Wscope* division, the Commission stated that:

[A] foreign broker, like any other person or entity, is required to place all orders to buy or sell futures contracts through a registered futures commission merchant. Historically, futures commission merchants have often carried foreign brokers' accounts as 'omnibus accounts' in which transactions for a broker's customers are combined and carried in the name of the broker, rather than being accounted for and separately identified by the customer.

⁷ See, e.g., Regulations 15.05 and 17.04.

⁸ 48 FR 35247, 35261 (August 3, 1983). The Commission cited to prior iterations of this policy concept dating back to 1980, as well as to a staff letter on the topic issued in 1975. 45 FR 18356, 18360 (March 20, 1980); 45 FR 80490 (December 5, 1980); CFTC Staff Letter 75-12 [1975-1977 Transfer Binder] Comm. Fut. L. Rep. (CCH) ¶ 20,099 (October 6, 1975).

⁹ *Id.* An introducing broker is defined as a person engaged in soliciting or in accepting orders for futures and options contracts listed on any contract

The Commission's staff has taken action consistent with the Commission's policy regarding the participation of foreign persons on U.S. markets. For example, in CFTC Staff Letter 89-07, Commission staff state that

The Commission has not required a person located outside the United States which engages in the conduct described in section 2(a)(1)(A) of [the Act] for or on behalf of foreign customers through a U.S. FCM to register as an FCM. Specifically, the Commission has not required a foreign broker as that term is defined in rule 15.00(a)(1) to register as an FCM.¹⁰

The Commission notes that, by limiting the exemptive relief to activities conducted "through a U.S. FCM," staff did not extend the exemptive relief available to a foreign broker to include the submission of trades executed for its customer and non-customer accounts directly to a clearing organization for a U.S. market.¹¹

In addition, the Commission's Office of General Counsel ("OGC") issued an interpretative letter in 1976 addressing the participation of foreign-based CPOs and CTAs on U.S. markets. In its letter, OGC stated that a person who operates commodity pools outside of the territorial U.S. is not required to register as a CPO when such a person confines the pool activities to areas outside the territorial U.S., none of the participation in the pool is a resident or citizen of the U.S., and none of the funds or capital contributed to the pools are from U.S. sources.¹² The OGC interpretative letter also stated that a trading advisor located outside the territorial U.S. who provides advice as to the advisability of trading futures contracts on domestic and foreign exchanges is not required to register when such a person confines its advisory services to areas outside of the

market or derivatives transaction execution facility that does not accept any money, securities, or property to margin any trades that result from such orders. See Section 1a(23) of the Act; see also Regulation 1.3(mm).

¹⁰ CFTC Staff Letter 89-07, [1987-1990 Transfer Binder] Comm. Fut. L. Rep. (CCH) ¶ 24,479 at 36,096-97 (June 22, 1989); see also, CFTC Staff Letter 98-80, [1998-1999 Transfer Binder] Comm. Fut. L. Rep. (CCH) ¶ 27,503 (November 25, 1998); CFTC Staff Letter 93-113, [1992-1994 Transfer Binder] Comm. Fut. L. Rep. (CCH) ¶ 25,930 (October 29, 1993); CFTC Staff Letter 92-19, [1992-1994 Transfer Binder] Comm. Fut. L. Rep. (CCH) ¶ 25,516 (October 9, 1992).

¹¹ A non-customer account would include accounts carried for persons closely related to the foreign broker such as a parent or subsidiary company, a director or a major shareholder. See 17 CFR 1.17(b)(4).

¹² CFTC Staff Letter 76-21, [1975-1977 Transfer Binder] Comm. Fut. L. Rep. (CCH) ¶ 20,222 (August 15, 1976). OGC further noted that "[t]he pools trade through the London office of your company, which is a futures commission merchant registered with the Commission." *Id.*

⁴ 7 U.S.C. 6d(a)(1) (2000).

⁵ Administrative Determination No. 51 (March 17, 1938).

territorial U.S., and none of its clients is a citizen or resident of the U.S.¹³

The Commission believes that it is appropriate at this time to codify the "foreign broker exemption" as a means to provide greater legal certainty with respect to the commodity interest activities undertaken by those persons located outside the U.S. on U.S. markets. Accordingly, the Commission is proposing to amend Regulation 3.10(c) to exempt from registration as an FCM any person that (1) limits its customers to customers located outside the U.S.¹⁴ (2) confines its commodity interest activities to areas outside the U.S. and (3) submits its trades for clearing on an omnibus basis through a registered FCM.

II. Proposed Regulations

The Commission proposes to amend Regulation 3.10(c) to provide a limited exemption from registration to certain persons located outside the U.S. that engage in brokerage activities on domestic markets on behalf of customers located outside the U.S. Specifically, the Commission proposes to codify the "foreign broker exemption" previously articulated by the Commission and its staff by amending Regulation 1.3 to include a new definition of "foreign broker." The existing definition of "foreign broker" in Regulation 15.00(g) is limited in context to the market surveillance reporting requirements set forth in Parts 15 to 21 of the Commission's regulations. Proposed Regulation 1.3(xx) would define "foreign broker" as a person located outside the U.S.¹⁵ who acts in the capacity of an FCM, as described in Regulation 1.3(p), and who solicits or accepts orders for execution on or subject to the rules of U.S. markets from persons outside the U.S. Unlike the Regulation 15.00(g) definition, the application of Proposed Regulation 1.3(xx) would not be restricted to a particular part of the Commission's regulations. In conjunction with the provisions to Regulation 3.10(c) described below, the new definition of "foreign broker" would clarify that the commodity interest activities undertaken on U.S. markets by a person located outside the U.S. are subject to general Commission oversight, and not

limited to the market surveillance activities described in Parts 15 to 21 of the Commission's regulations.

The Commission also is proposing to amend Regulation 1.3 to add new paragraph (yy) to provide a definition of the term "commodity interest." Regulation 4.10(a)(1) currently defines "commodity interest" to mean: (1) any contract for the purchase or sale of a commodity for future delivery; and (2) any contract, agreement or transaction subject to Commission regulation under Section 4c or 19 of the Act. This definition of "commodity interest" includes not only futures contracts, but options on futures and cash commodities traded on U.S. markets. Regulation 4.10(a)(1), however, applies only to Part 4 of the Commission's regulations governing CPOs and CTAs. Rather than address the commodity interest activities of foreign brokers and other persons located outside the U.S. by reference to Regulation 4.10(a)(1), the Commission is proposing to promulgate new Regulation 1.3(yy) to clarify that these activities are subject to the Commission's general oversight, including the registration requirements set forth in Part 3 of the Commission's regulations. In order to eliminate any confusion resulting from duplicate regulations, the Commission proposes further to remove the existing definition of "foreign broker" from Regulation 15.00(g), and the existing definitions of "commodity interest" from 1.56(a), 3.1(f), 4.10(a), and 166.1(a), respectively.

In addition to the proposed changes to Part 1 of the Commission's regulations, the Commission proposes to amend Regulation 3.10(c) to exempt from FCM registration any foreign broker, as defined in new Regulation 1.3(xx), that submits customer or proprietary trades executed on or subject to the rules of U.S. markets for clearing on an omnibus basis through a fully registered FCM. Any foreign broker eligible for such relief would be required to continue to comply with all other provisions of the Act and of the rules, regulations and orders thereunder, including the reporting requirements set forth in Parts 15 to 21 of the Commission's regulations.

The Commission has not proposed to extend the exemption from FCM registration to permit a foreign broker to become a remote clearing member of a derivatives clearing organization ("DCO") without having to register as an FCM. A firm routinely submitting customer positions for clearing by a DCO is not confining its activities to

areas located outside this country.¹⁶ As a result, the proposal would require the foreign broker to submit all of its trades, both customer and proprietary, for clearing through a registered FCM. In addition, the Commission notes that it always has been concerned about oversight of clearing member firms because of the potential for systemic risk.

The Commission also believes that remote clearing raises material policy issues with respect to both the financial integrity of the markets and customer protection. For example, FCM registrants are subject to requirements concerning fitness, capital, treatment of funds, recordkeeping, and ongoing reporting, and FCM compliance and these standards are monitored by the Commission, and the relevant self-regulatory organization. Exemption from registration would relinquish those safeguards.¹⁷

Comments regarding the proposed amendment to Regulation 3.10(c) and the corresponding amendments to related regulations should not be limited to the areas cited above, but rather should address all aspects of the Commission's regulatory program, including its goals to protect investors and the public interest; to promote fair competition, market efficiency, innovation and the expansion of investment opportunities; and to maintain fair and orderly markets.

III. Related Matters

A. Regulatory Flexibility Act

The Regulatory Flexibility Act ("RFA"), 5 U.S.C. 601–611, requires that agencies, in proposing regulations, consider the impact of those regulations on small businesses. The Commission has previously established certain definition of "small entities" to be used

¹⁶ See *Quill Corp. v. North Dakota*, 504 U.S. 298, 307–308 (1992) (holding that if a foreign corporation purposefully avails itself of the benefits of an economic market in the forum State, it may subject itself to the *in personam* jurisdiction even if it has no physical presence in the State); *Burger King Corp. v. Rudzewicz*, 471 U.S. 462, 476 (1985) ("it is an inescapable fact of modern commercial life that a substantial amount of business is transacted solely by mail and wire communications across state lines, thus obviating the need for physical presence within a State in which business is conducted.").

¹⁷ The Commission is not aware that this type of arrangement has caused hardship for registered FCMs located in the U.S., such as any requirement imposed upon them by foreign regulators because they submit for clearing by a DCO transactions for persons located outside of the U.S. The Commission similarly permits a firm located outside of the U.S. whose only contact with U.S. customers consists of acting as the clearing firm for transactions executed on or subject to the rules of a foreign board of trade on an omnibus basis to do so without being registered as an FCM. 17 CFR 30.4(a).

¹³ *Id.*

¹⁴ The limitation applies to solicitation as well as acceptance of orders. Accordingly, if a person located outside of the U.S. were to solicit prospective customers located in the U.S. as well as outside the U.S., this exemption would *not* be available, even if the only customers resulting from the efforts were located outside of the U.S.

¹⁵ Consistent with existing Commission regulations, the proposed regulations refer to the United States, its territories and possessions.

by the Commission in evaluating the impact of its regulations on such entities in accordance with the RFA.¹⁸ The Commission previously has determined that registered FCMs are not small entities for the purpose of the RFA because each FCM has an underlying fiduciary relationship with its customers, regardless of the size of the FCM.¹⁹ The Commission notes that the foreign persons affected by the proposed changes to the Commission's regulations would be registered as FCMs if not for the exemption provided therein and, as such, would maintain a fiduciary relationship with customers similar to the relationship maintained by each registered FCM. Therefore, the Chairman, on behalf of the Commission, hereby certifies, pursuant to 5 U.S.C. 605(b), that these proposed regulations will not have a significant economic impact on a substantial number of small entities. Nonetheless, the Commission specifically requests comment on the impact these proposed rules may have on small entities.

B. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 ("PRA") (44 U.S.C. 3501 *et seq.* (Supp. I 1995)) imposes certain requirements on federal agencies (including the Commission) in connection with their conducting or sponsoring any collection of information as defined by the PRA.

While the proposed rule discussed herein has no burden, the group of rules (3038–0023, Rules, Regulations and Forms for Domestic and Foreign Futures and Options Related to Registration with the Commission) of which it is a part has the following burden:

Average Burden Hours Per Response: 18.11
Number of Respondents: 76,750.

Frequency of Response: Annually and On Occasion.

The Office of Management and Budget ("OMB") approved the collection of information associated with the group of rules on August 17, 2004. Copies of the OMB-approved information collection submission are available from the CFTC Clearance Officer, 1155 21st Street, NW., Washington, DC, 20581 (202) 418–5160.

C. Costs and Benefits of the Proposed Rules

Section 15(a) of the Act requires the Commission to consider the costs and benefits of its actions before issuing new regulations under the Act. By its terms, Section 15(a) does not require the Commission to quantify the costs and benefits of new regulations or to

determine whether the benefits of the proposed regulations outweigh their costs. Rather, Section 15(a) requires the Commission to "consider the cost and benefits" of the subject regulations.

Section 15(a) further specifies that the costs and benefits of the proposed regulations shall be evaluated in light of five broad areas of market and public concern: (1) Protection of market participants and the public; (2) efficiency, competitiveness, and financial integrity of futures markets; (3) price discovery; (4) sound risk management practices; and (5) other public interest considerations. The Commission may, in its discretion, give greater weight to any one of the five enumerated areas of concern and may, in its discretion, determine that, notwithstanding its costs, a particular regulation is necessary or appropriate to protect the public interest or to effectuate any of the provisions or to accomplish any of the purposes of the Act.

The proposed regulations should foster the protection of market participants and the public by providing greater legal certainty to the commodity interest activities of persons located outside the U.S. As the activity set forth in the proposed regulations presently is permitted under staff interpretation and no-action, the proposed regulations should have no material impact from the standpoint of imposing costs or creating benefits, on efficiency, competitiveness and financial integrity of financial markets, price discovery, sound risk management practices, or any other public interest considerations.

List of Subjects

17 CFR Part 1

Definitions, Registration, Minimum financial and reported requirements, Prohibited transactions in commodity options, Customers' money, securities and property, Miscellaneous.

17 CFR Part 3

Definitions, Foreign futures, Consumer protection, Foreign options, Registration requirements.

17 CFR Part 4

Advertising, Commodity futures, Consumer Protection, Recordkeeping and reporting requirements.

17 CFR Part 5

Brokers, Reporting and recordkeeping requirements.

17 CFR Part 166

Authorization to trade, Customer protection.

In consideration of the foregoing, and pursuant to the authority contained in the Commodity Exchange Act and, in particular, Sections 2(a)(1), 4(b), 4c and 8a thereof, 7 U.S.C. 2, 6(b), 6c and 12a (1982), and pursuant to the authority contained in 5 U.S.C. 552 and 552b (1982), the Commission hereby proposes to amend Chapter I of Title 17 of the Code of Federal Regulations as follows:

PART 1—DEFINITIONS

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

Authority: 7 U.S.C. 1a, 2, 5, 6, 6a, 6b, 6c, 6d, 6e, 6f, 6g, 6h, 6i, 6j, 6k, 6l, 6m, 6n, 6o, 6p, 7, 7a, 7b, 8, 9, 12, 12a, 12c, 13a, 13a–1, 16, 16a, 19, 21, 23, and 24, unless otherwise noted.

2. Section 1.3 is amended by adding paragraphs (xx) and (yy) to read as follows:

§1.3 Definitions.

* * * * *

(xx) *Foreign Broker*. This term means any person located outside the United States, its territories or possessions who is engaged in soliciting or in accepting orders only from persons located outside the United States, its territories or possessions for the purchase or sale of any commodity interest transaction on or subject to the rules of any designated contract market or derivatives transaction execution facility and that, in or in connection with such solicitation or acceptance of orders, accepts any money, securities or property (or extends credit in lieu thereof) to margin, guarantee, or secure any trades or contracts that result or may result therefrom.

(yy) *Commodity Interest*. This term means: (1) Any contract for the purchase or sale of a commodity for future delivery; and (2) any contract, agreement or transaction subject to Commission regulation under section 4c or 19 of the Act.

§1.56 [Amended]

Section 1.56 is amended by removing and reserving paragraph (a).

PART 3—REGISTRATION

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

Authority: 5 U.S.C. 522, 522b; 7 U.S.C. 1a, 2, 4, 6, 6a, 6b, 6c, 6d, 6e, 6f, 6g, 6h, 6i, 6k, 6m, 6n, 6o, 6p, 8, 9, 9a, 12, 12a, 13b, 13c, 16a, 18, 19, 21, 23, unless otherwise noted.

§3.1 [Amended]

5. Section 3.1 is amended by removing and reserving paragraph (f).

6. Section 3.10 is amended by revising paragraph (c) to read as follows:

¹⁸ 47 FR 18618–18621 (April 30, 1982).

¹⁹ 47 FR 18619–18620.

§ 3.10 Registration of futures commission merchants, introducing brokers, commodity trading advisors, commodity pool operators and leverage transaction merchants.

* * * * *

(c) *Exemption from registration for certain persons.* (1) A person trading solely for proprietary accounts, as defined in § 1.3(y) of this chapter, is not required to register as a futures commission merchant: *Provided*, that such a person remains subject to all other provisions of the Act and of the rules, regulations and orders thereunder.

(2)(i) A foreign broker, as defined in § 1.3(xx) of this chapter, is not required to register as a futures commission merchant if it submits any commodity interest transactions executed on or subject to the rules of designated contract market or derivatives transaction execution facility for clearing on an omnibus basis through a futures commission merchant registered in accordance with section 4d of the Act.

(ii) A foreign broker acting in accordance with paragraph (c)(2)(i) of this section remains subject to all other provisions of the Act and of the rules, regulations and orders thereunder.

PART 4—COMMODITY POOL OPERATORS AND COMMODITY TRADING ADVISORS

7. The authority citation for part 4 continues to read as follows:

Authority: 7 U.S.C. 1a, 2, 4, 6(c), 6b, 6c, 6l, 6m, 6n, 6o, 12a and 23.

§ 4.10 [Amended]

8. Section 4.10 is amended by removing and reserving paragraph (a).

PART 15—REPORTS—GENERAL PROVISIONS

9. The authority citation for part 15 continues to read as follows:

Authority: 7 U.S.C. 2, 5, 6(c), 6a, 6c(a)–(d), 6f, 6g, 6i, 6k, 6m, 6n, 7, 9, 12a, 19 and 21, as amended by the Commodity Futures Modernization Act of 2000, Appendix E of Pub. L. 106–554, 114 Stat. 2763 (2000).

§ 15.00 [Amended]

10. Section 15.00 is amended by removing and reserving paragraph (g).

PART 166—CUSTOMER PROTECTION RULES

11. The authority citation for part 166 continues to read as follows:

Authority: 7 U.S.C. 1a, 2, 6b, 6c, 6d, 6g, 6h, 6k, 6l, 6o, 7, 12a, 21, and 23, as amended by the Commodity Futures Modernization Act of 2000, Appendix E of Pub. L. 106–554, 114 Stat. 2763 (2000).

§ 166.1 [Amended]

12. Section 166.1 is amended by removing and reserving paragraph (b).

Dated: March 23, 2007.

By the Commission.

Eileen A. Donovan,

Acting Secretary of the Commission.

[FR Doc. 07–1522 Filed 3–30–07; 8:45 am]

BILLING CODE 6351–01–M

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 261

RIN 0596–AC30

Clarifying Prohibitions for Failure To Maintain Control of Fires That Damage National Forest System Lands

AGENCY: Forest Service, USDA.

ACTION: Proposed rule; request for comment.

SUMMARY: The Forest Service is proposing to revise 36 CFR part 261, Prohibitions, to establish a new prohibition for starting and negligently failing to maintain control of a prescribed fire. Proof of criminal negligence is required of this offense. The Forest Service also is proposing to clarify that the prohibition for causing and failing to maintain control of all other fires is a strict liability offense, not requiring proof of criminal intent. In implementing the National Fire Plan, the Forest Service has encouraged adjacent landowners to develop integrated fire management plans for the use of prescribed fire for the restoration and protection of private lands adjacent to National Forest System lands. Without the proposed changes, adjacent landowners might be discouraged from using prescribed fire.

DATES: Comments must be received in writing by June 1, 2007.

ADDRESSES: Written comments concerning this notice should be addressed to USDA Forest Service, State and Private Forestry, Stop 1109, 1400 Independence Avenue, SW., Washington, DC 20250–1109. Comments may also be sent via e-mail to spf@fs.fed.us or via facsimile to 202–205–1174. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at USDA Forest Service, State and Private Forestry, 1400 Independence Avenue, SW., Washington, DC 20250–1109. Visitors are encouraged to call ahead to 202–

205–1331 to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT:

Denny Truesdale, State and Private Forestry, 202–205–1588. Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The following outline contains the contents of the **SUPPLEMENTARY INFORMATION** section of this proposed rule:

Background
Regulatory Certifications
Regulatory Impact
Environmental Impact
Federalism
Consultation With Tribal governments
No takings Implications
Controlling Paperwork Burdens on the Public
Energy Effects
Civil Justice Reform
Unfunded Mandates

List of Subjects in Part 261

Background

A new paragraph (c) would be added to section 261.1, Scope, to clarify that unless criminal intent (“*mens rea*”) is expressly required in the provision setting forth the offense, strict liability would apply. Whether criminal intent is a required element of an offense is a question of statutory construction. Where a statute or regulation does not expressly require criminal intent, “silence on this point by itself does not necessarily suggest that Congress intended to dispense with the conventional *mens rea* element * * *” *Staples v. United States*, 511 U.S. 600, 605 (1994). As a general rule, absent a clear indication of legislative intent, courts require proof of intent for criminal offenses. See *Id.* at 605, for a discussion of cases that support this well-established principle.

However, the general presumption that some guilty intent or purpose is required does not apply to “public welfare offenses.” These are offenses that typically impose penalties to serve as an effective means of regulation. *Id.* At 606 (“[i]n construing such statutes, we have inferred from silence that Congress did not intend to require proof of *mens rea* to establish an offense”). Public welfare offenses are those that “are not of the nature of positive aggressions or invasions, with which the common law so often dealt, but are in the nature of neglect where the law requires care, or inaction where it imposes duty.” *Morrisette v. United States*, 342 U.S. 246, 255 (1952). Public

welfare offenses “render[s] criminal a type of conduct that a reasonable person should know is subject to stringent public regulation and may seriously threaten the community’s health and safety.” *Liparota v. United States*, 471 U.S. 419, 426 (1985). A person should know that the use of Federal lands is subject to stringent regulation, and that action or inaction in violation of such regulation can cause irreparable harm to the public or the land and its resources.

The proposed clarification to section 261.1 would make express the agency’s long-standing interpretation of its criminal prohibitions as public welfare offenses and confirm that, as such, they generally are strict liability offenses. Proof of criminal intent would be required only where expressly provided by the specific prohibition.

To this end, section 261.5(e) would be revised to remove the term “allowing.” Section 261.5(e) currently prohibits “allowing a fire to escape from control.” The term “allowing” has been interpreted differently by courts in some cases to require proof of criminal intent. *United States v. Semenza*, 835 F.2d 223 (9th Cir. 1987); *United States v. Osgudthorpe*, 13 F. Supp.2d 1215 (D. Utah, 1998). In other cases, courts have found that the term does not require proof of criminal intent. *United States v. Larson*, 746 F.2d 455 (8th Cir. 1984), citing *United States v. Wilson*, 438 F.2d 525 (9th Cir. 1971). The revision would clarify that the prohibition in section 261.5(e) is a strict liability offense.

In addition to removing the term “allowing,” section 261.5(e) also would be revised to limit its application to fires that are not prescribed fires. As clarified, the prohibition would be a strict liability offense for causing and failing to maintain control of a fire that is not a prescribed fire that damages National Forest System (NFS) lands.

Section 261.5 also would be revised to add a new prohibition to address prescribed fires. Paragraph (g) would be added to prohibit the negligent failure to maintain control of a prescribed fire that damages NFS lands. This prohibition would not be a strict liability offense. It would require proof that the offender acted with criminal negligence. Section 261.2 would be revised to add a definition of “prescribed fire.” The term would be defined to mean a planned and intentionally lit fire allowed to burn within the applicable requirements of Federal or State laws, regulations, or permits. Many States do not have laws establishing requirements for prescribed fires. Under the definition, if a prescribed fire is allowed under applicable law (even if the law does not limit how the burn is to be conducted)

and the fire was intentionally lit and planned to some extent, section 261.5(g) would apply and the Federal government would need to prove that the defendant acted with criminal negligence.

The distinction between failure to maintain control of a prescribed fire (requiring proof of criminal negligence) and another fire (requiring no proof of criminal intent) is necessary to support efforts to reduce hazardous fuels on properties adjacent to National Forest System lands. These efforts are intended to restore ecosystems and, by doing so, protect communities in the wildland urban interface. In implementing the National Fire Plan, the Forest Service and the Department of the Interior land managing agencies have increased the amount of prescribed burning on lands under their jurisdiction. The agencies also have encouraged adjacent landowners to develop integrated fire management plans, including the use of prescribed fire, for the restoration and protection of private lands. If the prohibition for lighting and failing to maintain a prescribed fire were a strict liability offense, adjacent landowners might be discouraged from using prescribed fire as a tool on their lands out of concern that, if the fire were to escape control, they could be cited for a criminal violation without regard to whether they acted with criminal intent. New paragraph (g) would alleviate this impediment.

Regulatory Certifications

Regulatory Impact

This proposed rule has been reviewed under USDA procedures and Executive Order (E.O.) 12866 on Regulatory Planning and Review. The Office of Management and Budget (OMB) has determined that this is a non-significant rule as defined by E.O. 12866. This proposed rule will not have an annual effect of \$100 million or more on the economy, nor adversely affect productivity, competition, jobs, the environment, public health or safety, nor State or local governments. This proposed rule would not interfere with an action taken or planned by another agency nor raise new legal or policy issues. Finally, this proposed rule will not alter the budgetary impact of entitlements, grants, user fees, or loan programs, or the rights and obligations of recipients of such programs. Therefore, it has been determined that this proposed rule is not an economically significant regulatory action.

This proposed rule also has been considered in light of the Regulatory

Flexibility Act, as amended, (5 U.S.C. 601 *et seq.*). In promulgating this proposed rule, publication of an advance notice of proposed rulemaking was not required by law. Further, it has been determined that this proposed rule will not have a significant economic impact on a substantial number of small business entities as defined by that act. Therefore, it has been determined that preparation of a regulatory flexibility analysis is not required for this proposed rule.

Environmental Impact

Section 31.11a of Forest Service Handbook 1909.15 (69 FR 40591; July 6, 2004) excludes from documentation in an environmental assessment or environmental impact statement “civil and criminal law enforcement and investigative activities.” This proposed rule clearly falls within this category of actions and the agency has determined that no extraordinary circumstances exist which would require preparation of an environmental assessment or an environmental impact statement. Moreover, this proposed rule itself has no impact on the human environment. Therefore, it has been determined that preparation of an environmental assessment or an environmental impact statement is not required in promulgating this proposed rule.

Federalism

The agency has considered this proposed rule under the requirements of Executive Order 12612 and has made a preliminary assessment that the proposed rule will not have substantial direct effects on the States, on the relationship between the Federal government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, the agency has determined that no further assessment on federalism implications is necessary at this time.

Consultation With Tribal Governments

This proposed rule has been reviewed under E.O. 13175 of November 6, 2000, “Consultation, and Coordination with Indian Tribal Governments.” This proposed rule does not have substantial direct effects 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. Nor does this proposed rule impose substantial direct compliance costs on Indian tribal governments or preempt tribal law. Therefore, it has been determined that this proposed rule does

not have tribal implications requiring advance consultation with Indian Tribes.

No Takings Implications

This proposed rule has been reviewed for its impact on private property rights under Executive Order 12630. It has been determined that this proposed rule does not pose a risk of taking private property; in fact, the proposed rule honors access to private property pursuant to statute and to outstanding or reserved rights.

Controlling Paperwork Burdens on the Public

This proposed rule does not contain any recordkeeping or reporting requirements or other information collection requirements as defined in 5 CFR Part 1320 and, therefore, imposes no paperwork burden on the public. Accordingly, the review provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501, *et seq.*) and implementing regulations at 5 CFR Part 1320 do not apply.

Energy Effects

This proposed rule has been reviewed under E.O. 13211 of May 18, 2001, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use." This proposed rule will not have a significant adverse effect on the supply, distribution, or use of energy. Nor has the Office of Management and Budget designated this rule as a significant energy action. Therefore, it has been determined that this proposed rule does not constitute a significant energy action requiring the preparation of a Statement of Energy Effects.

Civil Justice Reform

This proposed rule revision has been reviewed under Executive Order 12988, Civil Justice Reform. The proposed revision: (1) Preempts all State and local laws and regulations that are found to be in conflict with or that would impede its full implementation; (2) does not retroactively affect existing permits, contracts, or other instruments authorizing the occupancy and use of National Forest System lands, and (3) does not require administrative proceedings before parties may file suit in court challenging these provisions.

Unfunded Mandates

Pursuant to Title II of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538), the Department has assessed the effects of this proposed rule on State, local, and tribal governments, and on the private sector. This proposed rule does not compel the expenditure of \$100 million or more by any State, local, or tribal government, or anyone in the private sector. Therefore, a statement under section 202 of the act is not required.

List of Subjects in 36 CFR Part 261

Law enforcement, National forests.

Therefore, for the reasons set forth in the preamble, the Forest Service proposes to amend Part 261 of Title 36 of the Code of Federal Regulations as follows:

PART 261—PROHIBITIONS

1. The authority citation for part 261 continues to read:

Authority: 7 U.S.C. 1011(f); 16 U.S.C. 4601–6(d) 472, 551, 620(f), 1133(c), (d)(1), 1246(i).

Subpart A—General Prohibitions

2. In § 261.1, add paragraphs (c) and (d) to read as follows:

§ 261.1 Scope.

* * * * *

(c) Unless an offense set out in this part specifies that intent is required, intent is not an element of any offense under this part.

(d) None of these prohibitions apply to any person engaged in fire suppression actions.

3. In § 261.2, add a definition for "Prescribed fire" to read as follows

§ 261.2 Definitions.

* * * * *

Prescribed fire means a planned and intentionally lit fire allowed to burn within the requirements of Federal or State laws, regulations, or permits.

* * * * *

4. Amend § 261.5 by revising paragraph (e) and by adding paragraph (g) to read as follows:

§ 261.5 Fire.

* * * * *

(e) Causing and failing to maintain control of a fire that is not a prescribed fire that damages National Forest System.

* * * * *

(g) Negligently failing to maintain control of a prescribed fire on Non-National Forest system lands that damages the National Forest System.

Dated: March 8, 2007.

Abigail R. Kimball,

Chief, Forest Service.

[FR Doc. E7–5872 Filed 3–30–07; 8:45 am]

BILLING CODE 3410–11–P

Notices

Federal Register

Vol. 72, No. 62

Monday, April 2, 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

Submission for OMB Review; Comment Request

March 27, 2007.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Pub. L. 104-13. Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), *Pamela_Beverly_OIRA_Submission@OMB.EOP.GOV* or fax (202) 395-5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250-7602. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling (202) 720-8958.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to

the collection of information unless it displays a currently valid OMB control number.

Cooperative State Research, Education, and Extension Service

Title: CSREES Current Research Information System (CRIS).

OMB Control Number: 0524-0042.

Summary of Collection: The United States Department of Agriculture (USDA), Cooperative State Research, Education, and Extension Service (CSREES) administers several competitive, peer-reviewed research, education and extension programs, under which awards of a high-priority are made. These programs are authorized pursuant to the authorities contained in the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (7 U.S.C. 3101); the Smith-Lever Act; and other legislative authorities. The Current Research Information System (CRIS) is USDA's documentation and reporting system for ongoing agricultural, food science, human nutrition, and forestry research. CRIS operates administratively under CSREES, but is a cooperative endeavor whereby information is collected on a project-by-project basis from many participant organizations, both federal and non-federal. Information is received from USDA agencies, State Agricultural Experiment Stations, the state land-grant colleges and universities, the institutions of 1890, state schools of forestry, cooperating schools of veterinary medicine, USDA grant recipients, and other cooperating institutions. The information is collected primarily via the Internet using CRIS Web forms.

Need and use of the Information: The collected information is necessary in order to provide descriptive information regarding individual research activities and integrated activities, to document expenditures and staff support for the activities, and to monitor the progress and impact of such activities. The information obtained through the collection process for CRIS furnishes unique data that is not available from any other source. Interruption in the collection process, or failure to collect this information would severely compromise one of CSREES' primary functions stated in the agency's strategic plan of "providing program leadership to identify, develop, and manage

programs to support university-based and other institutional research."

Description of Respondents: State, Local or Tribal Government; Business or other for-profit; Not-for profit institutions; Federal Government.

Number of Respondents: 32,441.

Frequency of Responses: Reporting: Other (Varies by form).

Total Burden Hours: 68,638.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. E7-5968 Filed 3-30-07; 8:45 am]

BILLING CODE 3410-09-P

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

Request for Applications (RFA): Non-Insurance Risk Management Program Partnerships

Announcement Type: Notice of Availability of Funds and Request for Applications for Non-Insurance Risk Management Program Partnerships

CFDA Number: 10.456.

Dates: The closing date and time for receipt of an application is 5 p.m. CDT on May 17, 2007. Applications received after the deadline will not be evaluated by the technical review panel and will not be considered for funding. All awards will be made and agreements completed no later than September 30, 2007.

Overview: The purpose of the Non-Insurance Risk Management Program Partnerships is to fund the development of non-insurance risk management tools that will be utilized by agricultural producers to assist them in mitigating the risks inherent in agricultural production. The proposal must address the objective listed in section I.D. Approximately \$3 million is available to fund an undetermined number of partnerships. Projects may be funded for a period of up to three years. Applications are accepted from public and private entities; individuals are not eligible to apply. No cost sharing by the applicant is required. There are no limitations on the number of applications each applicant may submit.

I. Funding Opportunity Description

A. Background

The Risk Management Agency (RMA), on behalf of the Federal Crop Insurance Corporation (FCIC), is committed to meeting the risk management needs and improving or developing risk management tools for the nation's farmers and ranchers. It does this by offering Federal crop insurance through a network of private-sector entities and by overseeing the creation of new products, seeking enhancements in existing products, and by expanding the use of a variety of risk management tools. Risk management tools also include a variety of non-insurance risk management options and strategies developed to assist producers in mitigating the risks inherent in agricultural production. For the purposes of this announcement, risk management tools do not include insurance products, plans of insurance, policies or modifications thereof.

B. Purpose

The purpose of this program is to fund partnership agreements that assist producers, minimize their production risks, or develop risk management tools. The agreements are for the development of risk management tools for use directly by agricultural producers. To aid in meeting these goals each partnership agreement awarded through this program will provide the recipient with funds, guidance, and the substantial involvement of RMA to carry out these risk management initiatives. Applications requesting funding for the development of insurance products, plans of insurance, policies or modifications thereof are excluded from consideration under this announcement.

C. Authorization

In accordance with section 522(d) of the Federal Crop Insurance Act (Act), FCIC announces the availability of funding for risk management non-insurance program activities. Priority will be given to those activities addressing the need for risk management tools for producers of the following agricultural commodities (For purposes of this announcement, these commodities are collectively referred to as "Priority Commodities"):

- *Agricultural commodities covered by section 196 of the Agricultural Market Transition Act (7 U.S.C. 7333) (Noninsured Assistance Program (NAP)).* Commodities in this group are commercial crops that are not covered by catastrophic risk protection crop insurance, are used for food or fiber (except livestock), and specifically

include, but are not limited to, floricultural, ornamental nursery, Christmas trees, turf grass sod, aquaculture (including ornamental fish), and industrial crops.

- *Specialty crops.* Commodities in this group may be covered under a Federal crop insurance plan and include, but are not limited to, fruits, vegetables, tree nuts, syrups, honey, roots, herbs, and highly specialized varieties of traditional crops.

- *Underserved commodities.* This group includes: (a) Commodities, including livestock that are covered by a Federal crop insurance plan but for which participation in an area is below the national average; and (b) commodities, including livestock, with inadequate crop insurance coverage.

D. Objective

The project objective listed below highlights the research priority of RMA. All proposals must clearly describe how the objective will be met and provide information on the usefulness and demand for the tool to be developed.

The project objective is:

To develop a risk management tool designed to increase knowledge of and participation in existing insurance programs available to producers of agricultural products. This tool should not be part of the insurance policy or plan of insurance but should be a stand alone product that can be used by producers to make the purchase decision for insurance easier or ease the burden on producers in fulfilling the requirements under the policy. The tool should, at a minimum, be designed to assist producers who purchase one or more of the following products: Pasture, Rangeland and Forage (PRF); Livestock insurance, or Adjusted Gross Revenue (AGR) and Adjusted Gross Revenue-Lite (AGR-Lite). Educational materials explaining the use of the tool should be included as a component of the tool; however, tools which are exclusively educational in nature will not meet the objective. Information on non-insurance risk management tools, developed in partnership with RMA, may be included in the tool; however tools dealing exclusively with non-insurance risk management tools will not meet the objective. The tool may be web-based, electronic media, or traditional media. Any web-based tool must conform to all established USDA standards, policies, and procedures. The tool may be developed for use with any other insurance products including pilot or regulatory programs that are listed at the following Web sites: <http://www.rma.usda.gov/pilots/2008pilot.html>; <http://www.rma.usda.gov/policies/2008policy.html>; <http://www.rma.usda.gov/livestock/>.

www.rma.usda.gov/policies/2008policy.html; <http://www.rma.usda.gov/livestock/>.

Examples of tools that may be developed under this objective are as follows. The examples are not meant to be exhaustive:

- Tools that assist producers in constructing and maintaining a farm records system required to participate in an insurance program, e.g., development of a software package for producers who sell through Community Supported Agriculture (CSA) programs and direct markets. Development of materials (software, electronic media or traditional media) to assist producers in establishing insurance guarantees (including adjustments for added value), maintaining accurate inventory records, and calculating farm losses for producers who elect to insure their operations under the AGR program.

- Tools that assist producers in selecting the most appropriate risk management strategy including the most appropriate plan of crop insurance, e.g., a decision support tool that would assist producers in comparing and analyzing available insurance products and non-insurance risk management tools in order to make informed decisions concerning risk management alternatives.

- Tools that assist producers that are socially disadvantaged, limited resource or with limited English proficiency in understanding and participating in crop insurance programs, e.g., development of a system that would promote accessibility, and target the limited resource farmer, including a plan to provide access to web-based tools, that would explain and inform producers concerning available crop insurance options in a variety of languages.

II. Award Information

A. Award Description

Approximately \$3 million is available for partnership agreements that will fund the development of risk management tools. Awards under this program will be made on a competitive basis. Projects may be funded for a period of up to three years for the activities described in this announcement. Projects can also be in two parts with the first part including the research and feasibility studies and the second part including the development, implementation, delivery and maintenance of the risk management tool. If the development of the tool is determined not to be feasible, the partnership may be terminated by RMA after completion of the first part with funding reduced accordingly.

There is no commitment by RMA to fund any particular project or to make a specific number of awards. Applicants awarded a partnership agreement for an amount that is less than the amount requested will be required to modify their application to conform to the reduced amount before execution of the partnership agreement. No maximum or minimum funding levels have been established for individual projects. All awards will be made and agreements completed no later than September 30, 2007.

Recipients of awards must demonstrate non-financial benefits from a partnership agreement and must agree to substantial involvement of RMA in the project.

1. Recipient Activities

The applicant will be required to perform the following activities:

a. Finalize, in cooperation with RMA, the partnership agreement.

b. Finalize, in cooperation with RMA, the plan to administer, maintain and update the risk management tool in the future. The applicant must develop a plan for the delivery and evaluation of the risk management tool to producers and the ongoing maintenance and support of the risk management tool, including how the applicant will fund the delivery, support, maintenance and updating of the tool to maintain its applicability, benefits, usefulness, and value to producers. The applicant must also deliver the risk management tool to producers and support, maintain and update the tool as applicable.

c. Define non-financial benefits and the substantial involvement of the RMA.

d. Coordinate, manage, document and implement the timely completion of the approved research and development activities.

e. Abide by the plans and provisions contained in the partnership agreement.

f. Report on program performance in accordance with the partnership agreement.

g. The recipient may be required to make a presentation to the FCIC Board of Directors.

h. Adhere to RMA guidelines for systems development and information technology development.

2. RMA Activities

RMA will be substantially involved during the performance of the funded activity. Potential types of substantial involvement may include, but are not limited to the following activities:

a. Collaborate on the research plan;

b. Assist in the selection of subcontractors and project staff;

c. Review and approve critical stages of project development before subsequent stages may be started;

d. Provide assistance in the management or technical performance of the project;

e. Collaborate with the recipient in the development of materials associated with the funded project, as it relates to publication or presentation of the results and the distribution of the risk management tools to the public, any producer groups, RMA, and the FCIC Board of Directors;

f. Assist in the collection of data and information that may be available in RMA databases;

g. Collaborate with the recipient in the development of a proposal to administer, maintain and update the risk management tool in the future.

h. Similar types of activities.

B. Other Activities

In addition to the specific activities listed above, the applicant may suggest other activities that would contribute directly to the purpose of this program. For any additional activity suggested, the applicant should identify the objective of the activity, the specific tasks required to meet the objective, specific timelines for performing the tasks, and specific responsibilities of the partners. The applicant should also identify specific ways in which RMA could or should have substantial involvement in that activity.

III. Eligibility Information

A. Eligible Applicants

Proposals are invited from qualified public and private entities. Eligible applicants include colleges and universities, Federal, State, and local agencies, Native American tribal organizations, non-profit and for-profit private organizations or corporations, and other entities. Individuals are not eligible applicants.

Although an applicant may be eligible to compete for an award based on its status as an eligible entity, other factors may exclude an applicant from receiving Federal assistance under this program (e.g. debarment and suspension; a determination of non-performance on a prior contract, cooperative agreement, grant or partnership; a determination of a violation of applicable ethical standards).

B. Cost Sharing or Matching

Cost sharing, matching, in-kind contributions, or cost participation is not required.

C. Other

1. Applicants must demonstrate the usefulness of the proposed risk management tool and the benefits of the tool to producers of priority commodities. Applicants must include information supporting the need for the tool, such as a market analysis, or communications from producers or producer organizations expressing a need for the proposed tool. The proposal must also clearly define how the proposed tool will meet the needs of the producer groups identified. Refer to section V.A.3 for the evaluation criterion.

2. If the project proposed for development requires ongoing maintenance, support and delivery to producers beyond the development stage, the applicant must submit a plan to continue the maintenance, support and delivery of the tool without relying on RMA's resources. If the applicant does not plan to directly support, maintain and deliver the tool using non-award funds after the development period funded by this award is completed, then the proposal should identify a third party sponsor who will do so. For example, if a proposed tool would require constant updating of data and availability on a Web site in order to be utilized by producers, then a sponsor should be identified that would be able to provide the funds necessary to maintain and host the tool. Third party sponsors may include government agencies, grower organizations, industry organizations, private sector entities, etc. If the tool proposed does not require support, maintenance, updating or revisions to maintain applicability or value or does not require continued delivery to producers, the proposal should so state and provide the basis why such actions are not required. Refer to section V.A.4 for evaluation criterion.

3. Applicants must be able to demonstrate they will receive non-financial benefits as a result of the partnership agreement. Non-financial benefits must accrue to the applicant and must include more than the ability to provide income to the applicant or for the applicant's employees or the community. The applicant must demonstrate that performance under the partnership agreement will further the specific mission of the applicant (such as providing research or activities necessary for graduate or other students to complete educational programs or benefits derived through the furtherance of an organization's mission). Refer to section V.A.2 for evaluation criterion.

IV. Application and Submission Information

A. Address To Request Application Package

Applicants may download an application package from the Risk Management Agency Web site at: <http://www.rma.usda.gov>. The application package can also be accessed via Grants.gov. Go to <http://www.grants.gov>, click on "Find Grant Opportunities," then click on "Search Grant Opportunities," and enter CFDA number 10.456 to search by CFDA number. From the search results, select the item that correlates to the title of this RFA. If you do not have electronic access to the RFA or have trouble downloading material and you would like a hardcopy, or have any questions you may contact Kristin Chow, USDA/RMA, Non-Insurance Programs, 6501 Beacon Drive, Stop 0813, Kansas City, Missouri 64133-4676, phone (816) 926-6343, fax (816) 926-7343, e-mail: RMA.Reasearch.Application@rma.usda.gov.

If assistance is needed to access the application package via Grants.gov (e.g., downloading or navigating PureEdge forms, using PureEdge with a Macintosh computer), refer to resources available on the Grants.gov Web site first (<http://www.grants.gov/>). Grants.gov assistance is also available as follows:

- Grants.gov customer support
Toll Free: 1-800-518-4726.
Business Hours: M-F 7:00 a.m.—9 p.m. Eastern Standard Time.
E-mail: support@grants.gov.

Applicants who submit their applications via the Grants.gov Web site are not required to submit any hard copy documents to RMA.

When using Grants.gov to apply, RMA strongly recommends that you submit the online application at least one week prior to the application due date in case there are problems with the Grants.gov Web site and you need to submit your application via a mail delivery service.

B. Content and Form of Application Submission

If submitting the application via regular mail an original and twelve (12) paper copies are requested (these are optional), however, three copies are required. Of the complete and signed application, and one copy (Microsoft Word format preferred) on diskette or compact disk must be submitted in one package at the time of initial submission along with the following documents:

1. A completed and signed OMB Standard Form 424, "Application for Federal Assistance".
2. A completed and signed OMB Standard Form 424-A, "Budget

Information—Non-construction Programs". Reviewers will need sufficient information to effectively evaluate the budget. Indirect cost for projects submitted in response to this solicitation are limited to 10 percent of the total direct cost of the agreement. A sample budget narrative, including suggestions for format and content, is available on the RMA Web site (<http://www.rma.usda.gov>) or upon request.

3. A completed and signed OMB Standard Form 424-B, "Assurances, Non-construction Programs".

4. A statement of the non-financial benefits of any partnership agreement to the recipient. (Refer to section III.C.3).

5. A completed Form RD-1, "Title Page and Proposal Summary." If the same or similar proposals are submitted by the same entity, the first received will be the only one evaluated.

6. A proposal narrative submitted with the application package should be limited to 10 single-sided pages. Reviewers will need sufficient information to effectively evaluate the application under the criteria contained in section V. A sample narrative, including suggestions for format and content, is available on the RMA Web site (<http://www.rma.usda.gov>) or upon request.

7. An appendix containing any attachments that may support information in the narrative (Optional).

8. A completed Form RD-2, "Statement of Work."

If submitting the above materials electronically, as described on the RMA Web site, paper copies of the submission will not be required. Applicants are responsible for ensuring the application materials are received by the closing date. Incomplete application packages will not receive further consideration.

C. Submission Dates and Times

The closing date and time for receipt of an application is 5 p.m. CDT on May 17, 2007. Applications received after the deadline will not be evaluated by the technical review panel and will not be considered for funding.

D. Funding Restrictions

No maximum or minimum funding levels have been established for individual projects. The funding level will be determined by FCIC. Indirect cost for projects submitted in response to this solicitation are limited to 10 percent of total direct cost of the agreement. Each project may be funded for a period of up to three years for the activities described in this announcement. Partnership agreement funds may not be used to:

1. Plan, repair, rehabilitate, acquire, or construct a building or facility including a processing facility;
2. Purchase, rent, or install fixed equipment;
3. Repair or maintain privately owned vehicles;
4. Pay for the preparation of the partnership application;
5. Fund political activities;
6. Pay costs incurred prior to receiving this partnership agreement;
7. Fund any activities prohibited under 7 CFR parts 3015 and 3019, as applicable.

E. Other Submission Requirements

Mailed Submissions

1. If submitting the application via regular mail, an original and twelve (12) paper copies are requested (these are optional), however, three copies are required. Of the completed and signed application, and one copy (Microsoft Word format preferred) on diskette or compact disk must be submitted in one package at the time of initial submission.

2. If submitting the application via regular mail all applications must be submitted and received by the deadline. Applications that do not meet all of the requirements in this announcement are considered incomplete applications. Late or incomplete applications will not be considered in this competition and will be returned to the applicant.

3. Applications will be considered as meeting the announced deadline if they are received in the mailroom at the address stated below in section IV.E.4, on or before the deadline. Applicants are cautioned that express, overnight mail or other delivery services do not always deliver as agreed. Applicants are responsible for mailing applications well in advance, to ensure that applications are received on or before the deadline time and date. Applicants should be aware that there may be significant delays in delivery if applications are mailed using mail delivery due to the additional security measures that mail delivered to government offices now requires. Applicants should take this into account because failure of such delivery services will not extend the deadline.

4. Address when using mail delivery: USDA/RMA, Non-Insurance Programs, 6501 Beacon Drive, Stop 0813, Kansas City, Missouri 64133-4676.

Electronic Submissions

Applications transmitted electronically via Grants.gov are strongly encouraged. The application package can be accessed via Grants.gov.

Go to <http://www.grants.gov>, click on "Find Grant Opportunities," then click on "Search Grant Opportunities," and enter CFDA number 10.456 to search by CFDA number. From the search results, select the item that correlates to the title of this RFA. If you do not have electronic access to the RFA or have trouble downloading material and you would like a hardcopy, or have any questions you may contact Kristin Chow, USDA/RMA, Non-Insurance Programs, 6501 Beacon Drive, Stop 0813, Kansas City, Missouri 64133-4676, phone (816) 926-6343, fax (816) 926-7343, e-mail: RMA.Reasearch.Application@rma.usda.gov.

If assistance is needed to access the application package via Grants.gov (e.g., downloading or navigating PureEdge forms, using PureEdge with a Macintosh computer), refer to resources available on the Grants.gov Web site first (<http://www.grants.gov/>). Grants.gov assistance is also available as follows:

- Grants.gov customer support
Toll Free: 1-800-518-4726.
Business Hours: M-F 7 a.m.—9 p.m.
Eastern Standard Time.

E-mail: support@grants.gov.

Applicants who submit their applications via the Grants.gov Web site are not required to submit any hard copy documents to RMA.

When using Grants.gov to apply, RMA strongly recommends that you submit the online application at least one week prior to the application due date in case there are problems with the Grants.gov Web site and you need to submit your application via a mail delivery service.

F. Acknowledgement of Application

Receipt of applications will be acknowledged by e-mail, whenever possible. Therefore, each applicant is encouraged to provide an e-mail address in the application. If an e-mail address is not indicated on an application, receipt will be acknowledged by letter. There will be no notification of incomplete, unqualified or unfunded applications until the awards have been made.

When received by RMA, applications will be assigned an identification number. This number will be communicated to applicants in the acknowledgement of receipt of applications. An application identification number should be referenced in all correspondence regarding the application. If the applicant does not receive an acknowledgement within 15 days of the submission deadline, the applicant should contact Kristin Chow, Non-Insurance Programs at (816) 926-6343.

V. Application Review Information

A. Criteria

1. Research Objective—Maximum 30 Points

The application must receive a minimum score of 20 points under this criterion in order to be considered for further evaluation and funding. Applications receiving less than 20 points will be eliminated and will not be evaluated under criterion 2 through 4. The proposal must clearly define the development, management and implementation of a risk management tool designed to meet the needs of producers under the objective listed in section I.D. The proposal will be reviewed to determine if it is similar to a project that has been funded, has been recommended for funding, or is currently under development through other means.

2. Indication of RMA Involvement and Non-financial Benefits—Maximum 10 Points

The proposal clearly indicates areas of substantial involvement by RMA and clearly indicates benefits derived from the partnership that extend beyond the financial benefits or funding of the research proposal. Those proposals that clearly outline the involvement of RMA in all aspects of the project and demonstrate non-financial benefits will receive the highest score.

3. Research Approach, Methodology, Development and Implementation—Maximum 45 Points

The proposal clearly demonstrates a sound research approach and defines the methodology to be used as well as describes the development and implementation of the risk management tool. The proposal must clearly demonstrate the usefulness of the tool and the benefits of the tool to producers of priority commodities and demonstrate that there is a reasonable expectation that the tool will actually be used by a substantial number of such producers. The proposal will be evaluated to ensure that the risk management tool can be readily and easily updated, delivered to producers and will be supported, maintained, updated or revised as necessary. Proposals that demonstrate a clear, concise and generally accepted research methodology and innovative approach will receive the highest number of points.

4. Management and Plan for Maintenance and Support—Maximum 15 Points

The proposal clearly demonstrates the applicant's ability and resources to coordinate and manage all aspects of the proposed research project. Applicants must provide a detailed budget summary that clearly explains and justifies costs associated with the project. The applicant must submit a plan, if necessary, to continue the maintenance, support and delivery of the tool without relying on RMA's resources. The applicant whose approach is the most cost effective and optimizes the use and effective application of the funding will receive the highest score.

B. Review and Selection Process

Each application will be evaluated using a four-part process. First, each application will be screened by RMA to ensure that each proposal meets the objective stated in section I.D. The same or similar proposals cannot be submitted multiple times by the same entity. If the same or similar proposals are submitted by the same entity, the first received will be the only one evaluated. Applications that do not meet the objective stated in section I.D. and all other requirements in this announcement or are incomplete, will not receive further consideration.

Second, all eligible applications will be evaluated using the criterion in section V.A.1. Applications must score at least 20 points under this criterion in order to be evaluated further.

Third, all applications scoring the required 20 points will be evaluated further under sections V.A.2 through 4.

For the second and third steps, a review panel will consider all applications that are complete and meet the objective in section I.D. and all other requirements in this announcement. The panel will review the merits of the applications. The evaluation of each application will be conducted by a panel of not less than three independent reviewers. The panel will be comprised of representatives from USDA, other federal agencies, and others representing public and private organizations, as needed. The narrative and any appendices provided by each applicant will be used by the review panel to evaluate the merits of the project that is being proposed for funding. The panel will examine and score applications based on the evaluation criteria and weights contained in section V.A. The identities of review panel members will remain confidential throughout the entire

review process and will not be released to applicants.

In order to be considered for funding, a proposal must score at least 75 points.

For the last step, those applications meeting the minimum number of points will be listed in initial rank order.

Proposals will be funded by rank order according to score. The projects proposed for funding will be presented, along with funding level

recommendations, to the Manager of FCIC, who will make the final decision on awarding of a partnership agreement.

If the Manager of FCIC determines that any application is sufficiently similar to a project that has been funded or has been recommended to be funded under this announcement or any other research and development program, then the Manager may elect not to fund that application in whole or in part.

VI. Award Administration Information

A. Administrative and National Policy Requirements

1. Access to Panel Review Information

Upon written request, scores from the evaluation panel, not including the identity of reviewers, will be sent to the applicant after the review and awards process has been completed.

2. Notification of Partnership Agreement Awards and Notification of Non-Selection

Following approval of the applications selected for funding, notice of project approval and authority to draw down funds will be made to the selected applicants in writing. Within the limit of funds available for such purpose, the awarding official of RMA shall enter into partnership agreements with those applicants whose applications are judged to be most meritorious under the procedures set forth in this announcement. The partnership agreement provides the amount of Federal funds for use in the project period, the terms and conditions of the award, and the time period for the project.

The effective date of the partnership agreement shall be the date the agreement is executed by both parties. All funds provided to the applicant by FCIC must be expended solely for the purpose for which funds are obligated in accordance with the approved application and budget, the regulations, the terms and conditions of the award, and the applicability of Federal cost principles. No commitment of Federal assistance beyond the project period is made or implied, as a result of any award made pursuant to this announcement.

Notification of denial of funding will be sent to applicants after final funding decisions have been made. Reasons for denial of funding can include incomplete proposals, proposals that did not meet the objective, scored low or were duplicative.

3. Confidential Aspects of Proposals and Awards

When an application results in a partnership agreement, it becomes a part of the official record of RMA transactions, available to the public upon specific request. Information that the Secretary of Agriculture determines to be of a confidential, privileged, or proprietary nature will be held in confidence to the extent permitted by law. Therefore, any information that the applicant wishes to be considered confidential, privileged, or proprietary should be clearly marked within the application, including the basis for such designation. The original copy of a proposal that does not result in an award will be retained by RMA for a period of one year. Other copies will be destroyed. Such a proposal will be released only with the express written consent of the applicant or to the extent required by law. A proposal may be withdrawn at any time prior to award. The names of applicants, the names of individuals identified in the applications, the content of applications, and the panel evaluations of applications will all be kept confidential, except to those involved in the review process, to the extent permitted by law.

4. Administration

All partnership agreements are subject to 7 CFR part 3015.

5. Prohibitions and Requirements with Regard to Lobbying

Section 1352 of Public Law 101-121, enacted on October 23, 1989, imposes prohibitions and requirements for disclosure and certification related to lobbying on recipients of Federal contracts, grants, cooperative agreements, and loans. It provides exemptions for Indian Tribes and tribal organizations. Current and prospective recipients, and any subcontractors, are prohibited from using Federal funds, other than profits from a Federal contract, for lobbying Congress or any Federal agency in connection with the award of a contract, grant, cooperative agreement, or loan. In addition, for each award action in excess of \$100,000 (\$150,000 for loans) the law requires recipients and any subcontractors: (1) To certify that they have neither used nor will use any appropriated funds for

payment of lobbyists; (2) to disclose the name, address, payment details, and purpose of any agreements with lobbyists whom recipients or their subcontractors will pay with profits or other non-appropriated funds on or after December 22, 1989; and (3) to file quarterly up-dates about the use of lobbyists if material changes occur in their use. The law establishes civil penalties for non-compliance. All recipients must provide a copy of the certification and disclosure forms prior to the beginning of the project period.

6. Applicable OMB Circulars

All partnership agreements funded as a result of this notice will be subject to the requirements contained in all applicable OMB circulars.

7. Audit Requirements

Applicants awarded partnership agreements are subject to audit.

8. Requirement to Assure Compliance with Federal Civil Rights Laws

Project leaders of all partnership agreements funded as a result of this notice are required to know and abide by Federal civil rights laws and to assure USDA and RMA that the recipient is in compliance with and will continue to comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d *et seq.*), 7 CFR part 15, and USDA regulations promulgated under 7 CFR part 1901.202. RMA requires that recipients submit Form RD 400-4, Assurance Agreement (Civil Rights), assuring RMA of this compliance prior to the beginning of the project period.

B. Reporting

Applicants awarded a partnership agreement will be required to submit quarterly written progress and financial reports (SF-269) throughout the project period, as well as a final program and financial report not later than 90 days after the end of the project period. Recipients will be required to submit prior to the award:

- A completed and signed Form RD 400-4, Assurance Agreement (Civil Rights).
- A completed and signed OMB Standard Form LLL, "Disclosure of Lobbying Activities."
- A completed and signed AD-1047, "Certification Regarding Debarment, Suspension and Other Responsibility Matters—Primary Covered Transactions."
- A completed and signed AD-1049, "Certification Regarding Drug-Free Workplace."
- A completed and signed Faith-Based Survey on EEO.

VII. Agency Contact

If applicants have any questions they may contact: Kristin Chow, USDA/RMA, Non-Insurance Programs, 6501 Beacon Drive, Stop 0813, Kansas City, Missouri 64133-4676, phone (816) 926-6343, fax (816) 926-7343, e-mail: RMA.Research.Application@rma.usda.gov.

VIII. Other Information

A. Dun and Bradstreet Data Universal Numbering System (DUNS)

A DUNS number is a unique nine-digit sequence recognized as the universal standard for identifying and keeping track of over 70 million businesses worldwide. The Office of Management and Budget published a notice of final policy issuance in the **Federal Register** June 27, 2003 (68 FR 38402) that requires a DUNS number in every application (*i.e.*, hard copy and electronic) for a grant or cooperative agreement on or after October 1, 2003. Therefore, potential applicants should verify that they have a DUNS number or take the steps needed to obtain one. For information about how to obtain a DUNS number, go to <http://www.grants.gov>. Please note that the registration may take up to 14 business days to complete. Previously registered DUNS numbers must be annually renewed; applicants must do so prior to submission of applications under this RFA.

B. Required Registration With the Central Contract Registry for Submission of Proposals

The Central Contract Registry (CCR) is a database that serves as the primary Government repository for contractor information required for the conduct of business with the Government. This database will also be used as a central location for maintaining organizational information for organizations seeking and receiving grants from the Government. Such organizations must register in the CCR prior to the submission of applications. A DUNS number is needed for CCR registration. For information about how to register in the CCR, visit "Get Started" at <http://www.grants.gov>. Allow a minimum of five business days to complete the CCR registration.

Signed in Washington, DC, on March 26, 2007.

Eldon Gould,

Manager, Federal Crop Insurance Corporation.

[FR Doc. E7-5971 Filed 3-30-07; 8:45 am]

BILLING CODE 3410-08-P

DEPARTMENT OF AGRICULTURE

Forest Service

Notice of Resource Advisory Committee, Custer, SD, USDA Forest Service; Notice of Meeting

SUMMARY: Pursuant to authorities in the Federal Advisory Committee Act (Public Law 92-463) and the secure Rural Schools and Community Self determination Act of 2000 (Public Law 106-393), the Black Hills National Forest's Custer County Resource Advisory Committee will meet on Thursday, April 5, 2007 in Custer, South Dakota for a meeting. The meeting is open to the public.

SUPPLEMENTARY INFORMATION: The meeting on April 5, 2007 will begin at 6 p.m. at the Black Hills National Forest Supervisor's office at 25041 North Highway 16, Custer, South Dakota. Agenda topics will be Status of Legislation and 2007 projects.

FOR FURTHER INFORMATION CONTACT: Mike Lloyd, Hell Canyon District Ranger and Designated Federal Office, at 605-673-4853.

Catherine M. Rosane,

Support Services Specialist.

[FR Doc. 07-1586 Filed 3-30-07; 8:45 am]

BILLING CODE 3410-11-M

U.S. DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

(Docket 8-2007)

Foreign-Trade Zone 183 - Austin, Texas, Expansion of Manufacturing Authority -- Subzone 183B, Samsung Austin Semiconductor L.L.C., Correction

The **Federal Register** notice published on March 20, 2007 (72 FR 13081-) describing the application by the Foreign-Trade Zone of Central Texas, Inc., grantee of FTZ 183, requesting an expansion of the scope of manufacturing authority conducted under zone procedures within Subzone 183B at the Samsung Austin Semiconductor L.L.C. facility in Austin, Texas, is corrected as follows:

In paragraph 2, beginning on the 13th line, the text that reads "Site 3--Three Way Inc. facilities (1.9 acres; 50,000 sq. ft.)--located at 4009 Commercial Center Drive in Austin" should be corrected to read "Site 3--Three Way Logistics facilities (1.9 acres; 50,000 sq. ft.) - located at 8410 Tuscany Way in Austin".

Dated: March 26, 2007.

Andrew McGilvray,

Executive Secretary.

[FR Doc. E7-5926 Filed 3-30-07; 8:45 am]

Billing Code: 3510-DS-S

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

(Docket 45-2006)

Foreign-Trade Zone 86 - Tacoma, Washington, Withdrawal of Request for Manufacturing Authority

Notice is hereby given of the withdrawal of the application requesting manufacturing authority on behalf of Panasonic Consumer Electronics Co., and its warehouse/FTZ operator Norvanco International Inc. The application was filed on November 8, 2006 (71 FR 69203, 11/30/06).

The withdrawal was requested because of changed circumstances, and the case has been closed without prejudice.

Dated: March 27, 2007.

Andrew McGilvray,

Executive Secretary.

[FR Doc. E7-6087 Filed 3-30-07; 8:45 am]

BILLING CODE 3510-DS-S

DEPARTMENT OF COMMERCE

International Trade Administration

Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review

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

FOR FURTHER INFORMATION CONTACT: Sheila E. Forbes, Office of AD/CVD Operations, Office 4, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230, telephone: (202) 482-4697.

Background

Each year during the anniversary month of the publication of an antidumping or countervailing duty order, finding, or suspension of investigation, an interested party, as defined in section 771(9) of the Tariff Act of 1930, as amended (the Act), may request, in accordance with section 351.213(2004) of the Department of Commerce (the Department) Regulations, that the Department conduct an administrative review of that

antidumping or countervailing duty order, finding, or suspended investigation.

Opportunity to Request a Review

Not later than the last day of April 2007¹, interested parties may request

administrative review of the following orders, findings, or suspended investigations, with anniversary dates in April for the following periods:

Antidumping Duty Proceedings	Period
FRANCE: Sorbitol. A-427-001	4/1/06 - 3/31/07
NORWAY: Fresh and Chilled Atlantic Salmon. A-403-801	4/1/06 - 3/31/07
THE PEOPLE'S REPUBLIC OF CHINA: Automotive Replacement Glass Windshields. A-570-867	4/1/06 - 3/31/07
THE PEOPLE'S REPUBLIC OF CHINA: Brake Rotors. A-570 -846	4/1/06 - 3/31/07
THE PEOPLE'S REPUBLIC OF CHINA: Magnesium Metal. A-570-896	4/1/06 - 3/31/07
THE PEOPLE'S REPUBLIC OF CHINA: Non-Malleable Cast Iron Pipe Fittings. A-570-875	4/1/06 - 3/31/07
RUSSIA: Magnesium Metal. A-821-819	4/1/06 - 3/31/07
TURKEY: Certain Steel Concrete Reinforcing Bars. A-489-807	4/1/06 - 3/31/07
Countervailing Duty Proceedings.	
NORWAY: Fresh and Chilled Atlantic Salmon. C-403-802	1/1/06 - 12/31/06
Suspension Agreements.	
None.	

In accordance with section 351.213 (b) of the regulations, an interested party as defined by section 771(9) of the Act may request in writing that the Secretary conduct an administrative review. For both antidumping and countervailing duty reviews, the interested party must specify the individual producers or exporters covered by an antidumping finding or an antidumping or countervailing duty order or suspension agreement for which it is requesting a review, and the requesting party must state why it desires the Secretary to review those particular producers or exporters. If the interested party intends for the Secretary to review sales of merchandise by an exporter (or a producer if that producer also exports merchandise from other suppliers) which were produced in more than one country of origin and each country of origin is subject to a separate order, then the interested party must state specifically, on an order-by-order basis, which exporter(s) the request is intended to cover.

Please note that, for any party the Department was unable to locate in prior segments, the Department will not accept a request for an administrative review of that party absent new information as to the party's location. Moreover, if the interested party who files a request for review is unable to locate the producer or exporter for which it requested the review, the

interested party must provide an explanation of the attempts it made to locate the producer or exporter at the same time it files its request for review, in order for the Secretary to determine if the interested party's attempts were reasonable, pursuant to 19 CFR 351.303(f)(3)(ii).

As explained in Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties, 68 FR 23954 (May 6, 2003), the Department has clarified its practice with respect to the collection of final antidumping duties on imports of merchandise where intermediate firms are involved. The public should be aware of this clarification in determining whether to request an administrative review of merchandise subject to antidumping findings and orders. See also the Import Administration web site at <http://ia.ita.doc.gov>.

Six copies of the request should be submitted to the Assistant Secretary for Import Administration, International Trade Administration, Room 1870, U.S. Department of Commerce, 14th Street & Constitution Avenue, N.W., Washington, D.C. 20230. The Department also asks parties to serve a copy of their requests to the Office of Antidumping/Countervailing Operations, Attention: Sheila Forbes, in room 3065 of the main Commerce Building. Further, in accordance with section 351.303(f)(1)(i) of the

regulations, a copy of each request must be served on every party on the Department's service list.

The Department will publish in the Federal Register a notice of "Initiation of Administrative Review of Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation" for requests received by the last day of April 2007. If the Department does not receive, by the last day of April 2007, a request for review of entries covered by an order, finding, or suspended investigation listed in this notice and for the period identified above, the Department will instruct the U.S. Customs and Border Protection to assess antidumping or countervailing duties on those entries at a rate equal to the cash deposit of (or bond for) estimated antidumping or countervailing duties required on those entries at the time of entry, or withdrawal from warehouse, for consumption and to continue to collect the cash deposit previously ordered.

This notice is not required by statute but is published as a service to the international trading community.

Dated: March 26, 2007.

Stephen J. Claeyes,

Deputy Assistant Secretary for Import Administration.

[FR Doc. E7-6070 Filed 3-30-07; 8:45 am]

BILLING CODE 3510-DS-S

¹ Or the next business day, if the deadline falls on a weekend, federal holiday or any other day when the Department is closed.

DEPARTMENT OF COMMERCE**International Trade Administration****Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Advance Notification of Sunset Reviews**

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

ACTION: Notice of Upcoming Sunset Reviews

Background

Every five years, pursuant to section 751(c) of the Tariff Act of 1930, as amended, the Department of Commerce ("the Department") and the International Trade Commission automatically initiate and conduct a review to determine whether revocation of a countervailing or antidumping duty order or termination of an investigation

suspended under section 704 or 734 would be likely to lead to continuation or recurrence of dumping or a countervailable subsidy (as the case may be) and of material injury.

Upcoming Sunset Reviews for May 2007

The following Sunset Review is scheduled for initiation in May 2007 and will appear in that month's Notice of Initiation of Five-Year Sunset Reviews.

Antidumping Duty Proceedings	Department Contact
Folding Metal Tables and Chairs from the PRC (A-570-868) Countervailing Duty Proceedings. No countervailing duty orders are scheduled for initiation in May 2007. Suspended Investigations. No suspended investigations are scheduled for initiation in May 2007..	Juanita Chen (202) 482-1904

The Department's procedures for the conduct of Sunset Reviews are set forth in 19 CFR 351.218. Guidance on methodological or analytical issues relevant to the Department's conduct of Sunset Reviews is set forth in the Department's Policy Bulletin 98.3--Policies Regarding the Conduct of Five-Year ("Sunset") Reviews of Antidumping and Countervailing Duty Orders; Policy Bulletin, 63 FR 18871 (April 16, 1998). The Notice of Initiation of Five-year ("Sunset") Reviews provides further information regarding what is required of all parties to participate in Sunset Reviews.

Pursuant to 19 CFR 351.103(c), the Department will maintain and make available a service list for these proceedings. To facilitate the timely preparation of the service list(s), it is requested that those seeking recognition as interested parties to a proceeding contact the Department in writing within 15 days of the publication of the Notice of Initiation.

Please note that if the Department receives a Notice of Intent to Participate from a member of the domestic industry within 15 days of the date of initiation, the review will continue. Thereafter, any interested party wishing to participate in the Sunset Review must provide substantive comments in response to the notice of initiation no later than 30 days after the date of initiation.

This notice is not required by statute but is published as a service to the international trading community.

Dated: March 23, 2007.

Stephen J. Claeys,

Deputy Assistant Secretary for Import Administration.

[FR Doc. E7-6067 Filed 3-30-07; 8:45 am]

BILLING CODE 3510-DS-S

DEPARTMENT OF COMMERCE**International Trade Administration****Initiation of Five-year ("Sunset") Reviews**

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

SUMMARY: In accordance with section 751(c) of the Tariff Act of 1930, as amended ("the Act"), the Department of Commerce ("the Department") is automatically initiating a five-year ("Sunset Review") of the antidumping duty orders listed below. The International Trade Commission ("the Commission") is publishing concurrently with this notice its notice of *Institution of Five-year Review* which covers the same orders.

EFFECTIVE DATE: April 2, 2007.

FOR FURTHER INFORMATION CONTACT: The Department official identified in the Initiation of Review(s) section below at

AD/CVD Operations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th & Constitution Ave., NW, Washington, DC 20230. For information from the Commission contact Mary Messer, Office of Investigations, U.S. International Trade Commission at (202) 205-3193.

SUPPLEMENTARY INFORMATION:**Background**

The Department's procedures for the conduct of Sunset Reviews are set forth in its *Procedures for Conducting Five-year ("Sunset") Reviews of Antidumping and Countervailing Duty Orders*, 63 FR 13516 (March 20, 1998) and 70 FR 62061 (October 28, 2005). Guidance on methodological or analytical issues relevant to the Department's conduct of Sunset Reviews is set forth in the Department's Policy Bulletin 98.3 - *Policies Regarding the Conduct of Five-year ("Sunset") Reviews of Antidumping and Countervailing Duty Orders; Policy Bulletin*, 63 FR 18871 (April 16, 1998) ("Sunset Policy Bulletin").

Initiation of Reviews

In accordance with 19 CFR 351.218(c), we are initiating the Sunset Review of the following antidumping duty order:

DOC Case No.	ITC Case No.	Country	Product	Department Contact
A-533-823	731-TA-929	India	Silicomanganese	Dana Mermelstein(202) 482-1391
A-834-807	731-TA-930	Kazakhstan	Silicomanganese	Dana Mermelstein(202) 482-1391
A-307-820	731-TA-931	Venezuela	Silicomanganese	Dana Mermelstein(202) 482-1391
Countervailing Duty Proceedings.				
No countervailing duty proceedings are scheduled for initiation in April 2007.				

DOC Case No.	ITC Case No.	Country	Product	Department Contact
Suspended Investigations. No suspended investigations are scheduled for initiation in April 2007.				

Filing Information

As a courtesy, we are making information related to Sunset proceedings, including copies of the Department's regulations regarding Sunset Reviews (19 CFR 351.218) and *Sunset Policy Bulletin*, the Department's schedule of Sunset Reviews, case history information (*i.e.*, previous margins, duty absorption determinations, scope language, import volumes), and service lists available to the public on the Department's sunset Internet website at the following address: "http://ia.ita.doc.gov/sunset/." All submissions in these Sunset Reviews must be filed in accordance with the Department's regulations regarding format, translation, service, and certification of documents. These rules can be found at 19 CFR 351.303.

Pursuant to 19 CFR 351.103(c), the Department will maintain and make available a service list for these proceedings. To facilitate the timely preparation of the service list(s), it is requested that those seeking recognition as interested parties to a proceeding contact the Department in writing within 10 days of the publication of the Notice of Initiation. Because deadlines in Sunset Reviews can be very short, we urge interested parties to apply for access to proprietary information under administrative protective order ("APO") immediately following publication in the **Federal Register** of the notice of initiation of the sunset review. The Department's regulations on submission of proprietary information and eligibility to receive access to business proprietary information under APO can be found at 19 CFR 351.304–306.

Information Required from Interested Parties

Domestic interested parties (defined in section 771(9)(C), (D), (E), (F), and (G) of the Act and 19 CFR 351.102(b)) wishing to participate in these Sunset Reviews must respond not later than 15 days after the date of publication in the **Federal Register** of this notice of initiation by filing a notice of intent to participate. The required contents of the notice of intent to participate are set forth at 19 CFR 351.218(d)(1)(ii). In accordance with the Department's regulations, if we do not receive a notice of intent to participate from at least one domestic interested party by the 15-day

deadline, the Department will automatically revoke the orders without further review. See 19 CFR 351.218(d)(1)(iii).

For sunset reviews of countervailing duty orders, parties wishing the Department to consider arguments that countervailable subsidy programs have been terminated must include with their substantive responses information and documentation addressing whether the changes to the program were (1) limited to an individual firm or firms and (2) effected by an official act of the government. Further, a party claiming program termination is expected to document that there are no residual benefits under the program and that substitute programs have not been introduced. *Cf.* 19 CFR 351.526(b) and (d). If a party maintains that any of the subsidies countervailed by the Department were not conferred pursuant to a subsidy program, that party should nevertheless address the applicability of the factors set forth in 19 CFR 351.526(b) and (d). Similarly, parties wishing the Department to consider whether a company's change in ownership has extinguished the benefit from prior non-recurring, allocable, subsidies must include with their substantive responses information and documentation supporting their claim that all or almost all of the company's shares or assets were sold in an arm's length transaction, at a price representing fair market value, as described in the *Notice of Final Modification of Agency Practice Under Section 123 of the Uruguay Round Agreements Act*, 68 FR 37125 (June 23, 2003) (*Modification Notice*). See *Modification Notice* for a discussion of the types of information and documentation the Department requires.

If we receive an order-specific notice of intent to participate from a domestic interested party, the Department's regulations provide that *all parties* wishing to participate in the Sunset Review must file complete substantive responses not later than 30 days after the date of publication in the **Federal Register** of this notice of initiation. The required contents of a substantive response, on an order-specific basis, are set forth at 19 CFR 351.218(d)(3). Note that certain information requirements differ for respondent and domestic parties. Also, note that the Department's

information requirements are distinct from the Commission's information requirements. Please consult the Department's regulations for information regarding the Department's conduct of Sunset Reviews.¹ Please consult the Department's regulations at 19 CFR Part 351 for definitions of terms and for other general information concerning antidumping and countervailing duty proceedings at the Department.

This notice of initiation is being published in accordance with section 751(c) of the Act and 19 CFR 351.218(c).

Dated: March 23, 2007.

Stephen J. Claeys,

Deputy Assistant Secretary for Import Administration.

[FR Doc. E7–6071 Filed 3–30–07; 8:45 am]

BILLING CODE 3510-DS-S

DEPARTMENT OF COMMERCE

International Trade Administration

[A–552–801]

Certain Frozen Fish Fillets from the Socialist Republic of Vietnam: Initiation of Antidumping Duty New Shipper Reviews

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

EFFECTIVE DATE: April 2, 2007.

SUMMARY: The Department of Commerce ("Department") has determined that three requests for a new shipper review of the antidumping duty order on certain frozen fish fillets from the Socialist Republic of Vietnam ("Vietnam"), received on January 31, February 18 and February 28, 2007, respectively, meet the statutory and regulatory requirements for initiation. For reasons discussed below, the Department also determined that a fourth request for a new shipper review does not meet the requirements for

¹ In comments made on the interim final sunset regulations, a number of parties stated that the proposed five-day period for rebuttals to substantive responses to a notice of initiation was insufficient. This requirement was retained in the final sunset regulations at 19 CFR 351.218(d)(4). As provided in 19 CFR 351.302(b), however, the Department will consider individual requests for extension of that five-day deadline based upon a showing of good cause.

initiation. The period of review ("POR") for the three new shipper reviews which the Department is initiating is August 1, 2006, through January 31, 2007.

FOR FURTHER INFORMATION CONTACT:

Cindy Lai Robinson and Michael Holton, AD/CVD Operations, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-3797, and (202) 482-1324, respectively.

SUPPLEMENTARY INFORMATION:

Background

The notice announcing the antidumping duty order on certain frozen fish fillets from Vietnam was published in the **Federal Register** on August 12, 2003.¹ See *Notice of Antidumping Duty Order: Certain Frozen Fish Fillets from the Socialist Republic of Vietnam*, 68 FR 47909 (August 12, 2003). On January 31, February 21, and February 28, 2007, pursuant to 19 CFR 351.214(c), the Department received four new shipper review requests from Vinh Quang Fisheries Corporation ("Vinh Quang"), Ngoc Thai Company, Ltd. ("Ngoc Thai"), Anvifish Co., Ltd., ("Anvifish"), and Southern Fishery Industries Company, Ltd. ("South Vina"), respectively. Vinh Quang, Ngoc Thai, and Anvifish certified that they are both the producer and exporter of the subject merchandise upon which the request for a new shipper review is based. In its new shipper review request dated February 28, 2007 ("original request"), South Vina claimed that it is an exporter of frozen fish fillets from Vietnam; however, it did not provide any information or documents supporting its request for a new shipper review.

On March 8, 2007, Catfish Farmers of America and individual U.S. catfish processors ("Petitioners") submitted comments requesting that the Department reject South Vina's original request because it failed to provide any of the required certifications or documents set forth in 19 CFR 351.214.² On March 9, 2007, South Vina submitted a certification and other supporting documents alleging that the certification was not available, and that the new shipper regulation does not require that the certification and accompanying documentation be submitted with the original request.

Furthermore, South Vina claimed that the pertinent regulation merely requires that the request for review be made within one year of the date referred to in 19 CFR 351.214(b)(2)(iv)(A). On March 15, 2007, Petitioners submitted additional comments urging the Department to reject both South Vina's original new shipper review request and its March 9, 2007, submission. Petitioners reiterated their arguments that South Vina's original request failed to meet any of the submission requirements and should therefore be rejected. Petitioners also argued that South Vina's March 9, 2007, submission was untimely filed and should therefore also be rejected. Citing 19 CFR 351.214(b)(2), Petitioners argued that the Department's regulations unequivocally require applicants to include the necessary certifications and documentation with their new shipper review request. In support of their arguments, Petitioners also referred to the Department's "standard initiation checklist" for new shipper reviews which indicates that, if an application does not satisfy the regulatory requirements, the applicant may only correct such deficiencies "{i}f sufficient time remains ... prior to the end of the appropriate anniversary month or semi-annual anniversary month."³ Petitioners contended that the submission deadline in this case was February 28, 2007. In other words, Petitioners argued that South Vina should have submitted all of the regulatory requirements, including the submission of the certifications and supporting documentation, by the deadline, February 28, 2007. Because South Vina failed to do so in its original request, Petitioners argued that South Vina's submissions should be rejected.

On March 22, 2007, South Vina submitted a response to Petitioners' objections of March 15, 2007, comments. Citing several cases in which the Department sent supplemental questionnaires prior to initiation, South Vina argued that the Department should keep South Vina's March 9, 2007, supporting documentation and initiate a new shipper review.

Pursuant to section 751(a)(2)(B)(i)(I) of the Tariff Act of 1930 as amended ("the Act"), and 19 CFR 351.214(b)(2)(i), Vinh Quang, Ngoc Thai, and Anvifish certified that they did not export certain frozen fish fillets to the United States during the period of investigation ("POI"). In addition, pursuant to section 751(a)(2)(B)(i)(II) of the Act and 19 CFR 351.214(b)(2)(iii)(A), Vinh Quang, Ngoc

Thai, and Anvifish certified that, since the initiation of the investigation, they have never been affiliated with any Vietnamese exporter or producer who exported certain frozen fish fillets to the United States during the POI, including those not individually examined during the investigation. As required by 19 CFR 351.214(b)(2)(iii)(B), Vinh Quang, Ngoc Thai, and Anvifish also certified that their export activities were not controlled by the central government of Vietnam.

In addition to the certifications described above, pursuant to 19 CFR 351.214(b)(2)(iv), Vinh Quang, Ngoc Thai, and Anvifish submitted documentation establishing the following: (1) The date on which Vinh Quang, Ngoc Thai, and Anvifish first shipped certain frozen fish fillets for export to the United States and the date on which the frozen fish fillets were first entered, or withdrawn from warehouse, for consumption; (2) the volume of their first shipment;⁴ and (3) the date of their first sale to an unaffiliated customer in the United States.

The Department conducted CBP database queries to confirm that Vinh Quang, Ngoc Thai, and Anvifish's shipments of subject merchandise had entered the United States for consumption and that liquidation of such entries had been properly suspended for antidumping duties.

Initiation of New Shipper Reviews

A. Vinh Quang, Ngoc Thai, and Anvifish

Pursuant to section 751(a)(2)(B) of the Act and 19 CFR 351.214(d)(1), the Department finds that Vinh Quang, Ngoc Thai, and Anvifish's requests meet the threshold requirements for initiation of a new shipper review for the shipment of certain frozen fish fillets from Vietnam they produced and exported. See *Memorandum to File from Cindy Lai Robinson, Senior Analyst, through Alex Villanueva, Program Manager, Office 9, Initiation of AD New Shipper Review: Certain Frozen Fish Fillets from Vietnam (A-552-801)*, dated March 26, 2007.

B. South Vina

The Department finds that South Vina's original review request dated

¹ Therefore, a request for a new shipper review based on the semiannual anniversary month, February, was due to the Department by the final day of February 2007. See 19 CFR 351.214(d)(1).

² See below in Section *Initiation of New Shipper Reviews* at B. *South Vina* for the requirements specified in 19 CFR 351.214(b)(2).

³ See Petitioners' March 15, 2007, submission at pages 2 and 3.

⁴ Vinh Quang made no subsequent shipments to the United States, while Ngoc Thai made one subsequent shipment during the POR, which the Department corroborated using data from U.S. Customs and Border Protection ("CBP"). On page 2 of its submission, Anvifish claimed no subsequent shipments to the United States after its first sale; however, the CBP data indicates that there were subsequent shipments made by Anvifish.

February 28, 2007, did not provide any required supporting documents and therefore, it does not meet the threshold requirements for initiation of a new shipper review for the shipment of certain frozen fish fillets from Vietnam, pursuant to sections 751(a)(2)(B)(i)(I) and (II) of the Act, and 19 CFR 351.214(b)(2)(i), 351.214(b)(2)(iii)(A) and (B), and 351.214(b)(2)(iv). With respect to South Vina's submission on March 9, 2007, the Department agrees with Petitioners that it was submitted untimely for this semi-annual anniversary month because it was received nine days after the deadline, February 28, 2007, which is the last day of the semi-annual anniversary month. The Department disagrees with South Vina's arguments that: (1) the new shipper regulation does not require that the certification and accompanying documentation be submitted with the original request; and (2) the pertinent regulation merely requires that the request for review be made "within one year of the date referred to" in paragraph 19 CFR 351.214(b)(2)(iv)(A). To the contrary, 19 CFR 351.214(b)(2) clearly specifies the "contents of request," which includes: (1) A certification from the requester or its producer stating that no subject merchandise was exported to the United States ("U.S.") during the POI; (2) a certification stating that since the initiation of the investigation, the requester has never been affiliated with any exporter or producer who exported subject merchandise to the U.S. during the POI; (3) a certification stating no government control over the requester's export activities in a nonmarket economy case; and (4) information regarding the date of the requester's first entry or shipment of subject merchandise, the volume of the first and all subsequent shipments of subject merchandise to the U.S., and the date of requester's first sale to an unaffiliated U.S. customer. Furthermore, 19 CFR 351.214(a) points out that the purpose of the URAA to establish a new shipper review procedure is to allow new shippers the opportunity to attain their own individual dumping margin on an expedited basis. In accordance with 19 CFR 351.214(d), the Department is required to initiate the new shipper review within a month immediately following the semi-annual anniversary month or the anniversary month depending on the date of the request. Accordingly, the Department must have all required supporting documents on the record by the submission deadline in order to initiate a new shipper review in a timely manner.

As noted above, on March 22, 2007, South Vina submitted a list of cases where the Department sent supplemental questionnaires prior to initiation and therefore, South Vina argues, the Department should accept its March 9, 2007, supporting documentation and initiate a new shipper review. However, in each case cited by South Vina, the requestor included the documents required by section 351.214(b)(2) in its original request, which South Vina did not include in its February 28, 2007, request. Because South Vina did not provide any of the "contents of request" in its original request, and its submission on March 9, 2007, is untimely, the Department has determined that South Vina's request does not meet the statutory and regulatory requirements for initiation. Therefore, the Department has removed South Vina's February 28, 2007, and its March 9, 2007, submissions from the record, and rejected South Vina's new shipper review request, in accordance with sections 751(a)(2)(B)(i)(I) and (II) of the Act, and 19 CFR 351.214.

The POR for the three new shipper reviews is August 1, 2006, through January 31, 2007. See 19 CFR 351.214(g)(1)(ii)(A). The Department intends to issue the preliminary results of these reviews no later than 180 days from the date of initiation, and final results of these reviews no later than 270 days from the date of initiation. See section 751(a)(2)(B)(iv) of the Act. Interested parties requiring access to proprietary information in this new shipper review should submit applications for disclosure under administrative protective order in accordance with 19 CFR 351.305 and 351.306. This initiation and notice are published in accordance with section 751(a)(2)(B) of the Act and 19 CFR 351.214 and 351.221(c)(1)(i).

Dated: March 26, 2007.

Stephen J. Claeys,

Deputy Assistant Secretary for Import Administration.

[FR Doc. E7-6063 Filed 3-30-07; 8:45 am]

BILLING CODE 3510-DS-S

DEPARTMENT OF COMMERCE

International Trade Administration

(A-570-863)

Honey from the People's Republic of China: Expedited Partial Final Results of Antidumping Duty Administrative Review

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

SUMMARY: On January 3, 2007, the Department published the Preliminary Results of the fourth administrative review of the antidumping duty order on honey from the People's Republic of China (PRC). *See Honey from the People's Republic of China: Preliminary Results and Partial Rescission of Antidumping Duty Administrative Review*, 72 FR 102 (January 3, 2007) (Preliminary Results). This review covers five exporters or producer/exporters: (1) Anhui Honghui Foodstuff (Group) Co., Ltd. (Anhui Honghui); (2) Chengdu Waiyuan Bee Products Co., Ltd. (Chengdu); (3) Jiangsu Kanghong Natural Healthfoods Co., Ltd. (Jiangsu); (4) Kunshan Xin'an Trade Co., Ltd. (Kunshan Xin'an); and (5) Wuhan Shino-Food Trade Co., Ltd. (Shino-Food). The period of review (POR) is December 1, 2004, through November 30, 2005.

In response to a request from the American Honey Producers Association and the Sioux Honey Association (collectively, petitioners), the Department is expediting the final results of this review for Chengdu, an uncooperative respondent, because of its extraordinary surge of exports and the significant difference between Chengdu's current cash deposit rate of 22.03 percent and Chengdu's preliminary cash deposit rate of 212.39 percent based on total facts available with adverse inference.

EFFECTIVE DATE: April 2, 2007.

FOR FURTHER INFORMATION CONTACT: Judy Lao or Angelica Mendoza, 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) 482-7924 or (202) 482-3019, respectively.

SUPPLEMENTARY INFORMATION:

Background

Since the Preliminary Results the following events have occurred. On January 12 and 29, 2007, counsel to the petitioners met with Department officials to discuss their concerns about

a surge in entries by Chengdu and resultant injury to the domestic honey industry. *See* Memoranda to the File dated January 18 and 29, 2007, respectively. Subsequently, the petitioners filed a request that the Department expedite the final results of review with respect to Chengdu. *See* Letter from the petitioners to the Secretary, dated February 6, 2007. In their request, the petitioners argue that Chengdu has “misused” the lowest cash deposit rate for any Chinese exporter of honey (22.03 percent) to ship huge quantities to the United States, causing immense harm to the domestic industry, while refusing to participate in administrative reviews.¹

On February 7, 2007, the Department informed counsel to Chengdu of the petitioners’ submission and our decision to accept the new information contained therein. We indicated that any comments on the submission were due on February 16, 2007. *See* Memorandum to the File from Patrick Edwards dated February 7, 2007. On February 15, 2007, the Department received a letter from Chengdu stating that its U.S. customer had informed them of the petitioners’ letter dated February 7, 2007, and requesting an opportunity to comment or provide its own data to verify the accuracy of the petitioners’ information. On February 16, 2007, the counsel of record for Chengdu notified the Department that it does not represent Chengdu. On the same day, the Department sent a letter via facsimile to Chengdu extending the comment period until February 23, 2007. On February 23, 2007, the Department received a facsimile letter from Chengdu restating some of the same points made in its previous letter but providing no new information. The letter was not properly filed and the Department gave Chengdu until February 26, 2007, to file its letter for the record. However, Chengdu did not submit its letter until March 5, 2007, and the Department rejected it as untimely. *See* Letter to Chengdu dated March 5, 2007.

On February 28, 2007, the Department issued a Decision Memorandum expediting the final results of review for Chengdu and extending the deadline for case briefs for all parties in this review until March 14, 2007, and for rebuttal briefs until March 21, 2007. *See* Memorandum to David M. Spooner, Assistant Secretary for Import Administration, from Stephen J. Claeys, Deputy Assistant Secretary for Import Administration, Expedited Final Results

of Administrative Review for Chengdu Waiyuan Bee Products Co., Ltd. (February 28, 2007) (Decision Memo). No comments with respect to the expedited final results for Chengdu were filed.

According to section 751(a)(3) of the Tariff Act of 1930, as amended (the Act), the Department “shall make . . . a final determination . . . within 120 days after the date on which the preliminary determination is published.” *See also* 19 CFR § 351.213(h)(1). The Department’s normal practice is to issue a final determination for all companies simultaneously. In this case, however, extraordinary circumstances support our issuance of the final results of this review with respect solely to Chengdu prior to 120 days after publication of the preliminary results. Specifically, the surge in Chengdu’s shipments, its failure to participate in administrative reviews to enable the Department to calculate a dumping margin, and the large difference between the current cash deposit rate and the rate assigned to Chengdu in the preliminary results of this review constitute extraordinary circumstances in support of expediting the final results for Chengdu. We believe that under these extraordinary circumstances a departure from our normal practice is warranted. For further analysis, *see* the proprietary version of Decision Memo.

