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Rules and Regulations

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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.

MERIT SYSTEMS PROTECTION BOARD

5 CFR Chapter LXIV

RIN 3209–AA15

Supplemental Standards of Ethical Conduct for Employees of the Merit Systems Protection Board

AGENCY: Merit Systems Protection Board (MSPB).

ACTION: Interim rule with request for comments.

SUMMARY: The Merit Systems Protection Board, with the concurrence of the Office of Government Ethics (OGE), is issuing an interim regulation for employees of the MSPB that supplements the executive-branch-wide Standards of Ethical Conduct (Standards) issued by OGE. With certain exceptions, the supplemental regulation requires MSPB employees, except special Government employees, to obtain approval before engaging in outside employment.

DATES: This interim rule is effective June 11, 2007. Written comments must be received on or before July 9, 2007.

ADDRESSES: Send or deliver comments to the Office of the Clerk of the Board, U.S. Merit Systems Protection Board, 1615 M Street, NW., Washington, DC 20419; fax: (202) 653–7130; e-mail: *mspb@mspb.gov*.

FOR FURTHER INFORMATION CONTACT: Rosa M. Koppel, Deputy General Counsel, fax: (202) 653–6203; email: *mspb@mspb.gov*.

SUPPLEMENTARY INFORMATION:

Background

On August 7, 1992, the Office of Government Ethics published the Standards of Ethical Conduct for Employees of the Executive Branch (Standards), which became effective on February 3, 1993. The Standards, as corrected and amended, are codified at 5 CFR part 2635. The Standards set uniform ethical conduct standards applicable to all executive branch personnel.

Section 2635.105 of the Standards authorizes agencies, with the concurrence of OGE, to publish agency-specific supplemental regulations that are necessary to properly implement their respective ethics programs. The MSPB, with OGE's concurrence, has determined that the following interim supplemental rule is necessary for successful implementation of its ethics program.

Analysis of the Regulations

Section 7401.101 General

Section 7401.101 explains that the regulations in part 7401 apply to employees of the MSPB and supplement the OGE Standards. The section also includes cross-references to other issuances applicable to MSPB employees, including the regulations concerning executive branch financial disclosure, financial interests, and employee responsibilities and conduct, as well as implementing MSPB guidance and procedures issued in accordance with the OGE Standards.

Section 7401.102 Prior Approval for Outside Employment

In accordance with 5 CFR 2635.803, the MSPB has determined it is necessary or desirable for the purpose of administering its ethics program to require its employees to obtain approval before engaging in outside employment or activities. This approval requirement will help to ensure that potential ethical problems are resolved before employees begin outside employment or activities that could involve a violation of applicable statutes and standards of conduct.

Section 7401.102(a) provides that an MSPB employee, other than a special Government employee, must obtain advance written approval from the employee's supervisor and the concurrence of the Designated Agency Ethics Official (DAEO) or alternate DAEO before engaging in any outside employment, except to the extent that the MSPB DAEO or alternate DAEO has issued an instruction or manual pursuant to paragraph (e) of this section exempting an activity or class of activities from this requirement.

Section 7401.102(b) broadly defines outside employment to cover any form of non-Federal employment or business relationship involving the provision of personal services, whether or not for compensation, other than in the discharge of official duties. It includes writing when done under an arrangement with another person or entity for production or publication of the written product. It does not, however, include participation in the activities of nonprofit charitable, religious, professional, social, fraternal, educational, recreational, public service, or civic organizations, unless such activities are for compensation other than reimbursement of expenses, the organization's activities are devoted substantially to matters relating to the employee's official duties as defined in 5 CFR 2635.807(a)(2)(i)(B) through (E) and the employee will serve as officer or director of the organization, or the activities will involve the provision of consultative or professional services. Consultative services means the provision of personal services by an employee, including the rendering of advice or consultation, which requires advanced knowledge in a field of science or learning customarily acquired by a course of specialized instruction and study in an institution of higher education, hospital, or similar facility. Professional services means the provision of personal services by an employee, including the rendering of advice or consultation, which involves application of the skills of a profession as defined in 5 CFR 2636.305(b)(1) or involves a fiduciary relationship as defined in 5 CFR 2636.305(b)(2).

A note following paragraph (b) of § 7401.102 pertains to the special approval requirement set out in both 18 U.S.C. 203(d) and 205(e), respectively, for certain representational activities otherwise covered by the conflict of interest restrictions on compensation and activities of employees in claims against and other matters affecting the Government. The note explains that an employee who wishes to act as agent or attorney for, or otherwise represent his parents, spouse, child, or any person for whom, or any estate for which, he is serving as guardian, executor, administrator, trustee, or other personal fiduciary in such matters must obtain the approval required by law of the Government official responsible for the

employee's appointment in addition to the regulatory approval required in § 7401.102.

Section 7401.102(c) sets out the procedures for requesting prior approval to engage in outside employment initially, or within seven calendar days of a significant change in the nature or scope of the outside employment or the employee's official position.

Section 7401.102(d) sets out the standard to be applied by the employee's supervisor and the DAEO or alternate DAEO in acting on requests for prior approval of outside employment as broadly defined by § 7401.102(b). Approval shall be granted only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635.

Section 7401.102(e) provides that the MSPB DAEO or alternate DAEO can issue instructions or manual issuances governing the submission of requests for approval of outside employment, which may exempt categories of employment from the prior approval requirement of this section based on a determination that employment within those categories would generally be approved and is not likely to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635. The instructions or issuances may include examples of outside employment that are permissible or impermissible consistent with this part and 5 CFR part 2635.

Administrative Procedure Act

Pursuant to 5 U.S.C. 553(b), the Merit Systems Protection Board finds good cause exists for waiving the general notice of proposed rulemaking and opportunity for public comment as to this interim rule. Notice and comment before the effective date are being waived because this rule concerns matters of agency organization, practice and procedure. However, written comments, which must be received by July 9, 2007 can be submitted on this interim rule; any such comments will be considered before this rule is adopted as final.

Executive Orders 12866 and 12988

Because this rule relates to MSPB personnel, it is exempt from the provisions of Executive Orders Nos. 12866 and 12988.

Regulatory Flexibility Act

The MSPB has determined, pursuant to the Regulatory Flexibility Act, 5 U.S.C. chapter 6, that this rulemaking will not have a significant economic impact on a substantial number of small entities because it primarily affects MSPB employees.

Paperwork Reduction Act

The Paperwork Reduction Act, 44 U.S.C. chapter 35, does not apply because this rulemaking does not contain information collection requirements subject to the approval of the Office of Management and Budget.

Congressional Review Act

The Merit Systems Protection Board has determined that this rule is not a rule as defined in 5 U.S.C. 804, and thus, does not require review by Congress.

List of Subjects in 5 CFR Part 7401

Conflict of interests, Government employees.

Dated: April 24, 2007.

Neil A.G. McPhie,

Chairman, Merit Systems Protection Board.

Approved: April 30, 2007.

Robert I. Cusick,

Director, Office of Government Ethics.

■ Accordingly, for the reasons set forth in the preamble, the Merit Systems Protection Board, with the concurrence of the Office of Government Ethics, is amending title 5 of the Code of Federal Regulations by adding a new chapter LXIV, consisting of part 7401, to read as follows:

CHAPTER LXIV—MERIT SYSTEMS PROTECTION BOARD

PART 7401—SUPPLEMENTAL STANDARDS OF ETHICAL CONDUCT FOR EMPLOYEES OF THE MERIT SYSTEMS PROTECTION BOARD

Sec.

7401.101 General.
7401.102 Prior approval for outside employment.

Authority: 5 U.S.C. 1204(h), 7301; 5 U.S.C. App. (Ethics in Government Act of 1978); E.O. 12674, 54 FR 15159; 3 CFR, 1989 Comp., p. 215, as modified by E.O. 12731, 55 FR 42547; 3 CFR, 1990 Comp., p. 306; 5 CFR 2635.105, 2635.803.

§ 7401.101 General.

(a) *Purpose.* In accordance with 5 CFR 2635.105, the regulations in this part apply to employees of the Merit Systems Protection Board (MSPB) and supplement the Standards of Ethical Conduct for Employees of the Executive Branch contained in 5 CFR part 2635.

(b) *Cross-references.* In addition to 5 CFR part 2635 and this part, MSPB employees are required to comply with implementing guidance and procedures issued by the MSPB in accordance with 5 CFR 2635.105(c). MSPB employees are also subject to the regulations concerning executive branch financial disclosure contained in 5 CFR part 2634, the regulations concerning executive branch financial interests contained in 5 CFR part 2640, and the regulations concerning executive branch employee responsibilities and conduct contained in 5 CFR part 735.

§ 7401.102 Prior approval for outside employment.

(a) *General requirement.* Before engaging in any outside employment, with or without compensation, an employee of the MSPB, other than a special Government employee, must obtain written approval from the employee's supervisor and the concurrence of the Designated Agency Ethics Official (DAEO) or the alternate DAEO, except to the extent that the MSPB DAEO or alternate DAEO has issued an instruction or manual pursuant to paragraph (e) of this section exempting an activity or class of activities from this requirement. Nonetheless, special Government employees remain subject to other statutory and regulatory provisions governing their outside activities, including 18 U.S.C. 203(c) and 205(c), as well as applicable provisions of 5 CFR part 2635.

(b) *Definition of employment.* For purposes of this section, employment means any form of non-Federal employment or business relationship involving the provision of personal services, whether or not for compensation. It includes, but is not limited to, services as an officer, director, employee, agent, advisor, attorney, consultant, contractor, general partner, trustee, teacher, or speaker. It includes writing when done under an arrangement with another person for production or publication of the written product. The definition does not include participation in the activities of a nonprofit charitable, religious, professional, social, fraternal, educational, recreational, public service or civic organization, unless:

(1) The employee will receive compensation other than reimbursement of expenses;

(2) The organization's activities are devoted substantially to matters relating to the employee's official duties as defined in 5 CFR 2635.807(a)(2)(i)(B) through (E) and the employee will serve as officer or director of the organization; or

(3) The activities will involve the provision of consultative or professional services. *Consultative services* means the provision of personal services by an employee, including the rendering of advice or consultation, which requires

advanced knowledge in a field of science or learning customarily acquired by a course of specialized instruction and study in an institution of higher education, hospital, or similar facility. *Professional services* means the provision of personal services by an employee, including the rendering of advice or consultation, which involves application of the skills of a profession as defined in 5 CFR 2636.305(b)(1) or involves a fiduciary relationship as defined in 5 CFR 2636.305(b)(2).

Note to § 7401.102(b): There is a special approval requirement set out in both 18 U.S.C. 203(d) and 205(e), respectively, for certain representational activities otherwise covered by the conflict of interest restrictions on compensation and activities of employees in claims against and other matters affecting the Government. Thus, an employee who wishes to act as agent or attorney for, or otherwise represent his parents, spouse, child, or any person for whom, or any estate for which, he is serving as guardian, executor, administrator, trustee, or other personal fiduciary in such matters must obtain the approval required by law of the Government official responsible for the employee's appointment in addition to the regulatory approval required in this section.

(c) *Procedure for requesting approval.* (1) The approval required by paragraph (a) of this section shall be requested by e-mail or other form of written correspondence in advance of engaging in outside employment as defined in paragraph (b) of this section.

(2) The request for approval to engage in outside employment or certain other activities shall set forth, at a minimum:

(i) The name of the employer or organization;

(ii) The nature of the legal activity or other work to be performed;

(iii) The title of the position; and

(iv) The estimated duration of the outside employment.

(3) Upon a significant change in the nature or scope of the outside employment or in the employee's official position within the MSPB, the employee must, within 7 calendar days of the change, submit a revised request for approval.

(d) *Standard for approval.* Approval shall be granted only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635.

(e) *DAEO's and alternate DAEO's responsibilities.* The MSPB DAEO or alternate DAEO may issue instructions or manual issuances governing the submission of requests for approval of outside employment. The instructions or manual issuances may exempt categories of employment from the prior approval requirement of this section based on a determination that employment within those categories of employment would generally be approved and is not likely to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635. The DAEO or alternate DAEO may include in these instructions or issuances examples of outside employment that are permissible or impermissible consistent with this part and 5 CFR part 2635.

Dated: May 4, 2007.

Bentley M. Roberts, Jr.,

Clerk of the Board.

[FR Doc. E7–9035 Filed 5–9–07; 8:45 am]

BILLING CODE 7400–01–P

NUCLEAR REGULATORY COMMISSION

10 CFR Part 72

RIN 3150–AI13

List of Approved Spent Fuel Storage Casks: NAC–MPC Revision 5

AGENCY: Nuclear Regulatory Commission.

ACTION: Direct final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is amending its regulations revising the NAC International, Inc., NAC-Multi-Purpose Canister (MPC) system listing within the ''List of Approved Spent Fuel Storage Casks'' to include Amendment No. 5 to Certificate of Compliance (CoC) Number 1025. Amendment No. 5 will modify the CoC by revising the Technical Specifications (TS) to incorporate changes to the reporting and monitoring requirements to allow for visual inspection of the air inlet and outlet vents instead of thermal monitoring, revising the TS to incorporate guidance from NRC Interim Staff Guidance-22 and replace all references to backfilling the cask with air to backfilling with inert gas, revising the CoC description to remove the requirement for tamper-indicating devices on the Vertical Concrete Casks, and including several editorial changes to improve the clarity of the documents associated with the NAC–MPC system, under the general provisions that govern licensing requirements for the independent storage of spent nuclear fuel, high level radioactive waste, and reactor-related greater than Class C waste.

DATES: The final rule is effective July 24, 2007, unless significant adverse comments are received by June 11, 2007. A significant adverse comment is a comment where the commenter explains why the rule would be inappropriate, including challenges to the rule's underlying premise or approach, or would be ineffective or unacceptable without a change. If the rule is withdrawn, timely notice will be published in the **Federal Register**.

ADDRESSES: You may submit comments by any one of the following methods. Please include the following number (RIN 3150–AI13) in the subject line of your comments. Comments on rulemakings submitted in writing or in electronic form will be made available for public inspection. Because your comment will not be edited to remove any identifying or contact information, the NRC cautions you against including personal information such as social security numbers and birth dates in your submission.

Mail comments to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, *ATTN:* Rulemakings and Adjudications Staff.

E-mail comments to: SECY@nrc.gov. If you do not receive a reply e-mail confirming that we have received your comments, contact us directly at (301) 415–1966. You may also submit comments via the NRC's rulemaking Web site at *http://rulemaking.llnl.gov*. Address questions about our rulemaking Web site to Carol Gallagher (301) 415–5905; e-mail *cag@nrc.gov*. Comments can also be submitted via the Federal eRulemaking Portal *http://www.regulations.gov*.

Hand deliver comments to: 11555 Rockville Pike, Rockville, Maryland 20852, between 7:30 a.m. and 4:15 p.m. Federal workdays [telephone (301) 415–1966].

Fax comments to: Secretary, U.S. Nuclear Regulatory Commission at (301) 415–1101.

Publicly available documents related to this rulemaking may be viewed electronically on the public computers at the NRC's Public Document Room (PDR), O–1F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland. Selected documents, including comments, can be viewed and downloaded electronically via the NRC rulemaking Web site at *http://ruleforum.llnl.gov*.

Publicly available documents created or received at the NRC after November 1, 1999, are available electronically at the NRC's Electronic Reading Room at *http://www.nrc.gov/NRC/ADAMS/index.html*. From this site, the public can gain entry into the NRC's Agencywide Document Access and Management System (ADAMS), which provides text and image files of NRC's public documents. If you do not have

access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC PDR Reference staff at 1–800–397–4209, 301–415–4737, or by e-mail to *pdr@nrc.gov*. An electronic copy of the CoC No. 1025, the revised TS, and the preliminary safety evaluation report (SER) for Amendment 5 can be found under ADAMS Accession Nos. ML063520431, ML063520434, and ML063520440.

CoC No. 1025, the revised TS, the preliminary SER for Amendment No. 5, and the environmental assessment, are available for inspection at the NRC PDR, 11555 Rockville Pike, Rockville, MD. Single copies of these documents may be obtained from Jayne M. McCausland, Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone (301) 415–6219, e-mail *jmm2@nrc.gov*.

FOR FURTHER INFORMATION CONTACT: Jayne M. McCausland, Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone (301) 415–6219, e-mail *jmm2@nrc.gov*.

SUPPLEMENTARY INFORMATION:

Background

Section 218(a) of the Nuclear Waste Policy Act of 1982, as amended (NWPA), requires that ''[t]he Secretary [of the Department of Energy (DOE)] shall establish a demonstration program, in cooperation with the private sector, for the dry storage of spent nuclear fuel at civilian nuclear power reactor sites, with the objective of establishing one or more technologies that the [Nuclear Regulatory] Commission may, by rule, approve for use at the sites of civilian nuclear power reactors without, to the maximum extent practicable, the need for additional site-specific approvals by the Commission.'' Section 133 of the NWPA states, in part, that ''[t]he Commission shall, by rule, establish procedures for the licensing of any technology approved by the Commission under Section 218(a) for use at the site of any civilian nuclear power reactor.''

To implement this mandate, the NRC approved dry storage of spent nuclear fuel in NRC-approved casks under a general license by publishing a final rule in 10 CFR part 72 entitled, ''General License for Storage of Spent Fuel at Power Reactor Sites'' (55 FR 29181; July 18, 1990). This rule also established a new Subpart L within 10 CFR part 72, entitled ''Approval of Spent Fuel Storage Casks'' containing procedures and criteria for obtaining NRC approval of spent fuel storage cask designs. The NRC subsequently issued a final rule on March 9, 2000 (65 FR 12444), that approved the NAC–MPC cask design and added it to the list of NRC-approved cask designs in 10 CFR 72.214 as CoC No. 1025.

Discussion

On July 17, 2006, and as supplemented on September 13, 2006, the certificate holder, NAC, submitted an application to the NRC requesting modifications to CoC No. 1025 by: (1) Revising the TS to incorporate changes to the reporting and monitoring requirements to allow for visual inspection of the air inlet and outlet vents instead of thermal monitoring; (2) revising the TS to incorporate guidance from NRC Interim Staff Guidance (ISG)–22 and replace all references to backfilling the cask with air to backfilling with inert gas; and (3) revising the CoC description to remove the requirement for tamper-indicating devices on the Vertical Concrete Casks. Also, the amendment includes several editorial changes to improve the clarity of the documents associated with the NAC–MPC system. No other changes to the NAC–MPC cask design were requested in this application. The NRC staff performed a detailed safety evaluation of the proposed CoC amendment request and found that an acceptable safety margin is maintained. In addition, the NRC staff has determined that there continues to be reasonable assurance that public health and safety and the environment will be adequately protected.

This direct final rule revises the NAC–MPC cask design listing in 10 CFR 72.214 by adding Amendment No. 5 to CoC No. 1025. The amendment consists of changes to the CoC by revising the TS to incorporate changes to the reporting and monitoring requirements to allow for visual inspection of the air inlet and outlet vents instead of thermal monitoring, revising the TS to incorporate guidance from NRC ISG–22 and replace all references to backfilling the cask with air to backfilling with inert gas, revising the CoC description to remove the requirement for tamper-indicating devices on the Vertical Concrete Casks, and including several editorial changes to improve the clarity of the documents associated with the NAC–MPC system. The particular TS that are changed are identified in the NRC staff's SER for Amendment No. 5.

The amended NAC–MPC cask design, when used under the conditions specified in the CoC, the TS, and NRC regulations, will meet the requirements of Part 72; thus, adequate protection of public health and safety will continue to be ensured.

Discussion of Amendments by Section

Section 72.214 List of Approved Spent Fuel Storage Casks

Certificate No. 1025 is revised by adding the effective date of Amendment No. 5.

Procedural Background

This rule is limited to the changes contained in Amendment 5 to CoC No. 1025 and does not include other aspects of the NAC–MPC cask design. The NRC is using the ''direct final rule procedure'' to issue this amendment because it represents a limited and routine change to an existing CoC that is expected to be noncontroversial. Adequate protection of public health and safety continues to be ensured. The amendment to the rule will become effective on July 24, 2007. However, if the NRC receives significant adverse comments by June 11, 2007, then the NRC will publish a document that withdraws this action and will subsequently address the comments received in a final rule as a response to the companion proposed rule published elsewhere in this **Federal Register**. The NRC will not initiate a second comment period on this action.

A significant adverse comment is a comment where the commenter explains why the rule would be inappropriate, including challenges to the rule's underlying premise or approach, or would be ineffective or unacceptable without a change. For example, a substantive response is required when:

(1) The comment opposes the rule and provides a reason sufficient to require a substantive response in a notice-and-comment process. For example, in a substantive response:

(a) The comment causes the NRC staff to reevaluate (or reconsider) its position or conduct additional analysis;

(b) The comment raises an issue serious enough to warrant a substantive response to clarify or complete the record; or

(c) The comment raises a relevant issue that was not previously addressed or considered by the NRC staff.

(2) The comment proposes a change or an addition to the rule, and it is apparent that the rule would be ineffective or unacceptable without incorporation of the change or addition.

(3) The comment causes the NRC staff to make a change (other than editorial) to the rule, CoC, or TS.

Voluntary Consensus Standards

The National Technology Transfer and Advancement Act of 1995 (Pub. L. 104–113) requires that Federal agencies use technical standards that are developed or adopted by voluntary consensus standards bodies unless the use of such a standard is inconsistent with applicable law or otherwise impractical. In this direct final rule, the NRC will revise the NAC–MPC cask design listed in § 72.214 (List of NRC-approved spent fuel storage cask designs). This action does not constitute the establishment of a standard that contains generally applicable requirements.

Agreement State Compatibility

Under the ''Policy Statement on Adequacy and Compatibility of Agreement State Programs'' approved by the Commission on June 30, 1997, and published in the **Federal Register** on September 3, 1997 (62 FR 46517), this rule is classified as Compatibility Category ''NRC.'' Compatibility is not required for Category ''NRC'' regulations. The NRC program elements in this category are those that relate directly to areas of regulation reserved to the NRC by the Atomic Energy Act of 1954, as amended (AEA), or the provisions of Title 10 of the Code of Federal Regulations. Although an Agreement State may not adopt program elements reserved to NRC, it may wish to inform its licensees of certain requirements via a mechanism that is consistent with the particular State's administrative procedure laws but does not confer regulatory authority on the State.

Plain Language

The Presidential Memorandum, ''Plain Language in Government Writing,'' published June 10, 1998 (63 FR 31883), directed that the Government's documents be in clear and accessible language. The NRC requests comments on this direct final rule specifically with respect to the clarity and effectiveness of the language used. Comments should be sent to the address listed under the heading **ADDRESSES** above.

Finding of No Significant Environmental Impact: Availability

Under the National Environmental Policy Act of 1969, as amended, and the NRC regulations in Subpart A of 10 CFR part 51, the NRC has determined that this rule, if adopted, would not be a major Federal action significantly affecting the quality of the human environment and, therefore, an environmental impact statement is not required. The NRC has prepared an environmental assessment and, on the basis of this environmental assessment, has made a finding of no significant impact. This rule will amend the CoC for the NAC–MPC cask design within the list of approved spent fuel storage casks that power reactor licensees can use to store spent fuel at reactor sites under a general license. The amendment will incorporate changes to the reporting and monitoring requirements to allow for visual inspection of the air inlet and outlet vents instead of thermal monitoring, incorporate guidance from NRC ISG–22 and replace all references to backfilling the cask with air to backfilling with inert gas, revise the CoC description to remove the requirement for tamper-indicating devices on the Vertical Concrete Casks, and make several editorial changes to improve the clarity of the documents associated with the NAC–MPC system. The environmental assessment and finding of no significant impact on which this determination is based are available for inspection at the NRC Public Document Room, 11555 Rockville Pike, Rockville, MD. Single copies of the environmental assessment and finding of no significant impact are available from Jayne M. McCausland, Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone (301) 415–6219, e-mail *jmm2@nrc.gov*.

Paperwork Reduction Act Statement

This direct final rule does not contain a new or amended information collection requirement subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). Existing requirements were approved by the Office of Management and Budget, Approval Number 3150–0132, 10 CFR Part 72.

Public Protection Notification

The NRC may not conduct or sponsor, and a person is not required to respond to, a request for information or an information collection requirement unless the requesting document displays a currently valid OMB control number.

Regulatory Analysis

On July 18, 1990 (55 FR 29181), the NRC issued an amendment to 10 CFR part 72 to provide for the storage of spent nuclear fuel under a general license in cask designs approved by the NRC. Any nuclear power reactor licensee can use NRC-approved cask designs to store spent nuclear fuel if it notifies the NRC in advance, spent fuel is stored under the conditions specified in the cask's CoC, and the conditions of the general license are met. A list of NRC-approved cask designs is contained in 10 CFR 72.214. On March 9, 2000 (65 FR 12444), the NRC issued an amendment to part 72 that approved the NAC–MPC cask design by adding it to the list of NRC-approved cask designs in 10 CFR 72.214. On July 17, 2006, and as supplemented on September 13, 2006, the certificate holder, NAC, submitted an application to the NRC to amend CoC No. 1025 to revise TS to incorporate changes to the reporting and monitoring requirements to allow for visual inspection of the air inlet and outlet vents instead of thermal monitoring under the general license provisions of 10 CFR part 72, incorporate guidance from NRC ISG–22 and replace all references to backfilling the cask with air to backfilling with inert gas, revise the CoC description to remove the requirement for tamper-indicating devices on the Vertical Concrete Casks, and include several editorial changes to improve the clarity of the documents associated with the NAC–MPC system.

The alternative to this action is to withhold approval of Amendment No. 5 and to require any part 72 licensee seeking to use Amendment No. 5 to request an exemption from the requirements of 10 CFR 72.212 and 72.214. Under this alternative, each interested part 72 licensee would have to prepare, and the NRC would have to review, a separate exemption request, thereby increasing the administrative burden upon the NRC and the costs to each licensee.

Approval of the direct final rule is consistent with previous NRC actions. Further, the direct final rule will have no adverse effect on public health and safety. This direct final rule has no significant identifiable impact or benefit on other Government agencies. Based on this regulatory analysis, the NRC concludes that the requirements of the direct final rule are commensurate with the NRC's responsibilities for public health and safety and the common defense and security. No other available alternative is believed to be as satisfactory, and thus, this action is recommended.

Regulatory Flexibility Certification

Under the Regulatory Flexibility Act of 1980 (5 U.S.C. 605(b)), the NRC certifies that this rule will not, if issued, have a significant economic impact on a substantial number of small entities. This direct final rule affects only the licensing and operation of nuclear power plants, independent spent fuel

storage facilities, and NAC. The companies that own these plants do not fall within the scope of the definition of ''small entities'' set forth in the Regulatory Flexibility Act or the size standards established by the NRC (10 CFR 2.810).

Backfit Analysis

The NRC has determined that the backfit rule (10 CFR 72.62) does not apply to this direct final rule because this amendment does not involve any provisions that would impose backfits as defined in 10 CFR Chapter I. Therefore, a backfit analysis is not required.

Congressional Review Act

Under the Congressional Review Act of 1996, the NRC has determined that this action is not a major rule and has verified this determination with the Office of Information and Regulatory Affairs, Office of Management and Budget.

List of Subjects in 10 CFR Part 72

Administrative practice and procedure, Criminal penalties, Manpower training programs, Nuclear materials, Occupational safety and health, Penalties, Radiation protection, Reporting and recordkeeping requirements, Security measures, Spent fuel, Whistleblowing.

■ For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; and 5 U.S.C. 552 and 553; the NRC is adopting the following amendments to 10 CFR part 72.

PART 72—LICENSING REQUIREMENTS FOR THE INDEPENDENT STORAGE OF SPENT NUCLEAR FUEL, HIGH-LEVEL RADIOACTIVE WASTE, AND REACTOR-RELATED GREATER THAN CLASS C WASTE

■ 1. The authority citation for part 72 continues to read as follows:

Authority: Secs. 51, 53, 57, 62, 63, 65, 69, 81, 161, 182, 183, 184, 186, 187, 189, 68 Stat. 929, 930, 932, 933, 934, 935, 948, 953, 954, 955, as amended; sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2071, 2073, 2077, 2092, 2093, 2095, 2099, 2111, 2201, 2232, 2233, 2234, 2236, 2237, 2238, 2282); sec. 274, Pub. L. 86–373, 73 Stat. 688, as amended (42 U.S.C. 2021); sec. 201, as amended, 202, 206, 88 Stat. 1242, as amended; 1244, 1246 (42 U.S.C. 5841, 5842, 5846); Pub. L. 95–601, sec. 10, 92 Stat. 2951, as amended by Pub. L. 102–486, sec. 7902, 106 Stat. 3123 (42 U.S.C. 5851); sec. 102, Pub. L. 91–190, 83 Stat. 853 (42 U.S.C. 4332); secs. 131, 132, 133, 135, 137, 141, Pub. L. 97–425, 96 Stat. 2229, 2230, 2232, 2241; sec. 148, Pub. L. 100–203, 101 Stat. 1330–235 (42 U.S.C. 10151, 10152, 10153, 10155, 10157, 10161, 10168); sec. 1704, 112 Stat. 2750 (44 U.S.C. 3504 note); sec. 651(e), Pub. L. 109–58, 119 Stat. 806–10 (42 U.S.C. 2014, 2021, 2021b, 2111).

Section 72.44(g) also issued under secs. 142(b) and 148(c), (d), Pub. L. 100–203, 101 Stat. 1330–232, 1330–236 (42 U.S.C. 10162(b), 10168(c),(d)). Section 72.46 also issued under sec. 189, 68 Stat. 955 (42 U.S.C. 2239); sec. 134, Pub. L. 97–425, 96 Stat. 2230 (42 U.S.C. 10154). Section 72.96(d) also issued under sec. 145(g), Pub. L. 100–203, 101 Stat. 1330–235 (42 U.S.C. 10165(g)). Subpart J also issued under secs. 2(2), 2(15), 2(19), 117(a), 141(h), Pub. L. 97–425, 96 Stat. 2202, 2203, 2204, 2222, 2244 (42 U.S.C. 10101, 10137(a), 10161(h)). Subparts K and L are also issued under sec. 133, 98 Stat. 2230 (42 U.S.C. 10153) and sec. 218(a), 96 Stat. 2252 (42 U.S.C. 10198).

■ 2. In § 72.214, Certificate of Compliance 1025 is revised to read as follows:

§ 72.214 List of approved spent fuel storage casks.

* * * * *

Certificate Number: 1025.

Initial Certificate Effective Date: April 10, 2000.

Amendment Number 1 Effective Date: November 13, 2001.

Amendment Number 2 Effective Date: May 29, 2002.

Amendment Number 3 Effective Date: October 1, 2003.

Amendment Number 4 Effective Date: October 27, 2004.

Amendment Number 5 Effective Date: July 24, 2007.

SAR Submitted by: NAC International, Inc.

SAR Title: Final Safety Analysis Report for the NAC Multi-Purpose Canister System (NAC–MPC System).

Docket Number: 72–1025.

Certificate Expiration Date: April 10, 2020.

Model Number: NAC–MPC.

* * * * *

Dated at Rockville, Maryland, this 24th day of April, 2007.

For the Nuclear Regulatory Commission.

Martin J. Virgilio,

Acting Executive Director for Operations.

[FR Doc. E7–9008 Filed 5–9–07; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2007–27283; Directorate Identifier 2007–NE–05–AD; Amendment 39–15046; AD 2007–10–05]

RIN 2120–AA64

Airworthiness Directives; General Electric Company (GE) GE90 Series Turbofan Engines

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

ACTION: Final rule; request for comments.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for GE GE90–110B1, –113B, and –115B series turbofan engines with certain Turbine Center Frames (TCFs) installed. This AD requires removing certain TCFs, listed by part number (P/N) in this AD, from service before exceeding 14,300 flight cycles. This AD results from a report that GE inadvertently omitted some TCF P/Ns from the Airworthiness Limitations Section (ALS) of the engine manual. We are issuing this AD to prevent structural failure of the TCF with uncontained failure of low pressure turbine (LPT) rotating parts. Uncontained failure of the LPT rotating parts could result in damage to the airplane and possible loss of control of the airplane.

DATES: This AD becomes effective June 14, 2007.

We must receive any comments on this AD by July 9, 2007.

ADDRESSES: Use one of the following addresses to comment on this 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.

FOR FURTHER INFORMATION CONTACT: Antonio Cancelliere, Aerospace Engineer, Engine Certification Office,

FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; telephone (781) 238–7751; fax (781) 238–7199.

SUPPLEMENTARY INFORMATION: On January 12, 2007, we received a report from GE that they had inadvertently omitted six TCFs P/Ns from the ALS of the engine manual. GE introduced an improved, redesigned TCF after the initial engine certification. GE identified the new designs with new P/Ns. The TCF is a life-limited part. Engine life-limited parts are listed in the ALS of the Engine Manual and must be removed from service at or before reaching their life limit. Because GE has not included in the ALS all the TCF P/Ns that are currently in service, operators might not be tracking the accumulated flight cycles on those P/N TCFs. Exceeding the TCF life limit will exceed the low-cycle fatigue design capability of the material structure. If the TCF fails, the LPT structure could fail with rotating parts liberating and impacting the fuselage of the airplane. This condition, if not corrected, could result in loss of control of the airplane.

FAA's Determination and Requirements of This AD

Although no airplanes that are registered in the United States, use these engines, the possibility exists that the engines could be used on airplanes that are registered in the United States in the future. The unsafe condition described previously is likely to exist or develop on other engines of the same type design. We are issuing this AD to prevent structural failure of the TCF with uncontained failure of LPT rotating parts. Uncontained failure of the LPT rotating parts could result in damage to the airplane and possible loss of control of the airplane. This AD requires removing from service certain TCFs, listed by P/N in this AD, at or before accumulating 14,300 flight cycles.

FAA's Determination of the Effective Date

Since there are currently no domestic operators of this engine model, notice and opportunity for public comment before issuing this AD are unnecessary. A situation exists that allows the immediate adoption of this regulation.

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–2007–27283; Directorate Identifier 2007–NE–05–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 adding the following new airworthiness directive:

2007–10–05 General Electric Company: Amendment 39–15046 Docket No. FAA–2007–27283; Directorate Identifier 2007–NE–05–AD.

Effective Date

(a) This airworthiness directive (AD) becomes effective June 14, 2007.

Affected ADs

(b) None.

Applicability

(c) This AD applies to General Electric Company (GE) GE90–110B1, –113B, and –115B series engines with a Turbine Center Frame (TCF) that has a part number listed in the following Table 1 of this AD installed. These engines are installed on, but not limited to, Boeing 777–200LR and 777–300ER series airplanes.

TABLE 1.—TURBINE CENTER FRAME LIFE LIMIT BY P/N

Part No.	Life limitation in flight cycles
2061M60G09	14,300
2061M60G22	14,300
2061M60G23	14,300
2061M60G24	14,300
2061M60G26	14,300
2061M60G27	14,300

Unsafe Condition

(d) This AD results from a report that GE inadvertently omitted some TCF P/Ns from the Airworthiness Limitations Section (ALS) of the engine manual. We are issuing this AD to prevent structural failure of the TCF with uncontained failure of low pressure turbine (LPT) rotating parts. Uncontained failure of the LPT rotating parts could result in damage to the airplane and possible loss of control of the airplane.

Compliance

(e) You are responsible for having the actions required by this AD performed within the compliance times specified unless the actions have already been done.

Modify the Airworthiness Limitations Section of the Engine Manual

(f) Within 30 days after the effective date of this AD, revise the Airworthiness Limitations Section of the applicable Engine Manual to include the TCF P/Ns and flight cycle limitation specified in Table 1 of this AD.

(g) After the effective date of this AD, except as provided in paragraph (h) of this AD, we will not approve any alternative replacement times for a TCF with a P/N listed in Table 1 of this AD.

Alternative Methods of Compliance

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

Related Information

(i) None.

Issued in Burlington, Massachusetts, on May 3, 2007.

Peter A. White,

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

[FR Doc. E7–8990 Filed 5–9–07; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 121 and 135

[Docket No. FAA–2002–6717; Amendment Nos. 121–329, 135–108]

RIN 2120–AI03

Extended Operations (ETOPS) of Multi-Engine Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; correction.

SUMMARY: The Federal Aviation Administration is correcting a final rule published in the **Federal Register** on January 16, 2007 (72 FR 1808). That final rule applied to air carrier (part 121), commuter, and on-demand (part 135) turbine powered multi-engine airplanes used in passenger-carrying, and some all-cargo, extended-range operations. This amendment adds the Office of Management and Budget (OMB) Information Collection Control Number indicating approval of the information collection requirements of the final rule. This amendment also makes three corrections: In part 135, it corrects the dual maintenance paragraph to conform to part 121 and deletes a redundant defining of ''adequate airport''; in part 121 it corrects the rule language applicable to those persons who must accomplish and certify by signature the completion of ETOPS tasks; and in parts 121 and 135 it corrects the hours required for notification of maintenance problems based on an earlier FAA rulemaking. None of these changes is substantive, but will clarify the final rule for the affected public.

DATES: These amendments become effective May 10, 2007.

FOR FURTHER INFORMATION CONTACT: For technical information on operational issues, contact Robert Reich, Flight Standards Service, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591; telephone (202) 267–8166; facsimile (202) 267–5229; e-mail *Robert.Reich@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The final rule, Extended Operations (ETOPS) of Multi-engine Airplanes, applied to air carrier (part 121), commuter, and on-demand (part 135) turbine powered multi-engine airplanes used in passenger-carrying, extended-range operations. (January 16, 2007; 72 FR 1808) All-cargo operations in airplanes with more than two engines of both part 121 and part 135 were exempted from the majority of this rule. The rule established regulations governing the design, operation and maintenance of certain airplanes operated on flights that fly long distances from an adequate airport. It codified current FAA policy, industry best practices and recommendations, as well as international standards designed to ensure long-range flights will continue to operate safely. To ease the transition for current operators, the rule included delayed compliance dates for certain ETOPS requirements.

Information Collection Requirements Control Number

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)), the FAA submitted a copy of the new information collection requirements in this final rule to the Office of Management and Budget for its review. OMB approved the collection of this information and assigned OMB Control Number 2120–0718.

Explanation of Corrections

Part 135 Conforming Changes for Appendix G

Following publication of the final rule, it was brought to the attention of the FAA that the concept of ''dual maintenance'' in the final rule did not codify existing FAA ETOPS guidance as published in the notice of proposed rulemaking. Essentially, the final rule would have prohibited the maintenance of more than one ETOPS significant system during the same maintenance visit. The FAA published a correction to the final rule on February 15, 2007, revising this language for part 121. (See 72 FR 7346; 15 February, 2007.) Today's amendment makes the same change for 14 CFR 135 in appendix G, section G135.2.8 (c). Section G135.2.8 (c) is changed to read:

''(c) *Limitations on dual maintenance.*

(1) Except as specified in paragraph G135.2.8 (c) (2) of this appendix, the certificate holder may not perform scheduled or unscheduled dual maintenance during the same maintenance visit on the same or a substantially similar ETOPS Significant System listed in the ETOPS maintenance document, if the improper maintenance could result in the failure of an ETOPS Significant System.

(2) In the event dual maintenance as defined in paragraph G135.2.8 (c) (1) of this appendix can not be avoided, the certificate holder may perform maintenance provided:

(i) The maintenance action on each affected ETOPS Significant System is performed by a different technician, or

(ii) The maintenance action on each affected ETOPS Significant System is

performed by the same technician under the direct supervision of a second qualified individual; and

(iii) For either paragraph G135.2.8 (c) (2) (i) or (ii) of this appendix, a qualified individual conducts a ground verification test and any in-flight verification test required under the program developed pursuant to paragraph G135.2.8 (d) of this appendix.''

Also in part 135, the FAA notes a redundancy in § 135.364, Maximum flying time outside the United States. Paragraph (b) repeats the definition of ''adequate airport'', which is found in section G135.1.1, and adds other references that may be confusing. Therefore, the FAA deletes paragraph (b) of this section as unnecessary to the final rule. Section 135.364 now reads—

''**§ 135.364 Maximum flying time outside the United States.**

After February 15, 2008, no certificate holder may operate an airplane, other than an all-cargo airplane with more than two engines, on a planned route that exceeds 180 minutes flying time (at the one-engine-inoperative cruise speed under standard conditions in still air) from an Adequate Airport outside the continental United States unless the operation is approved by the FAA in accordance with Appendix G of this part, Extended Operations (ETOPS).''

14 CFR 121.374(e), Task Identification

The second change is made to the language of section 121.374(e) that calls for an ''appropriately certificated'' mechanic to certify by signature that the ETOPS specific task has been performed. In the final rule, paragraph (e) of 14 CFR 121.374 reads—

''(e) *Task identification.* The certificate holder must identify all ETOPS-specific tasks. An appropriately certificated mechanic who is ETOPS Qualified must accomplish and certify by signature that the ETOPS-specific task has been completed.''

In the NPRM, the wording was for a ''qualified mechanic'' to perform this task. In reviewing the section, the FAA has determined that the appropriate term is ''trained mechanic.'' There is no specific ETOPS certification that a person could present to prove ''certification'' or ''qualification,'' but a properly ''trained'' mechanic who is ''ETOPS qualified'' is a term understood by the ETOPS community. Thus, section 121.374(e) now reads:

''(e) *Task identification.* The certificate holder must identify all ETOPS -specific tasks. An appropriately trained mechanic who is ETOPS qualified must accomplish and certify by signature that the ETOPS-specific task has been completed.''

Conforming Change—14 CFR 121.374(h)(1) and appendix G of 14 CFR 135 to 14 CFR 121.703(d)

The third change conforms the reporting hours in 14 CFR 121.374 and appendix G, section G135.2.8.(h), to a rule change in 14 CFR 121.703 (d) and 135.415 (d) that the FAA made just before the ETOPS rule was published.

On December 29, 2005 (70 FR 76974), the FAA amended 14 CFR parts 121.703(d) and 135.415(d), Service Difficulty Reports (SDR), to change the reporting time required from 72 hours to 96 hours. The FAA made this change to give operators more time to report, thus reducing the number of supplemental SDR that must be filed.

''(d) Each certificate holder shall submit each report required by this section, covering each 24-hour period beginning at 0900 local time of each day and ending at 0900 local time on the next day, to the FAA offices in Oklahoma City, Oklahoma. Each report of occurrences during a 24-hour period shall be submitted to the collection point within the next 96 hours. However, a report due on Saturday or Sunday may be submitted on the following Monday, and a report due on a holiday may be submitted on the next work day.''

So that the ETOPS rule is not in conflict with the SDR rule, the FAA amends section 121.374(h)(1) to read:

''(h) Reliability program * * *

(1) The certificate holder must report the following events within 96 hours of the occurrence to its certificate holding district office (CHDO):''

And, we make the same change in G135.2.8 (h):

''(h) *Enhanced Continuing Analysis and Surveillance System (E–CASS) program.* A certificate holder's existing CASS must be enhanced to include all elements of the ETOPS maintenance program. In addition to the reporting requirements of § 135.415 and § 135.417, the program includes reporting procedures, in the form specified in § 135.415(e), for the following significant events detrimental to ETOPS within 96 hours of the occurrence to the certificate holding district office (CHDO): * * *''

List of Corrections

Part 121—Section 121.374 (e) is re-written to clarify that that a ''properly trained mechanic'' is to certify ETOPS maintenance.

Part 121—In section 121.374(h)(1), ''72 hours'' is changed to ''96 hours.''

Part 135—In section 135.364, paragraph (b) is deleted.

Part 135—In appendix G, section G135.2.8 (c) is changed to conform to section 121.374(c).

Part 135—In appendix G, in section G135.2.8(h), ''72 hours'' is changed to ''96 hours''.

List of Subjects

14 CFR Part 121

Air carriers, Aircraft, Airmen, Alcohol abuse, Aviation safety, Drug abuse, Drug testing, Reporting and recordkeeping requirements, Safety, Transportation.

14 CFR Part 135

Air taxis, Aircraft, Airmen, Alcohol abuse, Aviation safety, Drug abuse, Drug testing, Reporting and recordkeeping requirements.

The Amendment

■ Accordingly, the Federal Aviation Administration amends 14 CFR parts 121 and 135 as follows:

PART 121—OPERATING REQUIREMENTS: DOMESTIC, FLAG, AND SUPPLEMENTAL OPERATIONS

■ 1. The authority citation for part 121 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 40119, 41706, 44101, 44701–44702, 44705, 44709–44711, 44713, 44716–44717, 44722, 44901, 44903–44904, 44912, 45101–45105, 46105, 46301.

■ 2. In § 121.374, revise paragraphs (e) and (h)(1) introductory text to read as follows:

§ 121.374 Continuous airworthiness maintenance program (CAMP) for two-engine ETOPS.

* * * * *

(e) *Task identification.* The certificate holder must identify all ETOPS-specific tasks. An appropriately trained mechanic who is ETOPS qualified must accomplish and certify by signature that the ETOPS-specific task has been completed.

* * * * *

(h) * * *

(1) The certificate holder must report the following events within 96 hours of the occurrence to its certificate holding district office (CHDO):

* * * * *

PART 135—OPERATING REQUIREMENTS; COMMUTER AND ON DEMAND OPERATION AND RULES GOVERNING PERSONS ON BOARD SUCH AIRCRAFT

■ 3. The authority citation for part 135 continues to read as follows:

Authority: 49 U.S.C. 106(g), 41706, 44113, 44701–44702, 44705, 44709, 44711–44713, 44715–44717, 44722.

■ 4. Revise § 135.364 to read as follows:

§ 135.364 Maximum flying time outside the United States.

After February 15, 2008, no certificate holder may operate an airplane, other than an all-cargo airplane with more than two engines, on a planned route that exceeds 180 minutes flying time (at the one-engine-inoperative cruise speed under standard conditions in still air) from an Adequate Airport outside the continental United States unless the operation is approved by the FAA in accordance with Appendix G of this part, Extended Operations (ETOPS).

■ 5. In appendix G of part 135, in section G135.2.8, revise paragraph (c) and the introductory text to paragraph (h) to read as follows:

Appendix G to Part 135—Extended Operations (ETOPS)

* * * * *

G135.2.8 Maintenance Program Requirements

* * * * *

(c) *Limitations on dual maintenance.* (1) Except as specified in paragraph G135.2.8(c)(2) of this appendix, the certificate holder may not perform scheduled or unscheduled dual maintenance during the same maintenance visit on the same or a substantially similar ETOPS Significant System listed in the ETOPS maintenance document, if the improper maintenance could result in the failure of an ETOPS Significant System.

(2) In the event dual maintenance as defined in paragraph G135.2.8(c)(1) of this appendix cannot be avoided, the certificate holder may perform maintenance provided:

(i) The maintenance action on each affected ETOPS Significant System is performed by a different technician, or

(ii) The maintenance action on each affected ETOPS Significant System is performed by the same technician under the direct supervision of a second qualified individual; and

(iii) For either paragraph G135.2.8(c)(2)(i) or (ii) of this appendix, a qualified individual conducts a ground verification test and any in-flight verification test required under the program developed pursuant to paragraph G135.2.8(d) of this appendix.

* * * * *

(h) *Enhanced Continuing Analysis and Surveillance System (E–CASS) program.* A certificate holder's existing CASS must be enhanced to include all elements of the ETOPS maintenance program. In addition to the reporting requirements of § 135.415 and § 135.417, the program includes reporting procedures, in the form specified in § 135.415(e), for the following significant events detrimental to ETOPS within 96 hours of the occurrence to the certificate holding district office (CHDO):

* * * * *

Issued in Washington, DC, on May 2, 2007.

Rebecca MacPherson,

Assistant Chief Counsel, Regulations Division.

[FR Doc. E7–8810 Filed 5–9–07; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 9323]

RIN 1545–BF64

Revisions to Regulations Relating to Repeal of Tax on Interest of Nonresident Alien Individuals and Foreign Corporations Received From Certain Portfolio Debt Investments; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Correction to final regulations.

SUMMARY: This document contains corrections to final regulations (TD 9323) that were published in the **Federal Register** on Thursday, April 12, 2007 (72 FR 18386) relating to the exclusion from gross income of portfolio interest paid to a nonresident alien individual or foreign corporation.

DATES: The correction is effective May 10, 2007.

FOR FURTHER INFORMATION CONTACT: Kathryn Holman of the Office of the Associate Chief Counsel (International), (202) 622–3840 (not a toll-free call).

SUPPLEMENTARY INFORMATION:

Background

The final regulations that are the subject of this correction are under sections 871 and 881 of the Internal Revenue Code.

Need for Correction

As published, final regulations (TD 9323) contain errors that may prove to be misleading and are in need of clarification.

Correction of Publication

Accordingly, the publication of the final regulations (TD 9323), which were the subject of FR Doc. E7–6766, is corrected as follows:

1. On page 18386, column 3, in the preamble, under the paragraph heading ''*1. Time for Applying the 10-Percent Shareholder Test*'', ninth line of the last paragraph of the column, the language ''under section 6031(c) is mailed, or the'' is corrected to read ''under section 6031(b) is mailed, or the''.

2. On page 18387, column 1, in the preamble, under the paragraph heading ''*1. Time for Applying the 10-Percent Shareholder Test*'', tenth line of the first paragraph of the column, the language ''section 6031(c) is mailed or otherwise'' is corrected to read ''section 6031(b) is mailed or otherwise''.

LaNita Van Dyke,

Chief, Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel (Procedure and Administration).

[FR Doc. E7–8923 Filed 5–9–07; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 9323]

RIN 1545–BF64

Revisions to Regulations Relating to Repeal of Tax on Interest of Nonresident Alien Individuals and Foreign Corporations Received From Certain Portfolio Debt Investments; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Correcting amendment.

SUMMARY: This document contains a correction to final regulations (TD 9323) that were published in the **Federal Register** on Thursday, April 12, 2007 (72 FR 18386) relating to the exclusion from gross income of portfolio interest paid to a nonresident alien individual or foreign corporation.

DATES: The correction is effective May 10, 2007.

FOR FURTHER INFORMATION CONTACT: Kathryn Holman of the Office of the Associate Chief Counsel (International), (202) 622–3840 (not a toll-free call).

SUPPLEMENTARY INFORMATION:

Background

The final regulations that are the subject of this correction are under sections 871 and 881 of the Internal Revenue Code.

Need for Correction

As published, final regulations (TD 9323) contain an error that may prove to be misleading and is in need of clarification.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Correction of Publication

■ Accordingly, 26 CFR part 1 is corrected by making the following correcting amendment:

PART 1—INCOME TAXES

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

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

■ **Par. 2.** Section 1.871–14 is amended by revising the second sentence of paragraph (g)(3)(ii) to read as follows:

§ 1.871–14 Rules relating to repeal of tax on interest of nonresident alien individuals and foreign corporations received from certain portfolio debt investments.

* * * * *

(g) * * *

(3) * * *

(ii) * * * For example, in the case of U.S. source interest paid by a domestic corporation to a domestic partnership or withholding foreign partnership (as defined in § 1.1441–5(c)(2)), the 10-percent shareholder test is applied when any distributions that include the interest are made to a foreign partner and, to the extent that a foreign partner's distributive share of the interest has not actually been distributed, on the earlier of the date that the statement required under section 6031(b) is mailed or otherwise provided to such partner, or the due date for furnishing such statement. * * *

* * * * *

LaNita Van Dyke,

Chief, Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel (Procedure and Administration).

[FR Doc. E7–8922 Filed 5–9–07; 8:45 am]

BILLING CODE 4830–01–P

POSTAL SERVICE

39 CFR Part 111

New Standards for First-Class Mail and Priority Mail Services

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: The Postal Service will adopt new mailing standards and prices on May 14, 2007, to support most of the pricing change recommended by the Postal Regulatory Commission and approved by the Governors of the United States Postal Service. After a reconsideration by the Postal Regulatory Commission, we are lowering the price for the Priority Mail flat-rate box to $8.95 from the previously recommended $9.15, and extending the $0.17 nonmachinable surcharge to all nonmachinable single-piece and presorted First-Class Mail letters, regardless of weight.

EFFECTIVE DATE: 12:01 a.m. on May 14, 2007.

FOR FURTHER INFORMATION CONTACT: Joel Walker, 202–268–7261.

SUPPLEMENTARY INFORMATION: The Postal Service's request in Docket No. R2006–1 included mail classification changes, new pricing structures, and price changes for most domestic mailing services. This final rule provides new revisions to *Mailing Standards of the United States Postal Service*, Domestic Mail Manual (DMM) that we will adopt to implement two items that were reconsidered in the R2006–1 pricing change.

You can find more information about the pricing change at *http://www.usps.com/ratecase*, including our proposed and final rules for all of the rate and classification changes. Our Web site provides frequently asked questions, press releases, and *Mailers Companion and MailPro* articles for business mailers. We also posted a new version of the DMM with all of the prices and standards effective May 14, including the reconsidered prices in this final rule. We encourage you to use these materials as you prepare for the pricing change.

Background

The Postal Service Board of Governors set May 14, 2007, as the implementation date for new prices and related changes for all classes of mail and extra services, with the exception of Periodicals mail, which we will implement on July 15, 2007. While the Governors acted to implement all of the Postal Regulatory Commission's recommended rates, they also asked the Commission to reconsider three issues: the prices for Standard Mail flats, the application of the nonmachinable surcharge for First-Class Mail letters, and the price for the Priority Mail flat-rate box.