Scope of the Antidumping Duty Order

The products covered by this order are natural honey, artificial honey containing more than 50 percent natural honey by weight, preparations of natural honey containing more than 50 percent natural honey by weight, and flavored honey. The subject merchandise includes all grades and colors of honey whether in liquid, creamed, comb, cut comb, or chunk form, and whether packaged for retail or in bulk form.

The merchandise subject to this order is currently classifiable under subheadings 0409.00.00, 1702.90.90, and 2106.90.99 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheadings are provided for convenience and customs purposes, the Department’s written description of the merchandise under the order is dispositive.

Rate for Chengdu

The PRC-wide rate applies to all PRC entities with the exception of those exporters that have demonstrated their eligibility for a separate rate. While Chengdu failed to demonstrate its eligibility for a separate rate on the record of this review, and thus is considered to be part of the PRC entity,

the Department has determined that circumstances warrant expedited final results of review solely with respect to Chengdu. As a result, for these expedited final results, the Department is issuing a rate applicable solely to Chengdu.

In its preliminary results, the Department assigned a rate to the PRC-wide entity (including Chengdu) based on adverse facts available (AFA). No party to the proceeding commented on the rate to be assigned to Chengdu for purposes of the final results. Based upon our review of the record, the Department will continue to assign the rate of 212.39 percent to Chengdu, which is the rate assigned to the PRC-wide entity (including Chengdu) in the preliminary results. The final PRC-wide rate will be determined in the final results of review that will cover all entities other than Chengdu. These non-expedited final results of review are currently due for issuance by May 3, 2007.

Final Results of Review

We determine that the following antidumping duty margin applies:

Producer/Exporter	Margin (percent)
Chengdu Waiyuan Bee Products Co., Ltd.	212.39

Assessment of Antidumping Duties

Pursuant to 19 CFR 351.212(b), the Department will determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries. The Department intends to issue assessment instructions to CBP 15 days after the date of publication of these final results of review.

Cash Deposits

The following cash-deposit requirements will be effective upon publication of these expedited partial final results for shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of these partial final results, as provided by section 751(a)(2)(C) of the Act: (1) for subject merchandise exported by Chengdu, the cash deposit rate will be 212.39 percent; (2) the cash deposit rate for PRC exporters who received a separate rate in a prior segment of the proceeding will continue to be the rate assigned in that segment of the proceeding; (3) for all other PRC exporters of subject merchandise which have not been found to be entitled to a separate rate, the cash-deposit rate will be the PRC-wide rate of 212.39 percent; and (4) for

¹ Chengdu did not request a review for the fifth review period of 12/1/2005-11/30/2006.

all non-PRC exporters of subject merchandise, the cash-deposit rate will be the rate applicable to the PRC supplier of that exporter. These deposit requirements shall remain in effect until publication of the final results of this administrative review for Anhui Honghui, Jiangsu, Kunshan Xin'an, Shino-Food and companies subject to the PRC-wide rate with the exception of Chengdu. For Chengdu, these deposit requirements shall remain in effect until publication of the final results of the next administrative review.

Notification to Interested Parties

This notice also serves as the final reminder to importers of their responsibility under 19 CFR 351.402(f) 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 in the subsequent assessment of double antidumping duties.

This notice also serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return/destruction or conversion to judicial protective order of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Failure to comply is a violation of the APO.

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

Dated: March 27, 2007.

David M. Spooner,

Assistant Secretary for Import Administration.

[FR Doc. E7-6069 Filed 3-30-07; 8:45 am]

BILLING CODE 3510-DS-S

DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-851]

Certain Preserved Mushrooms from the People's Republic of China: Initiation of New Shipper Antidumping Duty Review

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

EFFECTIVE DATE: April 2, 2007.

SUMMARY: On February 20, 2007, the Department of Commerce ("the Department") received a request from the exporter and producer Ayecue

(Liaocheng) Foodstuff Co., Ltd. ("Ayecue") to conduct a new shipper review ("NSR") of the antidumping duty order on certain preserved mushrooms from the People's Republic of China ("PRC"). In accordance with section 751(a)(2)(B) of the Tariff Act of 1930, as amended ("the Act"), and 19 CFR 351.214(d), we are initiating a NSR of Ayecue.

FOR FURTHER INFORMATION CONTACT:

Thomas Martin or Mark Manning; AD/CVD Operations, Office 4, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Ave., NW., Washington, DC 20230; telephone: (202) 482-3936 or (202) 482-5253, respectively.

SUPPLEMENTARY INFORMATION:

Background

The Department received a timely request from Ayecue on February 20, 2007, in accordance with section 751(a)(2)(B) of the Act and 19 CFR 351.214(c), for a NSR of the antidumping duty order on certain preserved mushrooms from the PRC, which has a February anniversary month. *See Notice of Amendment of Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Certain Preserved Mushrooms From the People's Republic of China*, 64 FR 8308 (February 19, 1999). Upon review, the Department determined that Ayecue's February 20, 2007, request was deficient in certain areas. The Department issued a supplemental to Ayecue on February 27, 2007. On March 19, 2007, Ayecue submitted a revised request for a NSR that provided the requested information.

Ayecue identified itself as a producer and exporter of preserved mushrooms. As required by 19 CFR 351.214(b)(2)(i) and (iii)(A), Ayecue certified that it did not export preserved mushrooms to the United States during the period of investigation ("POI"), and that it has never been affiliated with any exporter or producer which exported preserved mushrooms to the United States during the POI. Furthermore, the company also certified that its export activities are not controlled by the government of the PRC, satisfying the requirements of 19 CFR 351.214(b)(2)(iii)(B).

Pursuant to 19 CFR 351.214(b)(2)(iv), Ayecue submitted documentation establishing the date on which the subject merchandise was first entered for consumption in the United States, the volume of that first shipment and any subsequent shipments, and the date of the first sale to an unaffiliated customer in the United States. Based on

the information submitted by Ayecue, we have determined that Ayecue has met the statutory and regulatory requirements for the initiation of a NSR. The Department queried the U.S. Customs and Border Protection ("CBP") entry database to confirm that the shipment made by Ayecue had officially entered the United States via assignment of an entry date in the Customs database by CBP. In addition, the Department confirmed the existence of Ayecue and its U.S. customer.

Initiation of Review

In accordance with section 751(a)(2)(B) of the Act and 19 CFR 351.214(d)(1), and based on information on the record, we are initiating a NSR for Ayecue. See Memorandum to the File, from Thomas Martin, International Trade Compliance Analyst, through Abdelali Elouaradia, Director, Office 4, AD/CVD Operations, "Initiation of Antidumping Duty New Shipper Review: Certain Preserved Mushrooms from the People's Republic of China," dated March 27, 2007. We intend to issue the preliminary results of this review not later than 180 days after the date on which this review was initiated, and the final results of this review within 90 days after the date on which the preliminary results were issued.

Pursuant to 19 CFR 351.214(g)(1)(i)(A), the period of review ("POR") for a NSR, initiated in the month immediately following the anniversary month, will be the 12-month period immediately preceding the anniversary month. Therefore, the POR for the NSR of Ayecue is February 1, 2006, through January 31, 2007.

In cases involving non-market economies, the Department requires that a company seeking to establish eligibility for an antidumping duty rate separate from the country-wide rate provide evidence of *de jure* and *de facto* absence of government control over the company's export activities. *See Notice of Final Determination of Sales at Less Than Fair Value: Bicycles From the People's Republic of China*, 61 FR 19026, 19027 (April 30, 1996). Accordingly, we will issue a questionnaire to Ayecue, including a separate rates section. The review will proceed if the responses provide sufficient indication that Ayecue is not subject to either *de jure* or *de facto* government control with respect to its exports of preserved mushrooms. However, if Ayecue does not demonstrate its eligibility for a separate rate, then the company will be deemed not separate from other companies that exported during the POI and the NSR will be rescinded as to the company.

On August 17, 2006, the Pension Protection Act of 2006 (H.R. 4) was signed into law. Section 1632 of H.R. 4 temporarily suspends the authority of the Department to instruct CBP to collect a bond or other security in lieu of a cash deposit in NSRs. Therefore, the posting of a bond under section 751(a)(2)(B)(iii) of the Act and 19 CFR 351.214(e) in lieu of a cash deposit is not available in this case. Importers of subject merchandise manufactured and exported by Ayecue must continue to pay a cash deposit of estimated antidumping duties on each entry of subject merchandise at the current PRC-wide rate of 198.63 percent.

Interested parties that require access to proprietary information in this NSR should submit applications for disclosure under administrative protective orders in accordance with 19 CFR 351.305 and 351.306.

This initiation and notice are in accordance with section 751(a)(2)(B) of the Act, 19 CFR 351.214(d), and 19 CFR 351.221(c)(1)(i).

Dated: March 27, 2007.

Stephen J. Claeys,

Deputy Assistant Secretary for Import Administration.

[FR Doc. E7-6062 Filed 3-30-07; 8:45 am]

BILLING CODE 3510-DS-S

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Sunshine Act Notice

The President's Council on Service and Civic Participation gives notice of the following meeting:

DATE AND TIME: Monday, April 9, 2:30 p.m. to 4 p.m.

PLACE: Washington, DC—DCJCC, 1529 16th Street, NW., Washington, DC 20036.

STATUS: Open.

MATTERS TO BE CONSIDERED:

- I. Opening Remarks and Welcome from Council Chair.
- II. Approval of Meeting Minutes from October 6, 2006.
- III. Report on Council Activities.
- IV. Presentation of President's Volunteer Service Awards.
- V. Consideration of National Volunteer Week Resolution.
- VI. Closing Remarks.
- VII. Adjournment.

ACCOMMODATIONS: Anyone who needs an interpreter or other accommodation should notify the Corporation's contact person by Wednesday, April 4.

CONTACT PERSON FOR MORE INFORMATION: Brendan Murphy, Corporation for

National and Community Service, 10th Floor, Room 10302E, 1201 New York Avenue, NW., Washington, DC 20525. Phone (202) 606-6945. Fax (202) 606-3460. TDD: (202) 606-3472. e-mail: dpremo@cns.gov.

Dated: March 29, 2007.

Frank R. Trinity,
General Counsel.

[FR Doc. 07-1637 Filed 3-29-07; 3:40 pm]

BILLING CODE 6050--SS-P

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board

AGENCY: Department of Defense.

ACTION: Notice of Advisory Committee Meetings.

SUMMARY: The Defense Science Board Task Force on National Guard and Reserves in the GWOT will meet in closed session on April 17-18, 2007; at the Strategic Analysis Inc., 3601 Wilson Boulevard, Arlington, VA.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition, Technology & Logistics on scientific and technical matters as they affect the perceived needs of the Department of Defense. At these meetings, the Defense Science Board Task Force will: Assess the consequences for force structure, morale, and mission capability of deployments of members of the National Guard and the Reserves in the course of the global war on terrorism that are lengthy, frequent, or both.

In accordance with Section 10(d) of the Federal Advisory Committee Act, P.L. No. 92-463, as amended (5 U.S.C. App. II), it has been determined that these Defense Science Board Task Force meetings concern matters listed in 5 U.S.C. 552b(c)(1) and that, accordingly, the meetings will be closed to the public.

FOR FURTHER INFORMATION CONTACT:

LCDR Clifton Phillips, USN, Defense Science Board, 3140 Defense Pentagon, Room 3C553, Washington, DC 20301-3140, via e-mail at clifton.phillips@osd.mil or via phone at (703) 571-0083.

Dated: March 27, 2007.

C.R. Choate,
Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 07-1600 Filed 3-30-07; 8:45 am]

BILLING CODE 5001-06-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board

AGENCY: Department of Defense.

ACTION: Notice of Advisory Committee Meetings.

SUMMARY: The Defense Science Board Summer Study on DSB 2007 Summer Study: Challenges to Military Operations in Support of National Interests meet in closed session on April 25, 2007; at the Strategic Analysis Inc., 3601 Wilson Boulevard, Arlington, VA.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition, Technology & Logistics on scientific and technical matters as they affect the perceived needs of the Department of Defense. At these meetings, the Defense Science Board Task Force will: Assess technological, operational, and policy oriented solutions.

In accordance with Section 10(d) of the Federal Advisory Committee Act, Pub. L. No. 92-463, as amended (5 U.S.C. App. II), it has been determined that these Defense Science Board Task Force meetings concern matters listed in 5 U.S.C. 552b(c)(1) and that, accordingly, the meetings will be closed to the public.

FOR FURTHER INFORMATION CONTACT:

LCDR Clifton Phillips, USN, Defense Science Board, 3140 Defense Pentagon, Room 3C553, Washington, DC 20301-3140, via e-mail at clifton.phillips@osd.mil, or via phone at (703) 571-0083.

Dated: March 27, 2007.

C.R. Choate,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 07-1601 Filed 3-30-07; 8:45 am]

BILLING CODE 5001-06-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board

AGENCY: Department of Defense.

ACTION: Notice of Advisory Committee Meetings.

SUMMARY: The Defense Science Board Task Force on Nuclear Deterrence Skills will meet in closed session on April 26-27, 2007; at the Strategic Analysis, Inc., 3601 Wilson Boulevard, Arlington, VA.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of

Defense for Acquisition, Technology & Logistics on scientific and technical matters as they affect the perceived needs of the Department of Defense. At these meetings, the Defense Science Board Task Force will: assess all aspects of nuclear deterrent skills as well as the progress Department of Energy (DoE) has made since the publication of the Chiles Commission report.

In accordance with Section 10(d) of the Federal Advisory Committee Act, Pub. L. No. 92-463, as amended (5 U.S.C. App. II), it has been determined that these Defense Science Board Task Force meetings concern matters listed in 5 U.S.C. 552b(c)(1) and that, accordingly, the meetings will be closed to the public.

FOR FURTHER INFORMATION CONTACT:
LCDR Clifton Phillips, USN, Defense Science Board, 3140 Defense Pentagon, Room 3C553, Washington, DC 20301-3140, via e-mail at clifton.phillips@osd.mil, or via phone at (703) 571-0083.

Dated: March 27, 2007.

C.R. Choate,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 07-1602 Filed 3-30-07; 8:45 am]

BILLING CODE 5001-06-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board

AGENCY: Department of Defense.

ACTION: Notice of Advisory Committee Meetings.

SUMMARY: The Defense Science Board Task Force on Integrating Sensor-Collected Intelligence will meet in closed session on April 17-18, 2007; May 7-8, 2007; May 31-June 1, 2007;

and July 19-20, 2007; at the Science Applications International Corporation, 4001 N. Fairfax Drive, Arlington, VA.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition, Technology & Logistics on scientific and technical matters as they affect the perceived needs of the Department of Defense. *At these meetings, the Defense Science Board Task Force will: Assess the sufficiency of support for U.S. military forces by current and planned intelligence, surveillance and reconnaissance systems.*

In accordance with Section 10(d) of the Federal Advisory Committee Act, Pub. L. No. 92-463, as amended (5 U.S.C. App. II), it has been determined that these Defense Science Board Task Force meetings concern matters listed in 5 U.S.C. 552b(c)(1) and that, accordingly, the meetings will be closed to the public.

FOR FURTHER INFORMATION CONTACT:
LCDR Charles Lominac, USAF Military Assistant, Defense Science Board, 3140 Defense Pentagon, Room 3C553, Washington, DC 20301-3140, via e-mail at charles.lominac@osd.mil, or via phone at (703) 571-0081.

Dated: March 27, 2007.

C.R. Choate,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 07-1603 Filed 3-30-07; 8:45 am]

BILLING CODE 5001-06-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Revised Non-Foreign Overseas Per Diem Rates

AGENCY: DoD, Per Diem, Travel and Transportation Allowance Committee.

ACTION: Notice of revised non-foreign overseas per diem rates.

SUMMARY: The Per Diem, Travel and Transportation Allowance Committee is publishing Civilian Personnel Per Diem Bulletin Number 252. This bulletin listed revision in the per diem rates prescribed for U.S. Government employees for official travel in Alaska, Hawaii, Puerto Rico, the Northern Mariana Islands and Possessions of the United States. AEA changes announced in Bulletin Number 194 remain in effect. Bulletin Number 252 is being published in the **Federal Register** to assure that travelers are paid per diem at the most current rates.

EFFECTIVE DATE: April 1, 2007.

SUPPLEMENTARY INFORMATION: This document gives notice of revisions in per diem rates prescribed by the Per Diem Travel and Transportation Allowance Committee for non-foreign areas outside the continental United States. It supersedes Civilian Personnel Per Diem Bulletin Number 251. Distribution of Civilian Personnel Per Diem Bulletins by mail was discontinued. Per Diem Bulletins published periodically in the **Federal Register** now constitute the only notification of revisions in per diem rates to agencies and establishments outside the Department of Defense. For more information or questions about per diem rates, please contact your local travel office. The text of the Bulletin follows:

Dated: March 26, 2007.

C.R. Choate,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001-06-M

Maximum Per Diem Rates for official travel in Alaska, Hawaii, the Commonwealths of Puerto Rico and the Northern Mariana Islands and Possessions of the United States by Federal Government civilian employees.

LOCALITY	MAXIMUM LODGING AMOUNT (A)	+	M&IE RATE (B)	=	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
ALASKA						
ADAK	120		79		199	07/01/2003
ANCHORAGE [INCL NAV RES]						
05/01 - 09/15	181		97		278	04/01/2007
09/16 - 04/30	99		89		188	04/01/2007
BARROW	159		95		254	05/01/2002
BETHEL	125		78		203	05/01/2006
BETTLES	135		62		197	10/01/2004
CLEAR AB	90		82		172	10/01/2006
COLD BAY	90		73		163	05/01/2002
COLDFOOT	165		70		235	10/01/2006
COPPER CENTER						
05/01 - 09/30	129		75		204	04/01/2006
10/01 - 04/30	89		71		160	04/01/2006
CORDOVA						
05/01 - 09/30	95		74		169	05/01/2006
10/01 - 04/30	85		72		157	05/01/2006
CRAIG	140		79		219	04/01/2007
DEADHORSE	95		67		162	05/01/2002
DELTA JUNCTION	90		77		167	02/01/2007
DENALI NATIONAL PARK						
06/01 - 08/31	117		73		190	04/01/2007
09/01 - 05/31	75		69		144	04/01/2007
DILLINGHAM	114		69		183	06/01/2004
DUTCH HARBOR-UNALASKA	121		84		205	04/01/2006
EARECKSON AIR STATION	90		82		172	10/01/2006
EIELSON AFB						
05/01 - 09/15	169		95		264	02/01/2007
09/16 - 04/30	75		86		161	02/01/2007
ELMENDORF AFB						
05/01 - 09/15	181		97		278	04/01/2007
09/16 - 04/30	99		89		188	04/01/2007
FAIRBANKS						
05/01 - 09/15	169		95		264	02/01/2007
09/16 - 04/30	75		86		161	02/01/2007
FOOTLOOSE	175		18		193	06/01/2002
FT. GREELY	90		77		167	02/01/2007
FT. RICHARDSON						
05/01 - 09/15	181		97		278	04/01/2007
09/16 - 04/30	99		89		188	04/01/2007
FT. WAINWRIGHT						
05/01 - 09/15	169		95		264	02/01/2007
09/16 - 04/30	75		86		161	02/01/2007
GLENNALLEN						
05/01 - 09/30	129		75		204	04/01/2006
10/01 - 04/30	89		71		160	04/01/2006

Maximum Per Diem Rates for official travel in Alaska, Hawaii, the Commonwealths of Puerto Rico and the Northern Mariana Islands and Possessions of the United States by Federal Government civilian employees.

LOCALITY	MAXIMUM LODGING AMOUNT (A)	+	M&IE RATE (B)	=	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
HAINES	90		69		159	04/01/2006
HEALY						
06/01 - 08/31	117		73		190	04/01/2007
09/01 - 05/31	75		69		144	04/01/2007
HOMER						
05/15 - 09/15	139		80		219	05/01/2006
09/16 - 05/14	79		74		153	05/01/2006
JUNEAU						
05/01 - 09/30	129		89		218	04/01/2006
10/01 - 04/30	79		84		163	04/01/2006
KAKTOVIK	165		86		251	05/01/2002
KAVIK CAMP	150		69		219	05/01/2002
KENAI-SOLDOTNA						
05/01 - 08/31	129		92		221	04/01/2006
09/01 - 04/30	79		87		166	04/01/2006
KENNICOTT	249		110		359	04/01/2007
KETCHIKAN						
05/01 - 09/30	135		82		217	04/01/2005
10/01 - 04/30	98		78		176	04/01/2005
KING SALMON						
05/01 - 10/01	225		91		316	05/01/2002
10/02 - 04/30	125		81		206	05/01/2002
KLAWOCK	140		79		219	04/01/2007
KODIAK						
05/01 - 09/30	123		91		214	04/01/2006
10/01 - 04/30	99		88		187	04/01/2006
KOTZEBUE						
05/15 - 09/30	151		90		241	05/01/2006
10/01 - 05/14	135		89		224	05/01/2006
KULIS AGS						
05/01 - 09/15	181		97		278	04/01/2007
09/16 - 04/30	99		89		188	04/01/2007
MCCARTHY	249		110		359	04/01/2007
MCGRATH	165		69		234	10/01/2006
MURPHY DOME						
05/01 - 09/15	169		95		264	02/01/2007
09/16 - 04/30	75		86		161	02/01/2007
NOME	125		86		211	05/01/2006
NUIQSUT	180		53		233	05/01/2002
PETERSBURG	80		62		142	06/01/2005
POINT HOPE	130		70		200	03/01/1999
POINT LAY	105		67		172	03/01/1999
PORT ALSWORTH	135		88		223	05/01/2002
PRUDHOE BAY	95		67		162	05/01/2002
SEWARD						
05/01 - 09/30	171		79		250	04/01/2006
10/01 - 04/30	69		69		138	04/01/2006
SITKA-MT. EDGE CUMBE						
05/01 - 09/30	119		83		202	02/01/2007
10/01 - 04/30	99		81		180	02/01/2007

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LOCALITY	MAXIMUM LODGING AMOUNT (A)	+	M&IE RATE (B)	=	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
SKAGWAY						
05/01 - 09/30	135		82		217	04/01/2005
10/01 - 04/30	98		78		176	04/01/2005
SLANA						
05/01 - 09/30	139		55		194	02/01/2005
10/01 - 04/30	99		55		154	02/01/2005
SPRUCE CAPE						
05/01 - 09/30	123		91		214	04/01/2006
10/01 - 04/30	99		88		187	04/01/2006
ST. GEORGE	129		55		184	06/01/2004
TALKEETNA	100		89		189	07/01/2002
TANANA	125		86		211	05/01/2006
TOGIAK	100		39		139	07/01/2002
TOK						
05/01 - 09/30	109		69		178	02/01/2007
10/01 - 04/30	90		67		157	02/01/2007
UMIAT	350		35		385	10/01/2006
VALDEZ						
05/01 - 10/01	149		87		236	04/01/2007
10/02 - 04/30	79		80		159	04/01/2007
WASILLA						
05/01 - 09/30	134		84		218	04/01/2006
10/01 - 04/30	80		79		159	04/01/2006
WRANGELL						
05/01 - 09/30	135		82		217	04/01/2005
10/01 - 04/30	98		78		176	04/01/2005
YAKUTAT	110		68		178	03/01/1999
[OTHER]	90		77		167	02/01/2007
AMERICAN SAMOA						
AMERICAN SAMOA	122		73		195	12/01/2005
GUAM						
GUAM (INCL ALL MIL INSTAL)	135		90		225	06/01/2005
HAWAII						
CAMP H M SMITH	149		100		249	05/01/2006
EASTPAC NAVAL COMP TELE AREA	149		100		249	05/01/2006
FT. DERUSSEY	149		100		249	05/01/2006
FT. SHAFTER	149		100		249	05/01/2006
HICKAM AFB	149		100		249	05/01/2006
HONOLULU (INCL NAV & MC RES CTR)	149		100		249	05/01/2006
ISLE OF HAWAII: HILO	112		93		205	05/01/2006
ISLE OF HAWAII: OTHER	150		95		245	05/01/2006
ISLE OF KAUAI	188		102		290	05/01/2006
ISLE OF MAUI	159		95		254	05/01/2006
ISLE OF OAHU	149		100		249	05/01/2006
KEKAHA PACIFIC MISSILE RANGE FAC	188		102		290	05/01/2006
KILAUEA MILITARY CAMP	112		93		205	05/01/2006
LANAI	175		130		305	05/01/2006
LUALUALEI NAVAL MAGAZINE	149		100		249	05/01/2006
MCB HAWAII	149		100		249	05/01/2006
MOLOKAI	153		95		248	05/01/2006

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LOCALITY	MAXIMUM LODGING AMOUNT (A)	+	M&IE RATE (B)	=	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
NAS BARBERS POINT	149		100		249	05/01/2006
PEARL HARBOR [INCL ALL MILITARY]	149		100		249	05/01/2006
SCHOFIELD BARRACKS	149		100		249	05/01/2006
WHEELER ARMY AIRFIELD	149		100		249	05/01/2006
[OTHER]	112		93		205	12/01/2006
MIDWAY ISLANDS						
MIDWAY ISLANDS INCL ALL MILITARY	100		45		145	06/01/2006
NORTHERN MARIANA ISLANDS						
ROTA	129		91		220	05/01/2006
SAIPAN	121		94		215	05/01/2006
TINIAN	85		80		165	06/01/2005
[OTHER]	55		72		127	04/01/2000
PUERTO RICO						
AGUADILLA	87		70		157	07/01/2006
BAYAMON	195		77		272	08/01/2006
CAROLINA	195		77		272	08/01/2006
CEIBA						
05/01 - 11/30	155		57		212	08/01/2006
12/01 - 04/30	185		57		242	08/01/2006
FAJARDO [INCL ROOSEVELT RDS NAVS						
05/01 - 11/30	155		57		212	08/01/2006
12/01 - 04/30	185		57		242	08/01/2006
FT. BUCHANAN [INCL GSA SVC CTR,	195		77		272	08/01/2006
HUMACAO						
05/01 - 11/30	155		57		212	08/01/2006
12/01 - 04/30	185		57		242	08/01/2006
LUIS MUNOZ MARIN IAP AGS	195		77		272	08/01/2006
LUQUILLO						
05/01 - 11/30	155		57		212	08/01/2006
12/01 - 04/30	185		57		242	08/01/2006
MAYAGUEZ	109		73		182	07/01/2006
PONCE						
01/01 - 05/31	139		73		212	07/01/2006
06/01 - 07/31	230		82		312	07/01/2006
08/01 - 11/30	139		73		212	07/01/2006
12/01 - 12/31	230		82		312	07/01/2006
SABANA SECA [INCL ALL MILITARY]	195		77		272	08/01/2006
SAN JUAN & NAV RES STA	195		77		272	08/01/2006
[OTHER]	62		57		119	01/01/2000
VIRGIN ISLANDS (U.S.)						
ST. CROIX						
04/15 - 12/14	135		92		227	05/01/2006
12/15 - 04/14	187		97		284	05/01/2006
ST. JOHN						
04/15 - 12/14	163		98		261	05/01/2006
12/15 - 04/14	220		104		324	05/01/2006
ST. THOMAS						
04/15 - 12/14	240		105		345	05/01/2006

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LOCALITY	MAXIMUM LODGING AMOUNT		M&IE RATE		MAXIMUM PER DIEM RATE	EFFECTIVE DATE
	(A)	+	(B)	=	(C)	
12/15 - 04/14	299		111		410	05/01/2006
WAKE ISLAND						
WAKE ISLAND	152		15		167	06/01/2006

[FR Doc. 07-1599 Filed 3-30-07; 8:45 am]

BILLING CODE 5001-06-C

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

SUMMARY: The IC Clearance Official, Regulatory Information Management Services, Office of Management invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before May 2, 2007.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Education Desk Officer, Office of Management and Budget, 725 17th Street, NW., Room 10222, Washington, DC 20503. Commenters are encouraged to submit responses electronically by e-mail to oir_submission@omb.eop.gov or via fax to (202) 395-6974. Commenters should include the following subject line in their response "Comment: [insert OMB number], [insert abbreviated collection name, e.g., "Upward Bound Evaluation"]". Persons submitting comments electronically should not submit paper copies.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection 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.

Dated: March 27, 2007.

Angela C. Arrington,

IC Clearance Official Regulatory Information Management Services Office of Management.

Institute of Education Sciences

Type of Review: New.

Title: The Effects of Odyssey Math Software on the Mathematics Achievement of Selected Fourth Grade Students.

Frequency: Annually.

Affected Public: State, Local, or Tribal Gov't, SEAs or LEAs; Individuals or household; Businesses or other for-profit.

Reporting and Recordkeeping Hour Burden:

Responses: 3,286.

Burden Hours: 6,598.

Abstract: Support for the idea of developing stronger mathematics curricula comes from all stakeholders in education today. Despite the importance of mathematics education there have been a limited number of interventions that meet the need. Odyssey(r) Math may be an exception and is designed to

offer opportunities to engage in more challenging mathematics in (presumably) interesting contexts. Despite the promise the intervention holds, existing studies on Odyssey(r) Math have not adequately controlled for threats to the internal validity. The Regional Education Lab Mid-Atlantic plans to remedy that and has designed a multi-site CRT to evaluate the effectiveness of Odyssey(r) Math in improving math scores. This document presents the Supporting Statement for a multi-site cluster randomized control trial (or multi-site CRT) designed to test the impacts of Odyssey Math Software in 4th grade classrooms in the Mid-Atlantic region of the United States (PA, MD, NJ, DE, DC).

Requests for copies of the information collection submission for OMB review may be accessed from <http://edicsweb.ed.gov>, by selecting the "Browse Pending Collections" link and by clicking on link number 3272. 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. E7-6035 Filed 3-30-07; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF EDUCATION**Office of Elementary and Secondary Education Overview Information; College Assistance Migrant Program (CAMP); Notice Inviting Applications for New Awards for Fiscal Year (FY) 2007**

Catalog of Federal Domestic Assistance (CFDA) Number: 84.149A
Dates: Applications Available: April 2, 2007.

Deadline for Transmittal of Applications: May 17, 2007.

Eligible Applicants: Institutions of higher education (IHEs) or private non-profit organizations (including faith-based organizations) that plan their projects in cooperation with an IHE and propose to operate some aspects of the project with the facilities of the IHE.

Estimated Available Funds: \$3,807,461.

Estimated Range of Awards: \$150,000–\$425,000.

Estimated Average Size of Awards: \$423,000.

Estimated Number of Awards: 9.

Maximum Award: We will reject any application that proposes a budget exceeding \$425,000 for a single budget period of 12 months. The Assistant Secretary for Elementary and Secondary Education may change the maximum amount through a notice published in the **Federal Register**.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 60 months.

Full Text of Announcement**I. Funding Opportunity Description**

Purpose of Program: The purpose of CAMP is to provide the academic and financial support necessary to help migrant and seasonal farmworkers and their children successfully complete their first year of college.

Priorities: This competition includes two competitive preference priorities and one invitational priority. In accordance with 34 CFR 75.105(b)(2)(ii) the competitive preference priority for “novice applicant” is from the Education Department General Administrative Regulations (EDGAR) (34 CFR 75.225). In accordance with 34 CFR 75.105(b)(2)(iv) of EDGAR, the competitive preference priority for “prior experience of service delivery” is from Section 418A(e) of the Higher Education Act of 1965, as amended (HEA) (20 U.S.C. 1070d–2(e)).

Competitive Preference Priorities: For FY 2007 these priorities are competitive preference priorities. Under 34 CFR 75.105(c)(2)(i) we award an additional five points to an application meeting the “novice applicant” competitive

preference priority, and up to a maximum of 15 additional points to an application meeting the “prior experience of service delivery” competitive preference priority.

These priorities are:

Novice Applicant

The applicant must be a “novice applicant” as defined in 34 CFR 75.225(a).

Prior Experience of Service Delivery

With respect to applicants with an expiring CAMP project, the Secretary will consider the applicant’s prior experience in implementing its expiring CAMP project based on information contained in documents previously provided to the Department, such as annual performance reports, project evaluation reports, site visit reports, and the previously approved CAMP application.

Under this competition, we are particularly interested in applications that address the following priority.

Invitational Priority: For FY 2007 this priority is an invitational priority. Under 34 CFR 75.105(c)(1), we do not give an application that meets this invitational priority a competitive or absolute preference over other applications.

This priority is:

Applications that propose to engage faith-based and community organizations in the delivery of services under this program.

Program Authority: 20 U.S.C. 1070d–2.

Applicable Regulations: (a) EDGAR in 34 CFR parts 74, 75, 77, 79, 82, 84, 85, 86, 97, 98, and 99. (b) The regulations in 34 CFR part 206. (c) The definition of a *migratory agricultural worker* in 34 CFR 200.81. (d) The regulations in 20 CFR 669.110 and 669.320.

Note: The regulations in 34 CFR part 86 apply to IHEs only.

II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds: \$3,807,461.

Estimated Range of Awards: \$150,000–\$425,000.

Estimated Average Size of Awards: \$423,000.

Estimated Number of Awards: 9.

Maximum Award: We will reject any application that proposes a budget exceeding \$425,000 for a single budget period of 12 months. The Assistant Secretary for Elementary and Secondary Education may change the maximum amount through a notice published in the **Federal Register**.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 60 months.

III. Eligibility Information

1. *Eligible Applicants:* IHEs or private non-profit organizations (including faith-based organizations) that plan their projects in cooperation with an IHE and propose to operate some aspects of the project with the facilities of the IHE.

2. *Cost Sharing or Matching:* This competition does not involve cost sharing or matching.

IV. Application and Submission Information

1. *Address to Request Application Package:* Applications for grants under this competition must be submitted electronically through the Grants.gov Apply site (<http://www.Grants.gov>). However, if you would like a paper copy of the application to review, you may request one by contacting David De Soto, U.S. Department of Education, Office of Migrant Education, 400 Maryland Avenue, SW., room 3E344, Washington, DC 20202–6135. Telephone: (202) 260–8103 or by e-mail: david.de.soto@ed.gov

The application package also can be obtained electronically at the following address: <http://www.ed.gov/programs/camp/applicant.html>

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 a copy of the application package in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) by contacting the program contact person listed in this section.

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 25 pages, using the following standards:

- A “page” is 8.5” x 11”, on one side only, with 1” margins at the top, bottom, and both sides.
- Double space (no more than three lines per vertical inch) all text in the application narrative (Part III), including titles, headings, footnotes, quotations, references, and captions. However, you may single space all text in charts, tables, figures, and graphs. Charts, tables, figures, and graphs presented in

the application narrative count toward the page limit.

- Use a font that is either 12 point or larger or no smaller than 10 pitch (characters per inch).

- Appendices must be limited to 15 pages and may include the following: Resumes, job descriptions, letters of support, and bibliography.

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. However, you must include all of the application narrative in Part III.

Our reviewers will not read any pages of your application that—

- Exceed the page limit if you apply these standards; or
- Exceed the equivalent of the page limit if you apply other standards.

3. *Submission Dates and Times:*

Applications Available: April 2, 2007.
Deadline for Transmittal of

Applications: May 17, 2007.

Applications for grants under this competition must be submitted electronically using the Grants.gov Apply site (Grants.gov). For information (including dates and times) about how to submit your application electronically, or by mail or hand delivery if you qualify for an exception to the electronic submission requirement, please refer to section IV.6. *Other Submission Requirements* in this notice.

We do not consider an application that does not comply with the deadline requirements.

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact the person listed under **FOR FURTHER INFORMATION**

CONTACT.

4. *Intergovernmental Review:* This competition is subject to Executive Order 12372 and the regulations in 34 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 must be submitted electronically unless you qualify for an exception to this requirement in accordance with the instructions in this section.

a. *Electronic Submission of Applications.*

Applications for grants under the College Assistance Migrant Program,

CFDA Number 84.149A must be submitted electronically using the Governmentwide Grants.gov Apply site at <http://www.Grants.gov>. Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may not e-mail an electronic copy of a grant application to us.

We will reject your application if you submit it in paper format unless, as described elsewhere in this section, you qualify for one of the exceptions to the electronic submission requirement and submit, no later than two weeks before the application deadline date, a written statement to the Department that you qualify for one of these exceptions. Further information regarding calculation of the date that is two weeks before the application deadline date is provided later in this section under *Exception to Electronic Submission Requirement*.

You may access the electronic grant application for the College Assistance Migrant Program at <http://www.Grants.gov>. You must search for the downloadable application package for this program or competition by the CFDA number. Do not include the CFDA number's alpha suffix in your search (e.g., search for 84.149, not 84.149A).

Please note the following:

- When you enter the Grants.gov site, you will find information about submitting an application electronically through the site, as well as the hours of operation.
- Applications received by Grants.gov are date and time stamped. Your application must be fully uploaded and submitted, and must be date and time stamped by the Grants.gov system no later than 4:30 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not consider your application if it is date and time stamped by the Grants.gov system later than 4:30 p.m., Washington, DC time, on the application deadline date. When we retrieve your application from Grants.gov, we will notify you if we are rejecting your application because it was date and time stamped by the Grants.gov system after 4:30 p.m., Washington, DC time, on the application deadline date.
- The amount of time it can take to upload an application will vary depending on a variety of factors including the size of the application and the speed of your Internet connection. Therefore, we strongly recommend that you do not wait until the application

deadline date to begin the submission process through Grants.gov.

- You should review and follow the Education Submission Procedures for submitting an application through Grants.gov that are included in the application package for this program [competition] to ensure that you submit your application in a timely manner to the Grants.gov system. You can also find the Education Submission Procedures pertaining to Grants.gov at <http://e-Grants.ed.gov/help/GrantsgovSubmissionProcedures.pdf>.

- To submit your application via Grants.gov, you must complete all steps in the Grants.gov registration process (see http://www.grants.gov/applicants/get_registered.jsp). These steps include (1) Registering your organization, a multi-part process that includes registration with the Central Contractor Registry (CCR); (2) registering yourself as an Authorized Organization Representative (AOR); and (3) getting authorized as an AOR by your organization. Details on these steps are outlined in the Grants.gov 3-Step Registration Guide (see <http://www.grants.gov/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 submit successfully an application via Grants.gov. In addition you will need to update your CCR registration on an annual basis. This may take three or more business days to complete.

- You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you qualify for an exception to the electronic submission requirement, as described elsewhere in this section, and submit your application in paper format.

- You must submit all documents electronically, including all information you typically provide on the following forms: Application for Federal Assistance (SF 424), the Department of Education Supplemental Information for SF 424, Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications. Please note that two of these forms—the SF 424 and the Department of Education Supplemental Information for SF 424—have replaced the ED 424 (Application for Federal Education Assistance).

- You must attach any narrative sections of your application as files in a .DOC (document), .RTF (rich text), or .PDF (Portable Document) format. If you

upload a file type other than the three file types specified in this paragraph or submit a password-protected file, we will not review that material.

- Your electronic application must comply with any page-limit requirements described in this notice.
- After you electronically submit your application, you will receive from Grants.gov an automatic notification of receipt that contains a Grants.gov tracking number. (This notification indicates receipt by Grants.gov only, not receipt by the Department.) The Department then will retrieve your application from Grants.gov and send a second notification to you by e-mail. This second notification indicates that the Department has received your application and has assigned your application a PR/Award number (an ED-specified identifying number unique to your application).

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

Application Deadline Date Extension in Case of Technical Issues with the Grants.gov System: If you are experiencing problems submitting your application through Grants.gov, please contact the Grants.gov Support Desk at 1-800-518-4726. You must obtain a Grants.gov Support Desk Case Number and must keep a record of it.

If you are prevented from electronically submitting your application on the application deadline date because of technical problems with the Grants.gov system, we will grant you an extension until 4:30 p.m., Washington, DC time, the following business day to enable you to transmit your application electronically or by hand delivery. You also may mail your application by following the mailing instructions described elsewhere in this notice.

If you submit an application after 4:30 p.m., Washington, DC time, on the application deadline date, please contact the person listed elsewhere in this notice under **FOR FURTHER INFORMATION CONTACT** and provide an explanation of the technical problem you experienced with Grants.gov, along with the Grants.gov Support Desk Case Number. We will accept your application if we can confirm that a technical problem occurred with the Grants.gov system and that that problem affected your ability to submit your application by 4:30 p.m., Washington, DC time, on the application deadline date. The Department will contact you after a determination is made on whether your application will be accepted.

Note: The extensions to which we refer in this section apply only to the unavailability of, or technical problems with, the Grants.gov system. We will not grant you an extension if you failed to fully register to submit your application to Grants.gov before the application deadline date and time or if the technical problem you experienced is unrelated to the Grants.gov system.

Exception to Electronic Submission Requirement: You qualify for an exception to the electronic submission requirement, and may submit your application in paper format, if you are unable to submit an application through the Grants.gov system because—

- You do not have access to the Internet; or
- You do not have the capacity to upload large documents to the Grants.gov system; and
- No later than two weeks before the application deadline date (14 calendar days or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevent you from using the Internet to submit your application.

If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. If you fax your written statement to the Department, we must receive the faxed statement no later than two weeks before the application deadline date.

Address and mail or fax your statement to: David De Soto, 400 Maryland Avenue, SW., room 3E344, Washington, DC 20202-6135. Telephone (202) 260-8103. Fax: (202) 205-0089.

Your paper application must be submitted in accordance with the mail or hand delivery instructions described in this notice.

b. Submission of Paper Applications by Mail.

If you qualify for an exception to the electronic submission requirement, you may mail (through the U.S. Postal Service or a commercial carrier) your application to the Department. You must mail the original and two copies of your application, on or before the application deadline date, to the Department at the applicable following address:

By mail through the U.S. Postal Service:
U.S. Department of Education,
Application Control Center,
Attention: (CFDA Number 84.149A),
Washington, DC 20202-4260.
or

By mail through a commercial carrier:

U.S. Department of Education,
Application Control Center, Stop
4260, Attention: (CFDA Number
84.149A), 7100 Old Landover Road,
Landover, MD 20785-1506.

Regardless of which address you use, you must show proof of mailing consisting of one of the following:

- (1) A legibly dated U.S. Postal Service postmark.
- (2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.
- (3) A dated shipping label, invoice, or receipt from a commercial carrier.
- (4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

- (1) A private metered postmark.
- (2) A mail receipt that is not dated by the U.S. Postal Service.

If your application is postmarked after the application deadline date, we will not consider your application.

Note: The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

c. Submission of Paper Applications by Hand Delivery.

If you qualify for an exception to the electronic submission requirement, you (or a courier service) may deliver your paper application to the Department by hand. You must deliver the original and two copies of your application by hand, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.149A), 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

Selection Criteria: The selection criteria for this competition are from 34 CFR 75.210 of EDGAR and are listed in the application package.

VI. Award Administration Information

1. Award Notices: If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notice (GAN). We may also notify you informally.

If your application is not evaluated or not selected for funding, we notify you.

2. Administrative and National Policy Requirements: We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. Reporting: At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multi-year award, you must submit an annual performance report that provides the most current performance and financial expenditure information as specified by the Secretary in 34 CFR 75.118.

4. Performance Measures: Under the Government Performance and Results Act (GPRA), the Department developed the following performance measures to evaluate the overall effectiveness of CAMP: (1) The percentage of CAMP participants completing the first year of their academic or postsecondary program, and (2) The percentage of CAMP participants who, after completing first year of college, continue their postsecondary education.

We strongly encourage applicants to demonstrate a sound capacity to provide reliable data on these measures in their responses to selection criteria "Quality of Project Design" and "Quality of the Project Evaluation."

All grantees will be required to submit, as part of their annual performance report, information with respect to these performance measures.

VII. Agency Contact

FOR FURTHER INFORMATION CONTACT:

David De Soto, U.S. Department of Education, Office of Migrant Education,

400 Maryland Avenue, SW., room 3E344, Washington, DC 20202-6135. Telephone Number: (202) 260-8103, or by e-mail: david.de.soto@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 in this section.

VIII. Other Information

Electronic Access to This Document: You may view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: 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: www.gpoaccess.gov/nara/index.html.

Dated: March 28, 2007.

Kerri L. Briggs,

Acting Assistant Secretary for Elementary and Secondary Education.

[FR Doc. E7-6091 Filed 3-30-07; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF EDUCATION

Office of Elementary and Secondary Education Overview Information; High School Equivalency Program (HEP); Notice Inviting Applications for New Awards for Fiscal Year (FY) 2007

Catalog of Federal Domestic Assistance (CFDA) Number: 84.141A
Dates:

Applications Available: April 2, 2007.

Deadline for Transmittal of

Applications: May 17, 2007.

Eligible Applicants: Institutions of higher education (IHEs) or private non-profit organizations (including faith-based organizations) that plan their projects in cooperation with an IHE and propose to operate some aspects of the project with the facilities of the IHE.

Estimated Available Funds:
\$1,693,807.

Estimated Range of Awards:
\$150,000-\$475,000.

Estimated Average Size of Awards:
\$423,000.

Estimated Number of Awards: 4.

Maximum Award: We will reject any application that proposes a budget exceeding \$475,000 for a single budget period of 12 months. The Assistant Secretary for Elementary and Secondary Education may change the maximum amount through a notice published in the **Federal Register**.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 60 months.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The purpose of HEP is to help migrant and seasonal farmworkers and their children obtain a general education diploma (GED) that meets the guidelines for high school equivalency established by the State in which the HEP project is conducted, and to gain employment or be placed in an IHE or other postsecondary education or training.

Priorities: This competition includes two competitive preference priorities and one invitational priority. In accordance with 34 CFR 75.105(b)(2)(ii) the competitive preference priority for "novice applicant" is from the Education Department General Administrative Regulations (EDGAR) (34 CFR 75.225). In accordance with 34 CFR 75.105(b)(2)(iv) of EDGAR, the competitive preference priority for "prior experience of service delivery" is from Section 418A(e) of the Higher Education Act of 1965, as amended (HEA) (20 U.S.C. 1070d-2(e)).

Competitive Preference Priorities: For FY 2007 these priorities are competitive preference priorities. Under 34 CFR 75.105(c)(2)(i) we award an additional five points to an application meeting the "novice applicant" competitive preference priority, and up to a maximum of 15 additional points to an application meeting the "prior experience of service delivery" competitive preference priority.

These priorities are:

Novice Applicant

The applicant must be a "novice applicant" as defined in 34 CFR 75.225(a).

Prior Experience of Service Delivery

With respect to applicants with an expiring HEP project, the Secretary will consider the applicant's prior experience in implementing its expiring HEP project based on information

contained in documents previously provided to the Department, such as annual performance reports, project evaluation reports, site visit reports, and the previously approved HEP application.

Under this competition, we are particularly interested in applications that address the following priority.

Invitational Priority: For FY 2007 this priority is an invitational priority. Under 34 CFR 75.105(c)(1), we do not give an application that meets this invitational priority a competitive or absolute preference over other applications.

This priority is:

Applications that propose to engage faith-based and community organizations in the delivery of services under this program.

Program Authority: 20 U.S.C. 1070d-2.

Applicable Regulations: (a) EDGAR in 34 CFR parts 74, 75, 77, 79, 82, 84, 85, 86, 97, 98, and 99. (b) The regulations in 34 CFR part 206. (c) The definition of a *migratory agricultural worker* in 34 CFR 200.81. (d) The regulations in 20 CFR 669.110 and 669.320.

Note: The regulations in 34 CFR part 86 apply to IHEs only.

II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds:

\$1,693,807.

Estimated Range of Awards:

\$150,000–\$475,000.

Estimated Average Size of Awards:

\$423,000.

Estimated Number of Awards: 4.

Maximum Award: We will reject any application that proposes a budget exceeding \$475,000 for a single budget period of 12 months. The Assistant Secretary for Elementary and Secondary Education may change the maximum amount through a notice published in the **Federal Register**.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 60 months.

III. Eligibility Information

1. **Eligible Applicants:** IHEs or private non-profit organizations (including faith-based organizations) that plan their projects in cooperation with an IHE and propose to operate some aspects of the project with the facilities of the IHE.

2. **Cost Sharing or Matching:** This competition does not involve cost sharing or matching.

IV. Application and Submission Information

1. **Address to Request Application**

Package: Applications for grants under

this competition must be submitted electronically through the Grants.gov Apply site (<http://www.Grants.gov>). However, if you would like a paper copy of the application to review, you may request one by contacting David De Soto, U.S. Department of Education, Office of Migrant Education, 400 Maryland Avenue, SW., room 3E344, Washington, DC 20202–6135. Telephone: (202) 260–8103 or by e-mail: david.de.soto@ed.gov.

The application package also can be obtained electronically at the following address: <http://www.ed.gov/programs/hep/applicant.html>.

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 a copy of the application package in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) by contacting the program contact person listed in this section.

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 25 pages, using the following standards:

- A “page” is 8.5” x 11”, on one side only, with 1” margins at the top, bottom, and both sides.

- Double space (no more than three lines per vertical inch) all text in the application narrative (Part III), including titles, headings, footnotes, quotations, references, and captions. However, you may single space all text in charts, tables, figures, and graphs. Charts, tables, figures, and graphs presented in the application narrative count toward the page limit.

- Use a font that is either 12 point or larger or no smaller than 10 pitch (characters per inch).

- Appendices must be limited to 15 pages and may include the following: Resumes, job descriptions, letters of support, and bibliography.

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. However, you must include all of the application narrative in Part III.

Our reviewers will not read any pages of your application that—

- Exceed the page limit if you apply these standards; or
- Exceed the equivalent of the page limit if you apply other standards.

3. **Submission Dates and Times:**
Applications Available: April 2, 2007.
Deadline for Transmittal of Applications: May 17, 2007.

Applications for grants under this competition must be submitted electronically using the Grants.gov Apply site (Grants.gov). For information (including dates and times) about how to submit your application electronically, or by mail or hand delivery if you qualify for an exception to the electronic submission requirement, please refer to section IV. 6. **Other Submission Requirements** in this notice.

We do not consider an application that does not comply with the deadline requirements.

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

4. **Intergovernmental Review:** This competition is subject to Executive Order 12372 and the regulations in 34 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 must be submitted electronically unless you qualify for an exception to this requirement in accordance with the instructions in this section.

a. **Electronic Submission of Applications.**

Applications for grants under the High School Equivalency Program, CFDA Number 84.141A must be submitted electronically using the Governmentwide Grants.gov Apply site at <http://www.Grants.gov>. Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may not e-mail an electronic copy of a grant application to us.

We will reject your application if you submit it in paper format unless, as described elsewhere in this section, you qualify for one of the exceptions to the electronic submission requirement and submit, no later than two weeks before the application deadline date, a written

statement to the Department that you qualify for one of these exceptions. Further information regarding calculation of the date that is two weeks before the application deadline date is provided later in this section under *Exception to Electronic Submission Requirement*.

You may access the electronic grant application for High School Equivalency Program at <http://www.Grants.gov>. You must search for the downloadable application package for this program or competition by the CFDA number. Do not include the CFDA number's alpha suffix in your search (e.g., search for 84.141, not 84.141A).

Please note the following:

- When you enter the Grants.gov site, you will find information about submitting an application electronically through the site, as well as the hours of operation.

- Applications received by Grants.gov are date and time stamped. Your application must be fully uploaded and submitted, and must be date and time stamped by the Grants.gov system no later than 4:30 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not consider your application if it is date and time stamped by the Grants.gov system later than 4:30 p.m., Washington, DC time, on the application deadline date. When we retrieve your application from Grants.gov, we will notify you if we are rejecting your application because it was date and time stamped by the Grants.gov system after 4:30 p.m., Washington, DC time, on the application deadline date.

- The amount of time it can take to upload an application will vary depending on a variety of factors including the size of the application and the speed of your Internet connection. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the submission process through Grants.gov.

- You should review and follow the Education Submission Procedures for submitting an application through Grants.gov that are included in the application package for this program [competition] to ensure that you submit your application in a timely manner to the Grants.gov system. You can also find the Education Submission Procedures pertaining to Grants.gov at <http://e-Grants.ed.gov/help/GrantsgovSubmissionProcedures.pdf>.

- To submit your application via Grants.gov, you must complete all steps in the Grants.gov registration process (see http://www.grants.gov/applicants/get_registered.jsp). These steps include

(1) Registering your organization, a multi-part process that includes registration with the Central Contractor Registry (CCR); (2) registering yourself as an Authorized Organization Representative (AOR); and (3) getting authorized as an AOR by your organization. Details on these steps are outlined in the Grants.gov 3-Step Registration Guide (see <http://www.grants.gov/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 submit successfully an application via Grants.gov. In addition you will need to update your CCR registration on an annual basis. This may take three or more business days to complete.

- You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you qualify for an exception to the electronic submission requirement, as described elsewhere in this section, and submit your application in paper format.

- You must submit all documents electronically, including all information you typically provide on the following forms: Application for Federal Assistance (SF 424), the Department of Education Supplemental Information for SF 424, Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications. Please note that two of these forms—the SF 424 and the Department of Education Supplemental Information for SF 424—have replaced the ED 424 (Application for Federal Education Assistance).

- You must attach any narrative sections of your application as files in a .DOC (document), .RTF (rich text), or .PDF (Portable Document) format. If you upload a file type other than the three file types specified in this paragraph or submit a password-protected file, we will not review that material.

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

- After you electronically submit your application, you will receive from Grants.gov an automatic notification of receipt that contains a Grants.gov tracking number. (This notification indicates receipt by Grants.gov only, not receipt by the Department.) The Department then will retrieve your application from Grants.gov and send a second notification to you by e-mail. This second notification indicates that the Department has received your

application and has assigned your application a PR/Award number (an ED-specified identifying number unique to your application).

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

Application Deadline Date Extension in Case of Technical Issues with the Grants.gov System: If you are experiencing problems submitting your application through Grants.gov, please contact the Grants.gov Support Desk at 1-800-518-4726. You must obtain a Grants.gov Support Desk Case Number and must keep a record of it.

If you are prevented from electronically submitting your application on the application deadline date because of technical problems with the Grants.gov system, we will grant you an extension until 4:30 p.m., Washington, DC time, the following business day to enable you to transmit your application electronically or by hand delivery. You also may mail your application by following the mailing instructions described elsewhere in this notice.

If you submit an application after 4:30 p.m., Washington, DC time, on the application deadline date, please contact the person listed elsewhere in this notice under **FOR FURTHER INFORMATION CONTACT** and provide an explanation of the technical problem you experienced with Grants.gov, along with the Grants.gov Support Desk Case Number. We will accept your application if we can confirm that a technical problem occurred with the Grants.gov system and that that problem affected your ability to submit your application by 4:30 p.m., Washington, DC time, on the application deadline date. The Department will contact you after a determination is made on whether your application will be accepted.

Note: The extensions to which we refer in this section apply only to the unavailability of, or technical problems with, the Grants.gov system. We will not grant you an extension if you failed to fully register to submit your application to Grants.gov before the application deadline date and time or if the technical problem you experienced is unrelated to the Grants.gov system.

Exception to Electronic Submission Requirement: You qualify for an exception to the electronic submission requirement, and may submit your application in paper format, if you are unable to submit an application through the Grants.gov system because—

- You do not have access to the Internet; or

- You do not have the capacity to upload large documents to the Grants.gov system; and

- No later than two weeks before the application deadline date (14 calendar days or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevent you from using the Internet to submit your application.

If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. If you fax your written statement to the Department, we must receive the faxed statement no later than two weeks before the application deadline date.

Address and mail or fax your statement to: David De Soto, 400 Maryland Avenue, SW., room 3E344, Washington, DC 20202-6135. Telephone (202) 260-8103. Fax: (202) 205-0089.

Your paper application must be submitted in accordance with the mail or hand delivery instructions described in this notice.

b. Submission of Paper Applications by Mail. If you qualify for an exception to the electronic submission requirement, you may mail (through the U.S. Postal Service or a commercial carrier) your application to the Department. You must mail the original and two copies of your application, on or before the application deadline date, to the Department at the applicable following address:

By mail through the U.S. Postal Service: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.141A), Washington, DC 20202-4260. or

By mail through a commercial carrier: U.S. Department of Education, Application Control Center, Stop 4260, Attention: (CFDA Number 84.141A), 7100 Old Landover Road, Landover, MD 20785-1506.

Regardless of which address you use, you must show proof of mailing consisting of one of the following:

- (1) A legibly dated U.S. Postal Service postmark.

- (2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

- (3) A dated shipping label, invoice, or receipt from a commercial carrier.

- (4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not

accept either of the following as proof of mailing:

- (1) A private metered postmark.

- (2) A mail receipt that is not dated by the U.S. Postal Service.

If your application is postmarked after the application deadline date, we will not consider your application.

Note: The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

c. Submission of Paper Applications by Hand Delivery.

If you qualify for an exception to the electronic submission requirement, you (or a courier service) may deliver your paper application to the Department by hand. You must deliver the original and two copies of your application by hand, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.141A), 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

Selection Criteria: The selection criteria for this competition are from 34 CFR 75.210 of EDGAR and are listed in the application package.

VI. Award Administration Information

1. Award Notices: If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notice (GAN). We may also notify you informally.

If your application is not evaluated or not selected for funding, we notify you.

2. Administrative and National Policy Requirements: We identify administrative and national policy requirements in the application package and reference these and other

requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. Reporting: At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multi-year award, you must submit an annual performance report that provides the most current performance and financial expenditure information as specified by the Secretary in 34 CFR 75.118.

4. Performance Measures: Under the Government Performance and Results Act (GPRA), the Department developed the following performance measures to evaluate the overall effectiveness of the HEP: (1) The percentage of HEP participants receiving a GED diploma, and (2) the percentage of HEP GED recipients who enter postsecondary education programs, career positions, or the military.

We strongly encourage applicants to demonstrate a sound capacity to provide reliable data on these measures in their responses to selection criteria “Quality of Project Design” and “Quality of the Project Evaluation.”

All grantees will be required to submit, as part of their annual performance report, information with respect to these performance measures.

VII. Agency Contact

For Further Information Contact: David De Soto, U.S. Department of Education, Office of Migrant Education, 400 Maryland Avenue, SW., room 3E344, Washington, DC 20202-6135. Telephone Number: (202) 260-8103, or by e-mail: david.de.soto@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, audiotope, or computer diskette) on request to the contact person listed in this section.

VIII. Other Information

Electronic Access to This Document: You may view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the

following site: 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: www.gpoaccess.gov/nara/index.html.

Dated: March 28, 2007.

Kerri L. Briggs,

Acting Assistant Secretary for Elementary and Secondary Education.

[FR Doc. E7-6092 Filed 3-30-07; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF EDUCATION

National Mathematics Advisory Panel

AGENCY: National Mathematics Advisory Panel, U.S. Department of Education.

ACTION: Notice of open meeting and public hearing.

SUMMARY: This notice sets forth the schedule and proposed agenda of an upcoming meeting, including a public hearing, with members of the National Mathematics Advisory Panel. The notice also describes the functions of the Panel. Notice of this meeting is required by section 10(a)(2) of the Federal Advisory Committee Act and is intended to notify the public of their opportunity to attend.

DATES: Friday, April 20, 2007.

Time: 8:45 a.m.-12:15 p.m.

ADDRESSES: The meeting will be held at the Illinois Mathematics and Science Academy (IMSA), 1500 W. Sullivan Road, Aurora, Illinois 60506-1067.

FOR FURTHER INFORMATION CONTACT: Tyrrell Flawn, Executive Director, National Mathematics Advisory Panel, 400 Maryland Avenue, SW., Washington, DC 20202; telephone: (202) 260-8354.

SUPPLEMENTARY INFORMATION: The Panel was established by Executive Order 13398. The purpose of this Panel is to foster greater knowledge of and improved performance in mathematics among American students, in order to keep America competitive, support American talent and creativity, encourage innovation throughout the American economy, and help State, local, territorial, and tribal governments

give the nation's children and youth the education they need to succeed.

The meeting will be hosted by Fermi National Accelerator Laboratory (Fermilab), a U.S. Department of Energy national laboratory specializing in high-energy particle physics, and Illinois Mathematics and Science Academy (IMSA), an educational institution created by the state of Illinois to develop talent and leadership in mathematics, science and technology. The meeting begins at 8:45 a.m. with introductory remarks by Dr. Larry Faulkner, Chair of the National Mathematics Advisory Panel, and Dr. Janice Krouse, Curriculum & Assessment Leader and Math Faculty Member, IMSA. The Panel will meet from 9 to 10 a.m. to receive public comment on the Executive Order and the Panel's work. Following the public comment session, from 10:15 a.m. to 12:15 p.m., the four task groups—Conceptual Knowledge and Skills, Learning Processes, Instructional Practices and Teachers—will present progress reports on their work to date. Individuals interested in attending the meeting are advised to register in advance to ensure space availability. Please contact Jennifer Graban at (202) 260-1491 or by e-mail at Jennifer.Graban@ed.gov by Thursday, April 12, 2007.

If you are interested in giving testimony during the public session on April 20, please contact Jennifer Graban at (202) 260-1491 or Jennifer.Graban@ed.gov by Thursday, April 12, 2007 to reserve time on the agenda. Presenters are encouraged to address one or more of the topics covered in the Executive Order. (Please refer to the Web site at <http://www.ed.gov/about/bdscomm/list/mathpanel/index.html> for more information on the elements of the Executive Order.) Please include your name, the organization you represent, and a brief description of the issue you would like to present. Presenters will be allowed three to five minutes to make their comments. Presenters are requested to submit three written copies and an electronic file (CD or diskette) of their comments at the meeting, which should be labeled with their name and contact information. Individuals solely interested in attending the meeting are advised to register in advance to ensure space availability.

Given the expected number of individuals interested in providing comments at the meeting, reservations for presenting comments should be made as soon as possible. Reservations will be processed on a first-come, first-served basis. Persons who are unable to obtain reservations to speak during the

meeting are encouraged to submit written comments. Written comments will be accepted at the meeting site or via e-mail at

NationalMathPanel@ed.gov. If you will be e-mailing written comments, please do so by Thursday, April 12, 2007.

The Panel has submitted its Preliminary Report to the President, through the U.S. Secretary of Education. The Preliminary Report is available at <http://www.ed.gov/about/bdscomm/list/mathpanel/index.html>. The final report will be submitted not later than February 28, 2008 and will, at a minimum, contain recommendations on improving mathematics education based on the best available scientific evidence.

The meeting site is accessible to individuals with disabilities. Individuals who will need accommodations in order to attend the meeting such as interpreting services, assistive listening devices, or materials in alternative format, should notify Jennifer Graban at (202) 260-1491 or Jennifer.Graban@ed.gov no later than Thursday, April 12, 2007. We will attempt to meet requests for accommodations after this date, but cannot guarantee their availability.

Records are kept of all Panel proceedings and are available for public inspection at the staff office for the Panel, from the hours of 9 a.m. to 5 p.m.

Dated: March 27, 2007.

Margaret Spellings,

Secretary, U.S. Department of Education.

[FR Doc. 07-1588 Filed 3-30-07; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF EDUCATION

Safe and Drug-Free Schools and Communities Advisory Committee

AGENCY: Office of Safe and Drug-Free Schools.

ACTION: Notice of open teleconference meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of an upcoming open meeting of The Safe and Drug-Free Schools and Communities Advisory Committee. The notice also describes the functions of the Committee. Notice of this meeting is required by section 10(a)(2) of the Federal Advisory Committee Act and is intended to notify the public of their opportunity to attend.

DATES: Thursday, April 19, 2007.

Time: 2 p.m., EST.

ADDRESSES: The Committee will meet by telephone conference call.

FOR FURTHER INFORMATION CONTACT: Catherine Davis, Executive Director, The

Safe and Drug-Free Schools and Communities Advisory Committee, Room 1E110B, 400 Maryland Avenue, SW., Washington, DC, telephone: (202) 205-4169, e-mail: OSDFSC@ed.gov.

SUPPLEMENTARY INFORMATION: The Committee was established to provide advice to the Secretary on Federal, State, and local programs designed to create safe and drug-free schools, and on issues related to crisis planning. The purpose of this meeting is to continue discussion on the fundings and recommendations on three topics given to the Committee by the Secretary of Education: the Safe and Drug-Free Schools and Communities State Grants Program, the Unsafe Schools Choice Option, and data requirements under the Safe and Drug-Free Schools and Communities Act. Further, the Committee will also discuss the format of the final report to the Secretary of Education due June 30, 2007.

There will not be an opportunity for public comment during the April 19th meeting. However, the public may listen to the conference call by calling 800-473-8796, Teleconference Chairperson: Deborah Price. Individuals who need accommodations for a disability in order to listen to the meeting may access a TYY line by calling 800-473-8796, Teleconference Chairperson: Deborah Price.

Request for Written Comments: We invite the public to submit written comments relevant to the focus of the Advisory Committee. We would like to receive written comments from members of the public no later than April 30, 2007.

ADDRESSES: Submit all comments to the Advisory Committee using one of the following methods: 1. *Internet.* We encourage the public to submit comments through the Internet to the following address: OSDFSC@ed.gov. 2. *Mail.* The public may also submit comments via mail to Catherine Davis, Office of Safe and Drug-Free Schools, U.S. Department of Education, 400 Maryland Avenue, SW., Room 1E110B, Washington, DC 20202. Due to delays in mail delivery caused by heightened security, please allow adequate time for the mail to be received.

Records are kept of all Committee proceedings and are available for public inspection at the staff office for the Committee located at the U.S. Department of Education, 400 Maryland Avenue, SW., Room 1E110B,

Washington, DC 20202 between the hours of 9 a.m. to 5 p.m.

Raymond Simon,

Deputy Secretary, U.S. Department of Education.

[FR Doc. 07-1584 Filed 3-30-07; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER07-491-000, and ER07-491-001]

Acacia Energy, Inc.; Notice of Issuance of Order

March 27, 2007.

Acacia Energy, Inc. (Acacia Energy) filed an application for market-based rate authority, with accompanying rate schedule. The proposed market-based rate schedule provides for the sale of energy and capacity at market-based rates. Acacia Energy also requested waivers of various Commission regulations. In particular, Acacia Energy requested that the Commission grant blanket approval under 18 CFR Part 34 of all future issuances of securities and assumptions of liability by Acacia Energy.

On March 23, 2007, pursuant to delegated authority, the Director, Division of Tariffs and Market Development—West, granted the requests for blanket approval under Part 34. The Director's order also stated that the Commission would publish a separate notice in the **Federal Register** establishing a period of time for the filing of protests. Accordingly, any person desiring to be heard or to protest the blanket approvals of issuances of securities or assumptions of liability by Acacia Energy should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. 18 CFR 385.211, 385.214 (2004).

Notice is hereby given that the deadline for filing motions to intervene or protest is April 23, 2007.

Absent a request to be heard in opposition by the deadline above, Acacia Energy are authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of Acacia Energy, compatible

with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approvals of Acacia Energy's issuance of securities or assumptions of liability.

Copies of the full text of the Director's Order are available from the Commission's Public Reference Room, 888 First Street, NE., Washington, DC 20426. The Order may also be viewed on the Commission's Web site at <http://www.ferc.gov>, using the eLibrary link. Enter the docket number excluding the last three digits in the docket number filed to access the document.

Comments, protests, and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the "e-Filing" link. The Commission strongly encourages electronic filings.

Philis J. Posey,

Acting Secretary.

[FR Doc. E7-5992 Filed 3-30-07; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP07-139-001]

Algonquin Gas Transmission, LLC; Notice of Compliance Filing and Request To Lift Suspension and Place Tariff Sheets Into Effect Subject to Condition

March 26, 2007.

Take notice that on March 9, 2007, Algonquin Gas Transmission, LLC, (Algonquin) tendered for filing its response in compliance with the Commission's directive in its February 16, 2007 order issued in this proceeding, including proposed tariff revisions reflected on *pro forma* tariff sheets attached to the filing. Algonquin also requests that the Commission (i) lift the suspension of the tariff sheets in this proceeding; and (ii) allow Algonquin to place the accepted tariff sheets into effect on or before April 1, 2007, conditioned on Algonquin filing revised sheets, to the extent necessary, within 10 days of a Commission order.

Any person desiring to protest this filing must file in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). Protests to this filing will be considered by the Commission in

determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Such protests must be filed on or before the date as indicated below. Anyone filing a protest must serve a copy of that document on all the parties to the proceeding.

The Commission encourages electronic submission of protests in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 14 copies of the protest to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail FERCOnlineSupport@ferc.gov, or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Comment Date: 5 p.m. Eastern Time on April 3, 2007.

Philis J. Posey,
Acting Secretary.

[FR Doc. E7-5944 Filed 3-30-07; 8:45 am]
BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP96-200-169]

CenterPoint Energy Gas Transmission Company; Notice of Negotiated Rates

March 27, 2007.

Take notice that on March 22, 2007, CenterPoint Energy Gas Transmission Company (CEGT) tendered for filing as part of its FERC Gas Tariff, Sixth Revised Volume No. 1, the following tariff sheets to be effective April 1, 2007:

Sheet Nos. 809-849
Sheet Nos. 854-862
Sheet Nos. 883-890
Sheet Nos. 892-1999

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to

the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail FERCOnlineSupport@ferc.gov, or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Philis J. Posey,

Acting Secretary.

[FR Doc. E7-6004 Filed 3-30-07; 8:45 am]
BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. GP94-2-016]

Columbia Gas Transmission Corporation; Notice of Refund Report

March 27, 2007.

Take notice that on March 20, 2007, Columbia Gas Transmission Corporation (Columbia) tendered for filing its Refund Report made to comply with the April 17, 1995 Settlement (Settlement) in Docket No. GP94-2, *et al.* as approved by the Commission on June 15, 1995 (Columbia Gas Transmission Corp., 71 FERC ¶ 61,337 (1995)).

Any person desiring to protest this filing must file in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR

385.211). Protests to this filing will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Such protests must be filed on or before the date as indicated below. Anyone filing a protest must serve a copy of that document on all the parties to the proceeding.

The Commission encourages electronic submission of protests in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 14 copies of the protest to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail FERCOnlineSupport@ferc.gov, or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Comment Date: 5 p.m. Eastern Time on April 3, 2007.

Philis J. Posey,
Acting Secretary.

[FR Doc. E7-5995 Filed 3-30-07; 8:45 am]
BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP07-110-000]

Destin Pipeline Company, L.L.C.; Notice of Application

March 26, 2007.

Take notice that on March 16, 2007, Destin Pipeline Company, L.L.C. (Destin), 200 Westlake Park Boulevard, Houston, Texas 77079-2696, filed in Docket No. CP07-110-000, an application pursuant to section 7(b) of the Natural Gas Act (NGA) for an order authorizing Destin to abandon by lease 260,000 Mcf/day of capacity (Lease Capacity) to Gulf South Pipeline Company, L.P., with the option to increase the Lease Capacity in excess of 260,000 Mcf/day, but not more than 700,000 Mcf/day, all as more fully set forth in the application which is on file with the Commission and open to public inspection. The instant filing

may be also viewed on the Web at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, call (866) 208-3676 or TTY, (202) 502-8659.

Pursuant to Section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

Any questions regarding this application may be directed to Bruce G. Reed, Director, Regulatory Affairs, BP Pipelines (North America), 200 Westlake Park Boulevard, Houston, Texas 77079-2696 or by telephone at 281-366-5062 or telecopy to 281-366-3385.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the below listed comment date, file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 14 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments

considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenters will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

Motions to intervene, protests and comments may be filed electronically via the Internet in lieu of paper; see, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the "e-Filing" link. The Commission strongly encourages electronic filings.

Comment Date: April 16, 2007.

Philis J. Posey,

Acting Secretary.

[FR Doc. E7-5940 Filed 3-30-07; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97-13-030]

East Tennessee Natural Gas, LLC; Notice of Negotiated Rate

March 27, 2007.

Take notice that on March 23, 2007, East Tennessee Natural Gas, LLC (East Tennessee) tendered for filing as part of

its FERC Gas Tariff, Third Revised Volume No. 1, Original Sheet Nos. 26A and 26B.

East Tennessee states that copies of its filing have been mailed to all affected customers and interested state commissions, as well as all parties on the official service list.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail FERCOnlineSupport@ferc.gov, or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Philis J. Posey,

Acting Secretary.

[FR Doc. E7-6005 Filed 3-30-07; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission**

[Docket Nos. ER07-553-000; ER07-554-000; ER07-555-000; ER07-556-000; ER07-557-000]

Emera Energy Services Subsidiary No. 1, LLC; Emera Energy Services Subsidiary No. 2, LLC, Emera Energy Services Subsidiary No. 3, LLC, Emera Energy Services Subsidiary No. 4, LLC, Emera Energy Services Subsidiary No. 5, LLC, Notice of Issuance of Order

March 27, 2007.

Emera Energy Services Subsidiary No. 1, LLC, Emera Energy Services Subsidiary No. 2, LLC, Emera Energy Services Subsidiary No. 3, LLC, Emera Energy Services Subsidiary No. 4, LLC, Emera Energy Services Subsidiary No. 5, LLC (collectively, "the Applicants") filed an application for market-based rate authority, with accompanying rate tariffs. The proposed market-based rate tariffs provide for the sale of energy and capacity at market-based rates. The Applicants also requested waivers of various Commission regulations. In particular, the Applicants requested that the Commission grant blanket approval under 18 CFR Part 34 of all future issuances of securities and assumptions of liability by the Applicants.

On March 21, 2007, pursuant to delegated authority, the Director, Division of Tariffs and Market Development—West, granted the requests for blanket approval under Part 34. The Director's order also stated that the Commission would publish a separate notice in the **Federal Register** establishing a period of time for the filing of protests. Accordingly, any person desiring to be heard or to protest the blanket approvals of issuances of securities or assumptions of liability by the Applicants should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. 18 CFR 385.211, 385.214 (2004).

Notice is hereby given that the deadline for filing motions to intervene or protest is April 20, 2007.

Absent a request to be heard in opposition by the deadline above, the Applicants are authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate

purposes of the Applicants, compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approvals of the Applicants' issuances of securities or assumptions of liability.

Copies of the full text of the Director's Order are available from the Commission's Public Reference Room, 888 First Street, NE., Washington, DC 20426. The Order may also be viewed on the Commission's Web site at <http://www.ferc.gov>, using the eLibrary link. Enter the docket number excluding the last three digits in the docket number filed to access the document. Comments, protests, and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the "e-Filing" link. The Commission strongly encourages electronic filings.

Philis J. Posey,

Acting Secretary.

[FR Doc. E7-5993 Filed 3-30-07; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission**

[Docket No. EL05-1-002]

Entergy Services, Inc.; Notice of Compliance Filing

March 27, 2007.

Take notice that on March 22, 2007, Entergy Services, Inc. (Entergy) acting as agent for Entergy Arkansas, Inc. tendered for filing in compliance with the Commission's February 20, 2007 Order to reclassify certain facilities identified in the Interconnection and Operating Agreement between Entergy Arkansas and Union Power Partners, L.P. as network upgrades eligible for transmission credits and interest on such credits.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or

protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail FERCOnlineSupport@ferc.gov, or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Comment Date: 5 p.m. Eastern Time on April 12, 2007.

Philis J. Posey,

Acting Secretary.

[FR Doc. E7-5990 Filed 3-30-07; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission**

[Docket No. ER07-559-000]

Flat Earth Energy, LLC; Notice of Issuance of Order

March 27, 2007.

Flat Earth Energy, LLC (Flat Earth) filed an application for market-based rate authority, with an accompanying tariff. The proposed market-based rate tariff provides for the sale of energy and capacity at market-based rates. Flat Earth also requested waivers of various Commission regulations. In particular, Flat Earth requested that the Commission grant blanket approval under 18 CFR Part 34 of all future issuances of securities and assumptions of liability by Flat Earth.

On March 21, 2007, pursuant to delegated authority, the Director, Division of Tariffs and Market Development—West, granted the requests for blanket approval under Part 34. The Director's order also stated that the Commission would publish a separate notice in the **Federal Register**

establishing a period of time for the filing of protests. Accordingly, any person desiring to be heard or to protest the blanket approvals of issuances of securities or assumptions of liability by Flat Earth should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. 18 CFR 385.211, 385.214 (2004).

Notice is hereby given that the deadline for filing motions to intervene or protest is April 20, 2007.

Absent a request to be heard in opposition by the deadline above, Flat Earth is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of Flat Earth, compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approvals of Flat Earth's issuance of securities or assumptions of liability.

Copies of the full text of the Director's Order are available from the Commission's Public Reference Room, 888 First Street, NE., Washington, DC 20426. The Order may also be viewed on the Commission's Web site at <http://www.ferc.gov>, using the eLibrary link. Enter the docket number excluding the last three digits in the docket number filed to access the document. Comments, protests, and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the "e-Filing" link. The Commission strongly encourages electronic filings.

Philis J. Posey,

Acting Secretary.

[FR Doc. E7-5994 Filed 3-30-07; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP07-105-000]

Gulf South Pipeline Company, LP; Notice of Application

March 26, 2007.

Take notice that on March 16, 2007, Gulf South Pipeline Company, LP (Gulf South), 20 East Greenway Plaza, Houston, Texas 77046, filed in Docket No. CP07-105-000, an application pursuant to section 7(c) of the Natural Gas Act (NGA) for an order authorizing Gulf South to lease 260,000 Mcf/day of capacity (Lease Capacity) from Destin Pipeline Company, L.L.C., with the option to increase the Lease Capacity in excess of 260,000 Mcf/day, but not more than 700,000 Mcf/day, all as more fully set forth in the application which is on file with the Commission and open to public inspection. The instant filing may be also viewed on the Web at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, call (866) 208-3676 or TTY, (202) 502-8659.

Pursuant to Section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

Any questions regarding this application may be directed to J. Kyle Stephens, Director of Certificates, 20 East Greenway Plaza, Houston, Texas 77046 or by telephone at 713-544-7309 or telecopy to 713-544-3540.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project

should, on or before the below listed comment date, file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 14 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenters will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

Motions to intervene, protests and comments may be filed electronically via the internet in lieu of paper; see, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the "e-Filing" link. The

Commission strongly encourages electronic filings.

Comment Date: April 16, 2007.

Philis J. Posey,

Acting Secretary.

[FR Doc. E7-5938 Filed 3-30-07; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER07-552-000 and ER07-552-001]

Hudson Bay Energy Solutions, LLC; Notice of Issuance of Order

March 26, 2007.

Hudson Bay Energy Solutions, LLC (Hudson Bay) filed an application for market-based rate authority, with an accompanying rate schedule. The proposed market-based rate schedule provides for the sale of energy, capacity and ancillary services at market-based rates. Hudson Bay also requested waivers of various Commission regulations. In particular, Hudson Bay requested that the Commission grant blanket approval under 18 CFR Part 34 of all future issuances of securities and assumptions of liability by Hudson Bay.

On March 20, 2007, pursuant to delegated authority, the Director, Division of Tariffs and Rates—West, granted the requests for blanket approval under Part 34. The Director's order also stated that the Commission would publish a separate notice in the **Federal Register** establishing a period of time for the filing of protests. Accordingly, any person desiring to be heard or to protest the blanket approvals of issuances of securities or assumptions of liability by Hudson Bay should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. 18 CFR 385.211, 385.214 (2004).

Notice is hereby given that the deadline for filing motions to intervene or protest is April 20, 2007.

Absent a request to be heard in opposition by the deadline above, Hudson Bay is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person, provided that such issuance or assumption is for some lawful object within the corporate purposes of Hudson Bay, compatible with the public interest, and is

reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approvals of Hudson Bay's issuance of securities or assumptions of liability.

Copies of the full text of the Director's Order are available from the Commission's Public Reference Room, 888 First Street, NE., Washington, DC 20426. The Order may also be viewed on the Commission's Web site at <http://www.ferc.gov>, using the eLibrary link. Enter the docket number excluding the last three digits in the docket number filed to access the document. Comments, protests, and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the "e-Filing" link. The Commission strongly encourages electronic filings.

Philis J. Posey,

Acting Secretary.

[FR Doc. E7-5943 Filed 3-30-07; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP06-393-004; RP06-298-004, RP94-367-013, and RP95-31-021]

National Fuel Gas Supply Corporation; Notice of Compliance Filing

March 27, 2007.

Take notice that on March 22, 2007, National Fuel Gas Supply Corporation (National Fuel) tendered for filing as part of its FERC Gas Tariff, Fourth Revised Volume No. 1, the tariff sheets listed in Appendix A to its filing. The tariff sheets have a proposed effective date of April 1, 2007.

Any person desiring to protest this filing must file in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). Protests to this filing will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Such protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing a protest must serve a copy of that document on all the parties to the proceeding.

The Commission encourages electronic submission of protests in lieu

of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 14 copies of the protest to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail FERCOnlineSupport@ferc.gov, or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Philis J. Posey,

Acting Secretary.

[FR Doc. E7-6002 Filed 3-30-07; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER01-1558-004; ER07-212-000; ER07-212-001; ER07-212-002 and ER07-212-003]

NEO California Power, LLC; Wayzata California Power Holdings, LLC; Notice of Issuance of Order

March 26, 2007.

Wayzata California Power Holdings, LLC (California Power Holdings) filed an application for market-based rate authority, with an accompanying rate tariff. The proposed market-based rate tariff provides for the sale of energy, capacity and certain ancillary services at market-based rates. California Power Holdings also requested waivers of various Commission regulations. In particular, California Power Holdings requested that the Commission grant blanket approval under 18 CFR Part 34 of all future issuances of securities and assumptions of liability by California Power Holdings.

On March 20, 2007, pursuant to delegated authority, the Director, Division of Tariffs and Rates—West, granted the requests for blanket approval under Part 34. The Director's order also stated that the Commission would publish a separate notice in the **Federal Register** establishing a period of time for the filing of protests. Accordingly, any person desiring to be heard or to protest the blanket approvals of issuances of securities or assumptions

of liability by California Power Holdings should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. 18 CFR 385.211, 385.214 (2004).

Notice is hereby given that the deadline for filing motions to intervene or protest is April 20, 2007.

Absent a request to be heard in opposition by the deadline above, California Power Holdings is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person, provided that such issuance or assumption is for some lawful object within the corporate purposes of California Power Holdings, compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approvals of California Power Holdings' issuance of securities or assumptions of liability.

Copies of the full text of the Director's Order are available from the Commission's Public Reference Room, 888 First Street, NE., Washington, DC 20426. The Order may also be viewed on the Commission's Web site at <http://www.ferc.gov>, using the eLibrary link. Enter the docket number excluding the last three digits in the docket number field to access the document. Comments, protests, and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the "e-Filing" link. The Commission strongly encourages electronic filings.

Philis J. Posey,

Acting Secretary.

[FR Doc. E7-5941 Filed 3-30-07; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP07-108-000]

Northern Natural Gas Company; Notice of Application

March 26, 2007.

Take notice that on March 16, 2007, Northern Natural Gas Company (Northern), 1111 South 103rd Street, Omaha, Nebraska 68124, filed in Docket No. CP07-108-000, an application pursuant to section 7 of the Natural Gas Act (NGA) to increase the certificated storage capacity by 8.551 Bcf and deliverability by 140 MMcf/d at the Redfield Storage Field (Redfield) located in Dallas County, Iowa in order to provide additional storage service. The storage service will be provided at market-based rates. The facilities for the expansion project include the installation of new storage wells and recompletion of existing wells to storage wells, as well as abandonment of compression facilities at another Northern location for reinstallation at Redfield, at all as more fully set forth in the application which is on file with the Commission and open to public inspection. This filing may be also viewed on the Web at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, call (866) 208-3676 or TTY, (202) 502-8659.

Pursuant to Section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify Federal and State agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all Federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

Any questions regarding this application may be directed to Michael T. Loeffler, Senior Director of Certificates and External Affairs for Northern, 1111 South 103rd Street, Omaha, Nebraska 68124, (402) 398-7103 or Bret Fritch, Senior Regulatory Analyst, at (402) 398-7140.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, before the comment date of this notice, file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 14 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the "e-Filing" link.

Comment Date: April 16, 2007.

Philis J. Posey,

Acting Secretary.

[FR Doc. E7-5939 Filed 3-30-07; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission****[Docket No. RP07-360-000]****Questar Overthrust Pipeline Company; Notice of Proposed Changes in FERC Gas Tariff**

March 27, 2007.

Take notice that on March 23, 2007, Questar Overthrust Pipeline Company (Overthrust) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1-A, the tariff sheets listed on Item 1 to reflect a name change from Overthrust Pipeline Company to Questar Overthrust Pipeline Company to be effective April 25, 2007.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail FERCOnlineSupport@ferc.gov, or call

(866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Philis J. Posey,
Acting Secretary.

[FR Doc. E7-6003 Filed 3-30-07; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission****[Docket No. ER07-530-000]****Red Shield Environmental, LLC; Notice of Issuance of Order**

March 26, 2007.

Red Shield Environmental, LLC (Red Shield) filed an application for market-based rate authority, with an accompanying rate schedule. The proposed market-based rate schedule provides for the sale of energy and capacity at market-based rates. Red Shield also requested waivers of various Commission regulations. In particular, Red Shield requested that the Commission grant blanket approval under 18 CFR Part 34 of all future issuances of securities and assumptions of liability by Red Shield.

On March 20, 2007, pursuant to delegated authority, the Director, Division of Tariffs and Rates—West, granted the requests for blanket approval under Part 34. The Director's order also stated that the Commission would publish a separate notice in the **Federal Register** establishing a period of time for the filing of protests. Accordingly, any person desiring to be heard or to protest the blanket approvals of issuances of securities or assumptions of liability by Red Shield should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. 18 CFR 385.211, 385.214 (2004).

Notice is hereby given that the deadline for filing motions to intervene or protest is April 20, 2007.

Absent a request to be heard in opposition by the deadline above, Red Shield is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person, provided that such issuance or assumption is for some lawful object within the corporate purposes of Red Shield, compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approvals of Red Shield's issuance of securities or assumptions of liability.

Copies of the full text of the Director's Order are available from the Commission's Public Reference Room, 888 First Street, NE., Washington, DC 20426. The Order may also be viewed on the Commission's Web site at <http://www.ferc.gov>, using the eLibrary link. Enter the docket number excluding the last three digits in the docket number filed to access the document. Comments, protests, and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the "e-Filing" link. The Commission strongly encourages electronic filings.

Philis J. Posey,
Acting Secretary.

[FR Doc. E7-5942 Filed 3-30-07; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission****[Docket No. OR07-8-000]****BP West Coast Products LLC, Complaints, v. SFPP, L.P., Respondent; Notice of Complaint**

March 27, 2007.

Take notice that on March 23, 2007, BP West Coast Products LLC, tendered for filing a complaint against SFPP, L.P. challenging the justness and reasonableness of SFPP's 205 index rate increases.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. The Respondent's answer and all interventions, or protests must be filed on or before the comment date. The Respondent's answer, motions to intervene, and protests must be served on the Complainants.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>.

Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail FERCOnlineSupport@ferc.gov, or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Comment Date: 5 p.m. Eastern Time on April 12, 2007.

Philis J. Posey,
Acting Secretary.

[FR Doc. E7-5996 Filed 3-30-07; 8:45 am]
BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL07-50-000]

Californians for Renewable Energy, Inc. (CARE) Complaints v. California Public Utilities Commission, Southern California Edison Company, and Blythe Energy, LLC, Respondents; Notice of Complaints

March 27, 2007.

Take notice that on March 26, 2007, Californians for Renewable Energy, Inc. (CARE) submitted a complaint against the California Public Utilities Commission for its action on March 15, 2007, authorizing hearings concerning Southern California Edison Company's (SCE) application to enter into a power purchase agreement with Blythe Energy, LLC (Blythe), in violation of the Federal Power Act pursuant to section 205 of the FPA. CARE alleges that the prices, terms, and conditions of such contract are unjust and unreasonable. CARE further alleges SCE and Blythe failed to file their rates and the rates approved by the California Public Utilities Commission do not serve the "public interest" under the FPA and are in fact unduly preferential and discriminatory against their party customers, and impose an excessive burden on these customers.

CARE states that copies of this filing were served upon Respondents and other interested parties.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. The Respondent's answer and all interventions or protests must be filed on or before the comment date. The Respondent's answer, motions to intervene, and protests must be served on the Complainants.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail FERCOnlineSupport@ferc.gov, or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Comment Date: 5 p.m. Eastern Time on April 16, 2007.

Philis J. Posey,
Acting Secretary.

[FR Doc. E7-5991 Filed 3-30-07; 8:45 am]
BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

March 27, 2007.

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC06-166-000.
Applicants: Legg Mason, Inc.
Description: Legg Mason Inc submits its amended and restated application for blanket authorization to acquire utility and/or holding company securities.

Filed Date: 03/21/2007.

Accession Number: 20070327-0097.
Comment Date: 5 p.m. Eastern Time on Wednesday, April 04, 2007.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER04-374-005.
Applicants: Invenergy TN LLC.
Description: Invenergy TN LLC submits its triennial market power analysis update.

Filed Date: 03/23/2007.
Accession Number: 20070326-0016
Comment Date: 5 p.m. Eastern Time on Friday, April 13, 2007.

Docket Numbers: ER06-311-003.
Applicants: New York Independent System Operator, Inc.
Description: New York Independent System Operator, Inc and New York Transmission Owners submits joint compliance filing pursuant to FERC's 2/20/07 Orders et al which established pro forma Small Generation Interconnection Procedures, ER06-311.

Filed Date: 03/22/2007.
Accession Number: 20070326-0026.
Comment Date: 5 p.m. Eastern Time on Thursday, April 12, 2007.

Docket Numbers: ER07-336-001.
Applicants: San Diego Gas & Electric Company.
Description: San Diego Gas & Electric correction to Compliance Filing.

Filed Date: 03/22/2007.
Accession Number: 20070322-5045.
Comment Date: 5 p.m. Eastern Time on Monday, April 2, 2007.

Docket Numbers: ER07-639-000.
Applicants: AEP Generating Company.
Description: American Electric Power Service Corporation submits Unit Power Agreement under which AEP Generating Co proposes to sell all of the capacity and associated energy, & ancillary services from MW Lawrenceburg generating plant etc.

Filed Date: 03/16/2007.
Accession Number: 20070321-0062.
Comment Date: 5 p.m. Eastern Time on Friday, April 06, 2007.

Docket Numbers: ER07-646-000.
Applicants: Arizona Public Service Company.

Description: Arizona Public Service Company submits an executed transmission Interconnection Agreement with Southwest Transmission Cooperative, Inc.
Filed Date: 03/23/2007.

Accession Number: 20070326-0015.
Comment Date: 5 p.m. Eastern Time on Friday, April 13, 2007.

Take notice that the Commission received the following foreign utility company status filings:

Docket Numbers: FC07-19-000.

Applicants: Terasen Gas Inc.
Description: Terasen Gas Inc. submits a Notice of Self-Certification of Foreign Utility Company Status.

Filed Date: 03/26/2007.

Accession Number: 20070326-5035.

Comment Date: 5 p.m. Eastern Time on Monday, April 16, 2007.

Docket Numbers: FC07-20-000.

Applicants: Terasen Gas (Vancouver Island) Inc.

Description: Terasen Gas (Vancouver Island) Inc. submits a notice of Self-Certification of Foreign Utility Company Status.

Filed Date: 03/26/2007.

Accession Number: 20070326-5035.

Comment Date: 5 p.m. Eastern Time on Monday, April 16, 2007.

Take notice that the Commission received the following electric reliability filings:

Docket Numbers: RR07-10-000.

Applicants: North American Electric Reliability Corporation.

Description: North American Electric Reliability Corporation submits for FERC's approval proposed violation risk factors for requirements in Version 1 reliability standards included in its reliability standards approved by Order 693.

Filed Date: 03/23/2007.

Accession Number: 20070327-0162.

Comment Date: 5 p.m. Eastern Time on Monday, April 23, 2007.

Any person desiring to intervene or to protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at <http://www.ferc.gov>. To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an

eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St., NE., Washington, DC 20426.

The filings in the above proceedings are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail FERCOnlineSupport@ferc.gov or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Philis J. Posey,

Acting Secretary.

[FR Doc. E7-6006 Filed 3-30-07; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 10228-038]

American Municipal Power—Ohio, Inc., Cannelton Hydroelectric Project, L.P.; Notice of Availability of Environmental Assessment

March 27, 2007.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission (Commission or FERC) regulations contained in the Code of Federal Regulations (CFR) (18 CFR part 380 [FERC Order No. 486, 52 FR 47897]), the Office of Energy Projects staff (staff) reviewed a proposal to amend the design authorized by the license for the Cannelton Hydroelectric Project, to be located at the U.S. Corps of Engineers' Cannelton Locks and Dam on the Ohio River in Hancock County, Kentucky, and prepared an environmental assessment (EA) for the proposed amendment of the project license. In this EA, staff analyzes the potential environmental effects of replacing the authorized 140 small generator units with three conventional turbine and generator units and concludes that the amendment would not constitute a major federal action

significantly affecting the quality of the human environment.

A copy of the EA is attached to a Commission order titled "Order Amending License," issued March 22, 2007 and is available for review at the Commission in the Public Reference Room, located at 888 First Street, NE., Room 2A, Washington, DC 20426, or may be viewed on the Commission's Web site at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, call toll-free 1-866-208-3676 or e-mail FERCOnlineSupport@ferc.gov. For TTY, call (202) 502-8659.

Philis J. Posey,

Acting Secretary.

[FR Doc. E7-5997 Filed 3-30-07; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 6641-067]

American Municipal Power—Ohio, Inc., City of Marion, Kentucky and Smithland Hydroelectric Partners; Notice of Availability of Environmental Assessment

March 27, 2007.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission (Commission or FERC) regulations contained in the Code of Federal Regulations (CFR) (18 CFR part 380 [FERC Order No. 486, 52 FR 47897]), the Office of Energy Projects staff (staff) reviewed a proposal to amend the design authorized by the license for the Smithland Hydroelectric Project, to be located the U.S. Army Corps of Engineers' Smithland Locks and Dam on the Ohio River in Livingston County, Kentucky, and prepared an environmental assessment (EA) for the proposed amendment of the project license. In this EA, staff analyzes the potential environmental effects of replacing the authorized 170 small generator units with three conventional turbine and generator units and concludes that the amendment would not constitute a major federal action significantly affecting the quality of the human environment.

A copy of the EA is attached to a Commission order titled "Order Amending License," issued March 22, 2007 and is available for review at the Commission in the Public Reference

Room, located at 888 First Street, NE., Room 2A, Washington, DC 20426, or may be viewed on the Commission's Web site at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, call toll-free 1-866-208-3676 or e-mail FERCOnlineSupport@ferc.gov. For TTY, call (202) 502-8659.

Philis J. Posey,
Acting Secretary.

[FR Doc. E7-6001 Filed 3-30-07; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Intent To File License Application, Filing of Pre-Application Document, and Approving Use of the Traditional Licensing Process

March 27, 2007.

a. *Type of filing:* Notice of Intent to File License Application and Request to Use the Traditional Licensing Process.

b. *Project No.:* 12775-000.

c. *Date Filed:* February 14, 2007.

d. *Submitted By:* City of Spearfish, South Dakota.

e. *Name of Project:* Spearfish Hydroelectric Project.

f. *Location:* On Spearfish Creek, in Lawrence county, South Dakota. The project occupies United States lands within the Black Hills National Forest administered by the U.S. Forest Service.

g. *Filed Pursuant to:* 18 CFR 5.3 of the Commission's regulations.

h. *License Applicant Contact:* Ms. Cheryl Johnson, Public Works Administrator, City of Spearfish, 625 Fifth Street, Spearfish, SD 57783; (605) 642-1333; or e-mail at cherylj@city.spearfish.sd.us.

i. *FERC Contact:* Steve Hocking at (202) 502-8753; or e-mail at steve.hocking@ferc.gov.

j. The City of Spearfish filed a request to use the Traditional Licensing Process on February 14, 2007, and provided public notice of this request on February 15, 2007. With this notice, the Director of the Office of Energy Projects approves the City of Spearfish's request to use the Traditional Licensing Process.

k. With this notice, we are initiating informal consultation with: (a) The U.S. Fish and Wildlife Service under section 7 of the Endangered Species Act; and (b) the South Dakota State Historic Preservation Officer, as required by Section 106, National Historical Preservation Act, and the implementing

regulations of the Advisory Council on Historic Preservation at 36 CFR 800.2.

l. By letters dated February 22, 2007, we designated the City of Spearfish as the Commission's non-federal representative for carrying out informal consultation pursuant to section 7 of the Endangered Species Act, and

consultation pursuant to section 106 of the National Historic Preservation Act.

m. The City of Spearfish filed a Pre-Application Document (PAD) with the Commission pursuant to 18 CFR 5.6 of the Commission's regulations.

n. A copy of the PAD is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number, excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at

FERCOnlineSupport@ferc.gov or toll free at (866) 208-3676, or for TTY, (202) 502-8659. A copy is also available for inspection and reproduction at the address in paragraph h.

Register online at <http://ferc.gov/esubscribenow.htm> to be notified via e-mail of new filing and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

Philis J. Posey,
Acting Secretary.

[FR Doc. E7-5998 Filed 3-30-07; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application for Non-Project Use of Project Lands and Waters and Soliciting Comments, Motions To Intervene, and Protests

March 27, 2007.

Take notice that the following application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Non-Project Use of Project Lands and Waters.

b. *Project No:* 2009-094.

c. *Date filed:* March 8, 2007.

d. *Applicant:* Virginia Electric and Power Company.

e. *Name of Project:* Roanoke Rapids and Gaston Project.

f. *Location:* The project is located on the Roanoke River, in Brunswick and Mecklenburg Counties, Virginia and Halifax, Warren, and Northampton Counties, North Carolina.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)-825(r) and 799 and 801.

h. *Applicant Contact:* Jim Thornton, Dominion Generation, Innsbrook Technical Center, 1 NE 5000 Dominion Boulevard, Geln Allen, VA 23060, (804) 273-3257.

i. *FERC Contact:* Rebecca Martin at 202-502-6012, or e-mail Rebecca.martin@ferc.gov.

j. *Deadline for filing comments and or motions:* April 27, 2007.

All documents (original and eight copies) should be filed with: Office of the Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington DC 20426. Please include the project number (P-2009-094) on any comments or motions filed. Comments, protests, and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the "e-Filing" link. The Commission strongly encourages e-filings.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

k. *Description of Application:* The licensee requests permission to allow Lakeside Commons, LLC (permittee) to construct a new marina at Lakeside Park that was formerly used as a trailer park and private multi-slip facility. The facility would serve a privately owned planned residential townhouse community that will consist of 59 units. The proposed marina would be constructed along a 1,606 linear foot section of Lake Gaston's shoreline along Pea Hill Creek north of Gasburg Road. The permittee would remove the existing piers, boathouse structures, bulkheads, and boat ramps. These structures would be replaced by rip rap, two pier structures within the cove and seven six-foot wide access walkways perpendicular to the shoreline. The total number of proposed boat slips is 57 inner boat slips: 55 slips will be for homeowner use plus two additional boat slips for use by the Virginia Department of Game and Inland

Fisheries or another state or federal agency. Each boat slip will be covered and contain a lift.

l. *Location of Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE., Room 2A, Washington, DC 20426, or by calling (202) 502-8371. This filing may also be viewed on the Commission's Web site at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via e-mail of new filings and issuances related to this or other pending projects. For assistance, call 1-866-208-3676 or e-mail FERCOnlineSupport@ferc.gov, for TTY, call (202) 502-8659. A copy is also available for inspection and reproduction at the address in item (h) above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene*—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Responsive Documents*—Any filings must bear in all capital letters the title "COMMENTS", "RECOMMENDATIONS FOR TERMS AND CONDITIONS", "PROTEST", OR "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing refers. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

p. *Agency Comments*—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an

agency's comments must also be sent to the Applicant's representatives.

q. Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site at <http://www.ferc.gov> under the "e-Filing" link.

Philis J. Posey,

Acting Secretary.

[FR Doc. E7-5999 Filed 3-30-07; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application for Amendment of License and Soliciting Comments, Motions to Intervene, and Protests

March 27, 2007.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Non-Project Use of Project Lands and Waters to expand an existing marina.

b. *Project No:* 349-123.

c. *Date Filed:* February 21, 2007.

d. *Applicant:* Russell Lands, Inc. (Russell), Alabama.

e. *Name of Project:* Martin Dam Hydroelectric Project.

f. *Location:* On the Tallapoosa, in Elmore County, Alabama. The project occupies 1.36 acres of federal lands managed by the U.S. Bureau of Land Management.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a-825r.

h. *Applicant Contact:* Jim Bains, Jr. Vice President, Real Estate Development, Russell Lands, Inc. 2544 Willow Point Road, Alexander City, Alabama 35010, (256) 212-1421.

i. *FERC Contact:* Brian Romanek, Telephone (202) 502-6175, and e-mail: Brian.Romanek@ferc.gov.

j. *Deadline for filing comments, motions to intervene, and protest:* April 27, 2007.

All documents (original and eight copies) should be filed with: Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission

relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

k. *Description of Request:* To accommodate the residents of the Ledges of the Ridge community, Russell proposes to construct a new cluster dock adjacent to an existing 10-slip cluster dock. Russell proposes to add two boat slips to the existing 10-slip cluster dock and construct a second 12-slip cluster dock. The boat slips would accommodate 24 boats. Further, Russell would construct drive-on personal watercraft (PWC) lifts that accommodate 12 PWCs at each of the two cluster docks. Dredging of 1,000 cubic yards of lake bottom would be necessary and the dredged material would be relocated to an upland site. All floatation devices needed for this structure would be encapsulated and all metal support material would be galvanized.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE., Room 2A, Washington, DC 20426, or by calling (202) 502-8371. This filing may also be viewed on the Commission's Web site at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via e-mail of new filings and issuances related to this or other pending projects. For assistance, call 1-866-208-3676 or e-mail FERCOnlineSupport@ferc.gov, for TTY, call (202) 502-8659. A copy is also available for inspection and reproduction at the address in item (h) above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments,

protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing refers.

p. *Agency Comments:* Federal, State, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

q. Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site at <http://www.ferc.gov> under the "e-Filing" link.

Philis J. Posey,
Acting Secretary.

[FR Doc. E7-6000 Filed 3-30-07; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM95-4-000]

Revision to Uniform System Accounts, Form, Statements, and Reporting Requirements for Natural Gas Companies; Notice of Correction

March 23, 2007.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of Correction to FERC Forms No. 2 and 2-A.

SUMMARY: The Federal Energy Regulatory Commission is making corrections to the General Information Instruction for its FERC Form 2-A. to bring them back in accordance with requirements of its regulations and Order No. 581. By this notice, the Commission is requiring the filing of a CPA Certification Statement with the original and each copy of FERC Form No. 2 and 2-A rather than allowing such filings 30 days after the filing of the forms. The Commission is also allowing submittal in a flexible format.

FOR FURTHER INFORMATION CONTACT:

Jeffrey W. Honeycutt, Division of Financial Regulation, Federal Energy

Regulatory Commission, 888 First Street, NE., Washington, DC 20246, (202) 502-6505.

SUPPLEMENTARY INFORMATION:

1. In Order No. 581, the Commission revised section 158.11 of the Commission's regulations, Report of Certification,¹ to require the filing of the letter or report of the independent accountant's certifying approval (CPA Certification Statement) with the original and each copy of the FERC Form No. 2 or FERC Form No. 2-A rather than allowing such filings within 30 days after filing the FERC Form Nos. 2 or 2-A. Additionally, the Commission changed General Information Instruction III to replace the CPA Certification Statement with a flexible format that enabled the respondent's independent accountant to prepare its certification statement in accordance with current standards of reporting and still attest as to the conformity of listed schedules with the Commission's Uniform System of Accounts and the Chief Accountant's published accounting releases.²

2. Subsequent to implementing the revisions required by Order No. 581, in the conversion to the current electronic submission format, eForms, the General Information Instruction concerning the CPA Certification Statement requirements was inadvertently changed to allow the certification to be submitted within 30 days after the filing of the FERC Form Nos. 2 or 2-A, and to remove the flexible format.

3. Therefore, to bring the General Information Instruction back into accord with the requirements of the Commission's regulations and Order No. 581, General Information Instruction III to the FERC Form Nos. 2 and 2-A is corrected as follows. The clause allowing for the CPA Certification Statement to be submitted within 30 days after the filing date of the FERC Form Nos. 2 or 2-A is deleted. The clause directing the standardized format of the CPA Certification Statement is also deleted, allowing the independent auditor to use a flexible format as prescribed in Order No. 581. The corrected paragraph, prescribed in Order No. 581, thus will read as follows:

For the CPA certification, submit with the original submission of this form, a letter or report (not applicable to respondents classified as Class C or Class D prior to

¹ 18 CFR § 158.11 (2006).

² Revisions to Uniform System of Accounts, Forms, Statements, and Reporting Requirements for Natural Gas Companies, Order No. 581, 60 FR 53,019 (October 11, 1995), FERC Stats. & Regs. ¶ 31,026 (1995), order on reh'g, Order No. 581-A., 61 FR 8,860 (March 6, 1996), FERC Stats. & Regs. ¶ 31,032 (1996); see 18 CFR § 158.10.

January 1, 1984) prepared in conformity with current standards of reporting which will:

* * *

Finally, we will direct the Secretary to publish this notice in the **Federal Register**

By direction of the Commission.

Philis J. Posey,

Acting Secretary.

[FR Doc. E7-5890 Filed 3-30-07; 8:45 am]

BILLING CODE 6717-01-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OECA-2006-0418; FRL-8294-4]

Agency Information Collection Activities; Submission to OMB for Review and Approval; Comment Request; NESHAP for Coating Manufacturing Facilities (Renewal), EPA ICR Number 2115.02, OMB Control Number 2060-0535

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that an Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval. This is a request to renew an existing approved collection. The ICR which is abstracted below describes the nature of the collection and the estimated burden and cost.

DATES: Additional comments may be submitted on or before May 2, 2007.

ADDRESSES: Submit your comments, referencing docket ID number EPA-HQ-OECA-2006-0418, to (1) EPA online using <http://www.regulations.gov> (our preferred method), or by e-mail to docket.oeca@epa.gov, or by mail to: EPA Docket Center (EPA/DC), Environmental Protection Agency, Enforcement and Compliance Docket and Information Center, mail code 2201T, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, and (2) OMB at: Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT:

Robert C. Marshall, Jr., Office of Compliance, 2223A, Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; telephone number: (202) 564-7021; fax number: (202) 564-0050; e-mail address: marshall.robert@epa.gov.

SUPPLEMENTARY INFORMATION: EPA has submitted the following ICR to OMB for review and approval according to the procedures prescribed in 5 CFR 1320.12. On June 21, 2006 (71 FR 35652), EPA sought comments on this ICR pursuant to 5 CFR 1320.8(d). EPA received no comments. Any additional comments on this ICR should be submitted to EPA and OMB within 30 days of this notice.

EPA has established a public docket for this ICR under docket ID number EPA-HQ-OECA-2006-0418, which is available for public viewing online at <http://www.regulations.gov>, in person viewing at the Enforcement and Compliance Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Avenue, NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566-1744, and the telephone number for the Enforcement and Compliance Docket is (202) 566-1927.

Use EPA's electronic docket and comment system at <http://www.regulations.gov>, to submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the docket that are available electronically. Once in the system, select "docket search," then key in the docket ID number identified above. Please note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing at <http://www.regulations.gov>, as EPA receives them and without change, unless the comment contains copyrighted material, CBI, or other information whose public disclosure is restricted by statute. For further information about the electronic docket, go to <http://www.regulations.gov>.

Title: NESHAP for Coating Manufacturing Facilities (40 CFR part 63, subpart HHHHH)

ICR Numbers: EPA ICR Number 2115.02, OMB Control Number 2060-0535.

ICR Status: This ICR is scheduled to expire on April 30, 2007. Under OMB regulations, the Agency may continue to conduct, or sponsor the collection of information while this submission is pending at OMB. An Agency may not conduct, or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in Title 40 of the CFR, after appearing in the **Federal Register** when approved, are listed in 40 CFR part 9,

and 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: Respondents are owners, or operators of new and existing facilities that manufacture a miscellaneous coating and are located at, or are part of, major sources of hazardous air pollutant (HAP) emissions.

Owners, or operators of miscellaneous coating manufacturing facilities subject to the standard must choose one of the compliance options described in the standard, or install and monitor control systems that reduce HAP emissions to the allowable emission rate. Specifically, owners, or operators are required to install, operate, and maintain a continuous monitoring system (CMS) to demonstrate compliance with the emission limitations, operating limits and equipment operating parameters as specified in the standard. Owners, or operators are required to conduct equipment inspections and equipment leak monitoring to demonstrate compliance.

Miscellaneous coating manufacturing facilities also are subject to the general provisions at 40 CFR part 63, subpart A which apply to all NESHAP subject facilities. These requirements include those associated with the applicability determinations; notifications that the facilities are subject to the rule; notifications of performance tests; notifications of compliance status, including the results of performance tests and design evaluations; and semiannual compliance reports. In addition to the requirements of subpart A, many respondents are required to submit a precompliance report and leak detection and repair reports, and existing facilities that wish to implement emissions averaging provisions must submit an emissions averaging plan.

All reports are to be submitted to the respondent's State, or local agency, or to the EPA regional office, whichever has been delegated enforcement authority by EPA. The information is used to determine whether or not all sources subject to the rule are achieving the emission limitations and work practice standards in the rule.

If the owner, or operator identifies any deviation resulting from a known cause for which no Federally-approved or promulgated exemption from an emission limitation, or work practice standard applies, a compliance report must be submitted that includes all

records that the source is required to maintain that pertain to the periods during which such deviation occurred, as well as data regarding: the magnitude of each deviation; the reason for each deviation; a description of the corrective action taken for each deviation, including action taken to minimize each deviation and actions taken to prevent a recurrence; and a copy of all quality assurance activities performed on any monitoring protocol.

Owners, or operators of a miscellaneous coating manufacturing facility must maintain a copy of all monitored equipment operating parameter values that demonstrate compliance with the operating limits in the rule, as well as records of inspections and results of equipment leak monitoring that demonstrate compliance with the work practice standards in the rule. Owners, or operators also are required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of a source, or any period during which the monitoring system is inoperative. Those records must be maintained for a minimum of five years. At a minimum, the most recent two years of data must be retained onsite. The remaining three years of data may be retained offsite.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 296 hours per response. Burden means the total time, effort, and financial resources expended by persons to generate, maintain, retain, or disclose, or provide information to, or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements which have subsequently changed; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit, or otherwise disclose the information.

Respondents/Affected Entities: Miscellaneous Coating Manufacturing Facilities.

Estimated Number of Respondents: 133.

Frequency of Response: Initially, on occasion, and semiannually.

Estimated Total Annual Hour Burden: 167,832.

Estimated Total Annual Cost: \$17,007,914, which includes \$30,000 annualized capital costs, \$2,785,200 in O&M costs, and \$14,192,714 in labor costs.

Changes in the Estimates: The increase in burden from the most recently approved ICR is due to adjustments. The adjustments result from the transition by the respondents from initial compliance with the standard to continuing compliance with the standard plus the addition of three new respondents to the burden total due to industry growth.

Dated: March 27, 2007.

Oscar Morales,

Director, Collection Strategies Division.

[FR Doc. E7-6043 Filed 3-30-07; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OECA-2006-0444; FRL-8294-3]

Agency Information Collection Activities; Submission to OMB for Review and Approval; Comment Request; Emission Guidelines for Commercial and Industrial Solid Waste Incineration Units (Renewal), EPA ICR Number 1927.04, OMB Control Number 2060-0451

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that an Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval. This ICR, which is abstracted below, describes the nature of the information collection and its expected burden and cost.

DATES: Additional comments may be submitted on, or before May 2, 2007.

ADDRESSES: Submit your comments, referencing docket ID number EPA-HQ-OECA-2006-0444, to (1) EPA online using www.regulation.gov (our preferred method), by e-mail to EPA Docket center (EPA/DC), Environmental Protection Agency, Enforcement and Compliance Docket and Information Center, Mail Code 2201T, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, and (2) OMB at: Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT:

With questions about this ICR, contact Robert Marshall, Air Enforcement Division, Office of Civil Enforcement, Mail Code 2242A, Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; telephone number: (202) 564-7021; fax number: (202) 564-0050; e-mail address: marshall.robert@epa.gov.

SUPPLEMENTARY INFORMATION: EPA has submitted the following ICR to OMB for review and approval according to the procedures prescribed in 5 CFR 1320.12. On June 21, 2006, (71 FR 35652), EPA sought comments on this ICR pursuant to 5 CFR 1320.8(d). EPA received no comments.

EPA has established a public docket for this ICR under Docket ID Number EPA-HQ-OECA-2006-0444, which is available for public viewing on line at <http://www.regulation.gov>, in person viewing at the Enforcement and Compliance Docket and Information Center in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Avenue, NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566-1744, and the telephone number for the Enforcement and Compliance Docket and Information Center is (202) 566-1927.

Use EPA's electronic docket and comments system at <http://www.regulations.gov> to submit or view public comments, access the index listing of the contents of the public 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 above. Please note that EPA's policy that public comments, whether submitted electronically or in paper, will be made available for public viewing at <http://www.regulations.gov>, as EPA receives them and without change, unless the comment contains copyrighted material, CBI, or other information whose public disclosure is restricted by statute. For further information about the electronic docket, go to <http://www.regulations.gov>, or to EPA's **Federal Register** notice describing the electronic docket at 71 FR 35652 (June 21, 2006).

Title: Emission Guidelines for Commercial and Industrial Solid Waste Incineration Units (40 CFR part 60, subpart DDDD).

ICR Numbers: EPA ICR Number 1927.04, OMB Control Number 2060-0451.

ICR Status: This is a request to renew an existing approved collection that is scheduled to expire on April 30, 2007. Under the OMB regulations, the Agency may continue to conduct, or sponsor the collection of information while this submission is pending at OMB. An Agency may not conduct, or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control number for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register** when approved, are listed in 40 CFR part 9, and 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: Emission Guidelines for Commercial and Industrial Solid Waste Incineration (CISWI) Units (40 CFR part 60, subpart DDDD), were promulgated on December 1, 2000. The emission guidelines require a one-time waste management plan, initial performance tests for ten pollutants, annual performance testing for particulate matter (PM), hydrogen chloride (HCl), and opacity, continuous operating parameter monitoring, annual operator training, and annual reporting. A deviation report is required if any of the emission limitations, or operating limits are exceeded. The frequency of these activities was chosen by EPA as the period that will provide an adequate margin of assurance that affected facilities will not operate for extended periods in violation of the standards.

The Environmental Protection Agency (EPA) is required under section 111 of the Clean Air Act, as amended, to collect data. The information will be used by Agency enforcement personnel to (1) Identify existing sources subject to these standards; (2) ensure that Best Demonstrated Technology is being applied properly; and (3) ensure that the emission control device is being properly operated and maintained on a continuous basis. In addition, records and reports are necessary to enable the EPA to identify those site remediation facilities that may not be in compliance with these standards. Based on reported information, the EPA can decide which facilities should be inspected and what records, or processes should be inspected at the facilities. The records that site remediation facilities maintain would indicate to the EPA whether the personnel are operating and maintaining control equipment properly. The types of data required are principally

emissions data (through parametric monitoring) and would not be confidential. If any information is submitted to the EPA for which a claim of confidentiality is made, the information would be safeguarded according to the Agency policies set forth in 40 CFR, chapter 1, part 2, subpart B.

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. The **Federal Register** document required under 5 CFR 1320.8(d), soliciting comments on this collection of information was published on June 21, 2006. No comments were received.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 211 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; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: Commercial and Industrial Solid Waste Incineration Units.

Estimated Number of Respondents: 97.

Frequency of Response: Annually, initially, and on occasion.

Estimated Total Annual Hour Burden: 31,620 hours.

Estimated Total Annual Cost: \$2,904,567, which includes annual O&M cost of \$20,467, no capital/startup costs, and \$2,884,100 in labor costs.

Changes in the Estimates: There is a decrease of 40,803 hours in the total estimated burden currently identified in the OMB Inventory of Approved ICR Burdens. The decrease in burden from the most recently approved ICR is due to no new facilities and thus no initial burden under this ICR. In the active ICR, EPA assumed that there would be six new facilities a year over the past three years. The Agency's most recent

estimate indicates that there will be no new facilities over the next three years and that the total number of facilities is unchanged (97).

Dated: March 26, 2007.

Oscar Morales,

Director, Collection Strategies Division.

[FR Doc. E7-6044 Filed 3-30-07; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OECA-2006-0451; FRL-8294-2]

Agency Information Collection Activities; Submission to OMB for Review and Approval; Comment Request; NESHAP for Organic Liquids Distribution (Renewal), ICR Number 1963.03, OMB Control Number 2060-0539

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that an Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval. This is a request to renew an existing approved collection. The ICR which is abstracted below describes the nature of the collection and the estimated burden and cost.

DATES: Additional comments may be submitted on or before May 2, 2007.

ADDRESSES: Submit your comments, referencing docket ID number EPA-HQ-OECA-2006-0451, to (1) EPA online using www.regulations.gov (our preferred method), or by e-mail to docket.oeca@epa.gov, or by mail to: EPA Docket Center (EPA/DC), Environmental Protection Agency, Enforcement and Compliance Docket and Information Center, mail code 2201T, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, and (2) OMB at: Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Marcia B. Mia, Office of Compliance, 2223A, Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; telephone number: 202-564-7042; fax number: 202-564-0050; e-mail address: mia.marcia@epa.gov.

SUPPLEMENTARY INFORMATION: EPA has submitted the following ICR to OMB for

review and approval according to the procedures prescribed in 5 CFR 1320.12. On June 21, 2006, (See 71 FR 35652) EPA sought comments on this ICR pursuant to 5 CFR 1320.8(d). EPA received no comments. Any additional comments on this ICR should be submitted to EPA and OMB within 30 days of this notice.

EPA has established a public docket for this ICR under docket ID number EPA-HQ-OECA-2006-0451, which is available for public viewing online at <http://www.regulations.gov>, in person viewing at the Enforcement and Compliance Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Avenue, NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566-1744, and the telephone number for the Enforcement and Compliance Docket is (202) 566-1927.

Use EPA's electronic docket and comment system at <http://www.regulations.gov>, to submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the docket that are available electronically. Once in the system, select "docket search," then key in the docket ID number identified above. Please note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing at <http://www.regulations.gov>, as EPA receives them and without change, unless the comment contains copyrighted material, CBI, or other information whose public disclosure is restricted by statute. For further information about the electronic docket, go to www.regulations.gov.

Title: NESHAP for Organic Liquids Distribution (Renewal).

ICR Numbers: EPA ICR Number 1963.03, OMB Control Number 2060-0539.

ICR Status: This ICR is scheduled to expire on April 30, 2007. Under OMB regulations, the Agency may continue to conduct or sponsor the collection of information while this submission is pending at OMB. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register** when approved, are listed in 40 CFR part 9, and displayed either by publication in the **Federal Register** or by other

appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers in certain EPA regulations is consolidated in 40 CFR part 9.

Abstract: The National Emission Standards for Hazardous Air Pollutants (NESHAP) for the regulations published at 40 CFR part 63, subpart EEEE were proposed on April 2, 2002 and promulgated on February 3, 2004. These regulations apply to the collection of activities and equipment, at new and existing facilities, used to distribute organic liquids into, out of, or within a major source plant site, that are not subject to another 40 CFR part 63 rule. This information is being collected to assure compliance with 40 CFR part 63, subpart EEEE.

In general, all NESHAP standards require initial notifications, performance tests, and periodic reports by the owners/operators of the affected facilities. They are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. These notifications, reports, and records are essential in determining compliance, and are required of all affected facilities subject to NESHAP.

Any owner/operator subject to the provisions of this part shall maintain a file of these measurements, and retain the file for at least five years following the date of such measurements, maintenance reports, and records. All reports are sent to the delegated State or local authority. In the event that there is no such delegated authority, the reports are sent directly to the United States Environmental Protection Agency (EPA) regional office.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 114 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements which have subsequently changed; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information;

and transmit or otherwise disclose the information.

Respondents/Affected Entities: New and existing facilities that distribute organic liquids and are located at, or are part of, major sources of hazardous air pollutant (HAP) emissions.

Estimated Number of Respondents: 381.

Frequency of Response: Initially, and semiannually on occasion.

Estimated Total Annual Hour Burden: 85,503.

Estimated Total Annual Cost: \$15,800,891, which is comprised of \$1,636,864 annualized Capital Startup Costs, \$6,922,300 Operating and Maintenance Costs (O&M) and \$7,241,727 annualized Labor Costs.

Changes in the Estimates: There is a decrease of 51,667 hours in the total estimated burden currently identified in the OMB Inventory of Approved ICR Burdens. This decrease in burden from the most recently approved ICR is due to adjustment(s). The decrease in burden from the most recently approved ICR is primarily due to the fact that this is the first ICR prepared after the compliance date. In the previous ICR, annual burden hours and costs associated with one-time activities were included for all existing sources as well as new sources. In this ICR, existing sources have been phased into compliance and are subject to on-going requirements, and only new sources are subject to various one-time activities.

Dated: March 26, 2007.

Oscar Morales,

Director, Collection Strategies Division.

[FR Doc. E7-6045 Filed 3-30-07; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OECA-2006-0443; FRL-8294-1]

NESHAP for Halogenated Solvent Cleaners/Halogenated Hazardous Air Pollutants (Renewal), EPA ICR Number 1652.06, OMB Control Number 2060-0273

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that an Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval. This is a request to renew an existing approved collection. This ICR is scheduled to

expire on April 30, 2007. Under OMB regulations, the Agency may continue to conduct or sponsor the collection of information while this submission is pending at OMB. This ICR describes the nature of the information collection and its estimated burden and cost.

DATES: Additional comments may be submitted on or before May 2, 2007.

ADDRESSES: Submit your comments, referencing docket ID number EPA-HQ-OECA-2006-0443, to (1) EPA online using <http://www.regulations.gov> (our preferred method), by e-mail to docket.oeca@epa.gov, or by mail to: EPA Docket Center (EPA/DC), Environmental Protection Agency, Enforcement and Compliance Docket and Information Center, Mail Code 2201T, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, and (2) OMB at: Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT:

Learia Williams, Compliance Assessment and Media Programs Division, Office of Compliance, Mail Code 2223A, Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; telephone number: (202) 564-4113; fax number: (202) 564-0050; e-mail address: williams.learia@epa.gov.

SUPPLEMENTARY INFORMATION: EPA has submitted the following ICR to OMB for review and approval according to the procedures prescribed in 5 CFR 1320.12. On June 21, 2006 (71 FR 35652), EPA sought comments on this ICR pursuant to 5 CFR 1320.8(d). EPA received no comments.

EPA has established a public docket for this ICR under Docket ID Number EPA-HQ-OECA-2006-0443, which is available for online viewing at <http://www.regulations.gov>, or in person viewing at the Enforcement and Compliance Docket and Information Center in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Avenue, NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566-1744, and the telephone number for the Enforcement and Compliance Docket Center is (202) 566-1927.

Use EPA's electronic docket and comment system at <http://www.epa.gov>, to submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the docket that are

available electronically. Once in the system, select "docket search," then key in the docket ID number identified above. Please note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing at www.regulations.gov, as EPA receives them and without change, unless the comment contains copyrighted material, CBI, or other information whose public disclosure is restricted by statute. For further information about the electronic docket, go to www.regulations.gov.

Title: NESHAP for Halogenated Solvent Cleaning/Halogenated Hazardous Air Pollutants (Renewal).

Numbers: EPA ICR Number 1652.06; OMB Control Number 2060-0273.

ICR Status: This ICR is scheduled to expire on April 30, 2007. Under OMB regulations, the Agency may continue to conduct or sponsor the collection of information while this submission is pending at OMB. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register** when approved, are listed in 40 CFR part 9, are displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers in certain EPA regulations is consolidated in 40 CFR part 9.

Abstract: The National Emission Standards for Hazardous Air Pollutants (NESHAP) for Halogenated Solvent Cleaning/Halogenated Hazardous Air Pollutants (40 CFR part 63, subpart T), was proposed on November 29, 1993, promulgated on December 2, 1994, and corrected to final rule June 5, 1995.

The monitoring, recordkeeping, and reporting requirements outlined in the rule are similar to those required for other NESHAP regulations. Plants must demonstrate compliance with the emission standards by monitoring their control devices and performing annual emissions testing. This information notifies EPA when a source becomes subject to the regulations, informs the Agency if a source is in compliance, when it begins operation, and informs the Agency if the source remained in compliance during any period of operation.

In the Administrator's judgment, emissions of hazardous air pollutants (HAPs) from halogenated solvent cleaners may cause or contribute to air pollution that may reasonably be

anticipated to endanger public health or welfare. Therefore, NESHAP standards were promulgated for this source category, as required under Section 112 of the Clean Air Act. HAP emissions from halogenated solvent cleaners are the result of inadequate equipment design and work practices.

These standards rely on the proper design and operation of halogenated solvent cleaning machines such as working-mode covers, a freeboard ratio of 1.0, and reduced room draft to reduce solvent emissions from halogenated solvent cleaners. Certain records and reports are necessary to enable EPA to identify sources subject to the standards and to ensure that the standards are being achieved.

Owners/operators of halogenated solvent cleaners must provide EPA with an initial notification of existing or new solvent cleaning machines, initial statements of compliance, and annual control device monitoring report (owners/operators of batch vapor and in-line cleaning machines), an annual solvent emission report (owners/operators of batch vapor and in-line cleaning machines complying with the alternative standard), and exceedance of monitoring parameters or emissions. The records that the facilities maintain indicate to EPA whether they are operating and maintaining the halogenated solvent cleaners properly to control emissions. In order to ensure compliance with the standards promulgated to protect public health, adequate reporting and recordkeeping is necessary. In the absence of such information, enforcement personnel would be unable to determine whether the standards are being met on a continuous basis, as required by the Clean Air 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 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 are estimated to average approximately 14 hour 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; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: Halogenated Solvent Cleaners.

Estimated Number of Respondents: 1,431.

Frequency of Response: Initially, quarterly, semiannually, and annually.

Estimated Total Annual Hour Burden: 41,035.

Estimated Total Costs: \$3,852,448 which includes \$0 annualized Capital Start Up costs, \$1,015,000 annualized Operation and Maintenance (O&M) costs, and \$2,837,448 annualized labor costs.

Changes in the Estimates: There is no change in the labor hours or cost in this ICR compared to the previous ICR. This is due to two considerations. First, the regulations have not changed over the past three years and are not anticipated to change over the next three years. Secondly, the growth rate for the industry is very low, negative or non-existent, so there is no significant change in the overall burden.

Since there are no changes in the regulatory requirements and there is no significant industry growth, the labor hours and cost figures in the previous ICR are used in this ICR and there is no change in burden to industry.

Dated: March 26, 2007.

Oscar Morales,

Director, Collection Strategies Division.

[FR Doc. E7-6055 Filed 3-30-07; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPPT-2006-0398; FRL-8109-6]

Release of Brochure on Current Best Practices to Prevent Asbestos Exposure Among Brake and Clutch Repair Workers

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is announcing the release of the final brochure entitled, *Current Best Practices for Preventing Asbestos Exposure Among Brake and Clutch Repair Workers*. On August 24, 2006, EPA released a draft version of the brochure for a 60-day public comment

period. After reviewing and, where appropriate, incorporating public comments on the draft brochure, EPA is now issuing the final brochure. The brochure is intended to provide information for automotive professionals and home mechanics on preventing exposure to brake and clutch dust that may contain asbestos fibers. A copy of the new brochure can be found at <http://www.epa.gov/asbestos>. This brochure replaces the existing 1986 document entitled, *Guidance for Preventing Asbestos Disease Among Auto Mechanics* (EPA-560-OPTS-86-002), commonly referred to as the "Gold Book."

FOR FURTHER INFORMATION CONTACT: For general information contact: Colby Lintner, Regulatory Coordinator, Environmental Assistance Division (7408M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (202) 554-1404; e-mail address: TSCA-Hotline@epa.gov.

For technical information contact: Robert Courtnage, National Program Chemicals Division (7404T), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (202) 566-1081; e-mail address: courtnage.robert@epa.gov or Tom Simons, National Program Chemicals Division (7404T), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (202) 566-0517; e-mail address: simons.tom@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be potentially affected by this action if you conduct automotive repair work. Individuals covered by this action may include those in the professional automotive repair industry, State and local government employees who perform brake and clutch work in States without Occupational Safety and Health Administration (OSHA)-approved State plans, and people performing do-it-yourself automotive repair. In addition, those involved in the manufacture and/or import of automotive brake and clutch products that may contain asbestos, as well as those involved in regulatory compliance, may be affected by the notice. 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 also could be affected. To determine whether you or your business may be affected by this action, you should carefully examine the applicability provisions in 29 CFR 1910.1001, specifically paragraph (f)(3) and Appendix F, or 40 CFR part 763, subpart G. If you have any questions regarding the applicability of this action to a particular entity, consult either technical 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-OPPT-2006-0398. All documents in the docket are listed in the docket's index available at <http://www.regulations.gov>. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information (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 electronically at <http://www.regulations.gov>, or, if only available in hard copy, at the OPPT Docket. The OPPT Docket is located in the EPA Docket Center (EPA/DC) at Rm. 3334, EPA West Bldg., 1301 Constitution Ave., NW., Washington, DC. The EPA/DC Public Reading Room hours of operation are 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays. The telephone number of the EPA/DC Public Reading Room is (202) 566-1744, and the telephone number for the OPPT Docket is (202) 566-0280. Docket visitors are required to show photographic identification, pass through a metal detector, and sign the EPA visitor log. All visitor bags are processed through an X-ray machine and subject to search. Visitors will be provided an EPA/DC badge that must be visible at all times in the building and returned upon departure.

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. What Action is the Agency Taking?

EPA is announcing the release of the final brochure entitled, *Current Best Practices for Preventing Asbestos Exposure Among Brake and Clutch Repair Workers*. EPA released and published in the **Federal Register** of August 24, 2006 (71 FR 50060) (FRL-

8086-6) a draft of the brochure for a 60-day public comment period. After reviewing and, where appropriate, incorporating public comments into the brochure, EPA is now issuing the final brochure. The brochure provides information for automotive professionals, including State and local government employees, and home mechanics on preventing exposure to brake and clutch dust that may contain asbestos fibers. The brochure summarizes work practices that can help to reduce or eliminate asbestos exposure, and identifies pertinent OSHA regulatory requirements for professional automotive mechanics, which are found at 29 CFR 1910.1001, specifically paragraph (f)(3) and Appendix F. Also discussed in this brochure is EPA's Worker Protection Rule, found at 40 CFR part 763, subpart G, which contains requirements identical to the OSHA regulatory requirements and is mandatory for State and local government employees who perform brake and clutch work in States without OSHA-approved State plans. EPA believes that home mechanics, who are not subject to the OSHA or EPA standards, also may benefit from the information discussed in the brochure regarding the OSHA and EPA work practice standards and the additional advice provided on steps home mechanics can consider taking to prevent possible asbestos exposure when working with asbestos-containing friction products. A copy of the final brochure is available at <http://www.epa.gov/asbestos>. This brochure replaces the existing 1986 document entitled, *Guidance for Preventing Asbestos Disease Among Auto Mechanics* (EPA-560-OPTS-86-002), commonly referred to as the "Gold Book."

Asbestos is the common name given to a number of naturally occurring mineral fibers that are known for their high tensile strength, resistance to heat, and chemical stability. Because of these properties, asbestos has been used in a wide range of manufactured goods, including roofing shingles, ceiling and floor tiles, paper and cement products, textiles, and coatings and friction products such as automobile clutch, brake, and transmission parts. If products containing asbestos are disturbed, thin, lightweight asbestos fibers can be released into the air. Persons breathing the air may then inhale asbestos fibers. Continued exposure can increase the amount of fibers deposited in the lung. Fibers embedded in the lung tissue over time may result in lung diseases such as

asbestosis, lung cancer, or mesothelioma. It can take from 10 to 40 years or more for symptoms of an asbestos-related condition to appear. Smoking increases the risk of developing illness from asbestos exposure.

During the 60-day comment period beginning on August 24, 2006, EPA received a number of comments on the draft brochure. After considering those comments, EPA has modified the brochure in the following ways:

- EPA has added language to the brochure that explains that asbestos-related disease can take 10 to 40 years or more for symptoms of an asbestos-related condition to appear.
- EPA has incorporated language referring to information resources that are available to consumers, including Material Safety Data Sheets (MSDS), labels, and information from the product manufacturer, to aid in determining whether brake or clutch components contain asbestos.
- EPA has incorporated information from OSHA's recent Safety and Health Information Bulletin (SHIB) addressing brake and clutch repair, which notes the difficulty of distinguishing asbestos-containing brake and clutch components from non-asbestos brake and clutch components. A copy of the OSHA SHIB may be found at <http://www.osha.gov/dts/shib/shib072606.html>. EPA also has included a reference to the OSHA SHIB in the final brochure.
- EPA has added a reference to the spray can/solvent method of controlling the spread of brake and clutch dust, since it is an equivalent alternative asbestos control method approved by OSHA under 29 CFR 1910.1001, specifically paragraph (f)(3) and Appendix F.

• EPA included advice similar to OSHA's advice (in the recent OSHA SHIB) that individuals who perform brake or clutch work change into clean clothes before going inside the home, that they wash soiled clothes separately, and that bystanders, as well as food and drink, be kept out of the work area to minimize exposure to others.

• EPA clarified that employers of professional automotive technicians must ensure that asbestos waste is disposed of properly pursuant to the OSHA regulations and recommended that home mechanics (who are not subject to OSHA regulations) double-bag asbestos waste and dispose of it following appropriate local regulations to minimize exposure.

EPA believes this final brochure provides the public and workers involved in brake and clutch repair

work with a simple, easy-to-understand summary of the OSHA work practice standards, which are mandatory for certain professional automotive mechanics, and provides a discussion of the possible health effects associated with asbestos exposure that is sufficient. The brochure is not intended to provide comprehensive technical information regarding work practices, nor is it a comprehensive assessment of the possible health effects that might arise if one is exposed to asbestos in performing brake and clutch repair work. Finally, the brochure is not a substitute for any applicable legal requirements or regulations. Thus, the brochure does not impose legally binding requirements on any party, including EPA, States, or the regulated community. Interested professional mechanics engaged in commercial brake and clutch repair are encouraged to contact OSHA regarding compliance with the mandatory work practice standards highlighted in this brochure (<http://www.osha.gov>). Similarly, interested State and local government employees who perform brake and clutch work in States without OSHA-approved State plans are encouraged to contact EPA regarding compliance with EPA's Worker Protection Rule. Finally, home mechanics may contact EPA with any specific questions not addressed in the brochure by visiting the EPA asbestos website at <http://www.epa.gov/asbestos>, or by calling the Toxic Substances Control Act Assistance Information Service (TAIS) at (202) 554-1404.

List of Subjects

Environmental protection, Asbestos, Automotive brake and clutch repair, Health.

Dated: March 23, 2007.

Wendy C. Hamnett,

Acting Assistant Administrator, Office of Prevention, Pesticides and Toxic Substances.
[FR Doc. E7-6057 Filed 3-30-07; 8:45 am]

BILLING CODE 6560-50-S

FEDERAL RESERVE SYSTEM

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Board of Governors of the Federal Reserve System

SUMMARY: Background.

On June 15, 1984, the Office of Management and Budget (OMB) delegated to the Board of Governors of the Federal Reserve System (Board) its approval authority under the Paperwork

Reduction Act, as per 5 CFR 1320.16, to approve of and assign OMB control numbers to collection of information requests and requirements conducted or sponsored by the Board under conditions set forth in 5 CFR 1320 Appendix A.1. Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. Copies of the Paperwork Reduction Act Submission, supporting statements and approved collection of information instruments are placed into OMB's public docket files. The Federal Reserve may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

Request for comment on information collection proposals

The following information collections, which are being handled under this delegated authority, have received initial Board approval and are hereby published for comment. At the end of the comment period, the proposed information collections, along with an analysis of comments and recommendations received, will be submitted to the Board for final approval under OMB delegated authority. Comments are invited on the following:

a. Whether the proposed collection of information is necessary for the proper performance of the Federal Reserve's functions; including whether the information has practical utility;

b. The accuracy of the Federal Reserve's estimate of the burden of the proposed information collection, including the validity of the methodology and assumptions used;

c. Ways to enhance the quality, utility, and clarity of the information to be collected; and

d. Ways to minimize the burden of information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Comments must be submitted on or before June 1, 2007.

ADDRESSES: You may submit comments, identified by FR 4008, FR 4010, FR 4013, or FR 4014, by any of the following methods:

- Agency Web Site: <http://www.federalreserve.gov>. Follow the instructions for submitting comments at <http://www.federalreserve.gov/generalinfo/foia/ProposedRegs.cfm>.

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

• E-mail: regs.comments@federalreserve.gov. Include docket number in the subject line of the message.

• FAX: 202/452-3819 or 202/452-3102.

• Mail: Jennifer J. Johnson, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, NW., Washington, DC 20551.

All public comments are available from the Board's web site at www.federalreserve.gov/generalinfo/foia/ProposedRegs.cfmas submitted, unless modified for technical reasons. Accordingly, your comments will not be edited to remove any identifying or contact information. Public comments may also be viewed electronically or in paper in Room MP-500 of the Board's Martin Building (20th and C Streets, N.W.) between 9 a.m. and 5 p.m. on weekdays.

Additionally, commenters should send a copy of their comments to the OMB Desk Officer by mail to the Office of Information and Regulatory Affairs, U.S. Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street, NW., Washington, DC 20503 or by fax to 202-395-6974.

FOR FURTHER INFORMATION CONTACT: FOR FURTHER INFORMATION CONTACT: A copy of the proposed form and instructions, the Paperwork Reduction Act Submission, supporting statement, and other documents that will be placed into OMB's public docket files once approved may be requested from the agency clearance officer, whose name appears below.

Michelle Shore, Federal Reserve Board Clearance Officer (202-452-3829), Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, DC 20551. Telecommunications Device for the Deaf (TDD) users may contact (202-263-4869), Board of Governors of the Federal Reserve System, Washington, DC 20551.

Proposal to approve under OMB delegated authority the extension for three years, without revision, of the following reports:

1. *Report title:* Stock Redemption Notification

Agency form number: FR 4008

OMB control number: 7100-0131

Frequency: On occasion

Reporters: Banks holding companies (BHCs)

Annual reporting hours: 233 hours

Estimated average hours per response: 15.5 hours

Number of respondents: 15

General description of report: This information collection is mandatory (12 U.S.C. § 1844(c)) and is generally not given confidential treatment.

Abstract: The Bank Holding Company Act (BHC Act) and Regulation Y generally require a BHC to seek prior Federal Reserve approval before purchasing or redeeming its equity securities. Given that a BHC is exempt from this requirement if it meets certain financial, managerial, and supervisory standards, only a small portion of proposed stock redemptions actually require the prior approval of the Federal Reserve. There is no formal reporting form. The Federal Reserve uses the information provided in the redemption notice to fulfill its statutory obligation to supervise BHCs.

2. *Report title:* Notice Claiming Status as an Exempt Transfer Agent

Agency form number: FR 4013

OMB control number: 7100-0137

Frequency: On occasion

Reporters: Banks, bank holding companies (BHCs), and certain trust companies

Annual reporting hours: 12

Estimated average hours per response: 2

Number of respondents: 6

General description of report: This information collection is required (15 U.S.C. (78q-1(c)) and the Federal Reserve is authorized to collect this data (15 U.S.C. (78c(a)(34)(B)(ii)). The data collected are not given confidential treatment.

Abstract: Banks, BHCs, and trust companies subject to the Federal Reserve's supervision that are low-volume transfer agents voluntarily file the notice on occasion with the Federal Reserve. Transfer agents are institutions that provide securities transfer, registration, monitoring, and other specified services on behalf of securities issuers. The purpose of the notice, which is effective until the agent withdraws it, is to claim exemption from certain rules and regulations of the Securities and Exchange Commission (SEC). The Federal Reserve uses the notices for supervisory purposes because the SEC has assigned to the Federal Reserve responsibility for collecting the notices and verifying their accuracy through examinations of the respondents. There is no formal reporting form, and each notice is filed as a letter.

3. *Report title:* Investment in Bank Premises Notification

Agency form number: FR 4014

OMB control number: 7100-0139

Frequency: On occasion

Reporters: State member banks

Annual reporting hours: 18

Estimated average hours per response: 30 minutes

Number of respondents: 36

General description of report: This information collection is mandatory (12 U.S.C. 371d(a)) and is not given confidential treatment.

Abstract: The Federal Reserve System requires a state member bank to seek prior Federal Reserve approval before making an investment in bank premises that exceeds certain thresholds. There is no formal reporting form, and each required request for prior approval must be filed as a notification with the appropriate Reserve Bank of the state member bank. The Federal Reserve uses the information provided in the notice to fulfill its statutory obligation to supervise state member banks.

4. *Report title:* Information Collections Related to the Gramm-Leach-Bliley (GLB) Act

Agency form number: FR 4010, FR 4011, FR 4012, FR 4017, FR 4019, and FR 4023

OMB control number: 7100-0292

Frequency: On occasion

Reporters: BHCs, foreign banking organizations (FBOs), and state member banks

Annual reporting hours: 2,421 hours

Estimated average hours per response: FR 4010: BHC 3 hours, FBOs 3.5 hours; FR 4011: 10 hours; FR 4012: BHCs decertified as financial holding companies (FHCs) 1 hour, FHCs back into compliance 10 hours; FR 4017: 4 hours; FR 4019: 1 hour; FR 4023: 50 hours

Number of respondents: FR 4010: BHC 49, FBOs 8; FR 4011: 4; FR 4012: BHCs decertified as financial holding companies (FHCs) 11, FHCs back into compliance 28; FR 4017: 2; FR 4019: Regulatory relief requests 5, Portfolio company notification 2; FR 4023: 38

General description of report: The FR 4010 is required to obtain a benefit and is authorized under Section 4(l)(1)(C) of the BHC Act, 12 U.S.C. § 1843(l)(1)(C); section 8(a) of the International Banking Act, 12 U.S.C. § 3106(a); and sections 225.82 and 225.91 of Regulation Y, 12 CFR 225.82 and 225.91.

The FR 4011 is voluntary and is authorized under Sections 4(j) and 4(k) of the BHC Act, 12 U.S.C. § 1843(j) through (k); and sections 225.88, and 225.89, of Regulation Y, 12 CFR 225.88, and 225.89.

The FR 4012 is mandatory and is authorized under Section 4(l)(1) and 4(m) of the BHC Act, 12 U.S.C. § 1843(l)(1) and (m); section 8(a) of the International Banking Act, 12 U.S.C. §

3106(a); and sections 225.83 and 225.93 of Regulation Y, 12 CFR 225.83 and 225.93.

The FR 4017 is required to obtain a benefit and is authorized under Section 9 of the Federal Reserve Act, 12 U.S.C. § 335; and section 208.76 of Regulation H, 12 CFR 208.76.

The FR 4019 is required to obtain a benefit and is authorized under Section 4(k)(7) of the BHC Act, 12 U.S.C. § 1843(k)(7); and sections 225.171(e)(3), 225.172(b)(4), and 225.173(c)(2) of Regulation Y, 12 CFR 225.171(e)(3), 225.172(b)(4), and 225.173(c)(2).

The FR 4023 is mandatory and is authorized under Section 4(k)(7) of the BHC Act, 12 U.S.C. § 1843(k)(7); and sections 225.171(e)(4) and 225.175 of Regulation Y, 12 CFR 225.171(e)(4) and 225.175.

For the FR 4010, FR 4011, FR 4017, and FR 4019, a company may request confidential treatment of the information contained in these information collections pursuant to section (b)(4) and (b)(6) of the Freedom of Information Act (FOIA) (5 U.S.C. 552 (b)(4) and (b)(6)). Since the Federal Reserve does not collect the FR 4023, no issue of confidentiality under the FOIA arises. FOIA will only be implicated if the Board's examiners retained a copy of the records in their examination or supervision of the institution, and would likely be exempt from disclosure pursuant to FOIA (5 U.S.C. § 552(b)(4), (b)(6), and (b)(8)).

Abstract: Each BHC or FBO seeking FHC status must file the FR 4010 declaration, which includes information needed to verify eligibility for FHC status. By filing the FR 4011, a requestor may ask the Board to determine that an activity is financial in nature, to issue an advisory opinion that an activity is within the scope of an activity previously determined to be financial in nature, or to approve engagement in an activity complementary to a financial activity. Any FHC ceasing to meet capital or managerial prerequisites for FHC status must notify the Board by filing the FR 4012 of the deficiency, and often must submit plans to the Board to cure the deficiency. Any state member bank seeking to establish a financial subsidiary must seek the Board's prior approval by submitting the FR 4017. Any FHC seeking to extend the 10-year holding period for a merchant banking investment must submit the FR 4019 to apply for the Board's prior approval, and a FHC also must notify the Board if it routinely manages or operates a portfolio company for more than nine months. All FHCs engaging in merchant banking activities must keep records of those activities, and make them

available to examiners as specified in the FR 4023 requirements.

There are no formal reporting forms for these collections of information, which are event generated, though in each case the type of information required to be filed is described in the Board's regulations. These collections of information are required pursuant to amendments made by the GLB Act to the Bank Holding Company Act or the Federal Reserve Act, or Board regulations issued to carry out the GLB Act.

Board of Governors of the Federal Reserve System, March 28, 2007.

Jennifer J. Johnson,

Secretary of the Board.

[FR Doc. E7-6042 Filed 3-30-07; 8:45 am]

BILLING CODE 6210-01-S

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at www.ffiec.gov/nic/.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 26, 2007.

A. Federal Reserve Bank of Boston
(Richard Walker, Community Affairs Officer) P.O. Box 55882, Boston, Massachusetts 02106-2204:

1. *Boston Private Financial Holdings, Inc.*, Boston, Massachusetts; to acquire 100 percent of the voting shares of Charter Financial Corporation, Bellevue, Washington, and thereby indirectly acquire voting shares of Charter Bank, Bellevue, Washington.

In connection with this Application, Applicant also has applied to engage in management consulting activities through Banc Support, Inc., Kent, Washington, pursuant to section 225.28(b)(9)(i)(A) of Regulation Y.

B. Federal Reserve Bank of Dallas
(W. Arthur Tribble, Vice President) 2200 North Pearl Street, Dallas, Texas 75201-2272:

1. *Opportunity Bancshares, Inc.*, Richardson, Texas; to become a bank holding company by acquiring 100 percent of the voting shares of Opportunity Bank, National Association, Richardson, Texas.

Board of Governors of the Federal Reserve System, March 27, 2007.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. E7-5946 Filed 3-30-07; 8:45 am]

BILLING CODE 6210-01-S

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act

(12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at www.ffiec.gov/nic/.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 27, 2007.

A. Federal Reserve Bank of Richmond (A. Linwood Gill, III, Vice President) 701 East Byrd Street, Richmond, Virginia 23261-4528:

1. *Gateway Financial Holdings, Inc.*, Virginia Beach, Virginia; to acquire 100 percent of the voting shares of The Bank of Richmond, National Association, Richmond, Virginia.

Board of Governors of the Federal Reserve System, March 28, 2007.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. E7-6041 Filed 3-30-07; 8:45 am]

BILLING CODE 6210-01-S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the National Coordinator for Health Information Technology; American Health Information Community Personalized Healthcare Workgroup Meeting

ACTION: Announcement of meeting.

SUMMARY: This notice announces the fourth meeting of the American Health Information Community Personalized Healthcare Workgroup in accordance with the Federal Advisory Committee Act (Pub. L. No. 92-463, 5 U.S.C., App.)

DATES: April 17, 2007, from 1 p.m. to 4 p.m. Eastern Daylight Time.

ADDRESSES: Mary C. Switzer, Building (330 C Street, SW., Washington, DC 20201), Conference Room 4090 (please bring photo ID for entry to a Federal building).

FOR FURTHER INFORMATION CONTACT: <http://www.hhs.gov/healthit/ahic/healthcare/>.

SUPPLEMENTARY INFORMATION: The Workgroup will discuss possible common data standards to incorporate interoperable, clinically useful genetic laboratory test data, family history information, and analytical tools into Electronic Health Records (EHR) to support clinical decision-making for the health care provider and patient. Instructions to participate via Web cast are posted at <http://www.hhs.gov/>

healthit/ahic/healthcare/phc_instruct.html.

Dated: March 26, 2007.

Judith Sparrow,

Director, American Health Information Community, Office of Programs and Coordination, Office of the National Coordinator for Health Information Technology.

[FR Doc. 07-1583 Filed 3-30-07; 8:45 am]

BILLING CODE 4150-24-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institute of Environmental Health Sciences

Announcement of Meeting To Discuss Soy Estrogens and Development

AGENCY: National Institute of Environmental Health Sciences (NIEHS), National Institutes of Health, Department of Health and Human Services.

ACTION: Notice.

SUMMARY: Beginning on Thursday, April 12, 2007 (9 a.m. to 4:30 p.m.) and continuing through Friday, April 13, 2007 (9 a.m.-12:30 p.m.), Dr. Walter Rogan of the National Institute of Environmental Health Sciences will sponsor a meeting with experts in pediatric endocrinology, psychology, epidemiology, and nutrition to discuss soy estrogens and infant development. The meeting will be held at the National Institute of Environmental Health Sciences, Research Triangle Park, North Carolina.

During 2004-05, NIEHS conducted pilot studies to test innovative methods for studying estrogenic isoflavones in soy formula and their potential ability to act as pharmacologic estrogens in infants by prolonging anatomical and biochemical markers in infants. The results of these studies are becoming available. While the investigators are at the early stage of planning what, if any, steps to take next, they have convened experts in pediatric endocrinology, psychology, epidemiology, nutrition, etc., to offer their individual opinions.

This meeting is open to the public, but is limited by space. Registration is free but required. Please also note that the following security procedures must be followed when visiting the NIEHS:

- The purpose of a visit must be official (registered);
- The visit should be expected and approved by a "host" employee;
- Visitors must show an ID (Driver's license plus one of the following: company ID; government ID or university ID) at the entrance;

- Vehicles may be searched.

Those interested in attending the meeting, or who have questions should contact: Kerry James by e-mail at james4@niehs.nih.gov or by telephone at 919-287-4339; or Janet Archer by e-mail at archer2@niehs.nih.gov or by phone at 919-287-4334.

Dated: March 26, 2007.

Walter J Rogan,

Senior Investigator, Epidemiology Branch, National Institutes of Environmental Health Sciences, National Institutes of Health.

[FR Doc. E7-6065 Filed 3-30-07; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Toxicology Program (Ntp); Center for the Evaluation of Risks to Human Reproduction (CERHR); Announcement of the Second Bisphenol A Expert Panel Meeting and Availability of Interim Draft Expert Panel Report

AGENCY: National Institute of Environmental Health Sciences (NIEHS); National Institutes of Health.

ACTION: Announcement of a meeting and request for public comment.

SUMMARY: CERHR announces the second meeting of the expert panel on bisphenol A on May 21-23, 2007, tentatively planned for the Washington, DC area. The interim draft expert panel report will be posted on the CERHR Web site (<http://cerhr.niehs.nih.gov>) and available in printed text from CERHR (see "FOR FURTHER INFORMATION CONTACT" below) by April 20. CERHR invites submission of written public comments on the interim draft expert panel report (see "SUPPLEMENTARY INFORMATION" below). The expert panel meeting is open to the public with time scheduled for oral public comment. Attendance is limited only by the available meeting room space. CERHR also announces that the working groups for sections 3 and 4 of the expert panel report will meet April 5-6, 2007, in Durham, NC to continue discussions not completed at the March meeting.

DATES: The second CERHR expert panel meeting on bisphenol A will be held May 21-23, 2007. The interim draft expert panel report containing sections 1-4 will be available for public comment by April 20, 2007. Written public comments on the interim draft report must be received by May 14. Time will be set-aside at the expert panel meeting on May 21 for oral public comments. Individuals wishing to make oral public comments are asked to

contact Dr. Michael D. Shelby, CERHR Director, by May 14, 2007, and if possible, send a copy of their PowerPoint slides, statement, or talking points at that time. Persons needing special assistance, such as sign language interpretation or other reasonable accommodation in order to attend, should contact 919-541-2475 (voice), 919-541-4644 TTY (text telephone), through the Federal TTY Relay System at 800-877-8339, or by e-mail to niehsoeeo@niehs.nih.gov. Requests should be made at least seven business days in advance of the event.

ADDRESSES: The location of the second expert panel meeting on bisphenol A is not yet set. Comments on the interim draft expert panel report should be sent to Dr. Michael D. Shelby, CERHR Director, NIEHS, P.O. Box 12233, MD EC-32, Research Triangle Park, NC 27709 (mail), (919) 316-4511 (fax), or shelby@niehs.nih.gov (e-mail). *Courier address:* CERHR, 79 T.W. Alexander Drive, Building 4401, Room 103, Research Triangle Park, NC 27709. The working groups will meet in Durham, NC.

FOR FURTHER INFORMATION CONTACT: Dr. Michael D. Shelby, CERHR Director, 919-541-3455, shelby@niehs.nih.gov.

SUPPLEMENTARY INFORMATION:

Background

CERHR convened the first expert panel meeting on March 5-7 in Alexandria, VA to assess the potential reproductive and developmental hazards of bisphenol A. The panel discussed the scientific evidence and made revisions to the draft expert panel report on bisphenol A, but because of the length and complexity of this evaluation, the panel was unable to complete its task (a meeting summary is available at <http://cerhr.niehs.nih.gov/chemicals/bisphenol/bisphenol.html>).

The expert panel will reconvene on May 21-23, 2007, for a second meeting. The meeting location, which is not yet set, will be posted on the CERHR Web site when finalized along with a schedule for the meeting. The meeting will begin each day at 8:30 a.m. and continue until adjournment. It is expected to adjourn by noon on May 23, although adjournment may occur earlier or later depending upon the time needed for the expert panel to complete its work. The expert panel will (1) continue its review, (2) finalize sections 1-4 of the draft report, (3) reach conclusions regarding whether exposure to bisphenol A is a hazard to human reproduction or development, and (4) write Section 5 Summary, Conclusions, and Critical Data Needs.

At the March meeting, working groups for sections 1-4 of the draft report met periodically to discuss their sections and prepare materials for deliberation by the panel during public plenary sessions. The working groups for Section 3 Developmental Toxicity Data and Section 4 Reproductive Toxicity Data will meet on April 5-6 in Durham, NC to continue discussions not completed at the March meeting. Their edits will be included in the interim draft expert panel report, which will be posted on the CERHR Web site and available for public comment by April 20, and brought before the expert panel during the public plenary sessions at the May 21-23 meeting.

The interim draft report, which will show all edits to date, will be posted on the CERHR Web site by April 20 and serve as the starting point for the panel's discussions at its May meeting.

Bisphenol A (CAS RN: 80-5-07) is a high production volume chemical used in the production of epoxy resins, polyester resins, polysulfone resins, polyacrylate resins, polycarbonate plastics, and flame retardants. Polycarbonate plastics are used in food and drink packaging; resins are used as lacquers to coat metal products such as food cans, bottle tops, and water supply pipes. Some polymers used in dental sealants and tooth coatings contain bisphenol A. Exposure to the general population can occur through direct contact to bisphenol A or by exposure to food or drink that has been in contact with a material containing bisphenol A. CERHR selected this chemical for evaluation because of (1) high production volume, (2) widespread human exposure, (3) evidence of reproductive toxicity in laboratory animal studies, and (4) public concern.

Request for Comments

The CERHR invites written public comments on the interim draft expert panel report on bisphenol A. Any comments received will be posted on the CERHR Web site prior to the second meeting and distributed to the expert panel and CERHR staff for their consideration in revising the draft report and/or preparing for the second meeting. Persons submitting written comments are asked to include their name and contact information (affiliation, mailing address, telephone and facsimile numbers, e-mail, and sponsoring organization, if any) and send them to Dr. Shelby (see **ADDRESSES** above) for receipt by May 14, 2007.

Time will be set-aside on May 21, 2007, for the presentation of oral public comments at the expert panel meeting. Seven minutes will be available for each

speaker (one speaker per organization). When registering to comment orally, please provide your name, affiliation, mailing address, telephone and facsimile numbers, e-mail and sponsoring organization (if any). If possible, send a copy of the PowerPoint slides, statement, or talking points to Dr. Shelby by May 14. This statement will be provided to the expert panel to assist them in identifying issues for discussion and will be noted in the meeting record. Registration for presentation of oral comments will also be available at the meeting on May 21, 2007, from 7:30-8:30 a.m. Persons registering at the meeting are asked to bring 20 copies of their statement or talking points for distribution to the expert panel and for the record.

Background Information on CERHR

NTP established CERHR in June 1998 [**Federal Register**, December 14, 1998 (Volume 63, Number 239, page 68782)]. CERHR is a publicly accessible resource for information about adverse reproductive and/or developmental health effects associated with exposure to environmental and/or occupational exposures. Expert panels conduct scientific evaluations of agents selected by the CERHR in public forums.

CERHR invites the nomination of agents for review or scientists for its expert registry. Information about CERHR and the nomination process can be obtained from its homepage (<http://cerhr.niehs.nih.gov>) or by contacting Dr. Shelby (see **FOR FURTHER INFORMATION CONTACT** above). CERHR selects chemicals for evaluation based upon several factors including production volume, potential for human exposure from use and occurrence in the environment, extent of public concern, and extent of data from reproductive and developmental toxicity studies.

CERHR follows a formal, multi-step process for review and evaluation of selected chemicals. The formal evaluation process was published in the **Federal Register** on July 16, 2001 (Volume 66, Number 136, pages 37047-37048) and is available on the CERHR Web site under "About CERHR" or in printed copy from CERHR.

Dated: March 21, 2007.

David A. Schwartz,

Director, National Institute of Environmental Health Sciences and National Toxicology Program.

[FR Doc. E7-6080 Filed 3-30-07; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Interagency Committee on Smoking and Health: Notice of Charter Renewal

This gives notice under the Federal Advisory Committee Act (Pub. L. 92-463) of October 6, 1972, that the charter for the Interagency Committee on Smoking and Health (ICSH) of the Centers for Disease Control and Prevention (CDC), Department of Health and Human Services, has been renewed for a 2-year period through March 20, 2009.

For further information, contact Dana Shelton, Executive Secretary, Interagency Committee on Smoking and Health, Centers for Disease Control and Prevention, of the Department of Health and Human Services, CDC, 4770 Buford Highway, NE., M/S K-50, Atlanta, Georgia 30341-3717, telephone 770-488-5709 or fax 770-488-5767.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: March 26, 2007.

Elaine L. Baker,

Acting Director, Management Analysis and Services Office Centers for Disease Control and Prevention.

[FR Doc. E7-6020 Filed 3-30-07; 8:45 am]

BILLING CODE 4163-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Advisory Council for the Elimination of Tuberculosis: Notice of Charter Renewal.

This gives notice under the Federal Advisory Committee Act (Pub. L. 92-463) of October 6, 1972, that the Advisory Council for the Elimination of Tuberculosis, Centers for Disease Control and Prevention, Department of Health and Human Services, has been renewed for a 2-year period through March 15, 2009.

For information, contact Kenneth Castro, M.D., Executive Secretary, Advisory Council for the Elimination of Tuberculosis, Centers for Disease

Control and Prevention, Department of Health and Human Services, 1600 Clifton Road, NE., Mailstop E10, Atlanta, Georgia 30333, telephone 404/639-8000 or fax 404/639-8604.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: March 26, 2007.

Elaine L. Baker,

Acting Director, Management Analysis and Services Office Centers for Disease Control and Prevention.

[FR Doc. E7-6016 Filed 3-30-07; 8:45 am]

BILLING CODE 4163-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Peer Review of Division of HIV/AIDS Prevention Intramural International Biomedical Interventional Research in Thailand, Kenya, Botswana and Cameroon

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), the Centers for Disease Control and Prevention (CDC) announces the aforementioned meeting.

Times and Dates: 8 a.m.-5 p.m., May 2, 2007 (Closed) 8 a.m.-5 p.m., May 3, 2007 (Closed).

Place: Corporate Square, 9 Corporate Boulevard, Suite 100, Atlanta, GA 30329, telephone 404-679-7900.

Status: The meeting will be closed to the public in accordance with provisions set forth in Section 552b(c)(4) and (6), Title 5 U.S.C., and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92-463.

Matters to be Discussed: The meeting will include the review, discussion, and evaluation of the "Division of HIV/AIDS Prevention Intramural International Biomedical Interventional Research in Thailand, Kenya, Botswana and Cameroon."

Contact Person for More Information: Elise M. Beltrami, M.D., M.P.H., Designated Federal Official, National Center for Preparedness, Detection and Control of Infectious Diseases, Division of Healthcare Quality Promotion, CDC, 1600 Clifton Road N.E., Mailstop A-31, Atlanta, GA 30333, Telephone 404-639-4271.

The Director, Management Analysis and Services Office, has been delegated the

authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both CDC and the Agency for Toxic Substances and Disease Registry.

Dated: March 26, 2007.

Elaine L. Baker,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. E7-6009 Filed 3-30-07; 8:45 am]

BILLING CODE 4163-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Provider and Public Health Input for Vaccine Policy Decisions, Potential Extramural Project (PEP), 2007-R-04

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), the Centers for Disease Control and Prevention (CDC) announces the aforementioned meeting.

Time and Date: 12 p.m.-4 p.m., May 8, 2007 (Closed).

Place: Teleconference.

Status: The meeting will be closed to the public in accordance with provisions set forth in Section 552b(c)(4) and (6), Title 5 U.S.C., and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92-463.

Matters to be Discussed: The meeting will include the review, discussion, and evaluation of applications received in response to PEP 2007-R-04, "Provider and Public Health Input for Vaccine Policy Decisions."

Contact Person for More Information: Christine J. Morrison, PhD Scientific Review Administrator, Office of the Chief Science Officer, CDC, 1600 Clifton Road NE, Mailstop D-72, Atlanta, GA 30333, Telephone (404)639-3098.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both CDC and the Agency for Toxic Substances and Disease Registry.

Dated: March 26, 2007.

Elaine L. Baker,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. E7-6010 Filed 3-30-07; 8:45 am]

BILLING CODE 4163-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Evaluation of the Immune Response to a Modified Dosing Schedule of the Quadrivalent HPV Vaccine, Potential Extramural Project (PEP) 2007–R–03

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the aforementioned meeting.

Time and Date: 12 p.m.–4 p.m., May 17, 2007 (Closed).

Place: Teleconference.

Status: The meeting will be closed to the public in accordance with provisions set forth in Section 552b(c)(4) and (6), Title 5 U.S.C., and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92–463.

Matters To Be Discussed: The meeting will include the review, discussion, and evaluation of “The Immune Response to a Modified Dosing Schedule of the Quadrivalent HPV Vaccine,” PEP 2007–R–03.

Contact Person for More Information: Christine J. Morrison, PhD, Scientific Review Administrator, Office of the Chief Science Officer, CDC, 1600 Clifton Road NE, Mailstop D–72, Atlanta, GA 30333, Telephone (404) 639–3098.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both CDC and the Agency for Toxic Substances and Disease Registry.

Dated: March 26, 2007.

Elaine L. Baker,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. E7–6036 Filed 3–30–07; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention (CDC)

Meetings of the Advisory Committee for Injury Prevention and Control (ACIPC), and Its Subcommittee, the Science and Program Review Subcommittee (SPRS or the Subcommittee)

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention announces the

following meetings of the aforementioned subcommittee and committee.

Name: Science and Program Review Subcommittee.

Times and Date:

10:30 a.m.–10:45 a.m., April 30, 2007 (Open).
10:45 a.m.–2 p.m., April 30, 2007 (Closed).

Place: Koger Center, Vanderbilt Building, Room 1004 A/B, 2939 Flowers Road, South, Atlanta, GA 30341.

Purpose: The SPRS provides advice on the needs, structure, progress and performance of programs of the National Center for Injury Prevention and Control (NCIPC).

Matters to be Discussed: The subcommittee will meet April 30, 2007, to provide a secondary review of, discuss, and evaluate grant applications and cooperative agreements received in response to three Request for Applications (RFAs) related to the following individual research grant and cooperative agreement applications: 07001, Grants for Injury Control Research Centers; 07009, Dissertation Grant Awards for Doctoral Candidates for Violence-Related Injury Prevention Research in Minority Communities; and 07010, Research for Preventing Violence-Related Injury. In addition, the ACIPC will meet via teleconference on April 30, 2007, to vote on the recommendations of the SPRS regarding the RFAs.

Agenda items are subject to change as priorities dictate.

Name: Advisory Committee for Injury Prevention and Control.

Times and Date:

3 p.m.–3:15 p.m., April 30, 2007 (Open).
3:15 p.m.–4:30 p.m., April 30, 2007 (Closed).

Place: Koger Center, Vanderbilt Building, Room 1004 A/B, 2939.

Purpose: The committee advises and makes recommendations to the Secretary, Department of Health and Human Services, the Director, CDC, and the Director, NCIPC, regarding feasible goals for the prevention and control of injury. The committee makes recommendations regarding policies, strategies, objectives, and priorities, and reviews progress toward injury prevention and control.

Matters to be Discussed: Agenda items for the open portion include the call to order and introductions and request for public comments. Beginning at 3:15 p.m., April 30, 2007, through 4:30 p.m., during the closed portion, the Committee will vote on the results of the secondary review. This portion of the meeting will be closed to the public in accordance with the provisions set forth in section 552b(c)(4) and (b), title 5 U.S.C., and the Determination of the Acting Director, Management Analysis and Services Office, CDC pursuant to Pub. L. 92–463.

Agenda items are subject to change as priorities dictate.

Contact Person for More Information: Ms. Amy Harris, Executive Secretary, ACIPC, NCIPC, CDC, 4770 Buford Highway, NE., M/S K61, Atlanta, Georgia 30341–3724, telephone (770) 488–4936.

The Director, Management Analysis and Services Office, has been delegated the

authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both CDC and the Agency for Toxic Substances and Disease Registry.

Dated: March 26, 2007.

Elaine L. Baker,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. E7–6037 Filed 3–30–07; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Mine Safety and Health Research Advisory Committee

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the following meeting of the aforementioned committee.

Times and Dates:

8:45 a.m.–5:15 p.m., May 2, 2007.

8:30 a.m.–12:15 p.m., May 3, 2007.

Place: Pittsburgh Airport Marriott, 777 Aten Road, Coraopolis, PA, 15108, telephone (412) 788–8800, fax (412) 788–6299.

Status: Open to the public, limited only by the space available. The meeting room accommodates approximately 50 people.

Purpose: This committee is charged with providing advice to the Secretary, Department of Health and Human Services; the Director, CDC; and the Director, National Institute for Occupational Safety and Health (NIOSH), on priorities in mine safety and health research, including grants and contracts for such research, 30 U.S.C. 812(b)(2), Section 102(b)(2).

Matters to be Discussed: The meeting will focus on Communications and Tracking, update on Refuge Chamber Activities, Mine Seals Research, other Research Projects Related to Disaster Prevention and Response and Behavioral Research on Mine Escape. The agenda will also include an update report from the Associate Director for Mining.

Agenda items are subject to change as priorities dictate.

Contact Person for More Information: Jeffery L. Kohler, PhD, Executive Secretary, MSHRAC, NIOSH, CDC, 626 Cochran Mill Road, telephone (412) 386–5301, fax (412) 386–5300.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: March 26, 2007.

Elaine L. Baker,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. E7-6008 Filed 3-30-07; 8:45 am]

BILLING CODE 4163-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Board of Scientific Counselors, National Center for Health Statistics

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), the Centers for Disease Control and Prevention (CDC), National Center for Health Statistics (NCHS) announces the following meeting of the aforementioned committee.

Times and Dates: 2 p.m.–5:30 p.m., April 26, 2007. 8:30 a.m.–2 p.m., April 27, 2007.

Place: NCHS Headquarters, 3311 Toledo Road, Hyattsville, Maryland 20782.

Status: Open to the public, and limited only to the space available. The meeting room accommodates approximately 100 people.

Purpose: This committee is charged with providing advice and making recommendations to the Secretary, Department of Health and Human Services; the Director, CDC; and the Director, NCHS, regarding the scientific and technical program goals and objectives, strategies, and priorities of NCHS.

Matters to be Discussed: The agenda will include welcome remarks by the Director, NCHS; introduction of members and key NCHS staff; scientific presentations and discussions; continued discussion of the review of the natality program; discussion of upcoming program reviews and an open session for comments from the public.

Requests to make oral presentations should be submitted in writing to the contact person listed below. All requests must contain the name, address, telephone number, and organizational affiliation of the presenter.

Written comments should not exceed five single-spaced typed pages in length and must be received by April 13, 2007.

The agenda items are subject to change as priorities dictate.

Contact Person For More Information: Virginia S. Cain, Ph.D., Director of Extramural Research, NCHS/CDC, 3311 Toledo Road, Room 7211, Hyattsville, Maryland 20782, telephone (301) 458-4500, fax (301) 458-4020.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities for both CDC and the Agency for Toxic Substances and Disease Registry.

Dated: March 26, 2007.

Elaine L. Baker,

Acting Director, Management Analysis and Services Office Centers for Disease Control and Prevention.

[FR Doc. E7-6022 Filed 3-30-07; 8:45 am]

BILLING CODE 4163-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 2005E-0245]

Determination of Regulatory Review Period for Purposes of Patent Extension; KEPIVANCE

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined the regulatory review period for KEPIVANCE and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Director of Patents and Trademarks, Department of Commerce, for the extension of a patent which claims that human biological product.

ADDRESSES: Submit written comments and petitions to the Division of Dockets Management (HFA-305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Submit electronic comments to <http://www.fda.gov/dockets/ecomments>.

FOR FURTHER INFORMATION CONTACT: Beverly Friedman, Office of Regulatory Policy (HFD-7), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-594-2041.

SUPPLEMENTARY INFORMATION: The Drug Price Competition and Patent Term Restoration Act of 1984 (Public Law 98-417) and the Generic Animal Drug and Patent Term Restoration Act (Public Law 100-670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For human biological products, the testing phase

begins when the exemption to permit the clinical investigations of the human biological product becomes effective and runs until the approval phase begins. The approval phase starts with the initial complete submission of an application to market the human biological product and continues until FDA grants permission to market the drug product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Director of Patents and Trademarks may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human biological product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA recently approved for marketing the human biological product KEPIVANCE (palifermin). KEPIVANCE is indicated to decrease the incidence and duration of severe oral mucositis in patients with hematologic malignancies receiving myelotoxic therapy requiring hematopoietic stem cell support. Subsequent to this approval, the Patent and Trademark Office received a patent term restoration application for KEPIVANCE (U.S. Patent No. 5,677,278) from Chiron Corp., and the Patent and Trademark Office requested FDA's assistance in determining this patent's eligibility for patent term restoration. In a letter dated June 14, 2006, FDA advised the Patent and Trademark Office that this human biological product had undergone a regulatory review period and that the approval of KEPIVANCE represented the first permitted commercial marketing or use of the product. Shortly thereafter, the Patent and Trademark Office requested that FDA determine the product's regulatory review period.

FDA has determined that the applicable regulatory review period for KEPIVANCE is 3,303 days. Of this time, 3,119 days occurred during the testing phase of the regulatory review period, while 184 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 355(i)) became effective:* December 2, 1995. FDA has verified the applicant's claim that the date the investigational new drug application became effective was on December 2, 1995.

2. *The date the application was initially submitted with respect to the human biological product under section*

505(b) of the act: June 15, 2004. The applicant claims May 14, 2004, as the date the biologics license application (BLA) for KEPIVANCE (BLA 125103) was initially submitted. However, FDA records indicate that the final reviewable unit of BLA 125103 was submitted on June 15, 2004.

3. *The date the application was approved*: December 15, 2004. FDA has verified the applicant's claim that BLA 125103 was approved on December 15, 2004.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the U.S. Patent and Trademark Office applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 1,417 days of patent term extension.

Anyone with knowledge that any of the dates as published are incorrect may submit to the Division of Dockets Management (see **ADDRESSES**) written or electronic comments and ask for a redetermination by June 1, 2007. Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period by October 1, 2007. To meet its burden, the petition must contain sufficient facts to merit an FDA investigation. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Comments and petitions should be submitted to the Division of Dockets Management. Three copies of any mailed information are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document.

Comments and petitions may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

Dated: February 26, 2007.

Jane A. Axelrad,

Associate Director for Policy, Center for Drug Evaluation and Research.

[FR Doc. E7–6053 Filed 3–30–07; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 2003E–0256]

Determination of Regulatory Review Period for Purposes of Patent Extension; RANEXA

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined the regulatory review period for RANEXA and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Director of Patents and Trademarks, Department of Commerce, for the extension of a patent which claims that human drug product.

ADDRESSES: Submit written comments and petitions to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Submit electronic comments to <http://www.fda.gov/dockets/ecomments>.

FOR FURTHER INFORMATION CONTACT: Beverly Friedman, Office of Regulatory Policy (HFD–7), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–594–2041.

SUPPLEMENTARY INFORMATION: The Drug Price Competition and Patent Term Restoration Act of 1984 (Public Law 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Public Law 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For human drug products, the testing phase begins when the exemption to permit the clinical investigations of the human drug product becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human drug product and continues until FDA grants permission to market the drug product. Although only a portion of a regulatory review period

may count toward the actual amount of extension that the Director of Patents and Trademarks may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA recently approved for marketing the human drug product RANEXA (ranolazine). RANEXA is indicated for treatment of chronic angina. Subsequent to this approval, the Patent and Trademark Office received a patent term restoration application for RANEXA (U.S. Patent No. 4,567,264) from Roche Palo Alto, L.L.C., and the Patent and Trademark Office requested FDA's assistance in determining this patent's eligibility for patent term restoration. In a letter dated September 5, 2006, FDA advised the Patent and Trademark Office that this human drug product had undergone a regulatory review period and that the approval of RANEXA represented the first permitted commercial marketing or use of the product. Shortly thereafter, the Patent and Trademark Office requested that FDA determine the product's regulatory review period.

FDA has determined that the applicable regulatory review period for RANEXA is 6,770 days. Of this time, 5,645 days occurred during the testing phase of the regulatory review period, while 1,125 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 355(i)) became effective*: July 18, 1987. The applicant claims July 10, 1987, as the date the investigational new drug application (IND) became effective. However, FDA records indicate that the IND effective date was July 18, 1987, which was 30 days after FDA receipt of the IND.

2. *The date the application was initially submitted with respect to the human drug product under section 505(b) of the act*: December 30, 2002. FDA has verified the applicant's claim that the new drug application (NDA) for RANEXA (NDA 21–526) was initially submitted on December 30, 2002.

3. *The date the application was approved*: January 27, 2006. FDA has verified the applicant's claim that NDA 21–526 was approved on January 27, 2006.

This determination of the regulatory review period establishes the maximum potential length of a patent extension.

However, the U.S. Patent and Trademark Office applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 5 years of patent term extension.

Anyone with knowledge that any of the dates as published are incorrect may submit to the Division of Dockets Management (see **ADDRESSES**) written or electronic comments and ask for a redetermination by June 1, 2007. Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period by October 1, 2007. To meet its burden, the petition must contain sufficient facts to merit an FDA investigation. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Comments and petitions should be submitted to the Division of Dockets Management. Three copies of any mailed information are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Comments and petitions may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 12, 2007.

Jane A. Axelrad,

Associate Director for Policy, Center for Drug Evaluation and Research.

[FR Doc. E7–6061 Filed 3–30–07; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

The 10th Annual Food and Drug Administration-Orange County Regulatory Affairs Educational Conference

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of meeting.

The Food and Drug Administration (FDA) is announcing the following conference: 10th Annual Educational Conference co-sponsored with the Orange County Regulatory Affairs Discussion Group (OCRA). The conference is intended to provide the Drug, Device, and Biologics industries with an opportunity to interact with FDA reviewers and compliance officers from the Centers and District Offices, as

well as other industry experts. The main focus of this interactive conference will be product approval, compliance, and risk management in the three medical product areas. Industry speakers, interactive questions and answers, and workshop sessions will also be included to assure open exchange and dialogue on the relevant regulatory issues.

Date and Time: The conference will be held on June 11 and 12, 2007, from 7:30 a.m. to 5 p.m.

Location: The conference will be held at the Irvine Marriott, 18000 Von Karman Ave., Irvine, CA 92612.

Contact: Linda Hartley, Food and Drug Administration, 19701 Fairchild, Irvine, CA 92612, 949–608–4413, FAX: 949–608–4417, or OCRA, Attention to Detail (ATD), 5319 University Dr., suite 641, Irvine, CA 92612, 949–387–9046, FAX: 949–387–9047, Web site: www.ocra-dg.org.

Registration and Meeting Information: See OCRA Web site, www.ocra-dg.org. Contact ATD at 949–387–9046.

Before May 11, 2007, registrations fees are as follows: \$575.00 for members, \$625.00 for non-members and \$400.00 for FDA/Govt/Students. After May 11, 2007, \$625.00 for members, \$725.00 for non-members, and \$400.00 for FDA/Govt/Students.

OCRA student rate applies to those individuals enrolled in a Regulatory or Quality related academic program at an accredited institution. Proof of enrollment required.

The registration fee will cover actual expenses including refreshments, lunch, materials, parking and speaker expenses. If you need special accommodations due to a disability, please contact Linda Hartley at least 10 days in advance.

Dated: March 26, 2007.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. E7–6052 Filed 3–30–07; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 2007N–0114]

Electronic Distribution of Prescribing Information for Prescription Drug Products; Public Hearing; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public hearing; request for comments.

SUMMARY: The Food and Drug Administration (FDA) is announcing a public hearing to solicit views and information from interested parties concerning the concept of electronic distribution of FDA-approved prescribing information currently contained in the package insert (or PIs) for human prescription drug and biological products. In particular, FDA is seeking views and information on the feasibility of establishing a modern and efficient process for industry to electronically distribute prescribing information to dispensers. We are seeking input on a number of questions regarding the current use of package inserts and those logistical issues associated with electronic distribution of such prescribing information.

DATES: *Public Hearing:* The public hearing will be held on April 27, 2007, from 9 a.m. to 5 p.m. However, depending on the level of public participation, the public hearing may be extended later or may end early. If you need special accommodations due to a disability, please contact Erik Mettler (see **FOR FURTHER INFORMATION CONTACT**) by April 20, 2007.

Registration: Seating at the public hearing is limited. Registration is free and will be on a first-come, first-serve basis. Persons interested in attending the public hearing should register by close of business on April 20, 2007.

Notice of Oral Presentation: Persons interested in presenting responses to the questions should submit a notice of oral presentation by close of business on April 17, 2007. See section I of this document for information on how to participate in the public hearing.

Comments: Submit written or electronic comments by June 22, 2007.

ADDRESSES: *Public Hearing:* The public hearing will be held at 5600 Fishers Lane, third Fl., conference rooms D & E, Rockville, MD 20857.

Registration: Submit written registration to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Submit electronic registration to <http://www.accessdata.fda.gov/scripts/oc/dockets/meetings/meetingdocket.cfm>.

Notice of Oral Presentation and Comments: Submit written notices of oral presentation and comments to the Division of Dockets Management (see previous paragraph). Submit electronic notices of oral presentation and comments to <http://www.accessdata.fda.gov/scripts/oc/dockets/comments/commentdocket.cfm>. Identify all submissions to the docket with the docket number found in

brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Erik Mettler, Office of Policy (HF-11), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-827-3360, Erik.Mettler@fda.hhs.gov.

SUPPLEMENTARY INFORMATION:

I. How to Participate in the Public Hearing

The procedures governing the hearing are set forth in part 15 (21 CFR part 15) of FDA's regulations. If you wish to make an oral presentation during the hearing, you must submit a written notice of oral presentation with the Division of Dockets Management (see **ADDRESSES**) by April 13, 2007. In the written notice, submit your name, title, business affiliation, address, telephone number, fax number, and e-mail address. You should also submit a written statement for each discussion topic in section IV of this document that you intend to address, or other pertinent information related to the topic in your presentation, the names and addresses of all individuals that plan to participate, and the approximate time requested for your presentation. We encourage individuals and organizations with common interests to consolidate or coordinate their presentations to allow adequate time for each request for presentation. Participants should submit to the docket a copy of each presentation.

We will file the hearing schedule indicating the order of presentation and the time allotted to each person with the Division of Dockets Management (see **ADDRESSES**). We will also mail or telephone the schedule to each participant before the hearing. In anticipation of the hearing presentations moving ahead of schedule, participants are encouraged to arrive early to ensure their designated order of presentation. Participants who are not present when called, risk forfeiting their scheduled time.

II. Background

The PIs with prescribing information accompany prescription drugs to meet the requirement that "labeling on or within the package from which the drug is to be dispensed bears adequate information for its use * * * ." (21 CFR 201.100(c)(1). FDA approves the prescribing information as part of the drug's labeling in the drug application. Currently, the PI containing the prescribing information for the safe and effective use of the product is a paper leaflet. PIs are used in numerous ways by various healthcare entities, including

pharmacies that receive and dispense the drug, and provide important drug information for the safe and effective use of the product. Such information includes, among other things, indications, adverse events, warnings and precautions, and dosing instructions. Although the information in the PI is a valuable resource, it is often not readily accessible when a healthcare provider who has not physically received the drug makes a treatment decision or discusses treatments with a patient. Additionally, the PI may not contain the most current information, because the PI accompanying the drug's distribution may have been printed and distributed prior to more recent labeling changes. As the healthcare system advances into the 21st century, we are considering how dissemination of the prescribing information contained in the PI can take advantage of technological advances in the electronic transmission of information.