On April 27, 2007, the Commission issued its Opinion and Recommended Decision on Reconsideration regarding the nonmachinable surcharge for First-Class Mail letters and the price for the Priority Mail flat-rate box. The Commission recommended that we remove the ''1-ounce or less'' limitation on the nonmachinable surcharge for First-Class Mail letters, and charge $8.95 for the Priority Mail flat-rate box. The Postal Service Board of Governors approved the recommended changes and set May 14, 2007, as the effective date.

Summary of First-Class Mail Changes

Letter-rate First-Class Mail pieces with any of the nonmachinable characteristics in DMM 201.2.1 are subject to a $0.17 nonmachinable surcharge. Originally the Commission recommended the surcharge only for pieces weighing 1 ounce or less.

Summary of Priority Mail Changes

The USPS-produced flat-rate box is charged $8.95, not $9.15 as the Commission originally recommended.

We adopt the following amendments to *Mailing Standards of the United States Postal Service*, Domestic Mail Manual (DMM), incorporated by reference in the Code of Federal Regulations. See 39 CFR 111.1.

List of Subjects in 39 CFR Part 111

Administrative practice and procedure, Postal Service.

■ Accordingly, 39 CFR part 111 is amended as follows:

PART 111—[AMENDED]

■ 1. The authority citation for 39 CFR part 111 continues to read as follows:

Authority: 5 U.S.C. 552(a); 39 U.S.C. 101, 401, 403, 404, 414, 3001–3011, 3201–3219, 3403–3406, 3621, 3626, 5001.

■ 2. Revise the following sections of *Mailing Standards of the United States Postal Service*, Domestic Mail Manual (DMM), as follows:

Mailing Standards of the United States Postal Service, Domestic Mail Manual (DMM)

[Revise the rate tables and the text throughout the DMM to apply a $0.17 nonmachinable surcharge to all First-Class Mail letters that meet one or more of the nonmachinable characteristics in 101.1.2.]

100 Retail Mail: Letters, Cards, Flats, and Parcels

* * * * *

120 Retail Mail: Priority Mail

123 Rates and Eligibility

1.0 Priority Mail Rates and Fees

[Revise the rate tables to change the Priority Mail flat-rate box price to $8.95.]

* * * * *

1.5 Flat-Rate Boxes and Envelopes

* * * * *

1.5.1 Flat-Rate Boxes—Rate and Eligibility

[Update the flat-rate box price to $8.95 as follows:]

Each USPS-produced Priority Mail flat-rate box is charged $8.95, regardless of the actual weight of the piece or its destination. Only USPS-produced flat-rate boxes are eligible for the flat-rate box rate.

* * * * *

Neva R. Watson,

Attorney, Legislative.

[FR Doc. E7–9129 Filed 5–9–07; 8:45 am]

BILLING CODE 7710–12–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 9 and 372

[EPA–HQ–TRI–2002–0001; FRL–8311–6]

RIN 2025–AA12

Dioxin and Dioxin-like Compounds; Toxic Equivalency Information; Community Right-To-Know Toxic Chemical Release Reporting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: Under section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA), EPA is finalizing revisions to the reporting requirements for the dioxin and dioxin-like compounds category. The current EPCRA section 313 regulations require facilities to report dioxin and dioxin-like compounds in units of total grams for the entire category, and provide a single generic distribution of the individual dioxin and dioxin-like compounds at the facility. The final rule requires that, in addition to reporting total gram quantities for the category, facilities are required to report the mass quantity of each individual member of the category. The mass quantity data for the individual members of the category will be used by EPA to perform toxic equivalency (TEQ) computations which will be made available to the public. TEQs are a weighted quantity measure based on the toxicity of each member of the dioxin and dioxin-like compounds category relative to the most toxic members of the category, i.e., 2,3,7,8-tetrachlorodibenzo-p-dioxin and 1,2,3,7,8-pentachlorodibenzo-p-dioxin. The final rule also eliminates the reporting of the single generic distribution for the members of the dioxin and dioxin-like compounds category.

DATES: This final rule is effective on July 9, 2007.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–HQ–TRI–2002–0001. All documents in the docket are listed on the www.regulations.gov Web site. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through www.regulations.gov or in hard copy at the Office of Environmental Information (OEI) Docket, EPA/DC, EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OEI Docket is (202) 564–2736.

FOR FURTHER INFORMATION CONTACT: Daniel R. Bushman, Toxics Release Inventory Program Division, Office of Information Analysis and Access (2844T), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: 202–566–0743; fax number: 202–566–0741; e-mail: *bushman.daniel@epamail.epa.gov,* for specific information on this final rule, or for more information on EPCRA section 313, the Toxics Release Inventory (TRI) Information Center, toll free, 1–800–424–9346 or 703–412–9810 in Virginia and Alaska or toll free, TDD 1–800–553–7672.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does This Final Rule Apply to Me?

You may be potentially affected by this final rule if you manufacture, process, or otherwise use dioxin and dioxin-like compounds. Potentially affected categories and entities may include, but are not limited to:

Category	Examples of potentially affected entities
Industry	Facilities included in the following NAICS manufacturing codes (corresponding to SIC codes 20 through 39): 311*, 312*, 313*, 314*, 315*, 316, 321, 322, 323*, 324, 325*, 326*, 327, 331, 332, 333, 334*, 335*, 336, 337*, 339*, 111998*, 211112*, 212234*, 212235*, 212393*, 212399*, 488390*, 511110, 511120, 511130, 511140*, 511191, 511199, 511220, 512230*, 516110*, 541710*, or 811490*. *Exceptions and/or limitations exist for these NAICS codes. Facilities included in the following NAICS codes (corresponding to SIC codes other than SIC codes 20 through 39): 212111, 212112, 212113 (correspond to SIC 12, Coal Mining (except 1241)); or 212221, 212222, 212231, 212234, 212299 (correspond to SIC 10, Metal Mining (except 1011, 1081, and 1094)); or 221111, 221112, 221113, 221119, 221121, 221122 (Limited to facilities that combust coal and/or oil for the purpose of generating power for distribution in commerce) (correspond to SIC 4911, 4931, and 4939, Electric Utilities); or 424690, 425110, 425120 (Limited to facilities previously classified in SIC 5169, Chemicals and Allied Products, Not Elsewhere Classified); or 424710 (corresponds to SIC 5171, Petroleum Bulk Terminals and Plants); or 562112 (Limited to facilities primarily engaged in solvent recovery services on a contract or fee basis (previously classified under SIC 7389, Business Services, NEC)); or 562211, 562212, 562213, 562219, 562920 (Limited to facilities regulated under the Resource Conservation and Recovery Act, subtitle C, 42 U.S.C. 6921 *et seq.*) (correspond to SIC 4953, Refuse Systems).
Federal Government	Federal facilities.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Some of the entities listed in the table have exemptions and/or limitations regarding coverage; other types of entities not listed in the table could also be affected. To determine whether your facility would be affected by this action, you should carefully examine the applicability criteria in part 372 subpart B of Title 40 of the Code of Federal Regulations. If you have questions regarding the applicability of this action to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

II. What Is EPA's Statutory Authority for Taking These Actions?

These actions are taken under sections 313(g), 313(h), and 328 of EPCRA, 42 U.S.C. 11023(g), 11023(h), and 11048, and section 6607 of the Pollution Prevention Act (PPA), 42 U.S.C. 13106.

Section 313 of EPCRA requires certain facilities manufacturing, processing, or otherwise using a listed toxic chemical in amounts above threshold reporting levels, to report their environmental releases of each chemical annually. 42 U.S.C. 11023(a). These reports must be filed by July 1 of each year for the previous calendar year. Facilities also must report pollution prevention and recycling data for such chemicals, pursuant to section 6607 of PPA.

Section 313(g) describes the information that must be submitted annually to EPA, pursuant to EPCRA section 313. Specifically, section 313(g)(1)(C) requires submission of the following information for each listed toxic chemical known to be present at the facility: ''(i) Whether the toxic chemical at the facility is manufactured, processed, or otherwise used, and the general category or categories of use of the chemical. (ii) An estimate of the maximum amounts (in ranges) of the toxic chemical present at the facility at any time during the preceding calendar year. (iii) For each wastestream, the waste treatment or disposal methods employed, and an estimate of the treatment efficiency typically achieved by such methods for that wastestream. (iv) The annual quantity of the toxic chemical entering each environmental medium.'' 42 U.S.C. 11023(g)(1).

Section 313(h) provides that the data collected under EPCRA section 313 are intended to inform persons about the releases of toxic chemicals to the environment; to assist governmental agencies, researchers, and other persons in the conduct of research and data gathering; to aid in the development of appropriate regulations, guidelines, and standards, and for other similar purposes. 42 U.S.C. 11023(h). EPA has long recognized that subsection (h) of section 313 describes the purposes of EPCRA section 313, and has frequently relied on this provision to guide its implementation. See, H.R. Conf. Rep. 99–962 at 299. ([Subsection (h)] ''describes the intended uses of the toxic chemical release forms required to be submitted by this section and expresses the purposes of this section.''); 62 FR 23834; 23835–836 (May 1, 1997) (facility expansion); 64 FR 58666; 58667; 58687–692 (October 29, 1999) (lowering the reporting thresholds for certain persistent bioaccumulative toxic chemicals).

Section 6607(a) of the PPA requires all facilities that report under EPCRA section 313 to also submit ''a toxic chemical source reduction and recycling report for the preceding calendar year.'' 42 U.S.C. 13106(a). Specifically, section 6607(b) requires submission of the following information for each listed toxic chemical: (1) the quantity of the chemical entering any wastestream (or otherwise released into the environment) prior to recycling, treatment, or disposal during the calendar year, and the percentage change from the previous year, excluding any amount reported under paragraph 7; (2) the amount of the chemical recycled (at the facility or elsewhere) during the calendar year, the percentage change from the previous year, and the process of recycling used; (3) the source reduction practices used during the year; (4) the amount expected to be reported under paragraphs (1) and (2) for the 2 succeeding calendar years; (5) a ratio of production in the reporting year to production in the previous year; (6) the techniques used to identify source reduction opportunities; (7) the amount of any toxic chemical released into the environment by a catastrophic event, remedial action or other one-time event, and which is not associated with production processes during the reporting year; and (8) the amount of the chemical treated (at the facility or elsewhere) during the calendar year and the percentage change from the previous year.

Congress granted EPA broad rulemaking authority. EPCRA section 328 provides that the ''Administrator may prescribe such regulations as may be necessary to carry out this chapter.'' 28 U.S.C. 11048.

III. What Did EPA Include in the Proposed Rule?

On March 7, 2005, EPA published a proposed rule to expand the reporting requirements for the EPCRA section 313 dioxin and dioxin-like compounds category (70 FR 10919). The proposal presented three options that would allow for TEQ data to be made available to the public. TEQs are a weighted quantity value based on the toxicity of each member of the dioxin and dioxin-like compounds category relative to the most toxic members of the category, i.e., 2,3,7,8-tetrachlorodibenzo-p-dioxin and 1,2,3,7,8-pentachlorodibenzo-p-dioxin. In order to calculate a TEQ, a toxic equivalent factor (TEF) is assigned to each member of the dioxin and dioxin-like compounds category. TEFs have been established through international agreements, and currently range from 1 to 0.0001. A TEQ is calculated by multiplying the actual grams weight of each dioxin and dioxin-like compound by its corresponding TEF and then summing the results. The number that results from this calculation is referred to as grams TEQ.

A. What Options Did EPA Propose for Making TEQ Data Available?

EPA discussed three options for making TEQ data available to the public for the TRI dioxin and dioxin-like compounds category. Under Option 1, EPA would require that, in addition to reporting the total grams of the dioxin and dioxin-like compounds category, if a facility has information on the distribution of the quantities of the individual members of the dioxin and dioxin-like compounds, the facility must report the TEQ calculated from that distribution for the category. Under Option 2, in addition to reporting the total grams of the dioxin and dioxin-like compounds category, if a facility has information on the distribution of the quantities of the individual members of the dioxin and dioxin-like compounds, the facility must report: (1) The total grams for each member of the category; and (2) the TEQ calculated from that distribution for the category. Under Option 3, the only additional data facilities would need to provide is the individual grams data for each member of the dioxin and dioxin-like compounds category; facilities would not have to calculate and report the TEQ data. Under Option 3, EPA would generate the corresponding TEQ data from the individual grams data reported by the facility and include that TEQ data in the TRI database along with all the grams data reported by the facility. The TEQ data would be provided to the public along with the facility-reported data and EPA would include TEQ data in all of EPA's publications that contain TRI data on dioxin and dioxin-like compounds.

B. What Was EPA's Preferred Option?

EPA stated in the March 7, 2005 notice that Option 3 was the Agency's preferred option for several reasons. First, facilities would not have the burden of tracking TEFs and calculating the TEQ data from the grams data; instead, this burden would be assumed by the Agency. Second, EPA would not have to incorporate the TEF values into the regulations, and therefore would not need to go through rulemaking in order to adopt any internationally accepted revisions. Third, if EPA does all the TEQ calculations electronically there should be fewer errors and improved

data quality, both because there would be fewer opportunities for computational errors, and because there would be less potential for confusion about which were the applicable TEFs as these values change over time. Finally, if EPA calculates the TEQ data rather than having facilities report the data, EPA can recalculate the TEQ data for all of the reporting years once new TEF values are available.

C. What TEF Values Did EPA Propose To Use To Calculate TEQ Data?

EPA proposed to use the TEF scheme developed by the World Health Organization (WHO) in 1998 (Ref. 1). At the time the proposed rule was published, the WHO 1998 scheme was the most recent internationally agreed upon TEF scheme. The TEF values for the members of the dioxin and dioxin-like compounds category under the WHO 1998 scheme are listed below (presented in the order of Chemical Abstracts Service (CAS) Registry Number, chemical name, and TEF value). Since publication of the proposed rule the WHO revised the TEF values in 2005 (Ref. 2). The new WHO 2005 TEF values include four changes to the WHO 1998 values. The changes are listed below in parentheses. In computing TEQs, the agency will use the WHO 2005 TEF values.

01746–01–6, 2,3,7,8-tetrachlorodibenzo-p-dioxin, 1.0;
40321–76–4, 1,2,3,7,8-pentachlorodibenzo-p-dioxin, 1.0;
39227–28–6, 1,2,3,4,7,8-hexachlorodibenzo-p-dioxin, 0.1;
57653–85–7, 1,2,3,6,7,8-hexachlorodibenzo-p-dioxin, 0.1;
19408–74–3, 1,2,3,7,8,9-hexachlorodibenzo-p-dioxin, 0.1;
35822–46–9, 1,2,3,4,6,7,8-heptachlorodibenzo-p-dioxin, 0.01;
03268–87–9, 1,2,3,4,6,7,8,9-octachlorodibenzo-p-dioxin, 0.0001 (0.0003);
51207–31–9, 2,3,7,8-tetrachlorodibenzofuran, 0.1;
57117–41–6, 1,2,3,7,8-pentachlorodibenzofuran, 0.05 (0.03);
57117–31–4, 2,3,4,7,8-pentachlorodibenzofuran, 0.5 (0.3);
70648–26–9, 1,2,3,4,7,8-hexachlorodibenzofuran, 0.1;
57117–44–9, 1,2,3,6,7,8-hexachlorodibenzofuran, 0.1;
72918–21–9, 1,2,3,7,8,9-hexachlorodibenzofuran, 0.1;
60851–34–5, 2,3,4,6,7,8-hexachlorodibenzofuran, 0.1;
67562–39–4, 1,2,3,4,6,7,8-heptachlorodibenzofuran, 0.01;
55673–89–7, 1,2,3,4,7,8,9-heptachlorodibenzofuran, 0.01;
39001–02–0, 1,2,3,4,6,7,8,9-octachlorodibenzofuran, 0.0001 (0.0003).

D. What Other Changes Did EPA Propose?

EPA proposed to collect the additional data for the dioxin and dioxin-like compounds category on a new Form R–D reporting form designed specifically for reporting for this category. The new form would include all the data reported on a Form R plus the additional data EPA proposed to collect under either Options 1, 2, or 3. EPA also proposed to require that all reports for the dioxin and dioxin-like compounds category be filed electronically either through the EPA's Central Data Exchange (CDX) or on diskette. The only other change EPA proposed was to eliminate Section 1.4 from the Form R. Section 1.4 requires reporting a generic distribution of the chemicals included in the dioxin and dioxin-like compounds category, which would no longer be needed under any of the options discussed in the proposed rule.

IV. What Reporting Requirements Has EPA Included in the Final Rule?

This final rule is based upon the reporting requirements of Option 3 from the proposed rule. The final rule requires the reporting of the mass quantities for each individual member of the dioxin and dioxin-like compounds category for each reportable release or waste management activity. Facilities are not required to report any TEQ data. Rather than using a new Form R–D, the final rule requires the reporting of this information on a new four page Form R Schedule 1 (Ref. 3) that is to be submitted as an adjunct to the existing Form R to report for the dioxin and dioxin-like compounds category. Facilities that have any of the information required by this final rule must submit a Form R Schedule 1 in addition to the Form R. EPA is also modifying the Form R by eliminating the generic distribution data reported for the dioxin and dioxin-like compounds category under Section 1.4. EPA is strongly encouraging, but not requiring, that reports for the dioxin and dioxin-like compounds category be filed electronically.

V. For Which Reporting Year Do the Requirements of This Final Rule Apply?

The reporting requirements of this final rule apply to the reporting year beginning January 1, 2008 (for which reports are due July 1, 2009), and to subsequent reporting years. EPA has delayed the implementation of the reporting requirements of this final rule in order to provide sufficient time and resources to make required changes to the TRI database and the TRI–Made Easy (TRI–ME) reporting software. In addition, delaying the implementation will allow more time for the regulated community to become fully aware of the new reporting requirements. The additional time to prepare for the reporting changes should also promote more accurate and consistent reporting.

VI. What Comments Did EPA Receive on the Proposed Rule and What Are EPA's Responses to Those Comments?

EPA received twenty-three comments on the proposed rule. The comments were split into two basic groups; those that generally agreed with one or more of EPA's proposed options and those that disagreed with EPA's proposed options. Of the twenty-three comments received, eighteen were from specific companies or industry groups, three were from environmental organizations, one was from a State agency, and one was from a private citizen. Fifteen of the comments received supported one or more of EPA's proposed options (either Option 2 or 3) while the other eight comments either supported some option that EPA did not propose or did not support any changes to the reporting requirements for the dioxin and dioxin-like compounds category. The following sections of this unit summarize and respond to significant comments. The complete comments and responses can be found in EPA's response to comments document (Ref. 4).

A. What Comments Did EPA Receive Concerning the Proposed Options?

None of the commenters supported proposed Option 1, which would have added TEQ data to the reporting requirements for the dioxin and dioxin-like compounds. The inability to recalculate the TEQ values when TEF values change was a primary reason cited by commenters for why Option 1 was not supported. Eight commenters did not support any of EPA's proposed options, although one of these commenters supported Option 2 if the reporting were voluntary. These commenters either did not support the collection of any TEQ data or suggested alternative ideas for making TEQ data available. A majority of the commenters (15 out of 23) supported either proposed Option 2 or Option 3. EPA believes that Option 3 provides the same level of data as Option 2 at a lower cost to industry while providing the flexibility needed to perform new TEQ calculations if TEF values change in the future. Many of the

commenters that favored Option 2 over Option 3 cited the ability of the facility to check the TEQ values and/or having the TEQ values available with the first public release of the TRI data as reasons they preferred Option 2 over Option 3. As resources allow, EPA intends to address both of these concerns by taking the following actions: (1) providing a TEQ calculator within the Agency's TRI–ME TRI reporting software, so that facilities will be able to see the TEQ values that EPA will calculate from the facility's reported grams data; and (2) making the TEQ values available to the public starting with the first public release of the data (which is currently the electronic Facility Data Release). EPA believes that these actions address most of the issues raised by those commenters that favored Option 2 over Option 3. Some commenters were also concerned about the TEF values not being included in the regulatory text and felt they should be included so that there would be a formal process before EPA could change the TEF values. EPA has not included the TEF values in the regulatory text since facilities are not required to report TEQ data under this final rule; the TEF values thus do not affect TRI reporting obligations. While the TEF values are not part of the final rule, EPA plans to give public notice of any changes to the TEF values. There has been a strong consensus from the commenters that the TEF values developed by the WHO are the best values to use. The most recent WHO TEF values were developed in 2005 and are the values that EPA plans to use in calculating TEQ values (Ref. 2). EPA does not anticipate changing those values unless there is strong international consensus to do so.

B. What Other Options Were Suggested in the Comments Received?

1. *TEQ only reporting.* Four commenters stated that EPA should not collect any grams data at all, but rather should collect only TEQ values.

Agency response: Reporting only TEQ values would not address the issue of what happens to the TEQ data once the TEF values change. With TEQ only reporting, once the TEFs change, the previously reported TEQ values would no longer be valid, and no comparisons could be made. In addition, if EPA does all the TEQ calculations electronically there should be fewer errors and improved data quality, both because there would be fewer opportunities for computational errors, and because there would be less potential for confusion about which were the applicable TEFs. The collection of the individual mass data for each member of the category, rather than just TEQ values, also allows data users to understand which chemicals are contributing most to the TEQ value.

The October 29, 1999, rulemaking that finalized the addition of the dioxin and dioxin-like compounds category (64 FR 58666) required reporting in grams of the total dioxin releases. The rationale for selection of that reporting format was articulated in the **Federal Register** (64 FR 58700–58704).

2. *Reporting TEQ values based on Section 1.4 data.* Three commenters proposed alternative options for reporting TEQ values that involved various methods of utilizing or modifying the generic single distribution data reported under Section 1.4 of the Form R to calculate TEQ values. The alternative options proposed by these commenters included: (1) using the current generic Section 1.4 data to calculate and report TEQ values in addition to the current total grams data; (2) using the Section 1.4 data to calculate and report TEQ values rather than any grams data; and (3) using Section 1.4 to report grams for the individual members of the category based on the distribution most representative at the facility (rather than reporting a percentage as currently required) and then using those data to calculate a total TEQ value for the facility.

Agency response: EPA does not believe that any of these suggested alternative options constitute an improvement over the methodology that EPA is finalizing today. Regarding the use of the current Section 1.4 data, EPA's current method of reporting a generic distribution in Section 1.4 can already be applied to all the reported release and waste management data elements to calculate TEQ values for all releases and waste management quantities. However, many industry groups have complained that the single generic distribution data from Section 1.4 does not provide an accurate method of calculating or reporting TEQ values, since the distributions of the individual category compounds can vary significantly for different types of releases and waste management activities. That is the reason that EPA has not used the Section 1.4 data to calculate TEQ values and provide them to the public and one of the reasons some industry groups requested a change in the reporting requirements.

If only TEQ values were to be collected, the TEQ values would not be based on data collected under Section 1.4. Section 1.4 provides a generic distribution that may be specific to one particular release or waste management quantity or may be a facility average. If TEQ values were the only information being collected, they would need to be specific to each reported release or waste management quantity. In addition, EPA is concerned that, since many facilities (approximately 25%) were unable to report any distribution data for the dioxin and dioxin-like compounds category in Section 1.4 of the Form R, those facilities may not be able to report TEQ values. Therefore, if EPA could collect only TEQ data, those facilities not currently reporting a generic distribution would not report anything.

Regarding the proposed alternative to change the Section 1.4 data from percentages to total gram quantities for each member of the category, EPA does not understand how the commenter's proposed alternative method would work. Collecting individual grams data in Section 1.4 based on some kind of total grams data for the facility would not provide TEQ values for all of the release and waste management quantities since those quantities are based on the gram quantities reported for each data element. The commenter's method would only provide a total TEQ value for the facility based on the facility's total grams reported for each dioxin and dioxin-like compound. A facility total TEQ value combines all releases and waste management quantities resulting in a TEQ value of limited use since the type of release or waste management activity can significantly impact potential exposures. Changing the units of Section 1.4 from a percentage distribution to an individual grams distribution actually reduces the utility of the Section 1.4 data, since the data cannot be used to calculate TEQ values for the individual release and waste management quantities without conversion back to percentages.

C. What Legal Issues Were Raised by the Commenters?

1. *Authority to have more than one reporting form.* Two commenters questioned EPA's authority to have more than one reporting form. The commenters cited EPCRA section 313(g) which states that ''* * * the Administrator shall publish a uniform toxic chemical release form for facilities covered by this section * * *'' The commenters contend that the Form R–D would be a unique form and thus EPA would not be providing a ''uniform'' toxic chemical release form for purposes of reporting under EPCRA section 313.

Agency response: The issue of whether the new form violates the requirement in Section 313(g) that EPA

publish a ''uniform toxic chemical release form'' is now moot, because EPA is not developing a new reporting form but is instead modifying the existing Form R by adding a schedule that is to be used by those facilities that report for the dioxin and dioxin-like compounds category and that have the information required by the final rule. The pages of the new Form R Schedule 1 are like any other pages of the Form R in that if a facility has the information required on a certain page they must fill out that page and if they do not have the necessary information then the page is left blank.

2. *Authority to collect data on individual members of a listed category on one reporting form.* One commenter questioned EPA's authority for collecting the annual quantity of each compound within a chemical category being released to each environmental medium on one reporting form. The commenter stated that this is precedent-setting or in terms of Executive Order 12866, it raises ''novel legal or policy issues'' and thus should be subject to OMB review as a significant regulatory action. The commenter suggested that if EPA wants to collect extensive data on 17 compounds, then it should go through the rulemaking process to list each compound separately as a TRI chemical, and ensure each compound meets the criteria for listing.

Agency response: EPA has broad authority to determine how information regarding the members of a chemical category shall be reported (see, e.g., general regulatory authority in EPCRA section 328). Dioxin and dioxin-like compounds occur as a mixture of the members of the category, they are not manufactured, processed, or otherwise used as separate compounds (except for laboratory testing purposes), so the most logical way to report is as a category on one reporting form. EPA already collects specific information on each member of the dioxin and dioxin-like compounds category on the current Form R. This rule only breaks down that information by reportable release or waste management activity. EPA notes that when the Agency via rulemaking added the dioxin and dioxin-like compounds category, it made an express finding that all members of the category met the EPCRA section 313 listing criteria and specifically listed the 17 members of the category (62 FR 24887, May 7, 1997; and 64 FR 58695, October 29, 1999).

Nor is additional rulemaking required in order to collect additional information on one form: The proposed rule and this final rule constitute the necessary rulemaking to collect additional information on members of the dioxin and dioxin-like compounds category on one form.

Regarding Executive Order 12866, OMB has concurred in EPA's determination that this action is not a ''significant regulatory action,'' as defined in EO 12866.

3. *Authority to collect TEQ data.* One commenter does not believe that EPA has the statutory authority to require the reporting of TEQ data for the dioxin and dioxin-like compound category. The commenter stated that the EPCRA section 313 statute and the congressional history only requires the reporting of releases as quantities or amounts of the toxic chemical, and that TEQs are not a quantity or release but an estimate of the risk of dioxin and dioxin-like compounds.

Agency response: EPA disagrees with the commenter's position that EPA does not have the authority to collect TEQ data. But given that EPA is finalizing Option 3 of the proposed rule, which does not require the reporting of TEQ data, the question is moot. Under this option EPA is not collecting any TEQ data and is collecting only individual grams data for the members of the dioxin category. EPA notes that TEQ values alone are not risk data. Rather, TEQ values provide a method to consider the relative hazards of the different members of the category to the most toxic members of the category; relative risk would need to consider exposure.

D. What Other Issues Did the Commenters Raise?

1. *Form R–D.* Nearly all commenters were opposed to EPA's proposed 10-page Form R–D, including most commenters that supported one or more of EPA's proposed options for making TEQ values available to the public. Those commenters that supported one or more of EPA's proposed options felt that only minor changes to the Form R should be made to capture the additional data.

Agency response: EPA did consider making changes to the existing Form R, but there is no way to readily adapt the Form R to capture all the new data elements. The Form R would need to be expanded significantly to incorporate the additional data elements, which would mean that all TRI reporters would have to deal with a longer form just to capture the additional information for one chemical category. However, in response to commenters who do not wish to have an entirely new form for reporting the additional dioxin data, EPA has decided not to proceed with the Form R–D. Instead, EPA has developed a four-page schedule called the Form R Schedule 1, which captures all the additional information required under the final rule. Most commenters wanted little or no changes to the existing Form R. Since the new data are collected on a separate schedule rather than on the main part of the Form R, there will be little change to the main part of the Form R. Facilities are only required to report additional information on the Form R Schedule 1 to the extent that they have readily available or can reasonably estimate the additional information.

2. *Electronic reporting.* EPA proposed to require that all reports for dioxin and dioxin-like compounds be filed electronically. EPA believes that electronic reporting will help reduce the potential for errors that may occur when EPA contractors enter the grams data for the individual members of the dioxin and dioxin-like compounds category. However, nearly all of the commenters objected to EPA requiring that all reports for dioxin and dioxin-like compounds be filed electronically.

Agency response: While EPA strongly encourages the use of electronic reporting, the final rule does not require electronic reporting. EPA notes that hard copy forms significantly slow down data processing, increase EPA costs, and increase the potential for errors. EPA strongly encourages those facilities that decide to report using hard copy to carefully check their electronic Facility Data Profiles each year to make sure that no errors have occurred during data input.

3. *Distribution reporting scheme.* Several commenters requested that EPA modify the proposed Form R–D by reconfiguring the reporting scheme used in Section 1.4 of Form R to conform to that used in common analytical reports. Specifically, each dioxin member of the category should be listed in ascending order of chlorination, followed by each furan member in ascending order of chlorination.

Agency response: While EPA is not finalizing the Form R–D or requiring that facilities report TEQ values, EPA will adjust the numbering scheme for the members of the dioxin and dioxin-like compounds category to be consistent with typical reporting schemes that list the members in order of ascending chlorination (see list below).

Number	CAS No.	Chemical name	Abbreviation
1	01746–01–6	2,3,7,8-Tetrachlorodibenzo-p-dioxin	2,3,7,8-TCDD
2	40321–76–4	1,2,3,7,8-Pentachlorodibenzo-p-dioxin	1,2,3,7,8-PeCDD
3	39227–28–6	1,2,3,4,7,8-Hexachlorodibenzo-p-dioxin	1,2,3,4,7,8-HxCDD
4	57653–85–7	1,2,3,6,7,8-Hexachlorodibenzo-p-dioxin	1,2,3,6,7,8-HxCDD
5	19408–74–3	1,2,3,7,8,9-Hexachlorodibenzo-p-dioxin	1,2,3,7,8,9-HxCDD
6	35822–46–9	1,2,3,4,6,7,8-Heptachlorodibenzo-p-dioxin	1,2,3,4,6,7,8-HpCDD
7	03268–87–9	1,2,3,4,6,7,8,9-Octachlorodibenzo-p-dioxin	1,2,3,4,6,7,8,9-OCDD
8	51207–31–9	2,3,7,8-Tetrachlorodibenzofuran	2,3,7,8-TCDF
9	57117–41–6	1,2,3,7,8-Pentachlorodibenzofuran	1,2,3,7,8-PeCDF
10	57117–31–4	2,3,4,7,8-Pentachlorodibenzofuran	2,3,4,7,8-PeCDF
11	70648–26–9	1,2,3,4,7,8-Hexachlorodibenzofuran	1,2,3,4,7,8-HxCDF
12	57117–44–9	1,2,3,6,7,8-Hexachlorodibenzofuran	1,2,3,6,7,8-HxCDF
13	72918–21–9	1,2,3,7,8,9-Hexachlorodibenzofuran	1,2,3,7,8,9-HxCDF
14	60851–34–5	2,3,4,6,7,8-Hexachlorodibenzofuran	2,3,4,6,7,8-HxCDF
15	67562–39–4	1,2,3,4,6,7,8-Heptachlorodibenzofuran	1,2,3,4,6,7,8-HpCDF
16	55673–89–7	1,2,3,4,7,8,9-Heptachlorodibenzofuran	1,2,3,4,7,8,9-HpCDF
17	39001–02–0	1,2,3,4,6,7,8,9-Octachlorodibenzofuran	1,2,3,4,6,7,8,9-OCDF

This should make it easier for facilities to transfer data from analytical reports to the new Form R Schedule 1.

4. *Economic Costs.* One commenter stated that EPA estimates a modest cost to comply with any of the three options included in the proposed rule. The commenter noted that the industry costs range from about $122,000 to about $170,000 for the first year, while EPA estimates that its own initial cost for implementing the new reporting form would be approximately $1.15 million. The commenter stated that the EPA cost estimate for the Agency is therefore nearly an order of magnitude greater than the estimated total industry cost for the first year. Considering that EPA estimates over 480 parent companies are to be impacted by the reporting requirements, it appears to the commenter that the total industry cost for the first year is substantially underestimated.

Agency response: EPA believes that its estimate for total industry first year cost is reasonable, based on the best engineering judgment used to complete the Form R Schedule 1. The Agency's methodology is transparent and described in detail in Section 4 of the economic analysis (Ref. 5). Section 5 of the economics analysis describes in detail what steps are performed under each of the options and provides estimates for rule familiarization, form completion and recordkeeping cost, and burden. Apart from comparing the estimated industry compliance cost to the administrative cost EPA is estimated to incur, the commenter does not provide any basis for the assertion that total industry cost is underestimated. The Agency does not believe that the proportion of compliance cost to administrative cost is germane to the reasonableness of the Agency's cost and burden estimate for this rulemaking.

Two commenters stated that EPA did not consider industry costs for the reprogramming of their TRI reporting software. One commenter stated that EPA failed to include in its economic impacts any costs incurred by the States that maintain electronic databases and which accept TRI data electronically.

Agency response: The commenters are correct that the Agency did not quantify costs that industry may incur if they need to reprogram their own reporting software. EPA believes that overall such costs should be small since 90 percent of respondents currently use EPA's free TRI–ME reporting software to submit their Form Rs, and EPA will be providing a new version of TRI–ME that accommodates the new dioxin reporting requirements. Similarly, EPA did not quantify any State administrative cost associated with updating their electronic databases. However, if a State has its own electronic database and is not able to update it to accommodate the new format for dioxin data, EPA will work with the State on a case-by-case basis to try to provide the data to it in a format it can use. EPA notes that the new format is more useful (because it includes individual grams data for each dioxin and dioxin-like compound and will also include EPA's calculated TEQ values) and hopes that States will find it in their interest and the interest of their citizens to update their databases to accommodate the new format.

One commenter stated that EPA took comment in March 2005, on a proposal to revise Form R for the purpose of burden reduction. The commenter claimed that the increase in burden as per the proposed rule will totally negate any benefits of the earlier proposal and actually increase overall burden. The commenter stated that if EPA finalizes the Form R–D and if the burden reduction changes are eventually made to Form R, they would expect such changes to also be incorporated into Form R–D.

Agency response: EPA is not revising the Form R, except to drop Section 1.4. The Phase I Burden Reduction final rule issued in July 2005, applies to all TRI reporters, not just those that report for dioxin and dioxin-like compounds, so this final rule does not negate all the benefits from the Phase I Burden Reduction final rule. The Agency disagrees with the commenter that the burden increase from this rulemaking will negate any benefit from the Phase 1 Burden Reduction rulemaking. The Agency estimated that the Phase 1 Burden Reduction rule will reduce burden by 52,000 hours whereas the increase in burden from this final rule is estimated at 3,383 hours. The Phase 2 Burden Reduction rule (71 FR 76932, December 22, 2006), which expands eligibility for Form A certification for some chemical reports, specifically excludes dioxin and dioxin-like compounds, so it does not affect and is not affected by the changes in today's rule.

VII. What Economic Considerations Are Associated With This Action?

EPA has evaluated the additional burden hours, cost, and potential benefits associated with the use of Form R Schedule 1, in addition to the Form R, for EPCRA section 313 reporting on the dioxin and dioxin-like compounds category. The economic analysis was revised to reflect the fact that this final rule does not create a new Form R-D for all facilities reporting for the dioxin and dioxin-like compounds category, but rather requires reporting of the new information on the four-page Form R Schedule 1 (Ref. 5). While the incremental costs did not change significantly, the presentation of the costs was changed to consider only the incremental costs associated with filling

a Form R Schedule 1. Only the costs associated with this final rule are presented below, however, the economic analysis includes the costs for all three of the options discussed in the proposed rule. This final rule is based on Option 3 of the proposed rule which is the least costly of the three options that EPA proposed. This final rule requires facilities to report the mass in grams of each of the 17 individual members of the category for sections 5, 6, and 8 (current year only) of the existing Form R on the new Form R Schedule 1, when such information is readily available or can be reasonably estimated.

In order to understand the incremental burden calculations below, it is important to first understand EPA's assumptions about the steps necessary to complete the current Form R for the dioxin and dioxin-like compounds category. EPA assumes that most reporting facilities already have data on the individual compounds that make up this category, since analytical tests generally report results for each compound. Facilities that rely on published emissions factors or other similar information will also often have data on the individual compounds, though in some cases published emissions factors may provide only a single value for the dioxin and dioxin-like compound category as a whole. However, in either case, facilities are required to use only the readily available data. EPA thus assumes that facilities either already have and are currently tracking data on the individual compounds contained in their waste streams (if this is the format of the underlying data on which their reporting is based), or that such data are not readily available and will still not be readily available once this final rule takes effect. EPA also recognizes the possibility that facilities may have a mix of data, with data for some waste streams including individual compounds and data for others including only total grams for the category as a whole. As a result, EPA does not assume any additional burden for data tracking or for calculation of physical quantities of dioxin and dioxin-like compounds in individual waste streams.

This final rule requires that, in addition to the activities already conducted as part of the reporting This final rule requires that, in addition to the activities already conducted as part of the reporting process for Form R, a facility filing the Form R Schedule 1 would be required to report the mass in grams of each of the 17 chemicals in sections 5, 6, and 8 of Form R Schedule 1. The facility would not be required to obtain the TEF values or conduct additional multiplication and addition to calculate total grams TEQ to submit to the Agency. For reporting year 2003, there were 1,268 facilities that filed Form Rs for the dioxin and dioxin-like compounds category. Of these facilities, 75 percent (956 facilities) completed Section 1.4 of the Form R, containing generic distribution information on the members of the category. Since these 956 facilities indicated through their completion of Section 1.4 that they have information on the distribution of the quantities of the individual members of the dioxin and dioxin-like compounds category, EPA expects that these facilities are most likely to incur additional burden and cost associated with form completion and record keeping for Form R Schedule 1 in the first and subsequent reporting years. All 1,268 facilities are expected to experience additional burden and cost associated with rule familiarization in the first year of implementation.

In previous Information Collection Requests, EPA has estimated that, after the first year of reporting, facilities filing Form R typically spend 4 hours on compliance determination, 47.1 hours on form completion, and 5 hours on record keeping and report submission (Ref. 6). Because the Form R Schedule 1 would create new reporting requirements beyond those for the Form R, EPA expects that affected facilities would experience additional burden and cost. EPA's estimates for the additional burden associated with rule familiarization, form completion, and record keeping are shown in the following table (Ref. 5).

TABLE 1.—REPORT MASS IN GRAMS OF EACH MEMBER OF THE DIOXIN AND DIOXIN-LIKE COMPOUNDS CATEGORY IN EACH SECTION OF FORM R SCHEDULE 1

Activity	Labor category			Total unit burden	Number of facilities/ reports	Total burden
	Managerial	Technical	Clerical			
Incremental First-Year Burden (hours)						
Rule Familiarization	0.25	1.00	0.00	1.25	1,268	1,585
Form Completion	0.11	0.33	0.00	0.44	956	421
Recordkeeping	0.00	0.33	0.17	0.50	956	478
Total	0.36	1.66	0.17	2.19	.....	2,484
Incremental Subsequent-Year Burden (hours)						
Form Completion	0.11	0.33	0.00	0.44	956	421
Recordkeeping	0.00	0.33	0.17	0.50	956	478
Total	0.11	0.66	0.17	0.94	.....	899

Facilities would expend additional time in the first year to become familiar with the new reporting requirements associated with the Form R Schedule 1. A major difference between burden in first and subsequent years is attributable to rule familiarization. Rule familiarization occurs in the first year of implementation but not in subsequent years. The rule requires an underlying level of recordkeeping. It is generally expected that facilities reporting any of the new information requested on Form R Schedule 1 will be using information already in their possession. Based on the number of facilities that filed reports on dioxin and dioxin-like compounds in 2003, the percentage that reported distribution information and EPA's estimates of incremental burden, the total incremental burden of this rule would be approximately $114,000 in the first reporting year and approximately $38,000 in subsequent reporting years.

More detailed information on the derivation of these burden hour and cost estimates is available in the public docket for this action (Ref. 5).

The information collected on Form R Schedule 1 will allow EPA to calculate grams TEQ values and provide that data to the public. The mass in grams data collected on Form R Schedule 1 will provide important information on which specific chemicals in the category are contributing most to the total toxicity as expressed in grams TEQ. Without these data, EPA and other data users would be unable to calculate TEQ values or determine to what extent each dioxin and dioxin-like compound is contributing to the TEQ values. These data will also allow the creation of valid time-series if TEFs are ever modified in the future as scientific understanding of the relative toxicity of the dioxin and dioxin-like compounds changes. In addition, provision of the mass in grams values will permit error checking of calculations for total grams TEQ that will enhance data quality.

VIII. References

EPA has established an official public docket for this action under Docket ID No. EPA–HQ–TRI–2002–0001. The public docket includes information considered by EPA in developing this action, including the documents listed below, which are electronically or physically located in the docket. In addition, interested parties should consult documents that are referenced in the documents that EPA has placed in the docket, regardless of whether these referenced documents are electronically or physically located in the docket. For assistance in locating documents that are referenced in documents that EPA has placed in the docket, but that are not electronically or physically located in the docket, please consult the person listed in the above **FOR FURTHER INFORMATION CONTACT** section.

1. Van den Berg, M.; Birnbaum, L.; Bosveld, A.T.C.; Brunstrom, B.; Cook, P.; Feeley, M.; Giesy, J.P.; Hanberg, A.; Hasegawa, R.; Kennedy, S.W.; Kubiak, T.; Larsen, J.C.; van Leeuwen, F.X.R.; Liem, A.K.D.; Nolt, C.; Peterson, R.E.; Poellinger, L.; Safe, S.; Schren, D.; Tillitt, D.; Tysklind, M.; Younes, M.; Warn, F.; Zacharewski, T. (1998) Toxic equivalency factors (TEFs) for PCBs, PCDDs, PCDFs for humans and wildlife. Environmental Health Perspectives. 106:775–792.

2. Martin Van den Berg, Linda S. Birnbaum, Michael Denison, Mike DeVito, William Farland, Mark Feeley, Heidelore Fiedler, Helen Hakansson, Annika Hanberg, Laurie Haws, Martin Rose, Stephen Safe, Dieter Schrenk, Chiharu Tohyama, Angelika Tritscher, Jouko Tuomisto, Mats Tysklind, Nigel Walker, and Richard E. Peterson (2006), The 2005 World Health Organization Reevaluation of Human and Mammalian Toxic Equivalency Factors for Dioxins and Dioxin-Like Compounds. Toxicological Sciences 93(2), 223–24.

3. USEPA/OEI, 2006. Form R Schedule 1, March 2006 Draft.

4. USEPA/OEI, 2006. Response to Comments Received on the March 7, 2005, Proposed Rule (70 FR 10919) to Add Toxic Equivalency (TEQ) Reporting for The Emergency Planning and Community Right-to-Know Act (EPCRA) Section 313 Dioxin and Dioxin-like Compounds Category, June 19, 2006.

5. USEPA/OEI, 2006. Analysis of the Estimated Burden and Cost of Form R Schedule 1 for Dioxin and Dioxin-like Compounds; Toxic Equivalency Reporting; Community Right to Know Toxic Chemical Release Reporting, March 1, 2006.

6. USEPA/OEI, 2002. Estimates of Burden Hours for Economic Analyses of the Toxics Release Inventory, June 10, 2002.

IX. Statutory and Executive Order Reviews

A. Executive Order 12866, Regulatory Planning and Review

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

B. Paperwork Reduction Act

The Office of Management and Budget (OMB) has approved the information collection requirements contained in this rule under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* and has assigned OMB control number 2025–0007.

EPCRA section 313 (42 U.S.C. 11023) requires owners or operators of certain facilities manufacturing, processing, or otherwise using any of over 600 listed toxic chemicals and chemical categories in excess of the applicable threshold quantities, and meeting certain requirements (i.e., at least 10 Full Time Employees or the equivalent), to report certain release and other waste management activities for such chemicals annually. Under PPA section 6607 (42 U.S.C. 13106), facilities must also provide information on recycling and other waste management data and source reduction activities. The regulations codifying the EPCRA section 313 reporting requirements appear at 40 CFR part 372. Under the rule, all facilities reporting any of the new data on dioxin and dioxin-like compounds would have to use the EPA Toxic Chemical Release Inventory Form R Schedule 1 (tentative EPA Form No. 9350–3).

For Form R Schedule 1, EPA estimates the industry reporting burden for collecting this information (including recordkeeping) at 2.19 hours ($99) per response in the first reporting year and 0.94 hours ($40) in subsequent years for facilities with distribution data for the members of the category. For facilities without distribution data, the burden associated with rulemaking familiarization is estimated to average 1.25 hours ($59) per response in the first reporting year. Note that these are total per facility burden and cost estimates for the Form R Schedule 1 based on Option 3 of the proposed rule. This rule is estimated to cause 956 facilities to file a Form R Schedule 1. Under this rule, Form R Schedule 1 reporting is associated with a total burden of approximately 2,484 hours in the first year, and 899 hours in subsequent years, at a total estimated industry cost of $114 thousand in the first year and $38 thousand in subsequent years. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in 40 CFR are listed in 40 CFR part 9. In addition, EPA is amending the table in 40 CFR part 9 of currently approved OMB control numbers for various regulations to list the regulatory citations for the information requirements contained in this final rule.

C. Regulatory Flexibility Act (RFA), as Amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), 5 U.S.C. 601 et seq.

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

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

This rule is expected to affect the 469 parent companies that own the 1,268 facilities that report on dioxin and dioxin-like compounds. Of the affected parent companies, approximately 19 percent, or 90 companies, are small businesses as defined by the Small Business Administration. No small governments or small organizations are expected to be affected by this action. Based on the selected Option 3, each affected facility is expected to expend approximately 2.19 hours in the first year and 0.94 hours in subsequent years to comply with the additional reporting requirements. Based on the incremental cost estimates for these burden hours, the number of facilities owned by each small business, and the annual revenues of the affected small businesses, all 90 affected small businesses are expected to experience incremental cost impacts of less than one percent of annual revenues (Ref. 5).

After considering the economic impacts of today's rule on small entities, I certify that this action will not have a significant economic impact on a substantial number of small entities. We continue to be interested in the potential impacts of the final rule on small entities and welcome comments on issues related to such impacts.

D. Unfunded Mandates Reform Act

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

EPA has determined that this rule does not contain a Federal mandate that may result in expenditures of $100 million or more for State, local, and tribal governments, in the aggregate, or the private sector in any one year. Based on EPA's cost estimate for this action, it has been determined that this rule is not subject to the requirements of sections 202 and 205 of the UMRA.

E. Executive Order 13132, Federalism

Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999), requires EPA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.'' This rule does not have federalism implications. It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132. This action relates to toxic chemical reporting under EPCRA section 313, which primarily affects private sector facilities. Thus, Executive Order 13132 does not apply to this rule.

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

Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000), requires EPA to develop an accountable process to ensure ''meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.'' This final rule does not have tribal implications, as specified in Executive Order 13175. This action relates to toxic chemical reporting under EPCRA section 313, which primarily affects private sector facilities. Thus, Executive Order 13175 does not apply to this rule.

G. Executive Order 13211 (Energy Effects)

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

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

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

This rule is not subject to the Executive Order because it is not economically significant as defined in E.O. 12866, and because the Agency does not have reason to believe the environmental health or safety risks addressed by this action present a disproportionate risk to children. This action relates to toxic chemical reporting under EPCRA section 313, which primarily affects private sector facilities.

I. National Technology Transfer and Advancement Act

As noted in the proposed rule, section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA) (15 U.S.C. 272 note), directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, etc.) that are developed or adopted by voluntary consensus standards bodies. The NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

The final rulemaking does not require the reporting of TEQ data and therefore does not involve technical standards.

J. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A Major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2). This rule will be effective July 9, 2007.

List of Subjects

40 CFR Part 9

Reporting and recordkeeping requirements.

40 CFR Part 372

Environmental protection, Community right-to-know, Reporting and recordkeeping requirements, Toxic chemicals.

Dated: May 3, 2007.

Stephen L. Johnson,

Administrator.

■ Therefore, Title 40 Chapter 1 of the Code of Federal Regulations is amended as follows:

PART 9—[AMENDED]

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

Authority: 7 U.S.C. 135 *et seq.*, 136–136y; 15 U.S.C. 2001, 2003, 2005, 2006, 2601–2671; 21 U.S.C. 331j, 346a, 348; 31 U.S.C. 9701; 33 U.S.C. 1251 *et seq.*, 1311, 1313d, 1314, 1318, 1321, 1326, 1330, 1342, 1344, 1345 (d) and (e), 1361; E.O. 11735, 38 FR 21243, 3 CFR, 1971–1975 Comp. p. 973; 42 U.S.C. 241, 242b, 243, 246, 300f, 300g, 300g–1, 300g–2, 300g–3, 300g–4, 300g–5, 300g–6, 300j–1, 300j–2, 300j–3, 300j–4, 300j–9, 1857 *et seq.*, 6901–6992k, 7401–7671q, 7542, 9601–9657, 11023, 11048.

■ 2. In § 9.1 the table is amended by revising the entries under the heading ''Toxic Chemical Release Reporting: Community Right-to-Know'' to read as follows:

§ 9.1 OMB approvals under the Paperwork Reduction Act.

* * * * *

40 CFR citation	OMB control No.
* * * * * * *	
Toxic Chemical Release Reporting: Community Right-to-Know	
Part 372, subpart A	2070–0093, 2070–0143, 2025–0007
372.22	2070–0093, 2070–0143, 2025–0007
372.25	2070–0093, 2025–0007
372.27	2070–0143
372.30	2070–0093, 2070–0143, 2025–0007
372.38	2070–0093, 2070–0143, 2025–0007
Part 372, subpart C	2070–0093, 2070–0143, 2025–0007
Part 372, subpart D	2070–0093, 2070–0143, 2025–0007
372.85	2070–0093, 2025–0007
372.95	2070–0143

* * * * *

PART 372—[AMENDED]

■ 1. The authority citation for part 372 continues to read as follows:

Authority: 42 U.S.C. 11023 and 11048.

Subpart B—[Amended]

■ 2. In § 372.30, revise paragraph (a) to read as follows:

§ 372.30 Reporting requirements and schedule for reporting.

(a) For each toxic chemical known by the owner or operator to be manufactured (including imported), processed, or otherwise used in excess of an applicable threshold quantity in § 372.25, § 372.27, or § 372.28 at its covered facility described in § 372.22 for a calendar year, the owner or operator must submit to EPA and to the State in which the facility is located a completed EPA Form R (EPA Form 9350–1) and, for the dioxin and dioxin-like compounds category, EPA Form R Schedule 1 (EPA Form 9350–3) in accordance with the instructions referred to in subpart E of this part.

* * * * *

Subpart E—[Amended]

■ 3. Section 372.85 is amended as follows:

■ a. Revise paragraph (a).

■ b. Revise paragraph (b) introductory text.

■ c. Revise paragraph (b)(14)(ii).

■ d. Revise paragraphs (b)(15)(i)(B), and (b)(15)(ii)(B).

§ 372.85 Toxic chemical release reporting form and instructions.

(a) *Availability of reporting form and instructions.* The most current version of Form R and Form R Schedule 1 may be found on the following EPA Program Web site, *http://www.epa.gov/tri.* Any subsequent changes to the Form R or Form R Schedule 1 will be posted on this Web site. Submitters may also contact the TRI Program at (202) 564–9554 to obtain this information.

(b) *Form elements.* Information elements reportable on EPA Form R and Form R Schedule 1, or equivalent magnetic media format include the following:

* * * * *

(14) * * *

(ii) Additional Reporting for the dioxin and dioxin-like compounds category.

(A) For reports pertaining to a reporting year ending on or before December 31, 2007, report a distribution of the chemicals included in the dioxin and dioxin-like compounds category. Such distribution shall either represent the distribution of the total quantity of dioxin and dioxin-like compounds released to all media from the facility; or its one best media-specific distribution.

(B) For reports pertaining to a reporting year ending after December 31, 2007, report the quantity of each member of the dioxin and dioxin-like compounds category in units of grams per year on Form R Schedule 1.

* * * * *

(15)(i) * * *

(B) An estimate of the amount of the chemical transferred in pounds (except for dioxin and dioxin-like compounds, which shall be reported in grams) per year (transfers of less than 1,000 pounds per year may be indicated as a range, except for chemicals set forth in § 372.28) and an indication of the basis of the estimate. In addition, for reports pertaining to a reporting year ending after December 31, 2007, report the quantity of each member of the dioxin and dioxin-like compounds category in units of grams per year on Form R Schedule 1.

* * * * *

(15)(ii) * * *

(B) An estimate of the amount of the chemical transferred in pounds (except for dioxin and dioxin-like compounds, which shall be reported in grams) per year (transfers of less than 1,000 pounds per year may be indicated as a range, except for chemicals set forth in § 372.28) and an indication of the basis of the estimate. In addition, for reports pertaining to a reporting year ending after December 31, 2007, report the quantity of each member of the dioxin and dioxin-like compounds category in units of grams per year on Form R Schedule 1.

* * * * *

[FR Doc. E7–9015 Filed 5–9–07; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 15

[MB Docket No. 03–15; RM–9832; FCC 07–69]

Second Periodic Review of the Commission's Rules and Policies Affecting the Conversion To Digital Television

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Commission adopts rules requiring sellers of analog-only TV equipment to label or post signs at point of sale disclosing limitations after the February 17, 2009 deadline for the transition from analog to digital television service. The Commission states that sellers must advise consumers at point of sale if the television equipment includes only an analog tuner that will require a converter box to receive over-the-air-broadcast-television after the deadline.

DATES: The rules in 47 CFR 15.117(k) contains information collection requirements that have not been approved by the Office of Management and Budget (OMB). The FCC will publish a document announcing the effective date.

ADDRESSES: You may submit comments, identified by MB Docket No. 03–15, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Federal Communications Commission's Web Site: http://www.fcc.gov/cgb/ecfs/.* Follow the instructions for submitting comments.
- *People with Disabilities:* Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by e-mail: *FCC504@fcc.gov* or phone: 202–418–0530 or TTY: 202–418–0432.

For additional information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Eloise Gore, *Eloise.Gore@fcc.gov* of the Media Bureau, Policy Division, (202) 418–2120.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Second Report and Order (Order), FCC 07–69, adopted on, April 25, 2007, and released on May 3, 2007. The full text of this document is available for public inspection and copying during regular business hours in the FCC Reference Center, Federal Communications Commission, 445 12th Street, SW., CY–A257, Washington, DC 20554. These documents will also be available via ECFS (*http://www.fcc.gov/cgb/ecfs/*). (Documents will be available electronically in ASCII, Word 97, and/or Adobe Acrobat.) The complete text may be purchased from the Commission's copy contractor, 445 12th Street, SW., Room CY–B402, Washington, DC 20554. To request this document in accessible formats (computer diskettes, large print, audio recording, and Braille), send an e-mail to *fcc504@fcc.gov* or call the Commission's Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY).

Paperwork Reduction Act of 1995 Analysis

This document contains new information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13. It will be submitted to the Office of Management and Budget (OMB) for review under Section 3507(d) of the PRA. OMB, the general public, and other Federal agencies will be invited to comment on the new information collection requirements contained in this proceeding. The Commission will publish a separate document in the **Federal Register** at a later date seeking these comments. In addition, we note that pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4), we previously sought specific comment on how the Commission might ''further reduce the information collection burden for small business concerns with fewer than 25 employees.''

Summary of the Report and Order

I. Introduction

1. In this *Second Report and Order in the Second DTV Periodic Review*, we take up the issue of labeling of television receiving equipment, which was raised in *the Second DTV Periodic NPRM*, 68 FR 7737–01. This Order applies to televisions, television receivers, and other television receiving equipment, which includes television

sets and other video devices, such as video-cassette recorders and digital video recorders, that are covered by the Commission's digital television reception capability implementation schedule. In light of the fixed deadline—February 17, 2009—established for the end of analog television broadcasting, we now conclude that it is necessary and appropriate to require retailers to provide consumers with information regarding this transition date at the point of sale. Specifically, we will require sellers of television receiving equipment that does not include a digital tuner to disclose at the point-of-sale that such devices include only an analog tuner and therefore will require a converter box to receive over-the-air broadcast television after February 17, 2009. Consumers expect that equipment for sale today that is capable of receiving ''television'' is and will continue to be able to receive over-the-air broadcast signals, and, if not, then such material information should be disclosed prior to purchase. The successful completion of the digital television (''DTV'') transition depends upon satisfaction of this basic consumer expectation. For these reasons, in this Order we adopt disclosure requirements to ensure that consumers receive this important information regarding the limitations of analog-only television receivers at the point of sale.

II. Background

2. The *Second DTV Periodic NPRM* asked whether we should require a mandatory label on analog-only sets to inform consumers at the point of sale that a converter or external DTV tuner will be needed to ensure reception of television broadcast signals after stations complete the conversion to digital-only broadcasting. In the *First Report and Order in the Second DTV Periodic Review*, we deferred determination of the need to require labeling to *this Second Report and Order.* With the establishment by Congress of a hard and certain deadline for the end of analog transmissions by full power television stations, we now conclude that it is necessary to ensure that consumers are aware at the point of purchase of that deadline and the impact that it will have on analog-only television receivers.

Second DTV Periodic Review

3. The *Second DTV Periodic NPRM* invited comment on the need for a point of sale disclosure label on analog-only devices or a digital transition fact sheet to inform consumers that a converter or external DTV tuner will be needed to ensure reception of television broadcast signals after stations complete conversion to digital-only broadcasting. The *NPRM* also asked about plans to manufacture ''pure monitors'' (without any tuner) that can receive digital format transmissions via cable or satellite but not from signals broadcast over-the-air and requested information on the plans to label such monitors to describe reception limitations.

4. When the Commission issued the *NPRM* for the Second DTV Periodic Review in 2003, concerns about consumer understanding had been heightened by a General Accounting Office (''GAO'') Report to Congress in November 2002 that found that at least 40 percent of the public was unfamiliar with the digital transition. This 2002 GAO Report also found that 68 percent of those surveyed did not know that when the transition ends, consumers with analog-only devices will be unable to continue receiving over-the-air broadcast television without use of an external digital tuner or converter. Only 14 percent of those surveyed by the GAO were ''very familiar'' with the difference between analog and digital televisions. GAO speculates that even this number may be high because consumers may be confusing current digital television services provided by cable or satellite with DTV. Over 80 percent of consumers were unaware or only somewhat aware of the ongoing transition to digital television. In addition, it concluded that retail sales personnel often provide inaccurate information about both digital programming availability and equipment needed to receive and display digital programming, particularly over-the-air. Another study in 2003 found that 25 percent of Americans thought they owned a high definition television set, while HDTV sales showed that only a small fraction of these consumers could possibly have been correct in their understanding of the capabilities of their televisions.

5. This concern has not been diminished by more recent findings. A study in June 2004 reported that 37 percent of adults were at least somewhat familiar with HDTV and 87 percent expressed vague awareness but lacked clear understanding. In addition, a more recent GAO study in 2005 noted that consumers are still confused about the transition. This 2005 GAO study reported that consumers may be reluctant to buy digital equipment, which is generally more expensive than analog-only devices, because they lack accurate knowledge about the transition and believe they will always have a choice between analog and digital signals over-the-air. Moreover, a very recent survey by the Association of Public Television Stations (''APTS'') found that 61 percent of those surveyed said that they had ''No Idea'' that the DTV transition was taking place, 10 percent said they had ''Limited Awareness,'' while 17 percent said they were ''Somewhat Aware'' and less than 8 percent said they were ''Very Much Aware.'' The results from that survey also indicate that awareness of the forthcoming transition—even after enactment of a statutory deadline—remains low. The need for labeling of analog-only televisions also has been mentioned in Congressional hearings, both in testimony and from members on both sides of the aisle. For example, on February 17, 2005, the House Subcommittee on Telecommunications and the Internet held a hearing on ''The Role of Technology In Achieving A Hard Deadline for the DTV Transition.'' Rep. Bobby Rush (D–IL) and K. James Yager, CEO, Barrington Broadcasting, testifying on behalf of the NAB and MSTV, expressed belief in requiring warning labels on analog-only sets to alert consumers to the limited useful life of their television sets. Both House and Senate Committees have proposed legislation to require labeling of analog-only televisions to address these concerns.

6. In the *Second DTV Periodic NPRM*, most parties who commented on labeling supported the need for Commission action to address consumer expectations, particularly with regard to analog-only television equipment. MSTV and NAB were concerned that a label describing a receiver's functionality may not go far enough to adequately notify consumers of the transition from analog to digital service. NBC and Telemundo expressed concern that consumers will waste money buying equipment that will soon be obsolete and proposed a labeling requirement to notify consumers that after the transition, analog equipment will not deliver television signals without a converter. By contrast, parties opposing any labeling requirement contended that marketplace incentives will ensure that consumers are well-informed, and that there is no evidence that manufacturers would not inform consumers of product limitations. The Consumer Electronics Association (''CEA'') offered to consider voluntary labeling if manufacturers determined there is consumer confusion. The Consumer Electronics Retailers Council (''CERC'') expressed concern that labels describing what equipment does not do will be harmful and interfere with

merchandising efforts. CERC contended that negative formulations are misleading because there is inadequate room to list all the positive formulations on a label.

DTV Tuner Orders

7. In 2002, the Commission adopted a schedule for the phase-in of television receivers to be equipped with digital tuners. *The DTV Tuner Order* initially required that all TV receivers with screen sizes greater than 13 inches manufactured in the United States or shipped in interstate commerce after July 1, 2007 be capable of receiving DTV signals over-the-air. *The DTV Tuner Order* did not require television receivers that cannot receive over-the-air digital broadcast signals to carry a label informing consumers of this limitation, but the Commission committed to monitoring the marketplace and taking steps if necessary to protect consumers' interests.

8. In 2005, the Commission revised the timing and scope of the DTV tuner phase-in to ensure that all television receivers, including televisions with screens smaller than 13 inches and television reception devices such as VCRs, that are manufactured in the United States or shipped in interstate commerce after March 1, 2007, have the capability to tune and decode digital signals as broadcast over-the-air. The Commission found that consumer awareness of whether television equipment can receive over-the-air DTV signals or only over-the-air analog signals is critical to ensuring that consumer expectations are met. The Commission was hopeful that manufacturers and retailers would educate consumers about the digital transition by providing point-of-sale and other marketing information to consumers or clearly label new television equipment. We also note that in the past, the Commission has expressed concern about adequate disclosures in the analogous *Plug-and-Play Order*, which concluded that the public understanding of ''cable ready'' in the analog context includes the capability to receive signals over-the-air as well as from a cable system. The *Plug-and-Play Order* implemented a voluntary labeling regime jointly proposed by the consumer electronics (''CE'') and cable industries to provide consumers with information pertaining to ''digital cable ready'' equipment.

III. Discussion

Labeling is Needed for Analog-Only Televisions

9. The NPRM solicited comment on proposals for requiring disclosure of information to consumers concerning analog and digital television equipment. We conclude that it is necessary for us to require disclosure of the limitations of analog-only television receiving equipment at the point of sale. By ''point of sale'' we mean the place where televisions are displayed for consumers prior to purchase. The required label language should be prominently displayed in a manner that is clearly visible to the consumer and associated with the analog-only television model(s) to which it pertains. Therefore, we are adopting a rule to alert consumers that after February 17, 2009, analog-only television equipment will not be able to receive over-the-air television signals unless it is connected to a digital-to-analog converter or a digital subscription service. This will ensure that consumers have the necessary information at the point of purchase to decide if they wish to buy a television that has only an analog tuner. We also conclude that it is not necessary for us to mandate labeling for digital television equipment at this time in light of recent voluntary actions and the increasing availability of information about DTV features and terminology. For example, CEA and several members of CERC co-sponsored a consumer ''tip sheet,'' ''Buying a Digital Television'' with the Commission. This tip sheet is available on several Web sites and has been distributed at consumer events and industry conventions.

10. In contrast to the information available concerning digital televisions, the record evidence indicates that the consumer electronics industry efforts do not adequately inform consumers how analog-only television equipment purchased now will function when the transition ends. CEA submitted an ex parte filing in October 2006, listing the steps it or its members have taken to improve consumer awareness of the transition in general and to provide information related to the purchase of television equipment in particular. The letter describes the efforts of CEA and its manufacturing and retail members to provide comprehensive information about the digital transition via the Internet. The letter also describes a voluntary labeling program announced in March 2006, intended to begin in July 2006. Unfortunately, it appears that neither manufacturers nor retailers have implemented this voluntary program on a widespread basis.

11. Therefore, we remain concerned that the continued sale of analog-only television equipment without appropriate disclosure is likely to mislead consumers who are unaware of the upcoming transition. Such consumer confusion is inconsistent with a smooth transition to digital broadcasting. Further, we do not believe we can rely solely on consumer assistance voluntarily given at the retail outlet to address such confusion. There have been reports that retail sales clerks are often confused or unaware of the limitations of analog-only televisions. In addition, many consumers will want to shop for television equipment at discount stores or online, where sales help is less likely to be available to explain analog-only limitations. Thus, confused consumers are often unable to obtain reliable and accurate information about the basic capabilities of television equipment at the point of sale.

12. The government has a strong interest in ensuring a timely conclusion of the digital transition, reducing consumer disruption and confusion, and limiting the number of consumers who are left without over-the-air television service on some or all of their television equipment when the analog broadcast service ends in less than two years. Accurate communication of this impending change is a highly material disclosure for consumers contemplating the purchase of a television. It is also a matter of public safety for consumers who rely on analog-only televisions to obtain critical information in an emergency. Analog-only televisions are currently sold as part of emergency equipment to provide information in a disaster without disclosure that in two years, they will not be able to receive television broadcasts. After the transition, absent a label requirement, even cable and satellite subscribers might be surprised to find that they cannot receive television broadcasts over-the-air on an analog-only television purchased today if they choose to discontinue subscription service or their cable or satellite service is terminated by a disaster, service disruption or for non-payment of their bills.

13. Although the DTV Tuner requirement prohibits manufacture, import or interstate shipment of analog-only television equipment after March 1, 2007, it does not extend to retail sales of analog-only television equipment from inventory. Thus, the passing of this date does not eliminate the need for disclosure by retailers who choose to continue to sell analog-only television equipment after March 1, 2007. In fact,

we are concerned that there is a greater likelihood of confusion if consumers assume that all televisions must have a digital tuner after this date. Without point of sale disclosure, consumers may inadvertently buy analog-only television equipment without understanding that such devices will require some additional equipment for use after analog broadcasting ends. We also believe that the presence of a label or sign concerning the sale of analog-only television equipment will serve an educational function by informing and reminding consumers of the upcoming transition from analog to digital broadcasting.

14. We had been reluctant to require specific labeling in the expectation that manufacturers and retailers would develop clear and uniform terminology to convey to consumers prior to purchase the features as well as the limitations of television products. However, we now conclude that adequate pre-sale information concerning analog-only television equipment will not be provided voluntarily, and the establishment of a date certainly raises the stakes for this continuing failure to disclose. We also recognize that it is currently illegal for any manufacturer to make, import or ship an analog-only television set or other video device with only an analog receiver. The focus now shifts to retailers that are selling such analog-only equipment from pre-March 1, 2007 inventory. We, therefore, require that anyone that sells or offers for sale or rent television receiving equipment that does not contain a DTV tuner after March 1, 2007 must display the following consumer alert, in a size of type large enough to be clear, conspicuous and readily legible, consistent with the dimensions of the equipment and the label, at the point of sale. This consumer alert either must be printed on a transparent material and affixed to the screen, in a manner that is removable by the consumer and does not obscure the picture when displayed for sale, or displayed separately immediately adjacent to each television offered for sale and clearly associated with the analog-only television model to which it pertains. In the case of other analog-only video devices that do not include a display (e.g., a VCR), the consumer alert must be in a prominent location on the device, such as on the top or front, or displayed separately immediately adjacent to and clearly associated with the analog-only model to which it pertains. In addition, to the extent that any persons display or offer for sale or rent via direct mail, catalog, or electronic means (e.g., the Internet) analog-only television receiving equipment after March 1, 2007, they must prominently display as part of all advertisements or descriptions of such television receiving equipment, in clear and conspicuous print, and in close proximity to any images or descriptions of such equipment, the following text.

Consumer Alert

This television receiver has only an analog broadcast tuner and will require a converter box after February 17, 2009, to receive over-the-air broadcasts with an antenna because of the Nation's transition to digital broadcasting. Analog-only TVs should continue to work as before with cable and satellite TV services, gaming consoles, VCRs, DVD players, and similar products. For more information, call the Federal Communications Commission at 1–888–225–5322 (TTY: 1–888–835–5322) or visit the Commission's digital television Web site at: *www.dtv.gov.*

Authority To Require Labeling

15. We conclude that we have ancillary authority to adopt point of sale disclosure requirements for analog-only television equipment under Titles I and III of the Communications Act of 1934, as amended (''Act''). Courts have long recognized that, even in the absence of explicit statutory authority, the Commission has authority to promulgate regulations to effectuate the goals and provisions of the Act if the regulations are ''reasonably ancillary to the effective performance of the Commission's various responsibilities'' under the Act. The Supreme Court has established a two-part ancillary jurisdiction test: (1) The subject of the regulation must be covered by the Commission's general grant of jurisdiction under Title I of the Communications Act; and (2) the regulation must be reasonably ancillary to the Commission's statutory responsibilities. The requirements we adopt here regulate devices that fall within the Commission's Title I jurisdiction, advance our statutory obligation to promote the accessibility and universality of radio communication, and serve the public interest. We conclude, therefore, that we have ancillary jurisdiction to adopt point of sale disclosure requirements in this proceeding.

16. Title I authorizes the Commission to regulate devices that receive broadcast communications. Sections 1 and 2(a) of the Act confer on the Commission regulatory jurisdiction over all interstate radio and wire communication. Broadcasting is interstate in nature, and television receivers are covered by the Act's definition of ''radio communication,'' which includes not only the ''transmission of * * * writing, signs, signals, pictures, and sounds'' by aid of radio, but also ''all instrumentalities, facilities, apparatus, and services (among other things, the receipt, forwarding, and delivery of communications) incidental to such transmission.'' Television receivers are ''apparatus'' ''incidental to * * * transmission'' of television broadcasts and, therefore, are within the scope of our Title I subject matter jurisdiction.

17. The recent decision of the U.S. Court of Appeals for the District of Columbia Circuit in *American Library Ass'n* v. *FCC* is not to the contrary. The D.C. Circuit held in that case that the Commission lacked jurisdiction over devices that can be used for receipt of wire or radio communications when those devices are not engaged in the process of radio or wire transmission. Thus, the D.C. Circuit held that the Commission lacked jurisdiction to regulate the post-transmission copying of program content. The requirement we adopt here, by contrast, does not involve post-transmission conduct. Rather, it directly concerns the ability (or inability) of television equipment to receive broadcast transmissions. As a result, the subject of the regulation is covered by Title I of the Act.

18. In addition, we conclude that imposing point of sale disclosure requirements for analog-only television equipment is reasonably ancillary to our statutory obligations under the Act. The Commission was established to regulate interstate and foreign communications for the purposes of promoting the accessibility and universality of wire and radio communication, as well as promoting public safety through the use of wire and radio communication. The Commission also is statutorily obligated to promote the orderly transition to digital television, ''a critical step in the evolution of broadcast television.'' The Commission has carried out this mandate, among other things, through implementation of the All Channel Receiver Act, which authorizes it ''to require that apparatus designed to receive television pictures broadcast simultaneously with sound be capable of adequately receiving all frequencies allocated by the Commission to television broadcasting.'' Further, the Commission is authorized to ''make such rules and regulations * * * as may be necessary in the execution of its functions,'' and to ''[m]ake such rules and regulations * * * not inconsistent

with law, as may be necessary to carry out the provisions of this Act * * *.''

19. The rules we adopt today advance these statutory mandates and serve the public interest. Accurate and timely communication of the impending change from analog to digital transmission is a critical disclosure for consumers contemplating the purchase of television equipment. As discussed above, voluntary industry efforts to date have not been sufficient to ensure consumer awareness of the upcoming transition to digital television or of the limitations of analog-only televisions. Such consumer awareness is critical to our missions of promoting the accessibility and universality of radio communication, public safety, and an orderly digital transition. Without such disclosure, many American consumers may purchase analog-only television equipment without knowing that these devices will be unable to receive over-the-air signals in fewer than two years without the purchase of additional equipment, may be unprepared for the digital transition when it arrives, and may be unable to obtain critical information in emergencies after the transition. Consumer awareness also is necessary to fulfill the Commission's mandate under the ACRA, for analog-only television equipment will be incapable of receiving all television broadcast frequencies after the digital transition. By requiring that consumers be informed at the point of sale that analog-only television equipment will not be able to receive over-the-air signals in 2009, the requirement we adopt today will ensure that consumers who purchase such analog-only equipment are aware of the transition, are able to prepare for it in advance, and are not cut off from broadcast communications in 2009.

20. Exercising ancillary jurisdiction to adopt point of sale disclosure requirements for analog-only television equipment is consistent with prior exercises of the Commission's authority. As noted above, the Commission previously relied on its authority under the ACRA to impose a phased-in digital tuner mandate in order to promote the orderly transition to digital television. In addition, the Commission recently relied on its ancillary jurisdiction in requiring interconnected Voice over Internet Protocol (VoIP) service providers to distribute to their subscribers stickers or labels warning if E911 service may be limited or unavailable, and to instruct subscribers to place them on or near the equipment used in conjunction with the interconnected VoIP service. The Commission also has numerous other labeling and disclosure requirements designed to further its statutory objectives and to protect consumers. In sum, therefore, we conclude that we have ancillary authority to adopt point of sale disclosure requirements for analog-only television equipment.

IV. Procedural Matters

21. *Accessibility Information.* Accessible formats of this Second Report and Order (computer diskettes, large print, audio recording and Braille) are available to persons with disabilities by contacting Brian Millin, of the Consumer & Governmental Affairs Bureau, at (202) 418–7426, TTY (202) 418–7365, or at *bmillin@fcc.gov.*

22. *Congressional Review Act.* The Commission will send a copy of this Second Report and Order in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, see 5 U.S.C. 801(a)(1)(A).

Final Regulatory Flexibility Analysis

23. As required by the Regulatory Flexibility Act of 1980, as amended (''RFA''), an Initial Regulatory Flexibility Analysis (''IRFA'') was incorporated in the *Notice of Proposed Rule Making (''NPRM'').* The Commission sought written public comment on the proposals in the *NPRM*, including comment on the IRFA. This Final Regulatory Flexibility Analysis (FRFA) conforms to the RFA.

Need for, and Objectives of, the Second Report and Order

24. The rule adopted in this *Second Report and Order* is required to ensure a smooth transition of the nation's television system from analog to digital format. In an earlier proceeding in MM Docket No. 87–268, the Commission stated its intention to hold periodic reviews of the progress of the digital conversion and to make any adjustments necessary to our rules and policies to ensure that the introduction of digital television broadcasting, the end of analog broadcasting, and the recovery of spectrum at the end of the analog-to-digital transition would fully serve the public interest.

25. This *Second Report and Order* focuses on whether labeling on digital television equipment is needed at the point of sale to provide consumers with information they need. The Commission rejects proposals to require that digital television equipment bear labels concerning performance standards or antenna capabilities and limitations. We require that consumers be informed that analog television sets will, after analog broadcasting ends, require additional equipment (such as a digital-to-analog converter) if they are to continue to receive television service. Accordingly, we require that retailers post a label or sign prior to purchase to inform consumers that analog television receivers will need additional equipment or attachment to a subscription service to continue to receive over-the-air television after analog broadcasting ends.

Summary of Significant Issues Raised by Public Comments in Response to the IRFA

26. One comment was received on the IRFA. That comment did not concern any subject addressed in this *Second Report and Order.* The comment was discussed in the Final Regulatory Flexibility Analysis (''FRFA'') issued as part of the Commission's Report and Order (''*First Report and Order*'') in this proceeding (FCC 04–192, released September 7, 2004) and was discussed in paragraphs 12–13 of the Final Regulatory Flexibility Analysis (''FRFA'') issued as part of the *First Report and Order.*

Description and Estimate of the Number of Small Entities to Which the Proposed Rules Will Apply

27. The RFA directs the Commission to provide a description of and, where feasible, an estimate of the number of small entities that will be affected by the proposed rules. The RFA generally defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small government entity.'' In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act. A small business concern is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (''SBA'').

28. The only entities directly affected by the decisions made and rules adopted in this *Second Report and Order* are retailers and other sellers of television equipment, and electronics equipment manufacturers.

29. *Radio and Television Broadcasting and Wireless Communications Equipment Manufacturing.* The Census Bureau defines this category as follows: ''This industry comprises establishments primarily engaged in manufacturing radio and television broadcast and wireless communications equipment. Examples of products made by these establishments are: transmitting and

receiving antennas, cable television equipment, GPS equipment, pagers, cellular phones, mobile communications equipment, and radio and television studio and broadcasting equipment.'' The SBA has developed a small business size standard for Radio and Television Broadcasting and Wireless Communications Equipment Manufacturing, which is: all such firms having 750 or fewer employees. According to Census Bureau data for 2002, there were a total of 1,041 establishments in this category that operated for the entire year. Of this total, 1,010 had employment of under 500, and an additional 13 had employment of 500 to 999. Thus, under this size standard, the majority of firms can be considered small.

30. *Radio, Television, and Other Electronics Stores.* The Census Bureau defines this economic census category as follows: ''This U.S. industry comprises: (1) Establishments known as consumer electronics stores primarily engaged in retailing a general line of new consumer-type electronic products; (2) establishments specializing in retailing a single line of consumer-type electronic products (except computers); or (3) establishments primarily engaged in retailing these new electronic products in combination with repair services.'' The SBA has developed a small business size standard for Radio, Television, and Other Electronics Stores, which is: all such firms having $8 million or less in annual receipts. According to Census Bureau data for 2002, there were 10,380 firms in this category that operated for the entire year. Of this total, 10,080 firms had annual sales of under $5 million, and 177 firms had sales of $5 million or more but less than $10 million. Thus, the majority of firms in this category can be considered small.

31. *Electronic Shopping.* According to the Census Bureau, this economic census category ''comprises establishments engaged in retailing all types of merchandise using the Internet.'' The SBA has developed a small business size standard for Electronic Shopping, which is: all such entities having $23 million or less in annual receipts. According to Census Bureau data for 2002, there were 4,959 firms in this category that operated for the entire year. Of this total, 4,742 firms had annual sales of under $10 million, and an additional 133 had sales of $10 million to $24,999,999. Thus, the majority of firms in this category can be considered small.

Description of Projected Reporting, Recordkeeping and Other Compliance Requirements

32. The *Second Report and Order* requires anyone who sells or offers for sale television receiving equipment that has an analog tuner but not a digital tuner to disclose at the point of sale that the television will not receive over-the-air television broadcast signals after February 17, 2009 unless it is attached to a digital-to-analog converter box or a cable or satellite subscription service receiver.

Steps Taken To Minimize Significant Economic Impact on Small Entities, and Significant Alternatives Considered

33. The RFA requires an agency to describe any significant alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives (among others): (1) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (3) the use of performance, rather than design, standards; and (4) an exemption from coverage of the rule, or any part thereof, for small entities.

34. The final decision made in the *Second Report and Order* is to require retailers to place a label or display a sign on or near analog-only television receiving devices (television sets, VCRs, etc.) that discloses the limitations for such equipment in the near future. This requirement applies alike to large and small sellers of television equipment who choose to sell analog-only televisions after March 1, 2007. Due to the phase-in of the DTV tuner requirement cited above, after March 1, 2007, manufacturers and distributors are prohibited from making, importing or shipping in interstate commerce a television set that has an analog tuner but not a digital tuner. This point of sale disclosure requirement ensures that if sellers want to sell analog-only television equipment from existing inventory, they must be sure consumers understand the limitations that will apply when full power analog broadcasting ceases on February 17, 2009. The Commission also considered, and rejected, proposals to require many more disclosures with respect to digital television equipment. The Commission rejected these proposals because, in its opinion, adequate information is being made available to consumers from their own activities, industry efforts, disclosures encouraged by the Commission, and actions by consumer protection authorities.

35. In conclusion, whatever burdens small entities may incur in complying with the decision made in the *Second Report and Order* are mitigated by the factors discussed in the foregoing paragraphs. They are also warranted by the overall benefit to the public from accomplishing the transition from analog to digital television and reducing the consumer disruption related thereto. These benefits include better television; job creation; economic growth; stimulation of new technology in this country; and the shift of spectrum from television broadcasting to other uses such as new wireless services and public safety and homeland security applications.

Report to Congress

36. The Commission will send a copy of the *Second Report and Order*, including this FRFA, in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act. In addition, the Commission will send a copy of the *Second Report and Order*, including this FRFA, to the Chief Counsel for Advocacy of the SBA. A copy of the Second Report and Order and FRFA (or summaries thereof) will also be published in the **Federal Register**.

V. Ordering Clauses

37. *It is ordered* that, pursuant to the authority contained in Sections 1, 2(a), 3(33), 4(i), 303(r) and (s), and 336 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152(a), 153(33), 154(i), 303(r) and (s), and 336, this Second Report and Order *Is Adopted* and the Commission's rules *Are Hereby Amended* as set forth in Appendix B. Rule section 47 CFR 15.117(k) contains information collection requirements subject to the PRA and is not effective until approved by the Office of Management and Budget. The Commission shall publish an announcement of OMB approval in the **Federal Register**. We find good cause for the rule to be effective by this date because the Order is necessary to minimize harm to consumers. As described in this Order, the Commission has found that retailers are continuing to sell analog-only television receivers without disclosure of the limitations of this equipment after the digital television transition on February 17, 2009. Consumers buying these television receivers may not realize until after the end of the transition that they will no longer receive over-the-air signals without attachment to a

converter or subscription service, may be unprepared for the digital transition when it arrives, and may be unable to obtain critical information in emergencies after the transition. In such instances, consumers would be financially harmed and deprived of service at a critical time. We are concerned that delay in the effective date of the disclosure requirement will result in additional analog-only equipment being sold to uninformed consumers due to the absence of appropriate disclosure, thereby harming consumers and undermining the goal of the rule. Parties subject to the rule will have a reasonable opportunity to comply with it, particularly in light of the fact that it will not be effective until OMB approval. Because delay can result in such harms to consumers and because affected parties will be afforded a reasonable opportunity to comply with the rule, we find that there is good cause to expedite the effective date of this rule. We are also requesting emergency PRA approval from OMB.

38. *It is further ordered* that the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, shall send a copy of this Second Report and Order, including the Final Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

39. *It is further ordered* that the Commission shall send a copy of this Second Report and Order in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, see 5 U.S.C. 801(a)(1)(A).

List of Subjects in 47 CFR Part 15

Radio frequency devices.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

Rule Changes

■ For the reasons discussed in the preamble, the FCC amends 47 CFR part 15 as follows:

PART 15—RADIO FREQUENCY DEVICES

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

Authority: 47 U.S.C. 154, 302, 303, 304, 307, 336, and 544A.

■ 2. Section 15.117 is amended by adding paragraph (k) to read as follows:

§ 15.117 TV broadcast receivers.

* * * * *

(k) The following requirements apply to all responsible parties, as defined in § 2.909 of this chapter, and any person that displays or offers for sale or rent television receiving equipment that is not capable of receiving, decoding and tuning digital signals.

(1) Such parties and persons shall place conspicuously and in close proximity to such television broadcast receivers a sign containing, in clear and conspicuous print, the Consumer Alert disclosure text required by paragraph (k)(3) of this section. The text should be in a size of type large enough to be clear, conspicuous and readily legible, consistent with the dimensions of the equipment and the label. The information may be printed on a transparent material and affixed to the screen, if the receiver includes a display, in a manner that is removable by the consumer and does not obscure the picture, or, if the receiver does not include a display, in a prominent location on the device, such as on the top or front of the device, when displayed for sale, or the information in this format may be displayed separately immediately adjacent to each television broadcast receiver offered for sale and clearly associated with the analog-only model to which it pertains.

(2) If such parties and persons display or offer for sale or rent such television broadcast receivers via direct mail, catalog, or electronic means, they shall prominently display in close proximity to the images or descriptions of such television broadcast receivers, in clear and conspicuous print, the Consumer Alert disclosure text required by paragraph (k)(3) of this section. The text should be in a size large enough to be clear, conspicuous, and readily legible, consistent with the dimensions of the advertisement or description.

(3) *Consumer alert.* This television receiver has only an analog broadcast tuner and will require a converter box after February 17, 2009, to receive over-the-air broadcasts with an antenna because of the Nation's transition to digital broadcasting. Analog-only TVs should continue to work as before with cable and satellite TV services, gaming consoles, VCRs, DVD players, and similar products. For more information, call the Federal Communications Commission at 1–888–225–5322 (TTY: 1–888–835–5322) or visit the Commission's digital television Web site at: *http://www.dtv.gov.*

[FR Doc. 07–2318 Filed 5–9–07; 8:45 am]

BILLING CODE 6712–01–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 1804 and 1852

RIN 2700–AD26

Security Requirements for Unclassified Information Technology (IT) Resources

AGENCY: National Aeronautics and Space Administration.

ACTION: Final rule.

SUMMARY: NASA is amending the clause at NASA FAR Supplement (NFS) 1852.204–76, Security Requirements for Unclassified Information Technology Resources, to reflect the updated requirements of NASA Procedural Requirements (NPR) 2810, ''Security of Information Technology''. The NPR was recently revised to address increasing cyber threats and to ensure consistency with the Federal Information Security Management Act (FISMA), which requires agencies to protect information and information systems in a manner that is commensurate with the sensitivity of the information processed, transmitted, or stored.

EFFECTIVE DATE: This final rule is effective May 10, 2007.

FOR FURTHER INFORMATION CONTACT: Ken Stepka, Office of Procurement, Analysis Division, (202) 358–0492, e-mail: *ken.stepka@nasa.gov.*

SUPPLEMENTARY INFORMATION:

A. Background

NASA published a proposed rule in the **Federal Register** (71 FR 43408–43410) on August 1, 2006. The sixty day comment period expired October 2, 2006. Four comments were received from two respondents. A summary of the comments and NASA responses follows.

Comment: The clause is ''* * * not appropriate in situations where university contractors develop data and software to which NASA has access and the right to use, but is owned by the university under normal FAR and NFS provisions for university research contracts'' and should not ''* * * be included when the contractor will simply be delivering software or data in electronic format to the government, unless the government will be the sole and exclusive owner of such delivered software or data * * *.''

NASA Response: FISMA requires agencies to protect their information and information systems used or operated by an agency or by a contractor of an agency or other organization on behalf of an agency. This is a data protection, and not an ownership, issue.

Accordingly, the NASA clause which implements the FISMA requirements applies to contracts that require the contractor to process, store, or transmit NASA data, regardless of whether the contractors owns the underlying systems or software. Ownership of systems or software is not a determining factor for clause applicability. We note that the NASA clause is only inserted in contracts when the conditions specified in 1804.470–4 apply. The clause is not used in contracts that merely require the delivery of contractor-owned software.

Comment: The industry screening standard requirement for university personnel is the NACLC (National Agency Check + Local Agency Check) which does not satisfy the new requirement in the clause for an NACI (National Agency Check with Inquiries) and a new clearance will need to be obtained under the latter standard.

NASA Response: The screening requirement is established by Homeland Security Presidential Directive (HSPD)–12 for all Federal agencies, and NASA does not have the discretion to revise this standard.

Comment: Paragraph (d) of the proposed clause at 1852.204–76 permits the contracting officer to grant waivers to certain of its requirements, but does not provide approval criteria to assist the contracting officer review of the request.

NASA Response: Approval of waiver requests depends on the individual circumstances associated with each contract; therefore, a blanket set of approval criteria is inappropriate. Waiver requests will be reviewed and approved as necessary on a case-by-case basis.

Comment: The change of the physical security requirement in the proposed rule from a National Agency Check to a National Agency Check with Inquiries creates a concern in that the security measures cited pertain to personnel, not physical, security controls.

NASA Response: The cited requirement does not pertain to physical security controls, but rather physical and logical access of personnel into NASA facilities. NASA believes that the clause is clear on this issue and no further change is necessary.

Although NASA has not made changes to the proposed rule as a result of public comments, the following changes have been made to the clause at 1852.204–76. These changes are intended to improve the readability and clarify specific requirements of the clause, and NASA does not believe that these changes require publication for public comment. NASA is also deleting NFS 1804.402 since it contains obsolete references.

1. Paragraph (a) of the clause is restructured into two subparagraphs to improve readability.

2. Paragraph (b)(3) is revised to cite the specific NIST SP 800–61 standard for incident reporting and the U.S. Computer Emergency Readiness Team's (US–CERT) Concept of Operations for reporting security incidents.

3. Paragraph (b)(6) is clarified to specify which system administrators are subject to the NASA System Administrator Security Certification Program.

4. Paragraph (b)(7) is moved to a new paragraph (b)(8).

5. Paragraph (b)(7) is clarified to specify that sensitive but unclassified information is required to be encrypted.

6. Paragraph (f)(2) is clarified to specify closeout procedures related to IT resources at the completion or expiration of the contract.

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

B. Regulatory Flexibility Act

This final rule is not expected to have a significant economic impact on a substantial number of small entities with the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, because the rule merely summarizes existing Government-wide IT security requirements mandated by, and related to, FISMA.

C. Paperwork Reduction Act

The Paperwork Reduction Act (Pub. L. 96–511) does not apply because the Office of Management and Budget (OMB) has determined that the proposed changes to the NFS do not impose information collection requirements that require the approval of OMB under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Parts 1804 and 1852

Government procurement.

Sheryl Goddard,

Acting Assistant Administrator for Procurement.

■ Accordingly, 48 CFR parts 1804 and 1852 are amended as follows:

■ 1. The authority citation for 48 CFR parts 1804 and 1852 continues to read as follows:

Authority: 42 U.S.C. 2473(c)(1).

PART 1804—ADMINISTRATIVE MATTERS

1804.402 [Removed]

■ 2. Section 1804.402 is removed.

■ 3. Sections 1804.470, 1804.470–1, 1804.470–2 , 1804.470–3, and 1804.470–4 are revised to read as follows:

1804.470 Security requirements for unclassified information technology (IT) resources.

1804.470–1 Scope.

This section implements NASA's acquisition requirements pertaining to Federal policies for the security of unclassified information and information systems. Federal policies include the Federal Information System Management Act (FISMA) of 2002, Homeland Security Presidential Directive (HSPD) 12, Clinger-Cohen Act of 1996 (40 U.S.C. 1401 *et seq.*), OMB Circular A–130, Management of Federal Information Resources, and the National Institute of Standards and Technology (NIST) security requirements and standards. These requirements safeguard IT services provided to NASA such as the management, operation, maintenance, development, and administration of hardware, software, firmware, computer systems, networks, and telecommunications systems.

1804.470–2 Policy.

NASA IT security policies and procedures for unclassified information and IT are prescribed in NASA Policy Directive (NPD) 2810, Security of Information Technology; NASA Procedural Requirements (NPR) 2810, Security of Information Technology; and interim policy updates in the form of NASA Information Technology Requirements (NITR). IT services must be performed in accordance with these policies and procedures.

1804.470–3 IT Security requirements.

These IT security requirements cover all NASA contracts in which IT plays a role in the provisioning of services or products (e.g., research and development, engineering, manufacturing, IT outsourcing, human resources, and finance) that support NASA in meeting its institutional and mission objectives. These requirements are applicable where a contractor or subcontractor must obtain physical or electronic (i.e., authentication level 2 and above as defined in NIST Special Publication 800–63, Electronic Authentication Guideline) access to NASA's computer systems, networks, or IT infrastructure. These requirements are also applicable in cases where information categorized as low,

moderate, or high by the Federal Information Processing Standards (FIPS) 199, Standards for Security Categorization of Federal Information and Information Systems, is stored, generated, processed, or exchanged by NASA or on behalf of NASA by a contractor or subcontractor, regardless of whether the information resides on a NASA or a contractor/subcontractor's information system.

1804.470–4 Contract clause.

(a) Insert the clause at 1852.204–76, Security Requirements for Unclassified Information Technology Resources, in all solicitations and contracts when contract performance requires contractors to—

(1) Have physical or electronic access to NASA's computer systems, networks, or IT infrastructure; or

(2) Use information systems to generate, store, process, or exchange data with NASA or on behalf of NASA, regardless of whether the data resides on a NASA or a contractor's information system.

(b) Paragraph (d) of the clause allows contracting officers to waive the requirements of paragraphs (b) and (c)(1) through (3) of the clause. Contracting officers must obtain the approval of the—

(1) Center IT Security Manager before granting any waivers to paragraph (b) of the clause; and

(2) The Center Chief of Security before granting any waivers to paragraphs (c)(1) through (3) of the clause.

PART 1852—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 4. Section 1852.204–76 is revised to read as follows:

1852.204–76 Security Requirements for Unclassified Information Technology Resources.

As prescribed in 1804.470–4(a), insert the following clause:

Security Requirements for Unclassified Information Technology Resources (MAY 2007)

(a) The Contractor shall be responsible for information and information technology (IT) security when—

(1) The Contractor or its subcontractors must obtain physical or electronic (i.e., authentication level 2 and above as defined in National Institute of Standards and Technology (NIST) Special Publication (SP) 800–63, Electronic Authentication Guideline) access to NASA's computer systems, networks, or IT infrastructure; or

(2) Information categorized as low, moderate, or high by the Federal Information Processing Standards (FIPS) 199, Standards for Security Categorization of Federal Information and Information Systems is stored, generated, processed, or exchanged by NASA or on behalf of NASA by a contractor or subcontractor, regardless of whether the information resides on a NASA or a contractor/subcontractor's information system.

(b) IT Security Requirements.

(1) Within 30 days after contract award, a Contractor shall submit to the Contracting Officer for NASA approval an IT Security Plan, Risk Assessment, and FIPS 199, Standards for Security Categorization of Federal Information and Information Systems, Assessment. These plans and assessments, including annual updates shall be incorporated into the contract as compliance documents.

(i) The IT system security plan shall be prepared consistent, in form and content, with NIST SP 800–18, Guide for Developing Security Plans for Federal Information Systems, and any additions/augmentations described in NASA Procedural Requirements (NPR) 2810, Security of Information Technology. The security plan shall identify and document appropriate IT security controls consistent with the sensitivity of the information and the requirements of Federal Information Processing Standards (FIPS) 200, Recommended Security Controls for Federal Information Systems. The plan shall be reviewed and updated in accordance with NIST SP 800–26, Security Self-Assessment Guide for Information Technology Systems, and FIPS 200, on a yearly basis.

(ii) The risk assessment shall be prepared consistent, in form and content, with NIST SP 800–30, Risk Management Guide for Information Technology Systems, and any additions/augmentations described in NPR 2810. The risk assessment shall be updated on a yearly basis.

(iii) The FIPS 199 assessment shall identify all information types as well as the ''high water mark,'' as defined in FIPS 199, of the processed, stored, or transmitted information necessary to fulfill the contractual requirements.

(2) The Contractor shall produce contingency plans consistent, in form and content, with NIST SP 800–34, Contingency Planning Guide for Information Technology Systems, and any additions/augmentations described in NPR 2810. The Contractor shall perform yearly ''Classroom Exercises.'' ''Functional Exercises,'' shall be coordinated with the Center CIOs and be conducted once every three years, with the first conducted within the first two years of contract award. These exercises are defined and described in NIST SP 800–34.

(3) The Contractor shall ensure coordination of its incident response team with the NASA Incident Response Center (NASIRC) and the NASA Security Operations Center, ensuring that incidents are reported consistent with NIST SP 800–61, Computer Security Incident Reporting Guide, and the United States Computer Emergency Readiness Team's (US–CERT) Concept of Operations for reporting security incidents. Specifically, any confirmed incident of a system containing NASA data or controlling NASA assets shall be reported to NASIRC within one hour that results in unauthorized access, loss or modification of NASA data, or denial of service affecting the availability of NASA data.

(4) The Contractor shall ensure that its employees, in performance of the contract, receive annual IT security training in NASA IT Security policies, procedures, computer ethics, and best practices in accordance with NPR 2810 requirements. The Contractor may use Web-based training available from NASA to meet this requirement.

(5) The Contractor shall provide NASA, including the NASA Office of Inspector General, access to the Contractor's and subcontractors' facilities, installations, operations, documentation, databases, and personnel used in performance of the contract. Access shall be provided to the extent required to carry out IT security inspection, investigation, and/or audits to safeguard against threats and hazards to the integrity, availability, and confidentiality of NASA information or to the function of computer systems operated on behalf of NASA, and to preserve evidence of computer crime. To facilitate mandatory reviews, the Contractor shall ensure appropriate compartmentalization of NASA information, stored and/or processed, either by information systems in direct support of the contract or that are incidental to the contract.

(6) The Contractor shall ensure that system administrators who perform tasks that have a material impact on IT security and operations demonstrate knowledge appropriate to those tasks. Knowledge is demonstrated through the NASA System Administrator Security Certification Program. A system administrator is one who provides IT services (including network services, file storage, and/or web services) to someone other than themselves and takes or assumes the responsibility for the security and administrative controls of that service. Within 30 days after contract award, the Contractor shall provide to the Contracting Officer a list of all system administrator positions and personnel filling those positions, along with a schedule that ensures certification of all personnel within 90 days after contract award. Additionally, the Contractor should report all personnel changes which impact system administrator positions within 5 days of the personnel change and ensure these individuals obtain System Administrator certification within 90 days after the change.

(7) The Contractor shall ensure that NASA's Sensitive But Unclassified (SBU) information as defined in NPR 1600.1, NASA Security Program Procedural Requirements, which includes privacy information, is encrypted in storage and transmission.

(8) When the Contractor is located at a NASA Center or installation or is using NASA IP address space, the Contractor shall—

(i) Submit requests for non-NASA provided external Internet connections to the Contracting Officer for approval by the Network Security Configuration Control Board (NSCCB);

(ii) Comply with the NASA CIO metrics including patch management, operating systems and application configuration guidelines, vulnerability scanning, incident

reporting, system administrator certification, and security training; and

(iii) Utilize the NASA Public Key Infrastructure (PKI) for all encrypted communication or non-repudiation requirements within NASA when secure email capability is required.

(c) Physical and Logical Access Requirements.

(1) Contractor personnel requiring access to IT systems operated by the Contractor for NASA or interconnected to a NASA network shall be screened at an appropriate level in accordance with NPR 2810 and Chapter 4, NPR 1600.1, NASA Security Program Procedural Requirements. NASA shall provide screening, appropriate to the highest risk level, of the IT systems and information accessed, using, as a minimum, National Agency Check with Inquiries (NACI). The Contractor shall submit the required forms to the NASA Center Chief of Security (CCS) within fourteen (14) days after contract award or assignment of an individual to a position requiring screening. The forms may be obtained from the CCS. At the option of NASA, interim access may be granted pending completion of the required investigation and final access determination. For Contractors who will reside on a NASA Center or installation, the security screening required for all required access (e.g., installation, facility, IT, information, etc.) is consolidated to ensure only one investigation is conducted based on the highest risk level. Contractors not residing on a NASA installation will be screened based on their IT access risk level determination only. See NPR 1600.1, Chapter 4.

(2) Guidance for selecting the appropriate level of screening is based on the risk of adverse impact to NASA missions. NASA defines three levels of risk for which screening is required (IT–1 has the highest level of risk).

(i) IT–1—Individuals having privileged access or limited privileged access to systems whose misuse can cause very serious adverse impact to NASA missions. These systems include, for example, those that can transmit commands directly modifying the behavior of spacecraft, satellites or aircraft.

(ii) IT–2—Individuals having privileged access or limited privileged access to systems whose misuse can cause serious adverse impact to NASA missions. These systems include, for example, those that can transmit commands directly modifying the behavior of payloads on spacecraft, satellites or aircraft; and those that contain the primary copy of ''level 1'' information whose cost to replace exceeds one million dollars.

(iii) IT–3—Individuals having privileged access or limited privileged access to systems whose misuse can cause significant adverse impact to NASA missions. These systems include, for example, those that interconnect with a NASA network in a way that exceeds access by the general public, such as bypassing firewalls; and systems operated by the Contractor for NASA whose function or information has substantial cost to replace, even if these systems are not interconnected with a NASA network.

(3) Screening for individuals shall employ forms appropriate for the level of risk as established in Chapter 4, NPR 1600.1.

(4) The Contractor may conduct its own screening of individuals requiring privileged access or limited privileged access provided the Contractor can demonstrate to the Contracting Officer that the procedures used by the Contractor are equivalent to NASA's personnel screening procedures for the risk level assigned for the IT position.

(5) Subject to approval of the Contracting Officer, the Contractor may forgo screening of Contractor personnel for those individuals who have proof of a—

(i) Current or recent national security clearances (within last three years);

(ii) Screening conducted by NASA within the last three years that meets or exceeds the screening requirements of the IT position; or

(iii) Screening conducted by the Contractor, within the last three years, that is equivalent to the NASA personnel screening procedures as approved by the Contracting Officer and concurred on by the CCS.

(d) The Contracting Officer may waive the requirements of paragraphs (b) and (c)(1) through (c)(3) upon request of the Contractor. The Contractor shall provide all relevant information requested by the Contracting Officer to support the waiver request.

(e) The Contractor shall contact the Contracting Officer for any documents, information, or forms necessary to comply with the requirements of this clause.

(f) At the completion of the contract, the contractor shall return all NASA information and IT resources provided to the contractor during the performance of the contract and certify that all NASA information has been purged from contractor-owned systems used in the performance of the contract.

(g) The Contractor shall insert this clause, including this paragraph (g), in all subcontracts:

(1) Have physical or electronic access to NASA's computer systems, networks, or IT infrastructure; or

(2) Use information systems to generate, store, process, or exchange data with NASA or on behalf of NASA, regardless of whether the data resides on a NASA or a contractor's information system.

(End of clause)

[FR Doc. E7–9057 Filed 5–9–07; 8:45 am]

BILLING CODE 7510–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 070321063–7098–02; I.D. 031607E]

RIN 0648–AV22

Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; 2007 Georges Bank Cod Fixed Gear Sector Operations Plan and Agreement and Allocation of Georges Bank Cod Total Allowable Catch

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

ACTION: Final rule.

SUMMARY: NMFS announces approval of an Operations Plan and Sector Contract for the Georges Bank (GB) Cod Fixed Gear Sector (Fixed Gear Sector) entitled: ''GB Cod Fixed Gear Sector Operations Plan and Agreement'' (together referred to as the Sector Operations Plan), and the associated allocation of GB cod for fishing year (FY) 2007. The intent of this action is to allow regulated harvest of Northeast (NE) multispecies by the Fixed Gear Sector, consistent with the Operations Plan and objectives of the NE Multispecies Fishery Management Plan (FMP).

DATES: Effective May 4, 2007, through April 30, 2008.

ADDRESSES: Copies of the Fixed Gear Sector Operations Plan and the Environmental Assessment (EA) are available upon request from the NE Regional Office at the following mailing address: George H. Darcy, Assistant Regional Administrator for Sustainable Fisheries, NMFS, Northeast Regional Office, 1 Blackburn Drive, Gloucester, MA 01930. These documents may also be requested by calling (978) 281–9315.

FOR FURTHER INFORMATION CONTACT: Mark Grant, Fishery Management Specialist, phone (978) 281–9145, fax (978) 281–9135, e-mail *Mark.Grant@NOAA.gov*.

SUPPLEMENTARY INFORMATION: Framework Adjustment (FW) 42 (71 FR 62156, October 23, 2006) authorized the Fixed Gear Sector and authorized the Regional Administrator to allocate a GB cod total allowable catch (TAC) to the Fixed Gear Sector and exempt members from FMP restrictions on an annual

basis. In order for GB cod to be allocated to the Fixed Gear Sector, and for the Fixed Gear Sector to be authorized to fish for each fishing year, the Fixed Gear Sector must submit an Operations Plan and Sector Contract to the Regional Administrator annually for approval.

In accordance with the regulations, the Fixed Gear Sector submitted an initial version of the Operations Plan and Sector Contract, including a supplemental environmental assessment (EA) to NMFS on January 22, 2007. The Fixed Gear Sector subsequently submitted additional iterations of the Operations Plan and EA to clarify the Operations Plan and refine the analyses, with a final submission date of March 7, 2007. The Fixed Gear Sector will be overseen by a Board of Directors and a Sector Manager. The Sector Contract specifies, in accordance with Amendment 13 to the FMP, that the Sector's GB cod TAC will be based upon the number of Fixed Gear Sector members and their qualifying historic landings of GB cod. The GB cod TAC is a ''hard'' quota, meaning that, once the TAC is reached, Fixed Gear Sector vessels will be prohibited from fishing under a NE multispecies day-at-sea (DAS), possess or land GB cod or other regulated species managed under the FMP (regulated species), or use gear capable of catching groundfish (unless fishing under charter/party or recreational regulations) for the remainder of FY 2007.

Each Fixed Gear Sector member will be required to fish with jigs, demersal longline, handgear or gillnets; remain in the Fixed Gear Sector for the entire fishing year; and be confined to fishing in the Sector Area, which is that portion of the GB cod stock area north of 39°00′ N. lat. and east of 71°40′ W. long. Fixed Gear Sector members will be required to comply with all pertinent Federal fishing regulations, unless specifically exempted by a Letter of Authorization (LOA), and with the provisions of the approved Operations Plan. Based on approval of the Operations Plan, Fixed Gear Sector members will be exempted from the following restrictions of the FMP: GB cod trip limit; the GB Seasonal Closure Area (when fishing with hook gear); and the 3,600–hook limit and 2,000–hook limit for vessels fishing with longline gear in the GB), Gulf of Maine (GOM) and Southern New England (SNE) Regulated Mesh Areas (RMAs), respectively. In addition, the Operations Plan allows Fixed Gear Sector members to fish in the ''common pool,'' subject to all of the restrictions of the FMP, prior to approval of the Operations Plan. If Fixed Gear Sector members fish during FY 2007 under ''common pool'' rules, prior to fishing in the approved Sector, all cod caught will count towards the Fixed Gear Sector's GB cod TAC. This flexibility was requested so that Fixed Gear Sector members will be able to fish immediately at the beginning of the fishing year, and not be required to wait until approval of the Operations Plan. Justification for the proposed exemptions and analysis of the potential impacts of the Operations Plan are contained in the EA. A Final Regulatory Flexibility Analysis (FRFA) is contained in the Classification section of this final rule. On April 16, 2007, a proposed rule was published in the **Federal Register** (72 FR 18937) that requested comments on the Operations Plan and EA. The comment period closed on May 1, 2007.