III. Purpose and Scope of the Hearing

The purpose of the public hearing is to gain a better understanding of how the prescribing information in a PI is currently used by healthcare entities and what the information needs are as we consider new approaches to disseminating labeling information. We are also interested in getting a better understanding of the logistical processes that are currently in place or that might need to be established in order to electronically disseminate the prescribing information, including the costs of these efforts.

In particular, we would like to hear from manufacturers of drug and biological products, pharmacists and pharmacies, other healthcare providers, wholesalers, consumers, and information providers.

IV. Issues for Discussion

To help achieve the objectives discussed in section III of this document, we are specifically interested in hearing comments on the following questions and any other pertinent information related to the electronic distribution of the prescribing information.

A. General

(1) Currently, who uses, and benefits from the prescribing information?

(2) How can electronic distribution and access of the prescribing information be accomplished?

(3) Would electronic distribution and access of the prescribing information improve the public health?

(4) Would electronic distribution and access of prescribing information improve prescribing habits? If so, how?

(5) How might we ensure that changes in the distribution and access of the prescribing information will not negatively affect the current users?

(6) Would an increase in electronic access to prescribing information affect prescribers, pharmacists, and patients? If so, how?

B. Logistics

(1) Generally and without focusing on vendor-specific methods, how can electronic distribution of prescribing information be accomplished?

(2) What are the costs associated with the successful implementation of electronic distribution and access to prescribing information, including start-up and maintenance expenses? Please breakdown costs per healthcare sector.

(3) Is the technology and infrastructure currently available to accomplish electronic distribution and access? If so, what is available? If not, what is needed?

(4) What are other potential barriers to accomplishing the electronic prescribing information?

(5) How can we ensure that electronic prescribing information is accessible to those who need the information?

(6) How do we meet the needs of those who do not have electronic capability?

(7) In case of emergency or when a computer system is down, what might be the backup?

(8) How should electronically disseminated prescribing information be regularly updated and remain current?

(9) What are the roles for the involved parties (manufacturers, third-parties, health professionals, FDA, and consumers)?

(10) Should all products have electronic prescribing information or are there some products or classes of products that should continue to have a paper prescribing information accompany the product?

(11) If electronic prescribing information were to be used instead of paper inserts, then how should electronic prescribing information be implemented? Should electronic prescribing information be phased in? If so, over what time period? Which products should use electronic prescribing information first?

V. Notice of Hearing Under Part 15

The Commissioner of Food and Drugs is announcing that the public hearing will be held in accordance with part 15. The hearing will be conducted by a presiding officer, who will be

accompanied by FDA senior management from the Office of the Commissioner, the Office of Policy and Planning, the Office of the Chief Counsel, the Center for Drug Evaluation and Research, and the Center for Biologics Evaluation and Research.

Persons who wish to participate in the part 15 hearing must file a written or electronic notice of oral presentation with the Division of Dockets Management (see **ADDRESSES** and **DATES**). To ensure timely handling of written submissions, any outer envelope should be clearly marked with the docket number found in brackets in the heading of this document, along with the statement "Electronic Distribution of Package Inserts for Prescription Drug Products." Requests to make an oral presentation should contain the potential presenter's name and title; address; telephone and fax number; e-mail address; affiliation, if any; the sponsor of the presentation (e.g., the organization paying travel expenses or fees), if any; and a brief summary of the presentation (including the discussion topic(s) that will be addressed).

Under § 15.30(f), the hearing is informal, and the rules of evidence do not apply. No participant may interrupt the presentation of another participant. Only the presiding officer and panel members may question any person during or at the conclusion of each presentation.

Public hearings under part 15 are subject to FDA's policy and procedures for electronic media coverage of FDA's public administrative proceedings (part 10 (21 CFR part 10, subpart C)). Under § 10.205, representatives of the electronic media may be permitted, subject to certain limitations, to videotape, film, or otherwise record FDA's public administrative proceedings, including presentations by participants.

To the extent that the conditions for the hearing, as described in this document, conflict with any provisions set out in part 15, this document acts as a waiver of those provisions as specified in § 15.30(h).

VI. Requests for Comments

Interested persons may submit to the Division of Dockets Management (see **ADDRESSES**) written or electronic notices of oral presentation and comments for consideration. To permit time for all interested persons to submit data, information, or views on this subject, the administrative record of the hearing will remain open until June 22, 2007. Persons who wish to provide additional materials for consideration should file

these materials with the Division of Dockets Management (see **ADDRESSES**). You should annotate and organize your comments to identify the specific questions identified by topic to which they refer (see section IV of this document). Two paper copies of any mailed comments are to be submitted, except that individuals may submit one paper copy. Comments are to be identified with the docket number at the heading of this document. Received comments may be seen in Division of Dockets Management (see **ADDRESSES**) between 9 a.m. and 4 p.m., Monday through Friday.

VII. Transcripts

The hearing will be transcribed as stipulated in § 15.30(b). Transcripts of the hearing will be available for review at the Division of Dockets Management (see **ADDRESSES**) and on the Internet at <http://www.fda.gov/ohrms/dockets> approximately 21 days after the hearing. You may place orders for copies of the transcript through the Freedom of Information Office (HFI-35), Food and Drug Administration, 5600 Fishers lane, rm. 6-30, Rockville, MD 20857, at a cost of 10 cents per page.

Dated: March 27, 2007.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. 07-1604 Filed 3-28-07; 1:02 pm]

BILLING CODE 4160-01-S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Proposed Collection; Comment Request; Health Information National Trends Survey 2007 (HINTS 2007)

Summary: In compliance with the requirement of Section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, for opportunity for public comment on proposed data collection projects, the National Cancer Institute (NCI), the National Institutes of Health (NIH) request a review and approval of the information listed below. The proposed information collection was previously published in the **Federal Register** on October 26, 2006 on page 62597 and allowed 60 days for public comment. One public comment was received. The purpose of this notice is to allow an additional 30 days for public comment. The National Institutes of Health may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised or implemented

on or after October 1, 1995 unless it displays a currently valid OMB control number.

Proposed Collection: Title: Health Information National Trends Survey 2007 (HINTS 2007). **Type of Information Collection Request:** NEW. **Need and Use of Information Collection:** Building on the first two rounds of HINTS data collection (HINTS 2003: OMB #0925-0507, Exp. Date: 8/31/03; and HINTS 2005: OMB # 0925-0538, Exp. Date 11/30/2007), HINTS 2007 will continue to provide NCI with a comprehensive assessment of the American public's current access to, and use of, information about cancer, including cancer prevention, early detection, diagnosis, treatment, and prognosis. The content of the survey will focus on understanding the degree to which members of the general population understand vital cancer prevention messages. More importantly, this NCI survey will couple knowledge-related questions with inquiries into the communication channels through which understanding is being obtained. HINTS is intended to be the foundation of NCI's effort to build on the opportunities presented by a national shift in communication context (for example, the increase in information available on the Internet and the use of email as a method of communication), and by so doing, improve the nation's ability to reduce the national cancer burden. Data will be used (1) to understand individuals sources of and access to cancer-related information; (2) to measure progress in improving cancer knowledge and communication to the general public; (3) to develop appropriate messages for the public about cancer prevention, detection, diagnosis, treatment, and survivorship; and (4) to identify research gaps and guide decisions about NCI's research efforts in health promotion and health communication. **Frequency of Response:** One time. **Affected Public:** Individuals. **Type of Respondents:** U.S. Adults. The annual reporting burden is as follows: **Estimated Number of Respondents:** 11,670; **Estimated Number of Responses per Respondent:** 1.36; **Average Burden Hours per Response:** .24; and **Estimated Total Annual Burden Hours Requested:** 3,739. The annualized cost to respondents is estimated at: \$59,824. There are no Capital Costs to report. There are no Operating or Maintenance Costs to report.

Type of respondent	Estimated number of respondents	Frequency of response	Estimated number of responses	Average hours per response	Annual hour burden	Respondent cost**
Pilot RDD screener only	133	1	133	.0833	11	\$176
Pilot RDD screener and interview	200	2	400	*.2500	100	1,600
Additional RDD screeners for advance materials test	450	1	450	.0833	37	592
Pilot mail survey	640	1	640	.3333	213	3,408
RDD screener only	2,333	1	2,333	.0833	194	3,104
RDD screener and interview	3,500	2	7,000	*.2500	1,750	28,000
Mail survey	3,500	1	3,500	.3333	1,167	18,672
Telephone screener only for mail followup	457	1	457	.0833	38	608
Telephone screener and interview for mail followup	457	2	914	*.2500	229	3,664
Total	11,670		15,827		3,739	59,824

*(0.833 + 0.4167) / 2 = 0.2500.

** Hourly wage rate = \$16.00.

Request For Comments: Written comments and/or suggestions from the public and affected agencies are invited on one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Direct Comments To OMB: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding estimated public burden and associated response time, should be directed to the: Office of Management and Budget, Office of Regulatory Affairs, New Executive Office Building, Room 10235, Washington, DC 20503, *Attention:* Desk Office for NIH. To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact Bradford W. Hesse, PhD, Project Officer, National Cancer Institute, NIH, EPN 4068, 6130 Executive Boulevard MSC 7365, Bethesda, Maryland 20892-7365, or call non-toll-free number 301-594-9904, or FAX your request to 301-480-2198, or E-mail your request, including your address, to heseb@mail.nih.gov.

Comments Due Date: Comments regarding this information collection are best assured of having their full effect if

received within 30-days of the date of this publication.

Dated: March 23, 2007.

Rachelle Ragland-Greene,

NCI Project Clearance Liaison, National Institutes of Health.

[FR Doc. E7-6064 Filed 3-30-07; 8:45 am]

BILLING CODE 4140-01-P

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.

High-Level Expression and Purification of Untagged and Histidine-Tagged Human Immunodeficiency Virus type-1 (HIV-1) Reverse Transcriptase

Description of Technology: This invention includes plasmids and protocols to express and purify large quantities of histidine-tagged and untagged HIV-1 reverse transcriptase (RT). Conditions have been optimized for overexpression and purification of p66 and p51 heterodimer RT in *E. coli*. High-level of expression was reached as RT represented approximately 30%–40% of total cell proteins. The subject invention enables the purification of large quantities of heterodimer RT necessary for structural and kinetic studies and facilitates subunit-specific amino acid alterations essential for structure/function investigations.

Applications: Research Tool.

Development Status: In vitro data available.

Inventors: Samuel H. Wilson, Rajendra Prasad, Esther W. Hou (NIEHS).

Related Publication: EW Hou, R Prasad, WA Beard, SH Wilson. High-level expression and purification of untagged and histidine-tagged HIV-1 reverse transcriptase. *Protein Expr Purif.* 2004 Mar;34(1):75–86.

Patent Status: HHS Reference No. E-141-2007/0—Research Tool.

Licensing Status: Available for non-exclusive licensing as biological material and research tool.

Licensing Contact: Sally Hu, PhD; 301/435-5606; HuS@mail.nih.gov.

Methods of Determining the Prognosis of an Adenocarcinoma

Description of Technology: Available for licensing and commercial development is a novel method for determining the prognosis of a subject with adenocarcinoma in an organ, such

as the lung, and to aid in the selection of a specific therapeutic regimen. Lung adenocarcinoma (AC) is the predominant histological subtype of lung cancer, which is the leading cause of cancer deaths worldwide. The risk of metastasis remains substantial in AC patients, even when a curative resection of early-stage AC is performed. The prognosis includes the determination of the likelihood of survival, the likelihood of metastasis, or both. The method includes quantization of the expression of a plurality of Th1 and Th2 cytokines of interest in the adenocarcinoma and in non-cancerous tissue in the organ. Altered expression of one or more of the Th1 and Th2 cytokines in the adenocarcinoma as compared to the non-cancerous tissue determines the prognosis for the subject. The method is capable of distinguishing patients with lymph node metastasis versus those with short term survival. Furthermore, methods are provided for evaluating the effectiveness of anti-cancer agents.

Applications: Prognosis of adenocarcinoma, aid in the selection of specific therapeutic regimens and evaluation of the effectiveness of anti-cancer agents.

Development Status: The technology is in early stage of development.

Inventors: Curtis C. Harris, Masahiro Seike, Xin Wei Wang (NCI).

Patent Status:

1. U.S. Provisional Application No. 60/830,936 filed 14 Jul 2006 (HHS Reference No. E-263-2006/0-US-01).

2. U.S. Provisional Application No. 60/885,101 filed 17 Jan 2007 (HHS Reference No. E-085-2007/0-US-01).

Licensing Status: Available for non-exclusive or exclusive licensing.

Licensing Contact: Cristina Thallhammer-Reyero, PhD, M.B.A.; 301/435-4507; thallhamc@mail.nih.gov.

Codon Optimized Genes for Subunit Vaccines

Description of Technology: Available for licensing from the NIH are gene constructs that express immunogenic proteins based on viral genes that have been optimized for expression in mammalian cells. Using vaccine vectors expressing respiratory syncytial virus (RSV) proteins from the optimized genes, this technology was shown to result in a potent RSV-specific cellular immune responses with favorable phenotypic patterns. Such optimized genes could be essential for development of an effective RSV subunit vaccine. Further, this optimization could have possible application to gene-based vectors for other viral vaccines.

Potential Applications of Technology: Vaccines; Improved protein expression.

Inventors: Barney S. Graham and Teresa R. Johnson (VRC/NIAID).

Patent Status: U.S. Provisional Application No. 60/872,071 filed 30 Nov 2006 (HHS Reference No. E-326-2006/0-US-01).

Licensing Status: Available for non-exclusive or exclusive licensing.

Licensing Contact: Susan Ano, PhD; 301/435-5515; anos@mail.nih.gov.

Dual Expression Vector for DNA Vaccines

Description of Technology: Available for licensing from the NIH is an expression vector for improved DNA vaccines. Activation of co-stimulatory molecules (e.g. signaling molecules, cytokines, chemokines) and the timing of the activation are important for adaptive immune response. This technology describes a new vector that expresses an antigen and a co-stimulatory molecule, the latter after a delay to allow accumulation of the antigen. It is known that in some circumstances an optimal immune response is achieved by administration of a co-stimulatory molecule after antigen delivery. The subject technology improves upon the existing concept by providing a vector for accomplishing this optimization in a single step. Exemplary animal studies have shown that the delayed expression of some co-stimulatory molecules in important signaling pathways resulted in enhancement of the cellular and/or humoral immune responses using HIV Env as a representative antigen.

Potential Applications: Improved DNA vaccines.

Inventors: Gary J. Nabel and Wataru Akahata (VRC/NIAID).

Patent Status: 1. U.S. Provisional Application No. 60/737,896 filed 18 Nov 2005 (HHS Reference No. E-043-2006/0-US-01).

2. PCT Application No. PCT/US2006/044552 filed 20 Nov 2006 (HHS Reference No. E-043-2006/2-PCT-01).

Licensing Status: Available for non-exclusive or exclusive licensing.

Licensing Contact: Susan Ano, PhD; 301/435-5515; anos@mail.nih.gov.

Methods and Systems for Efficient Analysis and Microdissection of Intact Biological Specimens

Description of Technology: Efficient and accurate analysis of intact biological specimens is needed to provide information related to a broad range of pathologies as well as normal physiological states. The available technology includes novel systems, methods, and platforms for selective

analysis of biological material such as whole cells, tissues and tumors. This platform may be used to identify and independently characterize specific components, such as cells, proteins, nucleic acids or other molecules that make-up the specimen.

The methods include placing the sample of interest on a surface such as a membrane, and activating the surface at selected sites adjacent to the section of interest. The activated sites become permeable and the cells or cell components adjacent to the permeable sites can then be selectively extracted and their content analyzed by standard biochemical procedures. In addition, the extract may be applied to microarray devices, such as cDNA arrays, for analysis of gene expression etc. The technique presents a convenient alternative to existing methods of tissue microdissection. For further convenience, the technique can be directly combined with a variety of analytical devices such as ELISAs, microarray biochips, or other devices which include multiple regions carrying multiple capture molecules.

Applications: Analysis of biological specimens such as whole cell tissues and tumors; High throughput analysis of individual components of intact biological specimens.

Inventors: Michael R. Emmert-Buck (NCI), Chad R. Englert-Haldeman (NCI), Robert F. Bonner (NICHD), and Lance A. Liotta (NCI).

Patent Status: 1. Patent Cooperation Treaty Application No. PCT/US01/08095 filed 14 Mar 2001, which published as WO 02/10751 on 07 Feb 2002; claiming priority to 26 Jul 2000 (HHS Reference No. E-197-2000/0-PCT-02).

2. National Phase Applications in:

a. U.S., Serial No. 10/333,374 filed 10 Jul 2003 (HHS Reference No. E-197-2000/0-US-03).

b. Canada, Serial No. 2415864 filed 14 Mar 2001 (HHS Reference No. E-197-2000/0-CA-04).

c. Europe, Serial No. 01918647.0 filed 14 Mar 2001 (HHS Reference No. E-197-2000/0-EP-05).

Licensing Status: Availability for non-exclusive or exclusive licensing.

Licensing Contact: Susan Ano, PhD; 301/435-5515; anos@mail.nih.gov.

Dated: March 26, 2007.

Steven M. Ferguson,

Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institutes of Health.

[FR Doc. E7-6066 Filed 3-30-07; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following 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 Cancer Institute Special Emphasis Panel; Discovery and Development.

Date: June 6–7, 2007.

Time: 8 a.m. to 1 p.m.

Agenda: To review and evaluate grant applications.

Place: Marriott Bethesda North Hotel and Conf. Center, 5701 Marinelli Road, Rockville, MD 20852.

Contact Person: Peter J. Wirth, PhD, Scientific Review Administrator, Research Programs Review Branch, Division of Extramural Activities, National Cancer Institute, 6116 Executive Boulevard, Room 8131, Bethesda, MD 20892–8328, 301–496–7565, pw2q@nih.gov.

Name of Committee: National Cancer Institute Special Emphasis Panel; SPORE in Lymphoma, Prostate, Breast and Skin Cancers.

Date: June 11–12, 2007.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Carol Lyman, PhD, Scientific Review Administrator, Division of Extramural Activities, National Cancer Institute, National Institutes of Health, 6116 Executive Blvd., Room 8119, Bethesda, MD 20892–8328, 301–451–4761, lymanc@mail.nih.gov.

Name of Committee: National Cancer Institute Special Emphasis Panel; Application of Emerging Technologies for Cancer Research.

Date: June 27–28, 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: Marvin L. Salin, PhD, Scientific Review Administrator, National

Cancer Institute, Special Review and Logistics Branch, Division of Extramural Activities, 6116 Executive Boulevard, Room 7073, MSC8329, Bethesda, MD 20892–8329, 301–496–0694, msalin@mail.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: March 26, 2007.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–1612 Filed 3–30–07; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Environmental Health Sciences; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Environmental Health Sciences Special Emphasis Panel; Nanomaterials Initiative Review.

Date: May 14–17, 2007.

Time: 7 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott, 5151 Pooks Hill Road, Bethesda, MD 20814.

Contact Person: Sally Eckert-Tilotta, PhD, Scientific Review Administrator, National Inst. of Environmental Health Sciences, Office of Program Operations, Scientific Review Branch, P.O. Box 12233, Research Triangle Park, NC 27709, (919) 541–1446, eckert1@niehs.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.115, Biometry and Risk Estimation—Health Risks from Environmental Exposure; 93.142, NIEHS Hazardous Waste Worker Health and Safety

Training; 93.143, NIEHS Superfund Hazardous Substances—Basic Research and Education; 93.894, Resources and Manpower Development in the Environmental Health Sciences; 93.113, Biological Response to Environmental Health Hazards; 93.114, Applied Toxicological Research and Testing, National Institutes of Health, HHS)

Dated: March 26, 2007.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–1610 Filed 3–20–07; 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; DD90 Special Emphasis Panel (SEP).

Date: April 19, 2007.

Time: 11 a.m. to 1 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 5635 Fishers Lane, Conference Room 3146, Bethesda, MD 20892, (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, 301–442–3037, katrina@mail.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.271, Alcohol Research Career Development Awards for Scientists and Clinicians; 93.272, Alcohol National Research Service Awards for Research Training; 93.273, Alcohol Research Programs; 93.891, Alcohol Research Center Grants, National Institutes of Health, HHS)

Dated: March 26, 2007.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07-1611 Filed 3-20-07; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of General Medical Sciences Special Emphasis Panel; High-Accuracy Protein Structure Meeting.

Date: April 20, 2007.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott, 5151 Pooks Hill Road, Bethesda, MD 20814.

Contact Person: C Craig Hyde, PhD, Scientific Review Administrator, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, 45 Center Drive, Room 3AN18, MSC 6200, Bethesda, MD 20892, (301) 435-3825, hydec@nigms.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: March 26, 2007.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07-1613 Filed 3-30-07; 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; Innovative Therapies and Clinical Studies For Screenable Disorders.

Date: April 27, 2007.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Crowne Plaza Washington National Airport, 1489 Jefferson Davis Hwy., Arlington, VA 22202.

Contact Person: Norman Chang, PhD, Scientific Review Administrator, Division of Scientific Review, National Institute of Child Health and Human Development, NIH, 6100 Executive Blvd., Room 5B01, Bethesda, MD 20892, (301) 496-1486, changn@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: March 26, 2007.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07-1614 Filed 3-30-07; 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; Melanoma Application.

Date: April 9, 2007.

Time: 1 p.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Mary Bell, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6188, MSC 7804, Bethesda, MD 20892, 301-451-8754, bellmar@csr.nih.gov.

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, Neuropharmacology and Drug Discovery.

Date: April 10, 2007.

Time: 1 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Boris P. Sokolov, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5217A, MSC 7846, Bethesda, MD 20892, 301-435-1197, bsokolov@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: Immunology Integrated Review Group, Cellular and Molecular Immunology—B Study Section.

Date: May 31–June 1, 2007.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Betty Hayden, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4206, MSC 7812, Bethesda, MD 20892, 301-435-1223, haydenb@csr.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research; 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844,

93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: March 26, 2007.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–1615 Filed 3–30–07; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Statement of Organization, Functions, and Delegations of Authority

Part M of the Substance Abuse and Mental Health Services Administration (SAMHSA) Statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services at 71, Number 137, FR 40730–40731, July 18, 2006 is amended to reflect the new functional statements for the Center for Substance Abuse Treatment (CSAT), Division of Services Improvement (DSI), and the Division of State and Community Assistance (DSCA). The restructuring of DSI will ensure that all activities are consolidated within a structure reflective of current Agency priorities, such as health service systems development, program quality improvement, and targeted priority populations. The DSCA role and responsibility will be clarified and made much more relevant to today's performance management environment. This realignment of functions will have a positive impact on organizational effectiveness. The changes are as follows:

Section M.20, Functions is amended as follows:

The functional statements for the Center for Substance Abuse Treatment (MT), Division of Services Improvement (MTB), and the Division of State and Community Assistance (MTE) are replaced with the following:

Center for Substance Abuse Treatment (MT)

Division of Services Improvement (MTB)

(1) Develops, plans, implements, and monitors a national treatment capacity expansion and knowledge adoption program designed to improve treatment services for targeted populations served by both the specialty drug treatment system and other systems of care; (2) provides leadership and guidance to CSAT on strategies to improve the quality of drug treatment services delivered nationwide; (3) supports the

development and testing of substance abuse performance measures for public and private health plans; (4) collects, analyzes, and disseminates data and information pertaining to public and private financing and expenditures for treatment services; (5) assesses and responds to the identified needs for workforce development among substance abuse treatment and recovery support providers; (6) collaborates on the development of requests for applications and requests for contracts for the national treatment capacity expansion, knowledge adoption, quality and services improvement agenda; (7) monitors grants, cooperative agreements, contracts, interagency agreements, and memoranda of understanding for treatment capacity expansion, knowledge adoption, and quality and services improvement; (8) identifies the need for, develops, and provides technical assistance to grantees, other service providers and systems of care, and others on adoption of evidence-based practices to promote quality and services improvement, capacity expansion, and organization and financing of services; (9) establishes and maintains collaborative relationships with other Federal, State, and local governmental agencies, national organizations, and constituency groups; (10) maintains internal expertise and collaborates with national experts on the science-to-services agenda; and (11) develops funding levels for Division programs and activities.

Division of State and Community Systems Development (MTE)

(1) Administers the Substance Abuse Block Grant Program, including oversight and approval of Block Grant applications and maintenance of effort (MOE) issues; (2) administers the Substance Abuse Treatment National Outcome Measures (NOMs), negotiating quality improvement agreements with States; (3) monitors and ensures State compliance with legislative and regulatory provisions which apply to SAPTGB funds at State and provider levels; (4) provides guidance and technical assistance to States in preparation of State substance abuse plans; (5) conducts performance reviews of State agencies and treatment programs; (6) works closely with data and evaluation to assure proper reporting and data integrity; (7) administers the State Incentive Grant program for co-occurring disorders and the Targeted Capacity Expansion (TCE) grant program for co-occurring disorders and homelessness; (8) works collaboratively with the Division of Services Improvement on performance

measurement, GPRA, and HIPAA issues; and (9) serves as focus for State and local performance data analysis and development issues.

Delegations of Authority

All delegations and redelegations of authority to officers and employees of SAMHSA which were in effect immediately prior to the effective date of this reorganization shall continue to be in effect pending further redelegations, providing they are consistent with the reorganization.

These organizational changes are effective:

Dated: March 22, 2007.

Terry L. Cline,
Administrator.

[FR Doc. E7–6014 Filed 3–30–07; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice and request for comments.

SUMMARY: The Federal Emergency Management Agency (FEMA) has submitted the following information collection to the Office of Management and Budget (OMB) for review and clearance in accordance with the requirements of the Paperwork Reduction Act of 1995. The submission describes the nature of the information collection, the categories of respondents, the estimated burden (*i.e.*, the time, effort and resources used by respondents to respond) and cost, and includes the actual data collection instruments FEMA will use.

Title: National Fire Academy End of Course Evaluation Form.

OMB Number: 1660–0032.

Abstract: The National Fire Academy (NFA) is mandated under the Fire Prevention and Control Act of 1974 (Pub. L. 93–498) to provide training and education to the Nation's fire service and emergency service personnel. The NFA End of Course Evaluation Form is used to evaluate all traditional classroom based course deliveries. The data provided by students evaluating NFA courses are used to determine the need for course improvements and the degree of student satisfaction with the training experience. All on-campus

resident courses will use an online electronic form and all off-campus courses delivered at the state and local level will use a paper-based version of the form.

Affected Public: Individuals and households.

Number of Respondents: 14,000.

Estimated Time per Respondent: 0.25 hours.

Estimated Total Annual Time Burden: 3,500 hours.

Annual Frequency of Response: 1.

Comments: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management Budget, Attention: Nathan Lesser, Desk Officer, Department of Homeland Security/FEMA, and sent via electronic mail to oir_submission@omb.eop.gov or faxed to (202) 395-6974. Comments must be submitted on or before May 2, 2007.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be made to Chief, Records Management, FEMA, 500 C Street, SW., Room 609, Washington, DC 20472, facsimile number (202) 646-3347, or e-mail address FEMA-Information-Collections@dhs.gov.

Dated: March 27, 2007.

John A. Sharetts-Sullivan,

Chief, Records Management and Privacy, Information Resources Management Branch, Information Technology Services Division, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. E7-6073 Filed 3-30-07; 8:45 am]

BILLING CODE 9110-17-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA-1687-DR]

Alabama; Amendment No. 2 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Alabama (FEMA-1687-DR), dated March 3, 2007, and related determinations.

EFFECTIVE DATE: March 26, 2007.

FOR FURTHER INFORMATION CONTACT: Magda Ruiz, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-2705.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Alabama is hereby amended to include the following area among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of March 3, 2007: Jefferson County for Individual Assistance.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund Program; 97.032, Crisis Counseling; 97.033, Disaster Legal Services Program; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance; 97.048, Individuals and Households Housing; 97.049, Individuals and Households Disaster Housing Operations; 97.050, Individuals and Households Program—Other Needs; 97.036, Public Assistance Grants; 97.039, Hazard Mitigation Grant Program.)

R. David Paulison,

Under Secretary for Federal Emergency Management and Director of FEMA.

[FR Doc. E7-6075 Filed 3-30-07; 8:45 am]

BILLING CODE 9110-10-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA-1686-DR]

Georgia; Amendment No. 3 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Georgia (FEMA-1686-DR), dated March 3, 2007, and related determinations.

EFFECTIVE DATE: March 24, 2007.

FOR FURTHER INFORMATION CONTACT: Magda Ruiz, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-2705.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Georgia is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of March 3, 2007: Dougherty and Worth Counties for Individual Assistance.

Warren County for Individual Assistance (already designated for Public Assistance.)

Hancock County for Public Assistance.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund Program; 97.032, Crisis Counseling; 97.033, Disaster Legal Services Program; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance; 97.048, Individuals and Households Housing; 97.049, Individuals and Households Disaster Housing Operations; 97.050, Individuals and Households Program—Other Needs; 97.036, Public Assistance Grants; 97.039, Hazard Mitigation Grant Program.)

R. David Paulison,

Under Secretary for Federal Emergency Management and Director of FEMA.

[FR Doc. E7-6093 Filed 3-30-07; 8:45 am]

BILLING CODE 9110-10-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA-1688-DR]

Iowa; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Iowa (FEMA-1688-DR), dated March 14, 2007, and related determinations.

EFFECTIVE DATE: March 26, 2007.

FOR FURTHER INFORMATION CONTACT: Magda Ruiz, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-2705.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Iowa is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of March 14, 2007: Mahaska and Polk Counties for Public Assistance.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund Program; 97.032, Crisis Counseling; 97.033, Disaster Legal Services Program; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance; 97.048, Individuals and Households Housing; 97.049, Individuals and Households Disaster Housing Operations; 97.050, Individuals and Households Program—Other Needs; 97.036, Public

Assistance Grants; 97.039, Hazard Mitigation Grant Program.)

R. David Paulison,

Under Secretary for Federal Emergency Management and Director of FEMA.

[FR Doc. E7-6074 Filed 3-30-07; 8:45 am]

BILLING CODE 9110-10-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA-1684-DR]

Pennsylvania; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the Commonwealth of Pennsylvania (FEMA-1684-DR), dated February 23, 2007, and related determinations.

EFFECTIVE DATE: March 26, 2007.

FOR FURTHER INFORMATION CONTACT: Magda Ruiz, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-2705.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the Commonwealth of Pennsylvania is hereby amended to include the following area among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of February 23, 2007: Schuylkill County for Public Assistance.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund Program; 97.032, Crisis Counseling; 97.033, Disaster Legal Services Program; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance; 97.048, Individuals and Households Housing; 97.049, Individuals and Households Disaster Housing Operations; 97.050 Individuals and Households Program—Other Needs, 97.036, Public Assistance Grants; 97.039, Hazard Mitigation Grant Program.)

R. David Paulison,

Under Secretary for Federal Emergency Management and Director of FEMA.

[FR Doc. E7-6094 Filed 3-30-07; 8:45 am]

BILLING CODE 9110-10-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Availability of Final Comprehensive Conservation Plan and Environmental Assessment for the 39 North Dakota Limited-Interest National Wildlife Refuges

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability.

SUMMARY: The U.S. Fish and Wildlife Service (Service) announces that a Comprehensive Conservation Plan (CCP) for the 39 North Dakota Limited-interest National Wildlife Refuges is available. This CCP, prepared pursuant to the National Wildlife Refuge System Improvement Act of 1997 and the National Environmental Policy Act of 1969, describes how the Service intends to manage these 39 Refuges for the next 15 years.

ADDRESSES: A copy of the CCP may be obtained by writing to U.S. Fish and Wildlife Service, Division of Refuge Planning, 134 Union Boulevard, Suite 300, Lakewood, CO 80228; or downloaded from <http://mountain-prairie.fws.gov/planning>.

FOR FURTHER INFORMATION CONTACT: Laura King, Planning Team Leader, U.S. Fish and Wildlife Service, telephone 701-724-3097; fax 701-724-3683; or e-mail: laura_king@fws.gov.

SUPPLEMENTARY INFORMATION: The 39 North Dakota Limited-interest National Wildlife Refuges are Appert Lake, Ardoch, Bone Hill, Brumba, Buffalo Lake, Camp Lake, Canfield Lake, Cottonwood Lake, Dakota Lake, Half-way Lake, Hiddenwood, Hobart, Hutchinson Lake, Johnson Lake, Lake George, Lake Otis, Lake Patricia, Lambs Lake, Little Goose, Lords Lake, Lost Lake, Maple River, Pleasant Lake, Pretty Rock, Rabb Lake, Rock Lake, Rose Lake, School Section Lake, Sheyenne Lake, Sibley Lake, Silver Lake, Snyder Lake, Springwater, Stoney Slough, Sunburst Lake, Tomahawk, Willow Lake, Wintering River, and Wood Lake National Wildlife Refuges. Each of these refuges started out in the 1930s as flowage and/or refuge easement lands. This was the era of droughts, depression, and declining waterfowl populations. This flowage and/or refuge easement program (program) was initiated by the Franklin D. Roosevelt administration to address these crises on private lands. Through these easements, the Service acquired the right to control hunting and trapping on the entire easement area, and impound, maintain, and control water levels, and

control the uses that occur on that water or other main water bodies (such as rivers and lakes). The landowners of these easement lands retain all other rights including the right to farm, graze, build structures, etc.

An additional status (beyond the existing flowage and/or refuge easements) was added in the late 1930s. Adjoining easement lands were combined and an approved acquisition boundary was designated resulting in 31 new National Wildlife Refuges. These Refuges were established through separate Executive Orders signed by President Franklin D. Roosevelt for the purpose of “* * * refuge[s] and breeding ground[s] for migratory birds and other wildlife * * *.” Seven additional Refuges were established in 1948 in the same manner but under the authority of the precursor to the Fish and Wildlife Coordination Act. Lake Otis, the remaining refuge, was established in the early 1970s as “* * * an inviolate sanctuary for migratory birds.” Combined, these Refuges encompass 47,296 acres, ranging in size from 160 acres (Half-way Lake) to 5,506 acres (Rock Lake). Although these are National Wildlife Refuges in name, the language in the establishing authorities does not apply unless the lands are acquired by the Service. After 70 years, 99 percent of the lands within the approved acquisition boundaries remain in private ownership; therefore, the original 1930s easement language remains the purpose for the majority of these refuges. Due to this fact, the Service has “limited-interest” in these refuges due to the restrictive management capabilities (as stated above) afforded by the easement.

The Draft CCP and Environmental Assessment (EA) was made available to the public for a 60-day review and comment period following the announcement in the **Federal Register** on October 5, 2005 (70 FR 58232). The Draft CCP/EA identified and evaluated two alternatives for managing these 39 Refuges for the next 15 years. Alternative A, the No Action Alternative, would have continued current management, which for the most part, has been minimal. Only minor improvements, such as repairs to water control structures on the impoundments, would continue under this alternative. No funding would be provided for this program, as in the past, and partnerships would be incidental to common interests and not actively pursued. Alternative B, the Preferred Alternative (Enhance the Program), first proposes that six Refuges, which have no potential to ever fully function as National Wildlife

Refuges, be divested. These Refuges include Bone Hill, Camp Lake, Cottonwood Lake, Lake Patricia, Sheyenne Lake, and School Section Lake. This divestiture decision was based on the best available science and expert opinions, both by managers and biologists within the Service. This information was then evaluated by a divestiture model developed by a regional team. These six, for various reasons, were finally proposed for divestiture consideration. The justifications included State or other Federal agency ownership of the lands, extensive habitat loss, or lack of desirable habitat that would warrant such federal protection. This is the first step in the divestiture process. Implementation will require a proposal that will be sent to the Migratory Bird Conservation Commission for concurrence and then to Congress. No Refuge will be divested until an Act of Congress is signed. The remaining 33 Refuges will be managed in cooperation with the current landowners. At a minimum, landowners will receive an annual newsletter describing opportunities for receiving additional compensation for added habitat protection. These Refuges will be given priority for such programs as grassland and wetland easements, while the Service actively works with other conservation partners on mutual interests on these Refuges. These lands will also be given additional consideration as projects are submitted for land acquisition dollars available to the region. In order to implement this part of the CCP, the managing stations will first prioritize their individual Refuges by developing a greater understanding of the habitat types that occur and which types need added protection. The CCP states that highest priority will be given to native prairie habitat on all Refuges.

Under the preferred alternative, the Service will post all boundaries with a unique sign that will identify these refuges as private lands. As part of implementation, compatibility determinations (CD) will be completed for all proposed *Service-controlled* activities that occur on the uplands and water. These CDs could not be completed as part of the Final CCP. A significant part of implementation will be to work with over 200 landowners to determine their willingness to grant access for public use as the Service never acquired the right to control public access. Until the Service has worked out these negotiations, no CD can be completed. The Service will work with the State and willing

landowners to determine if any additional public use opportunities are available including hunting, fishing, wildlife observation, wildlife photography, environmental education and interpretation. Trapping will continue on a permit-only basis for the purposes of protecting nesting migratory birds (including waterfowl and songbirds) and increase survival rates of young birds. Trappers will be required to provide annual reports of harvest and follow State regulations.

The Service is furnishing this notice to advise other agencies and the public of the availability of the Final CCP, to provide information on the desired conditions for the North Dakota Limited-interest Refuges, and to detail how the Service will implement management strategies. Based on the review and evaluation of the information contained in the environmental assessment, the Regional Director has determined that implementation of the Final CCP does not constitute a major Federal action that would significantly affect the quality of the human environment within the meaning of Section 102(2)(c) of the National Environmental Policy Act. Therefore, an Environmental Impact Statement will not be prepared. Future site-specific proposals discussed in the Final CCP will be addressed in separate planning efforts with full public involvement.

Dated: April 23, 2006.

James Slack,

Deputy Regional Director, Region 6, Denver, CO.

Editorial Note: This document was received at the Office of the Federal Register on March 27, 2007.

[FR Doc. E7-5884 Filed 3-30-07; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Proclaiming Certain Lands as Reservation for the Jena Band of Choctaw Indians of Louisiana

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of Reservation Proclamation.

SUMMARY: This notice informs the public that the Principal Deputy Assistant Secretary—Indian Affairs proclaimed approximately 63.52 acres, more or less, as the Jena Band of Choctaw Reservation for the Jena Band of Choctaw Indians of Louisiana (Jena Band).

FOR FURTHER INFORMATION CONTACT: Ben Burshia, Bureau of Indian Affairs, Division of Real Estate Services, Mail Stop 4639-MIB, 1849 C Street, NW., Washington, DC 20240, Telephone (202) 208-7737.

SUPPLEMENTARY INFORMATION: This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Principal Deputy Assistant Secretary—Indian Affairs by part 209 of the Departmental Manual.

A proclamation was issued, according with section 7 of the Act of June 18, 1934 (48 Stat. 986; 25 U.S.C. 467), for the land described below. The land was proclaimed to be the Jena Band of Choctaw Reservation for the exclusive use of Indians on that reservation who are entitled to reside at the reservation by enrollment or tribal membership.

Jena Band of Choctaw Indian Reservation

Grant and LaSalle Parishes, Louisiana

Parcel 1: No. 5 Pollock, Grant Parish, consisting of 40.49 acres, more or less. A certain piece, parcel or lot of ground together with all improvements thereon, rights, ways and privileges thereunto belonging or in any way appertaining, being, lying and situated in the northeast quarter of the southwest quarter of Section 5, Township 5 North, Range 1 West, Grant Parish, Louisiana; being more particularly described as follows, to wit:

Commencing at a bolt and 3" iron pipe marking the southeast corner of the northeast quarter of the southwest quarter, Section 5, Township 5 North, Range 1 West; said corner also being the POINT OF BEGINNING of the tract to be described; thence proceed North 89 degrees 38 minutes 42 seconds West, bearing assumed, a distance of 1328.33 feet to a 1/2" iron rod; thence turn right and proceed North 00 degrees 20 minutes 34 seconds East, a distance of 1329.18 feet to a 1/2" iron rod; thence turn right and proceed South 89 degrees 30 minutes 00 seconds East, a distance of 1329.11 feet to a 4" x 4" concrete post; thence turn right and proceed South 00 degrees 22 minutes 35 seconds West, a distance of 1325.81 feet to the POINT OF BEGINNING.

The above described tract contains 40.49 acres, more or less, and is more particularly indicated on Certificate of Survey by William J. Wood, Jr., dated February 8, 2001.

Parcel 2: No. 6 Hennigan/Jena, La Salle Parish consisting of 14.67 acres, more or less. A certain piece, parcel or lot of ground together with all improvements thereon, rights, ways and privileges thereunto belonging or in any way appertaining, being, lying and situated in the Southeast Quarter of the Northwest Quarter and the Northeast

Quarter of the Northwest Quarter of Section 10, Township 8 North, Range 3 East, LaSalle Parish, Louisiana, as shown on a Certificate of Survey prepared by Clarence N. Bruce, N & A, Inc., under Project Number 236.289 dated December 26, 2000, and revised February 2, 2001, and more particularly described as follows, to wit:

Commencing at a two inch iron pipe at the Southwest corner of the Southeast Quarter of the Northwest Quarter, Section 10, Township 8 North, Range 3 East, LaSalle Parish, Louisiana, run north 00 degrees 17'40" west with the west line of said Southeast Quarter of the Northwest Quarter a distance of 661.08 feet to a half inch rod and being the POINT OF BEGINNING of the herein described tract; thence continue north 00 degrees 17'40" west with the west line of said Southeast Quarter of the Northwest Quarter and the Northeast Quarter of the Northwest Quarter a distance of 1058.83 feet to a half inch iron rod; thence run south 83 degrees 30'30" east a distance of 24.11 feet to a half inch rod; thence run north 00 degrees 15'40" east a distance of 151.58 feet to the south right-of-way line of U.S. Highway Number 84; thence run with said south right-of-way line of U.S. Highway Number 84, south 83 degrees 30'30" east a distance of 390.57 feet to a half inch rod in the center line of Andra Drive; thence run with the center line of Andra Drive, south 04 degrees 32'51" west a distance of 50.82 feet to a half inch iron rod; thence run south 04 degrees 44'11" west a distance of 50 feet to a half inch iron rod; and thence run south 08 degrees 05'00" west a distance of 406.97 feet to a half inch iron rod on the north line of said Southeast Quarter of the Northwest Quarter; thence run with the said north line of said Southeast Quarter of the Northwest Quarter south 89 degrees 50'11" east a distance of 322.95 feet to a half inch iron rod; thence run south 00 degrees 17'42" east a distance of 659.22 feet to a half inch rod; thence run north 89 degrees 59'43" west a distance of 668.23 feet back to the POINT OF BEGINNING.

Parcel 3: No. 7 La Salle Parish consisting of 3.18 acres, more or less. A certain piece, parcel or lot of ground together with all improvements thereon, rights, ways and privileges thereunto belonging to or in any way appertaining, being, lying and situated in the Southeast Quarter of the Southwest Quarter of Section 5, Township 8 North, Range 3 East, LaSalle Parish, Louisiana, as shown on a Certificate of Survey prepared by Clarence N. Bruce, N & A, Inc., under Project Number 236.273 dated September 14, 2000, and more particularly described as follows, to wit:

Commencing at a railroad steel marking the Southeast corner of the Southeast Quarter of the Southwest Quarter of Section 5, Township 8 North, Range 3 West, LaSalle Parish, Louisiana, run north 01 degrees 54'45" west with the east line of said Southeast Quarter of the Southwest Quarter a distance of 469.48 feet a half inch iron rod

and the point of beginning of the herein described tract; thence run north 86 degrees 03'09" west a distance of 477.55 feet to a half inch rod; thence run north 08 degrees 25'31" east a distance of 309.68 feet to a cotton picker spindle in the center line of U.S. Highway Number 84; thence run with the center line of said Highway Number 84 south 85 degrees 02'38" east 33.04 feet to a point; thence south 85 degrees 46'04" east a distance of 89.56 feet to a point; thence south 85 degrees 58'22" east a distance of 96.08 feet to a point; thence south 86 degrees 06'13" east a distance of 203.06 feet to a cotton picker spindle on the east line of said Southeast Quarter of the Southwest Quarter; thence run south 01 degrees 54'45" east with the east line of said Southeast Quarter of the Southwest Quarter a distance of 309.37 feet back to the POINT OF BEGINNING.

Parcel 4: No. 8 Grant Parish consisting of 1.89 acres more or less. A certain piece, parcel or lot of ground, together with all improvements thereon, rights, ways and privileges thereunto belonging or in any way appertaining, being, lying and situated in Lot 6 of Pine Heights Subdivision, located in the northwest quarter of Section 9, Township 5 North, Range 1 West, Grant Parish, Louisiana; being more particularly described as follows, to wit:

Commencing at a cotton picker spindle marking the northwest corner of Section 9, Township 5 North, Range 1 West; thence proceed North 89 degrees 16 minutes 40 seconds West, a distance of 83.41 feet to a point; thence turn left and proceed South 28 degrees 28 minutes 00 seconds East, a distance of 789.73 feet to a 1/2" iron rod; thence turn right and proceed South 28 degrees 21 minutes 19 seconds East, a distance of 1200.00 feet to a 1/2" iron rod; thence turn left and proceed North 61 degrees 38 minutes 41 seconds East, a distance of 130.59 feet to a 1/2" iron rod located on the eastern required right of way line for LDOTD State Project Nos. 023-01-0049 and 023-02-0014, U.S. Hwy. 167; said point also being the POINT OF BEGINNING of the tract to be described; thence continue North 61 degrees 38 minutes 41 seconds East, a distance of 391.19 feet to a 1/2" iron rod; thence turn right and proceed South 28 degrees 21 minutes 19 seconds East, a distance of 208.71 feet to a 1/2" iron rod; thence turn right and proceed South 61 degrees 38 minutes 41 seconds West, a distance of 396.52 feet to a 1/2" iron rod located on the eastern required right of way line for LDOTD State Project Nos. 023-01-0049 and 023-02-0014, U.S. Hwy. 167; thence turn right and proceed North 28 degrees 18 minutes 33 seconds West, along said required right of way line, a distance of 53.84 feet to a 1/2" iron rod; thence turn right and proceed North 26 degrees 24 minutes 01 seconds West, along said required right of way line, a distance of 154.96 feet to the POINT OF BEGINNING.

The above described tract is more particularly indicated on Certificate of Survey by William J. Wood, Jr., dated September 10, 2003.

Parcel 5: No. 9 LaSalle Parish consisting of 2.00 acres, more or less. A certain piece, parcel or lot of ground together with all improvements thereon, rights, ways and privileges thereunto belonging or in any way appertaining, being, lying and situated in the Northwest Quarter of the Southeast Quarter of Section 7, Township 8 North, Range 4 East, LaSalle Parish, Louisiana, as shown on a Certificate of Survey prepared by Charles N. Bruce, N & A, Inc., under Project Number 236.298 dated February 5, 2001, and more particularly described as follows, to wit:

From the Southwest corner of the Northwest Quarter of the Southeast Quarter of Section 7, Township 8 North, Range 4 East, run north 00 degrees 17'41" east a distance of 987.90 feet to the POINT OF BEGINNING; from the POINT OF BEGINNING run north 00 degrees 37'25" east a distance of 295.38 feet to a point; thence run south 89 degrees 55'00" east a distance of 295.11 feet to a point; thence run south 00 degrees 41'34" west a distance of 294.68 feet to a point; thence run south 89 degrees 56'49" west a distance of 294.76 feet back to the POINT OF BEGINNING.

Parcel 6: No. 10 LaSalle Parish consisting of 1.29 acres, more or less. A certain piece, parcel or lot of ground together with all improvements thereon, rights, ways and privileges thereunto belonging or in any way appertaining, being, lying and situated in the Southeast Quarter of the Northwest Quarter of Section 24, Township 8 North, Range 2 East, LaSalle Parish, Louisiana, as shown on a Certificate of Survey prepared by Clarence N. Bruce, N & A, Inc., dated February 5, 2001, and more particularly described as follows, to wit:

Commencing at the Northeast corner of the Southeast Quarter of the Northwest Quarter of Section 24, Township 8 North, Range 2 East, run south 00 degrees 28' west a distance of 121.41 feet to a point; thence run south 89 degrees 52'32" west a distance of 314.66 feet to the POINT OF BEGINNING; from the POINT OF BEGINNING run south 00 degrees 36'55" east a distance of 272.90 feet to a point; thence run south 89 degrees 51'08" west a distance of 205.87 feet to a point; thence run north 00 degrees 38'25" west a distance of 272.97 feet to a point; thence run north 89 degrees 52'14" east a distance of 205.99 feet back to the POINT OF BEGINNING.

The above-described lands contain a total of 63.52 acres, more or less, which are subject to all valid rights, reservations, rights-of-way, and easements of record.

This proclamation does not affect title to the land described above, nor does it affect any valid existing easements for public roads and highways, public utilities and for railroads and pipelines

and any other rights-of-way or reservations of record.

Dated: March 20, 2007.

Michael D. Olsen,

Principal Deputy Assistant Secretary—Indian Affairs.

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DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Buena Vista Rancheria of Me-Wuk Indians Liquor Control Ordinance

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice publishes the Buena Vista Rancheria of Me-Wuk Indians Liquor Control Ordinance. The Ordinance regulates and controls the possession, sale and consumption of liquor within the Buena Vista Rancheria of Me-Wuk Indian's tribal land. The tribal land is located on trust land and this Ordinance allows for the possession and sale of alcoholic beverages within the exterior boundaries. This Ordinance will increase the ability of the tribal government to control the distribution and possession of liquor within their tribal land strengthen the tribal government. At the same time, it will provide an important source of revenue and the improve delivery of tribal services.

DATES: *Effective Date:* This Ordinance is effective April 2, 2007.

FOR FURTHER INFORMATION CONTACT: Fred Doka Jr., Tribal Operations Officer, Pacific Regional Office, 2800 Cottage Way, Sacramento, CA 95825, Telephone (916) 978-6067; or Ralph Gonzales, Office of Tribal Services, 1849 C Street, NW., Mail Stop 4513-MIB, Washington, DC 20240; Telephone (202) 513-7629; Fax (202) 208-5113.

SUPPLEMENTARY INFORMATION: Pursuant to the Act of August 15, 1953, Public Law 83-277, 67 Stat. 586, 18 U.S.C. 1161, as interpreted by the Supreme Court in *Rice v. Rehner*, 463 U.S. 713 (1983), the Secretary of the Interior shall certify and publish in the **Federal Register** notice of adopted liquor ordinances for the purpose of regulating liquor transactions in Indian country. The Buena Vista Rancheria of Me-Wuk Indians Tribal Council adopted this Liquor Control Ordinance by Resolution No. 06-0017 on September 13, 2006. The purpose of this Ordinance is to govern the sale, possession and distribution of alcohol within the Buena

Vista Rancheria of Me-Wuk Indians Tribal land.

This notice is published in accordance with the authority delegated by the Secretary of the Interior to the Principal Deputy Assistant Secretary—Indian Affairs. I certify that this Liquor Control Ordinance of the Buena Vista Rancheria of Me-Wuk Indians was duly adopted by the Tribal Council on September 13, 2006.

Dated: March 22, 2007.

Michael D. Olsen,

Principal Deputy Assistant Secretary—Indian Affairs.

The Buena Vista Rancheria of Me-Wuk Indians Liquor Control Ordinance reads as follows:

Liquor Ordinance of the Buena Vista Rancheria of Me-Wuk Indians Ordinance No. 05-0001

Chapter I—Introduction

Section 1.1. *Title.* This ordinance shall be known as the “Liquor Ordinance of the Buena Vista Rancheria of Me-Wuk Indians.”

Section 1.2. *Authority.* This ordinance is enacted pursuant to the Act of August 15, 1953 (Pub. L. 83-277, 67 Stat. 586, 18 U.S.C. 1161) and the Constitution of the Buena Vista Rancheria of Me-Wuk Indians (“Buena Vista Constitution”).

Section 1.3. *Purpose.* The purpose of this ordinance is to regulate and control the possession and sale of liquor on the Buena Vista Rancheria of Me-Wuk Indians (“Buena Vista Rancheria” or “Tribe”). The enactment of a tribal ordinance governing liquor possession and sale on the Rancheria Land will increase the ability of the Tribal government to control Tribal liquor distribution and possession, and at the same time will provide an important source of revenue for the continued operation and strengthening of the Tribal government and the delivery of the tribal government services.

Chapter II—Definitions

Section 2.1. As used in this ordinance, the following words shall have the following meanings unless the context clearly requires otherwise.

Section 2.2. “*Alcohol*” means that substance known as ethyl alcohol, hydrated oxide of ethyl, or spirit of wine which is commonly produced by the fermentation or distillation of grain, starch, molasses, or sugar, or other substances including all dilution of this substance.

Section 2.3. “*Alcoholic Beverage*” is synonymous with the term “Liquor” as defined in Section 2.7 of this Chapter.

Section 2.4. “*Bar*” means any establishment with special space and

accommodations for sale by the glass, can or bottle and for consumption on the licensed premises of liquor, as herein defined.

Section 2.5. “*Beer*” means any beverage obtained by the alcoholic fermentation of an infusion or decoction of pure hops, or pure extract of hops and pure barley malt or other wholesome grain of cereal in pure water containing not more than four percent of alcohol by volume. For the purposes of this section, any such beverage, including ale, stout, and porter, containing more than four percent of alcohol by weight shall be referred to as “strong beer.”

Section 2.6. “*Licensed Premises*” means any store at which liquor is sold and, for the purposes of this ordinance, includes stores only a portion of which are devoted to sale of liquor or beer, any bar, or any public place designated by the Tribe as a licensed premises for the sale of alcoholic beverages.

Section 2.7. “*Liquor*” includes the four varieties of liquor herein defined (alcohol, spirits, wine and beer), and all fermented spirituous, vinous, or malt liquor or combination thereof, and mixed liquor, or otherwise intoxicating; and every liquor or solid or semisolid or other substance, patented or not, containing alcohol, spirits, wine and beer, and all drinks or drinkable liquids and all preparations or mixtures capable of all human consumption and any liquid, semisolid, solid, or other substances, which contain more than one percent of alcohol by weight shall be conclusively deemed to be intoxicating.

Section 2.8. “*Malt Liquor*” means beer, strong beer, ale stout, and porter.

Section 2.9. “*Package*” means any container or receptacle used for holding liquor.

Section 2.10. “*Public Place*” includes tribal roads; buildings and grounds used for school purposes; public dance halls and grounds adjacent thereto; soft drink establishment, public buildings, public meeting halls, lobbies, halls and dining room of hotels, restaurants, theater, gaming facilities, entertainment centers, store garages, and filing stations which are open to and/or are generally used by the public and to which the public is permitted to have unrestricted access; public conveyances of all kinds of character; and all other places of like or similar nature to which the general public has unrestricted right to access, and which are generally used by the public. For the purposes of this ordinance, “Public Place” shall also include any premises other than a single family home which is designed for or

may be used by more than just the owner of the establishment.

Section 2.11. "*Rancheria Land*" means aboriginal land of the Tribe consisting of approximately 67 acres located at 4650 Coal Mine Road in Ione, California (see also Section 2.15, Tribal Land).

Section 2.12. "*Sale*" and "*Sell*" include exchange, barter, and traffic; and also include the selling or supplying or distributing by any means whatsoever, or liquor, or of any liquid known or described as beer or by any name whatsoever commonly used to describe malt or brewed liquor or wine by any person to any person.

Section 2.13. "*Spirits*" mean any beverage, which contains alcohol obtained by distillation, including wines exceeding 17 percent (17%) of alcohol by weight.

Section 2.14. "*Tribal Council*" means the Tribal Council of the Buena Vista Rancheria of Me-Wuk Indians.

Section 2.15. "*Tribal Land*" means any land within the exterior boundaries of the Rancheria Land which is either held by the Tribe or held in trust by the United States for the Tribe as a whole, including such land leased to other parties.

Section 2.16. "*Tribe*" means the Buena Vista Rancheria of Me-Wuk Indians, a federally recognized Indian tribe.

Section 2.17. "*Wine*" means any alcoholic beverage obtained by fermentation of fruits (grapes, berries, apples, etc.) or other agricultural product containing sugar, to which any saccharine substances may have been added before, during or after fermentation, containing not more than 17 percent of alcohol by weight, including sweet wines fortified with wine spirits such as port, sherry, muscatel, and angelica, not exceeding 17 percent of alcohol by weight.

Section 2.18. "*Trust Account*" means the account designated by the Tribal Council for deposit of proceeds from the tax from the sale of alcoholic beverages.

Section 2.19. "*Trust Agent*" means the Tribal Chairperson or designee of the Chairperson.

Chapter III—Powers of Enforcement

Section 3.1. *Powers*. The Tribal Council, in furtherance of this ordinance, shall have the following powers and duties:

(a) To publish and enforce the rules and regulations governing the sale, manufacture, and distribution of alcoholic beverages on the Rancheria Land;

(b) To employ managers, accountants, security personnel, inspectors, and such

other persons as shall be reasonably necessary to allow the Tribal Council to perform its functions:

(c) To issue licenses permitting the sale or manufacture or distribution of liquor on the Rancheria Land;

(d) To hold hearings on violations of this ordinance or for the issuance or revocation of licenses hereunder;

(e) To bring suit in the appropriate court to enforce this ordinance as necessary;

(f) To determine and seek damages for violation of this ordinance;

(g) To make such reports as it deems necessary to inform Tribal members; and

(h) To collect taxes and fees levied or set by the Tribal Council and to keep accurate records, books, and accounts.

Section 3.2. *Limitation on Powers*. In the exercise of its powers and duties under this ordinance, the Tribal Council and its individual members shall not accept any gratuity, compensation or other thing of value from any liquor wholesaler, retailer, or distributor or from any licensee.

Section 3.3. *Inspection Rights*. The licensed premises on which liquor is sold or distributed shall be open for inspection by the Tribal Council or its designee at all reasonable times for the purposes of ascertaining whether the rules and regulations of this ordinance are being complied with.

Chapter IV—Sales of Liquor

Section 4.1. *Licenses Required*. No sales of alcoholic beverages shall be made on Tribal Land, except at a licensed premises.

Section 4.2. *Sales Only on Tribal Land*. All liquor sales within the exterior boundaries of the Rancheria Land shall be on Tribal Land, including leases thereon.

Section 4.3. *Sales for Cash*. All liquor sales on Tribal Land shall be on a cash-only basis and no credit shall be extended to any person, organization, or entity, except that this provision does not prevent the use of major credit cards such as Visa, American Express, etcetera.

Section 4.4. *Sales for Personal Consumption*. All liquor sales shall be for the personal use and consumption of the purchaser. Resale of any alcoholic beverage purchased on Tribal Land is prohibited. Any person who is not licensed pursuant to this ordinance and who purchases an alcoholic beverage on Tribal Land and sells it, whether in the original container or not, shall be guilty of a violation of this ordinance and shall be subject to penalties as set forth herein.

Chapter V—Licensing

Section 5.1. *Application for Tribal Liquor License Requirements*. No Tribal license shall be issued under this ordinance except upon a sworn application filed with the Tribal Council containing a full and complete showing of the following:

(a) Satisfactory proof that the applicant is or will be duly licensed by the State of California.

(b) Satisfactory proof that the applicant is of good character and reputation among the people of the Tribe and that the applicant is financially responsible.

(c) A description of the premises on which the intoxicating beverages are to be sold and proof that the applicant is the owner or lessee of such premises for at least the term of the license.

(d) An agreement by the applicant to accept and abide by all conditions of the Tribal license.

(e) Payment of three hundred fifty dollar (\$350.00) fee as prescribed by the Tribal Council.

(f) Satisfactory proof that neither the applicant nor the applicant's spouse has ever been convicted of a felony.

(g) Satisfactory proof that notice of the application has been posted in a prominent, noticeable place on the premises where intoxicating beverages are to be sold for at least thirty (30) days prior to consideration by the Tribal Council, and that the notice has been published at least twice in a local newspaper, authorized by the Tribal Chairperson or Secretary, which serves the community that may be affected by the license. The notice shall state the date, time and place when the application shall be considered by the Tribal Council pursuant to Section 5.2 of this ordinance.

Section 5.2. *Hearing on Application for Tribal Liquor License*. All applications for a Tribal liquor license shall be considered by the Tribal Council in open session at which the applicant, his attorney, and any person protesting the application shall have the right to be present, and to offer sworn oral or documentary evidence relevant to the application. After the hearing, the Tribal Council shall determine whether to grant or deny the application based on:

(1) Whether the requirements of Section 5.1 have been met; and

(2) Whether the Tribal Council, in its discretion, determines that granting the license is in the best interests of the Tribe.

In the event that the applicant is a member of the Tribal Council, or a member of the immediate family of a

Tribal Council member, such member shall not vote on the application or participate in the hearing as a Tribal Council member.

Section 5.3. *Temporary Permits.* The Tribal Council or its designee may grant a temporary permit for the sale of alcoholic beverages for a period not to exceed three (3) days to any person applying for the same in connection with a Tribal or community activity, provided, that the condition prescribed in Section 5.4 of this ordinance shall be observed by the permittee. Each permit issued shall specify the types of alcoholic beverages to be sold. Further, a fee of thirty-five dollars (\$35.00) will be assessed on temporary permits.

Section 5.4. *Conditions of the Tribal License.* Any Tribal license issued under this title shall be subject to such reasonable conditions as the Tribal Council shall fix, including, but not limited to the following:

(a) The license shall be for a term not to exceed one (1) year.

(b) The license shall at all times maintain an orderly, clean and neat establishment, both inside and outside licensed premises.

(c) The State of California shall have jurisdiction over offenses and civil causes of action committed in the licensed premises to the same extent that it has jurisdiction over offenses and civil causes of action committed elsewhere within California, and California criminal laws, and civil laws of general applicability to private persons or private property, shall have the same force and effect on the licensed premises as they have elsewhere in California.

(d) The licensed premises shall be subject to patrol by the Tribal enforcement department, and such other law enforcement officials as may be authorized under federal, California, or Tribal law.

(e) The licensed premises shall be open to inspection by duly authorized Tribal officials at all times during the regular business hours.

(f) Subject to the provisions of subsection (g) of this section, no alcoholic beverages shall be sold, served, disposed of, delivered or consumed on the licensed premises except in conformity with the hours and days prescribed by the laws of the State of California, and the licensed premises shall not operate or open earlier or operate or close later than is permitted by the laws of the State of California.

(g) No liquor shall be sold within two hundred (200) feet of a polling place on Tribal election days or when a referendum is held of the people of the Tribe, or at prescribed locations on

special days of observation as designation by the Tribal Council.

(h) All acts and transactions under the authority of the Tribal liquor license shall be in conformity with the laws of the State of California, and shall be in accordance with this ordinance and any Tribal license issued pursuant to this ordinance.

(i) No person under the age permitted under the laws of the State of California shall be sold, served, delivered, given, or allowed to consume alcoholic beverages in the licensed establishment under and/or area.

(j) There shall be no discrimination in any operations under a Tribal license by reason of race, color, or creed.

Section 5.5. *License Not a Property.* Notwithstanding any other provision of this ordinance, a Tribal liquor license is a mere permit for a fixed duration of time. A Tribal liquor license shall not be deemed a property right or a vested right of any kind, nor shall the granting of a Tribal liquor license give rise to a presumption of legal entitlement to the granting of such license for a subsequent time period.

Section 5.6. *Assignment or Transfer.* No Tribal license issued under this ordinance shall be assigned or transferred without the written approval of the Tribal Council, expressed by formal resolution.

Chapter VI—Rules, Regulations, and Enforcement

Section 6.1. *Sales or Possession With Intent to Sell Without a License.* Any person who sells or offers for sale or distributes or transports in any manner, any liquor in violation of this ordinance, or who operates or possesses liquor with intent to sell or distribute without a Tribal liquor license, shall be guilty of a violation of this ordinance.

Section 6.2. *Purchases From Non-Licensed Premises.* Any person who buys liquor on Tribal Land from any person at premises that are not properly licensed shall be guilty of a violation of this ordinance.

Section 6.3. *Sales to Intoxicated Persons.* Any person who knowingly sells liquor to a person under the influence of alcoholic beverages to the extent that control of the person's faculties is impaired shall be guilty of a violation of this ordinance.

Section 6.4. *Consuming Liquor in Public Conveyance.* Any person engaged wholly or in part in the public conveyance business of carrying passengers for hire, and every agent, servant or employee or such person, who knowingly permits any person to drink any liquor in any vehicle that carries passengers for hire, while such

vehicle is on Tribal land, shall be guilty of a violation of this ordinance. Any person who drinks any liquor in any vehicle that carries passengers for hire, while such vehicle is on Tribal land, shall be guilty of a violation of this ordinance.

Section 6.5. *Consumption or Possession of Liquor by Persons Under 21 Years of Age.* No person under the age of twenty-one (21) years in any licensed premises shall consume, acquire or have in his possession any alcoholic beverage. No person shall permit any other person under the age of twenty-one (21) to consume liquor on any licensed premises under his/her control. Any person violating this section shall be guilty of a separate violation of this ordinance for each and every alcoholic beverage so consumed, acquired or possessed.

Section 6.6. *Sales of Liquor to Persons Under 21 Years of Age.* Any person who sells or provides liquor to any person under the age of twenty-one (21) years in any licensed premises shall be guilty of a violation of this ordinance for each and every sale or alcoholic beverage provided.

Section 6.7. *Transfer of Identification to Persons Under 21 Years of Age.* Any person who transfers, in any manner, an identification of age to any person under the age of twenty-one (21) years for the purpose of permitting such underage person to obtain liquor from a licensed premises shall be guilty of an offense, provided, that corroborative testimony of a witness other than the underage person shall be a requirement of finding a violation of this ordinance.

Section 6.8. *Use of False or Altered Identification.* Any person who attempts to purchase an alcoholic beverage at any licensed premises through the use of false or altered identification, which falsely purports to show the person to be over the age of twenty-one (21) years, shall be guilty of violating this ordinance.

Section 6.9. *Violations of This Ordinance.* Any person found guilty of a violation of this ordinance shall be subject to a penalty not to exceed five-hundred dollars (\$500.00) per violation, payable to the Tribe as civil damages to defray the Tribe's cost of enforcement of this ordinance. In addition to any penalties so imposed, any license issued hereunder may be suspended or revoked by the Tribal Council after ten (10) days notice to the licensee. Any decisions of the Tribal Council regarding the enforcement of this ordinance are final.

Section 6.10. *Acceptable Identification.* Where there is a question as to whether a person is a lawful age to purchase liquor, that person shall be

required to present any one of the following forms of identification, which is effective and shows the person's correct age, signature and photograph:

- (1) Driver's license or identification card issued by any state within the United States of America;
- (2) United States Active Duty Military Identification card; or
- (3) Valid Passport.

Section 6.11. *Possession of Liquor Contrary to This Ordinance.* Alcoholic beverages which are possessed contrary to the terms of this ordinance are declared to be contraband. Any Tribal agent, employee, or officer who is authorized by the Tribal Council to enforce this ordinance shall have the authority to seize all contraband.

Section 6.12. *Disposition of Seized Contraband.* Any Tribal agent, employee or officer seizing contraband under Section 6.11 shall preserve the contraband in accordance with applicable California law. Any person found in violation of this ordinance by the Tribal Council shall forfeit all right, title and interest in the items seized, which shall become the property of the Tribe.

Chapter VII—Taxes

Section 7.1. *Sales Tax.* There is hereby levied and shall be collected a tax on each sale of alcoholic beverages on Tribal Land in the amount of one percent (1%) of the sale price. The tax imposed by this section shall apply to all retail sales of liquor on Tribal Land and, with respect to sales by the Tribe and/or Tribal members, shall preempt any tax imposed on such liquor sales by the State of California.

Section 7.2. *Payments of Taxes to Tribe.* All taxes from the sale of alcoholic beverages on Tribal Land shall be paid over to the trust agent of the Tribe.

Section 7.3. *Taxes Due.* All taxes for the sale of alcoholic beverages on Tribal Land shall be due and owing to the Tribe within thirty (30) days of the end of the calendar quarter for which the taxes are due.

Section 7.4. *Reports.* Along with payment of the taxes imposed herein, the taxpayer shall submit an accounting for the quarter of all income from the sale or distribution of alcoholic beverages, as well as for the taxes collected.

Section 7.5. *Audit.* As a condition of obtaining a Tribal liquor license, the licensee must agree to a review or an audit of its books and records relating to the sale of alcoholic beverages on Tribal Land. Said review or audit may be done annually by the Tribe through its agents or employees whenever, in the opinion

of the Tribal Council, such a review or audit is necessary to verify accuracy of reports.

Chapter VIII—Profits

Section 8.1. *Disposition of Proceeds.* The gross proceeds collected by the Tribe from all licensing and taxation of the sale of alcoholic beverages on Tribal Land shall be used and distributed for the payment of all necessary personnel, administrative costs, and legal fees for Tribal liquor ordinance operations and activities, and the remainder shall be deposited in the Trust Account of the Tribe.

Chapter IX—Severability and Miscellaneous

Section 9.1. *Severability.* If any provision or application of this ordinance is determined by review to be invalid, such determination shall not be held to render ineffective the remaining portions of this ordinance, nor shall such determination be held to render valid provisions of this ordinance that are inapplicable to other persons or circumstances.

Section 9.2. *Prior Enactments.* All prior enactments of the Tribal Council that are inconsistent with the provisions of this ordinance are hereby rescinded.

Section 9.3. *Conformance with California Laws.* All acts and "transactions" under this ordinance shall be in conformity with the laws of the State of California as that term is used in 18 U.S.C. 1161.

Section 9.4. *Effective Date.* This ordinance shall be effective on such date as the Secretary of the Interior certifies this ordinance and publishes the same in the **Federal Register**.

Chapter X—Amendment

Section 10.1. This ordinance may only be amended by a majority vote of the Tribal Council.

Chapter XI—Sovereign Immunity

Section 11.1. Nothing contained in this ordinance is intended to, nor does it in any way limit, alter, restrict, or waive the Tribe's sovereign immunity from unconsented suit or action.

Certification

We, the undersigned duly elected official(s) of the Buena Vista Rancheria, do hereby certify under penalty of perjury that on September 13, 2006, the foregoing Ordinance was adopted at a duly called meeting of the Tribal Council with a quorum present by a vote of: 1 for, 0 against, and 0 abstaining.

Rhonda L. Morningstar Pope, Date: 09/20/2006, Tribal Chairperson.

Attested By: Monica Duran, Date: 09/20/2006, Council Support Secretary.

[FR Doc. E7-5962 Filed 3-30-07; 8:45 am]

BILLING CODE 4310-4J-P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Chickasaw Nation Liquor Control Ordinance

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice publishes the Liquor Control Ordinance of the Chickasaw Nation of Oklahoma (Tribe). The Ordinance regulates and controls the possession, sale and consumption of liquor within the tribal lands of the Tribe. The tribal lands are located in Indian country and this Ordinance allows for possession and sale of alcoholic beverages within their exterior boundaries. This Ordinance will increase the ability of the tribal government to control the community's liquor distribution and possession, and at the same time will provide an important source of revenue for the continued operation and strengthening of the tribal government and the delivery of tribal services.

DATES: *Effective Date:* This Ordinance is effective on April 2, 2007.

FOR FURTHER INFORMATION CONTACT:

Charles Head, Tribal Government Services Officer, Eastern Oklahoma Regional Office, 3100 W. Peak Blvd., Muskogee, OK 74402, Telephone: (918) 781-4685, Fax (918) 781-4649; or Ralph Gonzales, Office of Tribal Services, 1849 C Street, NW., Mail Stop 4513-MIB, Washington, DC 20240, Telephone: (202) 513-7629.

SUPPLEMENTARY INFORMATION: Pursuant to the Act of August 15, 1953, Pub. L. 83-277, 67 Stat. 586, 18 U.S.C. 1161, as interpreted by the Supreme Court in *Rice v. Rehner*, 463 U.S. 713 (1983), the Secretary of the Interior shall certify and publish in the **Federal Register** notice of adopted liquor ordinances for the purpose of regulating liquor transactions in Indian country. The Chickasaw Tribal Legislature (Legislature) adopted its Liquor Ordinance by Resolution No. 24-001 on October 20, 2006, and amended it by Resolution No. 24-003 on December 15, 2006 to conform to state law. This Liquor Ordinance will be the first published in the **Federal Register** for the Tribe. The purpose of this Ordinance is to govern the sale, possession and distribution of alcohol within tribal lands of the Tribe.

This notice is published in accordance with the authority delegated by the Secretary of the Interior to the Principal Deputy Assistant Secretary—Indian Affairs. I certify that this Liquor Control Ordinance of the Chickasaw Nation of Oklahoma was duly adopted by the Legislature on October 20, 2006 and properly amended on December 15, 2006.

Dated: March 22, 2007.

Michael D. Olsen,

Principal Deputy Assistant Secretary—Indian Affairs.

The Chickasaw Nation of Oklahoma Liquor Control Ordinance reads as follows:

Chickasaw Nation of Oklahoma Liquor Control Ordinance

Section 3–201.1 Title

Be it enacted by the Tribal Legislature of the Chickasaw Nation assembled, that this Act may be cited as the “Beverage Control Act of 2007” (hereinafter “Act”). This Act is enacted by the Chickasaw Tribal Legislature under the authority of Article VI, Section 1 and Article VII, Section 4 of the Constitution of the Chickasaw Nation, wherein the Legislature is required to prescribe procedures and regulations pertaining to the Chickasaw Nation.

Section 3–201.2 Findings

The Legislature finds that:

1. It is necessary to adopt strict controls over the operation of certain beverage sales conducted in Indian Country which is under the jurisdiction of the Chickasaw Nation; and
2. It is necessary to establish legal authority for the Chickasaw Nation, its agents, servants and employees to engage in Alcoholic Beverage sales on tribal lands within the legal boundaries of the Chickasaw Nation, provided that such locations are in compliance with the laws of the State of Oklahoma.

Section 3–201.3 Definitions

As used in this Act, the following words shall have the following meanings unless the context in which they appear clearly requires otherwise:

1. “*Alcohol*” means and includes hydrated oxide of ethyl, ethyl Alcohol, Alcohol, ethanol, or Spirits of Wine, from whatever source and by whatever process produced;
2. “*Alcoholic Beverage*” means Alcohol, Spirits, Beer and Wine as those terms are defined herein and also includes every liquid or solid, patented or not, containing Alcohol, Spirits, Wine or Beer and capable of being consumed as a beverage by human

beings, but does not include Low-Point Beer;

3. “*Bar*” means any establishment with special space and accommodations for the sale of alcoholic beverages and for consumption on-premises as defined herein;

4. “*Beer*” means any beverage containing more than three and two-tenths percent (3.2%) of Alcohol by weight and obtained by the alcoholic fermentation of an infusion or decoction of barley or other grain, malt or similar products. “Beer” may or may not contain hops or other vegetable products. “Beer” includes, among other things, Beer, ale, stout, lager Beer, porter and other malt or brewed liquors, but does not include sake, known as Japanese rice Wine;

5. “*Chickasaw Nation Tax Commission*” means the commission created by the Legislature as found in Section 2–1071 in the Code of Laws of the Chickasaw Nation;

6. “*Light Wine*” means any Wine containing not more than fourteen percent (14%) Alcohol measured by volume at sixty (60) degrees Fahrenheit;

7. “*Liquor Store*” means any store at which Alcoholic Beverages are sold and, for the purpose of this Act, includes stores only a portion of which are devoted to the Sale of Alcoholic Beverages;

8. “*Low-Point Beer*” or “*Light Beer*” means and includes beverages containing more than one-half of one percent ($\frac{1}{2}$ of 1%) Alcohol by volume, and not more than three and two-tenths percent (3.2%) Alcohol by weight, including but not limited to Beer or cereal malt beverages obtained by the alcoholic fermentation of an infusion of barley or other grain, malt or similar products;

9. “*Mixed Beverage*” means one or more servings of a beverage composed in whole or part of an Alcoholic Beverage in a sealed or unsealed container of any legal size for consumption on the premises where served or sold by the holder of a license;

10. “*Original Package*” means any container or receptacle used for holding Alcoholic Beverages filled and stamped or sealed by the manufacturer;

11. “*Public Place*” means federal, state, county or tribal highways and roads; buildings and grounds used for school purposes; public dance halls and grounds adjacent thereto; soft drink establishments, public buildings, public meeting halls, lobbies, halls and dining rooms of hotels, restaurants, theaters, gaming facilities, entertainment centers, stores, garages and filling stations which are open to and/or generally used by the public and to which the public has right

to access, public conveyances of all kinds and character; and all other places of like or similar nature to which the general public has right to access, and which are generally used by the public;

12. “*Sale*” and “*Sell*” mean the exchange, barter and traffic, including the selling or supplying or distributing, by any means whatsoever, by any person to any person;

13. “*Spirits*” means any beverage other than Wine, Beer or Light Beer, which contains more than one-half of one percent ($\frac{1}{2}$ of 1%) Alcohol measured by volume and obtained by distillation, whether or not mixed with other substances in solution and includes those products known as whiskey, brandy, rum, gin, vodka, liqueurs, cordials and fortified wines and similar compounds; but shall not include any Alcohol liquid completely denatured in accordance with the Acts of Congress and regulations pursuant thereto;

14. “*Tribal Court*” means the Chickasaw Nation Tribal District Court;

15. “*Tribal Lands*” means any or all land over which the Chickasaw Nation exercises governmental powers and that is either held in trust by the United States for the benefit of the Chickasaw Nation or individual citizens of the Chickasaw Nation subject to restrictions by the United States against alienation, and dependent Indian communities, as contained in Title 18 section 1151 of the United States Code;

16. “*Wine*” means and includes any beverage containing more than one-half of one percent ($\frac{1}{2}$ of 1%) Alcohol by volume and not more than twenty-four percent (24%) Alcohol by volume at sixty (60) degrees Fahrenheit obtained by the fermentation of the natural contents of fruits, vegetables, honey, milk or other products containing sugar, whether or not other ingredients are added, and includes vermouth and sake, known as Japanese rice Wine.

Section 3–201.4 Chickasaw Nation Tax Commission Powers and Duties

In furtherance of this Act, the Chickasaw Nation Tax Commission shall have the following powers and duties:

1. Publish and enforce rules and regulations adopted by the Chickasaw Nation Tax Commission governing the sale, distribution and possession of Alcoholic Beverages on Tribal Lands;

2. Employ such persons as shall be reasonably necessary to allow the Chickasaw Nation Tax Commission to perform its functions;

3. Issue licenses permitting the sale or distribution of Alcoholic Beverages on Tribal Lands;

4. Hold hearings on violations of this Act or for the issuance of revocation of licenses hereunder;

5. Bring suit in Tribal Court or other appropriate court to enforce this Act as necessary;

6. Determine and seek damages for violation of this Act;

7. Make such reports as may be requested or required by the Governor of the Chickasaw Nation, who may share those reports with the Chickasaw Tribal Legislature;

8. Collect taxes and fees levied or set by the Chickasaw Tribal Legislature and keep accurate records, books and accounts;

9. Adopt procedures which supplement this Act and regulations promulgated by the Chickasaw Nation Tax Commission and facilitate their enforcement. Such procedures shall include limitations on sales to minors, places where liquor may be consumed, identity of persons not permitted to purchase alcoholic beverages, hours and days when outlets may be open for business, and other appropriate matters and controls; and

10. Request amendments to this Act to address future changes in the way the Chickasaw Nation sells, distributes or possesses Alcoholic Beverages in order to ensure that this Act remains consistent with state Alcoholic Beverage laws.

Section 3–201.5 Inspection Rights

The premises on which beverages defined in this Act are sold or distributed shall be open for inspection by the Chickasaw Nation Tax Commission and/or its staff at all reasonable times for the purposes of ascertaining compliance with the rules and regulations of the Chickasaw Nation Tax Commission and this Act.

Section 3–201.6 Sales of Alcohol

A. A person or entity who is licensed by the Chickasaw Nation Tax Commission may make retail sales of beverages as defined in this Act in their facility and the patrons of the facility may consume such liquor within any facility, other than a convenience store location. The introduction and possession of beverages as defined in this Act consistent with this Act shall also be allowed. All other purchases and sales of beverages as defined in this Act on Tribal Lands shall be prohibited. Sales of beverages as defined in this Act on Tribal Lands may only be made at businesses that hold a license from the Chickasaw Nation Tax Commission.

B. All sales of beverages as defined in this Act on Tribal Lands shall be on a cash only basis and no credit shall be

extended to any person, organization or entity, except that this provision does not prevent the payment for purchases with use of credit cards such as Visa, Master Card, American Express, etc.

C. All sales of beverages as defined in this Act shall be for the personal use and consumption of the purchaser. Resale of any beverage as defined in this Act on Tribal Lands is prohibited. Any person who is not licensed pursuant to this Act who purchases beverages as defined in this Act on Tribal Lands and sells it, whether in the original container or not, shall be guilty of a violation of this Act and shall be subjected to paying damages to the Chickasaw Nation as set forth herein.

Section 3–201.7 Licensing and Application

A. In order to control the proliferation of establishments on Tribal Lands that sell or serve liquor by the bottle or by the drink, all persons or entities that desire to sell beverages as defined in this Act on Tribal Lands must apply to the Chickasaw Nation Tax Commission for such a license.

B. Any citizen of the Chickasaw Nation 21 years of age or older, or an enrolled citizen of a federally-recognized tribe 21 years of age or older, other person 21 years of age or older or entity that is owned or controlled by an individual 21 years of age or older may apply to the Chickasaw Nation Tax Commission for a license to sell or serve beverages as defined in this Act on Tribal Lands. Any person or entity applying for a license to sell or serve beverages as defined in this Act on Tribal Lands must fill in the application provided for this purpose by the Chickasaw Nation Tax Commission and pay such application fee as may be set by the Chickasaw Nation Tax Commission. Said application must be filled out completely in order to be considered. A separate application and license will be required for each location where the applicant intends to serve beverages as defined in this Act.

C. The person applying for such license must make a showing once a year, and must satisfy the Chickasaw Nation Tax Commission, that he is a person of good character, having never been convicted of violating any of the state Alcoholic Beverage laws or the laws promulgated under this Act; that he has never been convicted of violating any of the gambling laws of Oklahoma, or any other state of the United States, or of this or any other tribe; that he has not had, preceding the date of his application for a license, a felony conviction of any of the laws commonly called prohibition laws; and that he has

not had any permit or license to sell any intoxicating liquors revoked in any county of Oklahoma, or any other state, or of any tribe; and that at the time of his application for a license, he is not the holder of a retail liquor dealer's permit or license from the United States government to engage in the sale of beverages as defined in this Act.

D. The Chickasaw Nation Tax Commission shall receive and process applications and related matters. All actions relating to applications by the Chickasaw Nation Tax Commission shall be by majority vote. The Chickasaw Nation Tax Commission may, by resolution, authorize one of its members or a member of its staff to issue licenses for the sale of beverages as defined in this Act.

E. Each license shall be issued for a period not to exceed one (1) year from the date of issuance.

F. A licensee may renew its license if the licensee has complied in full with this Act; provided, however, that the Chickasaw Nation Tax Commission may refuse to renew a license if it finds that doing so would not be in the best interests of health and safety of the residents of the Chickasaw Nation.

G. The Chickasaw Nation Tax Commission may suspend or revoke a license due to one or more violations of this Act upon notice and hearing at which the licensee is given an opportunity to respond to any charges against it and to demonstrate why the license should not be suspended or revoked.

H. Within 15 days after a licensee is mailed written notice of a proposed suspension or revocation of the license, of the imposition of fines or of other adverse action proposed by the Chickasaw Nation Tax Commission under this Act, the licensee may deliver to the Chickasaw Nation Tax Commission a written request for a hearing on whether the proposed action should be taken. A hearing on the issues shall be held before a person or persons appointed by the Chickasaw Nation Tax Commission and a written decision will be issued. Such decisions will be considered final unless an appeal is filed in accordance with Title 5, Chapter 2, Article G of the Chickasaw Nation Code. All proceedings conducted under all sections of this Act shall be in accord with due process of law.

I. Licenses issued by the Chickasaw Nation Tax Commission shall not be transferable and may only be used by the person or entity in whose name it is issued.

Section 3-201.8 Taxes

A. As a condition precedent to the conduct of any operations pursuant to a license issued by the Chickasaw Nation Tax Commission, the licensee must obtain from the Chickasaw Nation Tax Commission such licenses, permits, tax stamps, tags, receipts or other documents or things evidencing receipt of any license or payment of any tax or fee administered by the Chickasaw Nation Tax Commission or otherwise showing compliance with the tax laws of the Chickasaw Nation.

B. In addition to any other remedies provided in this Act, the Chickasaw Nation Tax Commission may suspend or revoke any licenses issued by it upon the failure of the licensee to comply with the obligations imposed upon the licensee by the Chickasaw Nation Tax Commission, by the Chickasaw Nation, or any rule, regulation or order of the Chickasaw Nation Tax Commission.

Section 3-201.9 Rules, Regulations and Enforcement

A. In any proceeding under this Act, conviction of one unlawful sale or distribution of beverages as defined in this Act shall establish prima facie intent of unlawfully keeping, selling, or distributing beverages as defined in this Act in violation of this Act.

B. Any person who shall in any manner sell or offer for sale or distribution or transport beverages as defined in this Act in violation of this Act shall be subject to civil damages assessed by the Chickasaw Nation Tax Commission.

C. Any person within the boundaries of Tribal Lands who buys beverages as defined in this Act from any person other than a properly licensed facility shall be guilty of a violation of this Act.

D. Any person who keeps or possesses beverages as defined in this Act upon his person or in any place or on premises conducted or maintained by his principal or agent with the intent to sell or distribute it contrary to the provisions of this Act, shall be guilty of a violation of this Act.

E. Any person who knowingly sells beverages as defined in this Act to a person who is obviously intoxicated or appears to be intoxicated shall be guilty of a violation of this Act.

F. Any person engaged wholly or in part in the business of carrying passengers for hire, and every agent, servant or employee of such person, who shall knowingly permit any person to drink beverages as defined in this Act in any public conveyance shall be guilty of an offense. Any person who shall drink beverages as defined in this

chapter in a public conveyance shall be guilty of a violation of this Act.

G. No person under the age of twenty-one (21) years shall consume, acquire or have in his possession any beverages as defined in this Act. No person shall permit any other person under the age of twenty-one (21) years to consume beverages as defined in this Act on his premises or any premises under his control. Any person violating this prohibition shall be guilty of a separate violation of this Act for each and every drink so consumed.

H. Any person who shall sell or provide any beverages as defined in this Act to any person under the age of twenty-one (21) years shall be guilty of a violation of this Act for each and every sale or drink provided.

I. Any person who transfers in any manner an identification of age to a person under the age of twenty-one (21) years for the purpose of permitting such person to obtain beverages as defined in this Act shall be guilty of an offense; provided, that corroborative testimony of a witness other than the underage person shall be a requirement of finding a violation of this Act.

J. Any person who attempts to purchase beverages as defined in this Act through the use of false or altered identification that falsely purports to show the individual to be over the age of twenty-one (21) years shall be guilty of violating this Act.

K. Any person who is convicted or pleads guilty to a violation of this Act shall be punished by imprisonment for not more than one (1) year, a fine not to exceed five thousand dollars (\$5,000) or a combination of both penalties. In addition, if such person holds a license issued by the Chickasaw Tax Commission, the license shall be revoked.

L. When requested by the provider of beverages as defined in this Act any person shall be required to present official documentation of the bearer's age, signature and photograph. Official documentation includes one of the following:

1. Driver's license or identification card issued by any state department of motor vehicles;
2. United States Active Duty Military Identification card;
3. Tribally-issued identification card; or
4. Passport.

M. The consumption of beverages as defined in this Act on premises where such consumption or possession is contrary to the terms of this Act will result in a declaration that such beverages as defined in this Act are contraband. Any tribal agent, employee

or officer who is authorized by the Chickasaw Nation Tax Commission shall seize all contraband and preserve it in accordance with provisions established for the preservation of impounded property. Upon being found in violation of this Act, the party owning or in control of the premises where contraband is found shall forfeit all right, title and interest in the items seized which shall become the property of the Chickasaw Nation Tax Commission.

Section 3-201.10 Abatement

A. Any room, house, building, vehicle, structure or other place where beverages as defined in this Act are sold, manufactured, bartered, exchanged, given away, furnished or otherwise disposed of in violation of the provisions of this Act or of any other tribal statute or law relating to the manufacture, importation, transportation, possession, distribution and sale of beverages as defined in this Act and all property kept in and used in maintaining such place, is hereby declared a nuisance.

B. The chairman of the Chickasaw Nation Tax Commission, or if the chairman fails or refuses to do so, the Chickasaw Nation Tax Commission, by a majority vote, shall institute and maintain an action in the Tribal Court in the name of the Chickasaw Nation to abate and perpetually enjoin any nuisance declared under this Section. In addition to the other remedies at tribal law, the Tribal Court may also order the room, house, building, vehicle, structure or place closed for a period of one year or until the owner, lessee, tenant or occupant thereof shall give bond or sufficient sum from \$1,000 to \$15,000, depending upon the severity of past offenses, the risk of offenses in the future, and any other appropriate criteria, payable to the Chickasaw Nation and conditioned that beverages as defined in this Act will not be thereafter kept, sold, bartered, exchanged, given away, furnished or otherwise disposed of in violation of the provisions of this Act or of any other applicable tribal laws. If any conditions of the bond are violated, the bond may be applied to satisfy any amounts due to the Chickasaw Nation under this Act.

Section 3-201.11 Severability and Effective Date

A. If any provision under this Act is determined by court review to be invalid, such determination shall not be held to render ineffectual the remaining portions of this Act or to render such provisions inapplicable to other persons or circumstances.

B. Once it has been signed into law by the Governor, this Act shall be effective on such date as the Secretary of the United States Department of the Interior certifies this Act and publishes the same in the **Federal Register**.

C. Any and all previous statutes, laws and ordinances of the Chickasaw Nation Code which are inconsistent with this Act are hereby repealed and rescinded. Specifically repealed is Title 3, Chapter 2, Sections 3–201 through 3–215 as they existed before passage of this, the Beverage Control Act of 2007.

Section 3–201.12 Amendment and Construction

Nothing in this Act may be construed to diminish or impair in any way the rights or sovereign powers of the Chickasaw Nation or its tribal government other than the due process provision at Section 3–201.7.H which provides that licensees whose licenses have been revoked or suspended may seek review of that decision in Tribal Court. *Be it further resolved*, that the Chickasaw Tribal Legislature hereby approves and adopts the following sections to be codified in Title 5, Chapter 15, Article F of the Chickasaw Nation Code:

Section 5–1506.34 Definitions

All definitions relating to the sale, purchase, or consumption of Alcohol found in the Beverage Control Act of 2007 and are hereby incorporated by reference as if fully stated herein.

Section 5–1506.35 Possession, Purchase, and Consumption by Person Under Twenty-One (21) Years of Age

A. It shall be unlawful for any person under twenty-one (21) years of age to either:

1. Consume or possess with the intent to consume beverages as defined in the Beverage Control Act of 2007; or
2. Purchase or attempt to purchase beverages as defined in the Beverage Control Act of 2007, except under supervision of law enforcement officers.