Sixteen Fixed Gear Sector members have signed the 2007 Sector Contract. The GB cod TAC calculation is based upon the qualifying historic cod landings of the participating Fixed Gear Sector vessels, using all gear. The allocation percentage is calculated by dividing the sum of total landings of GB cod by Fixed Gear Sector members for FY 1996 through 2001 by the sum of the total accumulated landings of GB cod harvested by all NE multispecies vessels for the same time period (10,379,065 lb (4,708 mt)/ 113,278,842 lb (51,382.4 mt)). The resulting number is 9.16 percent. Based upon the 16 Fixed Gear Sector members, the Fixed Gear Sector TAC of GB cod is 771.1 mt (9.16 percent of the U.S. portion of the fishery-wide GB cod target TAC of 8,416 mt) for FY 2007.

Comments and Responses

One comment was received on this action from a member of the general public during the public comment period.

Comment 1: The commenter did not specifically address either the Operations Plan or EA, but suggested that the Sector Area should be closed to all fishing, asserting that the Sector Area is overfished.

Response: Amendment 13 to the FMP implemented a rebuilding plan for all overfished stocks managed under the FMP. As part of this rebuilding plan, Amendment 13 established the process by which a group of individuals may form a sector. The Fixed Gear Sector is a group of self-selecting fishermen that have come together voluntarily and cooperatively for the purposes of efficiently harvesting GB cod under a hard TAC to meet the overfishing mandates of the Sustainable Fisheries Act amendments to the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The EA prepared for the Fixed Gear Sector operations concludes that the biological impacts will be positive because the hard TAC for GB cod will ensure that the Fixed Gear Sector members will not contribute to the overfishing of GB cod, and because the elimination of the possession limit for GB cod will result in more efficient harvest of the cod TAC and, therefore, a reduction in the amount of time gear is in the water and available to interact with protected resources. In addition, the EA concludes that this action will have a positive impact on Essential Fish Habitat (EFH), given that vessels fishing in this sector will be confined to gear types that have less impact on EFH than most other groundfish gears. Further, by continuing to fish under their allocated NE multispecies DAS as a method to account for other regulated species caught, the Fixed Gear Sector complies with the rebuilding plan for all NE multispecies stocks. The Sector Area does not need to be closed to all fishing because there are regulatory restrictions in place design to protect and rebuild fish stocks in accordance with applicable laws.

LOAs will be issued to members of the Fixed Gear Sector exempting them, conditional upon their compliance with the Sector Operations Plan, from the GB cod possession restrictions, the 3,600–hook limit in the GB RMA, the 2,000–hook limit in the GOM and SNE RMAs and the GB Seasonal Closure Area when using hook gear, as specified in §§ 658.86(b)(2), 648.80(a)(4)(v), 648.80(a)(3)(v), 648.80(b)(2)(v), and 648.81(g), respectively.

Classification

NMFS has determined that this final rule is consistent with the FMP, the Magnuson-Stevens Act, and other applicable laws.

Pursuant to 5 U.S.C. 553(d)(1), the Assistant Administrator for Fisheries, NOAA, (Assistant Administrator) finds justification to waive the delay in effectiveness of this action, because it provides the basis for NMFS to immediately grant sector members the following exemptions from the regulations implementing the FMP:

1. GB cod trip limit;
2. GB Seasonal Closure; and
3. GOM, GB and SNE limit on number of hooks fished.

These regulations will remain applicable to ''common pool'' vessels. Because the Fixed Gear Sector will be fishing under a hard TAC for GB cod, effort controls (i.e., exemptions 1–3 above) are not necessary to constrain the impact of the Fixed Gear Sector on the GB cod stock. Should the Fixed Gear

Sector's allocated GB cod TAC be harvested, participating vessels would no longer be allowed to fish under a NE multispecies DAS, possess or land GB cod or other regulated species managed under the FMP, or use gear capable of catching groundfish (unless fishing under recreational or charter/party regulations). Fixed Gear Sector members will be required to fish under their current NE multispecies DAS allocation to account for any other regulated NE multispecies that they may catch while fishing for GB cod and are restricted to using hook gear only.

This final rule has been determined to be not significant for purposes of Executive Order (E.O.) 12866. This final rule does not contain policies with federalism or ''takings'' implications as those terms are defined in E.O. 13132 and E.O. 12630, respectively. There are no Federal rules that duplicate, overlap, or conflict with this final rule.

An EA has been prepared for this final rule in compliance with the National Environmental Policy Act. A copy of this EA may be obtained (see **ADDRESSES**).

NMFS, pursuant to section 604 of the RFA, prepared this FRFA in support of the 2007 GB Cod Fixed Gear Sector Operations Plan and allocation of GB cod TAC. The FRFA incorporates the economic impacts identified in the Initial Regulatory Flexibility Analysis, which was summarized in the preamble of the proposed rule and the corresponding analysis in the EA prepared for this action. A description of why this action was considered, along with the objectives of, and the legal basis for, this rule are contained in the preamble to the proposed rule and are not repeated here.

Summary of the Issues Raised by Public Comments in Response to the IRFA. A Summary of the Assessment of the Agency of Such Issues, and a Statement of Any Changes Made from the Proposed Rule as a Result of Such Comments

No comments pertaining to the IRFA or the economic impacts of the rule were received during the comment period for this action.

Description of and Estimate of the Number of Small Entities to Which the Final Rule Would Apply

The Small Business Administration size standard for small commercial fishing entities is $4 million in average annual receipts, and the size standard for small charter/party operators is $6.5 million in average annual receipts. While an entity may own multiple vessels, available data make it difficult to determine which vessels may be controlled by a single entity. For this reason, each vessel is treated as a single entity for purposes of size determination and impact assessment. All permitted and participating vessels in the groundfish fishery, including prospective Fixed Gear Sector members, are considered to be small entities according to this standard and, therefore, there is no differential impact between large and small entities. The number of participants in the Fixed Gear Sector is 16, substantially less than the total number of active vessels in the groundfish fishery (nearly 1,000). Only these 16 vessels would be subject to the regulatory exemptions and operational restrictions proposed for the Fixed Gear Sector for FY 2007.

Description of the Projected Reporting, Recordkeeping, and Other Compliance Requirements of the Final Rule

This final rule contains a collection-of-information requirement subject to the Paperwork Reduction Act (PRA) and which has been approved by Office of Management and Budget (OMB) under control number 0648–0202. Public reporting burden for the Submission of a Plan of Operation for an Approved Sector Allocation is estimated to average 50 hr per response, and for the Annual Reporting Requirements for Sectors is estimated to average 6 hr per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB Control Number.

Description of Steps the Agency Has Taken to Minimize the Significant Economic Impact on Small Entities Consistent with the Stated Objectives of Applicable Statues

Because this action is limited to reviewing and approving or disapproving the 2007 Fixed Gear Sector Operations Plan submitted by the Fixed Gear Sector, only two alternatives were considered regarding the Operations Plan and allocation of GB cod TAC: The no-action alternative and the proposed alternative. Under the no-action alternative, all Fixed Gear Sector vessels would remain in the common pool of vessels and be subject to all of the regulations implemented by Amendment 13 and subsequent adjustments to the FMP, and would not be allocated any portion of the GB cod target TAC. The proposed alternative implemented by this action enables vessels to fish under the restrictions of the Operations Plan summarized above and allocates a portion of the GB cod target TAC to Fixed Gear Sector vessels.

The fixed gear fishermen and the Chatham and Harwichport, MA, communities (homeports for all Fixed Gear Sector vessels) are dependent upon GB cod and other groundfish. The Amendment 13 restrictions that reduced the GB cod trip limit had a disproportionate affect on these fixed gear fishermen. Under the common pool rules implemented by FW 42 (e.g., differential DAS counting) and Amendment 13 (restrictive daily trip limits for cod), it is likely that Fixed Gear Sector vessels would experience revenue losses. It is more likely that disruption to the Chatham/Harwichport communities would occur under the no-action alternative. In contrast, the proposed alternative would positively impact the 16 vessels that have voluntarily joined the Fixed Gear Sector, who are relatively dependent upon cod revenue compared to other participants in the groundfish fishery.

Approval of the Operations Plan enables Fixed Gear Sector members to fish under a set of rules crafted by members in order to adapt to current economic and fishing conditions. The 2007 Sector Operations Plan includes a number of provisions that would allow Fixed Gear Sector vessels to remain economically viable, minimize vessel expenses, and maximize consistent revenue streams throughout the fishing year compared to the no-action alternative, without compromising conservation objectives of the FMP. Such provisions include the establishment of a hard TAC for GB cod landed by Fixed Gear Sector vessels, the even distribution of the allocated GB cod TAC throughout the fishing year, an exemption from cod possession limits, an exemption from the GB Seasonal Closure Area for hook gear vessels, and exemptions from the maximum number of hooks that may be fished. By facilitating the continued supply of groundfish, the preferred alternative allows Fixed Gear Sector vessels to maximize revenues from available fishing opportunities and, therefore, minimizes adverse economic impacts on small entities compared to the no-action alternative.

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

Dated: May 4, 2007.

William T. Hogarth

Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 07–2302 Filed 5–4–07; 2:47 pm]

BILLING CODE 3510–22–S

Proposed Rules

Federal Register
Vol. 72, No. 90
Thursday, May 10, 2007

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

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

9 CFR Part 381

[Docket No. FSIS–2007–0016]

Eligibility of Chile To Export Poultry and Poultry Products to the United States: Proposed Rule Comment Period Extension and Notice of New Information

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Proposed rule; supplemental information.

SUMMARY: The Food Safety and Inspection Service (FSIS) is providing additional information about the basis on which it has tentatively concluded that Chile's inspection system for poultry and poultry products is equivalent to that of the United States. FSIS published a proposed rule (FSIS–2006–0030) in the **Federal Register** of February 26, 2007 (72 FR 8293–8296), that would add Chile to the list of countries eligible to export poultry and poultry products to the United States. A comment on the proposal noted a deficiency that FSIS found in its onsite audit of Chile's inspection system and questioned how, given that deficiency, FSIS could find Chile's system equivalent. FSIS is addressing this concern in this supplement to the proposed rule. Given that FSIS is providing additional information to explain the basis for its tentative finding of equivalency, FSIS is re-opening the comment period on the proposed rule to May 25, 2007.

DATES: Submit comments by May 25, 2007.

ADDRESSES: FSIS invites interested persons to submit comments on the proposed rule referenced in this document. Comments may be submitted by any of the following methods:

- Federal eRulemaking Portal: This Web site provides the ability to type short comments directly into the comment field on this Web page or attach a file for lengthier comments. FSIS prefers to receive comments through the Federal eRulemaking Portal. Go to *http://www.regulations.gov* and, in the ''Search for Open Regulations'' box, select ''Food Safety and Inspection Service'' and ''Proposed Rules'' from the agency drop-down menu and then click on ''Submit.'' In the Docket ID column, select the FDMS Docket Number to submit or view public comments and to view supporting and related materials available electronically. After the close of the comment period, the docket can be viewed using the ''Advanced Search'' function in Regulations.gov.
- Mail, including floppy disks or CD–ROM's, and hand- or courier-delivered items: Send to Docket Clerk, U.S. Department of Agriculture, Food Safety and Inspection Service, 300 12th Street, SW., Room 102 Cotton Annex, Washington, DC 20250.
- Electronic mail: *RiskBasedInspection@fsis.usda.gov.*

All submissions received must include the Agency name and docket number FSIS–2006–0030.

All comments submitted in response to this proposed rule will be posted to the regulations.gov Web site. Comments will also be available for public inspection in the FSIS Docket Room at the address listed above between 8:30 a.m. and 4:30 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: For further information contact Daniel Engeljohn, Ph.D., Deputy Assistant Administrator for Office of Policy, Program and Employee Development, FSIS, U.S. Department of Agriculture, Room 3147, South Building, 14th and Independence, SW., Washington, DC 20250–3700; telephone (202) 205–0495, fax (202) 401–1760, *daniel.engeljohn@usda.fsis.gov.*

SUPPLEMENTARY INFORMATION:

Background

FSIS is the public health regulatory agency in the U.S. Department of Agriculture (USDA) responsible for ensuring that the nation's commercial supply of meat, poultry, and egg products is safe, wholesome, and correctly labeled and packaged. Under the Poultry Products Inspection Act (21 U.S.C. 466), FSIS must evaluate a foreign country's inspection system before determining that country is eligible to export poultry or poultry products. This evaluation consists of two parts: A document review and an on-site review. The document review is an evaluation of the laws, regulations, and other written materials used by the country to effect its inspection program. If the document review is satisfactory, the on-site review is scheduled. It is conducted by a multi-disciplinary team that evaluates all aspects of the country's inspection program, including its laboratories and individual establishments within the country. The process of determining equivalence is described fully on the FSIS Web site at *http://www.fsis.usda.gov/regulations_&_policies/equivalence_process/index.asp.*

The FSIS review of Chile's poultry inspection system found that Chile's requirements are equivalent to the relevant provisions of the PPIA and the regulations that implement that statute. The FSIS on-site review of Chile's poultry inspection system in August 2005 found, however, that Chile was not conducting species verification testing as required.

Chile immediately committed to remedying this deficiency and has documented the steps that it has taken to implement species verification testing. FSIS has evaluated the documentation provided by Chile and is confident that Chile has sufficient controls in place to ensure that species verification testing is being performed. It is noteworthy that FSIS audited Chile's *beef* slaughter inspection system in March–April 2006 and found that species verification testing is being performed by the Chilean government in the beef slaughter establishments certified to export to the United States.

FSIS documentation of the materials submitted by Chile to satisfy the species verification requirement for poultry can be found online as an addendum to the 2005 FSIS audit of Chile's poultry inspection system at *http://www.fsis.usda.gov/regulations_&_policies/Foreign_Audit_Reports/index.asp.*

FSIS is re-opening the comment period for this proposed rule so that the public can have an opportunity to comment on the new information that the Agency is making available. Comments must be received by May 25, 2007.

Under this proposed rule, poultry and poultry products processed in certified Chilean establishments may be exported to the United States. All such products will be subject to re-inspection at United States ports-of-entry by FSIS inspectors.

E-Government Act Compliance

The Food Safety and Inspection Service is committed to complying with the E-Government Act, to promote the use of the Internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, in an effort to ensure that minorities, women, and persons with disabilities are aware of this document, FSIS will announce it on-line through the FSIS Web page located at *http://www.fsis.usda.gov/regulations_&_policies/2007_Proposed_Rules_Index/index.asp.* FSIS will also make copies of this **Federal Register** publication available through the FSIS Constituent Update, which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, recalls, and other types of information that could affect or would be of interest to constituents and stakeholders. The update is communicated via Listserv, a free electronic mail subscription service for industry, trade and farm groups, consumer interest groups, allied health professionals, and other individuals who have asked to be included. The update is available on the FSIS Web page. Through the Listserv and Web page, FSIS is able to provide information to a much broader and more diverse audience. In addition, FSIS offers an e-mail subscription service which provides automatic and customized access to selected food safety news and information. This service is available at *http://www.fsis.usda.gov/news_and_events/email_subscription/.* Options range from recalls to export information to regulations, directives and notices. Customers can add or delete subscriptions themselves and have the option to password-protect their account.

Done at Washington, DC, on April 30, 2007.

David P. Goldman,

Acting Administrator.

[FR Doc. 07–2202 Filed 5–9–07; 8:45 am]

BILLING CODE 3410–DM–P

NUCLEAR REGULATORY COMMISSION

10 CFR Part 72

RIN 3150—AI13

List of Approved Spent Fuel Storage Casks: NAC-MPC Revision 5

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is proposing to amend its regulations revising the NAC International, Inc., NAC-Multi-Purpose Canister (MPC) system listing within the ''List of Approved Spent Fuel Storage Casks'' to include Amendment No. 5 to Certificate of Compliance (CoC) Number 1025. Amendment No. 5 would modify the CoC by revising the Technical Specifications (TS) to incorporate changes to the reporting and monitoring requirements to allow for visual inspection of the air inlet and outlet vents instead of thermal monitoring, revising the TS to incorporate guidance from NRC Interim Staff Guidance-22 and replace all references to backfilling the cask with air to backfilling with inert gas, revising the CoC description to remove the requirement for tamper-indicating devices on the Vertical Concrete Casks, and including several editorial changes to improve the clarity of the documents associated with the NAC-MPC system, under the general provisions that govern licensing requirements for the independent storage of spent nuclear fuel, high level radioactive waste, and reactor-related greater than Class C waste.

DATES: Comments on the proposed rule must be received on or before June 11, 2007.

ADDRESSES: You may submit comments by any one of the following methods. Please include the following number (RIN 3150–AI13) in the subject line of your comments. Comments on rulemakings submitted in writing or in electronic form will be made available for public inspection. Because your comment will not be edited to remove any identifying or contact information, the NRC cautions you against including personal information such as social security numbers and birth dates in your submission.

Mail comments to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Rulemakings and Adjudications Staff.

E-mail comments to: SECY@nrc.gov. If you do not receive a reply e-mail confirming that we have received your comments, contact us directly at (301) 415–1966. You may also submit comments via the NRC's rulemaking Web site at *http://rulemaking.llnl.gov.* Address questions about our rulemaking Web site to Carol Gallagher (301) 415–5905; e-mail *cag@nrc.gov.* Comments can also be submitted via the Federal eRulemaking Portal *http://www.regulations.gov.*

Hand deliver comments to: 11555 Rockville Pike, Rockville, Maryland 20852, between 7:30 a.m. and 4:15 p.m. Federal workdays [telephone (301) 415–1966].

Fax comments to: Secretary, U.S. Nuclear Regulatory Commission at (301) 415–1101.

Publicly available documents related to this rulemaking may be viewed electronically on the public computers at the NRC's Public Document Room (PDR), O–1F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland. Selected documents, including comments, can be viewed and downloaded electronically via the NRC rulemaking Web site at *http://ruleforum.llnl.gov.*

Publicly available documents created or received at the NRC after November 1, 1999, are available electronically at the NRC's Electronic Reading Room at *http://www.nrc.gov/NRC/ADAMS/index.html.* From this site, the public can gain entry into the NRC's Agencywide Document Access and Management System (ADAMS), which provides text and image files of NRC's public documents. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC PDR Reference staff at 1–800–397–4209, 301–415–4737, or by e-mail to *pdr@nrc.gov.* An electronic copy of the proposed CoC No. 1025, the proposed TS, and the preliminary safety evaluation report (SER) for Amendment 5 can be found under ADAMS Accession Nos. ML063520431, ML063520434, and ML063520440.

The proposed CoC No. 1025, the proposed TS, the preliminary SER for Amendment No. 5, and the environmental assessment are available for inspection at the NRC PDR, 11555 Rockville Pike, Rockville MD. Single copies of these documents may be obtained from Jayne M. McCausland,

Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone (301) 415–6219, e-mail *jmm2@nrc.gov*.

FOR FURTHER INFORMATION CONTACT: Jayne M. McCausland, Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone (301) 415–6219, e-mail *jmm2@nrc.gov*.

SUPPLEMENTARY INFORMATION: For additional information see the direct final rule published in the Rules and Regulations section of this **Federal Register**.

Procedural Background

This rule is limited to the changes contained in Amendment 5 to CoC No. 1025 and does not include other aspects of the NAC–MPC design. Because NRC considers this action noncontroversial and routine, the NRC is publishing this proposed rule concurrently as a direct final rule. Adequate protection of public health and safety continues to be ensured. The direct final rule will become effective on July 24, 2007. However, if the NRC receives significant adverse comments by June 11, 2007, then the NRC will publish a document that withdraws the direct final rule and will subsequently address the comments received in a final rule. The NRC will not initiate a second comment period on this action.

A significant adverse comment is a comment where the commenter explains why the rule would be inappropriate, including challenges to the rule's underlying premise or approach, or would be ineffective or unacceptable without a change. A comment is adverse and significant if:

(1) The comment opposes the rule and provides a reason sufficient to require a substantive response in a notice-and-comment process. For example, a substantive response is required when—

(a) The comment causes the NRC staff to reevaluate (or reconsider) its position or conduct additional analysis;

(b) The comment raises an issue serious enough to warrant a substantive response to clarify or complete the record; or

(c) The comment raises a relevant issue that was not previously addressed or considered by the NRC staff.

(2) The comment proposes a change or an addition to the rule, and it is apparent that the rule would be ineffective or unacceptable without incorporation of the change or addition.

(3) The comment causes the NRC staff to make a change (other than editorial) to the rule, CoC, or TS.

List of Subjects in 10 CFR Part 72

Administrative practice and procedure, Criminal penalties, Manpower training programs, Nuclear materials, Occupational safety and health, Penalties, Radiation protection, Reporting and recordkeeping requirements, Security measures, Spent fuel, Whistleblowing.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; and 5 U.S.C. 553; the NRC is proposing to adopt the following amendments to 10 CFR part 72.

PART 72—LICENSING REQUIREMENTS FOR THE INDEPENDENT STORAGE OF SPENT NUCLEAR FUEL, HIGH-LEVEL RADIOACTIVE WASTE, AND REACTOR-RELATED GREATER THAN CLASS C WASTE

1. The authority citation for part 72 continues to read as follows:

Authority: Secs. 51, 53, 57, 62, 63, 65, 69, 81, 161, 182, 183, 184, 186, 187, 189, 68 Stat. 929, 930, 932, 933, 934, 935, 948, 953, 954, 955, as amended; sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2071, 2073, 2077, 2092, 2093, 2095, 2099, 2111, 2201, 2232, 2233, 2234, 2236, 2237, 2238, 2282); sec. 274, Pub. L. 86–373, 73 Stat. 688, as amended (42 U.S.C. 2021); sec. 201, as amended, 202, 206, 88 Stat. 1242; as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846); Pub. L. 95–601, sec. 10, 92 Stat. 2951, as amended by Pub. L. 102–486, sec. 7902, 106 Stat. 3123 (42 U.S.C. 5851); sec. 102, Pub. L. 91–190, 83 Stat. 853 (42 U.S.C. 4332); secs. 131, 132, 133, 135, 137, 141, Pub. L. 97–425, 96 Stat. 2229, 2230, 2232, 2241; sec. 148, Pub. L. 100–203, 101 Stat. 1330–235 (42 U.S.C. 10151, 10152, 10153, 10155, 10157, 10161, 10168); sec. 1704, 112 Stat. 2750 (44 U.S.C. 3504 note); sec. 651(e), Pub. L. 109–58, 119 Stat. 806–10 (42 U.S.C. 2014, 2021, 2021b, 2111).

Section 72.44(g) also issued under secs. 142(b) and 148(c), (d), Pub. L. 100–203, 101 Stat. 1330–232, 1330–236 (42 U.S.C. 10162(b), 10168(c),(d)). Section 72.46 also issued under sec. 189, 68 Stat. 955 (42 U.S.C. 2239); sec. 134, Pub. L. 97–425, 96 Stat. 2230 (42 U.S.C. 10154). Section 72.96(d) also issued under sec. 145(g), Pub. L. 100–203, 101 Stat. 1330–235 (42 U.S.C. 10165(g)). Subpart J also issued under secs. 2(2), 2(15), 2(19), 117(a), 141(h), Pub. L. 97–425, 96 Stat. 2202, 2203, 2204, 2222, 2244 (42 U.S.C. 10101, 10137(a), 10161(h)). Subparts K and L are also issued under sec. 133, 98 Stat. 2230 (42 U.S.C. 10153) and sec. 218(a), 96 Stat. 2252 (42 U.S.C. 10198).

2. In § 72.214, Certificate of Compliance 1025 is revised to read as follows:

§ 72.214 List of approved spent fuel storage casks.

* * * * *

Certificate Number: 1025.

Initial Certificate Effective Date: April 10, 2000.

Amendment Number 1 Effective Date: November 13, 2001.

Amendment Number 2 Effective Date: May 29, 2002.

Amendment Number 3 Effective Date: October 1, 2003.

Amendment Number 4 Effective Date: October 27, 2004.

Amendment Number 5 Effective Date: July 24, 2007.

SAR Submitted by: NAC International, Inc.

SAR Title: Final Safety Analysis Report for the NAC Multi-Purpose Canister System (NAC–MPC System).

Docket Number: 72–1025.

Certificate Expiration Date: April 10, 2020.

Model Number: NAC–MPC.

* * * * *

Dated at Rockville, Maryland, this 24th day of April, 2007.

For the Nuclear Regulatory Commission.

Martin J. Virgilio,

Acting Executive Director for Operations.

[FR Doc. E7–9007 Filed 5–9–07; 8:45 am]

BILLING CODE 7590–01–P

FEDERAL ELECTION COMMISSION

11 CFR Part 106

[Notice 2007–10]

Hybrid Communications

AGENCY: Federal Election Commission.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Federal Election Commission requests comments on a proposed rule to attribute the disbursements for a public communication made by a political party that refers to a clearly identified Federal candidate and that also generically refers to other candidates of a political party without clearly identifying them. Several alternatives are presented, including an alternative to include public communications that refer to multiple Federal candidates. The Commission has made no final decision on the issues presented in this rulemaking. Further information is provided in the supplementary information that follows.

DATES: Comments must be received on or before June 11, 2007. The Commission will hold a hearing on the proposed rules on July 11, 2007 at 10 a.m. Anyone wishing to testify at the

hearing must file written comments by the due date and must include a request to testify in the written comments.

ADDRESSES: All comments must be in writing, must be addressed to Ms. Amy L. Rothstein, Assistant General Counsel, and must be submitted in either e-mail, facsimile, or paper copy form. Commenters are strongly encouraged to submit comments by e-mail to ensure timely receipt and consideration. E-mail comments must be sent to *hybridads@fec.gov.* If e-mail comments include an attachment, the attachment must be in either Adobe Acrobat (.pdf) or Microsoft Word (.doc) format. Faxed comments must be sent to (202) 219–3923, with paper copy follow-up. Paper comments and paper copy follow-up of faxed comments must be sent to the Federal Election Commission, 999 E Street, NW., Washington, DC 20463. All comments must include the full name and postal service address of the commenter or they will not be considered. The Commission will post comments on its Web site after the comment period ends. The hearing will be held in the Commission's ninth-floor meeting room, 999 E Street, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Ms. Amy L. Rothstein, Assistant General Counsel, Ms. Esa L. Sferra, Attorney, or Mr. Robert M. Knop, Attorney, 999 E Street, NW., Washington, DC 20463, (202) 694–1650 or (800) 424–9530.

SUPPLEMENTARY INFORMATION: Through this rulemaking, the Commission seeks to establish how political party committees attribute disbursements for ''hybrid communications''—communications that refer both to one or more clearly identified Federal candidates and generically to candidates of a political party (''generic party reference'').

The Federal Election Campaign Act of 1971, as amended (''the Act''), and current Commission regulations do not explicitly provide for the attribution of disbursements for hybrid communications, except for those communications distributed by means of a telephone bank. *See* 11 CFR 106.8 (requiring disbursements to be attributed equally between the Federal candidate clearly identified in the communication and the political party committee making the communication). Recently, the Commission considered the attribution of disbursements for hybrid communications made by a political party committee through two other types of public communication: Hybrid communications by means of mass mailings and hybrid communications by means of broadcast television and radio. *See* Advisory Opinion 2006–11 (Washington Democratic State Central Committee) (mass mailings); [1] Report of the Audit Division on Bush-Cheney '04, Inc. and the Bush-Cheney '04 Compliance Committee, Inc. (approved March 22, 2007) (''*Final Audit Report*'') (television and radio advertisements).[2] The proposed rule discussed below presents alternative methods for attributing the disbursements for various forms of hybrid communications made by political party committees, and would supersede and replace current 11 CFR 106.8.

I. Background

The general rule for attributing disbursements for a communication made on behalf of more than one Federal candidate clearly identified in the communication is based on the ''benefit reasonably expected to be derived'' by the candidates. *See* 11 CFR 106.1(a). Under § 106.1(a), that benefit is determined by the proportion of space or time, or number of questions or statements, devoted to each clearly identified Federal candidate as compared to the total space or time, or number of questions or statements, devoted to all clearly identified Federal candidates. The percentage reflecting the relative proportion of space or time devoted to a clearly identified Federal candidate is the percentage of the disbursements for the communication attributed to that candidate (''space or time attribution''). The terms of this rule are limited to communications that refer to two or more clearly identified Federal candidates, and do not provide a method for a political party to attribute a portion of the communication to itself, through a generic party reference.

Current section 106.8 does permit attribution of the benefit reasonably expected to be derived from a generic party reference in hybrid communications made by a political party, but only when the communication is made by means of a telephone bank. *See* 11 CFR 106.8; Final Rules and Explanation and Justification for Party Committee Telephone Banks, 68 FR 64517 (Nov. 14, 2003) (''*Telephone Bank Final Rules*''). Currently, section 106.8 requires disbursements for the communication to be attributed equally to the clearly identified Federal candidate and the political party making the communication.

Recently, the Commission was asked to address the attribution of disbursements for a hybrid communication by means of a mass mailing paid for by a State committee of a political party. In Advisory Opinion 2006–11 (Washington Democratic State Central Committee), the Commission noted that ''[n]either the Act nor Commission regulations definitively address the appropriate allocation of payments for'' a mass mailing that referred to one clearly identified Federal candidate and contained a generic party reference. Advisory Opinion 2006–11. ''Section 106.1(a) provides the general rule that expenditures made on behalf of *more than one* clearly identified candidate 'shall be attributed to each such candidate according to the benefit reasonably expected to be derived.' '' *Id.* ''Commission regulations at 11 CFR 106.8 (which apply only to *phone banks* conducted by a party committee) do address the attribution required for a communication that possesses the same attributes as the mass mailings described in [the] request (*i.e.*, reference to only one clearly identified Federal candidate along with a generic reference to other party candidates; and no solicitation of funds).'' *Id.* The Commission nonetheless concluded that at least 50 percent of the disbursements should be attributed to the clearly identified Federal candidate. If the space devoted to that Federal candidate exceeds the amount of space devoted to the generic party reference, the disbursement must be attributed to the Federal candidate based on an analysis of the space or time devoted to the Federal candidate, as compared to the space or time devoted to the generic party reference, pursuant to guidance in 11 CFR 106.1(a).

Most recently, the Commission was presented with the issue of attributing disbursements for hybrid communications by means of broadcast television and radio paid for in part by a publicly funded presidential candidate and in part by a national committee of a political party. *See Final Audit Report.* The national committee attributed 50 percent of the disbursements for the hybrid communications to its publicly funded presidential candidate clearly identified in the communications, and 50 percent to the political party committee. In the *Final Audit Report*, the Commission considered the extent to which, if any, 11 CFR 106.1 and 106.8 provided guidance for attributing the

[1] Available at *www.fec.gov/law/law.shtml.*

[2] Available at *www.fec.gov/audits/audit_reports_pres.shtml.*

disbursements for the communications, but did not make a finding.[3] *Id.*

The Commission is proposing to amend current 11 CFR 106.8 to address the attribution of disbursements for hybrid communications made through all types of ''public communication'' as defined in 11 CFR 100.26. Proposed section 106.8 would be divided into paragraph (a) setting out the scope of the proposed rule, paragraph (b) setting out the attribution formulas, and paragraph (c) describing the reporting of disbursements attributed under the proposed rule. The discussion below explains each paragraph separately and also seeks comment on the proposed rule.

II. Proposed 11 CFR 106.8(a)—Scope

Proposed 11 CFR 106.8 would apply to any ''public communication,'' as defined in 11 CFR 100.26, which includes broadcast, cable, and satellite communications; newspapers and magazines; outdoor advertising facilities; mass mailings; telephone banks; and Internet communications placed for a fee on another person's Web site. *See* 2 U.S.C. 431(22); 11 CFR 100.26. Proposed 11 CFR 106.8 would address the attribution of disbursements for a public communication made by any national, State, district, or local party committee, including national congressional campaign committees and convention committees, *see* 11 CFR 9008.3(a)(2), that contains a generic party reference and also refers to only one clearly identified Federal candidate, such as ''Show your support for Senator X and our other great Democratic candidates.'' As discussed below, proposed 11 CFR 106.8 would also address the attribution of disbursements for a public communication that refers to two or more clearly identified Federal candidates, provided that those candidates are running for the same Federal office.[4] An additional proposed alternative would further address the attribution of disbursements for a public communication that refers to two or more clearly identified Federal candidates running for different Federal offices. Neither the proposed rule nor any of the alternatives presented would apply to disbursements for public communications that are independent expenditures.

The Commission seeks comment on all aspects of the scope of proposed 11 CFR 106.8. Should the Commission apply a uniform attribution rule to all types of public communication? In 2003, the Commission ''decided to limit the scope of new section 106.8 to phone banks * * * because each type of communication presents different issues that need to be considered in further detail before establishing new rules.'' *Telephone Bank Final Rules*, 68 FR at 64518. Are there communication-specific considerations that counsel against adoption of a uniform approach?

A. Proposed 11 CFR 106.8(a)(1)(i) and (ii)—Reference to a Clearly Identified Federal Candidate

1. Proposed 11 CFR 106.8(a)(1)(i)(A) and (B)

The proposed rule would extend to two types of public communications. The first type refers to only one clearly identified Federal candidate and does not refer to any other clearly identified Federal or non-Federal candidate. The clearly identified Federal candidate could be either a candidate of the political party making the communication, or an opposing candidate. The Commission requests comment on this approach.

The second type of public communication covered by the proposed rule refers to two or more clearly identified Federal candidates running for the same Federal office, only one of whom is a candidate of the political party making the public communication, provided the communication does not clearly identify any other Federal or non-Federal candidate. This portion of the proposed rule is intended to reach communications that compare or contrast the political party's own clearly identified Federal candidate with other clearly identified candidates not supported by the political party. The Commission requests comment on this approach.

For purposes of the proposed rule, a Federal candidate of a political party would include both a Federal candidate seeking the nomination of that political party and a candidate who has already obtained that political party's nomination.

2. Proposed Alternative 11 CFR 106.8(a)(1)(i)(C)—Multiple Federal Candidate Reference

Proposed 11 CFR 106.8(a)(1)(i)(C) would extend the rule to a third type of public communication, namely a public communication that refers to multiple clearly identified Federal candidates of the same political party who are seeking different Federal offices. This portion of the proposed rule is intended to reach communications that promote a ''slate'' of a political party's candidates, along with the party itself. For example, proposed 11 CFR 106.8(a)(1)(i)(C) would permit attribution of a public communication that refers to a political party's candidates for both U.S. Senate and U.S. House of Representatives.

The Commission seeks comment on this approach. Are such communications quantitatively different from communications clearly identifying Federal candidates for the same Federal office only? Is the value of the generic party reference in a hybrid communication diluted by the inclusion of more clearly identified candidates? The Commission seeks comments on such an approach and possible methods for attributing disbursements for a communication clearly identifying multiple Federal candidates of the same political party seeking different Federal offices between those candidates and the political party making the communication. If the Commission were to adopt this approach, should it exclude public communications that include a reference to a clearly identified non-Federal candidate? What would be the consequences of including such a reference?

B. Proposed 11 CFR 106.8(a)(1)(iii)—Generic Party Reference

Proposed 11 CFR 106.8(a)(1)(iii) would define a generic party reference in a public communication as a reference to other Federal or non-Federal candidates that does not clearly identify those candidates.

The proposed rule presents two alternative descriptions of a generic party reference. The first alternative would require the generic party reference to refer to the other candidates as candidates of a political party by using the name or nickname of the political party, such as ''our wonderful Democratic team,'' or ''the great Republican ticket.'' The Commission seeks comment on this proposed alternative. Under this approach, the generic reference must refer to candidates of a political party, rather than simply refer to a political party. For example, in the statement ''Candidate Y and the Republican Party,'' the reference to the Republican Party would not be a generic reference to other Republican candidates and, therefore, would not be a hybrid communication. Should general references to party members without reference to their status as candidates, such as ''the Democratic leaders'' or

[3] Statements of Reasons issued by Commissioners on the *Final Audit Report* are available at *http://www.fec.gov*.

[4] For purposes of this section, the Commission would consider a reference to a clearly indentified presidential and vice presidential candidate of the same political party as a reference to one clearly identified candidate.

''Republicans in Congress,'' be treated as generic party references under this alternative? Should an unambiguous reference to a political party that does not use the political party's formal name also be a generic party reference?

The second proposed alternative for 11 CFR 106.8(a)(1)(iii) would retain the language of current 11 CFR 106.8, which requires a generic reference to candidates without clearly identifying them, but does not require the candidates to be identified as candidates of a political party, or that the political party be clearly identified. The Commission seeks comment on this second alternative. For example, should a reference to ''Liberals in Congress'' or ''Leaders in Congress'' be treated as a generic party reference under this alternative?

C. Proposed 11 CFR 106.8(a)(1)(iv) and (v)—Other Requirements

Proposed 11 CFR 106.8, like current 11 CFR 106.8, would not apply to hybrid communications that solicit contributions, donations, or other funds. The Commission seeks comment on whether proposed section 106.8(a)(1)(iv), containing the solicitation exemption, is necessary. Should the proposed rule apply to hybrid communications regardless of whether they contain a solicitation?

Proposed 11 CFR 106.8 would not apply to any hybrid communications where the costs are otherwise exempt from the definitions of ''contribution'' and ''expenditure'' under 11 CFR part 100, subpart C or E. Disbursements that do not constitute ''contributions'' or ''expenditures'' under 11 CFR part 100 need not be attributed to any candidate in order to determine the permissibility of contributions or to report expenditures. The Commission seeks comment on this approach.

D. Proposed 11 CFR 106.8(a)(2)—Exclusion of Certain Multiple Candidate Hybrid Communications

Proposed 11 CFR 106.8(a)(2) would exclude from the proposed rule any hybrid communication made by a political party that refers to two or more clearly identified Federal candidates, other than candidates running for the same Federal office. For example, a communication that states ''Vote for Senate Candidate X, House Candidate Y, and the rest of the great Party ticket'' would not be covered by the proposed rule. The proposed rule would also exclude hybrid communications that refer to one or more clearly identified non-Federal candidates. These communication would remain subject to attribution solely between the candidates who are clearly identified in the public communication under 11 CFR 106.1(a). The Commission seeks comment on this approach.

A proposed alternative version of 11 CFR 106.8(a)(2) would exclude from the proposed rule hybrid communications that refer to multiple clearly identified Federal candidates who are seeking different Federal offices, but are not candidates of the political party making the communication. The proposed alternative version would also exclude hybrid communications that refer to one or more clearly identified non-Federal candidates. These communications would remain subject to attribution solely between the candidates who are clearly identified in the public communication under 11 CFR 106.1(a). The Commission seeks comment on this approach.

Under either approach, is attribution of excluded public communications pursuant to 106.1(a) appropriate? Should the Commission conclude that a generic party reference benefits a political party committee in only certain prescribed circumstances?

E. Proposed 11 CFR 106.8(a)(3)—Exclusion of Independent Expenditures

Proposed 11 CFR 106.8(a)(3) would exclude from the proposed rule any disbursement that is an independent expenditure under 11 CFR 100.16, even if such a communication contains a generic party reference. Under 11 CFR 104.4 and 104.3(b)(3)(vii), the entire amount of such independent expenditures must be reported as either in support of, or in opposition to, a particular candidate, without regard to any generic reference to other candidates. Independent expenditures are not contributions to any candidate. Under 11 CFR part 300, such independent expenditures must be made entirely with Federal funds.

III. Proposed 11 CFR 106.8(b)—Attribution

Although current 11 CFR 106.8 attributes a fixed 50 percent of the disbursements for a hybrid communication through a telephone bank to the Federal candidate clearly identified in the communication, the Commission is revisiting both the attribution method and the attribution percentage appropriate for all hybrid communications covered by the proposed rule.

Consistent with the general rule that disbursements for a communication should be attributed to a candidate based on the benefit reasonably expected to be derived by that candidate, proposed 11 CFR 106.8(b) would attribute a disbursement for a hybrid communication between the political party making the hybrid communication and the political party's own Federal candidate.

Proposed 11 CFR 106.8(b) would attribute disbursements for hybrid communications as follows:

- If the candidate of the political party making the communication is the only clearly identified Federal candidate in the hybrid communication, then the proposed rule would attribute the disbursements for the communication between the clearly identified Federal candidate and the political party making the communication.
- If the only clearly identified Federal candidate in the hybrid communication is the opponent of the candidate of the political party making the communication, then the proposed rule would attribute the disbursements for the communication between the political party making the communication and the candidate of that political party who is running for the same Federal office as the clearly identified Federal candidate.
- If the hybrid communication clearly identifies at least two Federal candidates running for the same Federal office, only one of whom is a candidate of the political party making the communication, then the proposed rule would attribute the disbursements for the communication between the political party making the communication and the clearly identified Federal candidate of that political party.

Additionally, under the proposed multiple Federal candidate reference alternative:

- If the hybrid communication clearly identifies at least two Federal candidates of the same political party running for different Federal offices, the proposed rule would attribute the disbursements for the communication among the political party making the communication and the clearly identified Federal candidates of that political party.

The Commission seeks comment on this approach. Are there data or other evidence that support a down-ticket benefit from ads that reference a clearly identified candidate and also contain a generic reference?

Hybrid communications that are made prior to a primary election and clearly identify a candidate of a political party other than the party making the communication present an additional issue, because the political party making the communication could have several of its own candidates seeking

nomination for the same Federal office as the Federal candidate clearly identified in the communication. The Commission seeks comment on how the proposed rule should attribute disbursements between the political party making the communication and its various candidates seeking the political party's nomination for the same Federal office as the candidate clearly identified in the communication.

Proposed 11 CFR 106.8(b) presents three alternative attribution formulas: (1) A fixed percentage (proposed at 25 percent, 50 percent, or 75 percent); (2) a fixed percentage of 100 percent, requiring the entire amount of each disbursement for the communication to be attributed to the Federal candidate of the political party making the communication; and (3) the greater of either a fixed percentage (proposed at 25 percent, 50 percent, or 75 percent), or a percentage based on space or time attribution. The Commission seeks comment on these three alternative attribution formulas and whether a single formula should apply to all hybrid communications, regardless of the office sought by the Federal candidate who is clearly identified in the communication. Additionally, if the Commission were to adopt the proposed multiple Federal candidate reference alternative at proposed 11 CFR 106.8(a)(1)(i)(C), what attribution formula or method would be most appropriate?

The Commission also invites comment on whether there are other factors that the Commission should consider to be relevant to determining the relative benefit reasonably expected to be derived from the hybrid communication by a Federal candidate and by the political party making the communication. Must the hybrid communication be disseminated or distributed in the jurisdiction in which the clearly identified Federal candidate is running? Should different attribution percentages apply to House, Senate or Presidential candidates? Should a different attribution formula apply for publicly funded presidential candidates? Should a different fixed percentage apply if the clearly identified Federal candidate is in a highly contested race? Should a different fixed percentage apply for a presidential candidate if the hybrid communication is disseminated or distributed in a battleground state? Lastly, should the percentage attributed to the clearly identified Federal candidate change based on timing, *i.e.*, the proximity to the election of the hybrid communication's dissemination or distribution?

A. Attribution Alternative 1—Fixed Percentage (Proposed at 25% or 50% or 75%)

Attribution Alternative 1 would require a fixed percentage of the disbursements for a public communication to be attributed to the Federal candidate of the political party making the communication. This candidate would be either clearly identified in the public communication, or (in the case of negative advertisements) a candidate for the same Federal office as the only Federal candidate clearly identified in the public communication. The remaining percentage of the disbursements would not be attributable to any other Federal or non-Federal candidate and could be treated as political party committee operating expenses.

Attribution Alternative 1 is based on current 11 CFR 106.8, which requires 50 percent of the disbursements for hybrid communications made via telephone banks to be attributed to the clearly identified Federal candidate and prohibits the remaining 50 percent of the disbursements from being attributed to any other Federal or non-Federal candidate. Attribution Alternative 1 proposes three alternative percentages: (1) 25 percent, (2) 50 percent, and (3) 75 percent, as discussed below.

The Commission seeks comment on Attribution Alternative 1, including which, if any, of the three alternative percentages should be adopted, or whether a different fixed percentage should be adopted. The Commission seeks comment on whether the percentage should be fixed or a minimum. The Commission also seeks comment on whether the attribution percentages should differ depending on the type of public communication or on other factors. In addition to opinion and suggestion, the Commission invites the submission of empirical evidence and other analysis that would justify the use of a particular percentage method.

1. 25 Percent

The first alternative would require that 25 percent of the disbursements for a public communication be attributed to the Federal candidate of the political party making the public communication, with the remaining 75 percent of the disbursements not attributed to any other Federal or non-Federal candidate. This alternative is based on the proposition that the Federal candidate of the political party making the public communication could reasonably expect to derive significantly less benefit from the communication than the political party making the communication. The Commission seeks comment on this alternative.

2. 50 Percent

The second alternative, like current 11 CFR 106.8, would require 50 percent of the disbursements for a public communication to be attributed to the Federal candidate of the political party making the communication, with the remaining 50 percent of the disbursements not attributed to any other Federal or non-Federal candidate. This alternative is based on the proposition that the Federal candidate of the political party making the public communication could reasonably expect to derive roughly the same benefit from the communication as the political party making the communication. The Commission seeks comment on this alternative.

3. 75 Percent

Under the third alternative, 75 percent of the disbursements for a public communication would be attributed to the Federal candidate of the political party making the communication, and the remaining 25 percent of the disbursements would not be attributable to any other Federal or non-Federal candidate. This alterative is based on the proposition that the Federal candidate of the political party making the communication could reasonably expect to derive the most benefit from a public communication, while recognizing that a generic party reference does provide some benefit to the political party making the communication. The Commission seeks comment on this alternative.

B. Attribution Alternative 2—Fixed Percentage (100%)

Under Attribution Alternative 2, all of the disbursements for a public communication would be attributed to the Federal candidate of the political party making the communication. This candidate would be either clearly identified in the public communication, or a candidate for the same Federal office as the only Federal candidate clearly identified in the public communication. This alternative would be similar to the allocation rules for separate segregated funds and nonconnected committees in 11 CFR 106.6(f).[5] This alternative is based on

[5] Under § 106.6(f), the disbursements for a public communication are allocated between Federal and non-Federal accounts based solely on the candidates clearly identified in the communication, without regard to any generic party reference. *See also* Final Rules and Explanation and Justification

Continued

the proposition that a generic party reference could be reasonably expected to provide at most an insignificant benefit to the political party making the public communication, and that the Federal candidate of the political party making the communication could reasonably expect to derive all of the benefit from the communication. The Commission seeks comment on Attribution Alternative 2. In 2003, the Commission did not adopt a 100% candidate attribution alternative for phone bank communications. Does evidence or experience indicate that the Commission should reconsider this conclusion?

C. Attribution Alternative 3—The Greater of a Fixed Percentage (Proposed at 25% or 50% or 75%) or a Space or Time Attribution

Attribution Alternative 3 would require the disbursements for a public communication to be attributed to the Federal candidate of the political party making the communication who is either clearly identified in the public communication or a candidate for the same Federal office as the only Federal candidate clearly identified in the public communication, based on either a given attribution percentage, or based on a space or time attribution percentage, whichever is greater. The space or time attribution percentage would be calculated as a ratio of the public communication's space or time devoted to all clearly identified Federal candidates compared to the communication's space or time devoted to all clearly identified Federal candidates and all generic party references. The disbursements not attributed to the Federal candidate of the political party paying for the communication would not be attributed to any other Federal or non-Federal candidate.

Attribution Alternative 3 is based on the attribution formula in Advisory Opinion 2006–11 (Washington Democratic State Central Committee). In Advisory Opinion 2006–11, the Commission concluded that at least 50 percent of the disbursements for the mass mailing must be attributed to the clearly identified Federal candidate, even if the space attributable to that candidate is less than the space attributable to the generically referenced candidates. However, the Commission concluded that if the amount of space in the mailing devoted to the clearly identified Federal candidate exceeds the space devoted to the generically referenced candidates, then the disbursements attributed to the clearly identified Federal candidate must exceed 50 percent and ''reflect at least the relative proportion of the space devoted to that candidate,'' similar to the space or time attribution under 11 CFR 106.1(a). Although the Commission determined that 50 percent was the minimum percentage to be attributed to the clearly identified Federal candidate under the facts of Advisory Opinion 2006–11, Attribution Alternative 3 presents three alternative minimum percentages: (1) 25 percent, (2) 50 percent, and (3) 75 percent.

The Commission seeks comment on Attribution Alternative 3, including which, if any, of the alternative minimum percentages should apply to all types of ''public communication,'' or whether the minimum percentage should depend on the specific type of public communication. The Commission invites comment on whether a space or time attribution, or some other method of attribution, is appropriate for all types of public communication. The Commission also seeks comment on whether the space or time devoted to a clearly identified Federal candidate in any general or ''stand by your ad'' disclaimer required by the Act and Commission regulations should be considered when calculating a space or time analysis under Attribution Alternative 3. *See* 2 U.S.C. 441d(a) and 11 CFR 110.11(a)(1), (b)(1) and (2) (general disclaimer requirement); *see also* 2 U.S.C. 441d(d) and 11 CFR 110.11(c)(3) (the ''stand-by-your-ad'' provisions).

IV. Proposed 11 CFR 106.8(c)—Treatment

Proposed 11 CFR 106.8(c) would permit a political party making a hybrid communication to treat disbursements attributed to a Federal candidate under proposed 11 CFR 106.8(b) as an in-kind contribution to that candidate subject to the limitations of 11 CFR 110.1 and 110.2 or a party coordinated expenditure on behalf of that candidate under 11 CFR part 109, subpart D. Proposed 11 CFR 106.8(c) would also allow the Federal candidate or the candidate's authorized committee to reimburse the political party for the costs attributed to the candidate. The Commission notes that such a reimbursement would have to be made within a reasonable time. *See, e.g.*, Advisory Opinion 2004–37 (Waters) (reimbursement by Federal candidates' authorized committees for disbursements for a printed communication would not constitute a contribution to another Federal candidate's authorized committee if the reimbursements were made within a ''reasonable time''). The Commission invites comment on whether the proposed rule should require prepayment of shared hybrid communication costs, or whether it should include a time limit for reimbursement, such as 30 or 60 days, or some other time period.

The Commission notes that the proposed rule would permit a hybrid communication that is coordinated with a Federal candidate to be treated as a combination of an in-kind contribution, a party coordinated expenditure, and/or a reimbursement. The Commission seeks comment on this approach and the general treatment of these disbursements under the proposed rule.

V. Alternative Proposal—Amend 11 CFR 106.1

As an alternative to adopting proposed 11 CFR 106.8, should the Commission instead amend 11 CFR 106.1 to also include expenditures that contain generic party references, and require that such expenditures be attributed (1) to each clearly identified Federal candidate and political party according to the benefit each may reasonably expect to derive, or (2) according to a ratio based on the number of candidates referenced, including the generic party reference? For example, under the latter alternative, a communication encouraging viewers to support ''Senator Smith, Representative Jones, and all the great candidates of the Democratic Party'' would be attributed equally between the three references (i.e., one-third to Smith, one-third to Jones, and one-third to the political party making the communication). The Commission seeks comment on all aspects of this alternative.

Certification of No Effect Pursuant to 5 U.S.C. 605(b) (Regulatory Flexibility Act)

The Commission certifies that the attached proposed rule would not, if promulgated, have a significant economic impact on a substantial number of small entities. The basis for this certification is that any individuals and not-for-profit entities that would be affected by the proposed rule are not ''small entities'' under 5 U.S.C. 601. The definition of ''small entity'' does not include individuals, but classifies a not-for-profit enterprise as a ''small organization'' if it is independently owned and operated and not dominant in its field. 5 U.S.C. 601(4). The

for Political Committee Status, Definition of Contribution, and Allocation for Separate Segregated Funds and Nonconnected Committees, 69 FR 68056, 68063 (Nov. 23, 2004).

proposed rule would affect political party committees, including national, State, district, and local party committees, and other organizations of a political party, which are not independently owned and operated because they are not financed and controlled by a small identifiable group of individuals. Political party committees are financed by contributions from a large number of individuals and are controlled by the political party officials and political party employees and volunteers. In addition, the political party committees and organizations representing the Democratic and Republican parties have a major controlling influence within the national, State, and local political arenas and are thus dominant in their field. District and local party committees, and other organizations of a political party that are considered affiliated with the State committees need not be considered separately. To the extent that any political party committees might be considered ''small organizations,'' the number that would be affected by this proposed rule is not substantial. Therefore, the attached proposed rule, if promulgated, would not have a significant economic impact on a substantial number of small entities.

List of Subjects in 11 CFR Part 106

Campaign funds, Political committees and parties, Reporting and recordkeeping requirements.

PART 106—ALLOCATIONS OF CANDIDATE AND COMMITTEE ACTIVITIES

For the reasons set out in the preamble, the Federal Election Commission proposes to amend Subchapter A of Chapter I of Title 11 of the *Code of Federal Regulations* as follows:

1. The authority citation for part 106 would continue to read as follows:

Authority: 2 U.S.C. 438(a)(8), 441a(b), 441a(g).

2. Section 106.8 would be revised to read as follows:

§ 106.8 Attribution of expenses for political party committee hybrid communications.

(a) *Scope and definition.* (1) This section applies to any public communication, as defined in 11 CFR 100.26, made by a national, State, district, or local committee or organization of a political party, that—

Paragraph (a)(1)(i) and (ii)—Alternative 1 (Candidate References)

(i) Refers to either:

(A) Only one clearly identified Federal candidate; or

(B) Two or more clearly identified Federal candidates for the same Federal office, only one of whom is the candidate of the political party making the public communication;

(ii) Does not refer to any other clearly identified Federal or non-Federal candidate;

Paragraph (a)(1)(i) and (ii)—Alternative 2 (Multiple Federal Candidate Reference)

(i) Refers to either:

(A) Only one clearly identified Federal candidate;

(B) Two or more clearly identified Federal candidates for the same Federal office, only one of whom is the candidate of the political party making the public communication; or

(C) Two or more clearly identified Federal candidates for different Federal offices, all of whom are candidates of the political party making the public communication.

(ii) Does not refer to any other clearly identified Federal or non-Federal candidate;

Paragraph (a)(1)(iii)—Alternative 1 (Generic Party Reference)

(iii) Generically refers to other Federal or non-Federal candidates of a political party by using the name or nickname of the political party, but without clearly identifying the candidates;

Paragraph (a)(1)(iii)—Alternative 2 (Generic Party Reference)

(iii) Generically refers to other Federal or non-Federal candidates without clearly identifying the candidates;

(iv) Does not solicit a contribution, donation, or any other funds from any person; and

(v) Is not exempt from the definition of *contribution* or *expenditure* under 11 CFR part 100, subpart C or E.

Paragraph (a)(2)—Alternative 1 (Certain Hybrid Communications Excluded)

(2) This section does not apply to a public communication that refers to two or more clearly identified Federal candidates for different Federal offices, or one or more clearly identified non-Federal candidates, and generically refers to other Federal or non-Federal candidates as described in paragraph (a)(1)(iii) of this section. Disbursements for such public communications must be attributed solely to the clearly identified candidates under 11 CFR 106.1(a).

Paragraph (a)(2)—Alternative 2 (Certain Hybrid Communications Excluded)

(2) This section does not apply to a public communication that refers to two or more clearly identified Federal candidates for different Federal offices who are not candidates of the political party making the communication, or to one or more clearly identified non-Federal candidates, and generically refers to other Federal or non-Federal candidates as described in paragraph (a)(1)(iii) of this section. Disbursements for such public communications must be attributed solely to the clearly identified candidates under 11 CFR 106.1(a).

(3) This section does not apply to independent expenditures, as defined in 11 CFR 100.16, for a public communication described in paragraph (a)(1) of this section. Under 11 CFR 104.4 and 104.3(b)(3)(vii), the entire amount of such independent expenditures must be reported as either in support of, or in opposition to, a particular candidate, without regard to the generic reference to other candidates. Under 11 CFR part 300, such independent expenditures must be made entirely with Federal funds.

Paragraph (b)—Alternative 1 (Fixed Percentage (25% or 50% or 75%) Attribution)

(b) *Attribution.* Each disbursement for a public communication described in paragraph (a) of this section must be made entirely with Federal funds and must be attributed as follows:

(1) 25 or 50 or 75 percent of the disbursement is attributed to the Federal candidate of the political party making the public communication who is either:

(i) Clearly identified in the public communication; or

(ii) A candidate for the same Federal office as the only Federal candidate clearly identified in the public communication.

(2) The portion of each disbursement not attributed to the Federal candidate described in paragraph (b)(1) of this section is not attributable to any other Federal or non-Federal candidate.

Paragraph (b)—Alternative 2 (Fixed Percentage (100%) Attribution)

(b) *Attribution.* The entire amount of each disbursement for a public communication described in paragraph (a) of this section must be attributed to the Federal candidate of the political party making the public communication

who is either clearly identified in the public communication or a candidate for the same Federal office as the only Federal candidate clearly identified in the public communication, and must be made entirely with Federal funds.

Paragraph (b)—Alternative 3 (The Greater of a Fixed Percentage or a Space or Time Attribution)

(b) *Attribution.* Each disbursement for a public communication described in paragraph (a) of this section must be made entirely with Federal funds and must be attributed as follows:

(1) Each disbursement must be attributed to the Federal candidate of the political party making the public communication who is either clearly identified in the public communication or a candidate for the same Federal office as the only Federal candidate clearly identified in the public communication, based on the proportion of the space or time, or number of questions or statements, devoted to all clearly identified Federal candidates as compared to the total space or time, or number of questions or statements, devoted to all clearly identified Federal candidates and all generic references to other candidates, but at least 25 or 50 or 75 percent of each disbursement must be attributed to the Federal candidate of the political party making the public communication; and

(2) The portion of each disbursement not attributed to the Federal candidate described in paragraph (b)(1) of this section is not attributable to any other Federal or non-Federal candidate.

(c) *Treatment of disbursements.* The disbursement described in paragraph (b)(1) of this section may be one or a combination of the following:

(1) An in-kind contribution, subject to the limitations of 11 CFR 110.1 or 110.2;

(2) A party coordinated expenditure, subject to the limitations, restrictions, and requirements of 11 CFR part 109, subpart D; or

(3) Reimbursed by the Federal candidate described in paragraph (b)(1) of this section or the authorized committee of such candidate.

Dated: May 3, 2007.

Robert D. Lenhard,

Chairman, Federal Election Commission.

[FR Doc. E7–8956 Filed 5–9–07; 8:45 am]

BILLING CODE 6715–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG–156779–06]

RIN 1545–BG27

Determining the Amount of Taxes Paid for Purposes of Section 901; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Correction to notice of proposed rulemaking.

SUMMARY: This document contains a correction to notice of proposed rulemaking that was published in the **Federal Register** on Friday, March 30, 2007 (71 FR 15081) providing guidance relating to the determination of the amount of taxes paid for purposes of section 901.

FOR FURTHER INFORMATION CONTACT: Bethany A. Ingwalson, (202) 622–3850 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The notice of proposed rulemaking (REG–156779–06) that is the subject of this correction is under section 901 of the Internal Revenue Code.

Need for Correction

As published, this notice of proposed rulemaking (REG–156779–06) contains an error that may prove to be misleading and is in need of clarification.

Correction of Publication

Accordingly, the notice of proposed rulemaking (REG–156779–06), that was the subject of FR Doc. E7–5862, is corrected as follows:

On page 15085, column 3, in the preamble, first full paragraph of the column, under the paragraph heading ''*3. Comments and Proposed Regulations*'', lines 1 and 2, the language ''The fifth condition is that the counterparty is a person (other than the'' is corrected to read ''The fifth condition is that the arrangement involves a counterparty. A counterparty is a person (other than the''.

LaNita Van Dyke,

Branch Chief, Publications and Regulations Branch, Legal Processing Division, Office of Associate Chief Counsel (Procedure and Administration).

[FR Doc. E7–8942 Filed 5–9–07; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF DEFENSE

Department of the Army

32 CFR Part 571

[Docket No. USA–2007–0017]

RIN 0702–AA57

Recruiting and Enlistments

AGENCY: Department of the Army, DoD.

ACTION: Proposed rule; request for comments.

SUMMARY: The Department of the Army has revised its regulation that prescribes policies and procedures concerning recruiting and enlistment into the Regular Army and Reserve Components.

DATES: Consideration will be given to all comments received by July 9, 2007.

ADDRESSES: You may submit comments, identified by 32 CFR Part 571, Docket No. USA–2007–0017 and or RIN 0702–AA57, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Federal Docket Management System Office, 1160 Defense Pentagon, Washington, DC 20301–1160.

Instructions: All submissions received must include the agency name and docket number or Regulatory Information Number (RIN) for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: Charles Tench, (703) 695–7520.

SUPPLEMENTARY INFORMATION:

A. Background

The Administrative Procedure Act, as amended by the Freedom of Information Act, requires publication of certain policies and procedures and other information concerning the Department of the Army in the **Federal Register**. The policies and procedures covered by this part fall into that category. The Army has changed the publications and policies, thus requiring the rules in the **Federal Register** to be updated.

B. Regulatory Flexibility Act

The Department of the Army has determined that the Regulatory Flexibility Act does not apply because the proposed rule does not have a significant economic impact on a

substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601–612.

C. Unfunded Mandates Reform Act

The Department of the Army has determined that the Unfunded Mandates Reform Act does not apply because the proposed rule does not include a mandate that may result in estimated costs to State, local, or tribal governments in the aggregate, or the private sector, of $100 million or more.

D. National Environmental Policy Act

The Department of the Army has determined that the National Environmental Policy Act does not apply because the proposed rule does not have an adverse impact on the environment.

E. Paperwork Reduction Act

The Department of the Army has determined that the Paperwork Reduction Act does not apply because the proposed rule does not involve collection of information from the public.

F. Executive Order 12630 (Government Actions and Interference With Constitutionally Protected Property Rights)

The Department of the Army has determined that Executive Order 12630 does not apply because the proposed rule does not impair private property rights.

G. Executive Order 12866 (Regulatory Planning and Review)

The Department of the Army has determined that, according to the criteria defined in Executive Order 12866, this proposed rule is not a significant regulatory action. As such, the proposed rule is not subject to Office of Management and Budget review under section 6(a)(3) of the Executive Order.

H. Executive Order 13045 (Protection of Children From Environmental Health Risk and Safety Risks)

The Department of the Army has determined that, according to the criteria defined in Executive Order 13045, this proposed rule does not apply.

I. Executive Order 13132 (Federalism)

The Department of the Army has determined that, according to the criteria defined in Executive Order 13132, this proposed rule does not apply because it will not have a substantial 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.

Alphonsa D. Green,

Chief, Recruiting Policy Branch.

List of Subjects in 32 CFR Part 571

Military personnel.

For reasons stated in the preamble, the Department of the Army proposes to revise 32 CFR part 571 to read as follows:

PART 571—RECRUITING AND ENLISTMENTS

Subpart A—Recruiting and Enlistment Eligibility

Sec.

571.1 General.
571.2 Basic qualifications for enlistment.
571.3 Waiver enlistment criteria.
571.4 Periods of enlistment.
571.5 Enlistment options.

Subpart B—[Reserved]

Authority: 10 U.S.C. 504, 505, 509, 513, 520, 3262.

Subpart A—Recruiting and Enlistment Eligibility

§ 571.1 General.

(a) *Purpose.* This part gives the qualifications for men and women enlisting in the Regular Army (RA) or Reserve Components (RC). The procedures simplify and standardize the processing of recruited applicants. The applicant's ability to meet all requirements or exceptions will determine eligibility. This includes obtaining prescribed waivers.

(b) *References*—(1) *Required Publications.* (i) AR 601–210, Active and Reserve Components Enlistment Program. (Cited in §§ 571.2, 571.3, and 571.5).

(ii) AR 40–501, Standards of Medical Fitness. (Cited in §§ 571.2 and 571.3).

(iii) AR 600–9, The Army Weight Control Program. (Cited in §§ 571.2 and 571.3).

(2) *Related Publications.* (i) DOD Directive 1304.26, Qualifications for Enlistment, Appointment, and Induction.

(ii) Army Retention Program.

(c) *Definitions.* The following definitions apply to this part:

(1) *Enlistment.* Voluntary contract (DD Form 4) for military service that creates military status as an enlisted member of the Regular Army or a Reserve Component. This includes enlistment of both non-prior service and prior service personnel.

(2) *Reenlistment.* The second or subsequent voluntary enrollment in the Regular Army or a Reserve Component as an enlisted member.

(3) *United States Army.* The Regular Army, Army of the United States (AUS), Army National Guard of the United States (ARNGUS), and the United States Army Reserve (USAR).

(4) *Regular Army (RA).* The Regular Army is the component of the Army that consists of persons whose continuous service on active duty in both peace and war is contemplated by law and of retired members of the Regular Army.

(5) *Prior Service (PS).* For persons enlisting in the RA, those who have 180 days or more of active duty in any component; or, for persons enlisting in a Reserve Component, those who have 180 days of active duty in any component of the armed forces and who have been awarded an MOS; or former members of an armed forces academy who did not graduate and who served 180 days or more.

(6) *Non-Prior Service (NPS).* Those persons who have never served in any component of the armed forces or who have served less than 180 days of active duty as a member of any component of the armed forces. Reserve Component applicants must not have been awarded an MOS; or have enlisted illegally while underage and been separated for a void enlistment; or be a former member of a service academy who did not graduate and who served fewer than 180 days; or have completed ROTC and served only Active Duty for Training as an officer.

(7) *Delayed Entry Program (DEP).* A program in which Soldiers may enlist and are assigned to a United States Army Reserve (USAR) Control Group until they enlist in the Regular Army. The Commanding General, United States Army Recruiting Command (USAREC) is authorized by 10 U.S.C. 513 to organize and administer DEP.

§ 571.2 Basic qualifications for enlistment.

(a) Age requirements for non-prior service and prior service personnel are defined in AR 601–210.

(b) Applicants must meet citizenship requirements as defined in AR 601–210.

(c) Non-prior and prior service applicants must meet medical fitness standards prescribed in AR 40–501. Height and weight standards for non-prior service personnel AR 40–501 and in AR 600–9 for prior service personnel.

(d) Education standards, dependency criteria, and trainability requirements are prescribed in AR 601–210.

§ 571.3 Waiver enlistment criteria.

(a) *Waiver criteria*—(1) All persons who process applicants for enlistment in the Army use the utmost care to procure qualified personnel. Eligibility

of personnel for enlistment will be based upon their ability to meet all requirements, including procurement of prescribed waivers.

(2) Applicants applying for moral or medical waivers will document their waiver requests, as prescribed by AR 601–210 or AR 40–501.

(3) The approval authorities for various types of waiver requests are set forth in AR 601–210. Commanders at levels below the approval authority may disapprove waivers for applicants who do not meet prescribed standards and who do not substantiate a meritorious case.

(4) Unless otherwise stated in AR 601–210, waivers are valid for 6 months.

(b) Nonwaiver medical, moral, and administrative disqualifications are defined in AR 601–210.

§ 571.4 Periods of enlistment.

Enlistments are authorized for periods of 2, 3, 4, 5, 6, 7, or 8 years.

§ 571.5 Enlistment options.

Personnel who enlist in the Regular Army for 2 or more years may select certain initial assignments or classifications, provided they meet the criteria set forth in AR 601–210 and valid Army requirements exist for the assignments and skills.

Subpart B—[Reserved]

[FR Doc. E7–8793 Filed 5–9–07; 8:45 am]

BILLING CODE 3710–08–P

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 261

RIN 0596–AC38

Amend Certain Paragraphs in 36 CFR 261.2 and 261.10 To Clarify Issuing a Criminal Citation for Unauthorized Occupancy and Use of National Forest System Lands and Facilities by Mineral Operators

AGENCY: Forest Service, USDA.

ACTION: Proposed rule; request for comments.

SUMMARY: This proposed rule would allow, if necessary, a criminal citation to be issued for unauthorized mineral operations on National Forest System lands. The Forest Service invites written comments on this proposed rule.

DATES: Comments on this proposed rule must be received in writing by July 9, 2007.

ADDRESSES: Send written comments to Forest Service, USDA, Attn: Director, Minerals and Geology Management (MGM) Staff, (2810), at Mail Stop 1126, Washington, DC 20250–1126; by electronic mail to *36cfr228a@fs.fed.us;* or by fax to (703) 605–1575; or by the electronic process available at Federal e-Rulemaking portal at *http://www.regulations.gov.* If comments are sent by electronic mail or by fax, the public is requested not to send duplicate written comments via regular mail. Please confine written comments to issues pertinent to the proposed rule; explain the reasons for any recommended changes; and, where possible, reference the specific wording being addressed. All comments, including names and addresses when provided, will be placed in the record and will be available for public inspection and copying. The public may inspect comments received on this proposed rule in the Office of the Director, MGM Staff, 5th Floor, Rosslyn Plaza Central, 1601 North Kent Street, Arlington, Virginia 22209, Monday through Friday (except for Federal holidays) between the hours of 8:30 a.m. and 4 p.m. Those wishing to inspect comments are encouraged to call ahead at (703) 605–4545 to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Janine Clayton, Minerals and Geology Management Staff, (703) 605–4788, or electronic mail to *jclayton01@fs.fed.us.*

SUPPLEMENTARY INFORMATION:

Public Notification and Request for Comments

The Department is making every effort to ensure that all interested parties, including mineral operators, minerals-related organizations and associations, are informed of the availability of the proposed rule. To ensure the widest distribution, the proposed rule will be distributed by paper copy mailings, e-mail notices, posting on the Forest Service Minerals and Geology Management Staff internet web site, as well as published notices in local newspapers. Copies of the proposed rule also will be provided to the appropriate Congressional committee members.

Background and Need for Proposed Rule

The Forest Service uses two enforcement options, civil and criminal, to enforce its mining regulations at 36 CFR part 228, subpart A. Criminal enforcement (36 CFR part 261) is often used in situations that are factually uncomplicated and where immediate action is needed, or other resolutions have failed.

In 1984, a Federal district judge ruled that the prohibitions at 36 CFR 261.10 did not apply to mineral operations. As a result, the Forest Service amended §§ 261.10(a) and 261.10(l) to directly tie the wording to locatable mineral operations by adding ''or approved operating plan'' to both of these paragraphs. Unfortunately, the wording was not added to §§ 261.10(b) and 261.10(k), and that omission makes these paragraphs less clearly applicable to mineral operations.

Two recent court decisions have prompted the Forest Service to amend the prohibitions at 36 CFR 261.10. In California, the Forest Service cited a suction dredge operator under the criminal regulations at 36 CFR 261.10(k) for use or occupancy without a special use permit authorization. The magistrate court judge dismissed the charge in *U.S.* v. *McClure,* 364 F. Supp. 2d 1183 (E.D.Cal., 2005), and cited in support of the ruling another recent California Eastern District Court decision, *U.S.* v. *Lex,* 300 F. Supp. 2d 951 (E.D.Cal., 2003). In summary, these decisions found that special-use authorizations and the application of 36 CFR 261.10(b) and 261.10(k) do not apply to mineral operations.

As a result of the *McClure* and *Lex* court decisions, it is advisable to again amend certain paragraphs in 36 CFR 261.10 to clearly tie them to locatable mineral operations and other mineral operations. The Regions dealing with suction dredge operators are particularly concerned about the effects of the two adverse ruling on their use of provisions in 261.

Clarification for Issuing a Criminal Citation for Unauthorized Occupancy and Use of National Forest System Lands and Facilities by Mineral Operators

The technical amendments to 36 CFR part 261 clarify that a criminal citation can be issued for unauthorized occupancy and use of National Forest System lands and facilities by mineral operators when such authorization is required. The technical amendments to 36 CFR part 261 also clarify what constitutes residential occupancy as well as show there is a clear distinction between a special-use authorization and an operating plan.

Exemption From Notice and Comment

Comments received on this proposed rule will be considered in adoption of a final rule, notice of which will be published in the **Federal Register**. The final rule will include a response to comments received and identify any revisions made to the rule as a result of the comments.

Regulatory Impact

This proposed rule has been reviewed under USDA procedures and Executive Order 12866 on Regulatory Planning and Review. It has been determined that this proposed rule is not significant. It 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 action will not alter the budgetary impact of entitlements, grants, user fees, loan programs, nor the rights and obligations of recipients of such programs.

Moreover, this proposed rule has been considered in light of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), and it has been determined that this action will not have a significant economic impact on a substantial number of small entities as defined by that Act. Therefore, a regulatory flexibility analysis is not required.

Environmental Impacts

This proposed rule more clearly establishes when mineral operators can be issued a criminal citation for unauthorized occupancy and use of National Forest System lands and facilities when such authorization is required. Section 31.1(b) of Forest Service Handbook 1909.15 (57 FR 43168; September 18, 1992) excludes from documentation in an environmental assessment or environmental impact statement ''rules, regulations, or policies to establish Service-wide administrative procedures, program processes, or instruction.'' This proposed rule falls within this category of actions and no extraordinary circumstances exist which would require preparation of an environmental assessment or an environmental impact statement.

Energy Effects

This proposed rule has been reviewed under the Executive Order 13211 of May 18, 2001, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use.'' It has been determined that this proposed rule does not constitute a significant energy action as defined in the Executive order.

Controlling Paperwork Burdens on the Public

This proposed rule does not contain any new recordkeeping or reporting requirements or other information collection requirements as defined in 5 CFR part 1320 that are not already required by law or not already approved for use. Accordingly, the review provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) and its implementing regulations at 5 CFR part 1320 do not apply.

Federalism

The agency has considered this proposed rule under the requirements of Executive Order 13132—Federalism, and Executive Order 12875—Government Partnerships. The agency has made a preliminary assessment that the proposed rule conforms with the federalism principles set out in these Executive orders; would not impose any compliance costs on the States; and would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Based on comments received on this proposed rule, the agency will consider if any additional consultations will be needed with the State and local governments prior to adopting a final rule.

Consultation and Coordination With Indian Tribal Governments

This proposed rule does not have tribal implications as defined by Executive Order 13175—Consultation and Coordination With Indian Tribal Governments; therefore, advance consultation with tribes is not required.

No Takings Implications

This proposed rule has been analyzed in accordance with the principles and criteria contained in Executive Order 12630—Government Actions and Interference with Civil Constitutionally Protected Property Rights. It has been determined that the proposed rule does not pose the risk of a taking of private property.

Civil Justice Reform

This proposed rule has been reviewed under Executive Order 12988—Civil Justice Reform. If this proposed rule were adopted, (1) all State and local laws and regulations that are in conflict with this proposed rule or that impede its full implementation would be preempted; (2) no retroactive effect would be given to this proposed rule; and (3) it would not require administrative proceedings before parties may file suit in court to challenge its provisions.

Unfunded Mandates

Pursuant to Title II of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538), which the President signed into law on March 22, 1995, the Forest Service has assessed the effects of this proposed rule on State, local, and tribal governments and the private sector. This proposed rule would 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 would not be required.

List of Subjects in 36 CFR Part 261

Law enforcement, Mines, National Forests.

Therefore, for the reasons set forth in the preamble, amend subpart A of part 261 of Title 36 of the Code of Federal Regulations as follows:

PART 261—PROHIBITIONS

Subpart A—General Prohibitions

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

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

2. Amend § 261.2 Definitions, by revising the definitions for motorized equipment and operating plan, and adding a definition for residence to read as follows:

§ 261.2 Definitions.

* * * * *

Motorized equipment means any machine activated by a nonliving power source except small battery-powered handcarried devices such as flashlights, shavers, Geiger counters, magnetometers, seismographs, and cameras.

* * * * *

Operating plan means the following documents, providing that the document has been issued or approved by the Forest Service: A plan of operations as provided for in 36 CFR part 228, subparts A and D, and 36 CFR part 292, subparts C and G; a supplemental plan of operations as provided for in 36 CFR part 228, subpart A, and 36 CFR part 292, subpart G; an operating plan as provided for in 36 CFR part 228, subpart C, and 36 CFR part 292, subpart G; an amended operating plan and a reclamation plan as provided for in 36 CFR part 292, subpart G; a surface use plan of operations as provided for in 36 CFR part 228, subpart E; a supplemental surface use plan of operations as provided for in 36 CFR part 228, subpart E; a permit as provided for in 36 CFR

251.15; and an operating plan and a letter of authorization as provided for in 36 CFR part 292, subpart D.

* * * * *

Residence means any temporary or permanent, natural or fabricated structure or object including but are not limited to, boats, buildings, buses, cabins, houses, lean-tos, mills, motor homes, pole barns, recreational vehicles, sheds, shops, tents, trailers, caves, cliff ledges, and tunnels which is being used as, or designed to be used as, living or sleeping quarters, in whole or in part, by any person, including a watchman, except structures or objects used for camping.

* * * * *

3. Amend § 261.10 Occupancy and use, by revising paragraphs (a) and (b) and adding (p) to read as follows:

§ 261.10 Occupancy and use.

* * * * *

(a) Constructing, placing, or maintaining any kind of road, trail, structure, fence, enclosure, communications equipment, significant surface disturbance, or other improvement on National Forest System land or facilities without a special-use authorization, contract, or approved operating plan when such authorization is required.

(b) Constructing, reconstructing, improving, maintaining, occupying, or using a residence on National Forest System land unless authorized by a special use authorization or approved operating plan when such authorization is required.

* * * * *

(p) Use or occupancy of National Forest System land or facilities without an approved operating plan when such authorization is required.

Dated: March 26, 2007.

Abigail R. Kimbell,

Chief, Forest Service.

[FR Doc. E7–8706 Filed 5–9–07; 8:45 am]

BILLING CODE 3410–11–P

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

36 CFR Parts 1193 and 1194

Telecommunications Act Accessibility Guidelines; Electronic and Information Technology Accessibility Standards

AGENCY: Architectural and Transportation Barriers Compliance Board.

ACTION: Notice of meeting.

SUMMARY: The Architectural and Transportation Barriers Compliance Board (Access Board) has established a Telecommunications and Electronic and Information Technology Advisory Committee (Committee) to assist it in revising and updating accessibility guidelines for telecommunications products and accessibility standards for electronic and information technology. This notice announces the dates, time, and location of the next committee meeting, which will be open to the public.

DATES: The meeting is scheduled for May 22–24, 2007 (beginning at 9 a.m. and ending at 5 p.m. on May 22 and 23; and beginning at 9 a.m. and ending at 3 p.m. on May 24). Notices of future meetings will be published in the **Federal Register**.

ADDRESSES: The meeting will be held at the National Science Foundation, 4201 Wilson Boulevard, Room II–555, Arlington, VA 22230.

FOR FURTHER INFORMATION CONTACT: Timothy Creagan, Office of Technical and Information Services, Architectural and Transportation Barriers Compliance Board, 1331 F Street, NW., suite 1000, Washington, DC 20004–1111. Telephone number: 202–272–0016 (Voice); 202–272–0082 (TTY). Electronic mail address: *creagan@access-board.gov.*

SUPPLEMENTARY INFORMATION: The Architectural and Transportation Barriers Compliance Board (Access Board) established the Telecommunications and Electronic and Information Technology Advisory Committee (Committee) to assist it in revising and updating accessibility guidelines for telecommunications products and accessibility standards for electronic and information technology. The next meeting of the Committee will take place on May 22–24, 2007. A summary of the meeting agenda is provided below. The full agenda is available at the Access Board's Web site at: *http://www.access-board.gov/sec508/refresh/agenda.htm.*

Topics To Be Discussed on Tuesday, May 22

Report and discussion on recommendations contained in the reports of the following subcommittees:

- Software, Web, and Content
- General Interface Requirements and Functional Performance Criteria
- Desktops, Portables, Peripherals, and Other Computer Hardware
- Subpart A
- Documentation and Technical Support

Presentation and directed discussion on proposals of the editorial working group.

Topics To Be Discussed on Wednesday, May 23

Report and discussion on recommendations contained in the reports of the following subcommittees:

- Telecommunications
- Audio/Visual
- Self Contained, Closed Products

After the reports and discussion on recommendations from the subcommittees, the following subcommittees will meet:

- Telecommunications
- Audio/Visual
- Self Contained, Closed Products
- Software, Web, and Content
- General Interface Requirements and Functional Performance Criteria

Topics To Be Discussed on Thursday, May 24

Discussion and resolution of proposals of the editorial working group followed by these subcommittees meetings:

- Subpart A
- Desktops, Portables, Peripherals, and Other Computer Hardware
- Documentation and Technical Support

Information about the Committee, including future meeting dates is available on the Access Board's Web site (*http://www.access-board.gov/sec508/update-index.htm*) or at a special Web site created for the Committee's work (*http://teitac.org*). The site includes a calendar for subcommittee meetings, e-mail distribution lists, and a ''Wiki'' (*http://teitac.org/wiki/TEITAC_Wiki*) which provides interactive online work space.

Committee meetings are open to the public and interested persons can attend the meetings and communicate their views. Members of the public will have opportunities to address the Committee on issues of interest to them and the Committee during public comment periods scheduled on each day of the meeting. Members of groups or individuals who are not members of the Committee are invited to participate on subcommittees; participation of this kind is very valuable to the advisory committee process.

The meeting site is accessible to individuals with disabilities. Sign language interpreters, an assistive listening system, and real-time captioning will be provided. For the comfort of other participants, persons attending Committee meetings are requested to refrain from using perfume, cologne, and other fragrances. Due to

security measures at the National Science Foundation, all attendees must notify the Access Board's receptionist at 202–272–0007 or *receptionist@access-board.gov* by May 18, 2007 of their intent to attend the meeting. This notification is required for expeditious entry into the facility and will enable the Access Board to provide additional information as needed.

Lisa Fairhall,

Deputy General Counsel.

[FR Doc. E7–8952 Filed 5–9–07; 8:45 am]

BILLING CODE 8150–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[EPA–R03–OAR–2006–0917; FRL–8312–2]

Approval and Promulgation of Air Quality Implementation Plans; Virginia; Redesignation of the Richmond-Petersburg 8-Hour Ozone Nonattainment Area to Attainment and Approval of the Associated Maintenance Plan and 2002 Base-Year Inventory

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed rulemaking, correction.

SUMMARY: This document corrects and clarifies an error in the preamble language of the Richmond-Petersburg 8-hour ozone nonattainment area redesignation request and approval of the associated maintenance plan and 2002 base-year inventory.

DATES: Written comments must be received on or before May 14, 2007.

ADDRESSES: Submit your comments, identified by Docket ID Number EPA–R03–OAR–2006–0917 by one of the following methods:

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

B. *E-mail: miller.linda@epa.gov.*

C. *Mail:* EPA–R03–OAR–2006–0917, Linda Miller, Acting Chief, Air Quality Planning Branch, Mailcode 3AP21, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103.

D. *Hand Delivery:* At the previously-listed EPA Region III address. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–R03–OAR–2006–0917. EPA's policy is that all comments received will be included in the public docket without change, and may be made available online at *http://www.regulations.gov*, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or e-mail. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through *www.regulations.gov*, your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the electronic docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in *http://www.regulations.gov* or in hard copy during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are available at the Virginia Department of Environmental Quality, 629 East Main Street, Richmond, Virginia 23219.

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

SUPPLEMENTARY INFORMATION: On April 12, 2007, (72 FR 18434), EPA published a notice of proposed rulemaking announcing the approval and promulgation of Virginia's redesignation of the Richmond-Petersburg 8-hour ozone nonattainment area to attainment and approval of the associated maintenance plan and 2002 base-year inventory. In the preamble of this document, EPA inadvertently printed the incorrect data in Table 5 (titled: Total NO_X Emissions for 2005–2018 (tpd)). This action corrects Table 5 in the notice of proposed rulemaking, so that it reflects the correct NO_X emissions for the Richmond-Petersburg Area for 2005–2018.

Correction

In rule document E7–7018, on page 18442, Table 5 is corrected to read as follows:

TABLE 5.—TOTAL NO_X EMISSIONS FOR 2005–2018 (TPD)

Source category	2005 NO_X emissions	2011 NO_X emissions	2018 NO_X emissions
Point	77.281	84.296	90.521
Area [1]	26.501	27.417	28.169
Mobile [2]	67.155	43.661	26.827
Non-road	16.862	13.118	8.641
Total	187.799	168.492	154.158

[1] Includes selected local controls (open burning).
[2] Includes transportation provisions.

Statutory and Executive Order Reviews

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this proposed action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355 (May 22, 2001)). This action merely proposes to approve state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this proposed rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule proposes to approve pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4). This rule also does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely proposes to approve a state rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This proposed rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it approves a state rule implementing a Federal standard. In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this proposed rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the ''Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings'' issued under the executive order. This proposed rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). Under the Administrative Procedure Act or any other statute, it is not subject to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

Dated: May 4, 2007.

James W. Newsom,

Acting Regional Administrator, Region III.

[FR Doc. E7–9010 Filed 5–9–07; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 122 and 412

[EPA–HQ–OW–2005–0036; FRL–8311–4]

RIN 2040–AE92

Proposed Revised Compliance Dates Under the National Pollutant Discharge Elimination System Permit Regulations and Effluent Limitations Guidelines and Standards for Concentrated Animal Feeding Operations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to extend certain compliance dates in the National Pollutant Discharge Elimination System (NPDES) permitting requirements and Effluent Limitations Guidelines and Standards (ELGs) for concentrated animal feeding operations (CAFOs) while EPA works to complete rulemaking to respond to the decision of the Second Circuit Court of Appeals in *Waterkeeper Alliance et al.* v. *EPA*, 399 F.3d 486 (2nd Cir. 2005). The sole purpose of this proposed rule is to address timing issues associated with the Agency's response to the *Waterkeeper* decision.

This proposal would revise the dates established in the 2003 CAFO rule and later modified by a rule published in the **Federal Register** on February 10, 2006, by which facilities newly defined as CAFOs are required to seek permit coverage and by which all permitted CAFOs are required to develop and implement their nutrient management plans (NMPs). EPA is proposing to extend the date by which operations defined as CAFOs as of April 14, 2003, that were not defined as CAFOs prior to that date, must seek NPDES permit coverage, from July 31, 2007, to February 27, 2009. EPA is also proposing to amend the date by which operations that become defined as CAFOs after April 14, 2003, due to operational changes that would not have made them a CAFO prior to April 14, 2003, and that are not new sources, must seek NPDES permit coverage, from July 31, 2007, to February 27, 2009. Finally, EPA is proposing to extend the deadline by which permitted CAFOs are required to develop and implement NMPs, from July 31, 2007, to February 27, 2009.

DATES: Comments on this proposed action must be received on or before June 11, 2007.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OW–2005–0036 by one of the following methods

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

(2) *E-mail*: *ow-docket@epa.gov,* Attention Docket ID No. EPA–HQ–OW–2005–0036.

(3) *Mail*: Send the original and three copies of your comments to: Water Docket, Environmental Protection Agency, Mail code 2822T, 1200 Pennsylvania Ave., NW., Washington, DC 20460, Attention Docket ID No. OW–2005–0036.

(4) *Hand Delivery*: Deliver your comments to: EPA Docket Center, EPA West, Room 3334, 1301 Constitution Avenue, NW., Washington, DC, Attention Docket ID No. OW–2005–0036. Such deliveries are only accepted during the Docket's normal hours of operation and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–HQ–OW–2005–0036. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at

www.regulations.gov, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or e-mail. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through *www.regulations.gov* your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm.*

Docket: All documents in the docket are listed in the www.regulations.gov index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in www.regulations.gov or in hard copy at the Water Docket in the EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the Water Docket is (202) 566–2426.

FOR FURTHER INFORMATION CONTACT: Rebecca Roose, Water Permits Division, Office of Wastewater Management (4203M), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 564–0758, e-mail address: *roose.rebecca@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information
A. Does This Action Apply to Me?
B. What Should I Consider as I Prepare My Comments for EPA?
II. Background
A. The Clean Water Act
B. History of Actions to Address CAFOs Under the NPDES Permitting Program
C. Status of EPA's Response to the *Waterkeeper* Decision
D. History of CAFO Compliance Dates
III. This Proposed Rule
A. Application Deadline for Newly Defined CAFOs
B. Deadline for Nutrient Management Plans
IV. Rationale for This Action
V. Statutory and Executive Order Reviews

I. General Information

A. Does This Action Apply to Me?

This action applies to concentrated animal feeding operations (CAFOs) as defined in section 502(14) of the Clean Water Act and in the NPDES regulations at 40 CFR 122.23. The following table provides a list of standard industrial codes for operations covered under this revised rule.

TABLE 1.—ENTITIES POTENTIALLY REGULATED BY THIS RULE

Category	Examples of regulated entities	North American industry code (NAIC)	Standard industrial classification code
Federal, State, and Local Government:			
Industry	Operators of animal production operations that meet the definition of a CAFO:		
	Beef cattle feedlots (including veal)	112112	0211
	Beef cattle ranching and farming	112111	0212
	Hogs	11221	0213
	Sheep	11241, 11242	0214
	General livestock except dairy and poultry	11299	0219
	Dairy farms	11212	0241
	Broilers, fryers, and roaster chickens	11232	0251
	Chicken eggs	11231	0252
	Turkey and turkey eggs	11233	0253
	Poultry hatcheries	11234	0254
	Poultry and eggs	11239	0259
	Ducks	112390	0259
	Horses and other equines	11292	0272

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this action. This table lists the types of entities that EPA is now aware could potentially be regulated by this action. Other types of entities not listed in the table could also be regulated. To determine whether your facility may be regulated under this rulemaking, you should carefully examine the applicability criteria in 40 CFR 122.23. If you have questions regarding the applicability of this action to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

B. What Should I Consider as I Prepare My Comments for EPA?

1. *Submitting Confidential Business Information.* Do not submit this information to EPA through www.regulations.gov or e-mail. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a

copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2.

2. *Tips for Preparing Your Comments.* It will be helpful if you follow these guidelines as you prepare your written comments:

i. Identify the rulemaking by docket number and other identifying information (subject heading, **Federal Register** date and page number).

ii. Follow directions—The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.

iii. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

iv. Describe any assumptions and provide any technical information and/or data that you used.

v. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

vi. Provide specific examples to illustrate your concerns, and suggest alternatives.

vii. Explain your views as clearly as possible.

viii. Make sure to submit your comments by the comment period deadline identified.

II. Background

A. The Clean Water Act

Congress passed the Federal Water Pollution Control Act (1972), also known as the Clean Water Act (CWA), to ''restore and maintain the chemical, physical, and biological integrity of the nation's waters.'' 33 U.S.C. 1251(a). Among its core provisions, the CWA established the NPDES permit program to authorize and regulate the discharge of pollutants from point sources to waters of the U.S. 33 U.S.C. 1342. EPA has issued comprehensive regulations that implement the NPDES program at 40 CFR Part 122. The Act also provided for the development of technology-based and water quality-based effluent limitations that are imposed through NPDES permits to control the discharge of pollutants from point sources. CWA Section 301(a) and (b).

B. History of Actions To Address CAFOs Under the NPDES Permitting Program

EPA's regulation of wastewater and manure from CAFOs dates from the 1970s. EPA initially issued national effluent limitations guidelines and standards for feedlots on February 14, 1974, (39 FR 5704) and NPDES CAFO regulations on March 18, 1976 (41 FR 11458).

In February 2003, EPA revised these regulations. 68 FR 7176 (the ''2003 CAFO rule''). The 2003 CAFO rule required owners or operators of all CAFOs[1] to seek coverage under an NPDES permit, unless they demonstrated no potential to discharge. CAFO industry organizations (American Farm Bureau Federation, National Pork Producers Council, National Chicken Council, and National Turkey Federation (NTF), although NTF later withdrew its petition) and environmental groups (*Waterkeeper* Alliance, Natural Resources Defense Council, Sierra Club, and American Littoral Society) filed petitions for judicial review of certain aspects of the 2003 CAFO rule. This case was brought before the U.S. Court of Appeals for the Second Circuit. On February 28, 2005, the court ruled on these petitions and upheld most provisions of the 2003 rule but vacated and/or remanded others. *Waterkeeper Alliance et al.* v. *EPA*, 399 F.3d 486 (2nd Cir. 2005) (hereafter referred to as *Waterkeeper*). Notably, the court vacated the requirement that all CAFOs apply for NPDES permit coverage unless a CAFO demonstrates no potential to discharge. The court also remanded the rule for failing to require incorporation of the terms of CAFOs' NMPs into their permits and for failing to prescribe public review and comment and permitting authority approval of the terms of the NMPs. Other provisions were remanded for further clarification and analysis.

C. Status of EPA's Response to the Waterkeeper Decision

On June 30, 2006, EPA published a proposed rule in response to the *Waterkeeper* decision. 71 FR 37744. EPA proposed to revise several aspects of the Agency's regulations governing discharges from CAFOs. In summary, EPA proposed to require only owners or operators of those CAFOs that discharge or propose to discharge to seek coverage under a permit. Second, EPA proposed to require CAFOs seeking coverage under a permit to submit their NMP with their application for an individual permit or, for general permit coverage, with their notice of intent to be authorized to discharge under a general permit. Permitting authorities would be required to review the NMP and provide the public with an opportunity for meaningful public review and comment. Permitting authorities would also be required to incorporate terms of the NMP as NPDES permit conditions. The proposed rule also addressed the remand of issues for further clarification and analysis. These issues concern the applicability of water-quality based effluent limitations (WQBELs); the record supporting new source performance standards for swine, poultry, and veal CAFOs; and the record support for ''best conventional technology'' effluent limitations guidelines for pathogens. The proposed rule reflected the dates for compliance as revised in February 2006; i.e., July 31, 2007, for permit application by newly defined CAFOs and NMP development and implementation by all permitted CAFOs. The public comment period for the June 2006 CAFO proposal closed on Aug. 29, 2006. EPA will respond to these comments when it takes final action on the June 30, 2006, proposed rule.

In this action, EPA is proposing, and accepting comment only on, a change to the date by which certain operations must seek coverage under an NPDES permit and the date by which all permitted CAFOs must develop and implement their NMPs.[2] In part because of extensive and widely divergent public comment on the array of issues raised by the court, EPA will not complete a final rule revising the 2003 CAFO rule before the current compliance dates of July 31, 2007, and is, therefore, proposing to revise this compliance date. Though EPA describes them here for context, the proposed provisions in the June 2006 proposed rule in response to *Waterkeeper* are beyond the scope of this current proposal, and EPA is not taking comment on these provisions.

D. History of CAFO Compliance Dates

The 2003 CAFO rule amended the definition of ''CAFO'' to add facilities that had not previously been defined as CAFOs (in the 1976 regulations). 40 CFR 122.23(b). Operations newly defined as CAFOs in the 2003 CAFO rule included veal operations, swine weighing less than 55 pounds, chicken and layer operations using other than liquid manure handling systems, and animal feeding operations (AFOs) that were

[1] To improve readability in this preamble, reference is made to ''CAFOs'' as well as ''owners and operators of CAFOs.'' No change in meaning is intended.

[2] Note that in response to the *Waterkeeper* decision, EPA proposed a variation to the ''develop and implement'' language of the June 2006 proposal which stated that a CAFO operator must submit an NMP with its permit application or NOI and that it must be implemented upon permit coverage. 71 FR 37744.

previously not defined as CAFOs because they discharged only in the event of a 25-year/24-hour storm. CAFOs in these categories that were in existence when the 2003 CAFO rule took effect (April 14, 2003) represent the group of CAFOs that were initially subject to a February 13, 2006, deadline for permit application. 68 FR 7267. In addition, other existing facilities that became defined as CAFOs under the revised CAFO definitions in the 2003 CAFO rule include so-called ''new dischargers'' that subsequent to the effective date of the 2003 CAFO rule became CAFOs due to changes in their operations, where such changes would not have made the operation a CAFO prior to April 14, 2003. This second group of facilities was initially required to seek permit coverage by April 13, 2006, or 90 days after becoming defined as a CAFO, whichever date is later. 68 FR 7268. Thus, each of these groups of CAFOs were allowed three years from the 2003 rule to seek permit coverage when EPA issued the 2003 CAFO rule.

EPA reasoned in the 2003 CAFO rule, and reiterated in the 2006 date change rule, that allowing newly regulated entities three years to come into compliance was consistent with Congressional intent, as expressed in the 1972 Clean Water Act with respect to newly established point sources. Moreover, the Agency stated that the three year timeframe was necessary for States authorized to administer the NPDES permit program to provide permit coverage for CAFOs that were not previously required to be permitted and to revise State regulatory programs. 68 FR 7204.

In addition to the requirements to seek permit coverage, the 2003 CAFO rule also required all permitted CAFOs to develop and implement NMPs by December 31, 2006. EPA believed that this date was reasonable given that operations would have had a little over three and a half years from the issuance of the 2003 rule to develop and implement an NMP. This timeframe allowed States to update their NPDES programs and issue permits to reflect the NMP requirements of the 2003 CAFO rule. It also provided flexibility for permitting authorities to establish permit schedules based on specific circumstances, including prioritization of nutrient management plan development and implementation based on site-specific water quality risks and the available infrastructure for development of NMPs.

These timing considerations were affected by the *Waterkeeper* decision. On February 10, 2006, prior to the Agency's proposed rule responding to the *Waterkeeper* decision, EPA promulgated a limited rule to revise each of the compliance dates in the 2003 CAFO rule that were affected by the decision (referred to as the ''2006 date rule''). 71 FR 6978. Specifically, EPA extended the dates for those newly defined CAFOs described above to seek NPDES permit coverage and the date by which all CAFOs must develop and implement NMPs. EPA revised these dates in order to: (1) Provide the Agency sufficient time to take final action on the regulatory revisions with respect to the *Waterkeeper* decision; and (2) require NMPs to be submitted at the time of the permit application, consistent with the court's decision. It was necessary for EPA to revise the dates separately from addressing the rest of the issues raised by the *Waterkeeper* decision because EPA had not completed the proposed rule responding to the *Waterkeeper* decision prior to the dates by which newly defined CAFOs were required to seek permit coverage.

III. This Proposed Rule

This notice proposes to amend the section detailing when operations defined as CAFOs as of April 14, 2003, that were not defined as CAFOs prior to that date, must seek NPDES permit coverage, as well as the section detailing when, due to operational changes, operations that would not have become CAFOs under the prior rule become CAFOs under the 2003 rule. Second, EPA is proposing to extend the deadline by which permitted CAFOs are required to develop and implement NMPs. This proposed rule would not modify or otherwise affect any other existing regulatory provisions, nor does it reopen the comment period on the proposed rule to respond to the *Waterkeeper* decision published on June, 30, 2006. 71 FR 37744.

A. Application Deadline for Newly Defined CAFOs

EPA is proposing to extend the date by which operations defined as CAFOs as of April 14, 2003, that were not defined as CAFOs prior to that date, must seek NPDES permit coverage, from July 31, 2007, to February 27, 2009. EPA is also proposing to amend the date by which operations that became defined as CAFOs after April 14, 2003, or that will become CAFOs due to operational changes that would not have made them a CAFO prior to April 14, 2003, and that are not new sources, must seek NPDES permit coverage, from July 31, 2007, to February 27, 2009.

This proposed rule would not affect the applicable time for seeking permit coverage for newly constructed CAFOs not subject to new source performance standards (NSPS) or for new source CAFOs subject to NSPS that discharge or propose to discharge, even those in categories that were added to the definition of a CAFO in the 2003 CAFO rule. These CAFOs that discharge or propose to discharge are required by 40 CFR 122.21(a) and 123.23(g)(3)(i) and (4) to seek NPDES permit coverage at least 180 days prior to the time that they commence operating, and these provisions were unaffected by the 2006 date rule.

This proposed rule would not supersede State requirements. States may choose to require CAFOs to obtain NPDES permits in advance of the dates set in the federal NPDES regulations, pursuant to the authority reserved to States under section 510 of the Clean Water Act to adopt requirements more stringent than those that apply under federal law. Further, CAFOs that are already permitted, e.g., CAFOs that existed prior to the effective date of the 2003 CAFO rule and as such have been required to seek NPDES permit coverage even before EPA issued the 2003 CAFO rule, continue to be required to maintain permit coverage pursuant to section 122.23(h).

EPA is also proposing to correct a typographical error that was created in the 2006 date rule. In that rule, 40 CFR 122.23(g)(1) as promulgated in the 2003 CAFO rule (which provides that existing operations defined as CAFOs prior to April 14, 2003, must seek permit coverage by the effective date of the 2003 rule) was inadvertently replaced with 40 CFR 122.23(g)(2) (which provides extended compliance dates for operations defined as CAFOs as of April 14, 2003, but were not defined as CAFOs prior to that date). Because the ''(2)'' was erroneously printed as ''(1)'', section 122.23(g)(1) was overwritten and section 122.23(g)(2) was incorrectly left unchanged. As a result, the current rule contains two provisions applicable to ''Operations defined as CAFOs as of April 14, 2003, who were not defined as CAFOs prior to that date'' with conflicting dates. EPA is proposing to restore the original section 122.23(g)(1) as promulgated in 2003, and to revise the date in section 122.23(g)(2) to reflect this proposal.

B. Deadline for Nutrient Management Plans

EPA is proposing to extend the deadline by which permitted CAFOs are required to develop and implement NMPs, from July 31, 2007, to February 27, 2009. This proposal would revise all references to the date by which CAFOs must develop and implement NMPs

currently in Parts 122 and 412. Thus, this proposal would revise the deadlines established in 40 CFR 122.21(i)(1)(x), 122.42(e)(1), 412.31(b)(3), and 412.43(b)(2).

This proposal would not supersede State requirements, nor would it affect CAFOs operating under existing permits so long as those permits remain in effect. If their existing permits require development and implementation of an NMP, currently permitted CAFOs must develop and implement their NMPs in accordance with the terms of their current permit, or their applicable state requirements. This proposed rule also would not affect the applicable land application limitations and requirements for all CAFOs subject to the new source performance standards under 40 CFR 412.35 and 40 CFR 412.46. Upon permit coverage, new sources must meet all relevant land application requirements.

IV. Rationale for This Action

At the time of the 2006 date rule, EPA believed that July 31, 2007, would allow sufficient time for the Agency to complete the rulemaking to address the *Waterkeeper* decision. EPA also reasoned that the basis for these revised dates was generally consistent with the approach taken by Congress in the 1972 Clean Water Act, as explained when setting the compliance dates in the 2003 CAFO rule. 68 FR 7204. EPA anticipated that the dates established in the 2006 date rule provided sufficient time to ensure compliance with the NPDES regulations within a reasonable timeframe consistent with the dates established in the 2003 CAFO rule. 71 FR 6980–81.

The amount of time needed to revise the rule in response to the *Waterkeeper* decision has been greater than EPA anticipated at the time it promulgated the 2006 date rule. At that time, EPA had not yet proposed revisions to the CAFO rule and could only surmise what the public response to the proposal would be. In light of comments received and after further consideration of the proposed rule, EPA is continuing to explore the best method of implementing the *Waterkeeper* decision. To avoid any potential conflict with existing deadlines that precede the publication of the final rule, it is appropriate to propose this rulemaking to change the dates at issue.

In comments on the proposed 2006 date rule, commenters asserted that the proposed deadlines would not offer CAFOs sufficient time to submit permit applications, including NMPs, that will comply with the regulatory revisions the Agency is planning to address in its response to the *Waterkeeper* decision. Other commenters expressed the view that EPA needed to take into consideration the time necessary for States to make conforming revisions to State programs following EPA's regulatory revisions. See docket ID EPA–HQ–OW–2005–0036. Commenters reiterated these concerns in comments on the 2006 proposed CAFO rule in response to *Waterkeeper*. See docket ID EPA–HQ–OW–2005–0037. This proposed rule balances the need to address the concerns raised by commenters with the interest of having the regulatory requirements implemented in a timely fashion. In EPA's view, this proposal would also provide sufficient time for newly defined facilities to review the revised duty to apply requirements to determine whether they need to seek permit coverage. Finally, it would provide time for permitting authorities to identify the necessary procedures for reviewing NMPs and incorporating them into general permits. Taking into account the time EPA needs to complete the rule in response to *Waterkeeper*, as well as the period of time after the final rule is promulgated to allow States, the regulated community, and other stakeholders the opportunity to adjust to the new regulatory requirements, EPA believes that extending the dates to February 27, 2009, is reasonable.

V. Statutory and Executive Order Reviews

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this proposed rule is not a ''significant regulatory action'' and is therefore not subject to review under the Executive Order. As discussed above, the purpose of this proposed rule is solely to address timing issues associated with the Agency's response to the *Waterkeeper* court ruling on petitions for review challenging portions of the 2003 CAFO rule. After considering the economic impacts of this proposed rule on small entities in accordance with the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), I certify that this action will not have a significant economic impact on a substantial number of small entities since the effect of the proposal, if implemented, is solely to extend certain deadlines related to NPDES CAFO permitting. Additionally, this proposed rule would not affect small governments, as the permitting authorities are state or federal agencies. We continue to be interested in the potential impacts of the proposed rule on small entities and welcome comments on issues related to such impacts. EPA has determined that this proposed rule does not contain a Federal mandate that may result in expenditures of $100 million or more for State, local, and tribal governments, in the aggregate, or the private sector in any one year. In addition, this action does not significantly or uniquely affect small governments. Thus, this proposed rule is not subject to sections 202, 203, or 205 of the Unfunded Mandates Reform Act of 1999 (Pub. L. 104–4). In addition, this proposed rule does not have Tribal implications as specified in Executive Order 13175 (63 FR 67249, November 9, 2000) because it will neither impose substantial direct compliance costs on tribal governments, nor preempt Tribal law. This proposed rule will not have federalism implications, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999) because it will not impose substantial direct compliance costs on State or local governments, nor will it preempt State law. Thus, the requirements of sections 6(b) and 6(c) of the Executive Order do not apply to this rule. This proposed rule is not subject to Executive Order 13045 because it is not economically significant as defined under E.O. 12866, and because the Agency does not have reason to believe the environmental health and safety risks addressed by this action present a disproportionate risk to children. This proposed rule is not subject to Executive Order 12898 (59 FR 7629 (Feb. 16, 1994)) which establishes federal executive policy on environmental justice. EPA has determined that this proposed rule will not have disproportionately high and adverse human health or environmental effects on minority or low-income populations because it does not affect the level of protection provided to human health or the environment. This proposed rule is not subject to Executive Order 13211, ''Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001), because it is not a significant regulatory action under Executive Order 12866. This proposed rule does not involve technical standards; thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This proposed rule does not impose any new information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). However, the Office of Management and Budget (OMB) has previously approved the information collection requirements contained in the existing regulations at 40 CFR Parts 9, 122, 123, and 412 under

the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* and has assigned OMB control number 2040–0250. The EPA ICR number for the original set of regulations is 1989.02.