B. Possession, Purchase, or Consumption by Person Under Twenty-One (21) Years of Age shall be punishable by a fine not to exceed Two Hundred Fifty Dollars (\$250.00), by imprisonment for not more than three (3) months, or both.

Section 5–1506.36 Prohibited Sales to Person Under Twenty-One (21) Years of Age

A. It shall be unlawful for any person to sell, serve, or otherwise supply, or attempt to sell, serve, or otherwise supply beverages as defined in the Beverage Control Act of 2007 to any

person under twenty-one (21) years of age.

B. Any person performing a Prohibited Sale to Person Under Twenty-One (21) Years of Age shall be punished by imprisonment for not more than one (1) year, a fine not to exceed Five Thousand Dollars (\$5,000.00), or a combination of both penalties. In addition, if such person holds a license issued by the Chickasaw Tax Commission, the license may be revoked or other civil action may be taken pursuant to the Beverage Control Act of 2007.

[FR Doc. E7–5961 Filed 3–30–07; 8:45 am]

BILLING CODE 4310–4J–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Indian Gaming

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of approved Tribal-State Compact.

SUMMARY: This notice publishes approval of the Tribal-State Compact between the State of Oklahoma and Fort Sill Apache Tribe of Oklahoma.

DATES: *Effective Date:* April 2, 2007.

FOR FURTHER INFORMATION CONTACT: George T. Skibine, Director, Office of Indian Gaming, Office of the Deputy Assistant Secretary—Policy and Economic Development, Washington, DC 20240, (202) 219–4066.

SUPPLEMENTARY INFORMATION: Under Section 11 of the Indian Gaming Regulatory Act of 1988 (IGRA), Public Law 100–497, 25 U.S.C. 2710, the Secretary of the Interior shall publish in the **Federal Register** notice of the approved Tribal-State Compact for the purpose of engaging in Class III gaming activities on Indian lands. This Compact authorizes the Fort Sill Apache Tribe of Oklahoma to engage in certain Class III gaming activities, provides for certain geographical exclusivity, limits the number of gaming machines at existing racetracks, and prohibits non-tribal operation of certain machines and covered games.

Carl J. Artman,

Assistant Secretary—Indian Affairs.

[FR Doc. E7–5955 Filed 3–30–07; 8:45 am]

BILLING CODE 4310–4N–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CO–923–1430–ET; COC–70704]

Notice of Proposed Withdrawal and Opportunity for Public Meeting; Colorado

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice; Correction.

SUMMARY: The Bureau of Land Management published a document in the **Federal Register** of February 23, 2007, concerning a notice of proposed withdrawal. The document contained errors in the land description.

FOR FURTHER INFORMATION CONTACT: Andrew J. Senti, BLM Colorado State Office, 303–239–3713.

In the **Federal Register** of February 23, 2007, in FR Doc. E7–3085, on page 8200, in the third column, make the following corrections to the land description:

Sec. 4, the sixth and seventh lines should read “a metes and bounds parcel within lot 1 and the NW¹/₄NW¹/₄,”

Sec. 15, the ninth and tenth lines should read “a metes and bounds parcel within the SW¹/₄SE¹/₄.”

Andrew J. Senti,

Acting Chief, Branch of Lands and Realty.

[FR Doc. E7–6013 Filed 3–30–07; 8:45 am]

BILLING CODE 4310–JB–P

DEPARTMENT OF THE INTERIOR

National Park Service

Winter Use Plans, Draft Environmental Impact Statement, Yellowstone and Grand Teton National Parks, and John D. Rockefeller, Jr. Memorial Parkway, Wyoming

AGENCY: National Park Service, Department of the Interior.

ACTION: Notice of Availability of the Draft Environmental Impact Statement for the Winter Use Plans, Yellowstone and Grand Teton National Parks, and John D. Rockefeller, Jr. Memorial Parkway.

SUMMARY: Pursuant to the National Environmental Policy Act of 1969, 42 U.S.C. 4332(2)(C), the National Park Service announces the availability of a Draft Environmental Impact Statement for the Winter Use Plans, Yellowstone and Grand Teton National Parks, and John D. Rockefeller, Jr. Memorial Parkway, Wyoming.

DATES: The National Park Service will accept comments on the Draft

Environmental Impact Statement from the public for 60 days from the date the Environmental Protection Agency publishes the Notice of Availability. Public meetings are scheduled at Cody, Wyoming on May 16, 2007 and West Yellowstone, Montana on May 17, 2007; time and place to be determined.

ADDRESSES: Information will be available for public review and comment online at <http://parkplanning.nps.gov>, in the office of Superintendent Suzanne Lewis, P.O. Box 168, Yellowstone National Park, WY 82190, 307-344-2019 and in the office of Superintendent Mary Gibson-Scott, Grand Teton National Park, P.O. Drawer 170, Moose, WY 83012-0170, 307-739-3300.

FOR FURTHER INFORMATION CONTACT: Debbie VanDePolder, P.O. Box 168, Yellowstone National Park, WY, 82190, 307-344-2019, yell_winter_use@nps.gov.

SUPPLEMENTARY INFORMATION: If you wish to comment, you may submit your comments by any one of several methods. You may mail comments to Winter Use Plan, P.O. Box 168, Yellowstone National Park, WY, 82190. You may also comment via the Internet at <http://parkplanning.nps.gov>. If you do not receive a confirmation from the system that we have received your Internet message, contact us directly at 307-344-2019. Finally, you may hand-deliver comments to Superintendent's Office, Headquarters Building, Mammoth Hot Springs, Yellowstone National Park, WY. Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address from the record, which we will honor to the extent allowable by law. There also may be circumstances in which we would withhold from the record a respondent's identity, as allowable by law. If you wish us to withhold your address, you must state this prominently at the beginning of your comment. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

Dated: March 2, 2007.

Michael D. Snyder,
Director, Intermountain Region, National Park Service.

[FR Doc. E7-6040 Filed 4-2-07; 8:45 am]

BILLING CODE 4312-CT-P

DEPARTMENT OF THE INTERIOR

National Park Service

National Register of Historic Places; Notification of Pending Nominations and Related Actions

Nominations for the following properties being considered for listing or related actions in the National Register were received by the National Park Service before March 17, 2007.

Pursuant to section 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded by United States Postal Service, to the National Register of Historic Places, National Park Service, 1849 C St., NW., Room 2280, Washington, DC 20240; by all other carriers, National Register of Historic Places, National Park Service, 1201 Eye St., NW., 8th floor, Washington DC, 20005; or by fax, 202-371-6447. Written or faxed comments should be submitted by April 17, 2007.

J. Paul Loether,

*Chief, National Register of Historic Places/
National Historic Landmarks Program.*

Colorado

Arapahoe County

Commandant of Cadets Building, U.S. Air Force Academy, 1016 Boston St., Aurora, 07000340

Hopkins Farm, 4400 E. Quincy Ave., Englewood, 07000341

Las Animas County

Kim Schools (New Deal Resources on Colorado's Eastern Plains MPS), 425 State St., Kim, 07000342

Otero County

La Junta City Park (New Deal Resources on Colorado's Eastern Plains MPS), Bounded by Colorado and Park Aves. and 10th and 14th Sts., La Junta, 07000343

Prowers County

Holly Gymnasium (New Deal Resources on Colorado's Eastern Plains MPS), N. Main St., Holly, 07000344

Sedgwick County

Sedgwick County Courthouse (New Deal Resources on Colorado's Eastern Plains MPS), 315 Cedar St., Julesburg, 07000345

Iowa

Butler County

Netcott—Pfeiffer House, 206 Buswell St., Parkersburg, 07000347

Dubuque County

Dubuque Star Brewery (Dubuque, Iowa MPS), 500 E. Fifth St., Dubuque, 07000348

Polk County

Chamberlain, S.S., Building (Architectural Legacy of Proudfoot & Bird in Iowa MPS), 1312 Locust St., Des Moines, 07000346

Missouri

St. Louis Independent City

Lucas Avenue Industrial Historic District (Boundary Increase), roughly bounded by Locust St., Delmar, and 19th and 20th Sts., St. Louis (Independent City), 07000349

New Jersey

Bergen County

Easton Tower, Red Mill Rd., NJ 4 and Saddle River Rd., Paramus Borough, 07000355

Burlington County

St. Mary of the Lakes Catholic Church, 108 Stokes Rd., Medford Lakes, 07000357

Essex County

St. Stanislaus Bishop and Martyr Roman Catholic Church, 146 Irvine Turner Blvd., Newark, 07000359

Temple B'Nai Abraham, 621 Clinton Ave., Newark, 07000358

Morris County

Community of St. John Baptist, 82 W. Main St., Mendham, 07000356

Somerset County

Middlebush Village Historic District, Amwell Rd., S. Middlebush Rd., Railroad Ave., Olcott St., and Debow St., Franklin, 07000354

North Carolina

Cleveland County

Southern Railway Company Overhead Bridge, Spanning the double tracks on the Norfolk Southern RR bet. Battleground and Railroad Aves., 1/2 blk N. of King St., Kings Mountain, 07000351

Davidson County

Lexington Residential Historic District, Roughly bounded by State St., W. Fifth St., Martin St., Westside Dr., Southbound St., and W. Ninth Ave., Lexington, 07000350

Scotland County

Erwin, Dr. Evan Alexander, House, 520 S. Main St., Laurinburg, 07000353

Wake County

Fuquay-Varina Woman's Club Clubhouse, 602 N. Ennis St., Fuquay-Varina, 07000352

Oregon

Lane County

Potter, Wallace and Glenn, House, 120 Fir Ln., Eugene, 07000360

Multnomah County

Swetland Building (Downtown Portland, Oregon MPS), 500 S.W. 5th Ave., Portland, 07000367

Sherman County

DeMoss Springs Park, DeMoss Springs Park, DeMoss Springs, 07000366

Tennessee*Shelby County*

Southern Railway Industrial Historic District, Roughly bounded by Beale, Myrtle, and the Southern Railway tracks, Linden, Jessamine and Orleans, Memphis, 07000361

Virginia*Fairfax County*

Merrybrook, 2346 Centreville Rd., Herndon, 07000362

Richmond Independent City

Richmond Locomotive and Machine Works, 1331 North Blvd., Richmond (Independent City), 07000363

Virginia Beach Independent City

Woodhouse House, 3067 W. Neck Rd., Virginia Beach (Independent City), 07000372

Washington*Franklin County*

Sacajawea State Park, 2503 Sacajawea Park Rd., Pasco, 07000364

Whitman County

Central Service Station, 534 Whitman St., Rosalia, 07000365

Yakima County

Gothen Creek Ranger Station, Forest Service Rd., Gifford Pinchot National Forest, 07000369

Wisconsin*Brown County*

Randall Avenue Historic District, Generally bounded by Ridgeway Blvd. and Oakdale Ave. and Glenwood Ave., De Pere, 07000370

Wyoming*Fremont County*

T Cross Ranch Rural Historic District, Address Restricted, Dubois, 07000371

Sublette County

Trappers Point Site, Address Restricted, Pinedale, 07000368

[FR Doc. E7-5954 Filed 3-30-07; 8:45 am]

BILLING CODE 4312-51-P

DEPARTMENT OF THE INTERIOR**National Park Service**

**Notice of Inventory Completion:
Museum of Indian Arts and Culture,
Laboratory of Anthropology, Museum
of New Mexico, New Mexico
Department of Cultural Affairs, Santa
Fe, NM; Correction**

AGENCY: National Park Service, Interior.
ACTION: Notice; correction.

Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the

completion of an inventory of human remains in the possession of the Museum of Indian Arts and Culture, Laboratory of Anthropology, Museum of New Mexico, New Mexico Department of Cultural Affairs, Santa Fe, NM. The human remains were removed from Torrance County, NM.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003 (d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

A detailed assessment of the human remains was made by the Museum of Indian Arts and Culture, Laboratory of Anthropology and Department of Cultural Affairs professional staff in consultation with representatives of the Hopi Tribe of Arizona; Kiowa Indian Tribe of Oklahoma; Mescalero Apache Tribe of the Mescalero Reservation, New Mexico; Pueblo of Acoma, New Mexico; Pueblo of Isleta, New Mexico; Pueblo of Jemez, New Mexico; Pueblo of Santo Domingo, New Mexico; Pueblo of Taos, New Mexico; Wichita and Affiliated Tribes (Wichita, Keechi, Waco & Tawakonie), Oklahoma; Ysleta del Sur Pueblo of Texas; and Zuni Tribe of the Zuni Reservation, New Mexico.

This notice is an addition of a minimum of 33 individuals from sites LA 95 (Quarai site) and LA 97 (Abo site), which were previously described in a Notice of Inventory Completion published in the **Federal Register** on August 29, 2000 (FR Doc 00-21974, pages 52441-52442). The human remains are extremely fragmentary and were found mixed in containers of non-human bone in the museum's collection. In 2000, the Museum of Indian Arts and Culture, Laboratory of Anthropology repatriated the human remains of the 29 individuals described in the Notice of Inventory Completion of August 29, 2000, to the Ysleta Del Sur Pueblo of Texas. At that same time, unassociated funerary objects from the LA 95 (Quarai site) described in a Notice of Intent to Repatriate published in the **Federal Register** on August 29, 2000 (FR Doc 00-21973, pages 52440-52441), were also repatriated.

In 2004, the Museum of Indian Arts and Culture, Laboratory of Anthropology and Department of Cultural Affairs found human remains representing a minimum of five individuals from site LA 97 (Abo site), Torrance County, NM, in their collection. The human remains had been removed in 1944-1945, and 1958,

during legally authorized excavations conducted by the Museum of New Mexico. No known individuals were identified. No associated funerary objects are present.

Based on archeological context, the human remains have been identified as Native American. Based on material culture and architectural features, site LA 97 (Abo site) is dated to the Pueblo IV through the early historic period (1300 A.D.-1680 A.D.).

In 2006, the Museum of Indian Arts and Culture, Laboratory of Anthropology and Department of Cultural Affairs found human remains representing a minimum 28 individuals from site LA 95 (Quarai site), Torrance County, NM, in their collection. The human remains had been removed in 1935-1936 and 1939-1940, during legally authorized excavations conducted as part of a multi-year stabilization project sponsored variously by the Museum of New Mexico, School of American Research, and Works Progress Administration. An additional undetermined number of individuals were recovered during the same time, some of which are curated by the Smithsonian Institution, and some of which are missing. The human remains found in the collections have not been identified as part of those individuals that were previously reported missing. No known individuals were identified. No associated funerary objects are present.

Based on archeological context, the human remains have been identified as Native American. Based on material culture, architectural features, and documentary evidence, site LA 95 (Quarai site) is dated to the Pueblo III to Pueblo IV and through Spanish Contact/Colonial (1100 A.D.-1680 A.D.).

The determination of material dates is based on archeological context and the cultural chronology for this region. Both sites are classified as Ancestral Puebloan and the human remains from these sites were recovered from cultural deposits containing ceramics that are materially and stylistically consistent with objects known to Southwestern archeologists as Ancestral Puebloan. Historical evidence also records these sites as trade centers, which enjoyed frequent contact with non-Puebloan tribes. Descendants of Ancestral Puebloan are members of the Hopi Tribe of Arizona; Pueblo of Acoma, New Mexico; Pueblo of Isleta, New Mexico; Pueblo of Jemez, New Mexico; Pueblo of Sandia, New Mexico; Pueblo of Santo Domingo, New Mexico; Pueblo of Taos, New Mexico; Ysleta del Sur Pueblo of Texas; and Zuni Tribe of the Zuni Reservation, New Mexico; as well as the

Piro–Manso–Tiwa Indian group, a non–federally recognized Indian group.

Officials of the Museum of Indian Arts and Culture, Laboratory of Anthropology, Department of Cultural Affairs have determined that, pursuant to 25 U.S.C. 3001 (9–10), the human remains described above represent the physical remains of 33 individuals of Native American ancestry. Officials of the Museum of Indian Arts and Culture, Laboratory of Anthropology, Department of Cultural Affairs also have determined that, pursuant to 25 U.S.C. 3001 (2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and the Hopi Tribe of Arizona; Pueblo of Acoma, New Mexico; Pueblo of Isleta, New Mexico; Pueblo of Jemez, New Mexico; Pueblo of Sandia, New Mexico; Pueblo of Santo Domingo, New Mexico; Pueblo of Taos, New Mexico; Ysleta del Sur Pueblo of Texas; and Zuni Tribe of the Zuni Reservation, New Mexico; as well as the Piro–Manso–Tiwa Indian group, a non–federally recognized Indian group.

Representatives of any other Indian tribe that believes itself to be culturally affiliated with the human remains should contact Dr. Shelby J. Tisdale, Director, Museum of Indian Arts and Culture, Laboratory of Anthropology, P.O. Box 2087, Santa Fe, NM 87504, telephone (505) 476–1251, before May 2, 2007. Repatriation of the human remains to the Hopi Tribe of Arizona; Pueblo of Acoma, New Mexico; Pueblo of Isleta, New Mexico; Pueblo of Jemez, New Mexico; Pueblo of Sandia, New Mexico; Pueblo of Santo Domingo, New Mexico; Pueblo of Taos, New Mexico; Ysleta del Sur Pueblo of Texas; and Zuni Tribe of the Zuni Reservation, New Mexico may proceed after that date if no additional claimants come forward.

Officials of the Museum of Indian Arts and Culture, Laboratory of Anthropology are responsible for notifying the Caddo Nation of Oklahoma; Hopi Tribe of Arizona; Kiowa Indian Tribe of Oklahoma; Mescalero Apache Tribe of the Mescalero Reservation, New Mexico; Pueblo of Acoma, New Mexico; Pueblo of Isleta, New Mexico; Pueblo of Jemez, New Mexico; Pueblo of Sandia, New Mexico; Pueblo of Santo Domingo, New Mexico; Pueblo of Taos, New Mexico; White Mountain Apache Tribe of the Fort Apache Reservation, Arizona; Wichita and Affiliated Tribes (Wichita, Keechi, Waco & Tawakonie), Oklahoma; Ysleta del Sur Pueblo of Texas; Zuni Tribe of the Zuni Reservation, New Mexico; and Piro–Manso–Tiwa Indian group, a non–federally recognized Indian group.

Dated: March 9, 2007

Sherry Hutt,

Manager, National NAGPRA Program.

[FR Doc. E7–5975 Filed 3–30–07; 8:45 am]

BILLING CODE 4312–50–S

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Intent to Repatriate Cultural Items: Southwest Museum of the American Indian, Autry National Center, Los Angeles, CA; Correction

AGENCY: National Park Service, Interior.

ACTION: Notice; correction.

Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3005, of the intent to repatriate cultural items in the possession of the Southwest Museum of the American Indian, Autry National Center, Los Angeles, CA, that meet the definitions of “sacred objects” and “objects of cultural patrimony” under 25 U.S.C. 3001.

This notice is published as part of the National Park Service’s administrative responsibilities under NAGPRA, 25 U.S.C. 3003 (d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the cultural items. The National Park Service is not responsible for the determinations in this notice.

This notice corrects a previously published Notice of Intent to Repatriate by increasing the number of cultural items listed from 55 to 56 cultural items, as the original notice omitted one *Dilzini Gaan* headdress.

In the **Federal Register** of November 2, 2006, (FR Doc E6–18509, pages 64559–64561), the following corrections are made –

The third paragraph is corrected by substituting the following paragraph:

The 56 cultural items are 42 pieces of *Dilzini Gaan* dance material, 7 *Dilzini Gaan* headdresses, 2 *Dilzini Gaan* dance wands, 2 crosses, 1 shirt, 1 medicine bundle, and 1 cap.

Paragraphs 9 and 10 are corrected by substituting the following paragraphs:

On December 3, 1935, the Southwest Museum purchased four *Dilzini Gaan* headdresses from Ms. Bonnie Gray of Burbank, CA, with money provided by the General Charles McCormack Reeve Fund. According to correspondence found in the museum records, Ms. Gray and a companion unearthed the masks in Arizona from the floor of a deserted Apache cabin during the middle of the

night. Museum records identify all four headdresses as Apache “Devil Dance” material.

The first of the four *Dilzini Gaan* headdresses is made of wooden slats tied together with sinew arranged in a fan shape measuring approximately 31 inches wide and 35 inches high. The slats are decorated with small mirrors and red, black, blue and yellow painted zigzags, arrows, birds, and geometric designs. A black cloth mask is attached to the frame with two slits made for the wearer’s eyes. The second *Dilzini Gaan* headdress is made of wooden slats tied together with sinew arranged in a fan shape measuring approximately 30.5 inches wide and 36 inches high. Blue, red–orange, black, purple, green, and yellow triangles, diamonds, circles, and other geometric shapes have been painted on both sides of the wooden slats. The third *Dilzini Gaan* headdress is made of long wooden slats divided into three groups and connected by smaller wooden slats to create a fan shaped arc tied together with sinew. It measures approximately 26 inches wide and 40 inches high. Red, yellow, blue, purple, and green diamonds, scallops, triangles, and dots have been painted on both sides of the slats. Mirrors adhere to the longer slats and one mirror appears to be missing. Two tassels made of four slender yellow wooden rods are attached to the laterally projecting slats. There is no mask for the headdress. The fourth *Dilzini Gaan* headdress is made of wooden slats tied together with sinew arranged into three points. The headdress measures approximately 17 inches wide and 18 inches high, is decorated with black, red, and purple chevrons and black dots on one side, and is decorated with black, green, red, and purple dots on the opposite side.

Paragraphs 20 to 23 are also corrected by substituting the following:

Consultation and physical inspection of the cultural items described above by knowledgeable Western Apache traditional cultural authorities of the San Carlos Apache Tribe of the San Carlos Reservation, Arizona; Tonto Apache Tribe of Arizona; White Mountain Apache Tribe of the Fort Apache Reservation, Arizona; and Yavapai–Apache Nation of the Camp Verde Indian Reservation, Arizona have identified the cultural items as culturally affiliated with Western Apache Indian tribes. According to the traditional cultural authorities, the cultural items have ongoing historical, traditional, and cultural importance to the Western Apache, and today, must be returned to the tribes representing the Western Apache to fully complete the ceremonial cycle into which they were

introduced; as such, the cultural items are objects of cultural patrimony.

According to Western Apache traditional cultural authorities, the 56 cultural items are made and handled according to instructions received from the Creator. The Creator is the only One who has the right to possess the cultural items after their use by humans. The cultural items must be put away properly to return them to the Creator; as such, the cultural items are sacred objects. The Western Apache are represented today by the federally recognized San Carlos Apache Tribe of the San Carlos Reservation, Arizona; Tonto Apache Tribe of Arizona; White Mountain Apache Tribe of the Fort Apache Reservation, Arizona; and Yavapai-Apache Nation of the Camp Verde Indian Reservation, Arizona. These four tribes are members of the Western Apache NAGPRA Working Group.

Representatives of any other Indian tribe that believes itself to be culturally affiliated with the objects of cultural patrimony/sacred objects should contact Dr. Duane H. King, Executive Director, or LaLena Lewark, Senior NAGPRA Coordinator, Southwest Museum of the American Indian, Autry National Center, 234 Museum Drive, Los Angeles, CA 90065, telephone (323) 221-2164 extension 241, before May 2, 2007. Repatriation of the objects of cultural patrimony/sacred objects to the San Carlos Apache Tribe of the San Carlos Reservation, Arizona; Tonto Apache Tribe of Arizona; White Mountain Apache Tribe of the Fort Apache Reservation, Arizona; and Yavapai-Apache Nation of the Camp Verde Indian Reservation, Arizona may proceed after that date if no additional claimants come forward.

Southwest Museum is responsible for notifying the Apache Tribe of Oklahoma; Fort Sill Apache Tribe of Oklahoma; Jicarilla Apache Nation, New Mexico; Mescalero Apache Tribe of the Mescalero Reservation, New Mexico; San Carlos Apache Tribe of the San Carlos Reservation, Arizona; Tonto Apache Tribe of Arizona; White Mountain Apache Tribe of the Fort Apache Reservation, Arizona; and Yavapai-Apache Nation of the Camp Verde Indian Reservation, Arizona that this notice has been published.

Dated: March 14, 2007

Sherry Hutt,

Manager, National NAGPRA Program.

[FR Doc. E7-5977 Filed 3-30-07; 8:45 am]

BILLING CODE 4312-50-S

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion: Thomas Burke Memorial Washington State Museum, University of Washington, Seattle, WA

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains in the possession of the Thomas Burke Memorial Washington State Museum (Burke Museum), University of Washington, Seattle, WA. The human remains were removed from Chelan County, WA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003 (d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. National Park Service is not responsible for the determinations in this notice.

A detailed assessment of the human remains was made by Burke Museum professional staff in consultation with representatives of the Confederated Tribes and Bands of the Yakama Nation, Washington and Confederated Tribes of the Colville Reservation, Washington.

Sometime before 1948, human remains representing a minimum of one individual were removed from Stehekin in Chelan County, WA, by Harold Wheeler. In 1948, the human remains were loaned to the Burke Museum by Mr. Wheeler (Burke Accn. #3512). No known individual was identified. No associated funerary objects are present.

The human remains were previously determined to not be Native American. After further review based on osteological information, the preponderance of the evidence identifies the human remains as Native American.

According to early and late ethnographic documentation, the Stehekin area was occupied by the Chelan tribe and is their aboriginal land (Miller 1998; Ray 1936; Ruby and Brown 1986; and Spier 1936). Information provided during consultation by representatives of the Confederated Tribes of the Colville Reservation, Washington confirms that the Chelan tribe traditionally occupied the Stehekin area. Descendants of the Chelan Tribe are members of the

Confederated Tribes of the Colville Reservation, Washington.

Officials of the Burke Museum have determined that, pursuant to 25 U.S.C. 3001 (9-10), the human remains described above represent the physical remains of one individual of Native American ancestry. Officials of the Burke Museum also have determined that, pursuant to 25 U.S.C. 3001 (2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and the Confederated Tribes of the Colville Reservation, Washington.

Representatives of any other Indian tribe that believes itself to be culturally affiliated with the human remains should contact Dr. Peter Lape, Burke Museum, University of Washington, Box 353010, Seattle, WA 98195-3010, telephone (206) 685-2282, before May 2, 2007. Repatriation of the human remains to the Confederated Tribes of the Colville Reservation, Washington may proceed after that date if no additional claimants come forward.

The Burke Museum is responsible for notifying the Confederated Tribes and Bands of the Yakama Nation, Washington and Confederated Tribes of the Colville Reservation, Washington that this notice has been published.

Dated: March 12, 2007

Sherry Hutt,

Manager, National NAGPRA Program.

[FR Doc. E7-5978 Filed 3-30-07; 8:45 am]

BILLING CODE 4312-50-S

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion: University of Colorado Museum, Boulder, CO

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains in the possession of the University of Colorado Museum, Boulder, CO. The human remains were removed from southeastern Colorado.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003 (d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National

Park Service is not responsible for the determinations in this notice.

A detailed assessment of the human remains was made by University of Colorado Museum professional staff in consultation with representatives of the Cheyenne–Arapaho Tribes of Oklahoma and Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana.

On an unknown date, human remains representing a minimum of one individual were removed from Mud Creek, a branch of the Purgatoire River in southeastern Colorado in or near Bent County, CO, by a soldier named Lance. No known individual was identified. No associated funerary objects are present.

Information recorded on the human remains indicates that in 1866 or 1869, a party of Cheyenne Indians was hunting in a small canyon on Mud Creek and they were ambushed by a party of Ute Indians. Several of the Cheyenne Indians were killed. The bodies were buried near the creek, and some years later, flood waters cut back the bank and exposed some of the skeletons. Lance, a soldier stationed nearby, collected a cranium. The cranium was given to his friend, David J. Burnett. On June 17, 1962, Mr. Burnett's daughter, Mrs. Ethel Burnett Zeigler, donated the cranium to the University of Colorado Museum (Catalog number 99410).

Based on the morphology of the teeth and cranium, the human remains represent a Native American adult male. Based on museum records, the human remains are Cheyenne. Descendants of the Cheyenne are members of the Cheyenne–Arapaho Tribes of Oklahoma and Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana.

Officials of the University of Colorado Museum have determined that, pursuant to 25 U.S.C. 3001 (9–10), the human remains described above represent the physical remains of one individual of Native American ancestry. Officials of the University of Colorado Museum also have determined that, pursuant to 25 U.S.C. 3001 (2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and the Cheyenne–Arapaho Tribes of Oklahoma and Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana.

Representatives of any other Indian tribe that believes itself to be culturally affiliated with the human remains should contact Steve Lekson, Curator of Anthropology, University of Colorado Museum, Henderson Building, Campus Box 218, Boulder, CO 80309–0218,

telephone (303) 492–6671, before May 2, 2007. Repatriation of the human remains to the Cheyenne–Arapaho Tribes of Oklahoma and Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana may proceed after that date if no additional claimants come forward.

The University of Colorado Museum is responsible for notifying the Cheyenne–Arapaho Tribes of Oklahoma and Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana that this notice has been published.

Dated: March 6, 2007

Sherry Hutt,

Manager, National NAGPRA Program.

[FR Doc. E7–5972 Filed 3–30–07; 8:45 am]

BILLING CODE 4312–50–S

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Intent to Repatriate a Cultural Item: University of Kansas, Lawrence, KS

AGENCY: National Park Service, Interior.
ACTION: Notice.

Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3005, of the intent to repatriate a cultural item in the possession of the University of Kansas, Lawrence, KS that meets the definitions of “sacred object” and “object of cultural patrimony” under 25 U.S.C. 3001.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003 (d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the cultural item. The National Park Service is not responsible for the determinations in this notice.

The cultural item is a woven basket. The University of Kansas acquired the basket from an unknown donor in 1917. Representatives of the Yurok Tribe of the Yurok Reservation, California identified the cultural item as a ceremonial basket used in the Wo-neek-wo-ley-go (Jump Dance). Tribal representatives also indicated that Yurok law prohibits the sale of such ceremonial items.

Officials of the University of Kansas have determined that, pursuant to 25 U.S.C. 3001 (3)(C), the cultural item described above is a specific ceremonial object needed by traditional Native

American religious leaders for the practice of traditional Native American religions by their present-day adherents. Officials of the University of Kansas also have determined that, pursuant to 25 U.S.C. 3001 (3)(D), the cultural item described above has ongoing historical, traditional, or cultural importance central to the Native American group or culture itself, rather than property owned by an individual. Lastly, officials of the University of Kansas have determined that, pursuant to 25 U.S.C. 3001 (2), there is a relationship of shared group identity that can be reasonably traced between the sacred object/object of cultural patrimony and the Yurok Tribe of the Yurok Reservation, California.

Representatives of any other Indian tribe that believes itself to be culturally affiliated with the sacred object/object of cultural patrimony should contact Thomas Foor, NAGPRA Coordinator, ARCC, University of Kansas, Spooner Hall, 1340 Jayhawk Blvd., Room 5B, Lawrence, KS 66045–7500, telephone (785) 766–5476, before May 2, 2007. Repatriation of the sacred object/object of cultural patrimony to the Yurok Tribe of the Yurok Reservation, California may proceed after that date if no additional claimants come forward.

The University of Kansas is responsible for notifying the Yurok Tribe of the Yurok Reservation, California that this notice has been published.

Dated: January 24, 2007

Sherry Hutt,

Manager, National NAGPRA Program.

[FR Doc. E7–5974 Filed 3–30–07; 8:45 am]

BILLING CODE 4312–50–S

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion: University of the Pacific, Stockton, CA

AGENCY: National Park Service, Interior.
ACTION: Notice.

Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains in the possession of the University of the Pacific, Stockton, CA. The human remains were removed from San Joaquin County, CA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003 (d)(3). The determinations in this notice are the sole responsibility

of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

A detailed assessment of the human remains was made by the University of the Pacific, Department of Biological Sciences faculty in consultation with a representative of the Santa Rosa Indian Community of the Santa Rosa Rancheria, California.

Sometime in the 1950s, human remains representing a minimum of 10 individuals were removed by unknown persons from a site on the north bank of Calaveras Creek on the Stockton campus of the University of the Pacific, Stockton, San Joaquin County, CA. The human remains were given to the faculty of what is now the Department of Biological Sciences. The Department of Biological Sciences has maintained sole possession continuously since that time. The human remains were found in storage in September 2006. No known individuals have been identified. No associated funerary objects are present.

The human remains are Native American based on dental morphology. During consultation, a tribal representative of the Santa Rosa Indian Community of the Santa Rosa Rancheria, California, confirmed that the provenience of the human remains is consistent with that of other discoveries of Native American human remains in the area. The site from which the human remains were removed is known to be the location of Native American burial grounds used by people of both the Miwok and Yokut tribes, and is listed as a burial site in the book *Archeology of the Northern San Joaquin Valley* (Schenk and Dawson, 1929). The descendants of the Miwok and Yokut are members of the Buena Vista Rancheria of Me-Wuk Indians of California; Chicken Ranch Rancheria of Me-Wuk Indians of California; Ione Band of Miwok Indians of California; Jackson Rancheria of Me-Wuk Indians of California; Santa Rosa Indian Community of the Santa Rosa Rancheria, California; Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria (Verona Tract), California; and Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria of California. The Ione Band of Miwok Indians of California and Santa Rosa Indian Community of the Santa Rosa Rancheria, California have been primarily associated with the area where the human remains were found.

Officials of the University of the Pacific have determined that, pursuant to 25 U.S.C. 3001

(9–10), the human remains described above represent the physical remains of 10 individuals of Native American ancestry. Officials of the University of the Pacific also have determined that, pursuant to 25 U.S.C. 3001 (2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and the Ione Band of Miwok Indians of California and Santa Rosa Indian Community of the Santa Rosa Rancheria, California.

Representatives of any other Indian tribe that believes itself to be culturally affiliated with the human remains should contact Michael Capurso, University of the Pacific, Gladys L. Benerd School of Education, 3601 Pacific Avenue, Stockton, CA 95211, telephone (209) 946–2287, before May 2, 2007. Repatriation of the human remains to the Ione Band of Miwok Indians of California and Santa Rosa Indian Community of the Santa Rosa Rancheria, California may proceed after that date if no additional claimants come forward.

The University of the Pacific is responsible for notifying the Buena Vista Rancheria of Me-Wuk Indians of California; Chicken Ranch Rancheria of Me-Wuk Indians of California; Ione Band of Miwok Indians of California; Jackson Rancheria of Me-Wuk Indians of California; Picayune Rancheria of the Chukchansi Indians of California; Santa Rosa Indian Community of Santa Rosa Rancheria, California; Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria (Verona Tract), California; Table Mountain Rancheria of California; Tule River Indian Tribe of the Tule River Reservation, California; Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria of California; and United Auburn Indian Community of the Auburn Rancheria of California that this notice has been published.

Dated: March 9, 2007

Sherry Hutt,

Manager, National NAGPRA Program.

[FR Doc. E7–5976 Filed 3–30–07; 8:45 am]

BILLING CODE 4312–50–S

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 731–TA–929–931 (Review)]

Silicomanganese From India, Kazakhstan, and Venezuela

AGENCY: United States International Trade Commission.

ACTION: Institution of five-year reviews concerning the antidumping duty orders

on silicomanganese from India, Kazakhstan, and Venezuela.

SUMMARY: The Commission hereby gives notice that it has instituted reviews pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)) (the Act) to determine whether revocation of the antidumping duty orders on silicomanganese from India, Kazakhstan, and Venezuela would be likely to lead to continuation or recurrence of material injury. Pursuant to section 751(c)(2) of the Act, interested parties are requested to respond to this notice by submitting the information specified below to the Commission;¹ to be assured of consideration, the deadline for responses is May 22, 2007. Comments on the adequacy of responses may be filed with the Commission by June 15, 2007. For further information concerning the conduct of these reviews and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

EFFECTIVE DATE: April 2, 2007.

FOR FURTHER INFORMATION CONTACT:

Mary Messer (202–205–3193), Office of Investigations, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its Internet server (<http://www.usitc.gov>). The public record for these reviews may be viewed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>.

SUPPLEMENTARY INFORMATION:

Background.—On May 23, 2002, the Department of Commerce issued antidumping duty orders on imports of silicomanganese from India, Kazakhstan, and Venezuela (67 FR 36149). The Commission is conducting reviews to determine whether

¹ No response to this request for information is required if a currently valid Office of Management and Budget (OMB) number is not displayed; the OMB number is 3117–0016/USITC No. 07–5–168, expiration date June 30, 2008. Public reporting burden for the request is estimated to average 10 hours per response. Please send comments regarding the accuracy of this burden estimate to the Office of Investigations, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436.

revocation of the orders would be likely to lead to continuation or recurrence of material injury to the domestic industry within a reasonably foreseeable time. It will assess the adequacy of interested party responses to this notice of institution to determine whether to conduct full reviews or expedited reviews. The Commission's determinations in any expedited reviews will be based on the facts available, which may include information provided in response to this notice.

Definitions.—The following definitions apply to these reviews:

(1) *Subject Merchandise* is the class or kind of merchandise that is within the scope of the five-year reviews, as defined by the Department of Commerce.

(2) The *Subject Countries* in these reviews are India, Kazakhstan, and Venezuela.

(3) The *Domestic Like Product* is the domestically produced product or products which are like, or in the absence of like, most similar in characteristics and uses with, the *Subject Merchandise*. In its original determinations, the Commission found a single *Domestic Like Product* consisting of all forms, sizes, and compositions of silicomanganese, except low-carbon silicomanganese.

(4) The *Domestic Industry* is the U.S. producers as a whole of the *Domestic Like Product*, or those producers whose collective output of the *Domestic Like Product* constitutes a major proportion of the total domestic production of the product. In its original determinations, the Commission found a single *Domestic Industry* consisting of all domestic producers of silicomanganese, excluding low-carbon silicomanganese.

(5) The *Order Date* is the date that the antidumping duty orders under review became effective. In these reviews, the *Order Date* is May 23, 2002.

(6) An *Importer* is any person or firm engaged, either directly or through a parent company or subsidiary, in importing the *Subject Merchandise* into the United States from a foreign manufacturer or through its selling agent.

Participation in the reviews and public service list.—Persons, including industrial users of the *Subject Merchandise* and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the reviews as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11(b)(4) of the Commission's rules, no later than 21 days after publication of this notice in

the **Federal Register**. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the reviews.

Former Commission employees who are seeking to appear in Commission five-year reviews are reminded that they are required, pursuant to 19 CFR 201.15, to seek Commission approval if the matter in which they are seeking to appear was pending in any manner or form during their Commission employment. The Commission's designated agency ethics official has advised that a five-year review is the "same particular matter" as the underlying original investigation for purposes of 19 CFR 201.15 and 18 U.S.C. 207, the post employment statute for Federal employees. Former employees may seek informal advice from Commission ethics officials with respect to this and the related issue of whether the employee's participation was "personal and substantial." However, any informal consultation will not relieve former employees of the obligation to seek approval to appear from the Commission under its rule 201.15. For ethics advice, contact Carol McCue Verratti, Deputy Agency Ethics Official, at 202-205-3088.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and APO service list.—Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI submitted in these reviews available to authorized applicants under the APO issued in the reviews, provided that the application is made no later than 21 days after publication of this notice in the **Federal Register**. Authorized applicants must represent interested parties, as defined in 19 U.S.C. 1677(9), who are parties to the reviews. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Certification.—Pursuant to section 207.3 of the Commission's rules, any person submitting information to the Commission in connection with these reviews must certify that the information is accurate and complete to the best of the submitter's knowledge. In making the certification, the submitter will be deemed to consent, unless otherwise specified, for the Commission, its employees, and contract personnel to use the information provided in any other reviews or investigations of the same or comparable products which the Commission conducts under Title VII of the Act, or in internal audits and

investigations relating to the programs and operations of the Commission pursuant to 5 U.S.C. Appendix 3.

Written submissions.—Pursuant to section 207.61 of the Commission's rules, each interested party response to this notice must provide the information specified below. The deadline for filing such responses is May 22, 2007. Pursuant to section 207.62(b) of the Commission's rules, eligible parties (as specified in Commission rule 207.62(b)(1)) may also file comments concerning the adequacy of responses to the notice of institution and whether the Commission should conduct expedited or full reviews. The deadline for filing such comments is June 15, 2007. All written submissions must conform with the provisions of sections 201.8 and 207.3 of the Commission's rules and any submissions that contain BPI must also conform with the requirements of sections 201.6 and 207.7 of the Commission's rules. The Commission's rules do not authorize filing of submissions with the Secretary by facsimile or electronic means, except to the extent permitted by section 201.8 of the Commission's rules, as amended, 67 FR 68036 (November 8, 2002). Also, in accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the reviews must be served on all other parties to the reviews (as identified by either the public or APO service list as appropriate), and a certificate of service must accompany the document (if you are not a party to the reviews you do not need to serve your response).

Inability to provide requested information.—Pursuant to section 207.61(c) of the Commission's rules, any interested party that cannot furnish the information requested by this notice in the requested form and manner shall notify the Commission at the earliest possible time, provide a full explanation of why it cannot provide the requested information, and indicate alternative forms in which it can provide equivalent information. If an interested party does not provide this notification (or the Commission finds the explanation provided in the notification inadequate) and fails to provide a complete response to this notice, the Commission may take an adverse inference against the party pursuant to section 776(b) of the Act in making its determinations in the reviews.

Information to be Provided in Response to This Notice of Institution: If you are a domestic producer, union/worker group, or trade/business association; import/export *Subject Merchandise* from more than one *Subject Country*; or produce *Subject*

Merchandise in more than one *Subject Country*, you may file a single response. If you do so, please ensure that your response to each question includes the information requested for each pertinent *Subject Country*. As used below, the term "firm" includes any related firms.

(1) The name and address of your firm or entity (including World Wide Web address if available) and name, telephone number, fax number, and E-mail address of the certifying official.

(2) A statement indicating whether your firm/entity is a U.S. producer of the *Domestic Like Product*, a U.S. union or worker group, a U.S. importer of the *Subject Merchandise*, a foreign producer or exporter of the *Subject Merchandise*, a U.S. or foreign trade or business association, or another interested party (including an explanation). If you are a union/worker group or trade/business association, identify the firms in which your workers are employed or which are members of your association.

(3) A statement indicating whether your firm/entity is willing to participate in these reviews by providing information requested by the Commission.

(4) A statement of the likely effects of the revocation of the antidumping duty orders on the *Domestic Industry* in general and/or your firm/entity specifically. In your response, please discuss the various factors specified in section 752(a) of the Act (19 U.S.C. 1675a(a)) including the likely volume of subject imports, likely price effects of subject imports, and likely impact of imports of *Subject Merchandise* on the *Domestic Industry*.

(5) A list of all known and currently operating U.S. producers of the *Domestic Like Product*. Identify any known related parties and the nature of the relationship as defined in section 771(4)(B) of the Act (19 U.S.C. 1677(4)(B)).

(6) A list of all known and currently operating U.S. importers of the *Subject Merchandise* and producers of the *Subject Merchandise* in the *Subject Country(ies)* that currently export or have exported *Subject Merchandise* to the United States or other countries since the *Order Date*.

(7) If you are a U.S. producer of the *Domestic Like Product*, provide the following information on your firm's operations on that product during calendar year 2006 (report quantity data in short tons and value data in U.S. dollars, f.o.b. plant). If you are a union/worker group or trade/business association, provide the information, on an aggregate basis, for the firms in which your workers are employed/which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total U.S. production of the *Domestic Like Product* accounted for by your firm's(s') production;

(b) The quantity and value of U.S. commercial shipments of the *Domestic Like Product* produced in your U.S. plant(s); and

(c) The quantity and value of U.S. internal consumption/company transfers of the *Domestic Like Product* produced in your U.S. plant(s).

(8) If you are a U.S. importer or a trade/business association of U.S. importers of the *Subject Merchandise* from the *Subject Country(ies)*, provide the following information on your firm's(s') operations on that product during calendar year 2006 (report quantity data in short tons and value data in U.S. dollars). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) The quantity and value (landed, duty-paid but not including antidumping duties) of U.S. imports and, if known, an estimate of the percentage of total U.S. imports of *Subject Merchandise* from each *Subject Country* accounted for by your firm's(s') imports;

(b) The quantity and value (f.o.b. U.S. port, including antidumping duties) of U.S. commercial shipments of *Subject Merchandise* imported from each *Subject Country*; and

(c) The quantity and value (f.o.b. U.S. port, including antidumping duties) of U.S. internal consumption/company transfers of *Subject Merchandise* imported from each *Subject Country*.

(9) If you are a producer, an exporter, or a trade/business association of producers or exporters of the *Subject Merchandise* in the *Subject Country(ies)*, provide the following information on your firm's(s') operations on that product during calendar year 2006 (report quantity data in short tons and value data in U.S. dollars, landed and duty-paid at the U.S. port but not including antidumping duties). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total production of *Subject Merchandise* in each *Subject Country* accounted for by your firm's(s') production; and

(b) The quantity and value of your firm's(s') exports to the United States of *Subject Merchandise* and, if known, an estimate of the percentage of total exports to the United States of *Subject*

Merchandise from each *Subject Country* accounted for by your firm's(s') exports.

(10) Identify significant changes, if any, in the supply and demand conditions or business cycle for the *Domestic Like Product* that have occurred in the United States or in the market for the *Subject Merchandise* in each *Subject Country* since the *Order Date*, and significant changes, if any, that are likely to occur within a reasonably foreseeable time. Supply conditions to consider include technology; production methods; development efforts; ability to increase production (including the shift of production facilities used for other products and the use, cost, or availability of major inputs into production); and factors related to the ability to shift supply among different national markets (including barriers to importation in foreign markets or changes in market demand abroad). Demand conditions to consider include end uses and applications; the existence and availability of substitute products; and the level of competition among the *Domestic Like Product* produced in the United States, *Subject Merchandise* produced in each *Subject Country*, and such merchandise from other countries.

(11) (OPTIONAL) A statement of whether you agree with the above definitions of the *Domestic Like Product* and *Domestic Industry*; if you disagree with either or both of these definitions, please explain why and provide alternative definitions.

Authority: These reviews are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.61 of the Commission's rules.

By order of the Commission.

Issued: March 28, 2007.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. E7-6050 Filed 3-30-07; 8:45 am]

BILLING CODE 7020-02-P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (07-029)]

Aerospace Safety Advisory Panel; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration

announces a forthcoming meeting of the Aerospace Safety Advisory Panel.

DATES: Tuesday, April 24, 2007, 1 p.m. to 3 p.m. Central Daylight Time.

ADDRESSES: Johnson Space Center, 2101 NASA Road 1, Robert H. Gilruth Recreation Center, Lone Star Room (R216), Houston, TX 77058.

FOR FURTHER INFORMATION CONTACT: Mr. Mark M. Kowaleski, Aerospace Safety Advisory Panel Executive Director, National Aeronautics and Space Administration, Washington, DC 20546, (202) 358-0751.

SUPPLEMENTARY INFORMATION: The Aerospace Safety Advisory Panel will hold its Quarterly Meeting. This discussion is pursuant to carrying out its statutory duties for which the Panel reviews, identifies, evaluates, and advises on those program activities, systems, procedures, and management activities that can contribute to program risk. Priority is given to those programs that involve the safety of human flight. The agenda will include Safety Organization and Management; Technical Governance; Major Contractor Safety; Constellation Program Safety; and Commercial Orbital Transportation Services Safety. The meeting will be open to the public up to the seating capacity of the room (50).

Seating will be on a first-come basis. Please contact the ASAP Office at (202) 358-0914 at least 48 hours in advance to reserve a seat. Visitors will be requested to sign a visitor's register. Photographs will only be permitted during the first 10 minutes of the meeting. During the first 30 minutes of the meeting, members of the public may make a 5-minute verbal presentation to the Panel on the subject of safety in NASA. To do so, please contact Ms. Susan Burch on (202) 358-0914 at least 24 hours in advance. Any member of the public is permitted to file a written statement with the Panel at the time of the meeting. Verbal presentations and written comments should be limited to the subject of safety in NASA.

Dated: March 19, 2007.

P. Diane Rausch,

*Advisory Committee Management Officer,
National Aeronautics and Space
Administration.*

[FR Doc. E7-5956 Filed 3-30-07; 8:45 am]

BILLING CODE 7510-13-P

NUCLEAR REGULATORY COMMISSION

Sunshine Act Meeting Notice

AGENCY HOLDING THE MEETINGS: Nuclear Regulatory Commission.

DATES: Weeks of April 2, 9, 16, 23, 30, May 7, 2007.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

MATTERS TO BE CONSIDERED:

Week of April 2, 2007

There are no meetings scheduled for the Week of April 2, 2007.

Week of April 9, 2007—Tentative

There are no meetings scheduled for the Week of April 9, 2007.

Week of April 16, 2007—Tentative

Monday, April 16, 2007

1:30 p.m. Discussion of Security Issues (Closed—Ex. 1, 2, & 3).

Tuesday, April 17, 2007

9 a.m. Briefing on New Reactor Issues—Environmental Issues (Public Meeting) (Contact: James Lyons, (301) 415-3050).

This meeting will be Webcast live at the Web address—<http://www.nrc.gov>.

12:55 p.m. Affirmation Session (Public Meeting) (Tentative) a. Entergy Nuclear Vermont Yankee, LLC, and Entergy Nuclear Operations, Inc. (Vermont Yankee Nuclear Power Station) Docket No. 50-271-LR, LBP-06-20, 64 NRC 131, 175-82 (2006) (Tentative).

1 p.m. Briefing on Office of Nuclear Regulatory Research (RES) Programs, Performance, and Plans (Public Meeting). (Contact: Ann Ramey-Smith, (301) 415-6877).

This meeting will be Webcast live at the Web address—<http://www.nrc.gov>.

Week of April 23, 2007—Tentative

There are no meetings scheduled for the Week of April 23, 2007.

Week of April 30, 2007—Tentative

There are no meetings scheduled for the Week of April 30, 2007.

Week of May 7, 2007—Tentative

Monday, May 7, 2007

1:30 p.m. Briefing on Office of Federal and State Materials and Environmental Management Programs (FSME) Programs, Performance, and Plans (Public Meeting).

This meeting will be Webcast live at the Web address—<http://www.nrc.gov>.

* * * * *

The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings call (recording)—(301) 415-1292.

Contact person for more information: Michelle Schroll, (301) 415-1662.

* * * * *

The NRC Commission Meeting Schedule can be found on the Internet at: <http://www.nrc.gov/about-nrc/policy-making/schedule.html>.

* * * * *

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (e.g. braille, large print), please notify the NRC's Disability Program Coordinator, Deborah Chan, at 301-415-7041, TDD: 301-415-2100, or by e-mail at DLC@nrc.gov. Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

* * * * *

This notice is distributed by mail to several hundred subscribers; if you no longer wish to receive it, or would like to be added to the distribution, please contact the Office of the Secretary, Washington, DC 20555 (301-415-1969). In addition, distribution of this meeting notice over the Internet system is available. If you are interested in receiving this Commission meeting schedule electronically, please send an electronic message to dkw@nrc.gov.

Dated: March 28, 2007.

R. Michelle Schroll,

Office of the Secretary.

[FR Doc. 07-1625 Filed 3-29-07; 11:35 am]

BILLING CODE 7590-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-55532; File No. S7-966]

Program for Allocation of Regulatory Responsibilities Pursuant to Rule 17d-2; Order Granting Approval of Amendment to the Plan for the Allocation of Regulatory Responsibilities Among the American Stock Exchange, LLC, the Boston Stock Exchange, Inc., the Chicago Board Options Exchange, Inc., the International Securities Exchange, LLC, the National Association of Securities Dealers, Inc., the New York Stock Exchange, LLC, the NYSE Arca, Inc., and the Philadelphia Stock Exchange, Inc.

March 26, 2007.

On December 5, 2006, the American Stock Exchange, LLC ("Amex"), the Boston Stock Exchange, Inc. ("BSE"),

the Chicago Board Options Exchange, Inc. ("CBOE"), the International Securities Exchange, LLC ("ISE"), the National Association of Securities Dealers, Inc. ("NASD"), the New York Stock Exchange, LLC ("NYSE"), the NYSE Arca, Inc. ("NYSE Arca"), and the Philadelphia Stock Exchange, Inc. ("Phlx") (collectively the "SRO participants") filed with the Securities and Exchange Commission ("Commission"), pursuant to Section 17(d) ¹ of the Securities Exchange Act of 1934 ("Act") and Rule 17d-2 thereunder,² an amendment to their January 14, 2004 plan for the allocation of regulatory responsibility. The proposed amended plan was published for comment on January 26, 2007.³ The Commission received no comments on the amended plan. This order approves the amended plan.

I. Introduction

Section 19(g)(1) of the Act,⁴ among other things, requires every national securities exchange and registered securities association ("SRO") to examine for, and enforce, compliance by its members and persons associated with its members with the Act, the rules and regulations thereunder, and the SRO's own rules, unless the SRO is relieved of this responsibility pursuant to Section 17(d) or 19(g)(2) of the Act.⁵ Without this relief, the statutory obligation of each individual SRO could result in a pattern of multiple examinations of broker-dealers that maintain memberships in more than one SRO ("common members"). This regulatory duplication would add unnecessary expenses for common members and their SROs.

Section 17(d)(1) of the Act was intended, in part, to eliminate unnecessary multiple examinations and regulatory duplication.⁶ With respect to a common member, Section 17(d)(1) authorizes the Commission, by rule or order, to relieve an SRO of the responsibility to receive regulatory reports, to examine for and enforce compliance with applicable statutes, rules and regulations, or to perform other specified regulatory functions.

To implement Section 17(d)(1), the Commission adopted two rules: Rule

17d-1 and Rule 17d-2 under the Act.⁷ Rule 17d-1, adopted on April 20, 1976,⁸ authorizes the Commission to name a single SRO as the designated examining authority ("DEA") to examine common members for compliance with the financial responsibility requirements imposed by the Act, or by Commission or SRO rules. When an SRO has been named as a common member's DEA, all other SROs to which the common member belongs are relieved of the responsibility to examine the firm for compliance with applicable financial responsibility rules.

Rule 17d-1 deals only with an SRO's obligations to enforce broker-dealers' compliance with the financial responsibility requirements. Rule 17d-1 does not relieve an SRO from its obligation to examine a common member for compliance with its own rules and provisions of the federal securities laws governing matters other than financial responsibility, including sales practices, and trading activities and practices.

To address regulatory duplication in these other areas, on October 28, 1976, the Commission adopted Rule 17d-2 under the Act.⁹ This rule permits SROs to propose joint plans allocating regulatory responsibilities with respect to common members. Under paragraph (c) of Rule 17d-2, the Commission may declare such a plan effective if, after providing for notice and comment, it determines that the plan is necessary or appropriate in the public interest and for the protection of investors, to foster cooperation and coordination among the SROs, to remove impediments to and foster the development of a national market system and a national clearance and settlement system, and in conformity with the factors set forth in Section 17(d) of the Act. Commission approval of a plan filed pursuant to Rule 17d-2 relieves an SRO of those regulatory responsibilities allocated by the plan to another SRO.

II. The Plan

On September 8, 1983, the Commission approved the SRO participants' plan for allocating regulatory responsibilities pursuant to Rule 17d-2.¹⁰ On May 23, 2000, the Commission approved an amendment to the plan that added the ISE as a

participant.¹¹ On November 8, 2002, the Commission approved another amendment that replaced the original plan in its entirety and, among other things, allocated regulatory responsibilities among all the participants in a more equitable manner.¹² On February 5, 2004, the parties submitted an amendment to the plan, primarily to include the BSE, which was establishing a new options trading facility to be known as the Boston Options Exchange ("BOX"), as an SRO participant.¹³

The plan reduces regulatory duplication for a large number of firms currently members of two or more of the SRO participants by allocating regulatory responsibility for certain options-related sales practice matters to one of the SRO participants. Generally, under the current plan, the SRO participant responsible for conducting options-related sales practice examinations of a firm, and investigating options-related customer complaints and terminations for cause of associated persons of that firm, is known as the firm's "Designated Options Examining Authority" ("DOEA"). Pursuant to the current plan, any other SRO of which the firm is a member is relieved of these responsibilities during the period the firm is assigned to a DOEA.

III. Proposed Amendment to the Plan

The purpose of the amended plan is to: (i) Provide that NASD and NYSE will be DOEAs under the plan, (ii) provide that the Designated Examination Authority pursuant to Commission Rule 17d-1 under the Act for a broker-dealer that is a member of more than one SRO participant (but not a member of the NASD or the NYSE) shall perform the regulatory responsibility under the agreement as if such DEA were the DOEA, (iii) to incorporate a more formal procedure for updating the list of common rules, and (iv) make certain other changes to the plan. The amended plan replaces the previous plan in its entirety.

IV. Discussion

The Commission finds that the amended plan is consistent with the factors set forth in Section 17(d) of the Act ¹⁴ and Rule 17d-2(c) thereunder ¹⁵

¹ 15 U.S.C. 78q(d).

² 17 CFR 240.17d-2.

³ Securities Exchange Act Release No. 55145 (January 22, 2007), 72 FR 3882.

⁴ 15 U.S.C. 78s(g)(1).

⁵ 15 U.S.C. 78q(d) or 15 U.S.C. 78s(g)(2).

⁶ See Securities Act Amendments of 1975, Report of the Senate Committee on Banking, Housing, and Urban Affairs to Accompany S. 249, S. Rep. No. 94-75, 94th Cong., 1st Session. 32 (1975).

⁷ 17 CFR 240.17d-1 and 17 CFR 240.17d-2.

⁸ See Securities Exchange Act Release No. 12352 (April 20, 1976), 41 FR 18809 (May 3, 1976).

⁹ See Securities Exchange Act Release No. 12935 (October 28, 1976), 41 FR 49093 (November 8, 1976).

¹⁰ See Securities Exchange Act Release No. 20158 (September 8, 1983), 48 FR 41256 (September 14, 1983).

¹¹ See Securities Exchange Act Release No. 42816 (May 23, 2000), 65 FR 24759 (May 31, 2000).

¹² See Securities Exchange Act Release No. 46800 (November 8, 2002), 67 FR 69774 (November 19, 2002).

¹³ See Securities Exchange Act Release No. 49197 (February 5, 2004), 69 FR 7046 (February 12, 2004).

¹⁴ 15 U.S.C. 78q(d).

¹⁵ 17 CFR 240.17d-2(c).

that the amended plan is necessary or appropriate in the public interest and for the protection of investors, to foster cooperation and coordination among self-regulatory organizations, and to remove impediments to and foster the development of a national market system. In particular, the Commission continues to believe that the plan is an achievement in cooperation among the SRO participants, and that the plan will reduce unnecessary regulatory duplication by allocating to the designated SRO the responsibility for certain options-related sales practice matters that would otherwise be performed by multiple SROs. The plan promotes efficiency by reducing costs to firms that are members of more than one of the SRO participants. In addition, because the SRO participants coordinate their regulatory functions in accordance with the plan, the plan promotes, and will continue to promote, investor protection.

V. Conclusion

This order gives effect to the amended plan submitted to the Commission that is contained in File No. S7-966. The SRO participants shall notify all members affected by the amended plan of their rights and obligations under the amended plan.

It is therefore ordered, pursuant to Sections 17(d) ¹⁶ of the Act, that the amended plan of the Amex, BSE, CBOE, ISE, NASD, NYSE, NYSE Arca, and Phlx filed pursuant to Rule 17d-2 ¹⁷ is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.¹⁸

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E7-5981 Filed 3-30-07; 8:45 am]

BILLING CODE 8010-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-55539; File Nos. SR-Amex-2007-21; SR-BSE-2007-07; SR-CBOE-2007-13; SR-ISE-2007-12; SR-NYSEArca-2007-28; SR-Phlx-2007-21]

Self-Regulatory Organizations; American Stock Exchange LLC and Chicago Board Options Exchange, Incorporated: Notice of Filing and Order Granting Accelerated Approval to Proposed Rule Changes; Boston Stock Exchange, Inc.; International Securities Exchange, LLC; NYSE Arca, Inc.; and Philadelphia Stock Exchange, Inc.: Notice of Filing and Order Granting Accelerated Approval to a Proposed Rule Change, as Amended, Relating to Linkage Orders

March 27, 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 February 16, 2007, February 20, 2007, February 13, 2007, February 6, 2007, March 14, 2007, and March 14, 2007, the American Stock Exchange LLC ("Amex"), the Boston Stock Exchange, Inc. ("BSE"), the Chicago Board Options Exchange, Incorporated ("CBOE"), the International Securities Exchange, LLC ("ISE"), NYSE Arca, Inc. ("NYSE Arca"), and the Philadelphia Stock Exchange, Inc. ("Phlx") (each, an "Exchange" and, collectively, the "Exchanges"), respectively, filed with the Securities and Exchange Commission ("Commission") the proposed rule changes as described in Items I and II below. On March 12, 2007, March 13, 2007, March 19, 2007, and March 20, 2007, BSE, ISE, NYSE Arca, and Phlx, respectively, filed Amendment No. 1 to their proposed rule changes.³ On March 21, 2007, Phlx filed Amendment No. 2 to its proposed rule change.⁴ The Commission is publishing this notice to solicit comments on the proposed rule changes, as amended, from interested persons and is approving the proposed rule changes, as amended, on an accelerated basis.

I. Self-Regulatory Organizations' Statement of the Terms of Substance of the Proposed Rule Changes

The Exchanges propose to amend their respective rules pertaining to the Intermarket Options Linkage

("Linkage") to conform such rules to Joint Amendment No. 22 ⁵ of the Plan for the Purpose of Creating and Operating an Intermarket Option Linkage ("Linkage Plan").⁶ The text of the proposed rule changes are available at the Exchanges' Web sites,⁷ the Exchanges' principal offices, and at the Commission's Public Reference Room.

II. Self-Regulatory Organizations' Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Changes

In its filing with the Commission, each Exchange included statements concerning the purpose of, and basis for, its 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 III below. The Exchanges have prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organizations' Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Changes

1. Purpose

The Exchanges propose to reduce certain "turn-around" times in the Linkage to 5 seconds. Specifically, if a member ⁸ of an Exchange does not receive a response to its Linkage Order ⁹ within 5 seconds, that member would be able to reject any response purporting to be an execution received thereafter. The member would also be able to trade

⁵ See Securities Exchange Act Release No. 55436 (March 8, 2007), 72 FR 12639 (March, 16, 2007) (File No. 4-429).

⁶ On July 28, 2000, the Commission approved a national market system plan for the purpose of creating and operating the Linkage proposed by Amex, CBOE, and ISE. See Securities Exchange Act Release No. 43086 (July 28, 2000), 65 FR 48023 (August 4, 2000). Subsequently, Phlx, Pacific Exchange, Inc. (n/k/a NYSE Arca, Inc.), and BSE joined the Linkage Plan. See Securities Exchange Act Release Nos. 43573 (November 16, 2000), 65 FR 70851 (November 28, 2000); 43574 (November 16, 2000), 65 FR 70850 (November 28, 2000); and 49198 (February 5, 2004), 69 FR 7029 (February 12, 2004).

⁷ See <http://www.amex.com>, <http://www.bostonstock.com>, <http://www.cboe.com>, <http://www.iseoptions.com>, <http://www.nyse.com>, and <http://www.phlx.com>.

⁸ The term "member," as used herein, includes NYSE Arca OTP Holders and OTP Firms and Boston Options Exchange ("BOX") Options Participants. See NYSE Arca Rules 1.1(q) and 1.1(r) and Chapter I, Sec. 1(a)(40) of BOX Rules, respectively.

⁹ See Section 2(16) of the Linkage Plan. For the purposes of these proposed rule changes only, references to "Linkage Orders" herein pertain to Principal Acting as Agent ("P/A") Orders and Principal Orders. See Section 2(16)(a) and (b) of the Linkage Plan, respectively, for definitions of "P/A Order" and "Principal Order."

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ Amendment No. 1 effected technical corrections to the proposed rule texts.

⁴ Amendment No. 2 effected a technical correction to the proposed rule text.

¹⁶ 15 U.S.C. 78q(d).

¹⁷ 17 CFR 240.17d-2.

¹⁸ 17 CFR 200.30-3(a)(34).

through the Exchange that failed to respond within 5 seconds. Similarly, if a member of one Exchange responds to a Linkage Order more than 5 seconds after receiving that order, and the Exchange that sent the Linkage Order cancels such response, the member would be required to cancel any purported trade resulting from that order. The Exchanges state that, as they have become more automated, experience with Linkage indicates that reducing the turn-around time to 5 seconds is expected to facilitate speedy executions of orders while not adversely affecting the ability of members to make markets on their Exchanges. The Exchanges submitted the proposed rule changes in conjunction with Joint Amendment No. 22 to the Linkage Plan.¹⁰

2. Statutory Basis

The Exchanges believe the proposed rule changes are consistent with the Act and the rules and regulations under the Act applicable to national securities exchanges and, in particular, the requirements of Section 6(b) of the Act.¹¹ Specifically, the Exchanges believe the proposed rule changes are consistent with the requirements of Section 6(b)(5) of the Act¹² that the rules of an exchange be designed to prevent fraudulent and manipulative acts, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

B. Self-Regulatory Organizations' Statement on Burden on Competition

The Exchanges believe that the proposed rule changes would impose no burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organizations' Statement on Comments on the Proposed Rule Changes Received From Members, Participants or Others

The Exchanges have neither solicited nor received comments on these proposals.

III. Solicitation of Comments

Interested persons are invited to submit written data, views, and

arguments concerning the foregoing, including whether the proposed rule changes are 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 Numbers SR-Amex-2007-21; SR-BSE-2007-07; SR-CBOE-2007-13; SR-ISE-2007-12; SR-NYSEArca-2007-28; SR-Phlx-2007-21 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 Numbers SR-Amex-2007-21; SR-BSE-2007-07; SR-CBOE-2007-13; SR-ISE-2007-12; SR-NYSEArca-2007-28; SR-Phlx-2007-21. These file numbers 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 submissions, all subsequent amendments, all written statements with respect to the proposed rule changes that are filed with the Commission, and all written communications relating to the proposed rule changes between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of the filings also will be available for inspection and copying at the principal offices of the Exchanges. 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 Numbers SR-Amex-2007-21; SR-BSE-2007-07; SR-CBOE-2007-13; SR-ISE-2007-12; SR-NYSEArca-2007-28; SR-Phlx-2007-21 and should be submitted on or before April 23, 2007.

IV. Commission's Findings and Order Granting Accelerated Approval of Proposed Rule Changes

After careful consideration, the Commission finds that the proposed rule changes, as amended, are consistent with the requirements of the Act and the rules and regulations thereunder, applicable to national securities exchanges.¹³ In particular, the Commission finds that the proposals are consistent with the provisions of Section 6(b)(5) of the Act¹⁴ in that they are designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and in general, to protect investors and the public interest. The Commission believes that reducing the time required by an Exchange to respond to a Linkage Order and reducing the amount of time a member sending a Linkage Order must wait before trading through a nonresponsive Exchange should facilitate the more timely execution of orders across the Exchanges.

The Commission also finds good cause, pursuant to Section 19(b)(2) of the Act¹⁵ for approving the proposal prior to the thirtieth day after the date of publication of the notice of the filing thereof in the **Federal Register**. Granting accelerated approval would facilitate the implementation of these changes in conjunction with the Joint Amendment No. 22 to the Linkage Plan.¹⁶

V. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule changes (SR-Amex-2007-21 and SR-CBOE-2007-13) and proposed rule changes (SR-BSE-2007-07; SR-ISE-2007-12; SR-NYSEArca-2007-28; and SR-Phlx-2007-21), as amended, are hereby approved on an accelerated basis.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.¹⁷

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E7-5967 Filed 3-30-07; 8:45 am]

BILLING CODE 8010-01-P

¹³ In approving this proposal, the Commission has considered its impact on efficiency, competition, and capital formation. See U.S.C. 78c(f).

¹⁴ 15 U.S.C. 78f(b)(5).

¹⁵ 15 U.S.C. 78s(b)(2).

¹⁶ See *supra* note 10.

¹⁷ 17 CFR 200.30-3(a)(12).

¹⁰ 10 Joint Amendment No. 22 to the Linkage Plan became summarily effective for a period not to exceed 120 days on March 8, 2007. See *supra* note 5.

¹¹ 11 15 U.S.C. 78f(b).

¹² 2 15 U.S.C. 78f(b)(5).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-55533; File No. SR-Amex-2007-13]

Self-Regulatory Organizations; American Stock Exchange LLC; Notice of Filing of Proposed Rule Change Relating to Exchange Rules Regarding Specialist Commissions

March 26, 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 January 29, 2007, the American Stock Exchange LLC ("Amex" 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 Amex. 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 Rules 154-AEMI and 154-AEMI One to extend its rule regarding specialist commissions. The text of the proposed rule change is available at <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 recently adopted Rule 154(b) setting forth the circumstances under which specialists may charge members and member organizations a

commission for executing orders in equities.³ The Exchange adopted this rule to provide consistency and clarity to all members and the public that orders sent to the Amex will not be subject to excessive or arbitrary costs; and to preserve the cost competitiveness of the Exchange.

The Exchange now proposes to adopt subparagraph (k) to Rule 154-AEMI and to Rule 154-AEMI One to: (1) Extend the application of the prohibitions on specialist commissions to Exchange Traded Fund Shares ("ETFs") and equities trading on the AEMI System; (2) expand the prohibition on specialist commissions to market at the close orders and limit at the close orders; and (3) specify that specialist commissions can only be charged for orders that are executed and not for orders that are cancelled or expire unexecuted. Thus proposed Rules 154-AEMI (k) and 154-AEMI One (k) would prohibit specialists from charging a commission for orders or portions of orders that have not been executed. This includes but is not limited to, a prohibition on specialists charging for order cancellations and orders that expire due to the passage of time.⁴ As noted above, the proposed rule will extend the prohibitions in Rule 154(b) to ETFs and equities now trading on the AEMI System which include prohibiting specialists from charging a commission on off floor orders that are electronically delivered to the specialist except in cases of orders that require special handling by the specialist or for which the specialist provides a service. The proposed rule would also prohibit specialists from billing for electronically delivered orders that are executed automatically by the Exchange's order processing facilities upon receipt. Orders executed on an opening or reopening would not be "billable." In addition, proposed Rules 154-AEMI (k) and 154-AEMI One (k) will reference Rule 152-AEMI (c) or Rule 152-AEMI One (c), respectively, which prohibits specialists from charging a commission where they act as principal in the execution of an order entrusted to them as agent. The proposed rule will also set forth the types of orders specialists would be allowed (but not required) to bill a commission.

³ See, Securities Exchange Act Release No. 55008 (December 22, 2006), 72 FR 597 (January 5, 2007) (Order approving SR-Amex 2006-98).

⁴ The Commission made minor clarifications to this sentence pursuant to a telephone call with the Exchange. See telephone call by and between Rahman Harrison, Special Counsel, Division of Market Regulation, Commission, and Claire P. McGrath, Senior Vice President and General Counsel, Amex, on February, 28, 2007.

In general, "routine" orders are not subject to specialist commissions while orders that require special handling or for which the specialist provides a service may be subject to a commission. Thus, proposed Rules 154-AEMI (k) and 154-AEMI One (k) (consistent with the recently adopted Rule 154(b)) will provide that specialists may (but are not required to) bill for: (i) Limit orders that remain on the book for more than two minutes; (ii) tick sensitive orders (*e.g.*, an order to sell short in a security subject to the Commission's "tick-test"); (iii) stop or stop limit orders; (iv) fill-or-kill and immediate-or-cancel orders; and (v) orders for the account of a competing market maker.⁵ It should be noted that the proposed rules eliminate the following order types from the list of orders for which the specialist may bill a commission as set forth in Rule 154(b) since these order types are not used in the AEMI System: (i) A non-regular way settlement (market or limit) order; and (ii) a market or marketable limit order stopped at one price and executed at a better price.

Specialist commissions increase the cost of doing business on the Exchange. These increased costs weaken the Exchange's competitive position relative to other markets as other markets do not need to compete as aggressively with the Exchange to cut their prices to investors. The Exchange consequently believes that the proposed rule would benefit investors if implemented and would strengthen the Exchange's competitive position.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Act and the rules and regulations under the Act applicable to a national securities exchange and, in particular, the requirements of Section 6(b)⁶ of the Act. Specifically, the Exchange believes the proposed rule change is consistent with the requirements of Section 6(b)(5)⁷ of the Act that the rules of an exchange be designed to promote just and equitable principles of trade, to prevent fraudulent and manipulative acts and practices, and, in general, to protect investors and the public interest. In addition, the Exchange believes that the proposed rule change is consistent with

⁵ The Commission made minor conforming changes to this sentence pursuant to a telephone call with the Exchange. See telephone call by and between Rahman Harrison, Special Counsel, Division of Market Regulation, Commission, and Claire P. McGrath, Senior Vice President and General Counsel, Amex, on February, 28, 2007.

⁶ 15 U.S.C. 78f(b).

⁷ 15 U.S.C. 78f(b)(5).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

the provisions of Section 6(b)(4),⁸ which requires 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

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

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

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding, or (ii) as to which the Amex consents, the Commission will:

A. By order approve such proposed rule change; or

B. Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an e-mail to rule-comments@sec.gov. Please include File Number SR-Amex-2007-13 on the subject line.

Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, Station Place, 100 F Street, NE., Washington, DC 20549-1090. All submissions should refer to File Number SR-Amex-2007-13. This file number should be included on the

subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing also will be available for inspection and copying at the principal office of the 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 publicly available. All submissions should refer to File Number SR-Amex-2007-13 and should be submitted on or before April 23, 2007.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.⁹

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E7-5982 Filed 3-30-07; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-55529; File No. SR-BSE-2007-13]

Self-Regulatory Organizations; Boston Stock Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Existing BeX Fee Schedule

March 26, 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 March 5, 2007, the Boston Stock Exchange, Inc. ("BSE" 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.

⁹ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

The BSE has designated this proposal as one changing a due, fee, or other charge under Section 19(b)(3)(A)(ii) of the Act³ and Rule 19b-4(f)(2) 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.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The BSE proposes to amend the Boston Equities Exchange ("BeX") fee schedule to include a smart order routing fee to be charged to BSE Members where a third-party broker-dealer serves as the "give-up" on an away Trading Center when the Member on whose behalf the order is being routed is not also a member of the away Trading Center. The text of the proposed rule change is available at www.bostonstock.com, at the BSE, 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

On November 20, 2006, the BSE filed File No. SR-BSE-2006-44, a rule filing that amended the existing BSE fee schedule and established a fee schedule for the BeX, a facility of the Exchange. File No. SR-BSE-2006-44 resulted in, among other things, the deletion of all Transaction Fees, Electronic File Access and Processing Fees, and Floor Operation Fees from the BSE fee schedule. The Transaction Fees and Electronic File Access and Processing Fees that were deleted from the BSE fee schedule were transferred to the BeX fee schedule. In addition to the transfer of existing fees from the BSE fee schedule

³ 15 U.S.C. 78s(b)(3)(A)(ii).

⁴ 17 CFR 240.19b-4(f)(2).

⁸ 15 U.S.C. 78f(b)(4).

to the BeX fee schedule, certain new fees were added to the BeX fee schedule. For example, BeX now charges a smart order routing fee of \$0.0010 per 100 shares. The purpose of the instant proposed rule change is to update the BeX fee schedule to reflect a new smart order routing fee that will be charged to Members when the Member on whose behalf an order is routed is not also a member or subscriber of the away Trading Center and, as a result, must utilize the "give-up" services provided through the Exchange.

As described in Chapter XXXVIII, Section 3 of the Exchange's Rules, the Exchange will route orders to other Trading Center under certain circumstances ("Routing Services"). The Exchange provides its Routing Services pursuant to the terms of three separate agreements: (1) An agreement between the Exchange and each Member on whose behalf orders will be routed ("Member-Exchange Agreement"); (2) an agreement between the Exchange and each third-party broker-dealer that will serve as a "give-up" on an away Trading Center when the Member on whose behalf an order is routed is not also a member or subscriber of the away Trading Center ("Give-Up Agreement"); and (3) an agreement between the Exchange and a third-party service provider ("Technology Provider") pursuant to which the Exchange licenses the routing technology used by the Exchange for its Routing Services ("Exchange-Technology Provider Agreement").

The new smart order routing fee being added to the BeX fee schedule relates to the second scenario set forth above, where a third-party broker-dealer serves as the "give-up" on an away Trading Center when the Member on whose behalf the order is being routed is not also a member of the away Trading Center. The new fee is called the "Smart order routing using BeX provided give-up" fee and the charge is \$0.0050 per 100 shares.⁵

⁵ The Exchange represents that the new fee of \$0.0050 per 100 shares will be charged in lieu of, and not in addition to, the currently existing "Smart order routing" fee of \$0.0010 per 100 shares for those orders using a BeX-provided give-up. Telephone conversation between Brian Donnelly, Assistant Vice President, Regulation and Compliance, BSE, and David Michehl, Special Counsel, Division of Market Regulation, Commission, on March 19, 2007.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the requirements of Section 6(b) of the Act,⁶ in general, and furthers the objectives of Section 6(b)(4) of the Act,⁷ in particular, in that it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among Exchange members and issuers and other persons using Exchange 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

The Exchange has neither solicited nor received comments on the proposed rule change.

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 Act⁸ and Rule 19b-4(f)(2) thereunder,⁹ because it establishes or changes a due, fee or other charge imposed by the Exchange. Accordingly, the proposal will take effect upon filing with the Commission.

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:

⁶ 15 U.S.C. 78f(b).

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).

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-BSE-2007-13 on the subject line.

Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, Station Place, 100 F Street, NE, Washington, DC 20549-1090.

All submissions should refer to File Number SR-BSE-2007-13. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing also will be available for inspection and copying at the principal office of the BSE. 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-BSE-2007-13 and should be submitted on or before April 23, 2007.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.¹⁰

Florence E. Harmon,

Deputy Secretary.

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¹⁰ 17 CFR 200.30-3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-55531; File No. SR-CBOE-2006-94]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Order Approving a Proposed Rule Change and Amendment No. 1 Thereto Relating to Off-Floor DPMs

March 26, 2007.

I. Introduction

On November 13, 2006, the Chicago Board Options Exchange, Incorporated ("CBOE" or "Exchange") filed with the Securities and Exchange Commission ("Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")¹ and Rule 19b-4 thereunder,² a proposed rule change to allow DPMs to operate off-floor. The Exchange filed Amendment No. 1 to the proposed rule change on January 18, 2007. The proposed rule change was published for comment in the **Federal Register** on February 20, 2007.³ The Commission received no comments on the proposal.

II. Description of the Proposal

CBOE proposes to amend its rules to allow a DPM to operate remotely away from CBOE's trading floor. DPMs are member organizations that function in option classes allocated to them as Market-Makers, and also are subject to the obligations under Rule 8.85 or as otherwise provided in CBOE's Rules. Currently, all DPMs operate on CBOE's trading floor. However, some member organizations have expressed an interest in acting as DPM remotely away from CBOE's trading floor. As discussed below, the proposed rule change is intended to provide DPMs with the flexibility to operate on CBOE's trading floor ("On-Floor DPM") or remotely away from CBOE's trading floor ("Off-Floor DPM"). A DPM would only be permitted to operate as an Off-Floor DPM in equity option classes traded on the Hybrid Trading System.

CBOE proposes to amend Rule 8.83 to provide that in selecting an applicant for approval as a DPM, the appropriate exchange committee may place one or more conditions on the approval, including, but not limited to, whether the DPM will operate on-floor or off-floor. Additionally, CBOE proposes to amend Rule 8.83 to provide that an On-

Floor DPM can request that the appropriate Exchange committee authorize it to operate as an Off-Floor DPM in one or more equity option classes traded on the Hybrid Trading System. The appropriate Exchange committee will consider the factors specified in Rule 8.83(b) in determining whether to permit an On-Floor DPM to operate as an Off-Floor DPM. In the event a DPM is approved to operate as an Off-Floor DPM, Rule 8.83 provides that the Off-Floor DPM can have a DPM Designee trade in open outcry in the option classes allocated to the Off-Floor DPM, but the Off-Floor DPM shall not receive a participation entitlement under Rule 8.87 with respect to orders represented in open outcry. CBOE also proposes to amend Rule 6.45A(a)(C) and Rule 6.74 to make clear that the DPM participation entitlement is only applicable to an On-Floor DPM.

As provided in new Interpretation .01 to Rule 8.83, if an Off-Floor DPM wishes to operate as an On-Floor DPM, the Off-Floor DPM can request that the appropriate Exchange Committee authorize it to do so. In making a determination pursuant to this Interpretation, the appropriate Exchange committee would evaluate whether the change is in the best interests of the Exchange, and the committee may consider any information that it believes will be of assistance to it. Factors to be considered may include, but are not limited to, any one or more of the following: Performance, operational capacity of the Exchange or the DPM, efficiency, number and experience of personnel of the DPM who will be performing functions related to the trading of the applicable securities, number of securities involved, number of Market-Makers affected, and trading volume of the securities.

In connection with this rule change, CBOE proposes to amend certain DPM obligations contained in Rule 8.85. In particular, CBOE proposes to amend the obligation contained in subparagraph (a)(iv), which currently provides that the DPM must assure that the number of DPM Designees and support personnel continuously present at the trading station throughout every business day is not less than the minimum required by the appropriate Exchange committee. CBOE proposes to amend subparagraph (a)(iv) to state that an Off-Floor DPM similarly shall assure that the number of DPM Designees and support personnel continuously overseeing the DPM's activities is not less than the minimum required by the appropriate Exchange committee. Additionally, an Off-Floor DPM shall provide members with telephone access to a DPM Designee at

all times during market hours for purposes of resolving problems involving trading on the Exchange.

CBOE also proposes to amend subparagraph (a)(v) of Rule 8.85, which states that a DPM shall trade in all securities allocated to the DPM only in the capacity of a DPM and not in any other capacity. CBOE proposes to allow, as part of an existing pilot program applicable to e-DPMs,⁴ an Off-Floor DPM to have not more than one Market-Maker affiliated with the Off-Floor DPM trade on CBOE's trading floor in any specific option class allocated to the Off-Floor DPM, provided such Market-Maker is trading on a separate membership.⁵ The affiliated Market-Maker would also have to comply with the "Guidelines for Exemptive Relief Under Rule 8.91(e) for Members Affiliated with DPMs," set forth in Rule 8.91. (Absent the pilot program, an Off-Floor DPM may not allow any Market-Makers affiliated with the Off-Floor DPM to trade on CBOE's trading floor in any class allocated to the Off-Floor DPM.) If the Off-Floor DPM has an affiliated Market-Maker trade on CBOE's trading floor in any specific option class allocated to the Off-Floor DPM pursuant to the pilot program, Rule 8.85(a)(v) provides that the Off-Floor DPM cannot also have a DPM Designee trading in open outcry in the option classes allocated to the Off-Floor DPM.

Finally, CBOE proposes to amend Interpretation .02 of Rule 3.8 to allow an Off-Floor DPM to appoint one individual to be the nominee for all memberships utilized by the organization in an Off-Floor DPM capacity. Interpretation .02 of Rule 3.8 currently provides that a member organization can appoint one individual to be the nominee for all memberships utilized by the organization in an RMM capacity or an e-DPM capacity. This is an exception to the general requirement of Rule 3.8(a)(ii) which provides that "if a member organization is the owner or lessee of more than one membership, the organization must designate a different individual to be the nominee for each of the memberships."

III. Discussion

After careful review, the Commission finds that the proposed rule change, as amended, is consistent with the requirements of the Act and the rules and regulations thereunder applicable to

⁴ See CBOE Rule 8.93(vii).

⁵ CBOE proposes to make a corresponding change to the "Guidelines for Exemptive Relief Under Rule 8.91(e) for Members Affiliated with DPMs." See Guidelines, Paragraph (b)(viii).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ See Securities Exchange Act Release No. 55275 (February 12, 2007), 72 FR 7782.

a national securities exchange⁶ and, in particular, the requirements of Section 6 of the Act.⁷ Specifically, the Commission finds that the proposal is consistent with Section 6(b)(5) of the Act,⁸ in that the proposal has been designed to promote just and equitable principles of trade, and to protect investors and the public interest.

In addition, the Commission believes that a Market Maker must have an affirmative obligation to hold itself out as willing to buy and sell options for its own account on a regular or continuous basis to justify receiving market maker margin. The Commission believes that CBOE's rules impose such affirmative obligations on DPMs that choose to operate remotely and notes that, under the proposal, a DPM acting from a remote location would still be required to meet the obligations of a DPM set forth in CBOE Rule 8.85.

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,⁹ that the proposed rule change (SR-CBOE-2006-94), as modified by Amendment No. 1, is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.¹⁰

Florence E. Harmon,
Deputy Secretary.

[FR Doc. E7-5980 Filed 3-30-07; 8:45 am]

BILLING CODE 8010-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-55491A; File No. SR-CBOE-2006-95]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing and Order Granting Accelerated Approval of Proposed Rule Change as Modified by Amendment Nos. 1 and 2 Thereto to List for Trading Options on the Vanguard® Emerging Markets Exchange Traded Fund

March 26, 2007.

Correction

FR Doc. E7-5423, issued on March 26, 2007 on page 14145, regarding Securities Exchange Act Release No. 34-55491, incorrectly cited the date of the

release as March 19, 2006. The date should read March 19, 2007.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.¹

Florence E. Harmon,
Deputy Secretary.

[FR Doc. E7-5986 Filed 3-30-07; 8:45 am]

BILLING CODE 8010-01-P

SECURITIES AND EXCHANGE COMMISSION

Release No. 34-55519; File No. SR-NASDAQ-2007-025)

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Trading One-, Two-, and Three-Character Symbols

March 26, 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 March 21, 2007, The NASDAQ Stock Market LLC ("Nasdaq") 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 has filed this proposal pursuant to Section 19(b)(3)(A) of the Act³ and Rule 19b-4(f)(5) 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.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

Nasdaq proposes to trade the securities of Delta Financial Corporation using the three-character symbol "DFC."

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, Nasdaq 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. Nasdaq 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

Historically, securities listed on Nasdaq have traded using four or five character symbols.⁵ In 2005, however, Nasdaq announced its intent to allow companies listed on Nasdaq to also use one-, two-, or three-character symbols.⁶ Nasdaq announced a series of dates throughout December 2006 and January and February 2007 where market participants could test trading Nasdaq stocks using one-, two-, or three-character symbols on weekends, in after hour sessions, and during full day sessions.⁷ Beginning February 20, 2007, Nasdaq had the ability to accept and distribute Nasdaq-listed securities with one-, two-, or three-character symbols. Nasdaq reminded market participants about this change again on March 1, 2007, stressing that "[a]ll customers should have completed their coding and testing efforts to ensure their readiness to support 1-, 2- and 3-character NASDAQ-listed issues."⁸

Nasdaq believes that the changes to its systems to accommodate one-, two-, and three-character symbols will promote competition among exchanges and enhance the strength of the U.S. capital

⁵ This includes securities listed on Nasdaq's predecessor market, operated as a facility of the NASD.

⁶ See Head Trader Alert 2005-133 (November 14, 2005), available at: <http://www.nasdaqtrader.com/Trader/News/2005/headtraderalerts/hta2005-133.stm> and Vendor Alert 2005-070 (November 14, 2005), available at: <http://www.nasdaqtrader.com/Trader/News/2005/vendoralerts/nva2005-070.stm>. See also Head Trader Alert 2006-144 (September 29, 2006), available at: <http://www.nasdaqtrader.com/Trader/News/2006/headtraderalerts/hta2006-144.stm>, Head Trader Alert 2006-193 (November 16, 2006), available at: <http://www.nasdaqtrader.com/Trader/News/2006/headtraderalerts/hta2006-193.stm> and Vendor Alert 2006-065 (October 4, 2006), available at: <http://www.nasdaqtrader.com/Trader/News/2006/vendoralerts/nva2006-065.stm>.

⁷ See Head Trader Alert 2006-201 (December 6, 2006), available at: <http://www.nasdaqtrader.com/Trader/News/2006/headtraderalerts/hta2006-201.stm>, Head Trader Alert 2007-008 (January 25, 2007), available at: <http://www.nasdaqtrader.com/Trader/News/2007/headtraderalerts/hta2007-008.stm>, Head Trader Alert 2007-011 (January 30, 2007), available at: <http://www.nasdaqtrader.com/Trader/News/2007/headtraderalerts/hta2007-011.stm>, Head Trader Alert 2007-020 (February 7, 2007), available at: <http://www.nasdaqtrader.com/Trader/News/2007/headtraderalerts/hta2007-020.stm>, and Head Trader Alert 2007-034 (February 16, 2007), available at: <http://www.nasdaqtrader.com/Trader/News/2007/headtraderalerts/hta2007-034.stm>.

⁸ Head Trader Alert 2007-050 (March 1, 2007), available at: <http://www.nasdaqtrader.com/Trader/News/2007/headtraderalerts/hta2007-050.stm>.

⁶ The Commission has considered the amended proposed rule change's impact on efficiency, competition and capital formation. 15 U.S.C. 78c(f).

⁷ 15 U.S.C. 78f.

⁸ 15 U.S.C. 78f(b)(5).

⁹ 15 U.S.C. 78s(b)(2).

¹⁰ 17 CFR 200.30-3(a)(12).

¹ 17 CFR 200.30-3(a)(12).

² 15 U.S.C. 78s(b)(1).

³ 17 CFR 240.19b-4.

⁴ 15 U.S.C. 78s(b)(3)(A).

⁵ 17 CFR 240.19b-4(f)(5).

markets. Specifically, Nasdaq believes that issuers should have the freedom of choice and competition. As issuers face the important choice of where to list their equities, the symbol an issuer currently uses should not factor prominently in the listing decision process. Similarly, the symbol that a market assigns to an issuer should not serve as an anchor if the issuer wishes to transfer to a competing market.⁹ As such, permitting the portability of this symbol will enhance competition among exchanges. Furthermore, as a result of the technological changes noted above, all Nasdaq systems, including the Securities Information Processor (SIP), are able to support all NYSE- and Amex-listed securities using their original symbols over its core transaction and data platforms. Nasdaq states that this provides an added level of redundancy and resiliency for the U.S. capital markets, and is key to its ability to provide full back-up for other equity markets in the event of a national or local emergency thereby enhancing the strength of the U.S. capital markets.

Nasdaq now proposes to allow one company, Delta Financial Corporation, to keep its current symbol, DFC, when it transfers from Amex to Nasdaq on March 22, 2007.¹⁰ Investors were notified of this change on March 12, 2007 when the company announced its transfer and continued use of the symbol "DFC"¹¹ and Nasdaq notified market participants on the same day.¹² Moreover, Nasdaq believes that forcing the company to change its trading symbol will cause confusion among its investors.

Given the foregoing, Nasdaq believes that market participants were provided adequate notice of this change and are prepared to accommodate the trading of

this company using the symbol DFC. Further, Nasdaq believes that any change to the symbol will cause confusion among investors and market participants. As such, Nasdaq proposes to begin trading the common stock of Delta Financial Corporation on Nasdaq using the symbol DFC on March 22, 2007. While this filing relates to the transfer of this issuer, Nasdaq states that it remains committed to working with the Commission and other markets to establish an equitable and transparent symbol assignment plan.