List of Subjects

40 CFR Part 122

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous substances, Reporting and recordkeeping requirements, Water pollution control.

40 CFR Part 412

Environmental protection, Feedlots, Livestock, Waste treatment and disposal, Water pollution control.

Dated: May 3, 2007.

Stephen L. Johnson,

Administrator.

For the reasons stated in the preamble, the Environmental Protection Agency proposes to amend 40 CFR parts 122 and 412 as follows:

PART 122—EPA ADMINISTERED PERMIT PROGRAMS: THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

1. The authority citation for part 122 continues to read as follows:

Authority: The Clean Water Act, 33 U.S.C. 1251 *et seq.*

§ 122.21 [Amended]

2. In § 122.21 paragraph (i)(1)(x), the date ''July 31, 2007'' is revised read ''February 27, 2009''.

3. Section 122.23 is amended by revising paragraphs (g)(1), (g)(2), and (g)(3)(iii) to read as follows:

§ 122.23 Concentrated animal feeding operations (applicable to State NPDES programs, see § 123.25).

* * * * *

(g) * * *

(1) *Operations defined as CAFOs prior to April 14, 2003.* For operations that are defined as CAFOs under regulations that are in effect prior to April 14, 2003, the owner or operator must have or seek to obtain coverage under an NPDES permit as of April 14, 2003, and comply with all applicable NPDES requirements, including the duty to maintain permit coverage in accordance with paragraph (h) of this section.

(2) *Operations defined as CAFOs as of April 14, 2003, that were not defined as CAFOs prior to that date.* For all operations defined as CAFOs as of April 14, 2003, that were not defined as CAFOs prior to that date, the owner or operator of the CAFO must seek to obtain coverage under an NPDES permit by a date specified by the Director, but no later than February 27, 2009.

(3) * * *

(iii) If an operational change that makes the operation a CAFO would not have made it a CAFO prior to April 14, 2003, the operation has until February 27, 2009, or 90 days after becoming defined as a CAFO, whichever is later.

* * * * *

§ 122.42 [Amended]

4. In § 122.42 paragraph (e)(1), the two dates ''July 31, 2007'' are revised read ''February 27, 2009''.

PART 412—CONCENTRATED ANIMAL FEEDING OPERATIONS (CAFO) POINT SOURCE CATEGORY

5. The authority citation for part 412 continues to read as follows:

Authority: 33 U.S.C. 1311, 1314, 1316, 1317, 1318, 1342, 1361.

§ 412.31 [Amended]

6. In § 412.31 paragraph (b)(3), the date ''July 31, 2007'' is revised to read ''February 27, 2009''.

§ 412.43 [Amended]

7. In § 412.43 paragraph (b)(2), the date ''July 31, 2007'' is revised to read ''February 27, 2009''.

[FR Doc. E7–9027 Filed 5–9–07; 8:45 am]

BILLING CODE 6560–50–P

Notices

Federal Register
Vol. 72, No. 90
Thursday, May 10, 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

May 7, 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, Public Law 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), *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.

Animal and Plant Health Inspection Service

Title: Plum Pox Compensation.

OMB Control Number: 0579–0159.

Summary of Collection: Plum Pox is an extremely serious viral disease of plants that can affect may stone fruit species, including plum, peach, apricot, almond, and nectarine. The United States Department of Agriculture is responsible for preventing plant pests and noxious weeds for entering the United States; preventing the spread of pests new to the United States and eradicating those imported pests and weeds when eradication is feasible. The regulations in 7 CFR 301.74–5 permit owners of commercial stone fruit orchards and owners of fruit tree nurseries to receive compensation under certain circumstances. Owners of commercial stone fruit orchards may receive compensation for losses associated with trees destroyed to control plum pox pursuant to an emergency action notification (EAN) issued by the Animal & Plant Health Inspection Service (APHIS). APHIS will collect information using form PPQ 651 Application for Plum Pox Compensation.

Need and Use of the Information: APHIS will collect the owner's name and address, a description of the owner's property, and a certification statement that the trees removed from the owner's property were stone fruit trees from commercial fruit orchards or fruit tree nurseries. The owner's will also need to send APHIS a copy of the EAN ordering the destruction of their trees. If the information were not collected, APHIS would be unable to compensate eligible grove and nursery owners for the loss of their trees.

Description of Respondents: State, Local or Tribal Government.

Number of Respondents: 7.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 1.

Animal Plant and Health Inspection Service

Title: Interstate Movement of Swine Within a Production System.

OMB Control Number: 0579–0161.

Summary of Collection: Disease prevention is the most effective method for maintaining a healthy animal population, and for enhancing the Animal Plant and Health Inspection Service (APHIS) ability to compete in the world market of animal and animal product trade. The Veterinary Services Division of APHIS is responsible for carrying out this disease prevention mission. The regulations under which APHIS conducts these disease prevention activities are contained in Title 9, Subchapter C of Chapter I, which governs the interstate movement of animals to prevent the dissemination of livestock and poultry diseases within the United States. Regulations in Part 71 contain requirements for moving swine interstate within a swine production system. (A production system consists of separate farms that each specialize in a different phase of swine production—sow herds, nursery herds, and finishing herds.) Moving swine interstate within a swine production system involves the use of two information collection activities in the form of a Swine Production Health Plan and an Interstate Swine Movement Report.

Need and Use of the Information: The Swine Production Health Plan is a document developed by participating swine producers, stating that all farms within the given swine production system will maintain the health of their swine and remain vigilant for any signs of communicable disease. The Interstate Swine Movement Report is a document initiated by swine producers to notify their accredited veterinarians, APHIS, and State regulatory officials in the States of origin and destination that a group of animals is being moved across State lines in a swine production system. Without the information, the movement of swine interstate within a swine production system would become less efficient and more time-consuming, consequently placing more financial and logistical burden on producers who regularly engage in this activity.

Description of Respondents: Farms.

Number of Respondents: 1,000.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 1,000.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. E7–9017 Filed 5–9–07; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF COMMERCE

Economic Development Administration

[Docket No.: 070125020–7021–01]

Solicitation of Applications for the University Center Economic Development Program

AGENCY: Economic Development Administration (EDA), Department of Commerce.

ACTION: Notice; re-open competitive solicitation.

SUMMARY: The Economic Development Administration (EDA) publishes this notice to re-open the competitive solicitation for applications under the University Center Economic Development Program in EDA's Austin and Denver regional offices.

DATES: The new closing date and time for receipt of electronic and paper applications for funding under the FY 2007 University Center Economic Development Program competition is Friday, May 25, 2007 at 4 p.m. local time.

ADDRESSES: Applications may be submitted in two formats: (i) In paper format at the addresses provided below; or (ii) electronically in accordance with the procedures provided on *http://www.Grants.gov*. The content of the application is the same for paper submissions as it is for electronic submissions. EDA will not accept facsimile transmissions of applications.

Paper Submissions: Applicants in Arkansas, Louisiana, New Mexico, Oklahoma and Texas should submit paper submissions (via postal mail, overnight delivery or hand-delivery) to: FY 2007 University Center Program Competition, Economic Development Administration, Austin Regional Office, 504 Lavaca Street, Suite 1100, Austin, Texas 78701–4037.

Applicants in Colorado, Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, Utah and Wyoming should submit paper submissions (via postal mail, overnight delivery or hand-delivery) to: FY 2007 University Center Program Competition, Economic Development Administration, Denver Regional Office, 1244 Speer Boulevard, Suite 670, Denver, Colorado 80204–3591.

Electronic Submissions: Applicants may submit applications electronically in accordance with the instructions provided at www.Grants.gov. On *http://www.grants.gov/search/basic.do*, applicants can perform a ''Basic Search'' for this grant opportunity by completing the ''Keyword Search;'' the ''Search by Funding Opportunity Number;'' or the ''Search by CFDA Number'' field, and then clicking the ''Search'' button. The Funding Opportunity Number for this grant opportunity is EDA02142007 and the CFDA number is 11.303.

EDA strongly encourages that applicants not wait until the application closing date to begin the application process through *www.Grants.gov.* The preferred file format for electronic attachments (e.g., the Project Narrative and exhibits to Form ED–900A) is portable document format (PDF); however, EDA will accept electronic files in Microsoft Word, WordPerfect, Lotus or Excel formats.

Applicants should access the following link for assistance in navigating www.Grants.gov and for a list of useful resources: *http://www.grants.gov/applicants/applicant_help.jsp.* If you do not find an answer to your question under *Frequently Asked Questions,* try consulting the *Applicant's User Guide.* If you still cannot find an answer to your question, contact *www.Grants.gov* via e-mail at *support@grants.gov* or telephone at 1.800.518.4726. The hours of operation for *www.Grants.gov* are Monday–Friday, 7 a.m. to 9 p.m. (EST) (except for federal holidays). For a copy of the FFO announcement for this request for applications, please see the Web site listed below under ''Electronic Access.''

FOR FURTHER INFORMATION: For additional information or for a paper copy of the FFO announcement, the designated contact person in the Austin regional office is John Christ. Mr. Christ may be reached at *jchrist@eda.doc.gov* or at 512.381.8145. The designated contact person in the Denver regional office is Forlesia S. Willis. Ms. Willis may be reached at *fwillis@eda.doc.gov* or at 303.844.5452. EDA's Internet Web site at *www.eda.gov* also contains additional information on EDA and its programs, including the University Center Economic Development Program.

SUPPLEMENTARY INFORMATION: On February 2, 2007, EDA published in the **Federal Register** (72 FR 5002) the original notice regard the FY 2007 University Center Economic Development Program competition. The original deadline for receipt of applications was May 3, 2007 at 4 p.m. local time. EDA re-opens the solicitation period to provide the public more time to submit applications. The new deadline for receipt of electronic and paper applications for funding under the FY 2007 University Center Economic Development Program competition is May 25, 2007 at 4 p.m. local time. All applications that are submitted between May 3, 2007 and the date of publication of this notice will be considered timely. Applicants who submitted all application materials by the original deadline (May 3, 2007 at 4 p.m. local time) may revise their applications in light of the re-opening of the competitive solicitation, but all materials must be received by the Austin or Denver regional offices (as appropriate) by May 25, 2007 at 4 p.m. local time. All other information and requirements for the FY 2007 University Center Economic Development Program competition remain as stated in the February 2, 2007 **Federal Register** notice (72 FR 5002).

Electronic Access: The FFO announcement for the FY 2007 University Center Economic Development Program competition is available at *http://www.Grants.gov.* Additional information is available through EDA's Internet Web site at *http://www.eda.gov.*

Catalog of Federal Domestic Assistance (CFDA) Number: 11.303, Economic Development—Technical Assistance.

Dated: May 4, 2007.

Benjamin Erulkar,

Deputy Assistant Secretary of Commerce for Economic Development.

[FR Doc. E7–8995 Filed 5–9–07; 8:45 am]

BILLING CODE 3510–24–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–892]

Carbazole Violet Pigment 23 from the People's Republic of China: Final Results of Antidumping Duty Administrative Review

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

SUMMARY: On November 7, 2006, the Department of Commerce (the Department) published in the **Federal Register** its preliminary results in the administrative review of the antidumping duty order on carbazole violet pigment 23 (CVP 23) from the People's Republic of China (PRC) for the period June 24, 2004, through November 30, 2005. *See Carbazole Violet Pigment 23 from the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review and Rescission in Part*, 71 FR 65073 (November 7, 2006) (Preliminary Results). We invited interested parties to comment on the Preliminary Results.

Based upon our analysis of the comments received, we have made changes to our margin calculation; however, the final dumping margin for Tianjin Hanchem Trading Co., Ltd. (Hanchem) does not differ from the Preliminary Results. Hanchem's final dumping margin is listed in the ''Final Results of Review'' section below.

EFFECTIVE DATE: May 10, 2007.

FOR FURTHER INFORMATION CONTACT: Rebecca Trainor or Terre Keaton, AD/CVD Operations, Office 2, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–4007 or (202) 482–1280, respectively.

SUPPLEMENTARY INFORMATION:

Background

On November 7, 2006, the Department published its Preliminary Results in this administrative review. We invited interested parties to comment on the Preliminary Results. On November 27, 2006, the petitioners[1] submitted additional surrogate value information. On December 7, 2006, the petitioners and Clariant Corporation, a domestic interested party, filed case briefs. On December 14, 2006, Hanchem filed a rebuttal brief. On January 23, 2007, we extended the final results by 60 days. *See Carbazole Violet Pigment 23 from the People's Republic of China; Notice of Extension of Time Limit for Final Results*, 72 FR 2855 (January 23, 2007).

We have conducted this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.213.

Period of Review

The period of review (POR) is June 24, 2004, through November 30, 2005.

Scope of Order

The merchandise covered by this order is carbazole violet pigment 23 identified as Color Index No. 51319 and Chemical Abstract No. 6358–30–1, with the chemical name of *diindolo [3,2–b:3′,2′-m] triphenodioxazine, 8,18–dichloro–5, 15–diethy–5,15–dihydro-*, and molecular formula of $C_{34}H_{22}Cl_2N_4O_2$.[2] The subject merchandise includes the crude pigment in any form (*e.g.*, dry powder, paste, wet cake) and finished pigment in the form of presscake and dry color. Pigment dispersions in any form (*e.g.*, pigments dispersed in oleoresins, flammable solvents, water) are not included within the scope of this order. The merchandise subject to this order is classifiable under subheading 3204.17.9040 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheading is provided for convenience and customs purposes, the written description of the scope of this order is dispositive.

Analysis of Comments Received

All issues raised in the post–preliminary comments by parties in this review are addressed in the memorandum from Stephen J. Claeys, Deputy Assistant Secretary for Import Administration, to David M. Spooner, Assistant Secretary for Import Administration, ''Issues and Decision Memorandum for the Final Results of the 2004–2005 Administrative Review of Carbazole Violet Pigment 23 from the People's Republic of China '' dated May 3, 2007, (Issues and Decision Memorandum), which is hereby adopted by this notice. A list of the issues raised, all of which are in the Issues and Decision Memorandum, is attached to this notice as Appendix I. Parties can find a complete discussion of all issues raised in the briefs and the corresponding recommendations in this public memorandum, which is on file in the Central Records Unit (CRU), room B–099 of the Department of Commerce. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly on the Web at *http://ia.ita.doc.gov/frn*. The paper copy and electronic version of the Issues and Decision Memorandum are identical in content.

Changes Since the Preliminary Results

Based on our analysis of comments received, we have made certain changes in the margin calculation. For a discussion of these changes, see the Issues and Decision Memorandum, at Comments 2 and 3.

Final Results of Review

The weighted–average dumping margin for the period June 24, 2004, through November 30, 2005 is as follows:

Exporter/Manufacturer	Weighted–Average Margin Percentage
Tianjin Hanchem International Trading Co., Ltd.	0.00 percent

Assessment Rates

The Department shall determine, and Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries, in accordance with 19 CFR 351.212(b). The Department will issue assessment instructions directly to CBP 15 days after the date of publication of these final results of administrative review. Pursuant to 19 CFR 351.106(c), we will instruct CBP to assess antidumping duties on all appropriate entries covered by this review if any importer–specific assessment rate calculated in the final results of this review is above *de minimis* (*i.e.*, is not less than 0.50 percent). We calculated the importer–specific *ad valorem* duty assessment rate based on the ratio of the total amount of the dumping margin calculated for the examined U.S. sale to the total entered value of that sale.

The Department clarified its ''automatic assessment'' regulation on May 6, 2003. *See Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003). This clarification will apply to entries of subject merchandise during the POR produced by Hanchem included in these final results of review for which Hanchem did not know its merchandise was destined for the United States. In such instances, we will instruct CBP to liquidate unreviewed entries at the ''All Others'' rate if there is no rate for the intermediate company(ies) involved in the transaction.

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of this notice of final results of administrative review for all shipments of CVP 23 from the PRC entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(2)(C) of the Act: (1) For Hanchem, the cash deposit rate will be zero; (2) for previously reviewed or investigated companies not listed above that have a separate rate, the cash deposit rate will continue to be the company–specific rate published for the most recent period; (3) the cash deposit rate for all other PRC exporters will be 241.32 percent, the current PRC–wide rate[3]; and (4) the cash deposit rate for

[1] The petitioners are Nation Ford Chemical Company and Sun Chemical Company.

[2] The bracketed section of the product description, *[3,2-b:3′,2′-m]*, is not business proprietary information, but is part of the chemical nomenclature.

[3] *See The Final Results of Redetermination Pursuant to United States Court of International Trade Remand Order, Goldlink Industries Co., Ltd., Trust Chem Co., Ltd., Tianjin Hanchem International Trading Co., Ltd. v. United States*, Slip Op. 06-65 (May 4, 2006), confirmed by the CIT on December 8, 2006. *See also Carbazole Violet Pigment 23 from the People's Republic of China:*

all non–PRC exporters that do no have their own rate will be the rate applicable to the PRC exporter that supplied that non–PRC exporter. These cash deposit requirements shall remain in effect until further notice.

Notification to Interested Parties

This notice also serves as a 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 the subsequent assessment of double antidumping duties.

This notice also serves as a reminder to parties subject to administrative protective orders (APOs) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305, which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

We are issuing and publishing these final results of review in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.213.

Dated: May 3, 2007.

David M. Spooner,

Assistant Secretary for Import Administration.

Appendix I: Issues Addressed in the Issues and Decision Memorandum

Comment 1: Surrogate Value for Chloranil

Comment 2: Surrogate Financial Ratios

Comment 3: Surrogate Value for Triethylamine

Comment 4: Brokerage Fees and Terminal Charges

[FR Doc. E7–9042 Filed 5–9–07; 8:45 am]

BILLING CODE 3510–DS–S

Notice of Court Decision Not in Harmony with Final Determination of Sales at Less than Fair Value, 72 FR 327 (January 4, 2007).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–122–840]

Notice of Final Results of Antidumping Duty Administrative Review: Carbon and Certain Alloy Steel Wire Rod from Canada

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

SUMMARY: On November 6, 2006, the Department of Commerce (''the Department'') published the preliminary results of its third administrative review of the antidumping duty order on carbon and certain alloy steel wire rod from Canada. The review covers the shipments of subject merchandise to the United States by Ivaco Rolling Mills 2004 L.P. (''IRM''), and Sivaco Ontario, a division of Sivaco Wire Group 2004 L.P., (''Sivaco'') (collectively, both IRM and Sivaco are referred to as ''Ivaco'').[1] The period of review (''POR'') is October 1, 2004, through September 30, 2005. Based on our analysis of comments received, these final results differ from the preliminary results. The final results are listed below in the Final Results of Review section.

EFFECTIVE DATE: May 10, 2007.

FOR FURTHER INFORMATION CONTACT: Damian Felton or Brandon Farlander, at (202) 482–0133 or (202) 482–0182, respectively; AD/CVD Operations, Office 1, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street & Constitution Avenue, NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

On November 6, 2006, the Department published in the **Federal Register** the preliminary results of the third administrative review of the antidumping duty order on carbon and certain alloy steel wire rod from Canada. *See Notice of Preliminary Results of Antidumping Duty Administrative Review and Notice of Initiation of Changed Circumstances Review: Carbon and Certain Alloy Steel Wire Rod from Canada*, 71 FR 64921 (November 6, 2006) (''*Preliminary Results*'').

[1] On March 30, 2007, the Department determined that Ivaco Rolling Mills 2004 L.P. was the successor-in-interest to Ivaco Rolling Mills L.P.; and Sivaco Ontario, a division of Sivaco Wire Group 2004 L.P., was the successor-in-interest to Ivaco Inc. *See Notice of Final Results of Antidumping Duty Changed Circumstances Review: Carbon and Certain Alloy Steel Wire Rod from Canada*, 72 FR 15102 (March 30, 2007).

We invited parties to comment on the *Preliminary Results*. On December 11, 2006, we received case briefs from the respondent, Ivaco, and the petitioners, Gerdau Ameristeel US, Inc., ISG Georgetown, Inc., Keystone Consolidated Industries, Inc., and North Star Steel Texas, Inc. (herein after referred to as ''the petitioners''). Ivaco submitted its rebuttal brief on December 18, 2006. No public hearing was requested.

Scope of the Order

The merchandise subject to this order is certain hot–rolled products of carbon steel and alloy steel, in coils, of approximately round cross section, 5.00 mm or more, but less than 19.00 mm, in solid cross-sectional diameter.

Specifically excluded are steel products possessing the above–noted physical characteristics and meeting the Harmonized Tariff Schedule of the United States (''HTSUS'') definitions for (a) stainless steel; (b) tool steel; (c) high nickel steel; (d) ball bearing steel; and (e) concrete reinforcing bars and rods. Also excluded are (f) free machining steel products (i.e., products that contain by weight one or more of the following elements: 0.03 percent or more of lead, 0.05 percent or more of bismuth, 0.08 percent or more of sulfur, more than 0.04 percent of phosphorus, more than 0.05 percent of selenium, or more than 0.01 percent of tellurium).

Also excluded from the scope are 1080 grade tire cord quality wire rod and 1080 grade tire bead quality wire rod. Grade 1080 tire cord quality rod is defined as: (i) grade 1080 tire cord quality wire rod measuring 5.0 mm or more but not more than 6.0 mm in cross-sectional diameter; (ii) with an average partial decarburization of no more than 70 microns in depth (maximum individual 200 microns); (iii) having no non–deformable inclusions greater than 20 microns and no deformable inclusions greater than 35 microns; (iv) having a carbon segregation per heat average of 3.0 or better using European Method NFA 04–114; (v) having a surface quality with no surface defects of a length greater than 0.15 mm; (vi) capable of being drawn to a diameter of 0.30 mm or less with 3 or fewer breaks per ton, and (vii) containing by weight the following elements in the proportions shown: (1) 0.78 percent or more of carbon, (2) less than 0.01 percent of aluminum, (3) 0.040 percent or less, in the aggregate, of phosphorus and sulfur, (4) 0.006 percent or less of nitrogen, and (5) not more than 0.15 percent, in the aggregate, of copper, nickel and chromium.

Grade 1080 tire bead quality rod is defined as: (i) grade 1080 tire bead quality wire rod measuring 5.5 mm or more but not more than 7.0 mm in cross-sectional diameter; (ii) with an average partial decarburization of no more than 70 microns in depth (maximum individual 200 microns); (iii) having no non–deformable inclusions greater than 20 microns and no deformable inclusions greater than 35 microns; (iv) having a carbon segregation per heat average of 3.0 or better using European Method NFA 04–114; (v) having a surface quality with no surface defects of a length greater than 0.2 mm; (vi) capable of being drawn to a diameter of 0.78 mm or larger with 0.5 or fewer breaks per ton; and (vii) containing by weight the following elements in the proportions shown: (1) 0.78 percent or more of carbon, (2) less than 0.01 percent of soluble aluminum, (3) 0.040 percent or less, in the aggregate, of phosphorus and sulfur, (4) 0.008 percent or less of nitrogen, and (5) either not more than 0.15 percent, in the aggregate, of copper, nickel and chromium (if chromium is not specified), or not more than 0.10 percent in the aggregate of copper and nickel and a chromium content of 0.24 to 0.30 percent (if chromium is specified).

For purposes of grade 1080 tire cord quality wire rod and grade 1080 tire bead quality wire rod, an inclusion will be considered to be deformable if its ratio of length (measured along the axis - that is, the direction of rolling - of the rod) over thickness (measured on the same inclusion in a direction perpendicular to the axis of the rod) is equal to or greater than three. The size of an inclusion for purposes of the 20 microns and 35 microns limitations is the measurement of the largest dimension observed on a longitudinal section measured in a direction perpendicular to the axis of the rod. This measurement methodology applies only to inclusions on certain grade 1080 tire cord quality wire rod and certain grade 1080 tire bead quality wire rod that are entered, or withdrawn from warehouse, for consumption on or after July 24, 2003.

The designation of the products as ''tire cord quality'' or ''tire bead quality'' indicates the acceptability of the product for use in the production of tire cord, tire bead, or wire for use in other rubber reinforcement applications such as hose wire. These quality designations are presumed to indicate that these products are being used in tire cord, tire bead, and other rubber reinforcement applications, and such merchandise intended for the tire cord, tire bead, or other rubber reinforcement applications is not included in the scope. However, should petitioners or other interested parties provide a reasonable basis to believe or suspect that there exists a pattern of importation of such products for other than those applications, end–use certification for the importation of such products may be required. Under such circumstances, only the importers of record would normally be required to certify the end use of the imported merchandise.

All products meeting the physical description of subject merchandise that are not specifically excluded are included in this scope.

The products under review are currently classifiable under subheadings 7213.91.3010, 7213.91.3015, 7213.91.3090, 7213.91.3092, 7213.91.4510, 7213.91.4590, 7213.91.6010, 7213.91.6090, 7213.99.0031, 7213.99.0038, 7213.99.0090, 7227.20.0010, 7227.20.0020, 7227.20.0090, 7227.20.0095, 7227.90.6010, 7227.90.6051, 7227.90.6053, 7227.90.6058, 7227.90.6059, and 7227.90.6080 of the HTSUS. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this order is dispositive.

Level of Trade

As stated in the *Preliminary Results*, section 773(a)(7)(A) of the Act provides that in order to grant a level of trade (''LOT'') adjustment, we must find that the export price (''EP'') or constructed export price sale (as appropriate) was made at a different level than that of the normal value sale and that this difference: (1) involved different selling activities, and (2) affected price comparability based on a pattern of consistent price differences between sales at different LOTs in the country in which normal value is determined.[2]

Ivaco reported two channels of distribution in the home and U.S. markets. The channels of distribution were: (1) direct sales by IRM and (2) direct sales by Sivaco. To determine whether the two channels constitute separate levels of trade, we examined the stages in the marketing process and selling functions along the chains of distribution between Ivaco and its customers. Based on this examination, we preliminarily determined that Ivaco sold merchandise at two LOTs during the POR. One LOT is for sales made by the steel wire rod manufacturing facility, IRM; the second LOT is for sales made by Sivaco, the customer service center, which is a steel wire rod processing and drawing facility.

Sales by Sivaco have different, more complex, distribution patterns, involving substantially greater selling activities. These selling activities are explained in greater detail in Comment 1 in the accompanying Issues and Decision Memorandum to David M. Spooner, Assistant Secretary for Import Administration, from Stephen J. Claeys, Deputy Assistant Secretary (''Decision Memorandum''), which is hereby adopted by this notice. Based upon our analysis of the marketing process for these sales, we continue to find that sales by Sivaco are at a more advanced stage than sales by IRM.

For the *Preliminary Results*, the Department performed its standard analysis of price differences on Ivaco's submitted home market sales by comparing, for each identical model sold at both levels, the average net price of sales made in the ordinary course of trade at the two LOTs.[3] Our analysis for the *Preliminary Results* as well as for the final results reveals that for a preponderance of models and quantities sold at different LOTs by Sivaco and IRM, a pattern of consistent price differences existed. Therefore, we continue to grant a LOT adjustment for EP sales for which we were not able to find sales of the foreign–like product in the home market at the same level of trade as the U.S. sales. *See* Decision Memorandum, at Comments 1–4; *see also* Memorandum to the File entitled, ''Analysis Memorandum for Ivaco,'' Re: Final Results for the Third Antidumping Duty Review of Carbon and Certain Alloy Steel Wire Rod from Canada, at 2 (May 3, 2007).

Analysis of Comments Received

The issues raised in the case briefs by parties to this administrative review are addressed in the accompanying Decision Memorandum. A list of the issues addressed in the Decision Memorandum is appended to this notice. The Decision Memorandum is on file in the Central Records Unit in Room B–099 of the main Department of Commerce building, and can also be accessed directly on the Web at http://ia.ita.doc.gov/frn/index.html. The paper copy and electronic version of the Decision Memorandum are identical in content.

[2] *See Preliminary Results*, 71 FR at 64924.

[3] *See e.g., Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From France, Germany, Italy, Japan, Singapore, and the United Kingdom; Final Results of Antidumping Duty Administrative Reviews*, 62 FR 2081, 2106 (January 15, 1997).

Changes Since the Preliminary Results

Based on our analysis of comments received, we have corrected a programming error identified by Ivaco. Due to an error in the programing language, no level of trade adjustments were applied to any of Ivaco's sales in our preliminary margin calculation. Consequently, we have corrected the programming language for Ivaco for purposes of the final results. The changes are discussed in detail in the accompanying Decision Memorandum.

Final Results of Review

As a result of our review, we determine that the following weighted–average margin exists for the period October 1, 2004, through September 30, 2005:

Producer	Weighted–Average Margin (Percentage)
Ivaco	2.06

Assessment

The Department will determine, and U.S. Customs and Border Protection (''CBP'') shall assess, antidumping duties on all appropriate entries, pursuant to 19 CFR 351.212(b). The Department calculated importer–specific duty assessment rates on the basis of the ratio of the total amount of antidumping duties calculated for the examined sales to the total entered value of the examined sales for that importer. Where the assessment rate is above *de minimis*, we will instruct CBP to assess duties on all entries of subject merchandise by that importer. In accordance with 19 CFR 356.8(a), the Department will issue appropriate assessment instructions directly to CBP on or after 41 days following the date of publication of these final results of review.

Cash Deposits

Furthermore, the following deposit requirements will be effective upon publication of this notice of final results of administrative review for all shipments of carbon and certain alloy steel wire rod from Canada entered, or withdrawn from warehouse, for consumption on or after the date of publication, as provided by section 751(a)(1) of the Tariff Act of 1930, as amended (''the Act''): (1) For the company covered by this review, the cash deposit rate will be the rate listed above; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company–specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the investigation, but the producer is, the cash deposit rate will be that established for the producer of the merchandise in these final results of review, a prior review, or in the final determination; and (4) if neither the exporter nor the producer is a firm covered in this review, a prior review, or the investigation, the cash deposit rate will be 8.11 percent, the ''All Others'' rate established in the less–than-fair–value investigation. These deposit requirements shall remain in effect until further notice.

This notice also serves as a 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 is the only reminder to parties subject to the administrative protective order (''APO'') of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

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

Dated: May 3, 2007.

David M. Spooner,

Assistant Secretary for Import Administration.

APPENDIX

I. Level of Trade

Comment 1: Statutory Requirements for a Level of Trade Adjustment

Comment 2: Pattern of Price Differences Analysis

Comment 3: Pattern of Price Differences Methodology

Comment 4: Post–Sale Price Adjustments

II. Programing

Comment 5: Level of Trade Adjustment in the Programing Language

[FR Doc. E7–9039 Filed 5–9–07; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

[A–427–818]

Low Enriched Uranium From France: Final Results of Expedited Sunset Review of the Antidumping Duty Order

AGENCY: Import Administration, International Trade Administration, U.S. Department of Commerce.

EFFECTIVE DATE: May 10, 2007.

FOR FURTHER INFORMATION CONTACT: Myrna Lobo or Douglas Kirby, Office 6, AD/CVD Operations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–2371, or (202) 482–3782, respectively.

SUMMARY: On January 3, 2007, the Department of Commerce (the Department) initiated a sunset review of the antidumping duty order on low enriched uranium (LEU) from France pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act). On the basis of a notice of intent to participate and an adequate substantive response filed on behalf of domestic interested parties and an inadequate response from respondent interested party, the Department has conducted an expedited (120-day) sunset review of this order pursuant to section 751(c)(3)(B) and section 351.218(e)(1)(ii)(C)(2) of the Department's regulations. As a result of this sunset review, the Department finds that revocation of the antidumping duty order is likely to lead to continuation or recurrence of dumping at the level indicated in the ''Final Results of Review'' section of this notice.

SUPPLEMENTARY INFORMATION:

Background

On January 3, 2007, the Department published the notice of initiation of the first sunset review of the antidumping duty order on LEU from France pursuant to section 751(c) of the Act. *See Initiation of Five-year (Sunset) Reviews*, 72 FR 100 (January 3, 2007). The Department received a notice of intent to participate from USEC Inc. and its subsidiary United States Enrichment Corporation (collectively USEC), the domestic party, within the deadline specified in section 351.218(d)(1)(i) of the Department's regulations (Sunset Regulations). USEC claimed interested party status under section 771(9)(C) of the Act, as a domestic producer of LEU. The Department also received a timely notice of appearance from respondent

interested party Eurodif S.A.[1] (Eurodif), a French producer and exporter of LEU. Eurodif claimed interested party status under section 771(9)(A) of the Act. On February 2, 2007, the Department received a complete substantive response from USEC, within the 30-day deadline specified in section 351.218(d)(3)(i) of the Department's regulations. On the same day, the Department received a substantive response from Eurodif. In addition, on the same day, the Department received a notice of appearance and a substantive response from the Ad Hoc Utilities Group[2] (AHUG), an industry group comprised of owners and operators of U.S. nuclear power plants. Although AHUG claimed respondent interested party status under section 771(9)(A) of the Act, the Department determined it was not a respondent or an interested party pursuant to section 771(9)(A) of the Act. *See Memorandum to Stephen J. Claeys, Deputy Assistant Secretary for Import Administration; Sunset Review of the Antidumping Duty Order on Low Enriched Uranium from France: Adequacy Determination* dated February 22, 2007 (*Adequacy Memorandum*), which is on file in B–099, the Central Records Unit of the main Commerce building (CRU). *Also see Memorandum to Stephen J. Claeys, Deputy Assistant Secretary for Import Administration; Comments Regarding Adequacy Determination: Sunset Review of the Antidumping Duty Order on Low Enriched Uranium from France*, dated April 5, 2007 (*Comments to Adequacy Memorandum*), which is also on file in the CRU. The Department found that Eurodif's response was not adequate and therefore determined to conduct an expedited review. *See Adequacy Memorandum.* Subsequently, comments to the Department's *Adequacy Memorandum* were received from all parties. In those comments, USEC supported the Department's determination to conduct an expedited review, while Eurodif and AHUG argued in favor of a full sunset review. The Department responded to these comments, affirming it would not reverse its decision to conduct an expedited review in its *Comments to Adequacy Memorandum.* Accordingly, pursuant to section 751(c)(3)(B) of the Act and section 351.218(e)(1)(ii)(C)(2) of the Department's regulations, the Department conducted an expedited (120-day) sunset review of this order.

[1] Eurodif S.A.'s affiliate companies are AREVA (formerly Compagnie Generale des Matieres Nucleaires (COGEMA)), an owner of Eurodif, AREVA NC and AREVA NC, Inc., sellers of enrichment services.

[2] The members of AHUG are Constellation Energy Group, Inc., Dominion Energy Kewaunee, Inc., Dominion Nuclear Connecticut, Inc., Duke Energy Corp., Entergy Services, Inc., Exelon Generation Co., LLC, Nebraska Public Power District, Pacific Gas & Electric Co., PPL Susquehanna, LLC, Progress Energy Carolinas, Inc., Progress Energy Florida, Inc., Southern California Edison Co., Southern Nuclear Operating Co., Union Electric Co. (d/b/a/ Ameren UE), TXU Generation Co. LP, and Virginia Electric & Power Co.

Scope of the Order

The product covered by this order is all low enriched uranium (LEU). LEU is enriched uranium hexafluoride (UF_6) with a U^{235} product assay of less than 20 percent that has not been converted into another chemical form, such as UO_2, or fabricated into nuclear fuel assemblies, regardless of the means by which the LEU is produced (including LEU produced through the down-blending of highly enriched uranium).

Certain merchandise is outside the scope of this order. Specifically, this order does not cover enriched uranium hexafluoride with a U^{235} assay of 20 percent or greater, also known as highly enriched uranium. In addition, fabricated LEU is not covered by the scope of this order. For purposes of this order, fabricated uranium is defined as enriched uranium dioxide (UO_2), whether or not contained in nuclear fuel rods or assemblies. Natural uranium concentrates (U_3O_8) with a U^{235} concentration of no greater than 0.711 percent and natural uranium concentrates converted into uranium hexafluoride with a U^{235} concentration of no greater than 0.711 percent are not covered by the scope of this order.

Also excluded from this order is LEU owned by a foreign utility end-user and imported into the United States by or for such end-user solely for purposes of conversion by a U.S. fabricator into uranium dioxide (UO_2) and/or fabrication into fuel assemblies so long as the uranium dioxide and/or fuel assemblies deemed to incorporate such imported LEU (i) remain in the possession and control of the U.S. fabricator, the foreign end-user, or their designed transporter(s) while in U.S. customs territory, and (ii) are re-exported within eighteen (18) months of entry of the LEU for consumption by the end-user in a nuclear reactor outside the United States. Such entries must be accompanied by the certifications of the importer and end-user.

The merchandise subject to this order is currently classifiable in the Harmonized Tariff Schedule of the United States (HTSUS) at subheading 2844.20.0020. Subject merchandise may also enter under 2844.20.0030, 2844.20.0050, and 2844.40.00. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise is dispositive.

Analysis of Comments Received

All issues raised in this review are addressed in the *Issues and Decision Memorandum for Final Results of Expedited Sunset Review of the Antidumping Duty Order on Low Enriched Unranium from France* (*Decision Memorandum*) from Stephen J. Claeys, Deputy Assistant Secretary for Import Administration, to David M. Spooner, Assistant Secretary for Import Administration, dated May 3, 2007, which is hereby adopted by this notice. The issues discussed in the *Decision Memorandum* include the likelihood of continuation or recurrence of dumping and the magnitude of the margins likely to prevail if the order were to be revoked. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendations in this public memorandum which is on file in the CRU. In addition, a complete version of the *Decision Memorandum* can be accessed directly on the Web at *http://ia.ita.doc.gov/frn.* The paper copy and electronic versions of the *Decision Memorandum* are identical in content.

Final Results of Review

The Department determines that revocation of the antidumping duty order on low enriched uranium from France would be likely to lead to continuation or recurrence of dumping at the following weighted-average percentage margins:

Manufacturers/exporters/ producers	Weighted average margin (percent)
Eurodif/AREVA	19.95
All Others	19.95

International Trade Commission (ITC) Notification

Pursuant to section 752(c)(3) of the Act, we will notify the ITC of the final results of this expedited sunset review.

Notification Regarding Administrative Protective Order

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

and the terms of an APO is a violation which is subject to sanction.

This notice is issued and published in accordance with sections 751(c), 752, and 777(i)(1) of the Act.

Dated: May 3, 2007.

David M. Spooner,

Assistant Secretary for Import Administration.

[FR Doc. E7–9038 Filed 5–9–07; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–504]

Petroleum Wax Candles from the People's Republic of China: Preliminary Results and Partial Rescission of the Eighth Administrative Review

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

SUMMARY: The Department of Commerce (''the Department'') is currently conducting an administrative review of the antidumping duty order on petroleum wax candles from the People's Republic of China (''PRC'') covering the period August 1, 2005, through July 31, 2006. This review covers imports of subject merchandise from one manufacturer/exporter: Deseado International, Ltd. (''Deseado''). If these preliminary results are adopted in our final results of review, we will instruct U.S. Customs and Border Protection (''CBP'') to assess antidumping duties on all appropriate entries in accordance with these results. We invite interested parties to comment on these preliminary review results and will issue the final review results no later than 120 days from the date of publication of this notice.

EFFECTIVE DATE: May 10, 2007.

FOR FURTHER INFORMATION CONTACT: Irene Gorelik, 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) 482–6905.

SUPPLEMENTARY INFORMATION:

Background

On August 28, 1986, the Department published in the **Federal Register** the antidumping duty order on petroleum wax candles from the PRC. *See Antidumping Duty Order: Petroleum Wax Candles From the People's Republic of China*, 51 FR 30686 (August 28, 1986) (''*Candles Order*'').

On August 31, 2006, Deseado submitted a timely request for an administrative review. On September 29, 2006, in response to Deseado's request and in accordance with section 751(a)(1) of the Tariff Act of 1930, as amended (the ''Act''), and section 351.213(b) of the Department's regulations, the Department initiated the eighth administrative review of petroleum wax candles from the PRC on 14 companies.[1] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 71 FR 57465 (September 29, 2006).

On October 12, 2006, the Department issued a Q&V questionnaire to Deseado and the other 13 companies upon which we initiated the review.[2] On October 30, 2006, the Department sent a letter to Deseado notifying the company of its failure to submit a Q&V questionnaire response by the deadline date.[3] We provided Deseado with a new deadline of November 3, 2006, to submit a Q&V questionnaire response, which Deseado timely submitted. On December 7, 2006, the Department issued its standard non–market economy (''NME'') questionnaire to Deseado. On January 4, 2007, Deseado submitted its section A response to the Department's antidumping duty questionnaire.[4] In its section A questionnaire response, Deseado informed the Department that it is a trading company/exporter of the merchandise under consideration with an unaffiliated manufacturer/supplier in the PRC.[5]

On January 8, 2007, the National Candle Association (''Petitioner'') submitted deficiency comments with respect to Deseado's Separate Rates Application. On January 26, 2007, Petitioner submitted additional deficiency comments with respect to Deseado's separate rates application and its section A response.

On January 29, 2007, Deseado submitted the CBP 7501 entry summaries for its sales of subject merchandise to the United States, as requested by the Department, as well as its sections C and D questionnaire responses. On February 6, 2007, Petitioner submitted deficiency comments with respect to Deseado's section C response. On February 16, 2007, Petitioner submitted additional deficiency comments regarding Deseado's section C response relative to Deseado's submission of its CBP 7501 entry summaries. On February 16, 2007, the Department issued a supplemental section A questionnaire to Deseado. On March 6, 2007, Deseado submitted its supplemental section A response.

On March 8, 2007, the Department issued a letter to Deseado stating that, upon review of Deseado's sections C and D questionnaire responses, Deseado had not provided any data that the Department could use to calculate an antidumping duty margin. The Department provided instructions within this letter for Deseado to correct its data deficiencies by March 19, 2007. On March 19, 2007, Deseado informed the Department that it was unable to provide the information requested by the Department in the March 8, 2007, letter.[6] On April 3, 2007, Petitioner submitted a request to terminate the administrative review with respect to Deseado. On April 10, 2007, Deseado submitted a letter stating that because it was the only party to have requested the administrative review, Petitioner had no grounds upon which to request a termination of the administrative review.

Period of Review

The period of review (''POR'') covers August 1, 2005, through July 31, 2006.

Scope of the Order

The products covered by *Candles Order* are certain scented or unscented petroleum wax candles made from petroleum wax and having fiber or paper–cored wicks. They are sold in the following shapes: tapers, spirals, and

[1] The following companies upon which we initiated an administrative review, except Deseado, withdrew their requests for review after the issuance of the quantity and value (''Q&V'') questionnaire: Amstar Business Company Limited (''Amstar''), Apex Enterprises International Ltd. (''Apex'') and Apex's producer, Golden Industrial Co., Ltd. (''Golden''), Fuzhou Eastown Arts Co., Ltd. (''Fuzhou''), Gift Creative Company, Ltd. (''Gift''), Maverick Enterprise Co., Ltd. (''Maverick'') and Maverick's producer Great Founder International Co. (''Great Founder''), Qingdao Kingking Applied Chemistry Co., Ltd. (''KingKing''), Shantou Jinyuan Mingfeng Handicraft Co. (''Shantou Jinyuan''), Shanghai Shen Hong Arts and Crafts Co., Ltd. (''Shen Hong'') and Shen Hong's producer Shanghai Changran Enterprise, Ltd . (''Changran''), Shenzhen Sam Lick Manufactory (and affiliated exporter Prudential (HK) Candles Manufacturing Co., Ltd). (''Sam Lick,'' collectively), Transfar International Corp. (''Transfar'');

[2] The original deadline for the quantity and value questionnaire was October 26, 2006.

[3] *See* Letter dated October 30, 2006, to Deseado regarding the missed deadline for Q&V questionnaire response.

[4] Sections A (Organization, Accounting Practices, Markets and Merchandise), C (Sales to the United States), D (Factors of Production), E (Cost of Further Manufacturing Performed in the United States) and Sales and Factors of Production Reconciliations.

[5] *See* Deseado's Section A questionnaire response dated January 4, 2007, at 19.

[6] In its March 19, 2007, letter, Deseado stated that it was unable to provide the information requested in the Department's March 8, 2007, letter due to its supplier's unwillingness to cooperate and provide the information.

straight–sided dinner candles; round, columns, pillars, votives; and various wax–filled containers. The products were classified under the Tariff Schedules of the United States (''TSUS'') 755.25, Candles and Tapers. The product covered are currently classified under the Harmonized Tariff Schedule of the United States (''HTSUS'') item 3406.00.00. Although the HTSUS subheading is provided for convenience purposes, our written description remains dispositive. *See Candles Order and Notice of Final Results of the Antidumping Duty New Shipper Review: Petroleum Wax Candles from the People's Republic of China*, 69 FR 77990 (December 29, 2004).

Partial Rescission of Administrative Review

Pursuant to 19 CFR 351.213(d)(1), the Secretary must rescind an administrative review if a party requesting a review withdraws the request within ninety (90) days of the date of publication of the notice of initiation. As noted above, thirteen companies upon which the Department initiated an administrative review submitted timely withdrawals of their requests for review, in accordance with 19 CFR 351.213(d)(1).[7] No interested party provided any comments on the withdrawals. Therefore, because no other interested party requested a review of these companies, in accordance with 19 CFR 351.213(d)(1), and consistent with our practice, we are rescinding the administrative review of these thirteen companies for the POR.

Non–Market Economy Country Status

In every case conducted by the Department involving the PRC, the PRC has been treated as a NME country. Pursuant to section 771(18)(C)(i) of the Act, any determination that a foreign country is an NME country shall remain in effect until revoked by the administering authority. *See Freshwater Crawfish Tail Meat from the People's Republic of China: Notice of Final Results of Antidumping Duty Administrative Review*, 71 FR 7013 (February 10, 2006). None of the parties to this proceeding has contested such treatment.

Separate Rates

In proceedings involving NME countries, the Department begins with a rebuttable presumption that all companies within the country are subject to government control and thus should be assessed a single antidumping duty deposit rate (*i.e.*, a PRC–wide rate). In its separate rates application, Deseado reported that it is owned wholly by an entity located and registered in a market–economy country (*i.e.*, Hong Kong). Thus, because we have no evidence indicating that Deseado is under the control of the PRC government, a separate–rate analysis is not necessary to determine whether it is independent from government control. *See Brake Rotors From the People's Republic of China: Final Results and Partial Rescission of Fifth New Shipper Review*, 66 FR 44331 (Aug. 23, 2001), results unchanged from *Brake Rotors From the People's Republic of China: Preliminary Results and Partial Rescission of Fifth New Shipper Review*, 66 FR 29080, 29081 (May 29, 2001) (where the respondent was wholly owned by a U.S. registered company); *Brake Rotors From the People's Republic of China: Final Results and Partial Rescission of Fourth New Shipper Review and Rescission of Third Antidumping Duty Administrative Review*, 66 FR 27063 (May 16, 2001) (where the respondent was wholly owned by a company located in Hong Kong), results unchanged from *Brake Rotors From the People's Republic of China: Preliminary Results and Partial Rescission of the Fourth New Shipper Review and Rescission of the Third Antidumping Duty Administrative Review*, 66 FR 1303, 1306 (January 8, 2001); and *Notice of Final Determination of Sales at Less Than Fair Value: Creatine Monohydrate from the People's Republic of China*, 64 FR 71104, 71105 (Dec. 20, 1999) (''*Creatine from the PRC*'') (where the respondent was wholly owned by persons located in Hong Kong).

Application of Adverse Facts Available

As discussed further below, pursuant to sections 776(a)(2)(A), (B), and (C), and 776(b) of the Act, the Department preliminarily determines that the use of total adverse facts available is warranted for Deseado. Section 776(a)(2) of the Act, provides that, if an interested party (A) withholds information that has been requested by the Department; (B) fails to provide such information in a timely manner or in the form or manner requested subject to sections 782(c)(1) and (e) of the Act; (C) significantly impedes a proceeding; or (D) provides such information but the information cannot be verified, the Department shall, subject to subsection 782(d) of the Act, use facts otherwise available in reaching the applicable determination.

Section 782(c)(1) of the Act provides that if an interested party ''promptly after receiving a request from {the Department} for information, notifies {the Department} that such party is unable to submit the information requested in the requested form and manner, together with a full explanation and suggested alternative form in which such party is able to submit the information,'' the Department may modify the requirements to avoid imposing an unreasonable burden on that party.

Where the Department determines that a response to a request for information does not comply with the request, section 782(d) of the Act provides that the Department will so inform the party submitting the response and will, to the extent practicable, provide that party the opportunity to remedy or explain the deficiency. If the party fails to remedy the deficiency within the applicable time limits and subject to the requirements listed in section 782(e) of the Act, the Department may disregard all or part of the original and subsequent responses, as appropriate. Section 782(e) of the Act provides that the Department ''shall not decline to consider information that is submitted by an interested party and is necessary to the determination but does not meet all applicable requirements established by the administering authority'' if the information is timely, can be verified, is not so incomplete that it cannot be used, and the interested party acted to the best of its ability in providing the information. Where all of these conditions are met, the statute requires the Department to use the information if it can do so without undue difficulties.

Use of Facts Available

We find that, pursuant to sections 776(a)(2)(A), (B), and (C) of the Act, we should apply facts available to exports by Deseado because Deseado (1) failed to provide information requested by the Department; (2) failed to report in a timely manner information that was requested by the Department; and (3) significantly impeded the proceeding.

As discussed above, the Department reviewed Deseado's section C and D questionnaire responses, which should have contained detailed information regarding Deseado's sales of subject

[7] On October 25, 2006, Nantucket Distributing Co., Inc., a U.S. importer, withdrew request for administrative reviews with respect to Sam Lick; on October 26, 2006, KingKing, withdrew its request for an administrative review; on October 25, 2006, Amstar withdrew its request for an administrative review; on October 26, 2007, Specialty Merchandise Corporation (≥SMC≥), a U.S. importer withdrew its request for administrative reviews with respect to Fuzhou, Gift, Maverick (and its producer Great), Shantou Jinyuan, Shen Hong (and its producer Changran), and Transfar; on November 22, 2006, SMC withdrew its request for administrative reviews with respect to Apex (and its producer, Golden).

merchandise to the United States and factors of production (''FOP'') data, respectively.

Deseado failed to provide accurate or complete information with respect to: (1) A sales reconciliation, as requested; (2) data fields in the sales database that are supposed to contain sale–specific data were instead populated with information other than numerical data, which renders the database unuseable; (3) payment data for each sale invoice amount of subject merchandise sold to the United States; and (4) inland freight, which was reported as an estimation of distance rather than an accurate reporting of inland freight distance for each sale to the United States.[8] Consequently, the breadth of the deficient, incorrect, or missing data alone forced the Department to send its letter dated March 8, 2007, to enumerate the deficiencies and receive a response upon which we could conduct an accurate analysis of Deseado's POR sales to the United States. As discussed below, the Department attempted to provide Deseado with an opportunity to remedy the deficiencies contained within its original section C response.

In the March 8, 2007, letter to Deseado, the Department stated that Deseado's sales data was unusable in the format in which it was submitted. Specifically, Deseado's sales data included a control number assigned to each sale that did not contain any physical characteristics of the merchandise under consideration, as requested by the Department in its initial questionnaire.[9] The Department's March 8, 2007, letter provided the steps necessary for Deseado to reconstruct its CONNUM methodology into a format that is specific to the physical characteristics of the subject merchandise, which would reconcile to the FOPs used in manufacturing the merchandise. Moreover, the March 8, 2007, letter also stated that the sales database must be formatted pursuant to the Department's instructions in its initial questionnaire for use in the Department's margin calculation. Deseado's response in its March 19, 2007, letter did not address any of the sales data deficiencies remarked upon in our March 8, 2007, letter.

Additionally, in reviewing Deseado's section D questionnaire response, which should have contained information and data related to FOPs and the cost portion of the merchandise under consideration, the Department found that Deseado entirely omitted the FOP database and narrative descriptions of the FOPs from the section D questionnaire response.[10] Deseado did not provide any consumption data[11] for the FOPs used to produce the subject merchandise, without which the Department is unable to construct a normal value (''NV''). FOP information is fundamental for calculating a dumping margin. Section 771(35)(A) of the Act requires that dumping margins are calculated by comparing the NV to the export price or constructed export price. For NME countries, the Act states that the NV is determined ''on the basis of the value of the factors of production utilized in producing the merchandise.'' *See* section 773(c)(1) of the Act.

Deseado also failed to submit a cost reconciliation, as requested in the original questionnaire. The Department's letter dated March 8, 2007, also addressed Deseado's omission of the entire FOP narrative and data, providing it an opportunity to remedy this deficiency as well. On March 19, 2007, Deseado provided a brief response with respect to the missing FOP data, stating that its supplier was uncooperative. Deseado did not provide any further detail regarding the failures of its supplier to provide FOP data.

Therefore, pursuant to sections 776(a)(2)(A) and (B) of the Act, the Department has determined that it is appropriate to apply the facts available to Deseado's sales of subject merchandise to the United States during the POR because Deasado has failed to provide FOP information requested by the Department. Because the Department provided Deseado with an opportunity on March 8, 2007, to remedy the defects in its section D questionnaire response and Deseado failed to comply with the Department's request for information, we find that the information Deaseado submitted is so incomplete that the Department's reliance upon it would not result in an accurate measurement or reflection of Deseado's selling practices. Therefore, we find that the curative provisions of sections 782(d) and (e) are not applicable. In addition, we find that Deseado's statement that it is unable to provide its own sales data because it cannot obtain other information from its supplier does not satisfy the requirements of section 782(c)(1) of the Act. Deasado has neither demonstrated the steps it undertook to gather the information, nor demonstrated its supplier's unwillingness to provide the information, nor suggested alternative or substitutable information for use in place of the missing FOP data. Therefore, as discussed above, we find that the application of facts available pursuant to sections 776(a)(2)(A) and (B) of the Act is warranted in calculating a margin for Deseado for these preliminary results.

We also find, pursuant to section 776(a)(2)(C) of the Act, that it appropriate to apply facts available to Deseado because its failure to respond to the Department's questionnaires and its failure to provide complete FOP data significantly impeded the progress of this proceeding. Because Deseado has not provided its FOP data as requested by the Department, the Department cannot construct Deseado's NV and, therefore, it cannot determine an accurate dumping margin for Deseado. In addition, the questionnaire responses that Deseado provided were so incomplete that they could not be used by the Department. Therefore, we find that the application of the facts available is also warranted, pursuant to section 776(a)(2)(C), because Deseado's actions significantly impeded the progress of this proceeding.

Use of Adverse Inferences

In selecting from among facts available, pursuant to section 776(b) of the Act, the Department may apply an adverse inference when it has determined that a respondent has ''failed to cooperate by not acting to the best of its ability to comply with a request for information.'' An adverse inference may include reliance on

[8] *See* Deseado's section C questionnaire response (''SCQR'') dated January 29, 2007, at C-9 through C-11 and Exhibit C-1.

[9] The control number (''CONNUM'') is assigned to each unique product reported in the sales database. Each identical product would be assigned the same CONNUM. However, products with physical variations require multiple CONNUMs assigned to it. The CONNUM methodology is based on the ''physical characteristics'' of each unique product sold by Deseado, which is used to tie each unique product sold to the cost of materials, labor, energy and packing, *i.e.*, the FOPs, to manufacture that unique product. Rather, Deseado provided the bar code numbers (''SKU'') numbers associated with the finished good rather than constructing a CONNUM for each unique product based in the physical characteristics of the merchandise. *See* SCQR at 8-9. The SKU numbers are not descriptive of the physical characteristics of the unique product. Thus, the Department could not compare the sale of the product with the FOPs used in manufacturing that product in the data submitted by Deseado as required by the dumping calculation.

[10] *See* Deseado's Section D questionnaire response dated January 29, 2007, at Exhibit D-1. The Department notes that Exhibit D-1, which Deseado referred to as the FOP database, is simply the FOP worksheet we include in the original questionnaire for respondents to provide information such as percentages of NME versus market economy purchases, supplier distance information, units of measurement, modes of transport, etc.

[11] Consumption data consist of the POR consumption quantity of FOP inputs used to produce subject merchandise divided by the total POR production of subject merchandise. This methodology for calculating FOP consumption ratios is fully explained in the original Section D questionnaire.

information derived from (1) the petition; (2) a final determination in the investigation under this title; (3) any previous review under section 751 of the Act or determination under section 753 of the Act, or (4) any other information on the record. *See* section 776(b) of the Act.

Congress has noted that adverse inferences are appropriate ''to ensure that the party does not obtain a more favorable result by failing to cooperate than if it had cooperated fully.'' *See Statement of Administrative Action accompanying the URAA*, H.R. Doc. No. 103–316, Vol. 1 at 870 (1994) (''SAA''); *Mannesmannrohren–Werke AG v. United States*, 77 F. Supp. 2d 1302 (CIT 1999). The Court of Appeals for the Federal Circuit (''the Federal Circuit'') in *Nippon Steel Corporation v. United States*, 337 F. 3d 1373, 1382 (Fed. Cir. 2003) (''*Nippon*''), provided an explanation of the ''failure to act to the best of its ability'' standard, stating that the ordinary meaning of ''best'' means ''one's maximum effort,'' and that the statutory mandate that a respondent act to the ''best of its ability'' requires the respondent to do the maximum it is able to do. *Id.* The Federal Circuit acknowledged, however, that ''deliberate concealment or inaccurate reporting'' would certainly be sufficient to find that a respondent did not act to the best of its ability, although it indicated that inadequate responses to agency inquiries ''would suffice'' as well. *Id.* Compliance with the ''best of the ability'' standard is determined by assessing whether a respondent has put forth its maximum effort to provide the Department with full an complete answers to all inquiries in an investigation. *Id.* The Federal Circuit further noted that while the standard does not require perfection and recognizes that mistakes sometimes occur, it does not condone inattentiveness, carelessness, or inadequate record keeping. *Id.*

As discussed above, we determine that, within the meaning of section 776(b) of the Act, Deseado failed to cooperate by not acting to the best of its ability to comply with the Department's multiple requests for information and significantly impeded this proceeding, and that the application of adverse facts otherwise available (''AFA'') is warranted.[12] The Department finds that Deseado failed to cooperate to the best of its ability because it did not respond accurately to the Department's questions on such basic information as payment received for its POR sales. Furthermore, Deseado provided an unuseable CONNUM to compare sales to FOPs, did not provide sales or cost reconciliations, and omitted an entire database and narrative description of production data consumption for the POR. The information requested by the Department can only be supplied by Deseado and cannot be obtained from any other sources. Without this information, the Department cannot calculate a dumping margin for Deseado. Therefore, the Department finds that, by not providing the necessary responses to the questionnaires issued by the Department, Deseado has failed to cooperate to the best of its ability.

First, because this is an NME proceeding, it is necessary that the Department have valid FOP information in order to calculate the NV, as stated above. In cases such as this, when we are precluded from reviewing the FOPs of the suppliers, and absent any FOP information provided, the Department cannot simply create or postulate the costs of the uncooperative suppliers. Additionally, the Department has no other FOP information on the record. Because Deseado and its supplier have failed to provide FOP information for this administrative review, the Department cannot properly calculate a dumping margin in accordance with section 773(c)(1) of the Act. *See Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From the People's Republic of China; Final Results of 1997–998 Antidumping Duty Administrative Review and Final Results of New Shipper Review*, 64 FR 61837, 61846 (November 15, 1999) (''TRBs–11''); *see also Freshwater Crawfish Tail Meat from the People's Republic of China; Notice of Final Results of Antidumping Duty Administrative Review*, 68 FR 19504 (April 21, 2003), and accompanying Issues and Decision Memorandum, Comment 7 (''*Crawfish*''). Thus, the Department finds that Deseado and its supplier have not acted to the best of their ability.

Second, Deseado and its supplier have failed to provided any explanation why they were unable provide the FOP information, nor did they offer any alternative forms by which they might be able to comply with the Department's requests. As the Federal Circuit has held, a respondent must ''put forth its maximum efforts'' in complying with the Department's requests. *See Nippon*, 337 F.3d at 1382.

Additionally, it has been the Department practice to apply adverse facts available when a respondent has failed to provide convincing evidence ''claiming that their suppliers cannot supply requested factors of production information.'' *See Creatine from the PRC*, 64 FR at 71108 (applying adverse facts available because the respondent did not provide an acceptable explanation on the record for its suppliers failure to provide the FOP information); *see also* TRBs–11, 64 FR at 61846 (finding that the respondent did not act to the best of its ability when it was unable to provide letters from unrelated suppliers stating their unwillingness to supply factors of production information); *see also Notice of Fresh Garlic From the People's Republic of China: Final Results of Antidumping Duty New Shipper Review*, 68 FR 36767, 36768 (June 19, 2003) (''Garlic'') (applying adverse facts available when a supplier stated that it was unwilling to provide details on its production process or its FOPs; and the respondent did not provide an explanation as to why it or its supplier could not provide the FOP information); *see also Notice of Certain Cased Pencils from the People's Republic of China; Final Results and Partial Rescission of Antidumping Duty Administrative Review*, 67 FR 48612 (July 25, 2002), and accompanying Issues and Decision Memorandum, at Comment 10 (finding that there was no acceptable explanation on the record for the supplier's failure to provide factor of production information, an adverse inference in applying facts available was warranted due to the supplier's failure to act to the best of its ability).

Although Deseado claimed that it attempted to obtain the information from its supplier, it is ultimately Deseado's responsibility for submitting accurate FOP information, as it is the party that is seeking the rate based on the FOP information and it is more readily available to them, and any ''failures, even if made by a supplier, may provide grounds for the application of adverse facts available.'' *See*

[12] *See Cut-to-Length Carbon Steel Plate from the People's Republic of China: Final Results and Final Partial Rescission of Antidumping Duty Administrative Review*, 71 FR 75710 (December 18, 2006), results unchanged from *Cut-to-Length Carbon Steel Plate from the People's Republic of China: Notice of Rescission, In Part, and Preliminary Results of Antidumping Duty Administrative Review*, 71 FR 45768, 45771 (August 10, 2006) (where the Department stated that ''...these deficiencies in the revised response, in view of the Department's detailed instructions and guidance, indicate that Liaoning Company did not act to the best of its ability in providing the requested information''); *see also Final Results of Antidumping Administrative Review: Foundry Coke From the People's Republic of China*, 69 FR 4108 (January 28, 2004), results unchanged from *Notice of Preliminary Results of Antidumping Duty Administrative Review: Foundry Coke from the People's Republic of China*, 68 FR 57869, 57873 (October 7, 2003).

Crawfish, 68 FR at 19504; *see also Garlic*, 68 FR at 36768.

Therefore, pursuant to section 776(b) of the Act, we are preliminarily applying the AFA rate to Deseado's sales of subject merchandise to the United States during the POR. In the instant proceeding, we find it appropriate to use an inference that is adverse to the interests of Deseado in selecting from among the facts otherwise available because Deseado failed to comply with the Department's request for sales and cost data required in the original questionnaire and its subsequent failure to provide corrected data upon the second opportunity to do so, despite the Department's specific and detailed explanations within the March 8, 2007, letter. *See, e.g. Final Determination of Sales at Less Than Fair Value: Certain Activated Carbon from the People's Republic of China*, 72 FR 9508 (March 2, 2007) and accompanying Issues and Decision Memorandum at Comment 27 (where ''the Department found that Jilin Bright Future failed to cooperate to the best of its ability to comply with the Department's request for information''). Deseado failed to provide the Department with complete or revised responses during this administrative review and the application of total AFA in this case is appropriate because it should not be rewarded for its noncompliance. *See, e.g., Ta Chen Stainless Steel Pipe, Inc. v. United States*, 298 F.3d 1330, 1340 (Fed. Cir. 2002). Accordingly, we are applying as AFA the rate of 108.3 percent, the highest calculated rate from any segment of this proceeding. *See* the ''Corroboration'' section below for a discussion of the probative value of the 108.30 percent rate.

Corroboration

Section 776(c) of the Act provides that, when the Department relies on secondary information rather than on information obtained in the course of an investigation or review, it shall, to the extent practicable, corroborate that information from independent sources that are reasonably at its disposal. As described in the SAA, it is the Department's practice to use secondary information from the petition, the final determination, or any previous review under section 751 concerning the subject merchandise. *See SAA* at 870. The Department will satisfy itself that the secondary information has probative value and, to the extent practicable, will examine the reliability and relevance of the information to be used.

The AFA rate being assigned to Deseado (108.30 percent) is the highest calculated rate determined in any segment of this proceeding (the 2001–2002 administrative review). *See Amended Notice of Final Results of the Antidumping Duty Administrative Review: Petroleum Wax Candles from the People's Republic of China* (''*Amended Final*'') 69 FR 20858 (April 19, 2004). This rate was corroborated in the most recently completed new shipper review subsequent to the Amended Final. *See Notice of Final Results of the Antidumping Duty New Shipper Review: Petroleum Wax Candles from the People's Republic of China (''2002–2003 New Shipper Review'')* 69 FR 77990 (December 29, 2004). Furthermore, no information has been presented in the current review that calls into question the reliability of this information. We note that this is the highest rate from any segment of the proceeding and the rate is less than four years old. Thus, the Department finds that the information continues to be reliable.

With respect to the relevance aspect of corroboration, the Department will consider information reasonably at its disposal to determine whether a margin continues to have relevance. Where circumstances indicate that the selected margin is not appropriate as AFA, the Department will disregard the margin and determine an appropriate margin. For example, in *Fresh Cut Flowers from Mexico: Final Results of Antidumping Administrative Review*, 61 FR 6812 at Comment 4 (February 22, 1996), the Department disregarded the highest margin in that case as adverse best information available (the predecessor to ''facts available'') because the margin was based on another company's uncharacteristic business expense resulting in an unusually high margin. Similarly, the Department does not apply a margin that has been judicially invalidated. *See D&L Supply Co. v. United States*, 113 F.3d 1220, 1221 (Fed. Cir. 1997) (the Department will not use a margin that has been judicially invalidated). The information used in calculating this margin was based on sales and production data submitted by the respondents in the 2001–2002 administrative review, together with the most appropriate surrogate value information available to the Department, chosen from submissions by the parties in the 2001–2002 administrative review, as well as gathered by the Department itself. Furthermore, the calculation of this margin was subject to comment from interested parties in the proceeding. Moreover, as there is no information on the record of this review that demonstrates that this rate is not appropriately used as AFA, we determine that this rate has relevance.

Based on our analysis, we find that the margin of 108.30 percent is reliable and has relevance. As the rate is both reliable and relevant, we determine that it has probative value. Accordingly, we determine that the calculated rate of 108.30 percent, which is the current PRC–wide rate, is in accordance with the requirement of section 776(c) of the Act that secondary information be corroborated (that it have probative value). Consequently, we have assigned this AFA rate to exports of the subject merchandise from Deseado.

Preliminary Results of Review

We preliminarily determine that the following margin exists during the period August 1, 2005, through July 31, 2006:

PETROLEUM WAX CANDLES FROM THE PRC

Manufacturer/Exporter	Weighted–Average Margin (Percent)
Deseado Industrial Co., Ltd.	108.30

Public Comment

The Department will disclose to parties of this proceeding the information utilized in reaching the preliminary results within ten days of the date of announcement of the preliminary results. An interested party may request a hearing within 30 days of publication of the preliminary results. *See* 19 CFR 351.310(c). Interested parties may submit written comments (case briefs) within 30 days of publication of the preliminary results and rebuttal comments (rebuttal briefs), which must be limited to issues raised in the case briefs, within five days after the time limit for filing case briefs. *See* 19 CFR 351.309(c)(1)(ii) and 19 CFR 351.309(d). Parties who submit arguments are requested to submit with the argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities. Further, the Department requests that parties submitting written comments provide the Department with a diskette containing the public version of those comments. Unless the deadline is extended pursuant to section 751(a)(3)(A) of the Act, the Department will issue the final results of this administrative review, including the results of our analysis of the issues raised by the parties in their comments, within 120 days of publication of the preliminary results. The assessment of antidumping duties on entries of

merchandise covered by this review and future deposits of estimated duties shall be based on the final results of this review.

Assessment Rates

Upon issuance of the final results, the Department will determine, and 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 the final results of review. If these preliminary results are adopted in our final results of review, the Department shall determine, and CBP shall assess, antidumping duties on all appropriate entries. Pursuant to 19 CFR 351.212(b)(1), we will calculate importer–specific (or customer) *ad valorem* duty assessment rates based on the ratio of the total amount of the dumping margins calculated for the examined sales to the total entered value of those same sales. We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review if any importer–specific assessment rate calculated in the final results of this review is above *de minimis*.

Cash Deposit Requirements

The following cash deposit requirements, when imposed, will be effective upon publication of the final results of this administrative review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(2)(C) of the Act: (1) For previously investigated or reviewed PRC and non–PRC exporters not listed above that have separate rates, the cash deposit rate will continue to be the exporter–specific rate published for the most recent period; (2) for all 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 108.30 percent; and (3) the cash deposit rate for all non–PRC exporters (including Deseado) of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the PRC exporters that supplied that non–PRC exporter. These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

Notification to Importers

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

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

Dated: May 2, 2007

David A. Spooner,

Assistant Secretary for Import Administration.

[FR Doc. E7–9040 Filed 5–9–07; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

[A–557–813]

Polyethylene Retail Carrier Bags from Malaysia: Preliminary Results of Antidumping Duty Administrative Review

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

SUMMARY: In response to a request from an interested party, the Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on polyethylene retail carrier bags (PRCBs) from Malaysia. The review covers one manufacturer/exporter. The period of review is August 1, 2005, through July 31, 2006. We have preliminarily determined that sales have not been made below normal value by the company subject to this review. We invite interested parties to comment on these preliminary results. Parties who submit comments in this review are requested to submit with each argument a statement of each issue and a brief summary of the argument.

EFFECTIVE DATE: May 10, 2007.

FOR FURTHER INFORMATION CONTACT: Yang Jin Chun or Richard Rimlinger, AD/CVD Operations, Office 5, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–5760 and (202) 482–4477, respectively.

SUPPLEMENTARY INFORMATION:

Background

On August 9, 2004, we published in the **Federal Register** the antidumping duty order on PRCBs from Malaysia. *See Antidumping Duty Order: Polyethylene Retail Carrier Bags From Malaysia*, 69 FR 48203 (August 9, 2004). On August 1, 2006, we published in the **Federal Register** a notice of opportunity to request an administrative review of the antidumping duty order on PRCBs from Malaysia. See *Antidumping or Countervailing Duty Order, Findings, or Suspended Investigation; Opportunity to Request Administrative Review*, 71 FR 43441 (August 1, 2006). Pursuant to section 751(a) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.213(b), Euro Plastics Malaysia Sdn. Bhd. (Euro Plastics) requested an administrative review of the antidumping duty order on PRCBs from Malaysia on August 8, 2006. On September 29, 2006, in accordance with section 751(a) of the Act and 19 CFR 351.221(c)(1)(i), we published a notice of initiation of administrative review of this order. See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 71 FR 57465 (September 29, 2006). We are conducting an administrative review of the order on PRCBs from Malaysia for Euro Plastics for the period August 1, 2005, through July 31, 2006.

Scope of Order

The merchandise subject to this antidumping duty order is PRCBs which may be referred to as t–shirt sacks, merchandise bags, grocery bags, or checkout bags. The subject merchandise is defined as non–sealable sacks and bags with handles (including drawstrings), without zippers or integral extruded closures, with or without gussets, with or without printing, of polyethylene film having a thickness no greater than 0.035 inch (0.889 mm) and no less than 0.00035 inch (0.00889 mm), and with no length or width shorter than 6 inches (15.24 cm) or longer than 40 inches (101.6 cm). The depth of the bag may be shorter than 6 inches but not longer than 40 inches (101.6 cm).

PRCBs are typically provided without any consumer packaging and free of charge by retail establishments, *e.g.*, grocery, drug, convenience, department, specialty retail, discount stores, and restaurants, to their customers to package and carry their purchased products. The scope of the order excludes (1) polyethylene bags that are not printed with logos or store names and that are closeable with drawstrings made of polyethylene film and (2) polyethylene bags that are packed in consumer packaging with printing that refers to specific end–uses other than packaging and carrying merchandise from retail establishments, *e.g.*, garbage bags, lawn bags, trash–can liners.

Imports of the subject merchandise are currently classifiable under statistical category 3923.21.0085 of the Harmonized Tariff Schedule of the United States (HTSUS). This subheading also covers products that are outside the scope of the order. Furthermore, although the HTSUS subheading is provided for convenience and customs purposes, the written description of the scope of this order is dispositive.

Verification

As provided in section 782(i) of the Act, we have verified Euro Plastics's home–market and U.S. sales information using standard verification procedures, including on–site inspection of the manufacturer's facilities, the examination of relevant sales and financial records, and the selection of original documentation containing relevant information. Our verification results are outlined in the public version of the verification report dated May 2, 2007, which is on file in the Central Records Unit (CRU), room B–099 of the main Department of Commerce building.

Duty–Absorption Determination

On October 30, 2006, the petitioners[1] in this proceeding requested that the Department determine whether antidumping duties have been absorbed by Euro Plastics, pursuant to 19 CFR 351.213(j). In making a duty–absorption determination, the Department will determine whether antidumping duties have been absorbed by a producer or exporter subject to the review if the subject merchandise is sold in the United States through an importer that is affiliated with such producer or exporter. See section 751(a)(4) of the Act and 19 CFR 351.213(j). Euro Plastics made export–price sales only to the United States during the period of review and the company did not make any of its U.S. sales through an affiliated importer. Therefore, a duty–absorption determination is not relevant for Euro Plastics for this review and we will not make such a determination in this review.

Export Price

To determine whether sales of PRCBs from Malaysia to the United States were made at prices less than normal value, we compared the U.S. price to the normal value. For the price of sales by Euro Plastics to the United States, we used export price as defined in section 772(a) of the Act because the subject merchandise was first sold to an unaffiliated purchaser in the United States. We calculated Euro Plastics's export price based on the prices of the subject merchandise sold to unaffiliated customers in, or for exportation to, the United States. See section 772(c) of the Act. We made deductions for domestic movement expenses incurred in Malaysia and domestic and international movement expenses incurred for sales to the United States in accordance with section 772(c)(2)(A) of the Act.

Comparison–Market Sales

In order to determine whether there was a sufficient volume of sales in the comparison market to serve as a viable basis for calculating the normal value, we compared the volume of home–market sales of the foreign like product to the volume of the U.S. sales of the subject merchandise in accordance with section 773(a) of the Act. Based on this comparison of the aggregate quantities of the comparison–market (*i.e.*, Malaysia) and U.S. sales and absent any information that a particular market situation in the exporting country did not permit a proper comparison, we determined that the quantity of the foreign like product sold by the respondent in the exporting country was sufficient to permit a proper comparison with the sales of the subject merchandise to the United States, pursuant to section 773(a)(1) of the Act. Thus, we determined that Euro Plastics's home market was viable during the period of review. See section 773(a)(1) of the Act. Therefore, in accordance with section 773(a)(1)(B)(i) of the Act, we based normal value for the respondent on the prices at which the foreign like product was first sold for consumption in the exporting country in the usual commercial quantities and in the ordinary course of trade and, to the extent practicable, at the same level of trade as the comparison–market sales.

Cost of Production

The petitioners in this proceeding filed an allegation that Euro Plastics made sales below its cost of production (COP) in the comparison market pursuant to section 773(b) of the Act. Based on the information in the responses, we found that we had reasonable grounds to believe or suspect that Euro Plastics's sales of the foreign like product were made at prices less than the COP. See section 773(b)(2) of the Act. Therefore, pursuant to section 773(b)(1) of the Act, we conducted a COP investigation to determine whether Euro Plastics's sales were made at prices below their COP. See the COP Investigation Memo dated January 12, 2007, for a full discussion of the decision to initiate a COP investigation.

In accordance with section 773(b)(3) of the Act, we calculated Euro Plastics's COP based on the sum of the costs of materials and fabrication employed in producing the foreign like product, the selling, general, and administrative (SG&A) expenses, and all costs and expenses incidental to packing the merchandise. In our COP analysis, we used the comparison–market sales and COP information provided by the respondent in its questionnaire responses.

After calculating the COP, we tested whether comparison–market sales of the foreign like product were made at prices below the COP within an extended period of time in substantial quantities and whether such prices permitted the recovery of all costs within a reasonable period of time. See section 773(b)(2) of the Act. In order to determine whether the sales were made at below–cost prices, we compared model–specific COP to the reported comparison–market prices less any applicable movement charges, discounts, and rebates. See section 773(b) of the Act.

Pursuant to section 773(b)(2)(C) of the Act, where less than 20 percent of the respondent's sales of a given product were at prices less than the COP, we did not disregard any below–cost sales of that product because we determined preliminarily that the below–cost sales were not made in substantial quantities. Where 20 percent or more of the respondent's sales of a given product during the period of review were at prices less than the COP, we disregarded the below–cost sales because we determined preliminarily that they were made in substantial quantities within an extended period of time, pursuant to sections 773(b)(2)(B) and (C) of the Act. Based on comparisons of prices to weighted–average COP for the period of review, we determined preliminarily that these sales were at prices which would not permit recovery of all costs within a reasonable period of time in accordance with section 773(b)(2)(D) of the Act. See Euro Plastics Preliminary Analysis Memorandum dated May 3, 2007. Based on this test, we disregarded Euro Plastics's below–cost sales and used the remaining sales as the basis for determining normal value, in accordance with section 773(b)(1) of the Act.

Euro Plastics relied on its audited 2005 financial statement to calculate the COP because its audited 2006 financial

[1] The Polyethylene Retail Carrier Bag Committee and its individual members, Hilex Poly Co., LLC, and Superbag Corporation.

statement was not yet available. Because the period of review covers five months in 2005 and seven months in 2006, we requested that Euro Plastics recalculate its general and administrative expenses and net interest rates using the audited 2006 financial statement. We also requested that Euro Plastics provide cost reconciliations using the audited 2006 financial statements and supporting documents. Euro Plastics stated that its audited 2006 financial statement will be available at the end of April 2007 and, once the audited 2006 financial statement becomes available, it will resubmit its cost data. For the final results, we intend to use Euro Plastics's cost data based on its audited 2006 financial statement.

Model–Matching Methodology

We compared U.S. sales with sales of the foreign like product in the home market. Specifically, in making our comparisons, we used the following methodology. If an identical comparison–market model was reported, we made comparisons to weighted–average comparison–market prices that were based on all sales which passed the COP test of the identical product during the relevant or contemporary month. If there were no contemporaneous sales of an identical model, we identified the most similar comparison–market model. To determine the most similar model, we matched the foreign like product based on the physical characteristics reported by the respondent in the following order of importance: (1) quality, (2) bag type, (3) length, (4) width, (5) gusset, (6) thickness, (7) percentage of high–density polyethylene resin, (8) percentage of low–density polyethylene resin, (9) percentage of low linear–density polyethylene resin, (10) percentage of color concentrate, (11) percentage of ink coverage, (12) number of ink colors, (13) number of sides printed.

Normal Value

We based normal value for Euro Plastics on the prices of the foreign like products sold to its comparison–market customers. When applicable, we made adjustments for differences in packing and movement expenses in accordance with sections 773(a)(6)(A) and (B) of the Act. We also made adjustments for differences in cost attributable to differences in physical characteristics of the merchandise pursuant to section 773(a)(6)(C)(ii) of the Act and 19 CFR 351.411. In addition, we made adjustments for differences in circumstances of sale in accordance with section 773(a)(6)(C)(iii) of the Act and 19 CFR 351.410. For comparisons to export price, we made circumstance–of-sale adjustments by deducting home–market direct selling expenses incurred on home–market sales from, and adding U.S. direct selling expenses to, normal value. In accordance with section 773(a)(1)(B)(i) of the Act, we based normal value on sales at the same level of trade as the export price. See the ''Level of Trade'' section below.

Level of Trade

Section 773(a)(1)(B)(i) of the Act provides that, to the extent practicable, the Department will calculate normal value based on sales at the same level of trade as the export price. The normal–value level of trade is that of the starting–price sales in the comparison market before any adjustments. See section 773(a)(1)(B)(i) of the Act. Euro Plastics reported identical selling functions along the chain of distribution between the producer and the unaffiliated customer in the comparison and U.S. markets. We have reviewed the selling functions Euro Plastics reported including sales forecasting, order input/processing, direct sales personnel, sales/marketing support, freight and delivery, and packing. We examined them in relation to a number of expenses Euro Plastics reported in its responses and found no discrepancies. Therefore, we determined that Euro Plastics made all comparison–market sales at one level of trade, all U.S. sales at one level of trade, and all comparison–market sales at the same level of trade as the export–price sales. See sections 773(a)(1)(B)(i) and 773(a)(7) of the Act. See Euro Plastics Preliminary Analysis Memorandum dated May 3, 2007, for more analysis.

Preliminary Results of the Review

As a result of our review, we preliminarily determine that the weighted–average dumping margin on polyethylene retail carrier bags from Malaysia for the period August 1, 2005, through July 31, 2006, for Euro Plastics is 0.00 percent.

Comments

We will disclose the calculations used in our analysis to parties to this review within five days of the date of publication of this notice. See 19 CFR 351.224(b). Any interested party may request a hearing within 30 days of the date of publication of this notice. See 19 CFR 351.310. Interested parties who wish to request a hearing or to participate in a hearing if a hearing is requested must submit a written request to the Assistant Secretary for Import Administration within 30 days of the date of publication of this notice. Requests should contain the following: (1) the party's name, address, and telephone number; (2) the number of participants; (3) a list of issues to be discussed. See 19 CFR 351.310(c).

Issues raised in the hearing will be limited to those raised in the case and rebuttal briefs. See 19 CFR 351.310(c). Case briefs from interested parties may be submitted not later than 30 days after the date of publication of this notice of preliminary results of review. See 19 CFR 351.309(c)(1)(ii). Rebuttal briefs from interested parties, limited to the issues raised in the case briefs, may be submitted not later than five days after the time limit for filing the case briefs or comments. See 19 CFR 351.309(d)(1) and 19 CFR 351.310(c). Any hearing, if requested, will be held two days after the scheduled date for submission of rebuttal briefs. See 19 CFR 351.310(d). Parties who submit case briefs or rebuttal briefs in this proceeding are requested to submit with each argument a statement of the issue, a summary of the arguments not exceeding five pages, and a table of statutes, regulations, and cases cited. See 19 CFR 351.309(c)(2). The Department will issue the final results of this administrative review, including the results of its analysis of issues raised in any such written briefs or at the hearing, if held, not later than 120 days after the date of publication of this notice. See section 751(a)(3)(A) of the Act.

Assessment Rates

The Department will determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries. We intend to issue appropriate assessment instructions directly to CBP 15 days after publication of the final results of review. In accordance with 19 CFR 351.212(b)(1), we have calculated an importer–specific assessment amount of 0.00. If these preliminary results are adopted in our final results, we will direct CBP to liquidate the appropriate entries at this rate. See 19 CFR 351.212(b)(1).

The Department clarified its ''automatic assessment'' regulation on May 6, 2003 (68 FR 23954). This clarification will apply to entries of subject merchandise during the period of review produced by Euro Plastics for which it did not know its merchandise was destined for the United States. In such instances, we will instruct CBP to liquidate unreviewed entries at the all–others rate if there is no rate for the intermediate company(ies) involved in the transaction. For a full discussion of this clarification, see *Antidumping and Countervailing Duty Proceedings:*

Assessment of Antidumping Duties, 68 FR 23954 (May 6, 2003).

Cash–Deposit Requirements

The following deposit requirements will be effective upon publication of the notice of final results of administrative review for all shipments of PRCBs from Malaysia entered, or withdrawn from warehouse, for consumption on or after the date of publication, as provided by section 751(a)(2)(C) of the Act: (1) The cash–deposit rate for Euro Plastics will be the rate established in the final results of review; (2) for previously investigated companies not listed above, the cash–deposit rate will continue to be the company–specific rate published in the *Notice of Final Determination of Sales at Less Than Fair Value: Polyethylene Retail Carrier Bags From Malaysia*, 69 FR 34128, 34129 (June 18, 2004); (3) if the exporter is not a firm covered in this review or the less–than-fair–value investigation but the manufacturer is, the cash–deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; (4) if neither the exporter nor the manufacturer has its own rate, the cash–deposit rate will be 84.94 percent, the ''all others'' rate for this proceeding. These deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importer

This notice also serves as a preliminary 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 Department's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

These preliminary results of administrative review are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: May 3, 2007.

David M. Spooner,

Assistant Secretary for Import Administration.

[FR Doc. E7–9036 Filed 5–9–07; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

[C–427–819]

Final Results of Expedited Sunset Review: Countervailing Duty Order on Low Enriched Uranium from France

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

SUMMARY: On January 3, 2007, the Department of Commerce (''the Department'') initiated a sunset review of the countervailing duty (''CVD'') order on low enriched uranium (''LEU'') from France, pursuant to section 751(c) of the Tariff Act of 1930, as amended (''the Act''). On the basis of a notice of intent to participate and an adequate substantive response filed on behalf of a domestic interested party and inadequate response from respondent interested parties (in this case, no response), the Department determined to conduct an expedited sunset review of this CVD order pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(B). As a result of this sunset review, the Department finds that revocation of the CVD order would be likely to lead to continuation or recurrence of a countervailable subsidy at the level indicated in the ''Final Results of Review'' section of this notice.

EFFECTIVE DATE: May 10, 2007.

FOR FURTHER INFORMATION CONTACT: Kristen Johnson or Brandon Farlander, AD/CVD Operations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street & Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4793 or (202) 482–0182, respectively.

SUPPLEMENTARY INFORMATION:

Background

On January 3, 2007, the Department initiated a sunset review of the CVD order on LEU from France pursuant to section 751(c) of the Act. *See Initiation of Five-year (''Sunset'') Reviews*, 72 FR 100 (January 3, 2007). On January 16, 2007, the Department received a notice of appearance on behalf of Eurodif S.A., a French producer of LEU, and its affiliated companies, including AREVA, an owner of Eurodif, and AREVA NC and AREVA NC, Inc., (collectively, ''Eurodif/AREVA'').[1] Eurodif/AREVA is an interested party under section 771(9)(A) of the Act. On January 18, 2007, the Department received a notice of intent to participate on behalf of USEC Inc. and its subsidiary, United States Enrichment Corporation (collectively, ''USEC''), a domestic interested party. USEC, a domestic producer of LEU, is an interested party under section 771(9)(C) of the Act.

On February 2, 2007, the Department received a complete substantive response from USEC within the 30-day deadline specified in 19 CFR 351.218(d)(3)(i). However, the Department did not receive a substantive response from any government or respondent interested party to this proceeding. As a result, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), the Department conducted an expedited sunset review of this CVD order.

Scope of the Order

The product covered by this order is all LEU. LEU is enriched uranium hexafluoride (UF_6) with a U^{235} product assay of less than 20 percent that has not been converted into another chemical form, such as UO_2, or fabricated into nuclear fuel assemblies, regardless of the means by which the LEU is produced (including LEU produced through the down–blending of highly enriched uranium).

Certain merchandise is outside the scope of this order. Specifically, this order does not cover enriched uranium hexafluoride with a U^{235} assay of 20 percent or greater, also known as highly enriched uranium. In addition, fabricated LEU is not covered by the scope of this order. For purposes of this order, fabricated uranium is defined as enriched uranium dioxide (UO_2), whether or not contained in nuclear fuel rods or assemblies. Natural uranium concentrates (U_3O_8) with a U^{235} concentration of no greater than 0.711 percent and natural uranium concentrates converted into uranium hexafluoride with a U^{235} concentration of no greater than 0.711 percent are not covered by the scope of this order.

Also excluded from this order is LEU owned by a foreign utility end–user and imported into the United States by or for such end–user solely for purposes of conversion by a U.S. fabricator into uranium dioxide (UO_2) and/or fabrication into fuel assemblies so long as the uranium dioxide and/or fuel assemblies deemed to incorporate such imported LEU (i) remain in the possession and control of the U.S. fabricator, the foreign end–user, or their designated transporter(s) while in U.S. customs territory, and (ii) are re–exported within eighteen (18) months of entry of the LEU for consumption by the

[1] AREVA was previously known as Compagnie Generale des Matieres Nucleaires (''COGEMA'').

end–user in a nuclear reactor outside the United States. Such entries must be accompanied by the certifications of the importer and end user.

The merchandise subject to this order is currently classifiable in the Harmonized Tariff Schedule of the United States (''HTSUS'') at subheading 2844.20.0020. Subject merchandise may also enter under 2844.20.0030, 2844.20.0050, and 2844.40.00. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise is dispositive.

Analysis of Comments Received

All issues raised in this review are addressed in the Issues and Decision Memorandum (''Decision Memorandum'') from Stephen J. Claeys, Deputy Assistant Secretary for Import Administration, to David M. Spooner, Assistant Secretary for Import Administration, dated May 2, 2007, which is hereby adopted by this notice. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendation in this public memorandum which is on file in the Central Records Unit room B–099 of the main Commerce building. In addition, a complete version of the Decision Memorandum can be accessed directly on the Web at *http://ia.ita.doc.gov/frn*. The paper copy and electronic version of the Decision Memorandum are identical in content.

Final Results of Review

The Department determines that revocation of the CVD order would be likely to lead to continuation or recurrence of a countervailable subsidy at the rates listed below:

Producers/Exporters	Net Countervailable Subsidy (percent)
Eurodif S.A. and AREVA NC	12.15 *ad valorem*
All Others	12.15 *ad valorem*

Notification Regarding Administrative Protective Order

This notice serves as the only reminder to parties subject to administrative protective order (''APO'') of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

We are issuing and publishing the results and notice are in accordance with sections 751(c), 752, and 777(i)(1) of the Act.

Dated: May 2, 2007.

David M. Spooner,

Assistant Secretary for Import Administration.

[FR Doc. E7–9037 Filed 5–9–07; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XA11

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; South Atlantic Exempted Fishing Permit

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

ACTION: Notice of receipt of an application for an exempted fishing permit; request for comments.

SUMMARY: NMFS announces the receipt of an application for an exempted fishing permit (EFP) from Rachel Kalisperis on behalf of the South Carolina Aquarium. If granted, the EFP would authorize the applicant, with certain conditions, to collect limited numbers of groupers (not including goliath grouper), snappers, tilefishes, sea basses, jacks, spadefish, grunts, porgies, mackerel, cero, cobia, dolphin fish, spiny lobster, little tunny, triggerfishes, golden crab, hogfish, porkfish, puddingwife, red drum, scup, sheepshead, shrimp, wahoo, and wreckfish. Specimens would be collected from Federal waters off the coast of South Carolina from 2007 to 2012 and displayed at the South Carolina Aquarium, located in Charleston, South Carolina.

DATES: Comments must be received no later than 5 p.m., eastern standard time, on May 25, 2007.

ADDRESSES: Comments on the application may be sent via fax to 727–824–5308 or mailed to: Julie Weeder, Southeast Regional Office, NMFS, 263 13th Avenue South, St. Petersburg, FL 33701. Comments may also be submitted by e-mail. The mailbox address for providing e-mail comments is *SouthCarolina.Aquarium@noaa.gov*. Include in the subject line of the e-mail document the following text: Comment on South Carolina Aquarium EFP Application. The application and related documents are available for review upon written request to the address above or the e-mail address below.

FOR FURTHER INFORMATION CONTACT: Julie Weeder, 727–551–5753; fax 727–824–5308; e-mail: *Julie.Weeder@noaa.gov*.

SUPPLEMENTARY INFORMATION: The EFP is requested under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*), and regulations at 50 CFR 600.745(b) concerning exempted fishing.

According to the applicant, the South Carolina Aquarium is a public, non-profit institution located in Charleston, South Carolina. Its mission is to provide entertainment and education and to support conservation through aquatic exhibits displaying animals from South Carolina.

The proposed collection for public display involves activities otherwise prohibited by regulations implementing the Fishery Management Plans (FMPs) for the Snapper-Grouper Fishery of the South Atlantic Region, Shrimp Fishery of the South Atlantic Region, Spiny Lobster Fishery of the Gulf of Mexico and South Atlantic, Dolphin and Wahoo Fishery off the Atlantic States, and Coastal Migratory Pelagics Resources.

The applicant requires authorization to harvest and possess up to the following numbers of fishes during each 12-month period from June 20, 2007, to June 19, 2012: 50 Atlantic spadefish, 15 blueline tilefish, 12 cero, 6 cobia, 50 dolphin fish, 5 golden crab, 15 golden tilefish, 40 groupers of the genus *Epinephelus* (not including goliath grouper), 50 groupers of the genus *Mycteroperca*, 150 grunts, 6 hogfish, 100 jacks of the genus *Caranx*, 50 jacks of the genus *Seriola*, 15 king mackerel, 25 little tunny, 3 ocean triggerfish, 65 porgies, 15 porkfish, 2 puddingwife, 2 queen snapper, 12 red drum, 25 red porgy, 13 sand tilefish, 40 scup, 40 sea basses, 15 sheepshead, 375 shrimp, 75 snappers, 15 Spanish mackerel, 25 spiny lobster, 12 triggerfishes, 50 vermilion snapper, 5 wahoo, 10 wreckfish, and 15 yellowtail snapper. Specimens would be collected from Federal waters off the coast of South Carolina from June 20, 2007, to June 19, 2012.

Fishes would be captured in some areas using hand nets in conjunction with scuba, dip nets deployed from a boat, hook and line, black sea bass pots, spiny lobster traps, golden crab traps, ''bait fish'' traps, ''habitat'' traps, and ''octopus'' traps. Black sea bass pots, spiny lobster traps, and golden crab traps will meet the construction requirements of 50 CFR 622.40. ''Bait

fish'' traps are commercially available designs made of 0.25–inch (0.6–cm) or 1–inch (2.5–cm) galvanized wire mesh. ''Habitat'' traps, which are designed to target benthic fishes, are made of 4–inch (10.2–cm) high sections of 20–inch (50.8–cm) diameter PVC pipe which is sealed off at both ends. Each trap has one 3–inch (7.6–cm) diameter hole in one side. The traps are weighted using approximately 3.5–lb (1.6–kg) of cement, and deployed on longlines or hand placed by divers. The second trap type is designed to target octopus. These traps are made of 18–inch (45.7–cm) lengths of 4–inch (10.2–cm) diameter black corrugated drainage pipe. Cement is used to seal one end to a depth of approximately 2.5–inches (6.4–cm). ''Habitat'' and ''octopus'' traps have unblocked openings and no internal compartments, so animals may come and go at will. Sea bass pots, spiny lobster traps, and golden crab traps will be deployed for no more than 5 hours at a time. No more than five traps or pots of each type will be deployed at one time. These traps or pots will be set on individual lines. ''Bait fish'' traps will only be deployed during scuba dives for a maximum of 5 hours and will be retrieved when divers exit the water. ''Habitat'' and ''octopus'' traps will be deployed on a 500–ft (152–m) longline with an anchor and buoy at each end. ''Habitat'' traps may also be hand placed by divers. ''Habitat'' and ''octopus'' trap sets will not exceed 14 days.

NMFS finds this application warrants further consideration. Based on a preliminary review, NMFS intends to issue an EFP. Possible conditions the agency may impose on this permit, if it is indeed granted, include but are not limited to: Reduction in the number or species of fish to be collected; restrictions on the placement of traps, especially with respect to fragile habitat; restrictions on the size of fish to be collected; prohibition of the harvest of any fish with visible external tags; and specification of locations, dates, and/or seasons allowed for collection of particular fish species. A final decision on issuance of the EFP will depend on a NMFS review of public comments received on the application, consultations with the affected states, the South Atlantic Fishery Management Council, and the U.S. Coast Guard, and a determination that it is consistent with all applicable laws. The applicant requests a 5-year (60-month) effective period for the EFP.

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

Dated: May 7, 2007.

James P. Burgess

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

[FR Doc. E7–9046 Filed 5–9–07; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[XRIN: 0648–XA12]

Gulf of Mexico Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The Gulf of Mexico Fishery Management Council will convene a public meeting of the Standing Scientific and Statistical Committee (SSC) and the Special Reef Fish SSC.

DATES: The SSC and Special Reef Fish SSC meeting will convene at 1 p.m. on Monday June 4 and conclude no later than 12 noon on Tuesday, June 5, 2007.

ADDRESSES: The meeting will be held at the W New Orleans, 333 Poydras St., New Orleans, LA 70130; telephone: (504) 525–9444.

Council address: Gulf of Mexico Fishery Management Council, 2203 North Lois Avenue, Suite 1100, Tampa, FL 33607.

FOR FURTHER INFORMATION CONTACT: Stu Kennedy, Fishery Biologist; telephone: (813) 348–1630.

SUPPLEMENTARY INFORMATION: The SSC will address these issues:

1. Elect a new chair and vice-chair.
2. Review and provide guidance on the provisions of Reef Fish Amendment 27 and Shrimp Amendment 14 which set manage measures to rebuild the red snapper resource in the Gulf of Mexico.
3. Review the SEDAR re-evaluation of the assessment of gag in the Gulf of Mexico. The SSC will determine if the Review Panel reports are based on the best available information and reasonable. The SSC may provide guidance to the Council about the results of the assessment and research recommendations made by the SEDAR panels.
4. Review the analyses used to build the alternatives for Reef Fish Amendment 30A which includes greater amberjack and gray triggerfish management measures to determine if they are scientifically sound.
5. Receive a report on the development of guidelines for implementing Annual Catch Limits as specified in the re-authorization of the MSA; and
6. Review terms of reference for SEDAR 16 stock assessment of King Mackerel.

Although other non-emergency issues not on the agenda may come before the SSC for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), those issues may not be the subject of formal action during these meetings. Actions of the SSC will be restricted to those issues specifically identified in the agenda and any issues arising after publication of this notice that require emergency action under Section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take action to address the emergency.

Copies of the agenda can be obtained by calling (813) 348–1630.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Tina Trezza at the Council (see **ADDRESSES**) at least 5 working days prior to the meeting.

Dated: May 7, 2007.

Tracey L. Thompson,

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

[FR Doc. E7–9050 Filed 5–9–07; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[XRIN: 0648–XA10]

New England Fishery Management Council; Public Meeting

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

ACTION: Notice of a public meeting.

SUMMARY: The New England Fishery Management Council's (Council) Groundfish Advisory Panel will meet to consider actions affecting New England fisheries in the exclusive economic zone (EEZ).

DATES: The meeting will be held on Tuesday, May 29, 2007, at 9:30 a.m.

ADDRESSES: The meeting will be held at the Holiday Inn, 30 Hampshire Street, Mansfield, MA 02048; telephone: (508) 339–2200.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Paul J. Howard, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION: The items of discussion in the panel's agenda are as follows:

1. The Groundfish Advisory Panel will meet to discuss Amendment 16 development. The Panel will discuss days-at-sea management alternatives and recommendations, recommendations for management of the U.S./Canada resource sharing areas, and sector proposals (including the interaction between sectors and common pool vessels).

2. Other business. Advisory Panel recommendations will be considered by the Multispecies Committee on May 31, 2007.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Paul J. Howard (see **ADDRESSES**) at least 5 days prior to the meeting date.

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

Dated: May 7, 2007.

Tracey L. Thompson,

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

[FR Doc. E7–9048 Filed 5–9–07; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[XRIN: 0648–XA15]

New England Fishery Management Council; Public Meeting

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

ACTION: Notice of a public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Scallop Committee, in June, 2007, to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from these groups will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This meeting will be held on Wednesday, June 6, 2007, at 9 a.m.

ADDRESSES: This meeting will be held at the Radisson Hotel, 180 Water Street, Plymouth, MA 02360; telephone: (508) 747–4900; fax: (508) 746–2609.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Paul J. Howard, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION: The committee will review public comments received on the Amendment 11 Draft Supplemental Environmental Impact Statement (DSEIS) and make recommendations for the Council to consider for final action on Amendment 11. Amendment 11 is considering alternatives to control capacity and mortality in the general category scallop fishery as well as other measures. If time permits, the committee will discuss development of alternatives for consideration in Framework 19. Framework 19 will consider management alternatives for fishing years 2008 and 2009. The Committee may consider other topics at their discretion.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Paul J. Howard, Executive Director, at (978) 465–0492, at least 5 days prior to the meeting date.

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

Dated: May 7, 2007.

Tracey L. Thompson,

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

[FR Doc. E7–9049 Filed 5–9–07; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[XRIN: 0648–XA13]

North Pacific Fishery Management Council; Public Meetings

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

ACTION: Notice of public meetings.

SUMMARY: The North Pacific Fishery Management Council (Council) and its advisory committees will hold public meetings.

DATES: The meetings will be held on June 4, 2007 through June 12, 2007. See **SUPPLEMENTARY INFORMATION** for specific dates and times.

ADDRESSES: Council meeting - Centennial Hall, 330 Harbor Drive, Sitka, AK.

Council address: North Pacific Fishery Management Council, 605 W. 4th Avenue, Suite 306, Anchorage, AK 99501–2252.

FOR FURTHER INFORMATION CONTACT: David Witherell, Council staff, Phone: 907–271–2809.

SUPPLEMENTARY INFORMATION: The Council will begin its plenary session at 8 a.m. on Wednesday, June 6, continuing through June 12, 2007. The Council's Advisory Panel (AP) will begin at 8 a.m., Monday, June 4 and continue through Saturday June 9. The Scientific and Statistical Committee (SSC) will begin at 8 a.m. on Monday, June 4 and continue through Wednesday June 6, 2007. The Enforcement Committee will meet Tuesday, June 5, from 1 p.m. to 4 p.m. at the Centennial Hall. All meetings are open to the public, except executive sessions.

Council Plenary Session: The agenda for the Council's plenary session will include the following issues. The Council may take appropriate action on any of the issues identified.

1. Reports

a. Executive Director's Report (including Standard Operations Practices and Procedures review and approval)

b. NMFS Management Report (including updates on cost recovery,

crab quota real-time transfers, crab right of first refusal, charter halibut moratorium appeals provisions)

c. NMFS Enforcement Report

d. U.S. Coast Guard Report

e. Alaska Department of Fish & Game Report

f. U.S. Fish & Wildlife Service Report

g. Protected Species Report (including review of Endangered Species Act compendium, progress report on Steller Sea Lion (SSL) Recovery Plan peer review, report to SSC on List of Fisheries, SSL Mitigation Committee Report)

2. Charter Halibut Management: Receive Stakeholder Committee report on compensated reallocation elements; action as necessary; Final action on Area 2C Guideline Harvest Levels (GHLs) measures.

3. Halibut Subsistence: Review discussion paper on rural definition; action as necessary.

4. Trawl License Limitation Program (LLP) Recency: Review information on LLP requirements and landings thresholds; action as necessary.

5. Bering Sea Aleutian Island (BSAI) Crab Management: Receive reports from Crab Plan Team and Pacific Northwest Crab Industry Advisory Committee, Initial review of crab overfishing definition analysis; Review Discussion paper on custom processing; review discussion paper on ''Active Participation'' for C-shares; Review discussion paper on Post-delivery Transfers (crab and rockfish).

6. Observer Program: Review discussion paper on regulatory changes; Review committee report, provide direction on regulatory package.

7. Community Development Quota (CDQ): Discussion paper on CDQ program and Magnuson-Stevens Act amendments, and legal opinion, and action as necessary; Initial Review/Final action on regulation of harvest package.

8. Research Priorities: Review and adopt research priorities for 2007–08.

9. Groundfish Management: Initial review of Gulf of Alaska (GOA) arrowtooth Maximum Retainable Amount (MRA) adjustment (T); Salmon Bycatch Workgroup report, refine alternatives for analysis; Review and approve Guidelines for External Review; Review Experimental Fishing Permit for electronic monitoring of Central Gulf of Alaska rockfish fisheries (T).

10. Habitat Conservation: Final action on Bering Sea habitat conservation measures; Review Habitat Area of Particular Concern (HAPC) priorities and timing, action as necessary.

11. Aleutian Island Fishery Ecosystem Plan (FEP): Review and approve Aleutian Island FEP.

12. Arctic Management: Review discussion paper, and take action as necessary.

13. Staff Tasking: Review Committees and tasking, and take action as necessary; Review Programmatic Supplemental Environmental Impact Statement workplan priorities.

14. Other Business

The SSC agenda will include the following issues:

1. Protected Species
2. Crab Management
3. Research Priorities
4. BSAI Crab Management
5. Aleutian Island Fishery Ecosystem Plan
6. Arctic Management

The Advisory Panel will address the same agenda issues as the Council, except for reports. The Agenda is subject to change, and the latest version will be posted at *http://www.fakr.noaa.gov/npfmc/*.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Gail Bendixen at (907) 271–2809 at least 7 working days prior to the meeting date.

Dated: May 7, 2007.

Tracey L. Thompson,

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

[FR Doc. E7–9051 Filed 5–9–07; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[XRIN: 0648–XA14]

Western Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of a public meeting.

SUMMARY: The Western Pacific Fishery Management Council (Council) will hold its Precious Corals Plan Team (PCPT) meeting, in Honolulu, HI.

ADDRESSES: The PCPT meeting will be held at the Western Pacific Fishery Management Council Office, 1164 Bishop St., Suite 1400, Honolulu, HI 96813.

DATES: The meeting of the PCPT will be held on June 4, 2007, from 9 a.m. to 12 noon.

FOR FURTHER INFORMATION CONTACT: Kitty M. Simonds, Executive Director; telephone: (808) 522–8220.

SUPPLEMENTARY INFORMATION: The PCPT will meet on June 4, 2007 to discuss the following agenda items:

1. Introductions
2. Review of last plan team meeting and recommendations
3. Proposed Auau Black Coral Limited Entry System
4. Status of Precious Corals Fishery Management Plan Amendments
5. Status of State of Hawaii Regulations Package
6. Proposed Precious Corals Research

The order in which agenda items are addressed may change. Public comment periods will be provided throughout the agenda.