2. Statutory Basis

Nasdaq believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,¹³ in general and with Section 6(b)(5) of the Act,¹⁴ in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to 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

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 rule change has become effective pursuant to Section 19(b)(3)(A) of the Act¹⁵ and Rule 19b-4(f)(5) thereunder¹⁶ in that it effects a change to an order-entry or trading system that: (i) Does not significantly affect the protection of investors or the public interest; (ii) does not impose any significant burden on competition; and (iii) does not have the effect of limiting the access to or availability of the system. As such, this proposed rule change is effective upon filing with the Commission.

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-2007-025 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-NASDAQ-2007-025. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing also will be available for inspection and copying at the principal office of the 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-NASDAQ-2007-025 and should be submitted on or before April 23, 2007.

⁹ In that regard, Nasdaq notes that symbols are freely transferred when securities switch between the American Stock Exchange ("Amex"), the New York Stock Exchange ("NYSE"), and NYSE Arca. See, e.g., Yamana Gold Inc. (on January 12, 2007 switched from Amex to NYSE keeping the symbol AUY), VAALCO Energy (on October 12, 2006 switched from Amex to NYSE keeping the symbol EGY), and the transfer of 15 iShares ETFs from Amex to NYSE Arca announced on September 27, 2006. Now that Nasdaq is also a national securities exchange, allowing companies to maintain their symbol when transferring to Nasdaq would be consistent with the practice of other exchanges.

¹⁰ Nasdaq notes that Amex has raised no objections to Delta Financial's continued use of the symbol DFC.

¹¹ See company press release "Delta Financial to Keep Its 'DFC' Ticker on NASDAQ" dated March 12, 2007, available at: <http://www.snl.com/irweb/links/file.aspx?IID=107286&FID=3528005>.

¹² See Head Trader Alert 2007-057 (March 12, 2007), available at: <http://www.nasdaqtrader.com/Trader/News/2007/headtraderalerts/hta2007-057.stm>. See also Vendor Alert 2007-020 (March 12, 2007), available at: <http://www.nasdaqtrader.com/Trader/News/2007/vendoralerts/nva2007-020.stm>.

¹³ 15 U.S.C. 78f.

¹⁴ 15 U.S.C. 78f(b)(5).

¹⁵ 15 U.S.C. 78s(b)(3)(A).

¹⁶ 17 CFR 240.19b-4(f)(5).

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.¹⁷

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E7-5966 Filed 3-30-07; 8:45 am]

BILLING CODE 8010-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-55526; File No. SR-NASD-2007-025]

Self-Regulatory Organizations; National Association of Securities Dealers, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Adopt New NASD Rule 7000E Series Relating to Fees and Credits for the NASD/NYSE Trade Reporting Facility

March 26, 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 March 21, 2007, the National Association of Securities Dealers, Inc. ("NASD") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II below, which Items have been prepared substantially by NASD. NASD filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act³ and Rule 19b-4(f)(6) thereunder,⁴ which renders it effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

NASD proposes to adopt a new NASD Rule 7000E Series relating to fees and credits for the NASD/NYSE Trade Reporting Facility ("NASD/NYSE TRF"). The text of the proposed rule change is available at <http://www.nasd.com>, NASD, 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, NASD 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. NASD 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

On February 1, 2007, NASD filed for immediate effectiveness a proposed rule change relating to the establishment of the NASD/NYSE TRF.⁵ The NASD/NYSE TRF will provide NASD members with another mechanism for reporting to NASD locked-in transactions in exchange-listed securities effected otherwise than on an exchange. The NASD/NYSE TRF will commence operation upon successful completion of system testing and certification, which is currently anticipated to be in April 2007. The instant proposed rule change would adopt a new NASD Rule 7000E Series relating to fees and credits applicable to the NASD/NYSE TRF.

NASD is proposing that under new Rule 7002E there will be no transaction fee for reporting locked-in trades to the NASD/NYSE TRF in securities listed on the New York Stock Exchange ("Tape A"), the American Stock Exchange ("Tape B"), and the Nasdaq Exchange ("Tape C"). Although NASD is not required to file a proposed rule change where no fees are to be assessed, for members' convenience and to avoid potential confusion with the fee structures of other NASD facilities, NASD is proposing Rule 7002E to clarify that there will be no charge for use of the NASD/NYSE TRF to report locked-in transactions in exchange-listed securities effected otherwise than on an exchange. The text of proposed Rule 7002E is identical to the text of current Rule 7002C relating to the NASD/NSX Trade Reporting Facility ("NASD/NSX TRF") and Rule 7002D relating to the NASD/BSE Trade Reporting Facility ("NASD/BSE TRF").

In addition, NASD is proposing a transaction credit program under new Rule 7001E that is identical to the existing transaction credit program for the NASD/NSX TRF under Rule 7001C. NASD members reporting trades in Tape A, Tape B and Tape C stocks to the NASD/NYSE TRF will receive a 50%

pro rata credit on gross market data revenue earned by the NASD/NYSE TRF with respect to those trade reports. Credits will be paid on a quarterly basis. To the extent that market data revenue is subject to any adjustment, credits may be adjusted accordingly.⁶

Tape A and Tape B revenue is currently distributed to NASD and the exchanges based on number of trades reported, while Tape C revenue is distributed based on an average of the number of trades and number of shares reported. Thus, under the proposed program, the Tape A and Tape B revenue attributable to a member will be based on number of trades reported, while the Tape C revenue attributable to a member would be based on number of trades and number of shares reported. A member will receive 50% of the gross revenue attributable to it in each of the three tapes. "Gross revenue" is the revenue received by the NASD/NYSE TRF from the three tape associations after the tape associations deduct allocated support costs and unincorporated business costs.

NASD filed the proposed rule change for immediate effectiveness. NASD proposes to implement the proposed rule change on the first day of operation of the NASD/NYSE TRF, which is currently anticipated to be in April 2007.

2. Statutory Basis

NASD believes that the proposed rule change is consistent with the provisions of Section 15A of the Act,⁷ in general, and with Section 15A(b)(5) of the Act,⁸ in particular, which requires, among other things, that NASD rules provide for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility or system that NASD operates or controls. NASD believes that the proposed rule change is a reasonable and equitable fee and credit structure in that there will be no fees charged for trade reporting to the NASD/NYSE TRF and the proposed transaction credit program is identical to existing credits for the NASD/NSX TRF.

⁶ NASD also notes that the proposed transaction credit program is substantially equivalent to the existing transaction credit program for the NASD/Nasdaq Trade Reporting Facility ("NASD/Nasdaq TRF") under Rule 7001B and the NASD/BSE TRF under Rule 7001D. However, under the transaction credit programs for the NASD/Nasdaq TRF and NASD/BSE TRF, members do not receive 50% of gross revenue; instead, members receive 50% of revenue after deducting the amount, if any, that the respective TRF pays to the Consolidated Tape Association or the Nasdaq Securities Information Processor for capacity usage.

⁷ 15 U.S.C. 78o-3.

⁸ 15 U.S.C. 78o-3(b)(5).

¹⁷ 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. 78s(b)(3)(A).

⁴ 17 CFR 240.19b-4(f)(6). NASD gave the Commission written notice of its intent to file the proposed rule change on March 6, 2007.

⁵ See Securities Exchange Act Release No. 55325 (February 21, 2007), 72 FR 8820 (February 27, 2007) (SR-NASD-2007-011).

B. Self-Regulatory Organization's Statement on Burden on Competition

NASD 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 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:

- (i) Significantly affect the protection of investors or the public interest;
- (ii) Impose any significant burden on competition; and
- (iii) Become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act⁹ and Rule 19b-4(f)(6) thereunder.¹⁰ 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.

NASD has asked that the Commission waive the 30-day operative delay set forth in Rule 19b-4(f)(6)(iii) under the Act¹¹ to allow the proposed rule change to be implemented on the first day of operation of the NASD/NYSE TRF, which is currently anticipated to be in April 2007. The Commission believes such waiver is consistent with the protection of investors and the public interest, for it will allow the proposed fees and credits to be in place at the time NASD begins operating the NASD/NYSE TRF. For these reasons, the Commission designates the proposal to be operative upon filing with the Commission.¹²

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-NASD-2007-025 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-NASD-2007-025. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing also will be available for inspection and copying at the principal office of NASD. 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-NASD-2007-025 and should be submitted on or before April 23, 2007.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.¹³

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E7-5979 Filed 3-30-07; 8:45 am]

BILLING CODE 8010-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-55525; File No. SR-NFA-2007-01]

Self-Regulatory Organization; National Futures Association; Notice of Filing and Immediate Effectiveness of a Proposed Amendment Relating to NFA Compliance Rule 2-10

March 26, 2007.

Pursuant to Section 19(b)(7) of the Securities Exchange Act of 1934 ("Act")¹ and Rule 19b-7 under the Act,² notice is hereby given that on February 27, 2007, National Futures Association ("NFA") filed with the Securities and Exchange Commission ("Commission") the proposed rule change described in Items I, II, and III below, which Items have been substantially prepared by NFA. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons. NFA also has filed the proposed rule change with the Commodity Futures Trading Commission ("CFTC").

NFA, on February 26, 2007, submitted the proposed rule change to the CFTC for approval. The CFTC approved the proposed rule change on March 12, 2007.³

I. Self-Regulatory Organization's Description of the Proposed Rule Change

Section 15A(k) of the Act⁴ makes NFA a national securities association for the limited purpose of regulating the activities of NFA members ("Members") who are registered as brokers or dealers in security futures products under Section 15(b)(11) of the Act.⁵ NFA Compliance Rule 2-10(b) applies to all futures commission merchant ("FCM") Members, including those who are registered as security futures brokers or dealers under Section 15(b)(11) of the Act.

NFA Compliance Rule 2-10 currently requires FCM Members to maintain their books and records in an office located in either the U.S. or a jurisdiction that the CFTC has determined to have a comparable regulatory scheme for purposes of the CFTC's Part 30 regulation.⁶ The amendment requires the U.S. or Part 30

⁹ 15 U.S.C. 78s(b)(3)(A).

¹⁰ 17 CFR 240.19b-4(f)(6).

¹¹ 17 CFR 240.19b-4(f)(6)(iii).

¹² For purposes only of waiving the 30-day operative delay of this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

¹³ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(7).

² 17 CFR 240.19b-7.

³ See Letter from Eileen Donovan, Acting Secretary, CFTC, to Thomas W. Sexton, General Counsel, NFA, dated March 12, 2007, confirming approval of the proposal.

⁴ 15 U.S.C. 78o-3(k).

⁵ 15 U.S.C. 78o(b)(11).

⁶ 17 CFR 30.1-30.12.

jurisdiction office to be under the supervision of an associated person ("AP") principal resident in that office.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NFA has prepared statements concerning the purpose of, and basis for, the proposed rule change, burdens on competition, and comments received from members, participants, and others. The text of these statements may be examined at the places specified in Item IV below. NFA 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

In November 2005, NFA's Board adopted amendments to NFA Compliance Rule 2-10 to require FCMs to maintain their books and records in an office located in either the U.S. or a Part 30 jurisdiction (if the firm is subject to the Part 30 regulatory scheme).⁷ The rule does not require the office to be under the supervision of an AP principal resident in that office, however.

This creates several potential problems. First, the rule allows the firm's principals to supervise the office from a remote location. Without a principal on the premise to oversee the office's day-to-day recordkeeping activities, the firm is less likely to discover potential problems quickly. Second, there may be no one in the office who is subject to NFA's disciplinary jurisdiction. Although the firm's AP principals may ultimately be responsible for the firm's books and records violations, their distance from the office could dilute their sense of accountability as well as the accountability of those in the office.

The lack of a resident principal also means that NFA Compliance staff may not have ready access to someone who can answer questions during an audit or investigation. Although Compliance Rule 2-10 requires all Members to have an individual who is authorized to act on the Member's behalf, is fluent in

English, and is knowledgeable about the Member's business and about financial matters, the absence of a resident AP principal can be problematic when NFA is seeking information from an FCM.⁸

Accordingly, NFA amends Compliance Rule 2-10(b) to require that an FCM's books and records be kept in a U.S. or Part 30 office that is under the supervision of an AP principal resident in that office. As is currently the case, a firm could only use an office in a Part 30 jurisdiction if the firm is actually subject to regulation in that jurisdiction.

2. Statutory Basis

The rule change is authorized by, and consistent with, Section 15A(k) of the Act.⁹

B. Self-Regulatory Organization's Statement on Burden on Competition

The rule change will not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act and the Commodity Exchange Act.

C. Self-Regulatory Organization's Statement of Comments on the Proposed Rule Change Received From Members, Participants, or Others

NFA did not publish the rule change to the membership for comment. NFA did not receive comment letters concerning the rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

NFA, on February 26, 2007, submitted the proposed amendments to NFA Compliance Rule 2-10 to the CFTC for approval. The CFTC approved the proposed rule change on March 12, 2007.

Within 60 days of the date of effectiveness of the proposed rule change, the Commission, after consultation with the CFTC, may summarily abrogate the proposed rule change and require that the proposed rule change be refiled in accordance with the provisions of Section 19(b)(1) of the Act.¹⁰

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing,

⁸ Telephone conversation between Kathryn Page Camp, Associate General Counsel, NFA, and Molly M. Kim, Special Counsel, Division of Market Regulation, Commission, on March 22, 2007.

⁹ 15 U.S.C. 78o-3(k).

¹⁰ 15 U.S.C. 78s(b)(1).

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-NFA-2007-01 on the subject line.

Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549-1090.

All submissions should refer to File No. SR-NFA-2007-01. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of NFA. 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 No. SR-NFA-2007-01 and should be submitted on or before April 23, 2007.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.¹¹

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E7-5989 Filed 3-30-07; 8:45 am]

BILLING CODE 8010-01-P

¹¹ 17 CFR 200.30-3(a)(75).

⁷ See Securities Exchange Act Release No. 53190 (January 30, 2006), 71 FR 6119 (February 6, 2006).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-55541; File No. SR-NSX-2007-01]

Self-Regulatory Organizations; National Stock Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change and Amendment No. 1 Thereto to Modify Fees for Transactions Executed Through NSTS and ITS Plans

March 27, 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 February 5, 2007, the National Stock Exchange, Inc. (“NSX” or “Exchange”) filed with the Securities and Exchange Commission (“Commission”) the proposed rule change as described in Items I, II, and III below, which Items have been substantially prepared by the Exchange. On March 19, 2007, NSX submitted Amendment No. 1 to the proposed rule change. NSX has filed the proposal pursuant to Section 19(b)(3)(A) of the Act³ and Rule 19b-4(f)(2) 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, as amended, from interested persons.

I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is proposing various amendments to its fees for transactions executed through National Securities Trading System (“NSTS”), the Exchange’s legacy trading system, so that this fee schedule will correspond more closely to the existing fees for transactions executed through NSX BLADE, the Exchange’s new trading platform. These amendments involve proposed changes to old NSX Rule 11.10(A) (which is applicable to NSTS transactions), and the associated NSTS Fee Schedule. The Exchange is also proposing corresponding changes to its Fee Schedule applicable to transactions under the Intermarket Trading System Plan and/or the Plan for the purpose of Creating and Operating an Intermarket Communications Linkage (“ITS Plans”) for transactions executed through the ITS Plans (“ITS Transactions”). The text of the proposed rule change is available at NSX, the Commission’s Public

Reference Room, and <http://www.nsx.com>.

II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NSX included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. NSX has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Background

The Exchange has created a new state of the art trading platform, known as NSX BLADE, which utilizes a strict price/time priority system as the ultimate replacement for NSTS. The Exchange is in the midst of phasing in NSX BLADE. NSX BLADE was launched on October 23, 2006. As of the date of the initial filing of this proposed rule change, all Tape “C” securities have been phased into NSX BLADE from NSTS, and the Exchange plans to transition all Tape “A” and Tape “B” securities from NSTS to NSX BLADE in the near future.

During this transitional period of phasing in various securities to NSX BLADE, the Exchange will be operating both NSTS and NSX BLADE. Until such securities are phased into NSX BLADE, Tape “A” and “B” securities will continue to be traded via NSTS.

Rule Set

During this transitional period of phasing in various securities to NSX BLADE, the Exchange is operating both NSTS and NSX BLADE. Accordingly, the Exchange is operating under two sets of rules during this phase-in period. All transactions in NSTS are operating under the rules pertaining to NSTS (old Rule 11.9 (National Securities Trading System) and old Rule 11.10 (National Securities Trading System Fees) and any associated Fee Schedule) while all transactions in NSX BLADE are operating under the NSX BLADE trading rules approved in SR-NSX-2006-03 and the new fee rules in Chapter XVI of the Exchange Rules. When the phase-in is complete and NSTS is no longer operational, old Rules 11.9 and 11.10

(and any associated NSTS Fee Schedule) will be extinguished. The Exchange has issued a Notice to ETP Holders to advise them of the different trading systems and rules and fees applicable to each,⁵ and will issue a Notice advising them of the fee changes with this rule change. During this interim period, the Exchange has created a Fee Schedule applicable to NSTS Rules (“NSTS Fee Schedule”) under the authority of NSX Rule 16.1.⁶ Further, while the Fee Schedule for ITS Transactions is identical to the Fee Schedule for identical transactions entered in NSTS, the Exchange has decided to create a Fee Schedule for ITS Transactions to make it easier for parties to identify the specific fees associated with the ETP Holder’s transactions.

Fee Proposal

In the instant rule filing, the Exchange is proposing amendments to old Rule 11.10(A) and the associated NSTS Fee Schedule relating to transactions in Tape “A” and “B” securities on NSTS, and is proposing corresponding amendments to its Fee Schedule for ITS Transactions. As amended, old Rule 11.10(A) and the associated NSTS Fee Schedule would provide for an execution fee of \$0.0030 per share for removing liquidity from NSTS (in other words, a charge for taking liquidity against an order in NSTS), and a rebate of \$0.0030 per share executed for adding liquidity into NSTS (in other words, a rebate for the addition of liquidity to NSTS, provided that it results in an execution through NSTS). Thus, ETP Holders taking liquidity against an order in NSTS will be charged a fee of \$0.0030 per share executed, and ETP Holders providing liquidity into NSTS will be paid a rebate of \$0.0030 per share executed. In connection with this rule change, language is also proposed to be added to the NSTS Fee Schedule stating that with respect to ITS Transactions executed through NSTS, the Exchange will pay the applicable liquidity provider rebate only after it receives payment of the liquidity taker fee applicable to the execution.

This liquidity taker fee and liquidity provider rebate are proposed to replace the current transaction fees applicable to transactions in Tape “A” and “B” securities on NSTS. Currently, old Rule 11.10(A) provides for a variety of fees for executions in Tape “A” securities, and the NSTS Fee Schedule provides for

⁵ Regulatory Circular 06-011, issued on October 19, 2006.

⁶ On November 14, 2006, a new NSTS Fee Schedule became effective. See Securities Exchange Act Release No. 54753 (November 14, 2006), 71 FR 67678 (November 22, 2006) (SR-NSX-2006-14).

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)(2).

a \$0.0030 per share liquidity taker fee and a \$0.0027 per share liquidity provider rebate for executions in Tape "B" securities. These fees and rebates are proposed to be removed and replaced with the fee structure described herein.⁷ In connection with this filing, the Exchange also proposes to remove \$50,000 monthly transaction fee cap for transactions on NSTS that is currently provided for in old Rule 11.10(A)(i), and the quotation fee that is currently provided for in old Rule 11.10(A)(s). The Exchange is proposing these changes to its fees for NSTS transactions in order to harmonize its NSTS fees with the fees applicable to transactions executed through NSX BLADE. One of the proposed changes described above—the proposed new language in the NSTS Fee Schedule relating to the timing of liquidity provider rebate payments on ITS Transactions—is a policy change and, as of the date of the initial filing of this rule change, similar language was not contained in the Fee Schedule applicable to transactions executed through NSX BLADE.

The liquidity taker fee and liquidity provider rebate described above are contained in the NSTS Fee Schedule. The NSTS Fee Schedule supplements the fees and rebates contained in old NSX Rule 11.10. If the NSTS Fee Schedule does not contravene any fees stated in old NSX Rule 11.10, the ETP Holder effecting a transaction via NSTS will be charged the fees noted in old NSX Rule 11.10.

Changes are also being proposed to the Fee Schedule for ITS Transactions, to provide for a corresponding \$0.0030 per share liquidity taker fee for ITS Transactions executed through NSTS. Thus ETP Holders taking liquidity will be charged under the NSTS Fee Schedule, and executions through an ITS Plan will be charged under the Fee Schedule for ITS Transactions (although the rates of the two execution fees are identical). The Exchange bills non-ETP Holders using the facilities of the Exchange for ITS Transactions under the Fee Schedule for ITS Transactions.

Pursuant to NSX Rule 16.1(c), the Exchange will "provide ETP Holders with notice of all relevant dues, fees, assessments and charges of the Exchange." ETP Holders and others, including self-regulatory organizations that are the subject of exchange-to-exchange billing, using the Exchange will be advised of these fees through the Exchange's Web site. In addition, ETP

Holders will, simultaneously with this filing, be notified through the issuance of a Regulatory Circular of the changes to the Fee Schedules applicable to transactions through NSTS and the ITS Plans.

The fees have been designed in this manner in order to ensure that the Exchange can continue to fulfill its obligations under the Act.

2. Statutory Basis

NSX believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,⁸ in general, and with Sections 6(b)(4) of the Act,⁹ in particular, in that the proposal provides for the equitable allocation of reasonable dues, fees, and other charges. In addition, NSX believes that the proposed rule change furthers the objectives of Section 6(b)(1) of the Act¹⁰ in that it helps to assure that the Exchange is so organized and has the capacity to be able to carry out the purposes of the Act and to comply, and to enforce compliance by its ETP Holders with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange 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 From Members, Participants or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act¹¹ and subparagraph (f)(2) of Rule 19b-4 thereunder¹² because it establishes or changes a due, fee, or other charge applicable only to a member imposed by the self-regulatory organization. Accordingly, the proposal is effective upon Commission receipt of the filing. 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.¹³

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-NSX-2007-01 on the subject line.

Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549-1090.

All submissions should refer to File Number SR-NSX-2007-01. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of the filing also will be available for inspection and copying at the principal office of NSX. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-NSX-2007-01 and should

⁸ 15 U.S.C. 78f.

⁹ 15 U.S.C. 78f(b)(4).

¹⁰ 15 U.S.C. 78f(b)(1).

¹¹ 15 U.S.C. 78s(b)(3)(A)(ii).

¹² 17 CFR 240.19b-4(f)(2).

¹³ 15 U.S.C. 78s(b)(3)(C). For purposes of calculating the 60-day period within which the Commission may summarily abrogate the proposal, the Commission considers the period to commence on March 19, 2007, the date on which the Exchange submitted Amendment No. 1.

⁷ All Tape "C" securities have been transitioned to NSX BLADE, so there will be no Tape "C" transactions on NSTS.

be submitted on or before April 23, 2007.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.¹⁴

Florence E. Harmon,
Deputy Secretary.

[FR Doc. E7-5984 Filed 3-30-07; 8:45 am]

BILLING CODE 8010-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-55542; File No. SR-NSX-2007-02]

Self-Regulatory Organizations; National Stock Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change and Amendment No. 1 Thereto to Amend the Exchange's Tape Rebate Programs for Transactions Through NSTS to Establish an Equivalent Tape A Rebate Program

March 27, 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 February 15, 2007, the National Stock Exchange, Inc. ("NSX" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II below, which Items have been prepared substantially by NSX. NSX amended the proposed rule change on March 19, 2007.³ NSX filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act⁴ and Rule 19b-4(f)(6) thereunder,⁵ which renders it effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change, as amended, from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is proposing to amend old NSX Rule 11.10(A)(1), which is applicable to transactions through the Exchange's legacy trading system, National Securities Trading System ("NSTS"), to provide for a rebate program for Tape A securities that is equivalent to the Exchange's current

Tape A rebate program applicable to transactions executed through the Exchange's new trading system, NSX BLADE. This proposed Tape A rebate program is also equivalent to the Exchange's current Tape B and Tape C rebate programs applicable to NSTS and NSX BLADE transactions.

The text of the proposed rule change is available at NSX, <http://www.nsx.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, NSX included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. NSX has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

NSX proposes to amend old Exchange Rule 11.10(A)(1), which is applicable to transactions through NSTS, to provide for a rebate program for Tape A securities that is equivalent to the Exchange's current Tape A rebate program applicable to transactions executed through NSX BLADE. This proposed Tape A rebate program is also equivalent to the Exchange's current Tape B and Tape C rebate programs applicable to NSTS and NSX BLADE transactions.

The Exchange has created a new trading platform, known as NSX BLADE, which uses a strict price/time priority system as the ultimate replacement for NSTS. The Exchange is in the midst of phasing in NSX BLADE. NSX BLADE was launched on October 23, 2006. As of the date of the initial filing of this proposed rule change, all Tape C securities have been phased into NSX BLADE from NSTS, and the Exchange plans to transition all Tape A and Tape B securities from NSTS to NSX BLADE in the near future.

During this transitional period of phasing in various securities to NSX BLADE, the exchange will be operating both NSTS and NSX BLADE. Until such securities are phased into NSX BLADE, Tape A and Tape B securities will continue to be traded via NSTS.

During this transitional period of phasing in various securities to NSX BLADE, the Exchange is operating both NSTS and NSX BLADE. Accordingly, the Exchange is operating under two sets of rules during the phase-in period. All transactions in the NSTS System are operating under the rules pertaining to NSTS (old Exchange Rule 11.9 (National Securities Trading System) and old Exchange Rule 11.10 (National Securities Trading System Fees) and any associated Fee Schedule) while all transactions in NSX BLADE are operating under the NSX BLADE trading rules approved in SR-NSX-2006-03⁶ and the new fee rules in Chapter XVI. When the phase-in is complete and NSTS is no longer operational, old Rules 11.9 and 11.10 will be extinguished. The Exchange has issued a Notice to ETP Holders to advise them of the different trading systems and rules and fees applicable to each,⁷ and will issue a Notice advising them of the fee changes with this proposed rule change.

Additionally, the Exchange currently offers rebate programs for Tape A, B and C transactions executed through NSX BLADE, each consisting of a 50 percent transaction credit on revenues generated by transactions executed through NSX BLADE in Tape A, B or C securities, respectively. Old Rule 11.10(A)(1), which is applicable to transactions executed through NSTS, currently provides for equivalent 50 percent Tape B and C rebate programs for transactions executed through NSTS. Under each of the Exchange's current rebate programs, the credit is allocable to ETP Holders on a pro rata basis based upon Tape A, B or C revenue generated by an ETP Holder's transactions on NSX BLADE or NSTS, as applicable.

With the instant proposed rule change, the Exchange is proposing to adopt a rebate program for NSTS transactions in Tape A securities that is equivalent to the Exchange's current Tape A rebate program applicable to NSX BLADE transactions. As with the Exchange's other tape rebate programs, this proposed Tape A rebate program will provide a 50 percent transaction credit on revenues generated by transactions executed through NSTS in Tape A securities, and will be allocable to ETP Holders on a pro rata basis based upon the Tape A revenue generated by such ETP Holder's transactions on NSTS. The Exchange believes that there

¹⁴ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ See Amendment No. 1.

⁴ 15 U.S.C. 78s(b)(3)(A).

⁵ 17 CFR 240.19b-4(f)(6). The Commission considers the 60-day abrogation period to have commenced on March 19, 2007, the date NSX filed Amendment No. 1.

⁶ See Securities Exchange Act Release No. 53963 (June 8, 2006), 71 FR 34660 (June 15, 2006) (order) (SR-NSX-2006-034).

⁷ Regulatory Circular 06-011, issued on October 19, 2006.

is no regulatory reason to distinguish Tape A transactions on NSTS from Tape A transactions on NSX BLADE, and is therefore proposing an equivalent rebate program. As with the Exchange's other tape rebate programs, to the extent that market data revenue from Tape A transactions is subject to any adjustment, credits provided under the Tape A program may be adjusted accordingly.

The Exchange believes the proposed rule change is consistent with the protection of investors and the public interest because it lowers the cost of trading and market data to broker-dealers and the investing public, and because it enhances competition in the trading of Tape A securities.

2. Statutory Basis

NSX believes that the proposed rule change is consistent with the provisions of Section 6(b) of the Act,⁸ in general, and with 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 by crediting members on a pro rata basis.

B. Self-Regulatory Organization's Statement on Burden on Competition

NSX does not believe that the proposed rule change will impose any inappropriate burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not:

- (i) Significantly affect the protection of investors or the public interest;
- (ii) Impose any significant burden on competition; and
- (iii) Become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act¹⁰ and Rule 19b-4(f)(6) 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.

The Exchange has asked that the Commission waive the 30-day operative delay contained in Rule 19b-4(f)(6)(iii) under the Act.¹² The Commission believes waiver of the 30-day operative delay is consistent with the protection of investors and the public interest, because the proposed rule change contains no novel regulatory issues, and is designed to enhance competition in the trading of Tape A securities. Accordingly, the Commission designates the proposed rule change to be effective and operative upon filing with the Commission.¹³

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-NSX-2007-02 on the subject line.

Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549-1090.

All submissions should refer to File Number SR-NSX-2007-02. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than

those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing also will be available for inspection and copying at the principal office of NSX. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-NSX-2007-02 and should be submitted on or before April 23, 2007.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.¹⁴

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E7-5985 Filed 3-30-07; 8:45 am]

BILLING CODE 8010-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-55524; File No. SR-NSX-2007-03]

Self-Regulatory Organizations; National Stock Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Modify Fees for Transactions Executed Through NSX BLADE and ITS Plans Priced at Less Than \$1.00 Per Share

March 26, 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 March 2, 2007, the National Stock Exchange, Inc. ("NSX" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been substantially prepared by the Exchange. NSX has filed the proposal pursuant to Section 19(b)(3)(A) of the Act³ and Rule 19b-4(f)(2) 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.

¹² 17 CFR 240.19b-4(f)(6)(iii).

¹³ For purposes only of waiving the 30-day operative delay of this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

¹⁴ 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. 78s(b)(3)(A).

⁴ 17 CFR 240.19b-4(f)(2).

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 240.19b-4(f)(6).

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is proposing changes to its fees for transactions priced at less than \$1.00 per share that are executed through NSX BLADE, the Exchange's new trading platform. These changes are being proposed in order to comply with Rule 610(c) of Regulation NMS under the Act. The Exchange is also proposing corresponding changes to its Fee Schedule applicable to transactions under the Intermarket Trading System Plan and/or the Plan for the purpose of Creating and Operating an Intermarket Communications Linkage ("ITS Plans") for transactions executed through the ITS Plans ("ITS Transactions"). The text of the proposed rule change is available at NSX, the Commission's Public Reference Room, and <http://www.nsx.com>.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NSX included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. NSX has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange has created a new state of the art trading platform, known as NSX BLADE, which utilizes a strict price/time priority system as the ultimate replacement for the Exchange's legacy system, National Securities Trading System ("NSTS"). Pursuant to Exchange Rule 16.1(a), the Exchange maintains a Fee Schedule that contains its current fees, dues and other charges applicable to transactions in NSX BLADE ("NSX BLADE Fee Schedule").

Currently, the NSX BLADE Fee Schedule provides for an execution fee of \$0.0030 per share for removing liquidity from NSX BLADE (in other words, a charge for taking liquidity against an order in NSX BLADE), and a rebate of \$0.0030 per share executed for adding liquidity into NSX BLADE (in other words, a rebate for the addition of liquidity to NSX BLADE, provided that it results in an execution through NSX

BLADE). Thus, ETP Holders taking liquidity against an order in NSX BLADE are currently charged a fee of \$0.0030 per share executed, and ETP Holders providing liquidity into NSX BLADE are currently paid a rebate of \$0.0030 per share executed.

Rule 610(c)(2) of Regulation NMS⁵ generally requires that the fees charged by a trading center for execution of an order against a quotation of less than \$1.00 per share cannot exceed or accumulate to more than 0.3% of the quotation price per share. In order to comply with this rule, the Exchange is proposing a 0.3% per share liquidity taker fee and a 0.3% per share liquidity provider rebate for transactions that are priced at less than \$1.00 per share. This fee and rebate structure would be in lieu of the \$0.0030 per share liquidity taker fee and the \$0.0030 liquidity provider rebate described above. In other words, for transactions that are priced at less than \$1.00 per share, ETP Holders would be charged 0.3% of the price per share for taking liquidity against an order in NSX BLADE, and would receive a rebate of 0.3% of the price per share for the addition of liquidity to NSX BLADE, provided that it results in an execution through NSX BLADE. For example, if a transaction was executed on NSX BLADE for 100 shares at \$0.50 per share, any liquidity taker fee or liquidity provider rebate applicable to the transaction would be equal to \$0.15 ($\$0.50 \times 0.3\% \times 100$).

In addition, changes are being proposed to the Fee Schedule for ITS Transactions, to provide for a corresponding 0.3% per share liquidity taker fee for ITS Transactions executed through NSX BLADE that are priced at less than \$1.00 per share. ETP Holders taking liquidity from NSX BLADE will be charged under the NSX BLADE Fee Schedule, and executions on NSX BLADE through an ITS Plan will be charged under the Fee Schedule for ITS Transactions (although the rates of the two execution fees are identical). The Exchange bills non-ETP Holders using the facilities of the Exchange for ITS Transactions under the Fee Schedule for ITS Transactions.

In connection with this rule change, language is also proposed to be added to the NSX BLADE Fee Schedule stating that with respect to ITS Transactions executed through NSX BLADE, the Exchange will pay the applicable liquidity provider rebate (\$0.0030 per share or 0.3% per share, depending on the execution price) only after it receives payment of the liquidity taker fee applicable to the execution.

⁵ 17 CFR 242.610(c)(2).

Pursuant to NSX Rule 16.1(c), the Exchange will "provide ETP Holders with notice of all relevant dues, fees, assessments and charges of the Exchange." ETP Holders and others, including self-regulatory organizations that are the subject of exchange-to-exchange billing, using the Exchange will be advised of these fees through the Exchange's website. In addition, ETP Holders will, simultaneously with this filing, be notified through the issuance of a Regulatory Circular of the changes to the Fee Schedules applicable to transactions through NSX BLADE and the ITS Plans.

The fees have been designed in this manner in order to ensure that the Exchange can continue to fulfill its obligations under the Act.

2. Statutory Basis

NSX believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,⁶ in general, and with Sections 6(b)(4) of the Act,⁷ in particular, in that the proposal provides for the equitable allocation of reasonable dues, fees, and other charges.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange 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 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 rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act⁸ and subparagraph (f)(2) of Rule 19b-4 thereunder⁹ because it establishes or changes a due, fee, or other charge applicable only to a member imposed by the self-regulatory organization. Accordingly, the proposal is effective upon Commission receipt of the filing. 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

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).

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-NSX-2007-03 on the subject line.

Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549-1090.

All submissions should refer to File Number SR-NSX-2007-03. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of the filing also will be available for inspection and copying at the principal office of NSX. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-NSX-2007-03 and should be submitted on or before April 23, 2007.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.¹⁰

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E7-5988 Filed 3-30-07; 8:45 am]

BILLING CODE 8010-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-55528; File No. SR-NYSE-2007-28]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing of Proposed Rule Change To Exempt Limited Partnerships From Certain of Its Shareholder Approval Rules

March 26, 2007.

Pursuant to Section 19(b)(1)¹ of the Securities Exchange Act of 1934 (the "Act"),² and Rule 19b-4 thereunder,³ notice is hereby given that on March 9, 2007, New York Stock Exchange LLC (the "NYSE" or the "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule changes 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 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 Exchange's Listed Company Manual (the "Manual") to exempt limited partnerships from the obligation to obtain shareholder approval under the circumstances set forth in Sections 312.03(b), (c), and (d) for the issuance of common stock and securities convertible into or exchangeable for common stock.⁴

The text of the proposed rule change is available on the Exchange's Web site at <http://www.nyse.com>, the Office of the Secretary, the Exchange and at the Commission's Public Reference Room.

¹⁰ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 15 U.S.C. 78a.

³ 17 CFR 240.19b-4.

⁴ NYSE-listed limited partnerships would still be subject to the Exchange's shareholder approval requirements for equity compensation plans. See NYSE Listed Company Manual Sections 303A.08 and 312.03(a).

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 exempt limited partnerships from the obligation to obtain shareholder approval under the circumstances set forth in Manual Sections 312.03(b), (c), and (d) for the issuance of common stock and securities convertible into or exchangeable for common stock.⁵

Subject to certain exceptions specified therein, Manual Sections 312.03(b), (c), and (d) require listed issuers to obtain shareholder approval prior to the issuance of common stock or securities convertible into or exchangeable for common stock in any transaction or series of related transactions in the following situations:

- Where the potential dilution exceeds either one percent of the number of shares of common stock or one percent of the voting power outstanding before the issuance to: (a) a director, officer or substantial security holder of the company (each a "Related Party"); (b) a subsidiary, affiliate or other closely-related person of a Related Party; or (c) any company or entity in which a Related Party has a substantial direct or indirect interest.

- If the Related Party involved in a transaction covered by the preceding bullet is classified as such solely because such person is a substantial security holder, and if the issuance relates to a sale of stock for cash at a price at least as great as each of the book and market value of the issuer's common stock, then shareholder approval will not be required unless the number of shares of common stock to be issued, or unless the number of shares of common stock into which the securities may be convertible or exercisable, exceeds either five percent of the number of shares of common stock or five percent of the voting power outstanding before the issuance.

- If: (a) the common stock has, or will have upon issuance, voting power equal to or in

⁵ See *supra* note 4.

excess of 20 percent of the voting power outstanding before the issuance of such stock or of securities convertible into or exercisable for common stock; or (b) the number of shares of common stock to be issued is, or will be upon issuance, equal to or in excess of 20 percent of the number of shares of common stock outstanding before the issuance of the common stock or of securities convertible into or exercisable for common stock.

- If the issuance will result in a change of control of the issuer.

The policy underlying these requirements is that shareholders should have the right to vote on any issuance of common stock that is materially dilutive of either their voting or economic interest in the company. Nasdaq has similar shareholder approval requirements to those of the NYSE. However, Nasdaq exempts limited partnerships ("LPs") from those requirements,⁶ which the Exchange believes has placed it at a significant disadvantage in competing with Nasdaq for initial public offerings and transfers of LPs. To be treated as a partnership for federal tax purposes, an LP must ensure that 90% of its income is derived from "qualified sources," which generally refers only to income derived from natural resource-related activities. Most listed LPs are engaged in energy-related businesses. The typical business model of LPs in the energy industry is to use their capital to acquire assets (e.g., pipelines) that produce predictable revenue streams and to commit in their partnership agreements to distribute most of their profits to the LP's unit holders. These LPs acquire assets frequently on an opportunistic basis and pay for them by issuing additional LP units. The Exchange believes that the ability of an LP listed on Nasdaq to issue additional LP units without the expense and uncertainty of obtaining shareholder approval provides Nasdaq with a significant advantage over the Exchange in attracting and retaining listings of LPs.

The Exchange believes that an analysis of the policies regarding voting

and economic dilution underpinning its shareholder approval requirements demonstrates that it is appropriate to exempt LPs from their application. Listed LPs generally provide very limited voting rights to their unit holders. Typically, control of the LP resides with the general partner ("GP") and the LP's board is that of the GP. The owner of the GP appoints the board and the common unit holders of the LP have no voting rights with respect to the election of directors. LP partnership agreements generally provide that LP unit holders can vote only on a merger or dissolution of the LP or on any amendment to the partnership agreement that is adverse to their interests. As such, the Exchange believes that investors who buy LP units have no expectation that they will be able to vote and, therefore, the policy that shareholders should be able to vote on any stock issuances that are materially dilutive of their voting power is of less relevance to LPs than to regular corporations. Furthermore, because LP unit holders generally do not have the right to elect directors, most LPs do not hold annual meetings. Therefore, it would not be possible for an LP to arrange for shareholder approval to be obtained in conjunction with an annual meeting, as would be possible for a regular company. Rather, an LP would have to call a special meeting every time it needed approval of an issuance pursuant to the shareholder approval rules.

The Exchange also believes that the economic dilution concerns underpinning the shareholder approval rules are also less relevant in the case of LPs. Listed LPs typically are required under their partnership agreements to distribute almost all of their earnings to their unit holders and specify a minimum quarterly distribution that the LP is required to make. As such, LPs will only invest in new assets if they know that those assets will be sufficiently accretive to earnings to pay the minimum quarterly distribution required for the additional units that are sold to raise the capital to pay for those assets. A failure to pay the minimum quarterly distribution, or a reduction in the actual distribution level historically paid, would likely have a negative effect on the trading price of a listed LP, imposing a market discipline on management to ensure that any additional issuances will not be economically dilutive.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b)⁷ of the Act in general, and furthers the objectives of Section 6(b)(5),⁸ in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanisms of a free and open market and a national market system. The Exchange believes that the proposed rule change will increase competition among listing markets and will remove a competitive disadvantage the Exchange currently has vis a vis Nasdaq and is therefore designed to perfect the mechanism of a free and open market.

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

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

⁷ 15 U.S.C. 78f(b).

⁸ 15 U.S.C. 78f(b)(5).

⁶ See Nasdaq Marketplace Rule 4360 ("Qualitative Listing Requirements for Nasdaq Issuers That Are Limited Partnerships"), which does not include the shareholder approval requirements found in Nasdaq Marketplace Rule 4350 ("Qualitative Listing Requirements for Nasdaq Issuers That Are Not Limited Partnerships"). See also Securities Exchange Act Release No. 30811 (June 15, 1992); 57 FR 28542 (June 25, 1992) (SR-NASD-91-58) (approving the NASD's adoption of non-quantitative listing standards for partnerships, which did not include shareholder approval requirements). See also Securities Exchange Act Release No. 34533 (August 15, 1994); 59 FR 43147 (August 22, 1994) (SR-NASD-93-3) (approving the NASD's adoption of the predecessor rule to Rule 4360, which also did not include shareholder approval requirements for listed limited partnerships).

Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an e-mail to rulecomments@sec.gov. Please include File Number SR-NYSE-2007-28 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-2007-28. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing also will be available for inspection and copying at the principal office of the 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-2007-28 and should be submitted on or before April 23, 2007.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.⁹

Florence E. Harmon,
Deputy Secretary.

[FR Doc. E7-5964 Filed 3-30-07; 8:45 am]

BILLING CODE 8010-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-55537; File No. SR-NYSE-2007-30]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Rule 123D (Openings and Halts in Trading)

March 27, 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 March 19, 2007, the New York Stock Exchange LLC ("NYSE" or the "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. The NYSE has filed this proposal pursuant to Section 19(b)(3)(A) of the Act³ and Rule 19b-4(f)(5) thereunder,⁴ which renders it effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The NYSE proposes to amend NYSE Rule 123D(3) to establish that any orders received by the NYSE in a security subject to a "Sub-penny Trading" condition will be routed to NYSE Arca, Inc. ("NYSE Arca") and handled in accordance with the rules governing that market. The text of the proposed rule change is available at the Exchange's Office of the Secretary, on the Exchange's Web site at <http://www.nyse.com/Frameset.html?displayPage=http://apps.nyse.com/commdata/pub19b4.nsf/rulefilings?openview>, 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

Recently, the Exchange amended NYSE Rule 123D to add subsection (3),⁵ which provides for a non-regulatory trading halt on the NYSE when securities listed on the Exchange approach the price at which quoting and trading in sub-penny increments is permitted pursuant to SEC Rules.⁶

Pursuant to NYSE Rule 123D(3), whenever a security trading on the Exchange is reported on the consolidated tape during normal trading hours as having traded at a price of \$1.05 or less, or if a security would open on the Exchange at a price of \$1.05 or less, trading in the security on the Exchange shall be immediately halted due to a "Sub-penny Trading" condition. Once halted for such reason, trading shall not resume on the Exchange until the security has traded on another automated trading center as defined in Commission Rule 600(b)(4)⁷ for at least one entire trading day at a price or prices that are at all times at or above \$1.10. Any such resumption of trading shall occur at the beginning of a trading day, so that normal opening procedures can apply. In contrast to other trading halts described in NYSE Rule 123D, a "Sub-penny Trading" halt is automatic and does not require the approval of any Floor Officials. However, if a determination is made by a Floor Official that a trade that triggered a halt because of a "Sub-penny Trading" condition was made in error or otherwise was an anomaly, trading of the security on the Exchange will resume immediately.

The purpose of this filing is to amend NYSE Rule 123D(3) to reflect that orders entered with the Exchange in a security subject to a "Sub-penny Trading"

⁵ See Securities Exchange Act Release No. 55398 (March 5, 2007), 72 FR 11072 (March 12, 2007) (SR-NYSE-2007-25).

⁶ See Regulation NMS Rule 612, 17 CFR 242.612, which permits markets to accept bids, offers, orders and indications of interest in increments smaller than a \$0.01, but not less than \$0.0001, for stocks priced below \$1.00 per share and to quote and trade such stocks in sub-pennies. Markets may choose not to accept such bids, offers, orders or indications of interest and the NYSE has done so, maintaining a minimum trading and quoting variation of \$0.01 for all securities trading below \$100,000. See NYSE Rule 62.

⁷ See 17 CFR. 242.600(b)(4).

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)(5).

⁹ 17 CFR 200.30-3(a)(12).

condition halt will be immediately routed to NYSE Arca, where they will be handled in accordance with the rules governing that market. This process will facilitate customers who maintain systems connectivity with the Exchange, but may not have direct connectivity with NYSE Arca. If the entity entering the order on the Exchange is not an NYSE Arca "ETP Holder" as defined in NYSE Arca Rule 1.1(m), such order will be cancelled by NYSE Arca when received. Similarly, if an order routed by the NYSE to NYSE Arca contains execution instructions not supported by NYSE Arca, such order will be cancelled by NYSE Arca when received.

In addition, NYSE Rule 123D(3) is amended to reflect that the Exchange will cancel any open limit orders in the Display Book system with respect to securities that become subject to a "Sub-penny Trading" condition halt.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Act,⁸ in general, and furthers the objectives of Section 6(b)(5) of the Act,⁹ in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanism of a free and open market and a national market system.

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

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing proposed rule change has become effective upon filing pursuant to Section 19(b)(3)(A)(iii) of the Act¹⁰ and Rule 19b-4(f)(5) thereunder¹¹ because it effects a change in an existing order-entry or trading

system of a self-regulatory organization that: (i) Does not significantly affect the protection of investors or the public interest; (ii) does not impose any significant burden on competition; and (iii) does not have the effect of limiting the access to or availability of the system. 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-NYSE-2007-30 on the subject line.

Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, Station Place, 100 F Street NE., Washington, DC 20549-1090.

All submissions should refer to File Number SR-NYSE-2007-30. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing also will be available for inspection and copying at the principal offices 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-NYSE-2007-30 and should be submitted on or before April 23, 2007.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.¹²

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E7-5965 Filed 3-30-07; 8:45 am]

BILLING CODE 8010-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-55536; File No. SR-NYSE-2007-01]

Self-Regulatory Organizations; New York Stock Exchange LLC; Order Approving Proposed Rule Change to Amend Listing and Annual Fees Applicable to Investment Company Units, Currency Trust Shares, Commodity Trust Shares and streetTRACKS® Gold Shares

March 27, 2007.

On January 24, 2007, the New York Stock Exchange LLC ("NYSE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")¹ and Rule 19b-4 thereunder,² a proposal to amend initial listing fees and annual fees applicable to Investment Company Units ("ICUs"), Currency Trust Shares, Commodity Trust Shares and streetTRACKS® Gold Shares in Section 902.07 of the NYSE Listed Company Manual ("Manual"), and to make conforming amendments to Sections 902.02 and 902.03 of the Manual. The proposed rule change was published for comment in the **Federal Register** on February 23, 2007.³ The Commission did not receive any comments regarding the proposal. This order approves the proposed rule change.

Under the proposed rule change, the current flat \$5,000 Listing Fee for each series of ICUs will be broadened to also apply to each series of streetTRACKS® Gold Shares and each issue of Currency Trust Shares and Commodity Trust Shares. Further, the Listing and Annual Fees for ICUs, streetTRACKS® Gold

¹² 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ Securities Exchange Act Release No. 55299 (February 15, 2007), 72 FR 8233.

⁸ 15 U.S.C. 78f(b).

⁹ 15 U.S.C. 78f(b)(5).

¹⁰ 15 U.S.C. 78s(b)(3)(A)(iii).

¹¹ 17 CFR 19b-4(f)(5).

Shares, Currency Trust Shares, and Commodity Trust Shares will not be counted toward the NYSE's total annual fees cap of \$500,000.

In addition, the annual fee charged for ICUs, Currency Trust Shares, Commodity Trust Shares and streetTRACKS® Gold Shares by the Exchange is currently a flat amount. Under the proposed rule change, this fee will be tiered based on the number of shares outstanding for each issue at the end of the preceding calendar quarter and will be billed on a quarterly basis.

The Commission has reviewed carefully the proposed rule change and finds that it is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.⁴ In particular, the Commission finds that the proposed rule change is consistent with Section 6(b)(4) of the Act,⁵ which requires that the rules of the exchange provide for the equitable allocation of reasonable dues, fees, and other charges among its members and issuers and other persons using its facilities. The Commission notes that, in part, the proposed rule change merely reflects on the Exchange's fee schedule listing fees that had previously been approved by the Commission.⁶ In addition, the Commission notes that it has approved similar tiered annual fee structures.⁷

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,⁸ that the proposed rule change (File No. SR-NYSE-2007-01) be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant delegated authority.⁹

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E7-5983 Filed 3-30-07; 8:45 am]

BILLING CODE 8010-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-55522; File No. SR-NYSEArca-2007-26]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to Certain Types of Orders on Ox

March 26, 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 March 2, 2007, NYSE Arca, Inc. ("NYSE Arca" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II below, which Items have been substantially prepared by the Exchange. The Exchange filed the proposed rule change as a "non-controversial" proposed rule change pursuant to Section 19(b)(3)(A)³ of the Act and Rule 19b-4(f)(6) 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.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

NYSE Arca proposes to update and amend its rules concerning order types by incorporating the order type definitions of NYSE Arca Rule 6.62A into a revised NYSE Arca Rule 6.62. The text of the proposed rule change is available at the Exchange, the Commission's Public Reference Room, and <http://www.nysearca.com>.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change, and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. NYSE Arca has substantially prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this filing is to incorporate the order definitions contained in NYSE Arca Rule 6.62A into a revised NYSE Arca Rule 6.62. Presently, Rule 6.62 defines certain order types applicable under the PCX Plus System, which is obsolete, while Rule 6.62A defines certain order types applicable under the current OX Trading System. Many of these rules overlap and actually apply to both systems, while some portions are obsolete. Revising the two rules will eliminate obsolete references and redundancies.

In September 2006, NYSE Arca introduced the OX Trading System ("OX"), a new automated options trading platform. OX replaced the Exchange's legacy system, PCX Plus. In conjunction with the introduction of OX, the Exchange filed, and received approval for, a new rule set applicable to the new system.⁵ During the introductory phase of OX, the Exchange operated two trading systems, which necessitated the need for two rule sets: one pertaining to PCX Plus; and another pertaining to OX. The Exchange has now completed its rollout of OX. As such, options issues no longer trade on the PCX Plus at the Exchange, thereby rendering the PCX Plus rule set effectively duplicative and obsolete.⁶

Order types that are contained in Rule 6.62, designated as PCX Plus rules, may also be applicable under the OX system. Other order types that are presently designated as PCX Plus rules, may also be applicable in open outcry trading. The Exchange proposes to combine all order types from Rule 6.62 and Rule 6.62A into one rule. Revised Rule 6.62 will now contain all defined order types for options that trade on NYSE Arca and Rule 6.62A will be deleted in its entirety. In rule text where either "PCX Plus" or "OX" has been used, the Exchange proposes to replace such designation with "NYSE Arca" or "Exchange." The Exchange also proposes removing the "PCX Plus" designation from the title of Rule 6.62. A more detailed description of proposed

⁴ In approving this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

⁵ 15 U.S.C. 78f(b)(4).

⁶ See, e.g., Securities Exchange Act Release Nos. 50603 (October 28, 2004), 69 FR 64614 (November 5, 2004) (SR-NYSE-2004-22) and 54020 (June 20, 2006), 71 FR 36579 (June 27, 2006) (SR-NYSE-2006-35).

⁷ See, e.g., Securities Exchange Act Release Nos. 53059 (January 5, 2006), 71 FR 2072 (January 12, 2006) (SR-Amex-2005-128) and 54007 (June 16, 2006), 71 FR 36155 (June 23, 2006) (SR-PCX-2006-16).

⁸ 15 U.S.C. 78s(b)(2).

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. 78s(b)(3)(A).

⁴ 17 CFR 240.19b-4(f)(6).

⁵ See Securities Exchange Act Release No. 54238 (July 28, 2006), 71 FR 44758 (August 7, 2006) (SR-NYSEArca-2006-13) (Order approving rules related to the OX Trading System).

⁶ The Exchange anticipates submitting a comprehensive clean-up rule filing in the near future. At the request of the Commission staff, the instant filing is targeted to eliminate confusion regarding certain order types.

changes is shown below. In addition to these changes, minor technical corrections, and new subsection designations are shown in the proposed rule text, accompanying this filing.

- Rule 6.62(b) will include text taken from Rule 6.62A(b) related to “marketable” limit orders and will also contain new subsection (1) defining Inside Limit Orders. This definition is presently Rule 6.62A(c).

- Rule 6.62(c) Contingency Orders. This rule will also cover Working Order types, presently defined in Rule 6.62A(e), including definitions for Stop Orders and Stop Limit Orders.

- Rule 6.62(h) Combination Orders. New subsection (1)–(2) will be added defining Stock/option Orders and Single Stock Future (“SSF”)/Option Order. These definitions are presently contained in subsection (j)(1)–(2).

- Rule 6.62(k)–(r) are taken from Rule 6.62A(d) and (f)–(k).

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,⁷ in general, and furthers the objectives of Section 6(b)(5) of the Act,⁸ in particular, because it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanism of a free and open market and a national market system.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become

operative for 30 days after the date of filing (or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest), the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act⁹ and subparagraph (f)(6) of Rule 19b–4 thereunder.¹⁰

A proposed rule change filed under 19b–4(f)(6) normally may not become operative prior to 30 days after the date of filing.¹¹ However, Rule 19b–4(f)(6)(iii) permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has satisfied the five-day pre-filing requirement. In addition, the Exchange has requested that the Commission waive the 30-day pre-operative delay and designate the proposed rule change to become operative upon filing. The Commission believes that waiving the 30-day pre-operative delay is consistent with the protection of investors and the public interest because it would allow the Exchange to clarify and update its rules concerning order types without delay. Therefore, the Commission designates the proposal to become effective and operative upon filing.¹²

At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in the furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an e-mail to rule-comments@sec.gov. Please include File Number SR–NYSEArca–2007–26 on the subject line.

⁹ 15 U.S.C. 78s(b)(3)(A).

¹⁰ 17 CFR 240.19b–4(f)(6).

¹¹ 17 CFR 240.19b–4(f)(6)(iii).

¹² For purposes only of waiving the operative delay of this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

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–NYSEArca–2007–26. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing also will be available for inspection and copying at the principal office of NYSE Arca. 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–NYSEArca–2007–26 and should be submitted on or before April 23, 2007.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.¹³

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E7–5987 Filed 3–30–07; 8:45 am]

BILLING CODE 8010–01–P

SMALL BUSINESS ADMINISTRATION

[License No. 09/79–0454]

Emergence Capital Partners SBIC, L.P.; Notice Seeking Exemption Under Section 312 of the Small Business Investment Act, Conflicts of Interest

Notice is hereby given that Emergence Capital Partners SBIC, L.P., 160 Bovet Road, Suite 300, San Mateo, CA 94402, a Federal Licensee under the Small Business Investment Act of 1958, as amended (“the Act”), in connection

¹³ 17 CFR 200.30–3(a)(12).

⁷ 15 U.S.C. 78f(b).

⁸ 15 U.S.C. 78f(b)(5).

with the financing of a small concern, has sought an exemption under Section 312 of the Act and Section 107.730, Financings which Constitute Conflicts of Interest of the Small Business Administration ("SBA") Rules and Regulations (13 CFR 107.730). Emergence Capital Partners SBIC, L.P., proposes to provide equity financing to DVDPlay, Inc. ("DVDPlay"), 695 Campbell Technology Parkway, Suite 200, Campbell, CA 95008. The financing is contemplated to fund the ongoing operating needs of the business.

The financing is brought within the purview of § 107.730(a)(1) of the Regulations because Emergence Capital Partners, L.P., and Emergence Capital Associates, L.P., all Associates of Emergence Capital Partners SBIC, L.P., own more than ten percent of DVDPlay, and therefore DVDPlay is considered an Associate of Emergence Capital Partners SBIC, L.P., as detailed in § 107.50 of the Regulations.

Notice is hereby given that any interested person may submit written comments on the transaction to the Associate Administrator for Investment, U.S. Small Business Administration, 409 Third Street, SW., Washington, DC 20416.

March 12, 2007.

Jaime Guzmán-Fournier,

Associate Administrator for Investment.

[FR Doc. E7-5958 Filed 3-30-07; 8:45 am]

BILLING CODE 8025-01-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Aviation Rulemaking Advisory Committee Meeting on Transport Airplane and Engine Issues

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of public meeting.

SUMMARY: This notice announces a public meeting of the FAA's Aviation Rulemaking Advisory Committee (ARAC) to discuss transport airplane and engine (TAE) issues.

DATES: The meeting is scheduled for Tuesday, April 17, 2007 starting at 11 a.m. Eastern Daylight Time. Arrange for oral presentations by April 9, 2007.

ADDRESSES: Federal Aviation Administration, 800 Independence Ave, SW., Room 810 Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: Nicanor Davidson, Office of Rulemaking, ARM-207, FAA, 800 Independence Avenue, SW., Washington, DC 20591, Telephone (202)

267-5174, FAX (202) 267-5075, or e-mail at nicanor.davidson@faa.gov.

SUPPLEMENTARY INFORMATION: Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. app. III), notice is given of an ARAC meeting to be held via teleconference on April 17, 2007. The meeting is being held to vote on the Task 3 report from the Airworthiness Assurance Working Group (AAWG). This ad hoc meeting is necessary because this action from the AAWG is a critical part of FAA's effort to develop new guidance to support the Aging Airplane Safety Final Rule (AASFR).

The agenda for the meeting is as follows:

- Opening Remarks
- AAWG Report and Vote

Attendance is open to the public, but will be limited to the availability of phone lines. Please confirm your attendance with the person listed in the **FOR FURTHER INFORMATION CONTACT** section no later than April 9, 2007. Please provide the following information: Full legal name, country of citizenship, and name of your industry association, or applicable affiliation. If you are attending as a public citizen, please indicate so.

For persons participating, the call-in number is (202) 366-3920; the Passcode is "8489." To insure that sufficient telephone lines are available, please notify the person listed in the **FOR FURTHER INFORMATION CONTACT** section of your intent to participate by April 9, 2007. Anyone calling from outside the Washington, DC metropolitan area will be responsible for paying long-distance charges.

The public must make arrangements by April 9, 2007, to present oral statements at the meeting. Written statements may be presented to the ARAC at any time by providing 25 copies to the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

If you need assistance or require a reasonable accommodation for the meeting or meeting documents, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Sign and oral interpretation, as well as a listening device, can be made available if requested 10 calendar days before the meeting.

Issued in Washington, DC on March 28, 2007.

Pamela Hamilton-Powell,

Director, Office of Rulemaking.

[FR Doc. E7-6058 Filed 3-30-07; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2007-27209]

Notice of Request for Comments on New Information Collection: Survey of Medical Examiners Who Certify the Physical Qualifications of Commercial Motor Vehicle (CMV) Drivers

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice; request for information.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FMCSA announces its plan to submit the Information Collection Request (ICR) described below to the Office of Management and Budget (OMB) for review and approval. The ICR describes a proposed collection activity and its expected cost and burden. The **Federal Register** notice allowing for a 60-day comment period on the ICR was published on June 19, 2006 (71 FR 35324). Four comments were received in response to the notice. Two individuals supported the proposed information collection and two commented on matters outside of the scope of the proposed information collection. These comments are addressed in the ICR that will be submitted to OMB.

DATES: Please send your comments by May 2, 2007. OMB must receive your comments by this date in order to act quickly on the ICR.

ADDRESSES: You may submit comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 Seventeenth Street, NW., Washington, DC 20503, *Attention: DOT/FMCSA Desk Officer.*

FOR FURTHER INFORMATION CONTACT: Dr. Mary D. Gunnels, Office of Bus and Truck Standards and Operations, Physical Qualifications Division, Department of Transportation, Federal Motor Carrier Safety Administration, 400 Seventh Street, SW., Washington, DC 20590-0001. Telephone: 202-366-4001, e-mail maggi.gunnels@fmcsa.dot.gov. Office hours are from 8:30 a.m. to 5 p.m., Eastern Time, Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Title: Survey of Medical Examiners Who Certify the Physical Qualifications of Commercial Motor Vehicle Drivers.

OMB Control Number: 2126-xxxx.

Type of Request: New information collection.

Respondents: Medical examiners: Advanced Practice Nurses (APNs), Doctors of Chiropractic (DCs), Doctors of Osteopathy (DOs), Medical Doctors (MDs), and Physician Assistants (PAs) who are currently performing FMCSA physical examinations of CMV drivers.

Estimated Number of Respondents: 4,300 respondents [4,000 respondents for the survey + 300 respondents (150 medical examiners + 150 drivers per on-site observation) = 4,300 respondents].

Estimated Time per Response: 30 minutes to complete the survey and 5 minutes each for the medical examiner and driver to complete the observation consent forms.

Expiration Date: N/A. This is a new information collection.

Frequency of Response: This is a one-time survey.

Estimated Total Annual Burden: 2,025 hours. The estimated annual burden is 2,000 hours for the completion of the survey based on the following requirement for statistical significance: 800 responses from each of at least five of the medical examiner professional categories; [4,000 respondents per survey $\times$ 30 minutes/60 minutes per respondent = 2,000 hours]. Observation consent forms—The estimated annual burden is 25 hours for the completion of the observation consent forms based on the following requirement for statistical significance: [300 respondents (150 medical examiners + 150 drivers) $\times$ 5 minutes/60 minutes per on-site observation = 25 hours]. The estimated total annual burden is 2,025 hours [2,000 hours for completion of the survey + 25 hours for completion of the observation consent forms = 2,025 hours].

Background

FMCSA estimates that there are approximately four to five million active interstate drivers subject to FMCSA's medical standards. Interstate CMV drivers are required to have a medical examination every two years at a minimum or more frequently at the discretion of the medical examiner. A medical certificate is typically valid for two years after the date of examination, so it is estimated that a minimum of two to three million medical examinations are conducted each year. In the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) (Pub. L. 109-59, 119 Stat. 1144; August 10, 2005) Congress supports comprehensive improvements in the FMCSA medical program, including improving the quality of the interstate CMV driver physical qualification examination. There has been no research to date that

captures the decisionmaking and performance of medical examiners who determine the physical qualifications of CMV drivers operating throughout the United States. In addition, there has been no systematic consideration of medical examiner perceptions of difficulties or uncertainties associated with the examination process.

A Working Integrated Product Team (WIPT) of medical examiner peers experienced in conducting CMV driver physical qualification examinations will review the methodology and materials for the study, and data gained from 150 direct observations of physical examinations of CMV drivers. Results of the Medical Examiner Performance Study would ultimately be used to develop recommendations for improving the overall physical qualification process and achieve FMCSA's goals of reducing crash rates, injuries, and fatalities involving large trucks and buses.

This initiative is separate from the earlier National Registry of Certified Medical Examiner survey announced on September 29, 2005 (70 FR 56964), the primary intent of which is to identify those tasks most critical to competent job performance via a role delineation study.

Public Comments Invited: We particularly request comments on: The necessity of the collection of information for FMCSA to meet its goal of reducing truck and bus crashes and its usefulness to this goal; the accuracy of the estimate of the burden of the information collection; ways to enhance the quality, utility and clarity of the information collected; and ways to minimize the burden of the collection of information on respondents, including using automated collection techniques or other forms of information technology.

Issued on: March 20, 2007.

Rose A. McMurray,
Chief Safety Officer, Assistant Administrator.
[FR Doc. E7-5741 Filed 3-30-07; 8:45 am]
BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION

Research & Innovative Technology Administration

[Docket: OST-2007-26835]

Agency Information Collection; Activity Under OMB Review; Report of Passengers Denied Confirmed Space—BTS Form 251

AGENCY: Research & Innovative Technology Administration (RITA),

Bureau of Transportation Statistics (BTS), DOT.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, Public Law 104-13, (44 U.S.C. 3501 et seq.) this notice announces that the Information Collection Request, abstracted below, is being forwarded to the Office of Management and Budget for extension of currently approved Report of Passengers Denied Confirmed Space. Earlier, a **Federal Register** Notice with a 60-day comment period was published on January 19, 2007 (72 FR 2591). The agency did not receive any comments to its previous notice.

DATES: Written comments should be submitted by May 2, 2007.

FOR FURTHER INFORMATION CONTACT: Bernie Stankus, Office of Airline Information, RTS-42, Room 4125, RITA, BTS, 400 Seventh Street, SW., Washington, DC 20590-0001, Telephone Number (202) 366-4387, Fax Number (202) 366-3383 or e-mail bernard.stankus@dot.gov.

Comments: Comments should be sent to OMB at the address that appears below and should identify the associated OMB Approval Number 2138-0018 and Docket 26835.

SUPPLEMENTARY INFORMATION:

OMB Approval No. 2138-0018

Title: Report of Passengers Denied Confirmed Space.

Form No.: BTS Form 251.

Type Of Review: Extension of a currently approved collection.

Respondents: Large certificated and foreign air carriers.

Number of Respondents: 100.

Number of Responses: 400 (annual).

Total Annual Burden: 1,670 hours.

Needs and Uses: BTS Form 251 is a one-page report on the number of passengers denied boarding (voluntarily and involuntarily), whether the bumped passengers were provided alternate transportation and/or compensation, and the amount of the payment. U.S. and foreign air carriers that operate scheduled passenger service with large aircraft (over 60-seats) must submit Form 251. In addition, carriers report data from inbound international flights because the protections of 14 CFR Part 250 Oversales do not apply to these flights. The report allows the Department to monitor the effectiveness of its oversales rule and take enforcement action when necessary. While the involuntarily denied-boarding rate has decrease from 4.38 per 10,000 passengers in 1980 to 1.04 for the nine months ended September 2006, the rate

is up from the 0.89 attained for the nine months ended September 2005. The publishing of the carriers' individual denied boarding rates has negated the need for more intrusive regulation. The rate of denied boarding can be examined as a continuing fitness factor. This rate provides an insight into a carrier's customer service policy and its compliance disposition. A rapid sustained increase in the rate of denied boarding often is an indicator of operational difficulty. Because the rate of denied boarding is released quarterly, travelers and travel agents can select carriers with low bumping incidents when booking a trip. This information is available in the *Air Travel Consumer Report* at: <http://airconsumer.ost.dot.gov/reports/index.htm>. The *Air Travel Consumer Report* is also sent to newspapers, magazines, and trade journals. Without Form 251, the Department would be unable to determine the effectiveness of the oversales rule.

The Confidential Information Protection and Statistical Efficiency Act of 2002 (44 U.S.C. 3501 note), requires a statistical agency to clearly identify information it collects for non-statistical purposes. BTS hereby notifies the respondents and the public that BTS uses the information it collects under this OMB approval for non-statistical purposes including, but not limited to, publication of both Respondent's identity and its data, submission of the information to agencies outside BTS for review, analysis and possible use in regulatory and other administrative matters.

Issued in Washington, DC.

Donald W. Bright,

*Assistant Director, Airline Information,
Bureau of Transportation Statistics.*

[FR Doc. E7-6056 Filed 3-30-07; 8:45 am]

BILLING CODE 4910-FE-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB-290 (Sub-No. 279X)]

The Cincinnati, New Orleans and Texas Pacific Railway Company— Abandonment Exemption—in Scott County, TN

The Cincinnati, New Orleans and Texas Pacific Railway Company (CNOTP), a wholly owned subsidiary of Norfolk Southern Railway Company, has filed a notice of exemption¹ under

49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon a 12.44-mile line of railroad between milepost NR 0.00 at New River and milepost NR 12.44 at Sterling, in Scott County, TN.² The line traverses United States Postal Service Zip Code 37841, and includes the former stations of Highway Jct., Pemberton, Hunter, Slick Rock, Brimstone, and Sterling.³

CNOTP has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) no overhead traffic has moved over the line for at least 2 years and overhead traffic, if there were any, could be rerouted over other lines; (3) no formal complaint filed by a user of rail service on the line (or by a State or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

is to be consummated. CNOTP initially indicated in its notice of exemption a proposed consummation date of May 1, 2007, but because the verified notice was filed on March 13, 2007, consummation may not take place prior to May 2, 2007. CNOTP has been informed by a Board staff member that consummation may not take place until May 2, 2007.

² In its verified notice of exemption filed on March 13, 2007, CNOTP also requested abandonment of a second line segment located between milepost NR 215.30 at Helenwood and milepost NR 218.60 at New River, in Scott County, a distance of 3.30 miles. By letters filed on March 20, 2007, and on March 21, 2007, CNOTP requests that the Board amend its notice. CNOTP indicates that, in its notice of exemption and environmental report, CNOTP stated that it did not have fee title to the entire right-of-way of the line. CNOTP states that the line segment between mileposts NR 215.30 and NR 218.60 is leased from the Trustees of the Cincinnati Southern Railway (CSR). According to CNOTP, the Trustees hold the CSR property on behalf of its owner, the City of Cincinnati, OH. CNOTP states that the Trustees are not required to file with the Board for authority to abandon this line segment or any other part of their line because the City, the Trustees, and CSR have never held themselves out as a common carrier to provide rail service nor have they operated any part of their line, but have always leased it to CNOTP. Accordingly, CNOTP's request to amend its March 13, 2007 notice of exemption will be granted. However, CNOTP has been notified that the request to discontinue the line segment between mileposts NR 215.30 and NR 218.60 requires a separate notice of exemption to be filed, accompanied by the appropriate filing fee. Therefore, a decision on the discontinuance will be handled in a separate decision.

³ In another letter also filed on March 21, 2007 (March 21 letter), CNOTP clarified the Zip Codes and stations for the line segment that is being abandoned.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on May 2, 2007, unless stayed pending reconsideration.⁴ Petitions to stay that do not involve environmental issues,⁵ formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),⁶ and trail use/rail banking requests under 49 CFR 1152.29 must be filed by April 12, 2007. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by April 23, 2007,⁷ with: Surface Transportation Board, 395 E Street, SW., Washington, DC 20423-0001.

A copy of any petition filed with the Board should be sent to CNOTP's representative: James R. Paschall, Senior General Attorney, Norfolk Southern Corporation, Three Commercial Place, Norfolk, VA 23510.

If the verified notice contains false or misleading information, the exemption is void *ab initio*.

CNOTP has filed environmental and historic reports which address the effects, if any, of the abandonment on the environment and historic resources. SEA will issue an environmental assessment (EA) by April 6, 2007. Interested persons may obtain a copy of the EA by writing to SEA (Room 1100, Surface Transportation Board, Washington, DC 20423-0001) or by

⁴ On March 15, 2007, Seaside Holdings, Inc. (Seaside), filed a notice of intent to file an OFA to purchase both line segments. However, because CNOTP has now amended its March 13, 2007 notice, only one line segment between mileposts NR 0.00 and NR 12.44 is being abandoned. The Board will address Seaside's request for this line segment, and any other requests that may be timely filed, in a separate decision.

⁵ The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis (SEA) in its independent investigation) cannot be made before the exemption's effective date. *See Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

⁶ Each OFA must be accompanied by the filing fee, which currently is set at \$1,300. *See* 49 CFR 1002.2(f)(25).

⁷ CNOTP, in its March 21 letter, states that at least one parcel of the right-of-way is held by CNOTP by easement. Therefore, CNOTP contends that it does not have a continuous right-of-way that can be conveyed for public use.

¹ Pursuant to 49 CFR 1152.50(d)(2), the railroad must file a verified notice with the Board at least 50 days before the abandonment or discontinuance

calling SEA, at (202) 245-0305. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339.] Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), CNOTP shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the line. If consummation has not been effected by CNOTP's filing of a notice of consummation by April 2, 2008, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available on our Web site at <http://www.stb.dot.gov>.

Decided: March 27, 2007.

By the Board, David M. Konschnik,
Director, Office of Proceedings.

Vernon A. Williams,
Secretary.

[FR Doc. E7-6051 Filed 3-30-07; 8:45 am]

BILLING CODE 4915-01-P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Additional Designation of Entities Pursuant to Executive Order 12978

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Treasury Department's Office of Foreign Assets Control ("OFAC") is publishing the names of sixty-five newly-designated individuals and forty-five newly designated entities whose property and interests in property are blocked pursuant to Executive Order 12978 of October 21, 1995, "Blocking Assets and Prohibiting Transactions with Significant Narcotics Traffickers."

DATES: The designation by the Secretary of the Treasury of the sixty-five individuals and forty-five entities identified in this notice pursuant to Executive Order 12978 is effective on March 28, 2007.

FOR FURTHER INFORMATION CONTACT: Assistant Director, Compliance Outreach & Implementation, Office of Foreign Assets Control, Department of

the Treasury, Washington, DC 20220, tel.: 202/622-2490.

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

This document and additional information concerning OFAC are available from OFAC's Web site (<http://www.treas.gov/ofac>) or via facsimile through a 24-hour fax-on demand service, tel.: (202) 622-0077.

Background

On October 21, 1995, the President, invoking the authority, *inter alia*, of the International Emergency Economic Powers Act (50 U.S.C. 1701-1706) ("IEEPA"), issued Executive Order 12978 (60 FR 54579, October 24, 1995) (the "Order"). In the Order, the President declared a national emergency to deal with the threat posed by significant foreign narcotics traffickers centered in Colombia and the harm that they cause in the United States and abroad.

Section 1 of the Order blocks, with certain exceptions, all property and interests in property that are in the United States, or that hereafter come within the United States or that are or hereafter come within the possession or control of United States persons, of: (1) The persons listed in an Annex to the Order; (2) any foreign person determined by the Secretary of Treasury, in consultation with the Attorney General and Secretary of State, to play a significant role in international narcotics trafficking centered in Colombia; or (3) to materially assist in, or provide financial or technological support for or goods or services in support of, the narcotics trafficking activities of persons designated in or pursuant to this order; and (4) persons determined by the Secretary of the Treasury, in consultation with the Attorney General and the Secretary of State, to be owned or controlled by, or to act for or on behalf of, persons designated pursuant to this Order.

On March 28, 2007, the Secretary of the Treasury, in consultation with the Attorney General and Secretary of State, as well as the Secretary of Homeland Security, designated sixty-five individuals and forty-five entities whose property and interests in property are blocked pursuant to the Order.

The list of designees is as follows:

Individuals

1. OCHOA VASCO, Fabio Enrique (a.k.a. MARTINEZ PEREZ, Juan Carlos; a.k.a. OCHOA VASCO, Carlos Mario; a.k.a. "CARLOS MARIO"; a.k.a. "KIKO"; a.k.a. "KIKO EL CHIQUITO"); Medellin, Antioquia, Colombia;

Guadalajara, Jalisco, Mexico; DOB 22 Nov 1960; POB Medellin, Colombia; Cedula Number 79281039 (Colombia) (individual) [SDNT]

2. ALVAREZ DEL RIO, Fredy de Jesus; POB Colombia; Cedula No. 98557177 (Colombia) (individual) [SDNT]

3. BARAHONA CORDOBEZ, Jaime (a.k.a. BARONA CORDOBES, Jaime; a.k.a. BARONA CORDOBEZ, Jaime), Km. 16.5 El Salvador 169, Andalucia, Guatemala; Avenida Reforma 8-33 Zona 10, Guatemala City, Guatemala; 10 Calle 5-60 Zona 9, Guatemala City, Guatemala; c/o OVERSEAS TRADING COMPANY S.A., Guatemala City, Guatemala; DOB 1 Oct 1960; POB Guatemala; NIT # 953243-9 (Guatemala); Passport 16660729 (Guatemala) (individual) [SDNT]

4. BODDEN GALE, Elvert Dowie (a.k.a. "TIO BODDEN"), Roatan, Honduras; DOB 24 Apr 1956; POB Honduras; Passport A046090 (Honduras) (individual) [SDNT]

5. BRISENO MAR, Gloria Elisa (a.k.a. BRISENO, Lizzy; a.k.a. OCHOA, Gloria Elisa), c/o INVERSIONES Y REPRESENTACIONES S.A., Medellin, Colombia; c/o MC OVERSEAS TRADING COMPANY S.A. DE C.V., Guadalajara, Jalisco, Mexico; c/o LIZZY MUNDO INTERIOR, Guadalajara, Jalisco, Mexico; DOB 16 Aug 1965; POB Durango, Mexico; C.U.R.P. BIMG650816MDGRR05 (Mexico); Passport 99140015920 (Mexico) (individual) [SDNT]

6. CADENAS VIRAMONTES, Porfirio Miguel, Calle Nelson 421-B, Guadalajara, Jalisco, Mexico; Calle Justo Sierra 1963, Colonia Ladrón de Guevara, Guadalajara, Jalisco, Mexico; Calle Mar del Sur No 2075 Int. 1, Colonia Fraccionamiento Country Club, Guadalajara, Jalisco, Mexico; c/o MC OVERSEAS TRADING COMPANY S.A. DE C.V., Guadalajara, Mexico; c/o OVERSEAS TRADING COMPANY S.A., Guatemala City, Guatemala; c/o INMOBILIUM INVESTMENT CORP., Panama City, Panama; DOB 12 Jun 1959; POB Guadalajara, Jalisco, Mexico; C.U.R.P. CAUP590612HJCDDR09 (Mexico); R.F.C. # CAVP-590612-AD1 (Mexico); NIT # 2665307-9 (Guatemala); Passport 97140096573 (Mexico) (individual) [SDNT]

7. CAICEDO ROJAS, Jorge Ernesto, Calle 82 No 11-37 Ofc. 504, Bogota, Colombia; c/o PROMOCIONES E INVERSIONES LAS PALMAS S.A., Bogota, Colombia; c/o HOTEL LA CASCADA S.A., Girardot, Colombia; DOB 21 Oct 1955; POB Bogota, Colombia; Cedula No. 3227987 (Colombia) (individual) [SDNT]

8. CALVO LOMBANA, Gabriel Andres, c/o ORIMAR LTDA., Bogota, Colombia; c/o AQUAMARINA ISLAND INTERNATIONAL CORPORATION, Panama City, Panama; c/o FISHING ENTERPRISE HOLDING INC., Panama City, Panama; DOB 20 Aug 1935; POB Bogota, Colombia; Cedula No. 2859105 (Colombia) (individual) [SDNT]

9. CASTANEDA GIRALDO, Maria Teresa (a.k.a. CASTANEDA DE PABON, Maria Teresa), c/o INVERSIONES MPS S.A., Bogota, Colombia; c/o PROYECTOS Y SOLUCIONES INMOBILIARIA LTDA., Bogota, Colombia; c/o GERENCIA DE PROYECTOS Y SOLUCIONES LTDA., Bogota, Colombia; DOB 3 Aug 1957; POB Colombia; Cedula No. 35455961 (Colombia) (individual) [SDNT]

10. CASTELLANOS SANCHEZ, Federico Ernesto, Calle Tauro No 4090, Colonia Juan Manuel Vallarte, Zapopan, Jalisco, Mexico; c/o MC OVERSEAS TRADING COMPANY S.A. DE C.V., Guadalajara, Mexico; DOB 11 Jan 1947; POB Tototlan, Jalisco, Mexico (individual) [SDNT]

11. CASTRILLON VASCO, Jhon Jairo, c/o HOTEL LA CASCADA S.A., Girardot, Colombia; c/o INVERSIONES Y REPRESENTACIONES S.A., Medellin, Colombia; c/o FLORIDA SOCCER CLUB S.A., Medellin, Colombia; DOB 30 Mar 1960; POB Medellin, Colombia; Cedula No. 71603587 (Colombia) (individual) [SDNT]

12. CASTRO GARZON, Ricardo (a.k.a. LINEROS GARZON, Rodolfo; a.k.a. "CAYO"), c/o CASTRO CURE Y CIA. S.C.S., Barranquilla, Colombia; c/o CURE SABAGH Y CIA. S.C.S., Barranquilla, Colombia; c/o FUDIA LTDA., Barranquilla, Colombia; c/o CABLES NACIONALES S.A., Barranquilla, Colombia; c/o INVERSIONES AGROPECUARIA ARIZONA LTDA., Barranquilla, Colombia; DOB 13 Dec 1960; POB Barranquilla, Colombia; Cedula No. 8715520 (Colombia) (individual) [SDNT]

13. CASTRO GARZON, Victor Hugo (a.k.a. "CABEZON"), Guadalajara, Jalisco, Mexico; DOB 10 May 1965; POB Barranquilla, Colombia; Cedula No. 72137257 (Colombia) (individual) [SDNT]

14. CASTRO PAEZ, Gerardo, c/o CABLES NACIONALES CANAL S.A., Barranquilla, Colombia; c/o ORIMAR LTDA., Bogota, Colombia; DOB 16 Mar 1974; POB Barranquilla, Colombia; Cedula No. 72196638 (Colombia) (individual) [SDNT]

15. CASTRO PAEZ, Jhon Paul, c/o CABLES NACIONALES CANAL S.A., Barranquilla, Colombia; POB Colombia;

Cedula No. 72223501 (Colombia) (individual) [SDNT]

16. CHOW RIOS, Harding Elvis; DOB 2 Apr 1962; POB San Andres, Colombia; Cedula No. 15243752 (Colombia) (individual) [SDNT]

17. CURE SABAGH, Diana Maria, c/o CASTRO CURE Y CIA. S.C.S., Barranquilla, Colombia; c/o CURE SABAGH Y CIA. S.C.S., Barranquilla, Colombia; c/o FUDIA LTDA., Barranquilla, Colombia; c/o CABLES NACIONALES CANAL S.A., Barranquilla, Colombia; DOB 24 Oct 1967; POB Barranquilla, Colombia; Cedula No. 22443685 (Colombia) (individual) [SDNT]

18. DALE DE MOR, Maria Elena, c/o MOR ALFOMBRAS ALFOFIQUE S.A., Bogota, Colombia; c/o MAYOR COMERCIALIZADORA LTDA., Bogota, Colombia; c/o KARIAN LIMITADA., Bogota, Colombia; DOB 11 May 1945; POB Bogota, Colombia; Cedula No. 41326059 (Colombia); Passport AG035322 (Colombia) (individual) [SDNT]

19. DE MARTINI TAMAYO, Sergio Rene (a.k.a. "CANOSO"); DOB 14 Sep 1962; POB Medellin, Colombia; Cedula No. 71622812 (Colombia) (individual) [SDNT]

20. DURAN ABDELNUR, Jorge Eduardo, c/o DURATEX S.A., Bogota, Colombia; c/o COMERCIALIZADORA MORDUR S.A., Quito, Ecuador; DOB 21 Nov 1955; POB Colombia; Cedula No. 19309441 (Colombia) (individual) [SDNT]

21. FANDINO ARBELAEZ, Francisco Jose, c/o DURATEX S.A., Bogota, Colombia; c/o KARIAN LIMITADA, Bogota, Colombia; DOB 6 Jul 1940; POB Colombia; Cedula No. 17032032 (Colombia); Passport AF325976 (Colombia) (individual) [SDNT]

22. FERNANDEZ CASTRO, Fernando Alberto (a.k.a. "FERCHO"), c/o GIMNASIO BODY AND HEALTH, Barranquilla, Colombia; DOB 12 May 1966; POB Colombia; Cedula No. 72137518 (Colombia) (individual) [SDNT]

23. GALLEGO VALENCIA, John Jairo (a.k.a. "DON JOTA"; a.k.a. "FREDERICO"), c/o LAVADERO EL CASTILLO, Medellin, Colombia; DOB 30 Jul 1950; POB Medellin, Colombia; Cedula No. 70126377 (Colombia); Passport AC312064 (Colombia) (individual) [SDNT]

24. GARCIA BUITRAGO, Miyaer Alberto (a.k.a. "CHIQUE"); DOB 13 Jul 1970; POB Manzanara, Caldas, Colombia; Cedula No. 10287969 (Colombia); Passport AH132212 (Colombia) (individual) [SDNT]

25. GARCIA RODRIGUEZ, Martha, c/o TRANSPORTES MICHAEL LTDA.,

Barranquilla, Colombia; c/o COOPERATIVA DE SERVICIO DE TRANSPORTE DE CARGA DE COLOMBIA LTDA., Barranquilla, Colombia; c/o CENTRO DE BELLEZA SHARY VERGARA, Barranquilla, Colombia; POB Colombia; Cedula No. 32761805 (Colombia) (individual) [SDNT]

26. GAVIRIA DE MOR, Liliana, c/o DURATEX S.A., Bogota, Colombia; c/o MOR ALFOMBRAS ALFOFIQUE S.A., Bogota, Colombia; c/o MOR GAVIRIA S.C.S., Bogota, Colombia; c/o GAVIRIA MOR Y CIA. LTDA., Girardot, Colombia; c/o CONSTRUCTORA AMERICA S.A., Bogota, Colombia; DOB 16 Mar 1965; POB Bogota, Colombia; Cedula No. 20621292 (Colombia); Passport AG443233 (Colombia) (individual) [SDNT]

27. GAVIRIA MEJIA, Luis Fernando, Calle 114 No 0-45 Torre 3 Apt. 303, Bogota, Colombia; c/o DURATEX S.A., Bogota, Colombia; DOB 11 Mar 1947; POB Bogota, Colombia; Cedula No. 17163914 (Colombia); Passport AJ241295 (Colombia) (individual) [SDNT]

28. GAVIRIA RUEDA, Gloria Ines, c/o COMERCIALIZADORA MOR GAVIRIA S.A., Quito, Ecuador; c/o INTERNACIONAL DE PROYECTOS INMOBILIARIOS S.A., Quito, Ecuador; POB Colombia; Cedula No. 1719011601 (Ecuador); alt. Cedula No. 41576358 (Colombia); RUC # 1233779 (Ecuador) (individual) [SDNT]

29. GIL GARZON, Marco Antonio, c/o CONSTRUCTORA AMERICA S.A., Bogota, Colombia; DOB 25 May 1947; POB Toca, Boyaca, Colombia; Cedula No. 17176949 (Colombia) (individual) [SDNT]

30. GIL GUIO, Alexandra, c/o DURATEX S.A., Bogota, Colombia; c/o PROMOCIONES E INVERSIONES LAS PALMAS S.A., Bogota, Colombia; c/o CONSTRUCTORA IRAKA S.A., Bogota, Colombia; c/o C.I. OTILIA FLOWERS S.A., Cajica, Cundinamarca, Colombia; c/o CONSTRUCTORA AMERICA S.A., Bogota, Colombia; DOB 11 Oct 1973; POB Colombia; Cedula No. 52145376 (Colombia) (individual) [SDNT]

31. GONZALEZ BETANCUR, Angel Horacio, c/o FISHING ENTERPRISE HOLDING INC., Panama City, Panama; c/o AQUAMARINA ISLAND INTERNATIONAL CORPORATION, Panama City, Panama; DOB 3 Feb 1966; POB Colombia; Cedula No. 6465085 (Colombia) (individual) [SDNT]

32. HERNANDEZ ORTEGA, Cesar Alejandro, c/o LIZZY MUNDO INTERIOR, Guadalajara, Mexico; DOB 28 Oct 1975; POB Guadalajara, Jalisco, Mexico; C.U.R.P. HEOC751028HJCRRS09 (Mexico);

Passport 140022479 (Mexico)
(individual) [SDNT]

33. HODWALKER MARTINEZ, Martin David (a.k.a. "TILO"), c/o VERANILLO DIVE CENTER LTDA., Barranquilla, Colombia; c/o MARTIN HODWALKER M. Y CIA. S. EN C., Barranquilla, Colombia; c/o YAMAHA VERANILLO DISTRIBUIDORES, Barranquilla, Colombia; c/o DESARROLLO GEMMA CORPORATION, Panama City, Panama; DOB 26 Dec 1968; POB Colombia; Cedula No. 8534760 (Colombia); Passport AF465508 Colombia (individual) [SDNT]

34. HOOKER TAYLOR, Javier Arnulfo (a.k.a. HOOKER POMARE, Javier), c/o COOPERATIVA DE SERVICIO DE TRANSPORTE DE CARGA DE COLOMBIA LTDA., Barranquilla, Colombia; c/o ROCK FISH IMPORT EXPORT E.U., San Andres, Colombia; DOB 19 Feb 1971; POB San Andres, Colombia; Cedula No. 18001893 (Colombia) (individual) [SDNT]

35. HYDE, Clive Norman (a.k.a. HYDE SR., Clive Norman; a.k.a. "MR. HYDE"); DOB 8 Apr 1956; POB Belize (individual) [SDNT]

36. INDABURU LUENGAS, Pedro Enrique, c/o COMERCIALIZADORA MOR GAVIRIA S.A., Quito, Ecuador; c/o COMERCIALIZADORA MORDUR S.A., Quito, Ecuador; c/o INTERNACIONAL DE PROYECTOS INMOBILIARIOS S.A., Quito, Ecuador; DOB 29 Jun 1948; POB Bogota, Colombia; Cedula No. 1719011619 (Ecuador); alt. Cedula No. 19074171 (Colombia); RUC # 171901161-9 (Ecuador) (individual) [SDNT]

37. LEAL LOPEZ, Janey Farides, c/o MARTIN HODWALKER M. Y CIA. S. EN C., Barranquilla, Colombia; c/o VERANILLO DIVE CENTER LTDA., Barranquilla, Colombia; DOB 6 Nov 1972; POB Colombia; Cedula No. 32779104 (Colombia); Passport AF665724 (Colombia) (individual) [SDNT]

38. LOGAN MOREY, Elvis Angus (a.k.a. "BURTON BURGESS"); DOB 28 Jul 1963; POB Toledo District, Belize; Passport P0017003 (Belize); SSN 561-77-9011 (United States) (individual) [SDNT]

39. LOZANO OSPINA, Max Abilio, c/o DURATEX S.A., Bogota, Colombia; c/o PROMOCIONES E INVERSIONES LAS PALMAS S.A., Bogota, Colombia; c/o C.I. OTILIA FLOWERS S.A., Cajica, Cundinamarca, Colombia; c/o CONSTRUCTORA AMERICA S.A., Bogota, Colombia; DOB 23 May 1971; POB Colombia; Cedula No. 79248772 (Colombia) (individual) [SDNT]

40. MALDONADO ESCOBAR, Fernando, c/o MOR GAVIRIA Y CIA.

S.C.S., Bogota, Colombia; c/o PROMOCIONES E INVERSIONES LAS PALMAS S.A., Bogota, Colombia; c/o AUDITORES ESPECIALIZADOS LTDA., Bogota, Colombia; c/o GAVIRIA MOR Y CIA. LTDA., Girardot, Colombia; c/o AQUAMARINA ISLAND INTERNATIONAL CORPORATION, Panama City, Panama; DOB 16 May 1961; POB Bogota, Colombia; Cedula No. 19445721 (Colombia); Passport AH330349 (Colombia) (individual) [SDNT]

41. MALDONADO ESCOBAR, Mauricio, c/o MAYOR COMERCIALIZADORA LTDA., Bogota, Colombia; c/o MOR GAVIRIA Y CIA. S.C.S., Bogota, Colombia; c/o AUDITORES ESPECIALIZADOS LTDA., Bogota, Colombia; DOB 22 Oct 1962; POB Colombia; Cedula No. 79266443 (Colombia) (individual) [SDNT]

42. MAR SEM, Maria Gloria, c/o MC OVERSEAS TRADING COMPANY S.A. DE C.V., Guadalajara, Jalisco, Mexico; DOB 19 Aug 1944; POB Mexico; Passport 97140093454 (Mexico) (individual) [SDNT]

43. MARKS, Martin Gregory (a.k.a. GORDON, Howard A.); DOB 30 Oct 1958; POB Jamaica; Passport 217720 (Jamaica) (individual) [SDNT]

44. MOLINA MOLINA, Jesus Dagoberto, c/o TRANSPORTES MICHAEL LTDA., Barranquilla, Colombia; c/o COOPERATIVA DE SERVICIO DE TRANSPORTE DE CARGA MULTIMODAL, Barranquilla, Colombia; POB Colombia; Cedula No. 8233532 (Colombia) (individual) [SDNT]

45. MOR DALE, Jaime Enrique, c/o MOR ALFOMBRAS ALFOFIQUE S.A., Bogota, Colombia; c/o MAYOR COMERCIALIZADORA LTDA., Bogota, Colombia; c/o KARIAN LIMITADA, Bogota, Colombia; DOB 22 Feb 1971; POB Bogota, Colombia; Cedula No. 80420773 (Colombia); Passport AG035370 (Colombia) (individual) [SDNT]

46. MOR DALE, Jorge Dib, c/o MOR ALFOMBRAS ALFOFIQUE S.A., Bogota, Colombia; c/o MAYOR COMERCIALIZADORA LTDA., Bogota, Colombia; c/o KARIAN LIMITADA, Bogota, Colombia; DOB 20 Mar 1963; POB Bogota, Colombia; Cedula No. 79264955 (Colombia); Passport A1758932 (Colombia) (individual) [SDNT]

47. MOR DALE, Ricardo Alberto, c/o MOR ALFOMBRAS ALFOFIQUE S.A., Bogota, Colombia; c/o MAYOR COMERCIALIZADORA LTDA., Bogota, Colombia; c/o KARIAN LIMITADA, Bogota, Colombia; DOB 10 Jun 1964; POB Bogota, Colombia; Cedula No.

79301217 (Colombia) (individual) [SDNT]

48. MOR GAVIRIA, Carolina, c/o DURATEX S.A., Bogota, Colombia; c/o MOR GAVIRIA S.C.S., Bogota, Colombia; c/o SUPER BOYS GAMES LTDA., Bogota, Colombia; DOB 17 Aug 1985; POB Colombia; Cedula No. 8715520 (Colombia) (individual) [SDNT]

49. MOR GAVIRIA, Jaime, c/o DURATEX S.A., Bogota, Colombia; c/o MOR ALFOMBRAS ALFOFIQUE S.A., Bogota, Colombia; c/o PROMOCIONES E INVERSIONES LAS PALMAS S.A., Bogota, Colombia; c/o SUPER BOYS GAMES LTDA., Bogota, Colombia; c/o GAVIRIA MOR Y CIA. LTDA., Girardot, Colombia; DOB 27 Sep 1980; POB Colombia; Cedula No. 92700929 (Colombia); Passport AG443304 (Colombia) (individual) [SDNT]

50. MOR GAVIRIA, Maria Liliana (a.k.a. SVIEDRYS, Maria Liliana), Washington, D.C.; c/o DURATEX S.A., Bogota, Colombia; c/o MOR ALFOMBRAS ALFOFIQUE S.A., Bogota, Colombia; c/o MOR GAVIRIA S.C.S., Bogota, Colombia; c/o SUPER BOYS GAMES LTDA., Bogota, Colombia; c/o GAVIRIA MOR Y CIA. LTDA., Girardot, Colombia; DOB 21 Feb 1979; POB Bogota, Colombia; Cedula No. 35195932 (Colombia); Passport AG801641 (Colombia); SSN 579-33-4498 (United States) (individual) [SDNT]

51. MOR NASSAR, Jorge, c/o MOR ALFOMBRAS ALFOFIQUE S.A., Bogota, Colombia; c/o MAYOR COMERCIALIZADORA LTDA., Bogota, Colombia; DOB 10 Oct 1939; POB Ubaté, Cundinamarca, Colombia; Cedula No. 310935 (Colombia); Passport AG035369 (Colombia) (individual) [SDNT]

52. MOR SAAB, Jaime Dib (a.k.a. MOR, Jaime Div; a.k.a. "JAIME MOORE"), c/o DURATEX S.A., Bogota, Colombia; c/o MOR ALFOMBRAS ALFOFIQUE S.A., Bogota, Colombia; c/o MOR GAVIRIA Y CIA. S.C.S., Bogota, Colombia; c/o INVERSIONES MPS S.A., Bogota, Colombia; c/o MAYOR COMERCIALIZADORA LTDA., Bogota, Colombia; c/o PROYECTOS Y SOLUCIONES S.A., Bogota, Colombia; c/o GERENCIA DE PROYECTOS Y SOLUCIONES LTDA., Bogota, Colombia; c/o PROMOCIONES E INVERSIONES LAS PALMAS S.A., Bogota, Colombia; c/o ACUICOLA SANTA CATALINA S.A., Bogota, Colombia; c/o SUPER BOYS GAMES LTDA., Bogota, Colombia; c/o KARIAN LTDA., Bogota, Colombia; c/o GAVIRIA MOR Y CIA. LTDA., Girardot, Colombia; c/o CONSTRUCTORA IRAKA S.A.,

Bogota, Colombia; c/o CONSTRUCTORA AMERICA S.A., Bogota, Colombia; c/o COMERCIALIZADORA MOR GAVIRIA S.A., Quito, Ecuador; c/o COMERCIALIZADORA MORDUR S.A., Quito, Ecuador; c/o INTERNACIONAL DE PROYECTOS INMOBILIARIOS IPI S.A., Quito, Ecuador; DOB 29 Apr 1955; POB Girardot, Cundinamarca, Colombia; Cedula No. 19222380 (Colombia); SSN 591-98-9689 (United States); (individual) [SDNT]

53. MOR SAAB, Soraya, c/o DURATEX S.A., Bogota, Colombia; c/o MOR GAVIRIA S.C.S., Bogota, Colombia; c/o PROYECTOS Y SOLUCIONES S.A., Bogota, Colombia; c/o CONSTRUCTORA IRAKA S.A., Bogota, Colombia; c/o ACUICOLA SANTA CATALINA S.A., Bogota, Colombia; c/o PROMOCIONES E INVERSIONES LAS PALMAS S.A., Bogota, Colombia; DOB 10 May 1959; POB Girardot, Cundinamarca, Colombia; Cedula No. 35461535 (Colombia) (individual) [SDNT]

54. OLIVEROS GUZMAN, Henry, c/o INVERSIONES MPS S.A., Bogota, Colombia; c/o MAYOR COMERCIALIZADORA LTDA., Bogota, Colombia; c/o MOR ALFOMBRAS ALFOFIQUE S.A., Bogota, Colombia; c/o GERENCIA DE PROYECTOS Y SOLUCIONES LTDA., Bogota, Colombia; c/o HOTEL LA CASCADA S.A., Girardot, Colombia; POB Colombia; Cedula No. 79484051 (Colombia) (individual) [SDNT]

55. PABON ALVARADO, Gustavo Alberto, c/o INVERSIONE MPS S.A., Bogota, Colombia; c/o PROYECTOS Y SOLUCIONES S.A., Bogota, Colombia; c/o PROYECTOS Y SOLUCIONES INMOBILIARIA LTDA., Bogota, Colombia; c/o GERENCIA DE PROYECTOS Y SOLUCIONES LTDA., Bogota, Colombia; c/o ACUICOLA SANTA CATALINA S.A., Bogota, Colombia; c/o HOTEL LA CASCADA S.A., Girardot, Colombia; c/o FLORIDA SOCCER CLUB S.A., Medelln, Colombia; DOB 6 May 1955; POB Bogota, Colombia; Cedula No. 79146243 (Colombia) (individual) [SDNT]

56. PACHECO MEJIA, Luis, c/o FLORIDA SOCCER CLUB S.A., Medelln, Colombia; Calle Paseo de Los Virreyes No. 4022, Colonia San Wenceslao, Zapopan, Jalisco, Mexico; DOB 18 Jun 1951; POB Guadalajara, Jalisco, Mexico; Passport 03140120376 (Mexico); RFC PAML-510618-ED7 (Mexico) (individual) [SDNT]

57. PALACIO ADARVE, John Ricardo; DOB 11 Mar 1969; POB Itagui, Antioquia, Colombia; Cedula No. 70697538 (Colombia) (individual) [SDNT]

58. RINCONES MENDOZA, Henry Juvenal; DOB 25 Sep 1976; POB Colombia; Cedula No. 79863543 (Colombia) (individual) [SDNT]

59. SABAGH DE CURE, Maria Dunia, c/o CURE SABAGH Y CIA. S.C.S., Barranquilla, Colombia; c/o FUDIA LTDA., Barranquilla, Colombia; DOB 02 Jan 1947; POB Barranquilla, Colombia; Cedula No. 33278803 (Colombia); Passport AE330188 (Colombia) (individual) [SDNT]

60. TRUJILLO MOLINA, Maria Helena (a.k.a. TRUJILLO MOLINA, Maria Elena), c/o HOTEL LA CASCADA S.A., Girardot, Colombia; c/o INVERSIONES Y REPRESENTACIONES S.A., Medelln, Colombia; POB Colombia; Cedula No. 42875026 (Colombia) (individual) [SDNT]

61. VALENCIA MARIN, Libardo Elias; DOB 23 Mar 1946; POB Colombia; Cedula No. 8225623 (Colombia) (individual) [SDNT]

62. VARELA SERNA, Carlos Heneris (a.k.a. "COLITAS"), c/o TRANSPORTES MICHAEL LTDA., Barranquilla, Colombia; c/o COOPERATIVA DE SERVICIO DE TRANSPORTE DE CARGA DE COLOMBIA LTDA., Barranquilla, Colombia; c/o CENTRO DE BELLEZA SHARY VERGARA, Barranquilla, Colombia; DOB 11 Jan 1956; POB Cali, Colombia; Cedula No. 16632290 (Colombia) (individual) [SDNT]

63. VASQUEZ DIAZ, Augusto de Jesus, c/o FLORIDA SOCCER CLUB S.A., Medelln, Colombia; Cedula No. 3333064 (Colombia) (individual) [SDNT]

64. WORRELL, Gareth Bruce (a.k.a. WORRELL MURRAY, Gareth Bruce; a.k.a. WORRELL MURRAY, Garrett; a.k.a. "GARETH MOREY"); DOB 19 Jun 1971; alt. DOB 19 Jan 1971; POB Belize; Passport 0159817 (Belize) (individual) [SDNT]

65. YEPES VELEZ, Silvio (a.k.a. YEPEZ VELEZ, Silvio), Carrera 30 No 77-26, Bogota, Colombia; c/o HOTEL LA CASCADA S.A., Girardot, Colombia; DOB 9 Nov 1948; POB Manizales, Caldas, Colombia; Cedula No. 19065009 (Colombia); NIT # 19065009-4 (Colombia) (individual) [SDNT]

Entities

1. ACUICOLA SANTA CATALINA S.A., Avenida 13 No. 100-12 Ofc. 302, Bogota, Colombia; NIT # 830010809-5 (Colombia) [SDNT]

2. AQUAMARINA ISLAND INTERNATIONAL CORPORATION, Avenida Cuba Calle 38, Edificio Los Cristales Piso 3, Panama City, Panama; Calle 93 No. 14-20 Ofc. 611, Bogota, Colombia; Avenida del Pastelillo 24-46, Edificio Fadia—Manga, Cartagena,

Colombia; RUC # 2120851397079 (Panama) [SDNT]

3. AUDITORES ESPECIALIZADOS LTDA., Calle 93 No. 14-20 Ofc. 611, Bogota, Colombia; NIT # 830041980-1 (Colombia) [SDNT]

4. C.I. OTILIA FLOWERS S.A., Carrera 11 No. 94-02 Ofc. 405, Bogota, Colombia; Vereda Las Manas, Finca La Estancia, Cajica, Cundinamarca, Colombia; NIT # 800207350-5 (Colombia) [SDNT]

5. CABLES NACIONALES S.A. (a.k.a. CANAL S.A.), Calle 111 No. 34-139, Barranquilla, Colombia; NIT # 802005017-7 (Colombia) [SDNT]

6. CASTRO CURE Y CIA. S. EN C., Calle 111 No. 34-139, Barranquilla, Colombia; NIT # 802001885-5 (Colombia) [SDNT]

7. CENTRO DE BELLEZA SHARY VERGARA, Carrera 54 No. 72-80 Local 25, Barranquilla, Colombia [SDNT]

8. COMERCIALIZADORA MOR GAVIRIA S.A. (a.k.a. ALFOMBRAS DURATEX DE COLOMBIA; a.k.a. "DURATEX ECUADOR"), Avenida Pedro Vicente Maldonado N229 y Rivas, Edificio Centro Comercial El Recreo, Local 24F, Pichincha, Quito, Ecuador; RUC # 1791813359001 (Ecuador) [SDNT]

9. COMERCIALIZADORA MORDUR S.A., Avenida Pedro Vicente Maldonado 14-205, Edificio Centro Comercial El Recreo, Local 22F, Pichincha, Quito, Ecuador; RUC # 1791315820001 (Ecuador) [SDNT]

10. CONSTRUCTORA AMERICA S.A., Carrera 63 No. 17-07, Bogota, Colombia; NIT # 830125002-3 (Colombia) [SDNT]

11. CONSTRUCTORA IRAKA S.A., Carrera 7 No. 132-82, Bogota, Colombia; NIT # 830111113-1 (Colombia) [SDNT]

12. COOPERATIVA DE SERVICIO DE TRANSPORTE DE CARGA DE COLOMBIA LTDA. (a.k.a. COOPERATIVA DE SERVICIO DE TRANSPORTE DE CARGA MULTIMODAL DE COLOMBIA LTDA.; a.k.a. COOTRANSMULTI H.H. LTDA.), Calle 30 No. 10-50, Barranquilla, Colombia; Calle 35 No. 36-68, Barranquilla, Colombia; NIT # 802019665-0 (Colombia) [SDNT]

13. CURE SABAGH Y CIA. S.C.S., Calle 32 No. 43A-89, Barranquilla, Colombia; NIT # 802000463-6 (Colombia) [SDNT]

14. DESARROLLO GEMMA CORPORATION, Calle 52 Bella Vista, Chalet # 17, Panama City, Panama; RUC # 25544701403775 (Panama) [SDNT]

15. DURATEX S.A. (f.k.a. INVERSIONES JEDA S.A.), Carrera 63 No. 17-07, Bogota, Colombia; Calle 116 No. 19-22, Bogota, Colombia; Avenida

19 No. 95-13 Local 1, Bogota, Colombia; NIT # 800054668-3 (Colombia) [SDNT]

16. FISHING ENTERPRISE HOLDING, INC., Avenida Samuel Lewis, Edificio Comosa, Piso 16, Panama City, Panama; RUC # 2120741397076 (Panama) [SDNT]

17. FLORIDA SOCCER CLUB S.A. (a.k.a. CORPORACION DEPORTIVA FLORIDA SOCCER CLUB; a.k.a. FSC S.A.), Calle 48 No. 70-80 Ofc. 115, Medellín, Colombia; Calle 49B No. 74-31 Sector Estadio, Medellín, Colombia; Itagui, Antioquia, Colombia; NIT # 811046159 (Colombia) [SDNT]

18. FUDIA LTDA., Calle 111 No. 36B-17, Barranquilla, Colombia; NIT # 800230555-4 (Colombia) [SDNT]

19. GAVIRIA MOR Y CIA. LTDA., Calle 16 No. 11-82 Ofc. 302, Girardot, Colombia; NIT # 800212771-2 (Colombia) [SDNT]

20. GERENCIA DE PROYECTOS Y SOLUCIONES LTDA., Avenida 13 No. 100-12 Ofc. 302, Bogota, Colombia; NIT # 800231600-2 (Colombia) [SDNT]

21. GIMNASIO BODY AND HEALTH, Calle 80 No. 75-210, Barranquilla, Colombia [SDNT]

22. HOTEL LA CASCADA S.A. (f.k.a. CENTRO RECREACIONAL LA CASCADA LTDA.), Carrera 12 Avenida 25 Esquina, Girardot, Colombia; NIT # 890601336-8 (Colombia) [SDNT]

23. INMOBILIUM INVESTMENT CORP., Avenida Frederico Boyd y Calle 51, Edificio Torre Universal, Piso 3, Panama City, Panama; RUC # 4055231267286 (Panama) [SDNT]

24. INTERNACIONAL DE PROYECTOS INMOBILIARIA IPI S.A. (a.k.a. IPI S.A.), Avenida Pedro Vicente Maldonado 744, Edificio Centro Comercial El Recreo, Local 24I, Pichincha, Quito, Ecuador; RUC # 1791843436001 (Ecuador) [SDNT]

25. INVERSIONES AGROPECUARIA ARIZONA LTDA., Calle 82 No. 43-21 Ofc. 1C, Barranquilla, Colombia; NIT # 802019694 (Colombia) [SDNT]

26. INVERSIONES MPS S.A. (f.k.a. EQUIPOS MPS S.A.), Avenida 13 No. 100-12 Ofc. 302, Bogota, Colombia; NIT # 800231392-5 (Colombia) [SDNT]

27. INVERSIONES Y REPRESENTACIONES S.A. (a.k.a. IRSA S.A.), Carrera 43A No. 16A Sur-38, Barrio El Poblado, Medellín, Colombia; NIT # 811040270-5 (Colombia) [SDNT]

28. KARIAN LTDA., Calle 23 No. 68A-95, Bogota, Colombia; NIT # 800166692-1 (Colombia) [SDNT]

29. LAVADERO EL CASTILLO, Carrera 84 No. 32B-40, Medellín, Colombia [SDNT]

30. LIZZY MUNDO INTERIOR, Justo Sierra 1963, Guadalajara, Jalisco, Mexico [SDNT]

31. MARTIN HODWALKER M. & CIA. S. EN C., Via 40 No. 67-42,

Barranquilla, Colombia; NIT # 802007314-9 (Colombia) [SDNT]

32. MAYOR COMERCIALIZADORA LTDA., Carrera 40 No. 169-30 Barrio Toberin, Bogota, Colombia; NIT # 80008288-4 (Colombia) [SDNT]

33. MC OVERSEAS TRADING COMPANY SA DE CV, Justo Sierra 1963, Guadalajara, Jalisco, Mexico [SDNT]

34. MOR ALFOMBRAS ALFOFIQUE S.A. (f.k.a. ALFOFIQUE LTDA.; f.k.a. ALFOFIQUE TRANSPORTES LTDA.), Carrera 40 No. 169-32, Bogota, Colombia; NIT # 830081048-0 (Colombia) [SDNT]

35. MOR GAVIRIA Y CIA. S.C.S. SOCIEDAD DE COMERCIALIZACION INT. C.I. (f.k.a. MOR GAVIRIA Y CIA. S.C.S.), Carrera 63 No. 17-07, Bogota, Colombia; NIT # 860535567-0 (Colombia) [SDNT]

36. ORIMAR LTDA., Carrera 19 No. 57-33, Bogota, Colombia; NIT # 801076804-7 (Colombia) [SDNT]

37. OVERSEAS TRADING COMPANY (a.k.a. "DURATEX GUATEMALA"; a.k.a. "DURATEX S.A."), 7A Avenida 9-15, Zona 12 Colonia La Reformita, Guatemala City, Guatemala; Barrio del Monte 1 Avenida 2-51, Zona 1 Colonia ViCanales No. 4, Guatemala City, Guatemala; 20 Calle 20-81 Zona 10, Guatemala City, Guatemala; NIT # 2500971-0 (Guatemala) [SDNT]

38. PROMOCIONES E INVERSIONES LAS PALMAS S.A. (a.k.a. PROPALMAS S.A.), Carrera 9 No. 100-97 Ofc. 412, Bogota, Colombia; NIT # 800236023-5 (Colombia) [SDNT]

39. PROYECTOS Y SOLUCIONES INMOBILIARIA LTDA. (f.k.a. PROMOTORA DE PROYECTOS Y SOLUCIONES LTDA.), Avenida 13 No. 100-12 Ofc. 302, Bogota, Colombia; NIT # 800014349-8 (Colombia) [SDNT]

40. PROYECTOS Y SOLUCIONES S.A., Carrera 63 No. 17-07, Bogota, Colombia; NIT # 800231601-1 (Colombia) [SDNT]

41. ROCK FISH IMPORT EXPORT E.U., Avenida Juan XXIII, San Andres, Colombia; NIT # 827000913-1 (Colombia) [SDNT]

42. SUPER BOYS GAMES LTDA., Carrera 40 No. 168-67, Bogota, Colombia; NIT # 830004047-5 (Colombia) [SDNT]

43. TRANSPORTES MICHAEL LTDA. (a.k.a. TRANSMIKE LTDA.), Calle 30 No. 10-50, Barranquilla, Colombia; Sitio Nuevo, Magdalena, Colombia; NIT # 802024118-3 (Colombia) [SDNT]

44. VERANILLO DIVE CENTER LTDA. (a.k.a. CLUB DE PESCA VERANILLO), Via 40 No. 67-42, Barranquilla, Colombia; NIT # 802008393-5 (Colombia) [SDNT]

45. YAMAHA VERANILLO DISTRIBUIDORES, Via 40 No. 67-42, Barranquilla, Colombia [SDNT]

Dated: March 28, 2007.

Adam J. Szubin,

Director, Office of Foreign Assets Control.

[FR Doc. E7-6079 Filed 3-30-07; 8:45 am]

BILLING CODE 4811-42-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Information Reporting Program Advisory Committee; Nominations

AGENCY: Internal Revenue Service, Department of Treasury.

ACTION: Notice and request for nominations.

SUMMARY: The Internal Revenue Service (IRS) requests nominations of individuals to be considered for selection as Information Reporting Program Advisory Committee (IRPAC) members. Individuals may nominate themselves or be nominated by interested organizations. Nominations will be accepted for current vacancies and should describe and document the applicants qualifications for membership. The IRPAC can be comprised of no more than twenty-three (23) members. There are eight (8) positions open for calendar year 2008. It is important that IRPAC continue to represent a diverse taxpayer and stakeholder base. Accordingly, to maintain membership diversity, selection is based on applicant's qualifications in addition to consideration of the segment or group he/she represents.

The IRPAC advises the IRS on information reporting issues of mutual concern to the private sector and the federal government. The committee works with the Commissioner and other IRS leadership to provide recommendations on a wide range of information reporting administration issues. Membership is balanced to include representation from the tax professional community, businesses, banking, insurance, state tax administration, colleges and universities, securities, payroll and other industries.

DATES: Written nominations must be received on or before May 31, 2007.

ADDRESSES: Nominations should be sent to Ms. Caryl Grant, National Public Liaison, CL:NPL:SRM, Room 7559 IR, 1111 Constitution Avenue, NW., Washington, DC 20224, Attn: IRPAC Nominations. Applications may be submitted by mail to the address above

or faxed to 202-622-8345. Application packages are available on the Tax Professional's Page, which is located on the IRS Internet Web site at <http://www.irs.gov/taxpros/index.html>.

Application packages may also be requested by telephone from National Public Liaison, 202-927-3641 (not a toll-free number).

FOR FURTHER INFORMATION CONTACT: Ms. Caryl Grant, at 202-927-3641 (not a toll-free number) or *Public_Liaison@irs.gov.

SUPPLEMENTARY INFORMATION: The IRPAC was established in 1991 in response to an administrative recommendation in the final Conference Report of the Omnibus Budget Reconciliation Act of 1989. Since its inception, IRPAC has worked closely with the IRS to provide recommendations on a wide range of issues intended to improve the information reporting program and achieve fairness to taxpayers. Conveying the public's perception of IRS activities to the Commissioner, the IRPAC is comprised of individuals who bring substantial, disparate experience and diverse backgrounds to the Committee's activities.

The IRPAC members are appointed by the Commissioner and serve a term of three years with approximately one third of the member's terms expiring each year. Working groups address policies and administration issues specific to information reporting. Members are not paid for their services. However, travel expenses for working sessions, public meetings and orientation sessions, such as airfare, per diem, and transportation to and from airports, train stations, etc., are reimbursed within prescribed federal travel limitations.

Receipt of applications will be acknowledged, and all individuals will be notified when selections have been made. In accordance with Department of Treasury Directive 21-03, a clearance process including, pre-appointment and annual tax checks, and a Federal Bureau of Investigation criminal and subversive name check through fingerprinting will be conducted on the final applicants.

Equal opportunity practices will be followed for all appointments to the IRPAC in accordance with the Department of Treasury and IRS policies. To ensure that the recommendations of the IRPAC have taken into account the needs of the diverse groups served by the IRS, membership shall include, to the extent practicable, individuals who demonstrate the ability to represent minorities, women, and persons with

disabilities. The Secretary of Treasury will review the recommended candidates and approve final selections.

Dated: March 20, 2007.

Cynthia Vanderpool,
Designated Federal Official, National Public Liaison.

[FR Doc. E7-5856 Filed 3-30-07; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900-0300]

Proposed Information Collection Activity: Proposed Collection; Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments for information needed to assist disabled veterans in acquiring special housing and/or adaptations to their current resident.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before June 1, 2007.

ADDRESSES: Submit written comments on the collection of information through <http://www.Regulations.gov> or to Nancy J. Kessinger, Veterans Benefits Administration (20M35), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 or e-mail to nancy.kessinger@va.gov. Please refer to "OMB Control No. 2900-0300" in any correspondence. During the comment period, comments may be viewed online through the Federal Docket Management System (FDMS) at <http://www.Regulations.gov>.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 273-7079 or FAX (202) 275-5947.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104-13; 44 U.S.C. 3501-3521), Federal agencies must obtain approval from the Office of

Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Veterans Application for Assistance in Acquiring Special Housing Adaptations, VA Form 26-4555d.

OMB Control Number: 2900-0300.

Type of Review: Extension of a currently approved collection.

Abstract: Veterans who are disabled complete VA Form 26-4555d to apply for special housing and modification to their current dwellings. Grants are available to assist the veteran in making adaptations to their current residences or one they intend to live in as long as the veteran or a member of the veteran's family owns the home.

Affected Public: Individuals or households.

Estimated Annual Burden: 25 hours.

Estimated Average Burden per

Respondent: 20 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 75.

Dated: March 23, 2007.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Records Management Service.

[FR Doc. E7-6017 Filed 3-30-07; 8:45 am]

BILLING CODE 8320-01-P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900-0020]

Proposed Information Collection Activity: Proposed Collection; Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments on information needed to determine a claimant's eligibility to receive the proceeds of a veteran's Government Life Insurance.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before June 1, 2007.

ADDRESSES: Submit written comments on the collection of information through <http://www.Regulations.gov>; or to Nancy J. Kessinger, Veterans Benefits Administration (20M35), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 or e-mail nancy.kessinger@va.gov. Please refer to "OMB Control No. 2900-0020" in any correspondence. During the comment period, comments may be viewed online through the Federal Docket Management System (FDMS) at <http://www.Regulations.gov>.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 273-7079 or FAX (202) 275-5947.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Public Law 104-13; 44 U.S.C. 3501-3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Designation of Beneficiary, Government Life Insurance, VA Form 29-336.

OMB Control Number: 2900-0020.

Type of Review: Extension of a currently approved collection.

Abstract: VA Form 29-336 is completed by the insured to designate a beneficiary and select an optional settlement to be used when the Government Life Insurance matures by death.

Affected Public: Individuals or households.

Estimated Annual Burden: 13,917 hours.

Estimated Average Burden per Respondent: 10 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 83,500.

Dated: March 23, 2007.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Records Management Service.

[FR Doc. E7-6018 Filed 3-30-07; 8:45 am]

BILLING CODE 8320-01-P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900-0162]

Proposed Information Collection Activity: Proposed Collection; Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection and allow 60 days for public comment in response to the notice. This notice solicits comments on information needed to ensure that the amount of benefits payable to a student pursuing flight training is correct.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before June 1, 2007.

ADDRESSES: Submit written comments on the collection of information through <http://www.Regulations.gov>; or to Nancy

J. Kessinger, Veterans Benefits Administration (20M35), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 or e-mail nancy.kessinger@va.gov. Please refer to "OMB Control No. 2900-0162" in any correspondence.

FOR FURTHER INFORMATION CONTACT:

Nancy J. Kessinger at (202) 273-7079 or FAX (202) 275-5947.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104-13; 44 U.S.C. 3501-3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Monthly Certification of Flight Training, (under Chapters 30 and 32, Title 38 U.S.C.; Chapters 1606 and 1607, Title 10 U.S.C.; and Section 903 of Public Law 96-342, VA Form 22-6553c.

OMB Control Number: 2900-0162.

Type of Review: Extension of a currently approved collection.

Abstract: Veterans, individuals on active duty training and reservist training, may receive benefits for enrolling in or pursuing approved vocational flight training. VA Form 22-6553c serves as a report of flight training pursued and termination of such training. Payments are based on the number of hours of flight training the veterans completed during each month.

Affected Public: Individuals or households, Business or other for-profit, and Not-for-profit institutions.

Estimated Annual Burden: 3,714 hours.

Estimated Average Burden per Respondent: 30 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 1,238.

Estimated Total Annual Responses: 7,428.

Dated: March 23, 2007.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Records Management Service.

[FR Doc. E7-6019 Filed 3-30-07; 8:45 am]

BILLING CODE 8320-01-P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900-New (VA Form 10-0430)]

Proposed Information Collection Activity: Proposed Collection; Comment Request

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Health Administration (VHA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed new collection, and allow 60 days for public comment in response to the notice. This notice solicits comments for information needed to determine State Veterans' Homes eligibility for funding for programs to recruit and retain nurses at their facility.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before June 1, 2007.

ADDRESSES: Submit written comments on the collection of information through <http://www.Regulations.gov>; or to Mary Stout, Veterans Health Administration (193E1), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 or e-mail: mary.stout@va.gov. Please refer to "OMB Control No. 2900-New (VA Form 10-0430)" in any correspondence. During the comment period, comments may be viewed online through the Federal Docket Management System (FDMS) at <http://www.Regulations.gov>.

FOR FURTHER INFORMATION CONTACT: Mary Stout (202) 273-8664 or FAX (202) 273-9381.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104-13; 44 U.S.C. 3501-3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is

being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VHA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VHA's functions, including whether the information will have practical utility; (2) the accuracy of VHA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Regulation on Reduction of Nursing Shortages in State Homes; Application for Assistance for Hiring and Retaining Nurses at State Homes, VA Form 10-0430.

OMB Control Number: 2900-New (VA Form 10-0430).

Type of Review: New collection.

Abstract: State Veterans' Homes complete VA Form 10-0430 to request funding to assist in the hiring and retention of nurses at their facility. VA will use the data collected to determine State homes eligibility and the appropriate amount of funding.

Affected Public: State, Local or Tribal Government.

Estimated Annual Burden: 133.

Estimated Average Burden per

Respondent: 2 hours.

Frequency of Response: One time.

Estimated Number of Respondents: 67.

Dated: March 23, 2007.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Records Management Service.

[FR Doc. E7-6021 Filed 3-30-07; 8:45 am]

BILLING CODE 8320-01-P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900-0586]

Proposed Information Collection Activity: Proposed Collection; Comment Request

AGENCY: Office of Acquisition and Materiel Management, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Office of Acquisition and Materiel Management (OA&MM), Department of Veterans Affairs (VA), is

announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection and allow 60 days for public comment in response to the notice. This notice solicits comments on the information needed to ensure that the items being purchased meet minimum safety standards and to protect VA employees, VA beneficiaries and the public.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before June 1, 2007.

ADDRESSES: Submit written comments on the collection of information through <http://www.Regulations.gov>; or to Barbara Latvanas, Office of Acquisition and Materiel Management (049A5A), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420; or e-mail: barbara.latvanas@va.gov. Please refer to "OMB Control No. 2900-0585" in any correspondence. During the comment period, comments may be viewed online through the Federal Docket Management System (FDMS) at <http://www.Regulations.gov>.

FOR FURTHER INFORMATION CONTACT: Barbara Latvanas at (202) 273-7808.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104-13; 44 U.S.C. 3501-3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, OA&MM invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of OA&MM's functions, including whether the information will have practical utility; (2) the accuracy of OA&MM's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: 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.

Affected Public: Business or other for-profit; Individuals and 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: March 20, 2007.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Records Management Service.

[FR Doc. E7–6023 Filed 3–30–07; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0585]

Proposed Information Collection Activity: Proposed Collection; Comment Request

AGENCY: Office of Acquisition and Materiel Management, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Office of Acquisition and Materiel Management (OA&MM), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information including each proposed extension of a currently approved collection and allow 60 days for public comment in response to the notice. This notice solicits comments on the information needed to allow firms to offer items that are equal to the brand name item stated in the bid.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before June 1, 2007.

ADDRESSES: Submit written comments on the collection of information through <http://www.Regulations.gov>; or to Barbara Latvanas, Office of Acquisition and Materiel Management (049A5A), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420; or e-mail:

barbara.latvanas@va.gov. Please refer to “OMB Control No. 2900–0585” in any correspondence. During the comment period, comments may be viewed online through the Federal Docket Management System (FDMS) at <http://www.Regulations.gov>.

FOR FURTHER INFORMATION CONTACT:

Barbara Latvanas at (202) 273–7808.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, OA&MM invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of OA&MM's functions, including whether the information will have practical utility; (2) the accuracy of OA&MM's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: 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.

Affected Public: Business or other for-profit; Individuals and 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: March 20, 2007.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Records Management Service.

[FR Doc. E7–6024 Filed 3–30–07; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0593]

Proposed Information Collection Activity: Proposed Collection; Comment Request

AGENCY: Office of Acquisition and Materiel Management, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Office of Acquisition and Materiel Management (OA&MM), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each

proposed collection of information, including each proposed extension of a currently approved collection and allow 60 days for public comment in response to the notice. This notice solicits comments on the information needed to identify bid envelopes from other mail parcels.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before June 1, 2007.

ADDRESSES: Submit written comments on the collection of information through <http://www.Regulations.gov>; or to Barbara Latvanas, Office of Acquisition and Materiel Management (049A5A), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420; or e-mail: barbara.latvanas@va.gov. Please refer to "OMB Control No. 2900-0585" in any correspondence. During the comment period, comments may be viewed online through the Federal Docket Management System (FDMS) at <http://www.Regulations.gov>.

FOR FURTHER INFORMATION CONTACT: Barbara Latvanas at (202) 273-7808.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104-13; 44 U.S.C. 3501-3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, OA&MM invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of OA&MM's functions, including whether the information will have practical utility; (2) the accuracy of OA&MM's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: 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.

Affected Public: Business or other for-profit; Individuals and households; and Not-for-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: March 20, 2007.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Records Management Service.

[FR Doc. E7-6025 Filed 3-30-07; 8:45 am]

BILLING CODE 8320-01-P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900-0589]

Proposed Information Collection Activity: Proposed Collection; Comment Request

AGENCY: Office of Acquisition and Materiel Management, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Office of Acquisition and Materiel Management (OA&MM), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments on the information

needed to ensure that shellfish purchased by VA comes from a State- and Federal-approved and inspected source.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before June 1, 2007.

ADDRESSES: Submit written comments on the collection of information through <http://www.Regulations.gov>; or to Barbara Latvanas, Office of Acquisition and Materiel Management (049A5A), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420; or e-mail: barbara.latvanas@va.gov. Please refer to "OMB Control No. 2900-0585" in any correspondence. During the comment period, comments may be viewed online through the Federal Docket Management System (FDMS) at <http://www.Regulations.gov>.

FOR FURTHER INFORMATION CONTACT: Barbara Latvanas at (202) 273-7808.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104-13; 44 U.S.C. 3501-3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, OA&MM invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of OA&MM's functions, including whether the information will have practical utility; (2) the accuracy of OA&MM's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: 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.

Affected Public: Business or other for-profit; Individuals and 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: March 20, 2007.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Records Management Service.

[FR Doc. E7-6026 Filed 3-30-07; 8:45 am]

BILLING CODE 8320-01-P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900-0588]

Proposed Information Collection Activity: Proposed Collection; Comment Request

AGENCY: Office of Acquisition and Materiel Management, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Office of Acquisition and Materiel Management (OA&MM), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed extension of a currently approved collection and allow 60 days for public comment in response to the notice. This notice solicits comments on the information needed to ensure that equipment proposed by the contractor meets specification requirements.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before June 1, 2007.

ADDRESSES: Submit written comments on the collection of information through <http://www.Regulations.gov>; or to

Barbara Latvanas, Office of Acquisition and Materiel Management (049A5A), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420; or e-mail:

barbara.latvanas@va.gov. Please refer to "OMB Control No. 2900-0585" in any correspondence. During the comment period, comments may be viewed online through the Federal Docket Management System (FDMS) at www.Regulations.gov.

FOR FURTHER INFORMATION CONTACT: Barbara Latvanas at (202) 273-7808.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104-13; 44 U.S.C. 3501-3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, OA&MM invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of OA&MM's functions, including whether the information will have practical utility; (2) the accuracy of OA&MM's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: 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.

Affected Public: Business or other for-profit; Individuals and households; and Not-for-profit institutions.

Estimated Annual Burden: 150 hours.

Estimated Average Burden per

Respondent: 5 hours.

Frequency of Response: On occasion.

Estimated Number of Respondents: 30

Dated: March 20, 2007.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Records Management Service.

[FR Doc. E7-6027 Filed 3-30-07; 8:45 am]

BILLING CODE 8320-01-P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900-0587]

Proposed Information Collection Activity: Proposed Collection; Comment Request

AGENCY: Office of Acquisition and Materiel Management, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Office of Acquisition and Materiel Management (OA&MM), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection and allow 60 days for public comment in response to the notice. This notice solicits comments on the information needed to repair technical medical equipment and devices or mechanical equipment.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before June 1, 2007.

ADDRESSES: Submit written comments on the collection of information through <http://www.Regulations.gov>; or to Barbara Latvanas, Office of Acquisition and Materiel Management (049A5A), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420; or e-mail: barbara.latvanas@va.gov. Please refer to "OMB Control No. 2900-0585" in any correspondence. During the comment period, comments may be viewed online through the Federal Docket Management

System (FDMS) at
www.Regulations.gov.

FOR FURTHER INFORMATION CONTACT:
Barbara Latvanas at (202) 273-7808.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104-13; 44 U.S.C. 3501-3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, OA&MM invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of OA&MM's functions, including whether the information will have practical utility; (2) the accuracy of OA&MM's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: 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.

Affected Public: Business or other for-profit; Individuals and 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: March 20, 2007.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Records Management Service.

[FR Doc. E7-6029 Filed 3-30-07; 8:45 am]

BILLING CODE 8320-01-P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900-0099]

Proposed Information Collection Activity: Proposed Collection; Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments on the information needed to request a change of education program or place of training.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before June 1, 2007.

ADDRESSES: Submit written comments on the collection of information through <http://www.Regulations.gov> or to Nancy J. Kessinger, Veterans Benefits Administration (20M35), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 or e-mail to nancy.kessinger@va.gov. Please refer to "OMB Control No. 2900-0099" in any correspondence. During the comment period, comments may be viewed online through the Federal Docket Management System (FDMS) at www.Regulations.gov.

FOR FURTHER INFORMATION CONTACT:
Nancy J. Kessinger at (202) 273-7079 or FAX (202) 275-5947.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Public Law 104-13; 44 U.S.C. 3501-3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: 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.

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: March 23, 2007.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Records Management Service.

[FR Doc. E7-6030 Filed 3-30-07; 8:45 am]

BILLING CODE 8320-01-P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900-0021]

Proposed Information Collection Activity: Proposed Collection; Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments for information needed to justify the extension of forbearance to the veteran-borrower as opposed to foreclosure.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before June 1, 2007.

ADDRESSES: Submit written comments on the collection of information through <http://www.Regulations.gov> or to Nancy J. Kessinger, Veterans Benefits Administration (20M35), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 or e-mail to nancy.kessinger@va.gov. Please refer to "OMB Control No. 2900-0021" in any correspondence. During the comment period, comments may be viewed online through the Federal Docket Management System (FDMS) at www.Regulations.gov.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 273-7079 or FAX (202) 275-5947.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104-13; 44 U.S.C. 3501-3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the

burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Titles:

- a. Notice of Default, VA Form 26-6850.
- b. Notice of Default and Intention to Foreclose, VA Form 26-6850a.
- c. Notice of Intention to Foreclose, VA Form 26-6851.

OMB Control Number: 2900-0021.

Type of Review: Extension of a currently approved collection.

Abstract: Holders of guaranteed loans are required to notify VA within 45 days of a loan default due to nonpayment of any installment for a period of 60 days from the date of the first uncured default. Holders are also required to notify VA of their intention to foreclose. After delivery of such notice to VA and 30 days has passed, the holder can begin court proceedings, give notice of sale under power of sale, or otherwise take steps to terminate the debtor's rights in the security.

VA Forms 26-6850 and 26-6851 require that servicing efforts are fully explained so that VA can determine whether supplemental servicing could develop further information to justify the extension of forbearance to the veterans-borrower as opposed to foreclosure. The information provided is used to coordinate the actions of VA and the holder to ensure that all legal requirements regarding foreclosure and claim payment are met. VA Form 26-6850a is filed by holders when defaults are determined insoluble by holders at the time the notice of default is filed with VA. This form provides both notice of default and intent to foreclosure together on one form.

Affected Public: Business or other for profit, and Individuals or households.

Estimated Annual Burden: 66,166.

- a. VA Form 26-6850—20,166 hours.
- b. VA Form 26-6850a—26,000 hours.
- c. VA Form 26-6851—20,000 hours.

Estimated Average Burden Per Respondent:

- a. VA Form 26-6850—10 minutes.
- b. VA Form 26-6850a—20 minutes.
- c. VA Form 26-6851—15 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 279,000 hours.

- a. VA Form 26-6850—121,000 hours.
- b. VA Form 26-6850a—78,000 hours.
- c. VA Form 26-6851—80,000 hours.

Dated: March 23, 2007.

By direction of the Acting Secretary.

Denise McLamb,

Program Analyst, Records Management Service.

[FR Doc. E7-6031 Filed 3-30-07; 8:45 am]

BILLING CODE 8320-01-P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900-0251]

Proposed Information Collection Activity: Proposed Collection; Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA) is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments for information needed to determine the status of a defaulted loan account.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before June 1, 2007.

ADDRESSES: Submit written comments on the collection of information through <http://www.Regulations.gov> or to Nancy J. Kessinger, Veterans Benefits Administration (20M35), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 or e-mail to nancy.kessinger@va.gov. Please refer to "OMB Control No. 2900-0251" in any correspondence. During the comment period, comments may be viewed online through the Federal Docket Management System (FDMS) at www.Regulations.gov.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 273-7079 or FAX (202) 275-5947.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104-13; 44 U.S.C. 3501-3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites

comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Present Status of Loan, VA Form 26-8778.

OMB Control Number: 2900-0251.

Type of Review: Extension of a currently approved collection.

Abstract: VA Form 26-8778 is used to obtain information from servicers regarding the status of defaulted loans. VA will use the data collected to properly service the defaulted loan.

Affected Public: Business or other for-profit.

Estimated Annual Burden: 29,167 hours.

Estimated Average Burden per Respondent: 10 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 175,000.

Dated: March 23, 2007.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Records Management Service.

[FR Doc. E7-6032 Filed 3-30-07; 8:45 am]

BILLING CODE 8320-01-P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900-0379]

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. 3501-21), 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 May 2, 2007.

ADDRESSES: Submit written comments on the collection of information through <http://www.Regulations.gov>; or to VA's OMB Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395-7316. Please refer to "OMB Control No. 2900-0379" 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. 2900-0379."

SUPPLEMENTARY INFORMATION:

Title: Time Record (Work-Study Program), VA Form 22-8690.

OMB Control Number: 2900-0379.

Type of Review: Extension of a currently approved collection.

Abstract: Training establishments complete VA Form 22-8690 to report the number of work-study hours a claimant has completed. When a claimant elects to receive an advance payment, VA will withhold benefits (to recoup the advance payment) until the claimant completes 50 hours of service. If the claimant elects not to receive an advance payment, benefits are payable when the claimant completes 50 hours of service. VA uses the data collected to ensure that the amount of benefits payable to a claimant who is pursuing work-study is correct.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on January 24, 2007 at pages 3195-3196.

Affected Public: State, Local or Tribal Governments, Individuals or households, Business or other for-profit, Not-for-profit institutions, and Federal Government.

Estimated Annual Burden: 9,168 hours.

Estimated Average Burden per Respondent: 5 minutes.

Frequency of Response: On occasion.

Estimated Annual Responses: 110,010.

Estimated Number of Respondents: 31,612.

Dated: March 26, 2007.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Records Management Service.

[FR Doc. E7-6033 Filed 4-2-07; 8:45 am]

BILLING CODE 8320-01-P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900-0262]

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. 3501-21), 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 May 2, 2007.

ADDRESSES: Submit written comments on the collection of information through <http://www.Regulations.gov>; or to VA's OMB Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395-7316. Please refer to "OMB Control No. 2900-0262" 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. 2900-0262."

SUPPLEMENTARY INFORMATION:

Title: Designation of Certifying Official(s), VA Form 22-8794.

OMB Control Number: 2900-0262.

Type of Review: Extension of a currently approved collection.

Abstract: Educational institutions and job training establishments complete VA Form 22-8794 to provide the name of individuals authorized to certify reports on student enrollment and hours worked on behalf of the school or training facility. VA will use the data collected to ensure that education benefits are not awarded based on reports from someone other than the designated certifying official.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of

information was published on January 24, 2007 at pages 3195–3196.

Affected Public: State, Local or Tribal Government, Business or other for-profit, and Not for-profit institutions.

Estimated Annual Burden: 533 hours.

Estimated Average Burden per Respondent: 10 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 3,200.

Dated: March 26, 2007.

By direction of the Secretary:

Denise McLamb,

Program Analyst, Records Management Service.

[FR Doc. E7–6034 Filed 3–30–07; 8:45 am]

BILLING CODE 8320–01–P



Federal Register

**Monday,
April 2, 2007**

Part II

Department of Health and Human Services

**Announcement of Availability of Funds
for Adolescent Family Life (AFL)
Demonstration Projects; Notice**

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Announcement of Availability of Funds for Adolescent Family Life (AFL) Demonstration Projects

AGENCY: Department of Health and Human Services, Office of the Secretary.

Funding Opportunity Title: Announcement of Availability of Funds for Adolescent Family Life (AFL) Demonstration Projects.

CFDA Number: 93.995.

Announcement Type: Initial Competitive Grant.

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, 1515 Wilson Blvd., Third Floor Suite 310, Arlington, VA 22209, Attention Office Population Affairs/Office of Adolescent Pregnancy Programs no later than 5 p.m. eastern time on June 1, 2007. The application due date requirement in this announcement supercedes the instructions in the OPHS-1 form.

Overview: The Office of Population Affairs (OPA), Office of Adolescent Pregnancy Programs (OAPP), requests applications for evaluation-intensive Adolescent Family Life (AFL) prevention demonstration grants, as authorized by Title XX of the Public Health Service (PHS) Act, 42 U.S.C. 300z. *et seq.* These grants are for prevention demonstration projects to provide and evaluate innovative abstinence education activities and services targeting youth ages 9–18 and their parents. Under this announcement, the OAPP is expecting intensive evaluations of the demonstration projects it supports. To this end, the OAPP is requesting applications from projects that have dedicated 20–25% of the proposed budget to evaluation activities. Applicants that do not propose an intensive evaluation and/or 20–25% of their budget for evaluations activities will receive a low score on the evaluation criterium when reviewed by the external review panel (see “Application Review Information” section).

In addition, successful applicants will plan on tracking program participants for at least two years, subject to the availability of funds. An appropriate randomized control design or rigorous quasi-experimental design should be proposed.

All AFL prevention demonstration projects must provide “abstinence

education” as defined in section 510(b)(2)(A)–(H) of the Title V of the Social Security Act (“the A–H criteria”). Therefore, prevention demonstration projects must clearly and consistently promote premarital abstinence as the only 100% effective way of preventing adolescent pregnancy and sexually transmitted infections (STIs), including HIV/AIDS. Funds will be available for approximately 20 projects, which may be located in any State, the District of Columbia, and United States territories, commonwealths and possessions. Faith-based and community-based organizations are encouraged to apply.

These grants are for community-based demonstration projects to find effective means, within the context of the family, to promote premarital abstinence. Abstinence education, delivered through a combination of curricula that conform to the A–H criteria, and supportive activities and services that are proven to motivate youth in healthy decision making, can be an effective way to deliver a clear message that abstinence is the best choice. Supporting parents in their role as the primary educators of their children on issues involving sexuality, particularly the health and social benefits of abstinence, is also an important component of AFL prevention demonstration projects. See headings “Prevention Services” and “Supportive Activities and Services” for additional information.

When explaining the rationale for the proposed demonstration model, successful applicants will describe their experience with other youth prevention programs, including experience with state, local or Federal abstinence education grant programs. In particular, successful program models will base their proposed AFL prevention demonstration project on experiences and “lessons learned” from previous youth oriented activities and services.

In this funding announcement, the OAPP is placing strong emphasis on the evaluation of the demonstration projects it supports. Applications under this announcement are expected to include a clear and fully developed evaluation plan. The proposed evaluation team’s experience, specifically related to conducting program evaluation using randomized experimental or quasi-experimental design, should be stated. A strong evaluation plan should include a commitment and description of capacity to track program participants for at least two years; address both capacity and intent to use the AFL prevention core evaluation instrument; and address both capacity and intent to participate in the cross-site evaluation

of the AFL program scheduled to begin in August 2008. Capacity to participate in the cross-site evaluation will entail a rigorous evaluation design, high quality data collection procedures, and the ability to deliver data to OAPP for inclusion in cross-site analyses.

Please note, successful applicants will also ensure that program staff are prepared to address issues of sexual coercion and exploitation of young teens. In addition, areas of the country with high incidences of adolescent pregnancy, sexually transmitted infections, poverty rates, as well as existing gaps in services for youth, will receive special consideration. Populations and areas of the country not currently receiving Title XX funding for prevention programs will receive special consideration. If there are multiple applicants from one State, agency collaboration is encouraged. Please note, the Deputy Assistant Secretary for Population Affairs (DASPA) may elect to award one grant per State. Under this announcement, former AFL grantees and AFL prevention grantees currently in their fourth and fifth year of funding are eligible to apply; all other current AFL grantees are considered ineligible. See headings “Prevention Services” and “Supportive Activities and Services” for additional information.

I. Funding Opportunity Description

Prevention Services

Under the Title XX statute, the primary purpose of AFL prevention demonstration programs is to find effective means, within the context of the family, of reaching pre-adolescent and adolescent children before they become sexually active to encourage them to abstain from premarital sexual activity. (The OAPP also encourages reaching out to those adolescents who may have already become sexually active to encourage them to return to abstinence and support them in doing so.) Early initiation of sexual activity brings not only the risk of adolescent pregnancy, but also substantial health risks, primarily STIs, including HIV/AIDS. Adolescent sexual activity is also associated with a host of other problems, such as poor school performance, delinquency, substance use and depression.

Prevention demonstration program activities and services must be consistent with the definition of “abstinence education,” as set out in section 510(b)(2)(A)–(H) of Title V of the Social Security Act, as amended. Proposed program activities and services, whether educational or

supportive, should address at least one component of this definition. In addition, the program as a whole must adequately address all 8 of the A–H criteria. Please note, acceptable individual activities and services may address one or more of the A–H criteria. (See “A–H Compliance Strategies” chart in the application kit). Under this announcement, “abstinence education” means an educational or motivational program which:

(A) Has as its exclusive purpose, teaching the social, psychological, and health gains to be realized by abstaining from sexual activity;

(B) Teaches abstinence from sexual activity outside marriage as the expected standard for all school age children;

(C) Teaches that abstinence from sexual activity is the only certain way to avoid out-of-wedlock pregnancy, sexually transmitted diseases, and other associated health problems;

(D) Teaches that a mutually faithful monogamous relationship in context of marriage is the expected standard of human sexual activity;

(E) Teaches that sexual activity outside of the context of marriage is likely to have harmful psychological and physical effects;

(F) Teaches that bearing children out-of-wedlock is likely to have harmful consequences for the child, the child’s parents, and society;

(G) Teaches young people how to reject sexual advances and how alcohol and drug use increases vulnerability to sexual advances; and

(H) Teaches the importance of attaining self-sufficiency before engaging in sexual activity.

Projects must provide services that help pre-adolescents and adolescents acquire knowledge and skills that will instill healthy attitudes, as well as provide services that encourage and support abstinence from premarital sexual activity. Under the statutory requirements of Title XX, applicants for prevention programs are not required to provide any specific array of services. However, OAPP encourages the submission of applications which focus on educational services relating to family life and which teach the social, psychological, and health gains to be realized by abstaining from sexual activity. The legislation also permits a proposal to include any one or more of the following services as appropriate:

(1) Educational services relating to family life and problems associated with adolescent premarital sexual relations including:

(a) Information about adoption,

(b) Education on the responsibilities of sexuality and parenting,

(c) The development of material to support the role of parents as the providers of sex education, and

(d) Assistance to parents, schools, youth agencies and health providers to educate adolescents and pre-adolescents concerning self-discipline and responsibility in human sexuality;

(2) Appropriate educational and vocational services;

(3) Counseling for the immediate and extended family members of the eligible person;

(4) Transportation;

(5) Outreach services to families of adolescents to discourage sexual relations among unemancipated minors; and

(6) Nutrition information and counseling.

Supportive Activities and Services

In order to remain abstinent until marriage, pre-adolescents and adolescents need to acquire capacity building, coping, and self-sufficiency skills that enable them to remain abstinent in the present and to continue making healthy decisions as they transition into adulthood. Therefore, effective programs take into account how youth physically and emotionally develop and how this translates into appropriate educational and supportive services. In addition to abstinence education, research shows that building upon positive factors (or assets) in the lives of young people protects youth from many risky behaviors, including sexual activity. Strengthening these factors will help motivate youth to remain abstinent from sexual activity. Therefore, successful applicants will propose approaches that will strengthen youth assets and implement activities and services that address the developmental needs of the target population. Such approaches place considerable emphasis on helping youth to develop their assets and to focus on where youth are going, helping them to develop belief in a positive future and belief in their ability to take actions that will achieve that future—and also to avoid actions that will jeopardize it. Some program components typically employed in this approach include mentoring, tutoring, sports, cultural activities, and community service. All aspects of the proposed prevention demonstration project must motivate youth to remain abstinent until marriage, must support and be consistent with the definition of “abstinence education” as set out in the A–H criteria, and must be within the scope of Title XX prevention services.

Sexual Exploitation

Among young people ages 15 to 24 in 2002, 13 percent of females and 5 percent of males reported that their first sexual experience occurred at age 15 or younger with an individual who was three or more years older. More than one in four children born to mothers between the ages of 15 and 17 were fathered by someone five or more years older. Successful AFL prevention demonstration applicants should thoroughly describe current and proposed efforts to prevent sexual coercion and exploitation of teens by older partners, as well as management and reporting that comply with State reporting laws regarding child sexual abuse, sexual assault (including statutory rape), incest, or family violence. These efforts should include staff training on how to handle abuse/coercion disclosures appropriately, the responsibilities as a mandatory reporter, as well as overall sensitivity to the issue (of nonconsensual sexual activity among youth who otherwise would be abstinent) in program activities, services and curricula. For more information, applicants may access the Child Welfare Information Gateway formerly the National Clearinghouse on Child Abuse and Neglect Information at <http://www.childwelfare.gov>.

Parental Involvement

Supporting parents in their role as the primary educators of their children on issues involving sexuality, particularly the importance of premarital abstinence, can be an effective way to strengthen a prevention intervention. Research has shown the importance of parental involvement and open communication between parent and child in the prevention of adolescent sexual activity. Parental involvement and communication include monitoring and boundary setting, as well as clearly transmitting values and beliefs.

Targeted services and resources that strengthen parental capacity to help their child avoid sexual activity and other risk behaviors can take many forms: Parent workshops or training sessions; education newsletters; home based videos; or homework assignments for parents and children to complete together. Program content should reflect specific needs of the population to be served and might include information on parenting practices, communication skills, family life and problem solving strategies, or adolescent development. It is essential that programs effectively communicate to parents the benefits of abstinence to the health and well-being of their children. All programming for

parents must be consistent with the A-H criteria.

Helping young people successfully negotiate adolescence and avoid premarital sexual activity, as well as other health risk behaviors, requires not only educating and motivating them—it also requires ensuring that they have adequate support systems to put what they learn into practice. Stronger families, enhanced competencies and meaningful ties to the community can provide considerable assistance in achieving this. To that end, the OAPP strongly encourages applicants to incorporate activities and services that foster youth assets and motivate youth to remain abstinent, and to include components that emphasize strong and viable parental involvement.

Curricula Review

The grantee shall submit all curricula and educational materials for use in the AFL project, whether currently available or to be developed by the grantee, to the OAPP for review and approval prior to use in the project. The review shall ensure that all the information provided to the program participants is medically accurate; consistent with Title XX policies on religion; in compliance with the statutory prohibitions against advocating, promoting, encouraging, or providing abortions; and consistent with the definition of “abstinence education,” as set out in section 510(b)(2) of Title V of the Social Security Act, as amended.

Note: Curricula and educational materials should be identified for this application. Review and approval of curricula and other educational materials are not done until an application is approved for funding. Successful approval of a grant application does not indicate approval of curricula and educational materials for use in a funded project.

Goals and Objectives

The Office of Adolescent Pregnancy Programs (OAPP) has two cross-site performance measures for AFL prevention demonstration programs: (1) Increase the involvement of parents in the lives of their children; and (2) Increase adolescents’ understanding of the positive health and emotional benefits of abstaining from premarital sexual activity. All grantees will be responsible for reporting on these two performance measures by using the required AFL prevention core instrument. The applicant should include two program outcome objectives addressing these two performance measures. Please note, up to four additional programmatic outcome objectives can be proposed using

additional data collection instruments. Applications that include measures of program effects at 2-year follow-up on sexual activity are preferred. All programmatic outcome objectives should be encompassed by an overarching program goal.

A goal is a general statement of what the project hopes to accomplish. It should reflect the long-term desired impact of the project on the target group(s) as well as reflect the program goals contained in this program announcement. An outcome objective is a statement which defines a measurable result that the project expects to accomplish (e.g., decrease in sexual activity among the treatment group, increase in intent to remain abstinent among the treatment group). All outcome objectives, including the two outcome objectives addressing the above cross-site performance measures, should be described in terms that are specific, measurable, achievable, realistic, and time-framed (S.M.A.R.T.).

Specific: An objective should specify one major result directly related to the program goal, state who is going to be doing what, to whom, by how much, and in what time-frame. It should specify what will be accomplished and how the accomplishment will be measured.

Measurable: An objective should be able to describe in realistic terms the expected results and specify how such results will be measured.

Achievable: The accomplishment specified in the objective should be achievable within the proposed time line and as a direct result of program activities and services.

Realistic: The objective should be reasonable in nature. The specified outcomes, expected results, should be described in realistic terms.

Time-framed: An outcome objective should specify a target date or time for its accomplishments. It should state who is going to be doing what, by when, etc. The Public Management Institute, *How to Get Grants* (1981).

Intensive Evaluation Effort

Section 2006(b)(1) of Title XX requires each grantee to expend at least one percent, but not more than five percent, of the Federal funds received under Title XX on evaluation of the project. In cases in which a more rigorous or comprehensive evaluation effort is proposed, waivers of the five percent limit on evaluation may be granted by OAPP (see sec. 2006(b)(1)). This is the fourth funding cycle in which the OAPP is placing strong emphasis on the evaluation of the demonstration projects it supports. To

that end, it is continuing to request applications for evaluation-intensive projects, and *will waive* the five percent limit on grant funds for those projects. Under this announcement, the OAPP is requesting applications for evaluation-intensive projects that have a strong evaluation design and evaluation plan utilizing 20–25% of total grant funds. In addition, OAPP strongly encourages applicants to be able to track program participants for at least two years and to propose a randomized control design in evaluating project outcomes. Commensurate with this increased funding for evaluation, the OAPP expects applications to include a clear and fully developed evaluation plan. Evaluation plans that are not evaluation-intensive, according to the following criteria, will be scored accordingly during the grant review process.

1. Evaluations will be directly tied to program objectives and displayed in a logic model. Research hypotheses will be clearly stated and reflect the outcomes the program intends to achieve.

2. Evaluations will include a process or implementation evaluation. Evaluations in their first year will focus on determining that the intervention is in place, that it is adequately and appropriately staffed and that it is reaching its intended population.

3. Evaluations will have a viable comparison strategy. Ideally, a true experimental design with random assignment will be proposed. For programs targeting schools, applicants are encouraged to select a pool of schools as potential program sites and include data, in the application, describing the characteristics of each school. Applicants are also encouraged to submit letters from each school principal committing to participate in the evaluation if their school is randomly assigned to either the treatment or control group. In cases where an experimental design is not possible, a rigorous quasi-experimental design with matched comparison group(s) would be acceptable.

4. Evaluations will have sufficient sample size to ensure that any observed differences between groups are statistically significant. Inclusion of power analysis to support the sample size is recommended.

5. Evaluations will measure dosage. Youth participation and use of various service components must be carefully tracked so that any differences can be corrected for, or at least taken into account in discussion of evaluation results. Treatment and comparison group respondents who complete baseline data collection should be re-

surveyed in order to allow for 2 or more years of follow-up (wherever possible).

6. Evaluations will include evaluation training activities for program staff and specific data collection procedures for the research assistant. It is expected that a research assistant will be budgeted as part of the program staff to handle data collection procedures.

7. Evaluations will employ adequate data collection procedures. They will include the assurance of confidentiality, obtaining active parental consent and client assent to participate in the survey, and planning for survey administration that minimizes bias.

8. Evaluations will employ appropriate analytic methods.

9. Evaluations will include a follow-up assessment of program participants at least six months after the intervention being tested ends. Including follow-up at 12 months and 24 months after baseline data collection will greatly strengthen an application. This follow-up assessment should be in the same format as the pre- and post-testing instrumentation.

10. Evaluations will include a plan to disseminate and publish the evaluation findings by the end of the fifth year of funding.

Section 2006(b)(2) of Title XX requires that evaluations of AFL demonstration projects be conducted by an organization or entity independent of the grantee providing services. To accomplish this, applicants should collaborate with an evaluator affiliated with a college or university located in their State. The OAPP expects each AFL demonstration project to establish a strong relationship with its evaluator and that this relationship be clearly established prior to funding. The successful applicant will work with the evaluator as the application is being prepared to ensure that the evaluation plan addresses the proposed project's goals and objectives and meets the evaluation criteria specified above. A letter of commitment from the evaluator along with his or her curriculum vitae should be included in the appendix of the application. Successful applicants will select an evaluator with experience in tracking participants long-term and conducting random assignment.

The AFL Prevention Core evaluation instruments have been developed for use in AFL prevention demonstration project evaluations. The prevention instruments were designed to reflect requirements in the Title XX statute, the A–H criteria for abstinence education, and the two OAPP cross-site performance measures. The Office of Management and Budget has approved these instruments and all AFL

demonstration projects funded in fiscal year 2004 and beyond are required to include them in their evaluation design. Prevention demonstration projects funded under this announcement will be included in this requirement. The OAPP recognizes that additional instruments are necessary to measure additional outcome objectives proposed and encourages their use to supplement the core instrument. Copies of the AFL Prevention core instruments required for use in these projects can be found at: <http://opa.osophs.dhhs.gov/titlexx/coreinstruments/>. Please note that these instruments may be revised by OAPP to incorporate future improvements.

Another important component of OAPP's focus on evaluation is the planning and preparation for a formal cross-site evaluation of AFL demonstration projects. It is anticipated that data collection for the cross-site evaluation, employing the core evaluation instruments discussed above, will begin in August 2008. Projects funded under this announcement will be part of the pool to be included in the cross-site evaluation. Successful applicants will address both capacity and intent to participate in this cross-site evaluation.

All proposed prevention demonstration applicants should provide information regarding the evaluation outcomes of previous programs and should discuss how these findings relate to the currently proposed demonstration model. Previous applicant experience with youth services and "lessons learned" from these programs should be included.

II. Award Information

This notice announces the availability of \$7.5 million to support an estimated 20 new prevention demonstration grants, funded at \$300,000 to \$400,000 per budget year (maximum five budget years per grant cycle). Any application that proposes funding over the maximum of \$400,000 will not be considered. The OAPP expects that 20–25% of the budget be allotted for evaluation activities. Funding for all approved budget periods beyond the first year of the grant is contingent upon the availability of funds, satisfactory progress of the project, and adequate stewardship of Federal funds.

Please note, in fiscal year (FY) 2004, OAPP issued a similar Request for Applications (RFA) announcing approximately \$3.5 million for new abstinence education prevention demonstration projects. In response to that RFA, OAPP received 161 grant applications and was able to fund only 14 new projects.

III. Eligibility Information

1. Eligible Applicants

Any public or private nonprofit organization or agency is eligible to apply for a grant. However, only those organizations or agencies that demonstrate the capability of providing and thoroughly evaluating the proposed services and which meet the statutory requirements will be considered for grant awards. Faith-based and community-based organizations are encouraged to apply for AFL grants. Please note, however, that AFL funds may not be used for inherently religious activities, such as worship, religious instruction, and proselytization. If an organization engages in such activities, they must be offered separately in time or location from the program funded under the AFL program and participation must be voluntary for program beneficiaries. An AFL program, in providing services and outreach related to program services, cannot discriminate against current or prospective program beneficiaries on the basis of religion, a religious belief, a refusal to hold a religious belief, or a refusal to actively participate in a religious practice. Please also note that all adolescents, regardless of race or religion, shall be eligible to participate in an AFL program.

Applications will be accepted from organizations which are currently operating AFL prevention demonstration programs that are completing their funding cycle as of September 2007, or June 2008, if modifications are made to enhance services for a new demonstration project according to the guidelines specified in this announcement. Current AFL prevention demonstration grantees that are not ending their grant cycles by these dates are not eligible to apply for these funds.

2. Cost Sharing

Applicants funded under this announcement will be required to match Federal funding provided by the OAPP. Section 2005(c)(2) of Title XX states that an AFL grant award may not exceed 70% of the total costs of the project for the first and second years, 60% of the total costs for the third year, 50% for the fourth year and 40% for the fifth year. The AFL non-Federal share of the project costs may be provided in cash expenditures or fairly evaluated in-kind contributions, including facilities, equipment and services.

Note that the HHS Grants Policy Statement provides that: "Recipient contributions may be derived from any non-Federal source; from Federal

sources if received as fees, payments, or reimbursements for the provision of a specific service, such as patient care reimbursements received under Medicare or Medicaid; or from other program income, if authorized by [HHS]. Otherwise, unless there is specific statutory authority, Federal funds may not be used to match HHS grant funds."

IV. Application and Submission Information

1. Address To Request Application Package

Application kits may be obtained by accessing Grants.gov at <http://www.grants.gov> or the Grant Solutions system at <http://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 (240) 453-8823 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

In preparing the application, it is important to follow ALL instructions and public policy requirements provided in the application kit. Applications must be submitted on the forms supplied (OPHS-1, Revised 03/2006) and in the manner prescribed in the application kits provided by the OAPP. Applicants are required to submit an application 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. The program narrative must be printed on 8½ by 11 inch white paper, with one-inch margins, double-spaced with an easily readable 12-point font. All pages must be numbered sequentially not including appendices and required forms. The program narrative should not exceed 50 double-spaced pages, not including appendices and required forms. All pages, figures and tables must be numbered sequentially. Do not staple or bind the application package. Use rubber bands or clips.

The narrative description of the project must contain the following using the specified page limits:

One-page Summary: Briefly provide a statement of the proposed demonstration project indicating that it is a prevention demonstration project and whether it is for a local or statewide

project; type of organization applying (school, state agency, voluntary agency, etc.); geographic area to be served (urban, rural, suburban); description of target population to be served; brief description of the proposed prevention demonstration project; and brief description of the evaluation-intensive design.

Description of Applicant Organization (1–2 pages): Describe the decision-making authority and structure (e.g. relationship to the Board of Directors and organizational chart), its resources, experience, existing program units and/or those to be established if funding is obtained. This description should cover personnel, time and facilities and contain evidence of the organization's capacity to provide the rapid and effective use of resources needed to conduct the project, collect necessary data and evaluate it. It is recommended that applicants place an organizational chart in the Appendices.

Need Statement (3 pages): Describe the need for prevention services in the proposed target area by describing the geographic area to be served. Document the incidence of adolescent pregnancy, sexually transmitted infections, a description of socio-economic conditions including income levels, existing services and unmet needs in the proposed service area. If the proposed population has unique challenges and barriers, these should be addressed as well.

Rationale (2–4 pages): Describe the rationale for use of the proposed approach based upon previous practice and review of the literature and/or evaluation findings. This section should include discussion of previous youth service experience and how lessons learned from this experience helped develop the rationale for the proposed demonstration model. All previous AFL grantees should clearly describe their program and evaluation experience as it relates to past AFL funding.

Program Outcome Objectives (4 pages): Provide a goal and 4–6 outcome objectives that clearly state expected results or benefits of the demonstration project. Two of the outcome objectives must address the required OAPP cross-site performance measures. Objectives should be specific, measurable, achievable, realistic, and time-framed. Please see "Evaluation" section for more information.

Prevention Services Demonstration Model (8–10 pages): Thoroughly describe proposed program intervention activities and services as they relate to the outcome objectives by describing the project logic model. This section should include a description of all proposed

curricula, types of supportive asset building and youth development activities and services proposed as part of the model, and a description of the parental involvement component. It should also include a clear plan for recruitment and retention of program participants, including parents. This description should clearly relate to program objectives and should address intensity of services (dosage). All components of the intervention must be consistent with the A–H definition of abstinence education. How the project will address the issue of sexual exploitation and coercion should also be included.

Workplan and Timetable (1 page): Provide a year long detailed work plan and timetable for the first year. Within this plan include each program activity associated with the project and the proposed time frame for the start and completion of each activity. A separate and more generalized work plan should be included in the appendices for the 2nd and 3rd year of program implementation.

Numbers and Types of Participants (2 pages): Provide estimates of who the project will serve and how many will be participating in the proposed demonstration project. Please describe how many participants are expected to participate during the first year and break out the types of participants into categories (e.g. pre-adolescents, adolescents and parents), including the race and ethnicity of participants to be served.

Documentation of Community Support and Commitment (1–2 pages): Provide documentation of the support from other community agencies. If a community agency is partnering with the applicant to implement the proposed prevention demonstration project, a letter of commitment detailing the level of effort and commitment to this effort must be included.

Continuation Funding (1 page): Describe the plan regarding continuation of services at the termination of this Federal funding opportunity. The OAPP cannot guarantee that funding will be available annually or at the end of the five-year grant cycle.

Evaluation Plan (15–20 pages): Provide a clear and fully developed evaluation plan in accordance with the criteria laid out under the "Evaluation" section of this announcement. Include a letter of commitment and curriculum vitae from the independent evaluator in the appendices, how the AFL prevention core instruments will be included in the evaluation plan, and the understanding of the proposed project,

if funded by OAPP, will participate in a formal cross site evaluation of the AFL program. Applicants are encouraged to identify anticipated problems with the evaluation and recommended solutions. Inclusion of a proposed 2-year follow-up based on randomized assignment will greatly strengthen an applicant's evaluation plan.

Appendices: Include: (1) Articles of incorporation and mission statement for private nonprofit organizations; (2) Resumes of key staff and detailed position descriptions; (3) A program logic model that ties project objectives and intervention activities and services to expected results; (4) A description of how the A–H criteria are addressed in the project curricula and supportive activities and services in chart format (see “A–H Compliance Strategies” chart in the application kit for a suggested format); (5) A description of how the project will obtain parental consent including a copy of the proposed parental consent form, if developed; (6) Letters of commitment from partnering agencies; (7) Letters of support from other community agencies; (8) A letter of commitment and/or a memorandum of understanding with the independent evaluator affiliated with a college or university located in the applicant's State that includes willingness to participate and their role(s) described; (9) A copy of the curriculum vitae of the independent evaluator; (10) Copies of the table of contents of the proposed curricula, plus a list of any other instructional materials that will be an integral part of the proposed project; and (11) the workplan and timetable for years 2 and 3 of the proposed project. Please note, applicants must be familiar with Title XX in its entirety to ensure that they have complied with all applicable requirements. In addition, applicants must incorporate the definition of “abstinence education,” as set out in section 510(b)(2) of Title V of the Social Security Act, as amended, and ensure program activities and services are consistent and supportive of this language. A copy of both sets of legislation is included in the application kit.

A Dun and Bradstreet Universal Numbering System (DUNS) number is required for all applications for Federal assistance. Organizations should verify that they have a DUNS number or take the steps necessary to obtain one. Instructions for obtaining a DUNS number are included in the application package, and may be downloaded from the OPA Web site (opa.osophs.dhhs.gov/duns.html).

3. Submission Dates and Times

To be considered for review, applications must be received by the Office of Public Health and Science, Office of Grants Management, c/o WilDon Solutions, by 5 p.m. Eastern Time on June 1, 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

The Office of Public Health and Science (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 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 (1101 Wootton Parkway, Suite 550, Rockville, MD 20852) 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, c/o WilDon Solutions, 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, c/o WilDon Solutions, 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, c/o WilDon Solutions, 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

Applications for AFL grants must meet both of the following requirements (each year):

(1) *Requirements for Review of an Application by the Governor.* Section 2006(e) of Title XX requires that each applicant shall provide the Governor of the State in which the applicant is located a copy of each application submitted to OAPP for a grant for a demonstration project for services under this Title. The Governor has 60 days from the receipt date in which to provide comments to the applicant. An applicant may comply with this requirement by submitting a copy of the application to the Governor of the State in which the applicant is located at the same time the application is submitted to OAPP. To inform the Governor's office of the reason for the submission, a copy of this notice should be attached to the application.

(2) *Requirements for Review of an Application Pursuant to Executive Order 12372 (SPOC Requirements).* Applications under this announcement are subject to the review requirements of

E.O. 12372, "Intergovernmental Review of Federal Programs," as implemented by 45 CFR part 100, "Intergovernmental Review of Department of Health and Human Services Programs and Activities." E.O. 12372 sets up a system for state and local government review of proposed Federal assistance applications. As soon as possible, the applicant (other than federally-recognized Indian tribal governments) should contact the State Single Point of Contact (SPOC) for each state in the area to be served. The application kit contains the currently available listing of the SPOCs which have elected to be informed of the submission of applications. For those states not represented on the listing, further inquiries should be made by the applicant regarding submission to the relevant SPOC. Information about the SPOC is located on the OMB Web site <http://www.whitehouse.gov/omb/grants/spoc/html>. The SPOC's comment(s) should be forwarded to the OPHS Office of Grants Management, 1101 Wootton Parkway, Suite 550, Rockville, MD 20852. The SPOC has 60 days from the closing date of this announcement to submit any comments.

5. Funding Restrictions

Budget Request: If the total federal amount requested exceeds \$400,000 then 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, grant-related travel, and other grant-related costs. Grant funds may not be used for: building alterations or renovations, construction, fund raising activities, and political education and lobbying. Guidance for completing the application can be found in the Program Guidelines, which are included with the complete application kits.

Applicants for discretionary grants are expected to anticipate and justify their funding needs and the activities to be carried out with those funds in preparing the budget and accompanying narrative portions of their applications. The basis for determining the allowability and allocability of costs charged to Public Health Service (PHS) grants is set forth in 45 CFR parts 74 and 92. If applicants are uncertain whether a particular cost is allowable, they should contact the OPHS Office of Grants Management at (240) 453-8822 for further information.

6. Other Submission Requirements

Organizations applying for funds under the AFL Demonstration Projects Program must submit documentation of nonprofit status with their applications. If documentation is not provided, the applicant will be considered non-responsive and will not be entered into the review process. The organization will be notified that the application did not meet the submission requirements.

Any of the following serves as acceptable proof of nonprofit status:

- A reference to the applicant organization's listing in the Internal Revenue Service (IRS) most recent listing of tax-exempt organizations described in section 501(c)(3) of the IRS Code.
- A copy of a currently valid IRS tax exemption certificate.
- A statement from a State taking body, State Attorney General, or other appropriate State official certifying that the applicant organization has a nonprofit status and that none of the net earnings accrue to any private shareholders or individuals.
- A certified copy of the organization's certificate of incorporation or similar document that clearly establishes nonprofit status.
- Any of the above proof for a State or national organization and a statement signed by the parent organization that the applicant organization is a local nonprofit affiliate.

V. Application Review Information

1. Criteria

Eligible competing grant applications will be externally reviewed by a multi-disciplinary panel of independent reviewers and subsequently reviewed by Federal staff. All competing grant applications will be assessed according to the following criteria:

(1) **Evaluation Plan.** The applicant's presentation of a detailed evaluation plan, as described in the "Evaluation" section of this announcement, that is directly tied to program objectives and includes: A process or implementation evaluation; a viable comparison strategy; sufficient sample size; measurement of dosage; appropriate data collection procedures; appropriate multivariate analytic methods; a plan to ensure adequate response rates among both treatment and comparison group respondents at all waves of data collection; and a plan for disseminating findings by the fifth year of funding, including submission to peer-reviewed journals. Additionally, discuss how the AFL core evaluation instruments will be included in the evaluation plan, and the applicant's commitment to participate

in a formal cross-site evaluation of the AFL program. Demonstrate the evaluator's capacity to conduct the evaluation and disseminate the findings. (35 points)

(2) **Program Model.** The applicant's presentation of a theory-based rationale for the proposed approach that includes current literature on how youth remain abstinent from sexual activity and are supported in this decision. Based on this rationale, the thorough description of the proposed program model (or approach) should include the applicant's clear statement of mission, goals, measurable outcome objectives, and a thorough description of the reasonable methods for achieving the objectives (program activities), including a reasonable workplan and timetable. The program model should also include a clear description of the parent component, as well as how the program will address the issue of potential sexual exploitation of youth through insuring appropriate staff training and pertinent program materials. All educational and supportive activities and services proposed in this project should address and support the A-H abstinence education definition, and be consistent with the Title XX statute. A description in the narrative as well as a complete chart in the appendices (example included in application kit) of how the program model will incorporate A-H in the educational and supportive activities and services should be included. (25 points)

(3) **Need for Project.** The applicant's presentation of the need for the project, including incidence of adolescent pregnancy, sexually transmitted infections, a description of socio-economic conditions, existing services and unmet needs in the proposed service area. If the proposed population has unique challenges and barriers, the applicant's description of these challenges and barriers should be addressed here. (10 points)

(4) **Target Population.** The applicant's clear description of the target population to be served, including estimated number and types of participants to be served in the first year. In addition, the applicant must demonstrate the program staff's responsiveness in effectively serving the target population, including staff training. The recruitment and retention plan of the target population should be detailed and realistic. Incentive strategies and tracking mechanisms for participants who may drop out of the project should also be adequately addressed. (10 points)

(5) *Program Capacity and Past Experience.* The applicant's clear description of the capacity to implement the program, including personnel and other resources. The applicant's presentation of experience and expertise in providing programs for youth as related to capacity and how it is linked to the rationale behind the proposed demonstration model. (10 points)

(6) *Community Support.* The applicant's clear description of the community commitment to, and involvement in, planning and implementation of the project, as demonstrated by letters of commitment and willingness to participate in the project's implementation, acceptance of referrals, etc. The applicant should clearly present commitment and/or memorandums of agreement from proposed project partners in the appendices. (10 points)

Please note, the order of the above criteria is based on the score weight of each criteria and is not indicative of how the program narrative should be arranged. Please see the application kit for instructions on how to arrange the narrative.

2. Review and Selection Process

Final grant award decisions will be made by the Deputy Assistant Secretary for Population Affairs (DASPA). In making these decisions, the DASPA will take into account the extent to which applications recommended for approval will provide appropriate geographic distribution of resources, the priorities in sec. 2005(a), and other factors including:

(1) Recommendations and scores submitted by the external review panel;

(2) Internal review of application by Federal staff;

(3) The geographic area to be served including the reasonableness of the estimated cost of the project based on factors such as the incidence of adolescent pregnancy and Sexually Transmitted Diseases (STDs) in the geographic area to be served and the availability of services for adolescents in this geographic area; and

(4) The adequacy of the evaluation plan as detailed in the evaluation criteria listed in the "Evaluation" section of this announcement and the demonstrated ability to participate successfully in the AFL cross-site evaluation.

Special consideration may be granted to areas of the country with high need and lack of resources, as well as populations not currently receiving Title XX funding for prevention programs. The DASPA has the discretion not to fund applicants in

States or areas of the country that are already funded under the Title XX program. If there are multiple applicants in one State, agency collaboration is encouraged. Please note, the DASPA may elect to award one grant per State.

3. Anticipated Announcement and Award

The OAPP anticipates announcing and awarding grantees under this announcement by September 1, 2007.

VI. Award Administration Information

1. Award Notices

The OAPP does not release information about individual applications during the review process until final funding decisions have been made. When these decisions have been made, the applicant's authorized representative will be notified of the outcome of their application by postal mail. The official document notifying an applicant that the application has been approved for funding is the Notice of Grant Award, signed by the Grants Management Officer, which specifies to the grantee the amount of money awarded, the purposes of the grant, the length of the project period, terms and conditions of the grant award, and the amount of funding to be contributed by the grantee to project costs.

2. Administrative and National Policy Requirements

The regulations set out at 45 CFR parts 74 and 92 are the Department of Health and Human Services (HHS) rules and requirements that govern the administration of grants. Part 74 is applicable to all recipients except those covered by Part 92, which governs awards to State and local governments. Applicants funded under this announcement must be aware of and comply with these regulations. The CFR volume that includes parts 74 and 92 may be downloaded from http://www.access.gpo.gov/nara/cfr/waisidx_03/45cfrv1_03.html.

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

Applicants funded under this grant announcement will be required to

electronically submit an End-of-Year Program, Evaluation and Financial report 90 days after the grant budget period ends. Grantees will report annually on program and evaluation progress using the AFL Prevention Demonstration Project End-of-Year Report template approved by the Office of Management and Budget (OMB 0990-300), available at <http://opa.osophs.dhhs.gov/titlexx/eoy/eoy-prevention-report-template.pdf>. Grantees are required to submit a continuation application to renew funding for the next budget period before the project period ends.

VII. Agency Contacts

Administrative and Budgetary Contacts Requirements

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.

Program Contacts Requirements

For information related to the OAPP program requirements, the OAPP staff are available at 240-453-2828 to answer questions and provide technical assistance on the preparation of grant applications. Questions may also be directed to OAPP staff via e-mail at oapp@hhs.gov. If contacting OAPP by e-mail, please include the phrase "AFL Prevention Question" in the subject heading.

VIII. Other Information

Protection of Human Subjects Regulations

The applicant must comply with the HHS Protection of Human Subjects regulations (which require obtaining Institutional Review Board approval), set out at 45 CFR part 46, if applicable. General information about Human Subjects regulations can be obtained through the Office for Human Research Protections (OHRP) at <http://www.hhs.gov/ohrp>, ohrp@osophs.dhhs.gov, or toll free at 866-447-4777.

Technical Assistance

The OAPP is committed to providing technical assistance to assist prospective applicants at no cost. The OAPP anticipates offering in-person technical assistance workshops at several locations across the country and two interactive on-line/teleconference

workshops to provide such assistance. These one-day workshops will assist the public in learning more about the purposes and requirements of the Title XX program, the application process, budgeting information, and considerations that might help to improve the quality of grant applications. The OAPP encourages applicants to have appropriate agency staff members and a financial representative participate in one of the workshops. In order to participate in the online/teleconferencing workshops, participants must have a computer with internet access and a telephone. Participants will be able to ask questions and receive pertinent feedback during one of these workshops via the computer.

With respect to both the in-person and interactive online workshops, applicants should check the OPA Web site at <http://opa.osophs.dhhs.gov>. All participants must pre-register for the workshops using the form at <http://opa.osophs.dhhs.gov>. Participants that do not have access to the Internet may call the OAPP at 240-453-2828 to request a registration form. Written requests for registration forms may be faxed to 240-

453-2829. Completed registration forms should be faxed to ATTN: OAPP RFA Workshop at 240-453-2829, or you may insert OAPP RFA Workshop into the subject line and e-mail the form to oapp@hhs.gov. Upon receipt of the applicant's request, the specific workshop information and logistical information will be faxed or emailed for the workshop specified by the participant.

The OAPP anticipates conducting four in-person technical workshops as well as two live interactive online workshops in April, 2007. If a prospective applicant cannot attend the live or interactive online workshops, the transcripts of the online workshops will be available online at <http://opa.osophs.dhhs.gov> until the closing of this announcement. Applicants should visit the OPA Web site <http://opa.osophs.dhhs.gov> for further information on location, dates, and times or call 240-453-2828.

Annual Conference and Regional Technical Assistance Training

Each year, the OAPP hosts an annual grantee conference for prevention demonstration grantees. The Terms and Conditions of the Notice of Grant Award

specifies that the Project Director and Evaluator are expected to attend the annual conference. In addition, the OAPP offers technical assistance and training to improve the caliber of professionalism of front-line staff. The Project Director, Evaluator and front-line staff are expected to participate in OAPP sponsored technical assistance workshops.

Evaluation Dissemination and Publishing

The OAPP anticipates that all Prevention demonstration grantees will disseminate and publish information about their projects, including in peer-reviewed journals, by or shortly after the 5th year. When selecting an evaluator, he/she should have experience publishing and presenting at professional conferences. The evaluator should also have the college/university support to disseminate such findings to the field.

Dated: March 26, 2007.

Evelyn M. Kappeler,

Acting Deputy Director, Office of Population Affairs.

[FR Doc. 07-1585 Filed 3-30-07; 8:45 am]

BILLING CODE 4150-30-P



Federal Register

**Monday,
April 2, 2007**

Part III

**Department of
Housing and Urban
Development**

**Notice of Regulatory Waiver Requests
Granted for the Fourth Quarter of
Calendar Year 2006; Notice**

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-5074-N-04]

Notice of Regulatory Waiver Requests Granted for the Fourth Quarter of Calendar Year 2006

AGENCY: Office of the General Counsel, HUD.

ACTION: Notice.

SUMMARY: Section 106 of the Department of Housing and Urban Development Reform Act of 1989 (the HUD Reform Act) requires HUD to publish quarterly **Federal Register** notices of all regulatory waivers that HUD has approved. Each notice covers the quarterly period since the previous **Federal Register** notice. The purpose of this notice is to comply with the requirements of section 106 of the HUD Reform Act. This notice contains a list of regulatory waivers granted by HUD during the period beginning on October 1, 2006, and ending on December 31, 2006.

FOR FURTHER INFORMATION CONTACT: For general information about this notice, contact Aaron Santa Anna, Assistant General Counsel for Regulations, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 10276, Washington, DC 20410-0500, telephone (202) 708-3055 (this is not a toll-free number). Persons with hearing- or speech-impairments may access this number through TTY by calling the toll-free Federal Information Relay Service at (800) 877-8339.

For information concerning a particular waiver that was granted and for which public notice is provided in this document, contact the person whose name and address follow the description of the waiver granted in the accompanying list of waivers that have been granted in the fourth quarter of calendar year 2006.

SUPPLEMENTARY INFORMATION:

Section 106 of the HUD Reform Act added a new section 7(q) to the Department of Housing and Urban Development Act (42 U.S.C. 3535(q)), which provides that:

1. Any waiver of a regulation must be in writing and must specify the grounds for approving the waiver;
2. Authority to approve a waiver of a regulation may be delegated by the Secretary only to an individual of Assistant Secretary or equivalent rank, and the person to whom authority to waive is delegated must also have authority to issue the particular regulation to be waived;
3. Not less than quarterly, the Secretary must notify the public of all

waivers of regulations that HUD has approved, by publishing a notice in the **Federal Register**. These notices (each covering the period since the most recent previous notification) shall:

- a. Identify the project, activity, or undertaking involved;
- b. Describe the nature of the provision waived and the designation of the provision;
- c. Indicate the name and title of the person who granted the waiver request;
- d. Describe briefly the grounds for approval of the request; and
- e. State how additional information about a particular waiver may be obtained.

Section 106 of the HUD Reform Act also contains requirements applicable to waivers of HUD handbook provisions that are not relevant to the purpose of this notice.

This notice follows procedures provided in HUD's Statement of Policy on Waiver of Regulations and Directives issued on April 22, 1991 (56 FR 16337). In accordance with those procedures and with the requirements of section 106 of the HUD Reform Act, waivers of regulations are granted by the Assistant Secretary with jurisdiction over the regulations for which a waiver was requested. In those cases in which a General Deputy Assistant Secretary granted the waiver, the General Deputy Assistant Secretary was serving in the absence of the Assistant Secretary in accordance with the office's Order of Succession.

This notice covers waivers of regulations granted by HUD from October 1, 2006, through December 31, 2006. For ease of reference, the waivers granted by HUD are listed by HUD program office (for example, the Office of Community Planning and Development, the Office of Fair Housing and Equal Opportunity, the Office of Housing, and the Office of Public and Indian Housing, etc.). Within each program office grouping, the waivers are listed sequentially by the regulatory section of title 24 of the Code of Federal Regulations (CFR) that is being waived. For example, a waiver of a provision in 24 CFR part 58 would be listed before a waiver of a provision in 24 CFR part 570.

Where more than one regulatory provision is involved in the grant of a particular waiver request, the action is listed under the section number of the first regulatory requirement that appears in 24 CFR and that is being waived. For example, a waiver of both § 58.73 and § 58.74 would appear sequentially in the listing under § 58.73.

Waiver of regulations that involve the same initial regulatory citation are in

time sequence beginning with the earliest-dated regulatory waiver.

Should HUD receive additional information about waivers granted during the period covered by this report (the fourth quarter of calendar year 2006) before the next report is published (the first quarter of calendar year 2007), HUD will include any additional waivers granted for the fourth quarter in the next report.

Accordingly, information about approved waiver requests pertaining to HUD regulations is provided in the Appendix that follows this notice.

Dated: March 23, 2007.

Robert M. Couch,
Acting General Counsel.

Appendix

Listing of Waivers of Regulatory Requirements Granted by Offices of the Department of Housing and Urban Development October 1, 2006, Through December 31, 2006

Note to Reader: More information about the granting of these waivers, including a copy of the waiver request and approval, may be obtained by contacting the person whose name is listed as the contact person directly after each set of regulatory waivers granted.

The regulatory waivers granted appear in the following order:

- I. Regulatory waivers granted by the Office of Community Planning and Development.
- II. Regulatory waivers granted by the Office of Housing.
- III. Regulatory waivers granted by the Office of Public and Indian Housing.

I. Regulatory Waivers Granted by the Office of Community Planning and Development

For further information about the following regulatory waivers, please see the name of the contact person that immediately follows the description of the waiver granted.

- Regulation: 24 CFR 92.500(d)(1)(B), 42 U.S.C. 127481.

Project/Activity: The City of Baton Rouge-Parish of East Baton Rouge, Louisiana, requested a waiver to facilitate its recovery from the devastation caused by Hurricanes Katrina and Rita. The City-Parish is located within a declared disaster area pursuant to Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act. The City-Parish requested this waiver in addition to the waivers granted by HUD on September 14, 2005 (Hurricane Katrina) and October 4, 2005 (Hurricane Rita) for the designated disaster areas. The corresponding requirement in the Cranston-Gonzalez National Affordable Housing Act (the Act) must be

suspended under the authority of section 290 of the Act.

Nature of Requirement: Section 92.500(d)(1)(B) of HUD's regulations (24 CFR 92.500(d)(1)(b)) requires that a participating jurisdiction commit its annual allocation of HOME funds within 24 months after HUD notifies the participating jurisdiction that HUD has executed the jurisdiction's HOME Investment Partnership Agreement.

Granted By: Pamela H. Patenaude, Assistant Secretary for Community Planning and Development.

Date Granted: December 5, 2006.

Reason Waived: It was determined that the recovery of the City of Baton Rouge-Parish of East Baton Rouge from the devastation caused by Hurricane Katrina and Hurricane Rita would be facilitated by waiving the FY 2004 HOME commitment requirement. This waiver would ensure that needed HOME funds are not deobligated and that the City-Parish has sufficient time to complete the processing of its contract backlog.

Contact: Virginia Sardone, Office of Affordable Housing Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 7158, Washington, DC 20410-7000, telephone (202) 708-2470.

• Regulation: 24 CFR 92.500(d)(1)(C).

Project/Activity: The Jefferson Parish Consortium, Louisiana (Consortium), requested a waiver to facilitate its recovery from the devastation caused by Hurricanes Katrina and Rita. The Consortium is located within a declared disaster area pursuant to Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act. The Consortium requested this waiver in addition to the waivers granted by HUD on September 14, 2005 (Hurricane Katrina) and October 4, 2005 (Hurricane Rita) for the designated disaster areas.

Nature of Requirement: Section 92.500(d)(1)(C) of HUD's regulations (24 CFR 92.500(d)(1)(C)) requires that a participating jurisdiction expend its annual allocation of HOME funds within five years after HUD notifies the participating jurisdiction that HUD has executed the jurisdiction's HOME Investment Partnership Agreement.

Granted By: Pamela H. Patenaude, Assistant Secretary for Community Planning and Development.

Date Granted: December 5, 2006.

Reasons Waived: It was determined that recovery of the Consortium from the devastation caused by Hurricane Katrina and Hurricane Rita would be facilitated by granting a waiver of the FY 2001 HOME expenditure requirement. The waiver would ensure

that needed HOME funds are not deobligated, and that the Consortium had sufficient time to rebuild its capacity and housing delivery systems. HUD did not grant a waiver of the FY 2002 HOME expenditure requirement at this time. Before considering additional waivers, HUD required assurances that the Consortium is acting expeditiously, and has completed a conditions inventory of its HOME-assisted properties.

Contact: Virginia Sardone, Office of Affordable Housing Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 7158, Washington, DC 20410-7000, telephone (202) 708-2470.

• Regulation: 24 CFR 576.21(b), 42 U.S.C. 11374(a)(2)(B).

Project/Activity: The city of Miami, Florida, requested a waiver of the Emergency Shelter Grants (ESG) program statutory provision at 42 U.S.C. 11374(a)(2)(B) and regulation at 24 CFR 576.21(b).

Nature of Requirement: The McKinney-Vento Homeless Assistance Act (42 U.S.C. 11374(a)(2)(B)) provides that no more than 30 percent of a recipient's grant may be used for essential services. This is requirement is found at 24 CFR 576.21(b). The Act further provides a statutory waiver (42 U.S.C. 11374(b)) of the 30 percent limitation, if the Secretary finds that a recipient "demonstrates that the other eligible activities under the program are already being carried out in the locality with other resources." This waiver authority is found at 24 CFR 576.21(c). A variety of services addressing homeless needs are eligible essential services, including those concerned with employment, health, drug abuse and education.

Granted By: Pamela H. Patenaude, Assistant Secretary for Community Planning and Development.

Date Granted: December 5, 2006.

Reason Waived: The city of Miami met the statutory standard for waiving the 30 percent limitation on essential services. The city of Miami provided a letter that demonstrated that other categories of ESG activities would be carried out locally with other resources. Therefore, it was determined that the waiver was appropriate.

Contact: Mike Roanhouse, Office of Program Coordination and Analysis Division, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 7262, Washington, DC 20410-7000, telephone (202) 708-1226.

II. Regulatory Waivers Granted by the Office of Housing-Federal Housing Administration (FHA)

For further information about the following regulatory waivers, please see the name of the contact person that immediately follows the description of the waiver granted.

• Regulation: 24 CFR 203.43f(c)(i) and 24 CFR 203.43f(d)(ii).

Project/Activity: State of Louisiana.

Nature of Requirement: HUD regulations at 24 CFR 203.43f(c)(i) require that manufactured homes which have not been permanently sited for more than one year prior to the date of application for mortgage insurance must have the finished grade beneath the manufactured home at or above the 100-year return frequency flood elevation. Section 203.43f(d)(ii) of the regulations provides that manufactured homes which have been permanently erected on a site for more than one year prior to the date of application for mortgage insurance must have the finished grade level beneath the manufactured home at or above the 100-year return frequency flood elevation.

Granted By: Brian D. Montgomery, Assistant Secretary for Housing-Federal Housing Commissioner.

Date Granted: October 12, 2006.

Reason Waived: The waiver allowed manufactured homes, located in the State of Louisiana, to be installed in accordance to the requirements for the National Flood Insurance Program (NIFP) found at 44 CFR 60.3. Thus, the waiver permitted the placement of FHA mortgage insurance on manufactured homes in the State of Louisiana, in flood designated areas, with the lowest floor at or above the 100-year frequency, and otherwise conforming with HUD requirements for Title II financing of manufactured homes.

Contact: Joanne Kuczma, Director (Acting), Home Mortgage Insurance Division, Office of Single Family Housing, Office of Housing Department of Housing and Urban Development, 451 Seventh Street, SW., Rm. 9266, Washington, DC 20410-8000, telephone (202) 708-2121.

• Regulation: 24 CFR 219.220(b).

Project/Activity: Asbury Park, New Jersey (Asbury Towers, FHA Project Number 031-016NI). The Philadelphia Multifamily Hub requested waiver of this regulation to permit an extension of maturity date for the Flexible Subsidy Loan.

Nature of Requirement: HUD's regulations at 24 CFR 219.220(b) governs the repayment of assistance provided under the Flexible Subsidy Program for Troubled Projects, and

states in part: "Assistance that has been paid to a project owner under this subpart must be repaid at the earlier of the expiration of the term of the mortgage, termination of mortgage insurance, prepayment of the mortgage, or a sale of the project." Either action would typically terminate FHA involvement with the property and the Flexible Subsidy Loan would be repaid at that time.

Granted By: Brian D. Montgomery, Assistant Secretary for Housing-Federal Housing Commissioner.

Date Granted: December 15, 2006.

Reason Waived: The waiver was granted to allow the project to continue to be maintained as a Section 236 housing resource. Pursuant to the waiver, the requirement for repayment of the Flexible Subsidy Loan at the prepayment of the non-insured Section 236 mortgage was waived to allow the Flexible Subsidy Loan, plus accrued interest, to be extended until the expiration of the decoupling Use Agreement. Payments would accrue until the expiration date of the Decoupling Use Agreement, November 1, 2025. All surplus cash realized at the end of any fiscal year must be applied to the Flexible Subsidy Loan debt.

Contact: Beverly J. Miller, Director, Office of Asset Management, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 6160, Washington, DC 20410-8000, telephone (202) 708-3730.

• Regulation: 24 CFR 236.725.

Project/Activity: New Brunswick, New Jersey (Halls Corner Apartments—FHA *Project Number:* 031-078NI). The Philadelphia Multifamily Hub requested waiver of this regulation to permit the continuation of Rental Assistance Payments after the payoff of the original non-insured Section 236 mortgage under a Section 236(e)(2) Decoupling transaction.

Nature of Requirement: The regulations in 24 CFR 236.725 require that "the rental assistance contract shall be limited to the term of the mortgage or 40 years from the date of the first payment made under the contract, whichever is the lesser."

Granted By: Brian D. Montgomery, Assistant Secretary for Housing-Federal Housing Commissioner.

Date Granted: December 14, 2006.

Reason Waived: The waiver was granted to allow Halls Corner Apartments to be maintained as an affordable housing resource to the maturity date of the non-insured Section 236 mortgage plus an additional 5 years. The project is a 154-unit high-rise complex occupied by senior residents, which provides 65 rental assistance

payments assisted units. The project is being processed under the Section 236 Decoupling program wherein the project may refinance its Section 236 non-insured mortgage and continue to receive the Section 236 Interest Reduction Payment (IRP) subsidy predicated on the project entering into a recorded Use Agreement that will restrict it to be operated under the Section 236 program requirements until the maturity date of the original non-insured Section 236 mortgage, plus an additional 5 years. By regulation, the Rental Assistance Payment (RAP) subsidy would generally terminate upon the prepayment of the non-insured Section 236 mortgage. The waiver was predicated on the fact that the Decoupling proposal did not request an increase in the Section 236 units, hence the RAP subsidy is not being increased based on this transaction.

Contact: Beverly J. Miller, Director, Office of Asset Management, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 6160, Washington, DC 20410-8000, telephone (202) 708-3730.

• Regulation: 24 CFR 290.30(a).

Project/Activity: Bronx, New York (Parkview Apartments—FHA *Project Nos.* 012-57029V and 57029W). The New York Multifamily Hub requested prepayment approval for two HUD-held mortgages and assignment of the mortgages to a new mortgagee.

Nature of Requirement: The regulations in 24 CFR Part 290, subpart B require that HUD-held multifamily mortgages be sold on a competitive basis, except for certain "negotiated" sales to state or local governments. Section 290.30(a) of those regulations (24 CFR 290.30(a)) state that "[e]xcept as otherwise provided in Section 290.31(a)(2), HUD will sell HUD-held multifamily mortgages on a competitive basis." Section 290.31(a)(2) permits "negotiated" sales to state or local governments for mortgage loans that are current and secured by subsidized projects, provided such loans are sold with FHA insurance.

Granted By: Brian D. Montgomery, Assistant Secretary for Housing-Federal Housing Commissioner.

Date Granted: December 14, 2006.

Reason Waived: The waiver was granted to allow a non-competitive sale to New York Community Bank. The owner, in lieu of paying off the mortgages directly, requested that the HUD loans secured by the project be assigned to New York Community Bank for mortgage tax savings purposes. New York Community Bank agreed to these assignments and to pay the full amount of the HUD loans.

Contact: Beverly J. Miller, Director, Office of Asset Management, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 6160, Washington, DC 20410-8000; telephone (202) 708-3730.

• Regulation: 24 CFR 891.100(d).

Project/Activity: Mace Apartments, Jamestown, TN, *Project Number:* 087-HD048/TN37-Q051-001.

Nature of Requirement: Section 891.100(d) prohibits amendment of the amount of the approved capital advance funds prior to initial closing.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing-Federal Housing Commissioner.

Date Granted: October 2, 2006.

Reason Waived: The project is economically designed and comparable in cost to similar projects in the area, and the sponsor/owner exhausted all efforts to obtain additional funding from other sources.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 6134, Washington, DC 20410-8000, telephone (202) 708-3000.

• Regulation: 24 CFR 891.100(d).

Project/Activity: Luther Ridge, Oregon, OH, *Project Number:* 042-EE185/OH12-S041-021.

Nature of Requirement: Section 891.100(d) prohibits amendment of the amount of the approved capital advance funds prior to initial closing.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing-Federal Housing Commissioner.

Date Granted: October 4, 2006.

Reason Waived: The project is economically designed and comparable in cost to similar projects in the area, and the sponsor/owner exhausted all efforts to obtain additional funding from other sources.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 6134, Washington, DC 20410-8000, telephone (202) 708-3000.

• Regulation: 24 CFR 891.100(d).

Project/Activity: Heritage Place III, Coeur d'Alene, ID, *Project Number:* 124-EE022/ID16-S041-001.

Nature of Requirement: Section 891.100(d) prohibits amendment of the amount of the approved capital advance funds prior to initial closing.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing-Federal Housing Commissioner.

Date Granted: October 27, 2006.

Reason Waived: The project is economically designed and comparable

in cost to similar projects in the area, and the sponsor/owner exhausted all efforts to obtain additional funding from other sources.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 6134, Washington, DC 20410-8000, telephone (202) 708-3000.

- Regulation: 24 CFR 891.100(d).

Project/Activity: Mont Marie Senior Residence, Holyoke, MA, *Project Number:* 023-EE181/MA06-S041-006.

Nature of Requirement: Section 891.100(d) prohibits amendment of the amount of the approved capital advance funds prior to initial closing.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing-Federal Housing Commissioner.

Date Granted: October 30, 2006.

Reason Waived: The project is economically designed and comparable in cost to similar projects in the area, and the sponsor/owner exhausted all efforts to obtain additional funding from other sources.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 6134, Washington, DC 20410-8000, telephone (202) 708-3000.

- Regulation: 24 CFR 891.100(d).

Project/Activity: Third Ward VOA Elderly Housing, St. Louis, MO, *Project Number:* 085-EE081/MO36-S041-004.

Nature of Requirement: Section 891.100(d) prohibits amendment of the amount of the approved capital advance funds prior to initial closing.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing-Federal Housing Commissioner.

Date Granted: December 1, 2006.

Reason Waived: The project is economically designed and comparable in cost to similar projects in the area, and the sponsor/owner exhausted all efforts to obtain additional funding from other sources.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 6134, Washington, DC 20410-8000, telephone (202) 708-3000.

- Regulation: 24 CFR 891.100(d).

Project/Activity: Abilities at English Park, Inc., Melbourne, FL, *Project Number:* 067-HD095/FL29-Q041-002.

Nature of Requirement: Section 891.100(d) prohibits amendment of the amount of the approved capital advance funds prior to initial closing.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing-Federal Housing Commissioner.

Date Granted: December 22, 2006.

Reason Waived: The project is economically designed and comparable in cost to similar projects in the area, and the sponsor/owner exhausted all efforts to obtain additional funding from other sources.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 6134, Washington, DC 20410-8000, telephone (202) 708-3000.

- Regulation: 24 CFR 891.100(d).

Project/Activity: Fifth and Stone Senior Housing, Spokane, WA, *Project Number:* 171-EE022/WA19-S051-003.

Nature of Requirement: Section 891.100(d) prohibits amendment of the amount of the approved capital advance funds prior to initial closing.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing-Federal Housing Commissioner.

Date Granted: December 22, 2006.

Reason Waived: The project is economically designed and comparable in cost to similar projects in the area, and the sponsor/owner exhausted all efforts to obtain additional funding from other sources.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 6134, Washington, DC 20410-8000, telephone (202) 708-3000.

- Regulation: 24 CFR 891.100(d).

Project/Activity: South Hadley Supportive Housing, South Hadley, MA, *Project Number:* 023-EE178/MA06-S041-003.

Nature of Requirement: Section 891.100(d) prohibits amendment of the amount of the approved capital advance funds prior to initial closing.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing-Federal Housing Commissioner.

Date Granted: December 26, 2006.

Reason Waived: The project is economically designed and comparable in cost to similar projects in the area, and the sponsor/owner exhausted all efforts to obtain additional funding from other sources.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 6134, Washington, DC 20410-8000, telephone (202) 708-3000.

- Regulation: 24 CFR 891.100(d) and 24 CFR 891.165.

Project/Activity: NCR Tucson, Tucson, AZ, *Project Number:* 123-EE085/AZ20-S021-003.

Nature of Requirement: Section 891.100(d) prohibits amendment of the amount of the approved capital advance funds prior to initial closing. Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing-Federal Housing Commissioner.

Date Granted: November 3, 2006.

Reason Waived: The project is economically designed and comparable to similar projects in the area, and the sponsor/owner exhausted all efforts to obtain additional funding from other sources. The sponsor/owner required additional time to prepare for initial closing.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 6134, Washington, DC 20410-8000, telephone (202) 708-3000.

- Regulation: 24 CFR 891.100(d) and 24 CFR 891.165.

Project/Activity: Spring Ridge, Rockford, IL, *Project Number:* 071-EE195/IL06-S041-002.

Nature of Requirement: Section 891.100(d) prohibits amendment of the amount of the approved capital advance funds prior to initial closing. Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing-Federal Housing Commissioner.

Date Granted: December 4, 2006.

Reason Waived: The project is economically designed and comparable to similar projects in the area, and the sponsor/owner exhausted all efforts to obtain additional funding from other sources. The sponsor/owner required additional time to prepare for initial closing.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 6134, Washington, DC 20410-8000, telephone (202) 708-3000.

- Regulation: 24 CFR 891.165.

Project/Activity: Laurel Place West Hollywood, Inc., West Hollywood, CA,

Project Number: 122-EE187/CA16-S031-003.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing-Federal Housing Commissioner.

Date Granted: October 12, 2006.

Reason Waived: The sponsor/owner needed additional time to resolve legal issues and to prepare for initial closing.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 6134, Washington, DC 20410-8000, telephone (202) 708-3000.

• Regulation: 24 CFR 891.165.

Project/Activity: The Seasons of Hartford, Hartford, CT, *Project Number:* 017-EE071/CT26-S021-003.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing-Federal Housing Commissioner.

Date Granted: October 12, 2006.

Reason Waived: The sponsor/owner needed additional time to resolve environmental issues and to prepare for initial closing.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 6134, Washington, DC 20410-8000, telephone (202) 708-3000.

• Regulation: 24 CFR 891.165.

Project/Activity: Gonzaga Village, West Allis, WI, *Project Number:* 075-EE127/WI39-S031-007.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing-Federal Housing Commissioner.

Date Granted: October 16, 2006.

Reason Waived: The sponsor/owner needed additional time to resolve issues with the local municipality and to obtain a building permit.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant

Administration, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, Room 6134, DC 20410-8000, telephone (202) 708-3000.

• Regulation: 24 CFR 891.165.

Project/Activity: Gulfport Manor, Gulfport, MS, *Project Number:* 065-EE031/MS26-S001-002.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing-Federal Housing Commissioner.

Date Granted: October 17, 2006.

Reason Waived: The sponsor/owner needed additional time to resolve parking issues raised by the city of Gulfport Zoning board.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, Room 6134, DC 20410-8000, telephone (202) 708-3000.

• Regulation: 24 CFR 891.165.

Project/Activity: Whalley Avenue Housing II, New Haven, CT, *Project Number:* 017-HD031/CT26-Q011-003.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing-Federal Housing Commissioner.

Date Granted: October 19, 2006.

Reason Waived: The sponsor/owner needed additional time to secure secondary financing.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 6134, Washington, DC 20410-8000, telephone (202) 708-3000.

• Regulation: 24 CFR 891.165.

Project/Activity: Caring Residential Services II, Pleasantville, NJ, *Project Number:* 035-EE046/NJ39-S031-002.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing-Federal Housing Commissioner.

Date Granted: October 24, 2006.

Reason Waived: The sponsor/owner needed additional time to prepare for initial closing.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 6134, Washington, DC 20410-8000, telephone (202) 708-3000.

• Regulation: 24 CFR 891.165.

Project/Activity: The Presbyterian Homes at Dover, Dover Township, NJ, *Project Number:* 035-EE050/NJ39-S041-004.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing-Federal Housing Commissioner.

Date Granted: October 24, 2006.

Reason Waived: The sponsor/owner needed additional time to obtain a building permit.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 6134, Washington, DC 20410-8000, telephone (202) 708-3000.

• Regulation: 24 CFR 891.165.

Project/Activity: Haven House at St. John of God, North Cape May, NJ, *Project Number:* 035-EE049/NJ39-S041-003.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing-Federal Housing Commissioner.

Date Granted: October 25, 2006.

Reason Waived: The sponsor/owner needed additional time to obtain soil conservation, and water line extension permits.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 6134, Washington, DC 20410-8000, telephone (202) 708-3000.

• Regulation: 24 CFR 891.165.

Project/Activity: Roncalli Apartments, Augusta, ME, *Project Number:* 024-EE085/ME35-S041-003.

Nature of Requirement: Section 891.165 provides that the duration of

the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing-Federal Housing Commissioner.

Date Granted: October 26, 2006.

Reason Waived: The sponsor/owner needed additional time to prepare for initial closing.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 6134, Washington, DC 20410-8000, telephone (202) 708-3000.

• Regulation: 24 CFR 891.165.

Project/Activity: Spruce Manor, Jacksonville, IL, *Project Number:* 072-HD132/IL06-Q021-019.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing-Federal Housing Commissioner.

Date Granted: October 27, 2006.

Reason Waived: The sponsor/owner needed additional time to prepare the firm commitment.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 6134, Washington, DC 20410-8000, telephone (202) 708-3000.

• Regulation: 24 CFR 891.165.

Project/Activity: Senior Residence at Kapolei, Kapolei, HI, *Project Number:* 140-EE024/HI10-S011-001.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing-Federal Housing Commissioner.

Date Granted: October 27, 2006.

Reason Waived: The sponsor/owner needed additional time to obtain the building permit, subdivide the site, conduct an appraisal and review financing documents.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW.,

Room 6134, Washington, DC 20410-8000, telephone (202) 708-3000.

• Regulation: 24 CFR 891.165.

Project/Activity: Loudon VOANNE Senior Housing, Loudon, NH, *Project Number:* 024-EE076/NH36-S041-001.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing-Federal Housing Commissioner.

Date Granted: October 27, 2006.

Reason Waived: The sponsor/owner needed additional time to revise the firm commitment and to prepare for initial closing.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 6134, Washington, DC 20410-8000, telephone (202) 708-3000.

• Regulation: 24 CFR 891.165.

Project/Activity: Hale Mahaolu Ehiku, Kihei, Maui, HI, *Project Number:* 140-EE028/HI10-S021-001.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing-Federal Housing Commissioner.

Date Granted: October 27, 2006.

Reason Waived: The sponsor/owner needed additional time to find another architect and obtain building permits.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 6134, Washington, DC 20410-8000, telephone (202) 708-3000.

• Regulation: 24 CFR 891.165.

Project/Activity: Soundview Senior Residence, Bronx, NY, *Project Number:* 012-EE318/NY36-S011-012.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing-Federal Housing Commissioner.

Date Granted: October 30, 2006.

Reason Waived: The sponsor/owner needed additional time to obtain

insurance certificates and building permits.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 6134, Washington, DC 20410-8000, telephone (202) 708-3000.

• Regulation: 24 CFR 891.165.

Project/Activity: Marshall Road, Wellesley, MA, *Project Number:* 023-HD181/MA06-Q011-009.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing-Federal Housing Commissioner.

Date Granted: October 30, 2006.

Reason Waived: The sponsor/owner needed additional time to secure secondary financing.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 6134, Washington, DC 20410-8000, telephone (202) 708-3000.

• Regulation: 24 CFR 891.165.

Project/Activity: Renaissance Court, Wilsonville, OR, *Project Number:* 126-HD039/OR16-Q041-001.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing-Federal Housing Commissioner.

Date Granted: November 1, 2006.

Reason Waived: The sponsor/owner needed additional time to prepare for initial closing.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 6134, Washington, DC 20410-8000, telephone (202) 708-3000.

• Regulation: 24 CFR 891.165.

Project/Activity: Clam Bayou Apartments, St. Petersburg, FL, *Project Number:* 067-HD094/FL29-Q041-001.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing-Federal Housing Commissioner.

Date Granted: November 1, 2006.

Reason Waived: The sponsor/owner needed additional time to prepare for initial closing.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 6134, Washington, DC 20410–8000, telephone (202) 708–3000.

- Regulation: 24 CFR 891.165.

Project/Activity: Balsam Terrace, Jacksonville, IL, *Project Number:* 072–EE147/IL06–S021–011.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing-Federal Housing Commissioner.

Date Granted: November 1, 2006.

Reason Waived: The sponsor/owner needed additional time to prepare the firm commitment.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 6134, Washington, DC 20410–8000, telephone (202) 708–3000.

- Regulation: 24 CFR 891.165.

Project/Activity: Columbia Supportive Living, Knowlton, NJ, *Project Number:* 031–HD131/NJ39–Q021–001.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing-Federal Housing Commissioner.

Date Granted: November 1, 2006.

Reason Waived: The sponsor/owner needed additional time to obtain the building permits.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 6134, Washington, DC 20410–8000, telephone (202) 708–3000.

- Regulation: 24 CFR 891.165.

Project/Activity: Mt. Olive Manor II, Flanders, NJ, *Project Number:* 031–EE064/NJ39–S041–002.

Nature of Requirement: Section 891.165 provides that the duration of

the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing-Federal Housing Commissioner.

Date Granted: November 3, 2006.

Reason Waived: The sponsor/owner needed additional time to secure secondary financing.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 6134, Washington, DC 20410–8000, telephone (202) 708–3000.

- Regulation: 24 CFR 891.165.

Project/Activity: NCR of Sterling Heights II, Detroit, MI, *Project Number:* 044–EE092/MI28–S041–002.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing-Federal Housing Commissioner.

Date Granted: November 3, 2006.

Reason Waived: The sponsor/owner needed additional time to prepare for initial closing.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 6134, Washington, DC 20410–8000, telephone (202) 708–3000.

- Regulation: 24 CFR 891.165.

Project/Activity: Alvin Malcolm Senior Residence, Bronx, NY, *Project Number:* 012–EE331/NY36–S041–001.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing-Federal Housing Commissioner.

Date Granted: November 3, 2006.

Reason Waived: The sponsor/owner needed additional time to prepare for initial closing.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 6134, Washington, DC 20410–8000, telephone (202) 708–3000.

- Regulation: 24 CFR 891.165.

Project/Activity: Convent Hill Apartments, Milwaukee, WI, *Project Number:* 075–EE133/WI39–S041–004.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing-Federal Housing Commissioner.

Date Granted: November 3, 2006.

Reason Waived: The sponsor/owner needed additional time to prepare for initial closing for this mixed finance project.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 6134, Washington, DC 20410–8000, telephone (202) 708–3000.

- Regulation: 24 CFR 891.165.

Project/Activity: Sky Forest Acres, South Lake Tahoe, CA, *Project Number:* 136–HD014/CA30–Q011–001.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing-Federal Housing Commissioner.

Date Granted: November 3, 2006.

Reason Waived: The sponsor/owner needed additional time to secure a new contractor.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 6134, Washington, DC 20410–8000, telephone (202) 708–3000.

- Regulation: 24 CFR 891.165.

Project/Activity: Tupqich Elder Apartments, Kotzebue, Alaska, *Project Number:* 176–EE038/AK19–S041–005.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing-Federal Housing Commissioner.

Date Granted: November 6, 2006.

Reason Waived: The sponsor/owner needed additional time for new board members to obtain previous participation clearance.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 6134, Washington, DC 20410-8000, telephone (202) 708-3000.

- Regulation: 24 CFR 891.165.

Project/Activity: Crowley House, Lyons, NY, *Project Number:* 014-HD126/NY06-Q041-006.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing-Federal Housing Commissioner.

Date Granted: November 8, 2006.

Reason Waived: The sponsor/owner needed additional time to prepare for initial closing.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 6134, Washington, DC 20410-8000, telephone (202) 708-3000.

- Regulation: 24 CFR 891.165.

Project/Activity: Forest Hills Senior Apartments, Forest Hills, PA, *Project Number:* 033-EE122/PA28-S041-004.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing-Federal Housing Commissioner.

Date Granted: November 8, 2006.

Reason Waived: The sponsor/owner needed additional time to secure secondary financing and to prepare for initial closing.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 6134, Washington, DC 20410-8000, telephone (202) 708-3000.

- Regulation: 24 CFR 891.165.

Project/Activity: Aliff Place Apartments, Fort Gay, WV, *Project Number:* 045-HD040/WV15-Q041-002.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing-Federal Housing Commissioner.

Date Granted: November 8, 2006.

Reason Waived: The sponsor/owner needed additional time to redesign the project.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 6134, Washington, DC 20410-8000, telephone (202) 708-3000.

- Regulation: 24 CFR 891.165.

Project/Activity: TBD, Kennebunk, ME, *Project Number:* 024-HD045/ME36-Q041-001.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing-Federal Housing Commissioner.

Date Granted: November 8, 2006.

Reason Waived: The sponsor/owner needed additional time to redesign the project.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 6134, Washington, DC 20410-8000, telephone (202) 708-3000.

- Regulation: 24 CFR 891.165.

Project/Activity: Heritage Place III, Coeur d'Alene, ID, *Project Number:* 124-EE022/ID16-S041-001.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing-Federal Housing Commissioner.

Date Granted: November 15, 2006.

Reason Waived: The sponsor/owner needed additional time to prepare for initial closing.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 6134, Washington, DC 20410-8000, telephone (202) 708-3000.

- Regulation: 24 CFR 891.165.

Project/Activity: Brush Hill Residences, Yarmouth, MA, *Project Number:* 023-HD182/MA06-Q011-010.

Nature of Requirement: Section 891.165 provides that the duration of

the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing-Federal Housing Commissioner.

Date Granted: November 15, 2006.

Reason Waived: The sponsor/owner needed additional time to prepare for initial closing.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 6134, Washington, DC 20410-8000, telephone (202) 708-3000.

- Regulation: 24 CFR 891.165.

Project/Activity: Cornerstone Homes, New Orleans, LA, *Project Number:* 064-EE167/LA48-S041-005.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing-Federal Housing Commissioner.

Date Granted: November 15, 2006.

Reason Waived: The sponsor/owner needed additional time to approve a new site, prepare the firm commitment and to prepare for initial closing.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 6134, Washington, DC 20410-8000, telephone (202) 708-3000.

- Regulation: 24 CFR 891.165.

Project/Activity: Abilities at English Park, Inc., Melbourne, FL, *Project Number:* 067-HD095/FL29-Q041-002.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing-Federal Housing Commissioner.

Date Granted: November 15, 2006.

Reason Waived: The sponsor/owner needed additional time to prepare for initial closing.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 6134, Washington, DC 20410-8000, telephone (202) 708-3000.

• Regulation: 24 CFR 891.165.
Project/Activity: Jennings Senior Housing, San Rosa, CA, *Project Number:* 121-EE178/CA39-S041-009.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing-Federal Housing Commissioner.

Date Granted: November 16, 2006.

Reason Waived: The sponsor/owner needed additional time to prepare for initial closing.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW, Room 6134, Washington, DC 20410-8000, telephone (202) 708-3000.

• Regulation: 24 CFR 891.165.

Project/Activity: St. Dominic's Apartments, Fall River, MA, *Project Number:* 023-EE167/MA06-S031-002.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing-Federal Housing Commissioner.

Date Granted: November 30, 2006.

Reason Waived: The sponsor/owner needed additional time to prepare for initial closing.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW, Room 6134, Washington, DC 20410-8000, telephone (202) 708-3000.

• Regulation: 24 CFR 891.165.

Project/Activity: Villa Regina, West Palm Beach, FL, *Project Number:* 066-EE086/FL29-S011-010.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing-Federal Housing Commissioner.

Date Granted: December 4, 2006.

Reason Waived: The sponsor/owner needed additional time to revise the firm commitment and to prepare for initial closing.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410-8000, telephone (202) 708-3000.

• Regulation: 24 CFR 891.165.

Project/Activity: Rosati House Apartments, St. Louis, MO, *Project Number:* 085-HD041/MO36-Q041-003.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing-Federal Housing Commissioner.

Date Granted: December 5, 2006.

Reason Waived: The sponsor/owner needed additional time to secure secondary financing.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW, Room 6134, Washington, DC 20410-8000, telephone (202) 708-3000.

• Regulation: 24 CFR 891.165.

Project/Activity: Kent Gardens Senior Community, San Lorenzo, CA, *Project Number:* 121-EE172/CA39-S041-003.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing-Federal Housing Commissioner.

Date Granted: December 6, 2006.

Reason Waived: The sponsor/owner needed additional time to submit the firm commitment.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 6134, Washington, DC 20410-8000, telephone (202) 708-3000.

• Regulation: 24 CFR 891.165.

Project/Activity: Quest Manor I, Canton, OH, *Project Number:* 042-HD118/OH12-Q041-001.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing-Federal Housing Commissioner.

Date Granted: December 11, 2006.

Reason Waived: The sponsor/owner needed additional time to prepare for initial closing.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW, Room 6134, Washington, DC 20410-8000, telephone (202) 708-3000.

• Regulation: 24 CFR 891.165.

Project/Activity: Applewood Place II, Mansfield, OH, *Project Number:* 042-EE183/OH12-S041-019.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing-Federal Housing Commissioner.

Date Granted: December 11, 2006.

Reason Waived: The sponsor/owner needed additional time to prepare for initial closing.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW, Room 6134, Washington, DC 20410-8000, telephone (202) 708-3000.

• Regulation: 24 CFR 891.165.

Project/Activity: Luther Ridge, Oregon, OH, *Project Number:* 042-EE185/OH12-S041-021.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing-Federal Housing Commissioner.

Date Granted: December 11, 2006.

Reason Waived: The sponsor/owner needed additional time to resolve a road issue and to perform additional sewer work.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW, Room 6134, Washington, DC 20410-8000, telephone (202) 708-3000.

• Regulation: 24 CFR 891.165.

Project/Activity: VOA Sandusky, Sandusky, OH, *Project Number:* 042-HD110/OH12-Q021-008.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing-Federal Housing Commissioner.

Date Granted: December 11, 2006.

Reason Waived: The sponsor/owner needed additional time to prepare for initial closing.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW, Room 6134, Washington, DC 20410-8000, telephone (202) 708-3000.

- Regulation: 24 CFR 891.165.

Project/Activity: Caring Residential Services II, Pleasantville, NJ, *Project Number:* 035-EE046/NJ39-S031-002.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing-Federal Housing Commissioner.

Date Granted: December 11, 2006.

Reason Waived: The sponsor/owner needed additional time to prepare for initial closing.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW, Room 6134, Washington, DC 20410-8000, telephone (202) 708-3000.

- Regulation: 24 CFR 891.165.

Project/Activity: Howland Housing, Howland Twp, OH, *Project Number:* 042-EE161/OH12-S031-014.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing-Federal Housing Commissioner.

Date Granted: December 22, 2006.

Reason Waived: The sponsor/owner needed additional time to submit the firm commitment.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW.,

Room 6134, Washington, DC 20410-8000, telephone (202) 708-3000.

- Regulation: 24 CFR 891.410(c).

Project/Activity: Pittsburgh, New Hampshire (Echo Valley Village—FHA Project Number 024-EE040). The Boston Multifamily Hub requested waiver of the very low-income and age requirements for five units at this property due to severe vacancy problems.

Nature of Requirement: HUD regulations at 24 CFR part 891 require admission of families to projects for the elderly or handicapped that receive reservations under Section 202 of the Housing Act of 1959 and housing assistance under Section 8 of the U.S. Housing Act of 1937. Section 891.410(c) limits occupancy to very low-income elderly persons (i.e., households composed of one or more persons at least one of whom is 62 years of age at the time of initial occupancy).

Granted By: Brian D. Montgomery, Assistant Secretary for Housing-Federal Housing Commissioner.

Date Granted: October 4, 2006.

Reason Waived: The waiver was granted in order to allow the owner flexibility in renting up vacant units at the project. The property was only able to achieve 100 percent occupancy during September 2004 through December 2004. The property received applications, but the applicants did not meet the age and/or income requirements. The property manager continued to work closely with community organizations, as well as advertise through various media outlets to attract very low-income and age eligible applicants. This waiver only permits admission of near elderly and/or lower-income applicants when there are no very low-income or age eligible applicants to fill vacancies. Without this waiver the current occupancy level would not support the operations of the project. This waiver is good for one year and applies to this property only.

Contact: Beverly J. Miller, Director, Office of Asset Management, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 6160, Washington, DC 20410-8000, telephone (202) 708-3730.

- Regulation: 24 CFR 891.410(c).

Project/Activity: Rochester, New York (Brown's Memorial Manor—FHA Project Number 014-EE200). The Buffalo Multifamily Hub has requested a waiver reduction of the age limit from 62 to 55 years of age for the subject property because of current vacancy problems.

Nature of Requirement: HUD regulations at 24 CFR part 891 require admission of families to projects for the

elderly or handicapped that receive reservations under Section 202 of the Housing Act of 1959 and housing assistance under Section 8 of the U.S. Housing Act of 1937. Section 891.410(c) limits occupancy to very low-income elderly persons (i.e., households composed of one or more persons at least one of whom is 62 years of age at the time of initial occupancy).

Granted By: Brian D. Montgomery, Assistant Secretary for Housing-Federal Housing Commissioner.

Date Granted: October 31, 2006.

Reason Waived: The waiver was granted to allow the owner/managing agent flexibility in renting up vacant units. At the time of the waiver request, the project had 13 occupied and 9 vacant units with no waiting list. An age waiver allowed the project to operate successfully and achieve full occupancy by permitting admission of applicants who meet the definition of very low-income and are 55 years of age and older when there are no very low-income elderly applicants available. This waiver is good for one year and applies to this project only.

Contact: Beverly J. Miller, Director, Office of Asset Management, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 6160, Washington, DC 20410-8000, telephone (202) 708-3730.

- Regulation: 24 CFR 891.410(c).

Project/Activity: Waukesha, Wisconsin (Sunset Heights—FHA Project Number 075-EE036). The Milwaukee Multifamily Hub requested a one-year waiver of the age and income requirements for this property to help alleviate the current occupancy problem.

Nature of Requirement: HUD regulations at 24 CFR part 891 require admission of families to projects for the elderly or handicapped that receive reservations under Section 202 of the Housing Act of 1959 and housing assistance under Section 8 of the U.S. Housing Act of 1937. Section 891.410(c) limits occupancy to very low-income elderly persons (i.e., households composed of one or more persons at least one of whom is 62 years of age at the time of initial occupancy.)

Granted By: Brian D. Montgomery, Assistant Secretary for Housing-Federal Housing Commissioner.

Date Granted: October 31, 2006.

Reason Waived: The waiver was granted to permit admission of lower-income elderly applicants (income between 51 and 80 percent of median), when there are no very low-income elderly applicants to fill vacant units. The property's management agent continued to aggressively advertise and

market the property. The waiver allowed the property to operate successfully and attain full occupancy. This waiver is good for one year and applies to this property only.

Contact: Beverly J. Miller, Director, Office of Asset Management, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 6160, Washington, DC 20410–8000, telephone (202) 708–3730.

- Regulation: 24 CFR 891.410(c).

Project/Activity: Leachville, Arkansas (Mature Living of Leachville, FHA *Project Number* 082–EE013). The Fort Worth Multifamily Hub requested an age restriction waiver for this Section 202 Supportive Housing for the Elderly project because of current vacancy problems.

Nature of Requirement: HUD regulations at 24 CFR part 891 require admission of families to projects for the elderly or handicapped that receive reservations under Section 202 of the Housing Act of 1959 and housing assistance under Section 8 of the U.S. Housing Act of 1937. Section 891.410(c) limits occupancy to very low-income elderly persons (i.e., households composed of one or more persons at least one of whom is 62 years of age at the time of initial occupancy).

Granted By: Brian D. Montgomery, Assistant Secretary for Housing-Federal Housing Commissioner

Date Granted: November 1, 2006.

Reason Waived: The waiver was granted based on the current occupancy problems. At the time of the waiver request, the property experienced a 40 percent vacancy factor over the past four months and an overall 38 percent vacancy factor over the past six months and had 6 vacant units. The management agent exercised acceptable marketing efforts but due to insufficient market demand, the project experienced difficulty. Waiver of the regulations allowed the owner to admit applicants who at initial occupancy failed to meet the statutory age limit of 62 years of age or older and stabilize the project's current financial status and prevent foreclosure. The waiver is good for one year and applies to this property only.

Contact: Beverly J. Miller, Director, Office of Asset Management, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 6160, Washington, DC 20410–8000, telephone (202) 708–3730.

- Regulation: 24 CFR 891.410(c).

Project/Activity: Somerset, Kentucky (Westbrooke Apartments—FHA *Project Number* 083–EE017). The Atlanta Multifamily Hub requested waiver of the very low-income limit and reduction

of the age limit for this property to assist in renting up vacant units.

Nature of Requirement: HUD regulations at 24 CFR part 891 require admission of families to projects for the elderly or handicapped that receive reservations under Section 202 of the Housing Act of 1959 and housing assistance under Section 8 of the U.S. Housing Act of 1937. Section 891.410(c) limits occupancy to very low-income elderly persons (i.e., households composed of one or more persons at least one of whom is 62 years of age at the time of initial occupancy).

Granted By: Brian D. Montgomery, Assistant Secretary for Housing-Federal Housing Commissioner.

Date Granted: November 1, 2006.

Reason Waived: The waiver was granted based on the management agent's struggles to fill vacant units. The vacancy was attributable to an insufficient number of eligible applicants within Pulaski County. Also, several residents relocated to a newly constructed 24-unit tax credit property, which offers more amenities making it difficult to attract very low-income elderly persons. Waiver of this regulation allowed flexibility to offer units to individuals who meet the definition of lower income, near elderly and thus, the owner would be able to increase occupancy levels and successfully achieve full occupancy at the property. This waiver is good for one year and applies to this property only.

Contact: Beverly J. Miller, Director, Office of Asset Management, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 6160, Washington, DC 20410–8000; telephone (202) 708–3730.

- Regulation: 24 CFR 891.410(c).

Project/Activity: Parker, Pennsylvania (Parker Heights Apartments—FHA *Project Number* 033–EE109). The Pittsburgh Multifamily Program Center requested waiver of the age and income requirements for this property to alleviate the current occupancy problem.

Nature of Requirement: HUD regulations at 24 CFR part 891 require admission of families to projects for the elderly or handicapped that receive reservations under Section 202 of the Housing Act of 1959 and housing assistance under Section 8 of the U.S. Housing Act of 1937. Section 891.410(c) limits occupancy to very low-income elderly persons (i.e., households composed of one or more persons at least one of whom is 62 years of age at the time of initial occupancy.)

Granted By: Brian D. Montgomery, Assistant Secretary for Housing-Federal Housing Commissioner.

Date Granted: December 15, 2006.

Reason Waived: The waiver was granted because the project experienced difficulty in leasing units to the elderly. Providing for waiver of the age and very-low income requirements allowed the owner additional flexibility in attempting to rent vacant units and perhaps start a waiting list. The owner/management of this property was allowed to rent units to those persons who are at low-income limits between 51 and 80 percent of median income, and to those persons who are near-elderly, between the ages of 55 and 62. This waiver is good for one year and applies to this property only.

Contact: Beverly J. Miller, Director, Office of Asset Management, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 6160, Washington, DC 20410–8000, telephone (202) 708–3730.

- Regulation: 24 CFR 891.830(b).

Project/Activity: Kent Gardens Senior Community, San Lorenzo, CA, *Project Number:* 121–EE172/CA39-S041–003.

Nature of Requirement: Section 891.830(b) requires that capital advance funds be drawn down only in an approved ratio to other funds in accordance with a drawdown schedule approved by HUD.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing-Federal Housing Commissioner.

Date Granted: December 14, 2006.

Reason Waived: In order to not delay the construction of this mixed finance project, the waiver permitted the capital advance funds to be drawn down using a different mechanism, as approved by HUD, than a pro rata basis. However, the capital advance funds were not permitted to be drawn down any faster than a pro rata disbursement basis would have permitted.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 6134, Washington, DC 20410–8000, telephone (202) 708–3000.

- Regulation: 24 CFR 891.830(c)(4).

Project/Activity: Kent Gardens Senior Community, San Lorenzo, CA, *Project Number:* 121–EE172/CA39-S041–003.

Nature of Requirement: Section 891.830(c)(4) prohibits the capital advance funds from paying off bridge or construction financing, or repaying or collateralizing bonds.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing-Federal Housing Commissioner.

Date Granted: December 14, 2006.

Reason Waived: Since this is a mixed finance project, the waiver permitted capital advance funds to be used to pay off that portion of a bridge or construction financing that strictly relates to capital advance eligible costs. Such costs are to be documented in the owner's audited cost certification and approved by the Program Center as capital advance eligible.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 6134, Washington, DC 20410-8000, telephone (202) 708-3000.

III. Regulatory Waivers Granted by the Office of Public and Indian Housing

For further information about the following regulatory waivers, please see the name of the contact person that immediately follows the description of the waiver granted.

- Regulation: 24 CFR 902.20, 902.30, 902.40, 902.50 and 24 CFR part 985.

Project/Activity: Dallas Housing Authority (TX009), Dallas, TX.

Nature of Requirement: The objective of 24 CFR 902.20 is to determine whether a housing authority (HA) is meeting the standard of decent, safe, sanitary, and in good repair. HUD's Real Estate Assessment Center (REAC) provides for an independent physical inspection of a HA's property of properties that includes a statistically valid sample of the units. Additionally, the regulation establishes certain reporting compliance dates; namely, the Audited financial statements are required to be submitted no later than nine months after the HA's Fiscal Year End (FYE), in accordance with the Single Audit Act and OMB Circular A-133 (24 CFR 902.30), and the Management operations certifications are required to be submitted within two months after the HA's FYE (24 CFR 902.40). The Resident Service and Satisfaction Indicator is performed through the use of a survey. The HA is responsible for completing implementation plan activities and developing a follow-up plan (24 CFR 902.50).

The objective of 24 CFR part 985 is to assist eligible families afford decent rental units at the correct subsidy cost, and to measure HA performance in seven key Section 8 performance indicators under the Section 8 Management Assessment Program (SEMAP) through annual certification.

Granted By: Orlando J. Cabrera, Assistant Secretary for Public and Indian Housing.

Date Granted: October 27, 2006.

Reason Waived: The Dallas Housing Authority assisted thousands of displaced families that were evacuated from the Gulf Coast region due to Hurricane Katrina. The HA rapidly mobilized its staff and provided housing referral services at two convention centers, coordinated resources of neighboring public housing agencies and provided a central processing facility at its administrative offices for volunteer organizations that provided temporary shelter, food and transportation for evacuees. The HA also matched vacant public housing units with families in need of housing. Consequently, the unexpected hurricane disaster diverted a significant portion of staff efforts from complying with the Public Housing Assessment System (PHAS) requirements. The HA requested and received approval waiving all PHAS indicators and overall PHAS score under 24 CFR part 902, and all the SEMAP indicators under 24 CFR part 985, for fiscal year ending December 31, 2006.

Contact: Myra E. Newbill, Acting Program Manager, NASS, Real Estate Assessment Center, Office of Public and Indian Housing, Department of Housing and Urban Development, 550 12th Street, SW., Suite 100, Washington, DC 20410-5000, telephone (202) 475-8988.

- Regulation: 24 CFR 902.30.

Project/Activity: Dallas Housing Authority (TX009), Dallas, TX.

Nature of Requirement: The regulation establishes certain reporting compliance dates. The audited financial statements are required to be submitted no later than nine months after the housing authority's (HA) fiscal year end (FYE), in accordance with the Single Audit Act and OMB Circular A-133.

Granted By: Orlando J. Cabrera, Assistant Secretary for Public and Indian Housing.

Date Granted: November 28, 2006.

Reason Waived: The HA requested a waiver for the removal of the Late Presumptive Failure (LPF) score of zero for the audited Financial Assessment Subsystem (FASS) indicator whose submission due date of September 30, 2006, was extended to October 9, 2006 for FYE December 30, 2005. The HA's key financial staff was unable to properly prepare for the fiscal year audit due to extensive and unplanned work with the Federal Emergency Management Agency (FEMA). The HA was involved with FEMA in providing housing in the Dallas area in the aftermath of Hurricanes Katrina and Rita. The financial staff was diverted from their regular responsibilities to set up financial systems to properly

account for FEMA activities. The waiver granted an extension of the FASS requirements for FYE December 31, 2005, the removal of the LPF score of zero under the FASS indicator, and the submission of the audited financial data and generation of a new PHAS score.

Contact: Myra E. Newbill, Acting Program Manager, NASS, Real Estate Assessment Center, Office of Public and Indian Housing, Department of Housing and Urban Development, 550 12th Street, SW., Suite 100, Washington, DC 20410-5000, telephone (202) 475-8988.

- Regulation: 24 CFR 902.30.

Project/Activity: Ingram County Housing Commission (MI168), Okemos, MI.

Nature of Requirement: The regulation establishes certain reporting compliance dates. The audited financial statements are required to be submitted no later than nine months after the housing authority's (HA) fiscal year end (FYE), in accordance with the Single Audit Act and OMB Circular A-133.

Granted By: Orlando J. Cabrera, Assistant Secretary for Public and Indian Housing.

Date Granted: November 29, 2006.

Reason Waived: The HA requested a waiver of the Late Presumptive Failure (LPF) score of zero of the audited financial score under the Financial Assessment Subsystem (FASS) indicator for FYE September 30, 2005. Due to its designation as a Small Public Housing Agency, the HA will not receive a Public Housing Assessment System (PHAS) score. The HA, however, was required to submit its audited financial submission due June 30, 2006. The HA originally submitted the audited data on June 8, 2006 and the Real Estate Assessment Center (REAC) rejected the submission on July 3, 2006 and established a new resubmission date of July 18, 2006. The HA's submission was not submitted timely, because the HA's auditor was on leave. The HA's Executive Director did everything in his capacity to remind and follow-up with the auditor on the resubmission of the rejected audited financial data. The reasons the resubmission was not timely completed were due to circumstances beyond the HA's control. The waiver allowed the HA to resubmit its audited financial data.

Contact: Myra E. Newbill, Acting Program Manager, NASS, Real Estate Assessment Center, Office of Public and Indian Housing, Department of Housing and Urban Development, 550 12th Street, SW., Suite 100, Washington, DC 20410-5000, telephone (202) 475-8988.

- Regulation: 24 CFR 902.30.

Project/Activity: Macoupin County Housing Authority (IL047), Carlinville, IL.

Nature of Requirement: The regulation establishes certain reporting compliance dates. The audited financial statements are required to be submitted no later than nine months after the housing authority's (HA) fiscal year end (FYE), in accordance with the Single Audit Act and OMB Circular A-133.

Granted By: Orlando J. Cabrera, Assistant Secretary for Public and Indian Housing.

Date Granted: December 14, 2006.

Reason Waived: The HA requested reconsideration of the decision denying the HA's initial appeal because the HA did not provide evidence that an objectively and material error occurred that resulted in the HA receiving a designation of Substandard Financial Performer for fiscal year ending (FYE) September 30, 2005 under the Financial Assessment Subsystem (FASS) indicator. The HA contended that its FASS score is not a true reflection of the HA's financial status because the HA did not receive permanent financing on construction loan for a 46-unit independent low-income living facility that was classified as current debt until the new fiscal year. The waiver granted the removal of the Substandard Financial Public Housing Assessment System (PHAS) designation and designation of the HA as a Standard Performer.

Contact: Myra E. Newbill, Acting Program Manager, NASS, Real Estate Assessment Center, Office of Public and Indian Housing, Department of Housing and Urban Development, 550 12th Street, SW., Suite 100, Washington, DC 20410-5000, telephone (202) 475-8988.

- Regulation: 24 CFR 902.30.

Project/Activity: Indianapolis Housing Authority (IN017), Indianapolis, IN.

Nature of Requirement: The regulation establishes certain reporting compliance dates. The audited financial statements are required to be submitted no later than nine months after the housing authority's (HA) fiscal year end (FYE), in accordance with the Single Audit Act and OMB Circular A-133.

Granted By: Orlando J. Cabrera, Assistant Secretary for Public and Indian Housing.

Date Granted: December 4, 2006.

Reason Waived: The HA requested a waiver for the removal of the Late Presumptive Failure (LPF) score of zero for the audited Financial Assessment Subsystem (FASS) indicator whose submission due date of September 30, 2006, was extended to October 9, 2006 for FYE December 30, 2005. On October 6, 2006, the HA's auditor informed the

HA that the financial audited submission was in the second step of a three step process but due to HA/auditor miscommunication, the third step in the electronic submission process was not performed. The waiver granted the HA the removal of the LPF score of zero under the FASS indicator, and the submission of the audited financial data and generation of a new Public Housing Assessment System (PHAS) score.

Contact: Myra E. Newbill, Acting Program Manager, NASS, Real Estate Assessment Center, Office of Public and Indian Housing, Department of Housing and Urban Development, 550 12th Street, SW., Suite 100, Washington, DC 20410-5000, telephone (202) 475-8988.

- Regulation: 24 CFR 941.606(n)(1)(ii)(B).

Project/Activity: Charlotte Housing Authority's Waiver for 940 Brevard Senior Apartments for the Piedmont Courts HOPE VI Project: NC19URD0031103.

Nature of Requirement: The provision requires that if the partner and/or owner entity (or any other entity with an identity of interest with such parties) wants to serve as a general contractor for the project or development, it may award itself the construction contract only if it can demonstrate to HUD's satisfaction that its bid is the lowest submitted in response to a public request for bids.

Granted By: Orlando J. Cabrera, Assistant Secretary for Public and Indian Housing.

Date Granted: October 6, 2006.

Reason Waived: This waiver was requested by the Charlotte Housing Authority (CHA), so Crosland Contractors may serve as the general contractor for construction of 940 Brevard Senior Apartments, an off-site component of the Piedmont Courts HOPE VI project. CHA submitted an independent cost estimate prepared by Construction Cost, Inc. for 940 Brevard Senior Apartments, which totaled \$10,330,172. CHA also submitted the construction contract between Crosland and Crosland Contractors, which totaled \$8,947,378 for construction of 940 Brevard Senior Apartments. As Crosland Contractor's cost was below that of the independent cost estimates, HUD's condition was satisfied and the waiver was granted.

Contact: Dominique Blom, Deputy Assistant Secretary for the Office of Public Housing Investments, 451 Seventh Street, SW., Room 4130, Washington, DC 20140-5000, telephone (202) 401-8812.

- Regulation: 24 CFR 941.606(n)(1)(ii)(B).

Project/Activity: Housing Authority of DeKalb County's Waiver for Johnson Ferry East, Phase 1 Mixed Finance Project.

Nature of Requirement: The provision requires that if the partner and/or owner entity (or any other entity with an identity of interest with such parties) wants to serve as a general contractor for the project or development, it may award itself the construction contract only if it can demonstrate to HUD's satisfaction that its bid is the lowest submitted in response to a public request for bids.

Granted By: Orlando J. Cabrera, Assistant Secretary for Public and Indian Housing.

Date Granted: October 6, 2006.

Reason Waived: This waiver was requested by the Housing Authority of DeKalb County (HADC) for the redevelopment of the Johnson Ferry East public housing site, so Norsouth Construction Corporation may serve as the general contractor. HADC procured Ashford Developers, LLC as the master developer for the Johnson Ferry East site through a competitive Request for Qualifications ("RFQ"). Ashford Developers, of which the Norsouth Corporation is the majority owner, sought to utilize Norsouth Construction Corporation ("Norsouth Construction"), a related entity of Norsouth Corporation, to serve as general contractor for Phase 1. Ashford Developers identified Norsouth Construction as its intended general contractor in its proposal that was submitted in response to the RFQ issued by HADC. HADC submitted an independent third-party cost estimate from Costing Services Group ("CSG"), which totaled \$14,407,688, while Norsouth Construction's totaled \$11,287,041. As Norsouth Construction's cost was below that of the independent cost estimates, HUD's condition was satisfied and the waiver was granted.

Contact: Dominique Blom, Deputy Assistant Secretary for the Office of Public Housing Investments, Office of Public and Indian Housing, 451 Seventh Street, SW., Room 4130 Washington, DC 20410-5000, telephone (202) 401-8812.

- Regulation: 24 CFR 941.606(n)(1)(ii)(B).

Project/Activity: Daytona Beach Housing Authority's Waiver for The Villages at Halifax Bethune Village/Halifax Park HOPE VI Project: FL29URD0071102.

Nature of Requirement: The provision requires that if the partner and/or owner entity (or any other entity with an identity of interest with such parties) wants to serve as a general contractor for the project or development, it may

award itself the construction contract only if it can demonstrate to HUD's satisfaction that its bid is the lowest submitted in response to a public request for bids.

Granted By: Orlando J. Cabrera, Assistant Secretary for Public and Indian Housing.

Date Granted: October 6, 2006.

Reason Waived: This waiver was requested by the Daytona Beach Housing Authority (DBHA), so Picerne Construction Corporation may serve as the general contractor for The Villages at Halifax, an off-site component of the Bethune Village/Halifax Park HOPE VI project. Picerne Affordable Development, LLC (Picerne) is the master developer for the Bethune Village/Halifax Park HOPE VI site. Picerne Construction Corporation, an affiliate of Picerne, sought to serve as the general contractor for the construction of the project. DBHA submitted an independent cost estimate prepared by Carlsson, Inc. for the Villages at Halifax, which estimated to \$11,994,338. The housing authority also submitted the executed construction contract between Picerne Construction Corporation and the Villages at Halifax Housing, Ltd., LLLP, the ownership entity for the Villages at Halifax, which included Picerne, totaled \$7,178,880 for the construction of The Villages at Halifax. As Picerne Construction Corporation's cost was below that of the independent cost estimates. HUD's condition was satisfied and the waiver was granted.

Contact: Dominique Blom, Deputy Assistant Secretary for the Office of Public Housing Investments, Office of Public and Indian Housing, 451 Seventh Street, SW., Room 4130, Washington, DC 20410-5000, telephone (202) 401-8812.

- Regulation: 24 CFR 941.606(n)(1)(ii)(B).

Project/Activity: Greensboro Housing Authority's Waiver for the Havens at Willow Oaks, a mixed-finance development in conjunction with Morningside HOPE VI Project: NC19URD022I298.

Nature of Requirement: The provision requires that if the partner and/or owner entity (or any other entity with an identity of interest with such parties) wants to serve as a general contractor for the project or development, it may award itself the construction contract only if it can demonstrate to HUD's satisfaction that its bid is the lowest submitted in response to a public request for bids.

Granted By: Orlando J. Cabrera, Assistant Secretary for Public and Indian Housing.

Date Granted: October 6, 2006.

Reason Waived: This waiver was requested by the Greensboro Housing Authority (GHA), so that Crosland Contractors, an affiliate of Crosland, Inc., may serve as general contractor for development of this project. GHA procured Mid-City Urban, as the Master Developer for the revitalization of Morningside Homes. For this phase, Mid-City selected Crosland, Inc. as the developer for the Havens. GHA submitted an independent cost estimate from Bowen and Associates (Bowen), which totaled \$8,886,896. The guaranteed maximum price bid offered by Crosland Contractors was \$7,237,195. As Crosland Contractor's cost was below that of the independent cost estimates, HUD's condition was satisfied and the waiver was granted.

Contact: Dominique Blom, Deputy Assistant Secretary for the Office of Public Housing Investments, Office of Public and Indian Housing, 451 Seventh Street, SW., Room 4130, Washington, DC 20410-5000, telephone (202) 401-8812.

- Regulation: 24 CFR 941.606(n)(1)(ii)(B).

Project/Activity: Charlotte Housing Authority's Waiver for Springfield Gardens Dalton Village HOPE VI Project: NC19URD003I196.

Nature of Requirement: The provision requires that if the partner and/or owner entity (or any other entity with an identity of interest with such parties) wants to serve as a general contractor for the project or development, it may award itself the construction contract only if it can demonstrate to HUD's satisfaction that its bid is the lowest submitted in response to a public request for bids.

Granted By: Orlando J. Cabrera, Assistant Secretary for Public and Indian Housing.

Date Granted: October 6, 2006.

Reason Waived: This waiver was requested by the Charlotte Housing Authority's (CHA), so that Crosland Contractors may serve as the general contractor for construction of Springfield Gardens, an off-site component of the Dalton Village HOPE VI project. Crosland, Inc. is the master developer for the Dalton Village HOPE VI site. Crosland, Inc. is also the component developer for the Springfield Gardens phase of the HOPE VI project. Crosland Contractors, an affiliate of Crosland, Inc., sought to serve as the general contractor for construction of the project. CHA submitted an independent cost estimate prepared by Construction Cost, Inc. for Springfield Gardens, which totaled \$9,954,241. CHA also submitted the

construction contract between Crosland and Crosland Contractors, which totaled \$7,691,195 for construction of Springfield Gardens. As Crosland Contractor's cost was below that of the independent cost estimates, HUD's condition was satisfied and the waiver was granted.

Contact: Dominique Blom, Deputy Assistant Secretary for the Office of Public Housing Investments, Office of Public and Indian Housing, 451 Seventh Street, SW., Room 4130, Washington, DC 20410-5000, telephone (202) 401-8812.

- Regulation: 24 CFR 941.606(n)(1)(ii)(B).

Project/Activity: San Antonio Housing Authority's (SAHA) Alhambra Apartments. Mixed Finance Project Number: TX006-146.

Nature of Requirement: The provision requires that if the partner and/or owner entity (or any other entity with an identity of interest with such parties) wants to serve as a general contractor for the project or development, it may award itself the construction contract only if it can demonstrate to HUD's satisfaction that its bid is the lowest submitted in response to a public request for bids.

Granted By: Orlando J. Cabrera, Assistant Secretary for Public and Indian Housing.

Date Granted: December 18, 2006.

Reason Waived: The San Antonio Housing Authority (SAHA) procured NRP Group, LLC as the master developer for the Alhambra Apartments site through a competitive Request for Proposal (RFP). NRP, LLC was identified in the response to the RFP as the intended general contractor. NRP Construction did not bid to become the general contractor, as specified by this provision of the mixed-finance regulation, but SAHA provided documentation that the construction costs were reasonable and within HUD's requirements. SAHA submitted with the waiver request a certification by Wiles Associates (Wiles), an independent third-party cost estimator, who reviewed the full plans and the proposed construction costs. In a letter dated September 5, 2006, Wiles certified the costs were reasonable for the market area. HUD reviewed the Rental Term Sheet, the mixed-finance proposal, the project evidentiaries, and related budgets and determined that the construction costs for this project were reasonable and below the independent cost estimates submitted by the SAHA. The Wiles construction cost estimate is \$61.73 per square foot, while NRP Construction's total price is \$59.57 per square foot. This amount was below the

Wiles estimate by \$2.16 a square foot. As NRP Construction's cost was below that of the independent cost estimates, HUD's condition was satisfied and the waiver was granted.

Contact: Dominique Blom, Deputy Assistant Secretary for the Office of Public Housing Investments, Office of Public and Indian Housing, 451 Seventh Street, SW., Room 4130, Washington, DC 20410-5000, telephone (202) 401-8812.

- Regulation: 24 CFR 982.505(d).

Project/Activity: Housing Authority of the City of Flagstaff (HACF), Flagstaff, AZ. The HACF requested a waiver regarding exception payment standards so that it could provide a reasonable accommodation to a person with disabilities.

Nature of Requirement: Section 982.505(d) states that a public housing agency may only approve a higher payment standard for a family as a reasonable accommodation if the higher payment standard is within the basic range of 90 to 110 percent of the fair market rent (FMR) for the unit size.

Granted By: Orlando J. Cabrera, Assistant Secretary for Public and Indian Housing.

Date Granted: October 12, 2006.

Reason Waived: The new tenant, who has multiple sensitivities and disabilities, required an unattached single dwelling home on a private lot to accommodate her disabilities. To provide a reasonable accommodation, an exception payment standard that exceeded the basic range of 90 to 110 percent of the fair market rent was approved.

Contact: Dr. Alfred Jurison, Director, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 4210, Washington, DC 20410-5000, telephone (202) 708-0477.

- Regulation: 24 CFR 982.505(d).

Project/Activity: Housing Authority of the City of Los Angeles (HACLA), Los Angeles, CA. The HACLA requested a waiver regarding exception payment standards so that it could provide a reasonable accommodation to a person with disabilities.

Nature of Requirement: Section 982.505(d) states that a public housing agency may only approve a higher payment standard for a family as a reasonable accommodation if the higher payment standard is within the basic range of 90 to 110 percent of the fair market rent (FMR) for the unit size.

Granted by: Orlando J. Cabrera, Assistant Secretary for Public and Indian Housing.

Date Granted: December 6, 2006.

Reason Waived: The assisted client, who is developmentally disabled and requires a live-in aide, had extreme difficulty locating another unit that met his needs. The client's family searched extensively for another suitable unit to no avail. Without an exception payment standard, the client's rent burden would be over 100 percent of his monthly-adjusted income. To provide a reasonable accommodation, an exception payment standard that exceeded the basic range of 90 to 110 percent of the fair market rent was approved.

Contact: Dr. Alfred Jurison, Director, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 4210, Washington, DC 20410-5000, telephone, (202) 708-0477.

- Regulation: 24 CFR 982.207(b)(3).

Project/Activity: Berkeley Housing Authority (BHA), Berkeley, CA. The BHA requested a waiver of a selection preference regulation in order to select Housing Opportunities for Persons with AIDS (HOPWA)-eligible families to occupy 10 of the units receiving project-based voucher assistance at the 97-unit Oxford Plaza project.

Nature of Requirement: Section 982.207(b)(3) which governs tenant selection under the project-based voucher program, states that a housing agency may adopt a preference for admission of families that include a person with disabilities, but may not adopt a preference for persons with a specific disability.

Granted By: Orlando J. Cabrera, Assistant Secretary for Public and Indian Housing.

Date Granted: December 21, 2006.

Reason Waived: Since by law persons with HIV/AIDS only may occupy units developed with HOPWA funds, a public housing agency may only authorize occupancy of such units that also receive project-based voucher assistance by persons with HIV/AIDS. Therefore, in selecting families to refer to the owner for occupancy of these units, the BHA will have to pass over persons on its waiting list until it reaches a person with HIV/AIDS who is interested in moving into one of these units at the Oxford Plaza project.

Contact: Dr. Alfred Jurison, Director, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office

of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 4210, Washington, DC 20410-5000, telephone (202) 708-0477.

- Regulation: 24 CFR 983.55(b).

Project/Activity: Housing Authority of Americus (HAA), Americus, GA. The HAA requested a waiver of this regulation so that it could attach PBV to units at Verandah Apartments.

Nature of Requirement: Section 983.55(b) states that the appropriate subsidy layering review be completed prior to the execution of an agreement to enter into a housing assistance payments contract (AHAP).

Granted By: Orlando Cabrera, Assistant Secretary for Public and Indian Housing.

Date Granted: November 3, 2006.

Reason Waived: This regulation was waived since the HAA thought it had met the regulatory requirement for a subsidy layering review since the Georgia Department of Community Affairs completed one for this project in connection with Home funding and tax credit funding. The HAA subsequently submitted this project to HUD Headquarters for the appropriate subsidy layering review on April 4, 2006.

Contact: Alfred C. Jurison, Director, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 4210, Washington, DC 20410-5000, telephone (202) 708-0477.

- Regulations: 24 CFR part 5 and 24 CFR Chapter IX.

Project/Activity: The PHAs identified in Table 1, are all located within a presidentially declared disaster area as a result of damages caused by Hurricanes Katrina and/or Rita or Hurricane Wilma, and each PHA notified HUD of the need for one or more regulatory waivers made available to PHAs in Hurricanes Katrina, Rita and Wilma disaster areas by three **Federal Register** notices. The first notice is Regulatory and Administrative Waivers Granted for Public and Indian Housing Programs to Assist with Recovery and Relief in Hurricane Katrina Disaster Areas, signed September 27, 2005, and published in the **Federal Register** on October 3, 2005 (70 FR 57716), the second notice is Regulatory and Administrative Waivers Granted for Public and Indian Housing Programs to Assist with Recovery and Relief in Hurricane Rita Disaster Areas; and Additional Administrative Relief for Hurricane Katrina, signed October 25,

2005, and published in the **Federal Register** on November 1, 2005 (70 FR 66222), and the third notice is Regulatory and Administrative Waivers Granted for Public and Indian Housing Programs To Assist With Recovery and Relief in Hurricane Wilma Disaster Areas, signed on March 7, 2006, and published in the **Federal Register** on March 13, 2006 (71 FR 12988):

Nature of Requirements: The three **Federal Register** notices provided for waiver of the following regulations, in 24 CFR part 5 and 24 CFR Chapter IX for those PHAs in the disaster areas that notified HUD through a special waiver request process designed to expedite both the submission of regulatory requests to HUD and HUD's response to the request.

1. 24 CFR 5.216(g)(5) (Disclosure and Verification of Social Security and Employer Identification Numbers);
2. 24 CFR 5.512(c) (Verification of Eligible Immigration Status; Secondary Verification);
3. 24 CFR 5.801(c) and 5.801(d) (Uniform Financial Reporting Standards (UFRS));
4. 24 CFR 902 (Public Housing Assessment System (PHAS));
5. 24 CFR 903.5 (Annual Plan Submission Deadline);
6. 24 CFR 905.10(i) (Capital Fund Formula; Limitation of Replacement Housing Funds to New Development);
7. 24 CFR 941.306 (Maximum Project);
8. 24 CFR 965.302 (Requirement for Energy Audits);
9. 24 CFR 982.54 (Administrative Plan);
10. 24 CFR 982.206 (Waiting List; Opening and Public Notice);
11. 24 CFR 982.401(d) (Housing Quality Standards; Space Requirements);
12. 24 CFR 982.503(b) (Waiver of payment standard; Establishing Payment Standard; Amounts);
13. 24 CFR 984.303 (Contract of Participation; Family Self-Sufficiency (FSS) Program; Extension of Contract) and 24 CFR 984.105 (Minimum Payment Size);

14. 24 CFR part 985 (Section 8 Management Assessment Program (SEMAP)); and

15. 24 CFR 990.145 (Dwelling Units with Approved Vacancies).

16. 24 CFR 1000.156 and 1000.158 (IHBG Moderate Design Requirements for Housing Development).

17. 24 CFR 1000.214 (Indian Housing Plan (IHP) Submission Deadline).

18. 24 CFR 1003.400(c) and Section I.C. of FY 2005 Indian Community Development Block Grants (ICDBG) Program Notice of Funding Availability (NOFA) (Grant Ceilings for ICDBG Imminent Threat Applications).

19. 24 CFR 1003.401 and Section I.C. of FY 2005 ICDBG NOFA (Application Requirements for ICDBG Imminent Threat Funds).

20. 24 CFR 1003.604 (ICDBG Citizen Participation Requirements).

Both **Federal Register** notices described the regulatory requirement in detail and the period of suspension or alternative compliance date.

Granted By: Roy A. Bernardi, Deputy Secretary, granted on the October 3, 2005 notice and the November 1, 2005 notice, both in the **Federal Register**. The March 13, 2006 notice was granted by Orlando J. Cabrera, Assistant Secretary, Public and Indian Housing, published in the **Federal Register**.

Date Granted: Please refer to Table 1. Table 1 identifies public housing agencies (PHAs) that have requested and were granted the regulatory waivers made available through the three **Federal Register** notices. The table identifies by number (as listed in the **Federal Register** notices) the regulatory waivers granted to each housing entity and identifies whether the housing entity was located in a Hurricane Katrina, Hurricane Rita or Hurricane Wilma disaster area.

Reason Waived: The regulations waived in the October 3, 2005, and the November 1, 2005, and the March 13, 2006, **Federal Register** notices were waived to facilitate the delivery of safe and decent housing under HUD's Public Housing programs to families and individuals that were displaced from their housing as a result of the hurricanes.

Contacts: Reference the items numbers with the items identified in the aforementioned "Nature of Requirements" section for the following contacts:

- Requirements 1, 2 and 8—Nicole Faison, Director, Public Housing Programs, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 4222, Washington, DC 20410-5000, telephone (202) 708-0744;

- Requirements 3, 4 and 15—Wanda F. Funk, Senior Advisor, Real Estate Assessment Center, Office of Public and Indian Housing, Department of Housing and Urban Development, 550 12th Street, SW., Suite 100, Washington, DC 20410-5000, telephone (202) 475-8736;

- Requirement 5—Merrie Nichols-Dixon, Director, Compliance and Coordination Division, Office of Field Operations, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 4112, Washington, DC 20410-5000, telephone (202) 708-4016.

- Requirements 6 and 7—Jeffery Riddel, Director, Capital Fund Division, Public Housing Investments, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 4146, Washington, DC 20410-5000, telephone (202) 401-8812;

- Requirements 9-14—Alfred C. Jurison, Director, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 4210, Washington, DC 20410-5000, telephone (202) 708-0477;

- Requirements 16-20—Deborah M. Lalancette, Director, Office of Grants Management, Office of Native American Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 1670 Broadway, Denver, CO 80202, telephone (303) 675-1600.

TABLE 1

Housing Authority code	Housing Authority name and hurricane disaster area, (K), (R) and (W) indicates whether the Housing Authority was located in the hurricane Katrina, Rita or Wilma disaster area	Regulatory waivers granted, by item No.	Date notification received
AL169	Prichard Housing Authority (K)	14	12/28/06
FL011	Lakeland Housing Authority (W)	12	11/30/06
FL041	Housing Authority of the City of Fort Pierce (W)	6 & 7	11/17/06
FL055	Arcadia Housing Authority (W)	1, 5 & 15	11/20/06
FL060	Punta Gorda Housing Authority (W)	4, 13 & 14	11/07/06
FL080	Palm Beach County Housing Authority (W)	1, 4, 8 & 14	12/11/06

TABLE 1—Continued

Housing Authority code	Housing Authority name and hurricane disaster area, (K), (R) and (W) indicates whether the Housing Authority was located in the hurricane Katrina, Rita or Wilma disaster area	Regulatory waivers granted, by item No.	Date notification received
FL141	Collier County Housing Authority (W)	4, 8, 13 & 14	12/01/06

[FR Doc. E7-5959 Filed 3-30-07; 8:45 am]

BILLING CODE 4210-67-P



Federal Register

**Monday,
April 2, 2007**

Part IV

The President

**Notice of March 30, 2007—Notice of
Intention To Enter Into a Free Trade
Agreement With Panama**

Federal Register

Vol. 72, No. 62

Monday, April 2, 2007

Presidential Documents

Title 3—

Notice of March 30, 2007

The President

Notice of Intention To Enter Into a Free Trade Agreement With Panama

Consistent with section 2105(a)(1)(A) of the Trade Act of 2002, I have notified the Congress of my intention to enter into a free trade agreement with the Republic of Panama.

Consistent with section 2105(a)(1)(A) of that Act, this notice shall be published in the **Federal Register**.



THE WHITE HOUSE,
March 30, 2007.

[FR Doc. 07-1647

Filed 3-30-07; 11:26 am]

Billing code 3195-01-P

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Federal Register

Vol. 72, No. 62

Monday, April 2, 2007

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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.

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ENERGY DEPARTMENT

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Agency reorganization; correction; published 4-2-07

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Ports and waterways safety; regulated navigation areas, safety zones, security zones, etc.:

Fifth Coast Guard District; published 3-2-07

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Nonprocurement debarment and suspension; OMB guidance; published 3-1-07

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Federal old age, survivors, and disability insurance, and aged, blind, and disabled—

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H.R. 1129/P.L. 110-16

To provide for the construction, operation, and maintenance of an arterial road in St. Louis County, Missouri. (Mar. 28, 2007; 121 Stat. 71)

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1	(869-062-00001-4)	5.00	4 Jan. 1, 2007
2	(869-062-00002-2)	5.00	Jan. 1, 2007
3 (2005 Compilation and Parts 100 and 102)	(869-060-00003-8)	35.00	1 Jan. 1, 2006
4	(869-062-00004-9)	10.00	5 Jan. 1, 2007
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700-1199	(869-060-00006-2)	50.00	Jan. 1, 2006
1200-End	(869-062-00007-3)	61.00	Jan. 1, 2007
6	(869-060-00008-9)	10.50	Jan. 1, 2006
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*500-599	(869-062-00036-7)	39.00	Jan. 1, 2007
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§§ 1.851-1.907	(869-060-00088-7)	61.00	Apr. 1, 2006
§§ 1.908-1.1000	(869-060-00089-5)	60.00	Apr. 1, 2006
§§ 1.1001-1.1400	(869-060-00090-9)	61.00	Apr. 1, 2006
§§ 1.1401-1.1550	(869-060-00091-2)	58.00	Apr. 1, 2006
§§ 1.1551-End	(869-060-00092-5)	50.00	Apr. 1, 2006
2-29	(869-060-00093-3)	60.00	Apr. 1, 2006
30-39	(869-060-00094-1)	41.00	Apr. 1, 2006
40-49	(869-060-00095-0)	28.00	Apr. 1, 2006
50-299	(869-060-00096-8)	42.00	Apr. 1, 2006

Title	Stock Number	Price	Revision Date	Title	Stock Number	Price	Revision Date
300-499	(869-060-00097-6)	61.00	Apr. 1, 2006	63 (63.6580-63.8830)	(869-060-00150-6)	32.00	July 1, 2006
500-599	(869-060-00098-4)	12.00	⁶ Apr. 1, 2006	63 (63.8980-End)	(869-060-00151-4)	35.00	July 1, 2006
600-End	(869-060-00099-2)	17.00	Apr. 1, 2006	64-71	(869-060-00152-2)	29.00	July 1, 2006
27 Parts:				72-80	(869-060-00153-1)	62.00	July 1, 2006
1-399	(869-060-00100-0)	64.00	Apr. 1, 2006	81-85	(869-060-00154-9)	60.00	July 1, 2006
400-End	(869-060-00101-8)	18.00	Apr. 1, 2006	86 (86.1-86.599-99)	(869-060-00155-7)	58.00	July 1, 2006
28 Parts:				86 (86.600-1-End)	(869-060-00156-5)	50.00	July 1, 2006
0-42	(869-060-00102-6)	61.00	July 1, 2006	87-99	(869-060-00157-3)	60.00	July 1, 2006
43-End	(869-060-00103-4)	60.00	July 1, 2006	100-135	(869-060-00158-1)	45.00	July 1, 2006
29 Parts:				136-149	(869-060-00159-0)	61.00	July 1, 2006
0-99	(869-060-00104-2)	50.00	July 1, 2006	150-189	(869-060-00160-3)	50.00	July 1, 2006
100-499	(869-060-00105-1)	23.00	July 1, 2006	190-259	(869-060-00161-1)	39.00	July 1, 2006
500-899	(869-060-00106-9)	61.00	July 1, 2006	260-265	(869-060-00162-0)	50.00	July 1, 2006
900-1899	(869-060-00107-7)	36.00	July 1, 2006	266-299	(869-060-00163-8)	50.00	July 1, 2006
1900-1910 (§§ 1900 to				300-399	(869-060-00164-6)	42.00	July 1, 2006
1910.999)	(869-060-00108-5)	61.00	July 1, 2006	400-424	(869-060-00165-4)	56.00	July 1, 2006
1910 (§§ 1910.1000 to				425-699	(869-060-00166-2)	61.00	July 1, 2006
end)	(869-060-00109-3)	46.00	July 1, 2006	700-789	(869-060-00167-1)	61.00	July 1, 2006
1911-1925	(869-060-00110-7)	30.00	July 1, 2006	790-End	(869-060-00168-9)	61.00	July 1, 2006
1926	(869-060-00111-5)	50.00	July 1, 2006	41 Chapters:			
1927-End	(869-060-00112-3)	62.00	July 1, 2006	1, 1-1 to 1-10		13.00	³ July 1, 1984
30 Parts:				1, 1-11 to Appendix, 2 (2 Reserved)		13.00	³ July 1, 1984
1-199	(869-060-00113-1)	57.00	July 1, 2006	3-6		14.00	³ July 1, 1984
200-699	(869-060-00114-0)	50.00	July 1, 2006	7		6.00	³ July 1, 1984
700-End	(869-060-00115-8)	58.00	July 1, 2006	8		4.50	³ July 1, 1984
31 Parts:				9		13.00	³ July 1, 1984
0-199	(869-060-00116-6)	41.00	July 1, 2006	10-17		9.50	³ July 1, 1984
200-499	(869-060-00117-4)	46.00	July 1, 2006	18, Vol. I, Parts 1-5		13.00	³ July 1, 1984
500-End	(869-060-00118-2)	62.00	July 1, 2006	18, Vol. II, Parts 6-19		13.00	³ July 1, 1984
32 Parts:				18, Vol. III, Parts 20-52		13.00	³ July 1, 1984
1-39, Vol. I		15.00	² July 1, 1984	19-100		13.00	³ July 1, 1984
1-39, Vol. II		19.00	² July 1, 1984	1-100	(869-060-00169-7)	24.00	July 1, 2006
1-39, Vol. III		18.00	² July 1, 1984	101	(869-060-00170-1)	21.00	⁹ July 1, 2006
1-190	(869-060-00119-1)	61.00	July 1, 2006	102-200	(869-060-00171-9)	56.00	July 1, 2006
191-399	(869-060-00120-4)	63.00	July 1, 2006	201-End	(869-060-00172-7)	24.00	July 1, 2006
400-629	(869-060-00121-2)	50.00	July 1, 2006	42 Parts:			
630-699	(869-060-00122-1)	37.00	July 1, 2006	1-399	(869-060-00173-5)	61.00	Oct. 1, 2006
700-799	(869-060-00123-9)	46.00	July 1, 2006	400-413	(869-060-00174-3)	32.00	Oct. 1, 2006
800-End	(869-060-00124-7)	47.00	July 1, 2006	414-429	(869-060-00175-1)	32.00	Oct. 1, 2006
33 Parts:				430-End	(869-060-00176-0)	64.00	Oct. 1, 2006
1-124	(869-060-00125-5)	57.00	July 1, 2006	43 Parts:			
125-199	(869-060-00126-3)	61.00	July 1, 2006	1-999	(869-060-00177-8)	56.00	Oct. 1, 2006
200-End	(869-060-00127-1)	57.00	July 1, 2006	1000-end	(869-060-00178-6)	62.00	Oct. 1, 2006
34 Parts:				44	(869-060-00179-4)	50.00	Oct. 1, 2006
1-299	(869-060-00128-0)	50.00	July 1, 2006	45 Parts:			
300-399	(869-060-00129-8)	40.00	July 1, 2006	1-199	(869-060-00180-8)	60.00	Oct. 1, 2006
400-End & 35	(869-060-00130-1)	61.00	⁹ July 1, 2006	200-499	(869-060-00181-6)	34.00	Oct. 1, 2006
36 Parts:				500-1199	(869-060-00182-4)	56.00	Oct. 1, 2006
1-199	(869-060-00131-0)	37.00	July 1, 2006	1200-End	(869-060-00183-2)	61.00	Oct. 1, 2006
200-299	(869-060-00132-8)	37.00	July 1, 2006	46 Parts:			
300-End	(869-060-00133-6)	61.00	July 1, 2006	1-40	(869-060-00184-1)	46.00	Oct. 1, 2006
37	(869-060-00134-4)	58.00	July 1, 2006	41-69	(869-060-00185-9)	39.00	Oct. 1, 2006
38 Parts:				70-89	(869-060-00186-7)	14.00	Oct. 1, 2006
0-17	(869-060-00135-2)	60.00	July 1, 2006	90-139	(869-060-00187-5)	44.00	Oct. 1, 2006
18-End	(869-060-00136-1)	62.00	July 1, 2006	140-155	(869-060-00188-3)	25.00	Oct. 1, 2006
39	(869-060-00137-9)	42.00	July 1, 2006	156-165	(869-060-00189-1)	34.00	Oct. 1, 2006
40 Parts:				166-199	(869-060-00190-5)	46.00	Oct. 1, 2006
1-49	(869-060-00138-7)	60.00	July 1, 2006	200-499	(869-060-00191-3)	40.00	Oct. 1, 2006
50-51	(869-060-00139-5)	45.00	July 1, 2006	500-End	(869-060-00192-1)	25.00	Oct. 1, 2006
52 (52.01-52.1018)	(869-060-00140-9)	60.00	July 1, 2006	47 Parts:			
52 (52.1019-End)	(869-060-00141-7)	61.00	July 1, 2006	0-19	(869-060-00193-0)	61.00	Oct. 1, 2006
53-59	(869-060-00142-5)	31.00	July 1, 2006	20-39	(869-060-00194-8)	46.00	Oct. 1, 2006
60 (60.1-End)	(869-060-00143-3)	58.00	July 1, 2006	40-69	(869-060-00195-6)	40.00	Oct. 1, 2006
60 (Apps)	(869-060-00144-7)	57.00	July 1, 2006	70-79	(869-060-00196-4)	61.00	Oct. 1, 2006
61-62	(869-060-00145-0)	45.00	July 1, 2006	80-End	(869-060-00197-2)	61.00	Oct. 1, 2006
63 (63.1-63.599)	(869-060-00146-8)	58.00	July 1, 2006	48 Chapters:			
63 (63.600-63.1199)	(869-060-00147-6)	50.00	July 1, 2006	1 (Parts 1-51)	(869-060-00198-1)	63.00	Oct. 1, 2006
63 (63.1200-63.1439)	(869-060-00148-4)	50.00	July 1, 2006	1 (Parts 52-99)	(869-060-00199-9)	49.00	Oct. 1, 2006
63 (63.1440-63.6175)	(869-060-00149-2)	32.00	July 1, 2006	2 (Parts 201-299)	(869-060-00200-6)	50.00	Oct. 1, 2006
				3-6	(869-060-00201-4)	34.00	Oct. 1, 2006
				7-14	(869-060-00202-2)	56.00	Oct. 1, 2006

Title	Stock Number	Price	Revision Date
15-28	(869-060-00203-1)	47.00	Oct. 1, 2006
29-End	(869-060-00204-9)	47.00	Oct. 1, 2006
49 Parts:			
1-99	(869-060-00205-7)	60.00	Oct. 1, 2006
100-185	(869-060-00206-5)	63.00	Oct. 1, 2006
186-199	(869-060-00207-3)	23.00	Oct. 1, 2006
200-299	(869-060-00208-1)	32.00	Oct. 1, 2006
300-399	(869-060-00209-0)	32.00	Oct. 1, 2006
400-599	(869-060-00210-3)	64.00	Oct. 1, 2006
600-999	(869-060-00211-1)	19.00	Oct. 1, 2006
1000-1199	(869-060-00212-0)	28.00	Oct. 1, 2006
1200-End	(869-060-00213-8)	34.00	Oct. 1, 2006
50 Parts:			
1-16	(869-060-00214-6)	11.00	¹⁰ Oct. 1, 2006
17.1-17.95(b)	(869-060-00215-4)	32.00	Oct. 1, 2006
17.95(c)-end	(869-060-00216-2)	32.00	Oct. 1, 2006
17.96-17.99(h)	(869-060-00217-1)	61.00	Oct. 1, 2006
17.99(i)-end and 17.100-end	(869-060-00218-9)	47.00	¹⁰ Oct. 1, 2006
18-199	(869-060-00219-7)	50.00	Oct. 1, 2006
200-599	(869-060-00220-1)	45.00	Oct. 1, 2006
600-659	(869-060-00221-9)	31.00	Oct. 1, 2006
660-End	(869-060-00222-7)	31.00	Oct. 1, 2006
CFR Index and Findings			
Aids	(869-060-00050-0)	62.00	Jan. 1, 2006
Complete 2007 CFR set	1,389.00		2007
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Complete set (one-time mailing)	332.00		2006
Complete set (one-time mailing)	325.00		2005

¹ Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

² The July 1, 1985 edition of 32 CFR Parts 1-189 contains a note only for Parts 1-39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1-39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

³ The July 1, 1985 edition of 41 CFR Chapters 1-100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

⁴ No amendments to this volume were promulgated during the period January 1, 2005, through January 1, 2006. The CFR volume issued as of January 1, 2005 should be retained.

⁵ No amendments to this volume were promulgated during the period January 1, 2006, through January 1, 2007. The CFR volume issued as of January 6, 2006 should be retained.

⁶ No amendments to this volume were promulgated during the period April 1, 2000, through April 1, 2006. The CFR volume issued as of April 1, 2000 should be retained.

⁷ No amendments to this volume were promulgated during the period April 1, 2005, through April 1, 2006. The CFR volume issued as of April 1, 2004 should be retained.

⁸ No amendments to this volume were promulgated during the period April 1, 2005, through April 1, 2006. The CFR volume issued as of April 1, 2005 should be retained.

⁹ No amendments to this volume were promulgated during the period July 1, 2005, through July 1, 2006. The CFR volume issued as of July 1, 2005 should be retained.

¹⁰ No amendments to this volume were promulgated during the period October 1, 2005, through October 1, 2006. The CFR volume issued as of October 1, 2005 should be retained.

TABLE OF EFFECTIVE DATES AND TIME PERIODS—APRIL 2007

This table is used by the Office of the Federal Register to compute certain dates, such as effective dates and comment deadlines, which appear in agency documents. In computing these

dates, the day after publication is counted as the first day.

When a date falls on a weekend or holiday, the next Federal business day is used. (See 1 CFR 18.17)

A new table will be published in the first issue of each month.

DATE OF FR PUBLICATION	15 DAYS AFTER PUBLICATION	30 DAYS AFTER PUBLICATION	45 DAYS AFTER PUBLICATION	60 DAYS AFTER PUBLICATION	90 DAYS AFTER PUBLICATION
April 2	April 17	May 2	May 17	June 1	July 2
April 3	April 18	May 3	May 18	June 4	July 2
April 4	April 19	May 4	May 21	June 4	July 3
April 5	April 20	May 7	May 21	June 4	July 5
April 6	April 23	May 7	May 21	June 5	July 5
April 9	April 24	May 9	May 24	June 8	July 9
April 10	April 25	May 10	May 25	June 11	July 9
April 11	April 26	May 11	May 29	June 11	July 10
April 12	April 27	May 14	May 29	June 11	July 11
April 13	April 30	May 14	May 29	June 12	July 12
April 16	May 1	May 16	May 31	June 15	July 16
April 17	May 2	May 17	June 1	June 18	July 16
April 18	May 3	May 18	June 4	June 18	July 17
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April 20	May 7	May 21	June 4	June 19	July 19
April 23	May 8	May 23	June 7	June 22	July 23
April 24	May 9	May 24	June 8	June 25	July 23
April 25	May 10	May 25	June 11	June 25	July 24
April 26	May 11	May 29	June 11	June 25	July 25
April 27	May 14	May 29	June 11	June 26	July 26
April 30	May 15	May 30	June 14	June 29	July 30