The Plan Team will meet as late as necessary to complete scheduled business.

Although non-emergency issues not contained in this agenda may come before the Plan Team for discussion, those issues may not be the subject of formal action during this meeting. Plan Team action will be restricted to those issues specifically listed in this document and any issue arising after publication of this document that requires emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kitty M. Simonds, (808) 522–8220 (voice) or (808) 522–8226 (fax), at least 5 days prior to the meeting date.

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

Dated: May 7, 2007.

Tracey L. Thompson,

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

[FR Doc. E7–9052 Filed 5–9–07; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF DEFENSE

Office of the Secretary

[DoD–2007–OS–0043]

Privacy Act of 1974; System of Records

AGENCY: Office of the Secretary, DoD.

ACTION: Notice to Add Blanket Routine Uses to Systems of Records.

SUMMARY: The Office of the Secretary of Defense proposes to add a new ''Blanket Routine Uses'' to DoD systems of records to its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: The changes will be effective on June 11, 2007 unless comments are received that would result in a contrary determination.

ADDRESSES: Send comments to Defense Privacy Office.

FOR FURTHER INFORMATION CONTACT: Mr. Vahan Moushegian, Jr. at (703) 607–2943.

SUPPLEMENTARY INFORMATION: The Department of Defense notices for systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above or at *www.dod.mil/privacy/notices.*

The Office of the Secretary of Defense is proposing to establish a new Department of Defense ''Blanket Routine Use'' (BRU) that will apply to each of its current Privacy Act system of records. The BRU will permit the disclosure of information, as necessary, in connection with, and in response to, a data breach of information that identifies an individual for purposes of taking such remedial actions as considered appropriate to prevent or minimize potential harms that may result to an individual as a consequence of the breach.

The proposed systems reports, as required by 5 U.S.C. 552a(r) of the Privacy Act of 1974, as amended, were submitted on May 2, 2007, to the House Committee on Oversight and Government Reform, the Senate Committee on Homeland Security and Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, ''Federal Agency Responsibilities for Maintaining Records About Individuals,'' dated February 8, 1996 (February 20, 1996, 61 FR 6427).

May 3, 2007.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

Department of Defense Blanket Routine Uses

ROUTINE USE—DATA BREACH REMEDIATION PURPOSES:

''A record from a system of records maintained by a Component may be disclosed to appropriate agencies, entities, and persons when (1) The Component suspects or has confirmed that the security or confidentiality of the information in the system of records has been compromised; (2) the Component has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by the Component or another agency or entity) that rely upon the compromised information; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Components efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.''

[FR Doc. E7–8988 Filed 5–9–07; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

SUMMARY: The IC Clearance Official, Regulatory Information Management Services, Office of Management, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before July 9, 2007.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The IC Clearance Official, Regulatory Information Management Services, Office of Management, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: May 4, 2007.

Angela C. Arrington,

IC Clearance Official, Regulatory Information Management Services, Office of Management.

Institute of Education Sciences

Type of Review: New.

Title: An Evaluation of the Thinking Reader Software Intervention.

Frequency: On Occasion.

Affected Public: Individuals or household.

Reporting and Recordkeeping Hour Burden:

Responses: 75.

Burden Hours: 59.

Abstract: The evaluation of the Thinking Reader software intervention is to be carried out by the Northeast and Islands Regional Education Laboratory. This randomized controlled field trial involves 50 English/Language Arts teachers and 25 schools in Connecticut. Targeted outcomes are students' reading comprehension, reading vocabulary, use of reading comprehension strategies, and motivation to read.

Requests for copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov,* by selecting the ''Browse Pending Collections'' link and by clicking on link number 3330. 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. E7–8999 Filed 5–9–07; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

National Advisory Committee on Institutional Quality and Integrity; Notice of Members

AGENCY: National Advisory Committee on Institutional Quality and Integrity, Department of Education.

What Is the Purpose of This Notice?

The purpose of this notice is to list the members of the National Advisory Committee on Institutional Quality and Integrity (National Advisory Committee) and to give the public the opportunity to nominate candidates for the positions to be vacated by those members whose terms will expire on September 30, 2007. This notice is required under Section 114(c) of the Higher Education Act (HEA), as amended.

What Is the Role of the National Advisory Committee?

The National Advisory Committee is established under Section 114 of the HEA, as amended, and is composed of 15 members appointed by the Secretary of Education from among individuals who are representatives of, or knowledgeable concerning, education and training beyond secondary education, including representatives of all sectors and type of institutions of higher education.

The National Advisory Committee meets at least twice a year and provides recommendations to the Secretary of Education pertaining to:

- The establishment and enforcement of criteria for recognition of accrediting agencies or associations under subpart 2 of part H of Title IV, HEA.
- The recognition of specific accrediting agencies or associations.
- The preparation and publication of the list of nationally recognized accrediting agencies and associations.

As the Committee deems necessary or on request, the Committee also advises the Secretary about:

- The eligibility and certification process for institutions of higher education under Title IV, HEA.
- The development of standards and criteria for specific categories of vocational training institutions and institutions of higher education for which there are no recognized accrediting agencies, associations, or State agencies in order to establish the interim eligibility of those institutions to participate in Federally funded programs.
- The relationship between (1) accreditation of institutions of higher education and the certification and eligibility of such institutions, and (2) State licensing responsibilities with respect to such institutions.
- Any other advisory functions relating to accreditation and institutional eligibility that the Secretary may prescribe.

What Are the Terms of Office for Committee Members?

The term of office of each member is 3 years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed is appointed for the remainder of the term. A member may be appointed, at the Secretary's discretion, to serve more than one term.

Who Are the Current Members of the Committee?

The current members of the National Advisory Committee are:

Members With Terms Expiring 9/30/07

- Dr. Lawrence J. DeNardis, President Emeritus, University of New Haven, Connecticut.
- Dr. Geri H. Malandra, Associate Vice Chancellor for Institutional Planning and Accountability, University of Texas System.
- Ms. Andrea Fischer-Newman, Chair, Board of Regents, University of Michigan; Senior Vice President of Government Affairs, Northwest Airlines.
- Dr. Laura Palmer Noone, President Emerita, University of Phoenix, Arizona.

Members With Terms Expiring 9/30/08

- Dr. Karen A. Bowyer, President, Dyersburg State Community College, Tennessee.
- Dr. Arthur Keiser, Chancellor, Keiser Collegiate System, Florida.
- Dr. George A. Pruitt, President, Thomas A. Edison State College, New Jersey.

Members With Terms Expiring 9/30/09

- Dr. Carol D'Amico, Executive Vice President, Ivy Tech Community College, Indiana.
- Mr. Patrick M. Callan, President, National Center for Public Policy/Higher Education.
- Mr. William P. Glasgow, CEO American Way Education.
- Ms. Anne D. Neal, President, American Council of Trustees and Alumni.
- Ms. Crystal Rimoczy, Student Member, Boston College, Massachusetts.
- Dr. James H. Towey, President Saint Vincent College.
- Honorable Pamela P. Willeford, Former Chair, Texas Higher Education Coordinating Board; Former Ambassador, Switzerland.
- Dr. George Wright, President, Prairie View A & M University, Texas.

How Do I Nominate an Individual for Appointment as a Committee Member?

If you would like to nominate an individual for appointment to the Committee, send the following information to the Committee's Executive Director:

- A copy of the nominee's resume; and
- A cover letter that provides your reason(s) for nominating the individual and contact information for the nominee (name, title, business address, and business phone and fax numbers).

The information must be sent by June 15, 2007 to the following address: Francesca Paris-Albertson, Executive Director, National Advisory Committee on Institutional Quality and Integrity, U.S. Department of Education, room 7110, MS 7592, 1990 K Street, NW., Washington, DC 20006.

How Can I Get Additional Information?

If you have any specific questions about the nomination process or general questions about the National Advisory Committee, please contact Ms. Francesca Paris-Albertson, the Committee's Executive Director, telephone: (202) 219–7009, fax: (202) 219–7008, e-mail: *Francesca.Paris-Albertson@ed.gov* between 9 a.m. and 5 p.m., Monday through Friday.

Authority: 20 U.S.C. 1011c.

Dated: May 4, 2007.

James F. Manning,

Delegated the Authority of the Assistant Secretary for Postsecondary Education.

[FR Doc. E7–9019 Filed 5–9–07; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Federal Student Aid

[CFDA No. 84.069]

Federal Student Aid; Leveraging Educational Assistance Partnership and Special Leveraging Educational Assistance Partnership Programs

AGENCY: Department of Education.

ACTION: Notice of the deadline dates for receipt of State applications for Award Year 2007–2008 funds.

SUMMARY: This is a notice of deadline dates for receipt of State applications for

Award Year 2007–2008 funds under the Leveraging Educational Assistance Partnership (LEAP) and Special Leveraging Educational Assistance Partnership (SLEAP) programs.

The LEAP and SLEAP programs, authorized under Title IV, part A, subpart 4 of the Higher Education Act of 1965, as amended (HEA), assist States in providing aid to students with substantial financial need to help them pay for their postsecondary education costs through matching formula grants to States. Under section 415C(a) of the HEA, a State must submit an application to participate in the LEAP and SLEAP programs through the State agency that administered its LEAP Program as of July 1, 1985, unless the Governor of the State has subsequently designated, and the Department has approved, a different State agency to administer the LEAP Program.

DATES: To ensure funding under the LEAP and SLEAP programs for Award Year 2007–2008, a State must meet the applicable deadline date. Applications submitted electronically must be received by 11:59 p.m. (Eastern time) May 31, 2007. Paper applications must be received by May 24, 2007.

FOR FURTHER INFORMATION CONTACT: Mr. Greg Gerrans, LEAP Program Manager, Financial Partners Services, Federal Student Aid, U.S. Department of Education, 830 First Street, NE., room 111G5, Washington, DC 20202. Telephone: (202) 377–3304. If you use a telecommunications device for the deaf (TDD), you may call the Federal Relay Service (FRS) at 1–800–877–8339.

Individuals with disabilities may obtain this document in an alternative format (*e.g.*, Braille, large print, audiotape, or computer diskette) on request to the contact person listed under **FOR FURTHER INFORMATION CONTACT**.

SUPPLEMENTARY INFORMATION: Only the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the Virgin Islands may submit an application for funding under the LEAP and SLEAP programs.

State allotments for each award year are determined according to the statutorily mandated formula under section 415B of the HEA and are not negotiable. A State may also request its share of reallotment, in addition to its basic allotment, which is contingent upon the availability of such additional funds.

In Award Year 2006–2007, 49 States, the District of Columbia, the Commonwealth of the Northern Mariana Islands, Guam, Puerto Rico, and the Virgin Islands received funds under the LEAP Program. Additionally, 34 States, the District of Columbia, the Commonwealth of the Northern Mariana Islands, Guam, and the Virgin Islands received funds under the SLEAP Program.

Applications Submitted Electronically: Financial Partners Services within Federal Student Aid has automated the LEAP and SLEAP application process in the Financial Management System (FMS). Applicants may use the web-based form (Form 1288–E OMB 1845–0028) which is available on the FMS LEAP on-line system at the following Internet address: *http://fsa-fms.ed.gov*.

Paper Applications Delivered by Mail: States or territories may request a paper version of the application (Form 1288 OMB 1845–0028) by contacting Mr. Greg Gerrans, LEAP Program Manager, at (202) 377–3304 or by e-mail: *greg.gerrans@ed.gov*. The form will be mailed to you.

A paper application sent by mail must be addressed to: Mr. Greg Gerrans, LEAP Program Manager, Financial Partners Services, Federal Student Aid, U.S. Department of Education, 830 First Street, NE., room 111G5, Washington, DC 20202.

The Department of Education encourages applicants that are completing a paper application to use certified or at least first-class mail when sending the application by mail to the Department. The Department must receive paper applications that are mailed no later than May 24, 2007.

Paper Applications Delivered by Hand: Paper applications that are hand-delivered must be delivered to Mr. Greg Gerrans, LEAP Program Manager, Financial Partners Services, Federal Student Aid, U.S. Department of Education, 830 First Street, NE., room 111G5, Washington, DC 20202. Hand-delivered applications will be accepted between 8 a.m. and 4:30 p.m. daily (Eastern time), except Saturdays, Sundays, and Federal holidays.

Paper applications that are hand-delivered must be received by 4:30 p.m. (Eastern time) on May 24, 2007.

Applicable Regulations: The following regulations are applicable to the LEAP and SLEAP programs:

(1) The LEAP and SLEAP Program regulations in 34 CFR part 692.

(2) The Student Assistance General Provisions in 34 CFR part 668.

(3) The Regulations Governing Institutional Eligibility in 34 CFR part 600.

(4) The Education Department General Administrative Regulations (EDGAR) in 34 CFR 75.60 through 75.62 (Ineligibility of Certain Individuals to Receive Assistance), part 76 (State-Administered Programs), part 77 (Definitions that Apply to Department Regulations), part 79 (Intergovernmental Review of Department of Education Programs and Activities), part 80 (Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments), part 82 (New Restrictions on Lobbying), part 84 (Governmentwide Requirements for Drug-Free Workplace (Financial Assistance)), part 85 (Governmentwide Debarment and Suspension (Nonprocurement)), part 86 (Drug and Alcohol Abuse Prevention), and part 99 (Family Educational Rights and Privacy).

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To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1–888–293–6498; or in the Washington, DC area at (202) 512–1530.

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: *http://www.gpoaccess.gov/nara/index.html.*

Program Authority: 20 U.S.C. 1070c *et seq.*

Dated: May 4, 2007.

Theresa S. Shaw,

Chief Operating Officer, Federal Student Aid.

[FR Doc. E7–8950 Filed 5–9–07; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[CFDA Nos. 84.038, 84.033, and 84.007]

Federal Perkins Loan, Federal Work-Study, and Federal Supplemental Educational Opportunity Grant Programs

ACTION: Notice extending the 2006–2007 award year deadline date for the campus-based programs; Extension.

SUPPLEMENTARY INFORMATION: On March 27, 2006, we published a notice in the **Federal Register** (71 FR 15180–81) announcing the 2006–2007 award year deadline dates for the submission of

requests and documents from postsecondary institutions for the campus-based programs. In that notice, on page 15181, we set a deadline date of April 27, 2007 for the submission of requests for a waiver of the FWS Community Service Expenditure Requirement for the 2007–2008 award year. We are extending the deadline date for submission of these requests for waivers to May 31, 2007.

FOR FURTHER INFORMATION CONTACT: Sherlene McIntosh, Director of Campus-Based Systems and Operations Division, U.S. Department of Education, Federal Student Aid, 830 First Street, NE., Union Center Plaza, room 64A3, Washington, DC 20202–5453. Telephone: (202) 377–3242 or via the Internet: *sherlene.mcintosh@ed.gov.*

If you use a telecommunications device for the deaf (TDD), you may call the Federal Relay Service (FRS) at 1–800–877–8339.

Individuals with disabilities may obtain this document in an alternative format (*e.g.* Braille, large print, audiotape, or computer diskette) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**.

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To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO) toll free at 1–888–293–6498; or in the Washington, DC area at (202) 512–1530.

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: *http://www.gpoaccess.gov/nara/index.html.*

Program Authority: 20 U.S.C. 1087aa *et seq.*; 42 U.S.C. 2751 *et seq.*; and 20 U.S.C. 1070b *et seq.*

Dated: May 4, 2007.

Theresa S. Shaw,

Chief Operating Officer, Federal Student Aid.

[FR Doc. E7–8946 Filed 5–9–07; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP07–439–000]

ANR Pipeline Company; Notice of Annual Report Filing

May 4, 2007.

Take notice that on May 1, 2007 ANR Pipeline Company (ANR) tendered for filing its Operational Purchases and Sales of Gas Report for the twelve month period beginning January 1, 2006 and ending December 31, 2006. ANR states that it is filing this report in compliance with Section 38 of the General Terms and Conditions of ANR's FERC Gas Tariff, Second Revised Volume No. 1.

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 on or before the date as indicated below. 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.

Comment Date: 5 p.m. Eastern Time May 11, 2007.

Kimberly D. Bose,

Secretary.

[FR Doc. E7–8983 Filed 5–9–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP07–422–000]

Canyon Creek Compression Company; Notice of Proposed Changes in FERC Gas Tariff

May 3, 2007.

Take notice that on April 30, 2007, Canyon Creek Compression Company (Canyon) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, the following tariff sheets, to become effective June 1, 2007:

Seventeenth Revised Sheet No. 6
Eleventh Revised Sheet No. 6A

Canyon states that copies of the filing are being mailed to its customers and interested state commissions.

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 § 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.

Kimberly D. Bose,

Secretary.

[FR Doc. E7–8929 Filed 5–9–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP07–428–000]

Cheyenne Plains Gas Pipeline Company, L.L.C.; Notice of Tariff Filing

May 3, 2007.

Take notice that on April 27, 2007, Cheyenne Plains Gas Pipeline Company, L.L.C. (Cheyenne Plains) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, Fourth Revised Sheet No. 20, to become effective June 1, 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 § 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.

Kimberly D. Bose,

Secretary.

[FR Doc. E7–8925 Filed 5–9–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP07–433–000]

Crossroads Pipeline Company; Notice of Proposed Changes in FERC Gas Tariff

May 4, 2007.

Take notice that on May 1, 2007, Crossroads Pipeline Company (Crossroads) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the following tariff sheets to become effective date of June 1, 2007:

Fifth Revised Sheet No. 6
First Revised Sheet No. 39
First Revised Sheet No. 359
First Revised Sheet No. 360
Original Sheet No. 361

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 § 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.

Kimberly D. Bose,

Secretary.

[FR Doc. E7–8979 Filed 5–9–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP07–429–000]

Dominion Cove Point LNG, LP; Notice of Proposed Changes in FERC Gas Tariff

May 4, 2007.

Take notice that on May 1, 2007, Dominion Cove Point LNG, LP (Cove Point) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, Second Revised Sheet No. 216, to become effective June 1, 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 § 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.

Kimberly D. Bose,

Secretary.

[FR Doc. E7–8975 Filed 5–9–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP07–430–000]

Dominion Transmission, Inc.; Notice of Proposed Changes in FERC Gas Tariff

May 4, 2007.

Take notice that on May 1, 2007, Dominion Transmission, Inc. (DTI) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1A, the following tariff sheets, to become effective June 1, 2007:

Fourth Revised Sheet No. 10
Fourth Revised Sheet No. 11
Fourth Revised Sheet No. 12
First Revised Sheet No. 13
First Revised Sheet No. 15
Second Revised Sheet No. 16
Second Revised Sheet No. 17
Second Revised Sheet No. 18
First Revised Sheet No. 22
Second Revised Sheet No. 25
First Revised Sheet No. 31
First Revised Sheet No. 34
Second Revised Sheet No. 36
First Revised Sheet No. 37
First Revised Sheet No. 38
Second Revised Sheet No. 72
Second Revised Sheet No. 85
Fifth Revised Sheet No. 86
Second Revised Sheet No. 86A

DTI states that the purpose of this filing is to modify DTI's FERC Gas Tariff, Second Revised Volume No. 1A to: (1) Remove certain facilities that are being abandoned or sold; (2) add new gathering facilities that have been recently added to DTI's gathering system; and (3) renumber a facility currently designated as a distribution line.

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 § 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.

Kimberly D. Bose,

Secretary.

[FR Doc. E7–8976 Filed 5–9–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP07–434–000]

Dominion Transmission, Inc.; Notice of Proposed Changes in FERC Gas Tariff

May 4, 2007.

Take notice that on May 1, 2007, Dominion Transmission, Inc. (DTI) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, Original Sheet No. 1138A, to become effective June 1, 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 § 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.

Kimberly D. Bose,

Secretary.

[FR Doc. E7–8980 Filed 5–9–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP05–164–010]

Equitrans, L.P.; Notice of Compliance Filing

May 4, 2007.

Take notice that on April 30, 2007, Equitrans, L.P. (Equitrans) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, Tenth Revised Sheet No. 11, with an effective date of June 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.

Kimberly D. Bose,

Secretary.

[FR Doc. E7–8974 Filed 5–9–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP06–1–002]

Florida Gas Transmission Company, LLC; Notice of Compliance Filing

May 4, 2007.

Take notice that on April 30, 2007, Florida Gas Transmission Company, LLC (FGT) tendered for filing as part of its FERC Gas Tariff, Fourth Revised Sheet No. 1, the following tariff sheets, with an effective date of May 1, 2007:

First Revised Sheet No. 206
Original Sheet No. 206A
First Revised Sheet No. 207

FGT states that the filing is being made in compliance with the Commission's Opinion and Order on Initial Decision issued April 20, 2007 in Docket No. RP04–249–001, et al., which required FGT to file tariff sheets in Docket No. CP06–1–000.

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 May 11, 2007.

Kimberly D. Bose,

Secretary.

[FR Doc. E7–8965 Filed 5–9–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP07–197–000]

Freebird Gas Storage, LLC; Notice of Request Under Blanket Authorization

May 4, 2007.

Take notice that on April 25, 2007, Freebird Gas Storage, LLC (Freebird), 6363 Woodway, Suite 415, Houston, Texas 77057, filed in Docket No. CP07–197–000, an application pursuant to Part 157 of the Commission's regulations under the Natural Gas Act (NGA) as amended, to increase its maximum working gas capacity in the East Detroit Storage Facility in Lamar County, Alabama from 6 Bcf to 7.7 Bcf and increase its peak deliverability to 300,000 Mcf/d, under Freebird's blanket certificate issued in Docket No. CP05–29–000, et al., all as more fully set forth in the application which is on file with the Commission and open to the public for inspection.

Any questions concerning this application may be directed to Nadine Moustafa, Baker Botts L.L.P., 1299 Pennsylvania Ave., NW., Washington, DC 20004, phone (202) 639–7701 or Gil Muhl, Multifuels LP, 6363 Woodway, Suite 415, Houston, TX 77057, phone (832) 252–2251.

This filing is available for review at the Commission 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 filed to access the document. For assistance, please contact FERC Online Support at FERC *OnlineSupport@ferc.gov* or call toll-free at (866) 206–3676, or, for TTY, contact (202) 502–8659. 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 intervenors to file electronically.

Any person or the Commission's staff may, within 60 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR

385.214) a motion to intervene or notice of intervention and pursuant to section 157.205 of the regulations under the NGA (18 CFR 157.205), a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the allowed time for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the NGA.

Kimberly D. Bose,

Secretary.

[FR Doc. E7–8968 Filed 5–9–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP07–421–000]

Garden Banks Gas Pipeline, LLC; Notice of Proposed Changes in FERC Gas Tariff

May 3, 2007.

Take notice that on May 1, 2007, Garden Banks Gas Pipeline, LLC (Garden Banks) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, the following tariff sheets, with an effective date of June 1, 2007:

Second Revised Sheet No. 19
Second Revised Sheet No. 23
First Revised Sheet No. 23A
First Revised Sheet 23B
Third Revised Sheet No. 25
Second Revised Sheet No. 221
First Revised Sheet No. 226

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 § 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.

Kimberly D. Bose,

Secretary.

[FR Doc. E7–8928 Filed 5–9–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP07–435–000]

Great Lakes Gas Transmission Limited Partnership; Notice of Proposed Changes in FERC Gas Tariff

May 4, 2007.

Take notice that on April 30, 2007, Great Lakes Gas Transmission Limited Partnership (Great Lakes) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheets, to become effective January 1, 2007:

Twelfth Revised Sheet No. 3
Ninth Revised Sheet No. 3A
Eleventh Revised Sheet No. 3B
Ninth Revised Sheet No. 3C

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.

Kimberly D. Bose,

Secretary.

[FR Doc. E7–8981 Filed 5–9–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP07–8–001]

Guardian Pipeline, LLC; Notice of Amendment to Application

May 4, 2007.

Take notice that on April 25, 2007, Guardian Pipeline, L.L.C. (Guardian), filed in Docket No. CP07–8–001, an amendment to its October 13, 2006 application pursuant to section 7 (c) of the Natural Gas Act (NGA) in which it requested authorization to site, construct, and operate facilities consisting of approximately 110 miles of new mainline, two electric compressor stations, seven meter stations and appurtenant facilities resulting in 537,200 Dth/d of incremental firm capacity on Guardian's existing pipeline system and 437,200 Dth/d of firm capacity on the expansion facilities. The amended application consists mainly of a proposed, approximately 23-mile

reroute that increases the total length of the pipeline by 8.74 miles. The reroute allows Guardian to avoid tribal lands for which it was unable to negotiate an easement. Additionally, Guardian proposes to move the Sycamore Compressor Station to a new location approximately 0.25 mile north, all as more fully set forth in the application which is on file with the Commission and open to public inspection. The Commission staff will determine if this amendment will have an effect on the schedule for the environmental review of this project. If necessary, a Notice of Schedule for Environmental Review will be issued within 90 days of this Notice. 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.

Any questions regarding this application may be directed to Bambi Heckerman, Director, Regulatory Affairs, ONEOK Partners GP, LLC, 13710 FNB Parkway, Omaha, Nebraska 68154–5200; phone: (402) 492–7575; e-mail: *bambi.heckerman@oneok.com.*

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 commentors 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 commentors will not be required to serve copies of filed documents on all other parties. However, the non-party commentors 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: 5 p.m. Eastern Time on May 25, 2007.

Kimberly D. Bose,

Secretary.

[FR Doc. E7–8970 Filed 5–9–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP07–427–000]

Gulfstream Natural Gas System, L.L.C.; Notice of Proposed Changes in FERC Gas Tariff

May 3, 2007.

Take notice that on May 1, 2007, Gulfstream Natural Gas System, L.L.C. (Gulfstream) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, Sixth Revised Sheet No. 7, with an effective date of June 1, 2007.

Gulfstream states that copies of its filing have been mailed to all affected customers and interested state commissions.

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 § 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.

Kimberly D. Bose,

Secretary.

[FR Doc. E7–8934 Filed 5–9–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP05–150–006]

Hardy Storage Company, LLC; Notice of Compliance Filing

May 4, 2007.

Take notice that on April 30, 2007, Hardy Storage Company, LLC (Hardy) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, First

Revised Sheet No. 145, with an 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 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 May 11, 2007.

Kimberly D. Bose,

Secretary.

[FR Doc. E7–8985 Filed 5–9–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP07–437–000]

Kern River Gas Transmission Company; Notice of Proposed Changes in FERC Gas Tariff

May 4, 2007.

Take notice that on May 1, 2007, Kern River Gas Transmission Company (Kern River) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the tariff sheets listed on Appendix A to the filing, to be effective June 1, 2007.

Kern River states that it has served a copy of this filing upon its customers and interested state regulatory commissions.

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 § 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.

Kimberly D. Bose,

Secretary.

[FR Doc. E7–8982 Filed 5–9–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP07–232–000]

Louisville Gas and Electric Company; Notice of Application

May 4, 2007.

Take notice that on April 27, 2007, Louisville Gas and Electric Company (LG&E), 220 West Main Street, Louisville, Kentucky, filed an application in Docket No. CP07–232–000 pursuant to section 7(f) of the Natural Gas Act (NGA) and Part 157 of the Federal Energy Regulatory Commission's (Commission) regulations requesting the determination of a service area within which LG&E may, without further commission authorization, enlarge or expand its natural gas distribution facilities. LG&E also requests: (1) A finding that LG&E qualifies for treatment as a local distribution company for the purposes of transportation under Section 311 of the Natural Gas Policy Act; (2) confirmation that LG&E can continue to hold its currently effective Part 284 blanket certificate authorizing it to provide natural gas storage service in interstate commerce at market-based rates; (3) confirmation that LG&E may continue to make off-system sales in support of its LDC operations; and (4) waiver of the Commission's accounting, reporting, and other regulatory requirements ordinarily applicable to natural gas companies under the NGA, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

This filing is available for review at the Commission in the Public Reference Room 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, contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or Telephone: 202–502–6652; Toll-free: 1–866–208–3676; or for TTY, contact (202) 502–8659.

Any initial questions regarding this application should be directed to Elizabeth L. Cocanaugher, Senior Corporate Attorney, Louisville Gas and Electric Company, 220 West Main Street, Louisville, KY 40202, phone (502) 627–4850, fax (502) 627–3367, and e-mail *beth.cocanaugher@eon-us.com.*

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.

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 proceeding for this project should, on or before the comment date stated below, 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 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. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the applicant. 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.

The Commission strongly encourages electronic filings of comments, protests, and interventions 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: May 25, 2007.

Kimberly D. Bose,

Secretary.

[FR Doc. E7–8969 Filed 5–9–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP07–423–000]

National Fuel Gas Supply Corporation; Notice of Proposed Changes in FERC Gas Tariff

May 3, 2007.

Take notice that on April 30, 2007, National Fuel Gas Supply Corporation (National) tendered for filing as part of its FERC Gas Tariff, Fourth Revised Volume No. 1, 101st Revised Sheet No. 9, to become effective May 1, 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.

Kimberly D. Bose,

Secretary.

[FR Doc. E7–8930 Filed 5–9–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–176–134]

Natural Gas Pipeline Company of America; Notice of Tariff Filing and Negotiated Rate

May 4, 2007.

Take notice that on April 30, 2007, Natural Gas Pipeline Company of America (Natural) tendered for filing as part of its FERC Gas Tariff, Sixth Revised Volume No. 1, the following tariff sheets, to become effective June 1, 2007:

Second Revised Sheet No. 26N
Second Revised Sheet No. 414A
Fifth Revised Sheet No. 414A.01
First Revised Sheet No. 414A.02
Original Sheet No. 414A.11

Natural also tendered for filing the related Transportation Rate Schedule FTS Agreement with a Negotiated Rate Exhibit (Agreement).

Natural states that copies of the filing are being mailed to all parties set out on the Commission's 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 § 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.

Kimberly D. Bose,

Secretary.

[FR Doc. E7–8964 Filed 5–9–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP07–424–000]

Northern Natural Gas Company; Notice of Proposed Changes in FERC Gas Tariff

May 3, 2007.

Take notice that on May 1, 2007 Northern Natural Gas Company (Northern) tendered for filing as part of its FERC Gas Tariff, Fifth Revised Volume No. 1, the following tariff sheets, to become effective November 1, 2007:

27 Revised Sheet No. 54
25 Revised Sheet No. 63
24 Revised Sheet No. 64

Northern further states that copies of the filing have been mailed to each of its customers and interested state commissions.

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 § 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.

Kimberly D. Bose,

Secretary.

[FR Doc. E7–8931 Filed 5–9–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP07–425–000]

Northern Natural Gas Company; Notice of Proposed Changes in FERC Gas Tariff

May 3, 2007.

Take notice that on May 1, 2007, Northern Natural Gas Company (Northern), tendered for filing as part of its FERC Gas Tariff, Fifth Revised Volume No. 1, the following tariff sheets, with an effective date of June 1, 2007:

Fourth Revised Sheet No. 203
Third Revised Sheet No. 206A
Sixth Revised Sheet No. 281
Original Sheet No. 281A
Original Sheet No. 281B

Northern further states that copies of the filing have been mailed to each of its customers and interested State Commissions.

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 § 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.

Kimberly D. Bose,

Secretary.

[FR Doc. E7–8932 Filed 5–9–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP06–416–002]

Northwest Pipeline Corporation; Notice of Compliance Filing

May 4, 2007.

Take notice that on April 27, 2007, Northwest Pipeline Corporation (Northwest) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, Substitute Sixteenth Revised Sheet No. 7, to be effective March 1, 2007.

Northwest states that copies of the filing were served on parties on the official service list in the above-captioned proceeding.

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 May 11, 2007.

Kimberly D. Bose,

Secretary.

[FR Doc. E7–8966 Filed 5–9–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP06–45–004]

Northwest Pipeline Corporation; Notice of Compliance Filing

May 4, 2007.

Take notice that on April 26, 2007, Northwest Pipeline Corporation (Northwest) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, the following tariff sheets, to be effective as of the date Northwest's Parachute Lateral facilities are placed into service:

Substitute Tenth Revised Sheet No. 1
2nd Substitute Thirty-Second Revised Sheet No. 5
Substitute Fourth Revised Sheet No. 5–B
2nd Substitute Seventh Revised Sheet No. 5–C
2nd Substitute Second Revised Sheet No. 5–D

Northwest states that the purpose of this filing is to submit substitute tariff sheets in Docket No. CP06–45 reflecting rates filed by Northwest in Docket No. RP06–416–002.

Northwest states that copies of the filing were served on parties on the official service list in the above-captioned proceeding.

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 May 11, 2007.

Kimberly D. Bose,

Secretary.

[FR Doc. E7–8967 Filed 5–9–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP06–200–025]

Rockies Express Pipeline LLC; Notice of Tariff Filing and Negotiated Rate

May 3, 2007.

Take notice that on April 30, 2007, Rockies Express Pipeline LLC (REX) tendered for filing as part of its FERC Gas Tariff, the following tariff sheets, to be effective May 1, 2007:

Twentieth Revised Sheet No. 22
Ninth Revised Sheet No. 24

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.

Kimberly D. Bose,

Secretary.

[FR Doc. E7–8926 Filed 5–9–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP07–419–000]

Southern Natural Gas Company; Notice of Proposed Changes in FERC Gas Tariff

May 3, 2007.

Take notice that on April 30, 2007, Southern Natural Gas Company (Southern) tendered for filing as part of its FERC Gas Tariff, First Revised volume No. 1, the following tariff sheets, with an effective date of June 1, 2007:

Sixteenth Revised Sheet No. 2
Third Revised Sheet No. 102
Fifth Revised Sheet No. 160
Fifth Revised Sheet No. 161
Seventh Revised Sheet No. 188
Second Revised Sheet No. 297A
Second Revised Sheet No. 302
Second Revised Sheet No. 364
Second Revised Sheet No. 368A

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.

Kimberly D. Bose,

Secretary.

[FR Doc. E7–8927 Filed 5–9–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP07–440–000]

Southern Natural Gas Company; Notice of Fuel Sharing Refund Report

May 4, 2007.

Take notice that on April 30, 2007, Southern Natural Gas Company (Southern) tendered for filing a refund report showing that there are no refunds to be distributed in 2007 pursuant to Section 35 (Fuel Sharing Mechanism) of the General Terms and Conditions of Southern's tariff for the period March 1, 2006–February 28, 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 § 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.

Comment Date: 5 p.m. Eastern Time May 11, 2007.

Kimberly D. Bose,

Secretary.

[FR Doc. E7–8984 Filed 5–9–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP07–426–000]

Stingray Pipeline Company, L.L.C.; Notice of Proposed Changes in FERC Gas Tariff

May 3, 2007.

Take notice that on April 30, 2007, Stingray Pipeline Company, L.L.C. (Stingray) tendered for filing with as part of Stingray's FERC Gas Tariff, Third Revised Volume No. 1, First Revised Sheet No. 208, with an effective date of May 1, 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 § 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.

Kimberly D. Bose,

Secretary.

[FR Doc. E7–8933 Filed 5–9–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP07–431–000]

Williston Basin Interstate Pipeline Company; Notice of Proposed Changes in FERC Gas Tariff

May 4, 2007.

Take notice that on May 1, 2007, Williston Basin Interstate Pipeline Company (Williston Basin) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheets, to become effective June 1, 2007:

Seventh Revised Sheet No. 247
Original Sheet No. 247A
Fifth Revised Sheet No. 323

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 § 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.

Kimberly D. Bose,

Secretary.

[FR Doc. E7–8977 Filed 5–9–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP07–432–000]

Williston Basin Interstate Pipeline Company; Notice of Proposed Changes in FERC Gas Tariff

May 4, 2007.

Take notice that on April 30, 2007, Williston Basin Interstate Pipeline Company (Williston Basin) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following revised tariff sheets to become effective April 30, 2007:

Seventeenth Revised Sheet No. 5
Thirteenth Revised Sheet No. 6
Thirteenth Revised Sheet No. 8
Fifteenth Revised Sheet No. 9

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.

Kimberly D. Bose,

Secretary.

[FR Doc. E7–8978 Filed 5–9–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

May 3, 2007.

Take notice that the Commission received the following electric rate filings

Docket Numbers: ER05–717–006; ER05–721–006; ER04–374–006; ER99–2341–008; ER06–230–003; ER06–1334–003; ER07–277–001.

Applicants: Spring Canyon Energy LLC; Judith Gap Energy LLC; Invenergy TN LLC; Hardee Power Partners Limited; Wolverine Creek Energy LLC; Spindle Hill Energy LLC; and Invenergy Cannon Falls LLC;

Description: Spring Canyon Energy LLC, Judith Gap Energy LLC, and Invenergy TN LLC's et al Notification of change in status under market-based rate authority.

Filed Date: 04/27/2007.

Accession Number: 20070501–0288.

Comment Date: 5 p.m. Eastern Time on Friday, May 18, 2007.

Docket Numbers: ER06–427–006.

Applicants: Mystic Development, LLC.

Description: Electric Refund Report of Mystic Development, LLC in Compliance with Feb. 21, 2007 Letter Order.

Filed Date: 04/17/2007.

Accession Number: 20070417–4003.

Comment Date: 5 p.m. Eastern Time on Tuesday, May 08, 2007.

Docket Numbers: ER07–129–003.

Applicants: Atlantic Path 15, LLC.

Description: Atlantic Path 15 LLC submits First Revised Sheet 16 et al to its FERC Electric Tariff, Original Volume No.1 to reflect the annual update of the Transmission Balancing Account Adjustment to become effective 1/1/07.

Filed Date: 04/30/2007.

Accession Number: 20070502–0303.

Comment Date: 5 p.m. Eastern Time on Monday, May 21, 2007.

Docket Numbers: ER07–700–001.

Applicants: Bangor Hydro-Electric Company.

Description: Bangor Hydro-Electric Company proposes to amend the 4/2/07 filing to include the additional ministerial revisions and to incorporate the tariff revisions.

Filed Date: 04/30/2007.

Accession Number: 20070502–0302.

Comment Date: 5 p.m. Eastern Time on Monday, May 21, 2007.

Docket Numbers: ER07–806–000.

Applicants: New York Independent System Operator, Inc.

Description: New York Independent System Operator, Inc submits proposed revisions to its Market Administration and Control Area Services Tariff.

Filed Date: 04/27/2007.

Accession Number: 20070501–0316.

Comment Date: 5 p.m. Eastern Time on Friday, May 18, 2007.

Docket Numbers: ER07–809–000.

Applicants: Florida Power Corporation.

Description: Florida Power Corp dba Progress Energy Florida, Inc submits a modification of the 8/1/90 Interconnection Agreement for construction of transmission facilities.

Filed Date: 04/27/2007.

Accession Number: 20070501–0317.

Comment Date: 5 p.m. Eastern Time on Friday, May 18, 2007.

Docket Numbers: ER07–810–000.

Applicants: Grays Harbor Energy LLC.

Description: Grays Harbor Energy LLC submits an application for authorization to make market-based wholesale sales of energy, capacity and ancillary services and its FERC Electric Tariff No. 1.

Filed Date: 04/27/2007.

Accession Number: 20070501–0318.

Comment Date: 5 p.m. Eastern Time on Friday, May 18, 2007.

Docket Numbers: ER07–811–000.

Applicants: Midwest Independent Transmission System Operator, Inc.

Description: Midwest ISO submits the redispatch agreement with East Kentucky Power Cooperative.

Filed Date: 04/30/2007.

Accession Number: 20070501–0319.

Comment Date: 5 p.m. Eastern Time on Monday, May 21, 2007.

Docket Numbers: ER07–812–000.

Applicants: Pacific Gas and Electric Company.

Description: Pacific Gas and Electric Company submits its Seventeenth Quarterly Filing of Facilities Agreements with City and County of San Francisco. Part 1 of 2.

Filed Date: 04/30/2007.

Accession Number: 20070501–0297.

Comment Date: 5 p.m. Eastern Time on Monday, May 21, 2007.

Docket Numbers: ER07–814–000.

Applicants: Southern California Edison Company.

Description: Southern California Edison Co submits their amended Interconnection Facilities Agreement with Mountainview Power Co LLC designated as Service Agreement No. 6 under its Transmission Owner Tariff, 2nd Rev Vol No. 6.

Filed Date: 04/30/2007.

Accession Number: 20070502–0308.

Comment Date: 5 p.m. Eastern Time on Monday, May 21, 2007.

Docket Numbers: ER07–815–000.

Applicants: Midwest Independent Transmission System Operator, Inc.

Description: Midwest ISO submits an Amended and Restated Facilities Construction Agreement among Lousiville Gas and Electric Company and Kentucky Utilities Company.

Filed Date: 04/30/2007.

Accession Number: 20070502–0307.

Comment Date: 5 p.m. Eastern Time on Monday, May 21, 2007.

Docket Numbers: ER07–816–000.

Applicants: Tampa Electric Company.

Description: Tampa Electric Co submits Fifth Revised Sheet Nos. 41 and 59 for inclusion in their open access transmission tariff under Service Schedule B etc, effective 5/1/07.

Filed Date: 04/30/2007.

Accession Number: 20070502–0209.

Comment Date: 5 p.m. Eastern Time on Monday, May 21, 2007.

Docket Numbers: ER07–817–000.

Applicants: Entergy Services, Inc.

Description: Entergy Services, Inc agent for the Entergy Operating Companies submit an executed Second Revised Network Integration Transmission Service Agreement with Cleco Power LLC.

Filed Date: 04/30/2007.

Accession Number: 20070502–0306.

Comment Date: 5 p.m. Eastern Time on Monday, May 21, 2007.

Docket Numbers: ER07–818–000.

Applicants: Indeck-Olean Limited Partnership.

Description: Indeck-Olean Limited Partnership submits a filing to revise its market-based rate authority tariff.

Filed Date: 04/30/2007.

Accession Number: 20070502–0305.

Comment Date: 5 p.m. Eastern Time on Monday, May 21, 2007.

Docket Numbers: ER07–819–000.

Applicants: Tampa Electric Company.

Description: Tampa Electric Company submits revised schedule sheets for inclusion in the rate schedules comprising their Agreements to Provide Qualifying Facility Transmission Service with Mosaic Fertilizer LLC *et al.*

Filed Date: 04/30/2007.

Accession Number: 20070502–0304.

Comment Date: 5 p.m. Eastern Time on Monday, May 21, 2007.

Any person desiring to intervene or to protest in any of the above proceedings

must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St. NE., Washington, DC 20426.

The filings in the above proceedings are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed dockets(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Kimberly D. Bose,

Secretary.

[FR Doc. E7–8963 Filed 5–9–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2219–020—Utah]

Garkane Energy Cooperative, Inc.; Notice of Availability of Final Environmental Assessment

May 4, 2007.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR Part 380 (Order No. 486, 52 FR 47897), the Office of Energy Projects has reviewed the application for new license for the Boulder Creek Hydroelectric Project, located on Boulder Creek in Garfield County, Utah, and has prepared a final Environmental Assessment (EA) for the project. The project occupies 29.59 acres of Federal land, administered by the U.S. Forest Service as part of the Dixie National Forest.

The final EA contains the staff's analysis of the potential environmental impacts of the project and concludes that issuing a new license for the project, with appropriate environmental protective measures, would not constitute a major federal action that would significantly affect the quality of the human environment.

A copy of the final EA is available for review at the Commission in the Public Reference Room 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, contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at 1–866–208–3676, or for TTY, (202) 502–8659.

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, contact FERC Online Support.

For further information, contact Dianne Rodman at (202) 502–6077.

Kimberly D. Bose,

Secretary.

[FR Doc. E7–8972 Filed 5–9–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 12790–000]

Pomperaug Hydro; Notice of Application Accepted for Filing and Soliciting Motions To Intervene, Protests, and Comments

May 4, 2007.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 12790–000.

c. *Date filed:* March 29, 2007.

d. *Applicant:* Pomperaug Hydro.

e. *Name of Project:* Pomperaug Hydro Project.

f. *Location:* The project would be located on the Pomperaug River, in Litchfield County, Connecticut.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contacts:* Mr. Andrew Peklo III/Abby R. Peklo, 29 Pomperaug Road, Woodbury, CT 06798, (203) 263–4566.

i. *FERC Contact:* Etta Foster, (202) 502–8769.

j. *Deadline for filing comments, protests, and motions to intervene:* 60 days from the issuance date of this notice.

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 in 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.

k. *Description of Project:* The proposed project would consist of: (1) An existing 15-foot-high, 90-foot-long dam; (2) an impoundment of approximately 3 acres, with an average depth of 3-feet, a storage capacity of approximately 9 acre-feet, and 227-feet above mean sea level; (3) a 40-foot-long penstock; (4) a spillway; (5) a powerhouse containing 1–2 generating units with an installed capacity between 8–75 kW; (6) a transmission line approximately 30-foot-long, and (7) appurtenant facilities. The project would have an estimated average annual generation of 300,000 kilowatt-hours.

l. *Locations of Applications:* A copy of the application is available for inspection and reproduction at the

Commission in the 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. For assistance, call toll-free 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. *Competing Preliminary Permit:* Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30(b) and 4.36.

o. *Competing Development Application:* Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b) and 4.36.

p. *Notice of Intent:* A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

q. *Proposed Scope of Studies under Permit:* A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

r. *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, 385.211, 385.214. 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.

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 ''e-filing'' link. The Commission strongly encourages electronic filing.

s. *Filing and Service of Responsive Documents:* Any filings must bear in all capital letters the title ''COMMENTS'', ''RECOMMENDATIONS FOR TERMS AND CONDITIONS'', ''PROTEST'',''COMPETING APPLICATION'' OR ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

t. *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.

Kimberly D. Bose,

Secretary.

[FR Doc. E7–8971 Filed 5–9–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. RM05–17–000; RM05–25–000]

Preventing Undue Discrimination and Preference in Transmission Service; Supplemental Notice of Technical Conferences

May 4, 2007.

On April 6, 2007, the Commission issued a notice scheduling staff technical conferences in the above-captioned proceeding. The Commission hereby supplements that notice with additional information regarding the technical conferences.

As stated in the April 6 notice, these technical conferences will review and discuss the ''strawman'' proposals regarding processes for transmission planning required by the Final Rule issued in this proceeding on February 16, 2007.[1] Each transmission provider will be responsible for presenting its ''strawman'' proposal on the day identified in the attached schedule. To the extent transmission providers have collaborated in the development of their ''strawman'' proposals, they may combine the presentation of those proposals. Following the presentations in each subregion, opportunity will be provided for comment and input from stakeholders and other interested parties. All aspects of a transmission provider's ''strawman'' proposal will be open for discussion.

Commission staff is in the process of identifying panelists to represent transmission providers and interested parties at each technical conference. Please contact the staff identified below if you are interested in participating as a panelist.[2] Once panelists have been identified, a further notice with a more detailed agenda for each conference will be issued. In the event a transmission provider or interested party is uncertain as to which technical conference is

[1] *Preventing Undue Discrimination and Preference in Transmission Service*, Order No. 890, 72 FR 12266 (March 15, 2007), FERC Stats. & Regs. ¶ 31,241 at P 443 (2007), *reh'g pending.*

[2] A/V equipment will be available for panelists wishing to use PowerPoint or similar presentations.

relevant, such persons should contact staff in advance to discuss the matter.

For further information about these conferences, please contact:

W. Mason Emnett, Office of the General Counsel—Energy Markets, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, (202) 502–6540, *Mason.Emnett@ferc.gov.*

Daniel Hedberg, Office of Energy Markets and Reliability, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, (202) 502–6243, *Daniel.Hedberg@ferc.gov.*

Kimberly D. Bose,

Secretary.

[FR Doc. E7–8973 Filed 5–9–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Commission Staff Attendance at Midwest Iso-Related Meetings

May 3, 2007.

The Federal Energy Regulatory Commission hereby gives notice that members of the Commission and Commission staff may attend the following Midwest ISO-related meetings:

- Reliability First and Midwest Reliability Organization Resource Adequacy Conference (9 a.m.–4:30 p.m., ET)
  - May 10, 2007.

  Marriott Downtown Indianapolis, 350 West Maryland Street, Indianapolis, Indiana.
- Midwest ISO Supply Adequacy Working Group/OMS Resource Adequacy Working Group (1 p.m.–5 p.m., ET)
  - May 17, 2007.

  Lakeside Conference Center, 630 West Carmel Drive, Carmel, IN 46032.

Further information may be found at *http://www.midwestiso.org* and *http://www.rfirst.org.*

The discussions at each of the meetings described above may address matters at issue in the following proceedings:

Docket No. ER02–2595, *Midwest Independent Transmission System Operator, Inc.*

Docket No. ER04–375, *Midwest Independent Transmission System Operator, Inc.*

Docket No. ER04–458, *Midwest Independent Transmission System Operator, Inc.*

Docket Nos. ER04–691 and ER04–106, *Midwest Independent Transmission System Operator, Inc.*

Docket No. EL04–104, *Public Utilities With Grandfathered Agreements In the Midwest ISO Region*

Docket Nos. ER05–6, EL04–135, EL02–111 and EL03–212, *Midwest Independent Transmission System Operator, Inc.*

Docket No. ER05–752, *Midwest Independent Transmission System Operator, Inc. and PJM Interconnection, L.L.C.*

Docket No. ER05–1083, *Midwest Independent Transmission System Operator, Inc.*

Docket No. ER05–1085, *Midwest Independent Transmission System Operator, Inc.*

Docket No. ER05–1138, *Midwest Independent Transmission System Operator, Inc.*

Docket No. ER05–1201, *Midwest Independent Transmission System Operator, Inc.*

Docket No. ER05–1230, *Midwest Independent Transmission System Operator, Inc.*

Docket No. EL05–103, *Northern Indiana Power Service Co.* v. *Midwest Independent Transmission System Operator, Inc. and PJM Interconnection, L.L.C.*

Docket No. EL05–128, *Quest Energy, L.L.C.* v. *Midwest Independent Transmission System Operator, Inc.*

Docket No. ER06–18, *Midwest Independent Transmission System Operator, Inc.*

Docket No. ER06–27, *Midwest Independent Transmission System Operator, Inc.*

Docket Nos. EC06–4 and ER06–20, *E.ON U.S., LLC*

Docket No. ER06–1308, *Midwest Independent Transmission System Operator, Inc.*

Docket Nos. ER06–360, ER06–360, ER06–361, ER06–362, ER06–363, ER06–372 and ER06–373, *Midwest Independent Transmission System Operator, Inc.*

Docket No. ER06–356, *Midwest Independent Transmission System Operator, Inc.*

Docket No. ER06–532, *Midwest Independent Transmission System Operator, Inc.*

Docket No. ER06–313, *Midwest Independent Transmission System Operator, Inc.*

Docket No. EL06–31, *Midwest Independent Transmission System Operator, Inc.*

Docket No. EL06–49, *Midwest Independent Transmission Systemerator, Inc.*

Docket No. ER06–56, *Midwest Independent Transmission System Operator, Inc.*

Docket No. ER07–478, *Midwest Independent Transmission System Operator, Inc.*

Docket No. ER07–550, *Midwest Independent Transmission System Operator, Inc.*

Docket No. ER07–701, *Midwest Independent Transmission System Operator, Inc.*

These meetings are open to the public.

For more information, contact Patrick Clarey, Office of Energy Markets and Reliability, Federal Energy Regulatory Commission at (317) 249–5937 or *patrick.clarey@ferc.gov*, or Christopher Miller, Office of Energy Markets and Reliability, Federal Energy Regulatory Commission at (317) 249–5936 or *christopher.miller@ferc.gov*.

Kimberly D. Bose,

Secretary.

[FR Doc. E7–8935 Filed 5–9–07; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[AMS–FRL–8311–3]

California State Motor Vehicle Pollution Control Standards; Request for Waiver of Federal Preemption; Opportunity for Public Hearing

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice announcing an additional hearing and hearing locations.

SUMMARY: EPA previously announced the opportunity for public hearing and written comment on the California Air Resources Board's request for a waiver of preemption for its Greenhouse Gas Emission (GHG) regulations for passenger cars, light-duty trucks and medium-duty passenger vehicles beginning with the 2009 model year (MY). This previous announcement occurred on April 30, 2007 at 72 FR 21260. By this notice EPA is announcing the location of the May 22, 2007 hearing which commences at 9 a.m. EPA is also announcing an additional hearing, and location, for May 30, 2007 which will commence at 9 a.m. If you wish to present testimony at the May 22, 2007 hearing please follow the directions provided at 72 FR 21260. If you wish to present testimony at the May 30, 2007 hearing please follow the contact directions below.

ADDRESSES: The May 22, 2007 hearing will take place at the EPA Potomac Yard Conference Center, 2777 Crystal Drive—Room S–1204, Arlington, VA 22202. The May 30, 2007 hearing will take place at the Byron Sher Auditorium, Cal/EPA Headquarters, 1001 I Street, Sacramento, CA 95814.

FOR FURTHER INFORMATION CONTACT: If you wish to present testimony at the Sacramento, CA hearing then provide notification by May 23, 2007 to David Dickinson, Compliance and Innovative Strategies Division (6405J), U.S. Environmental Protection Agency, 1200 Pennsylvania Ave, NW., Washington, DC 20460, e-mail address: *Dickinson.David@EPA.GOV*.

Dated: May 4, 2007.

William L. Wehrum,

Acting Assistant Administrator, Office of Air and Radiation.

[FR Doc. E7–9025 Filed 5–9–07; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMNETAL PROTECTION AGENCY

[FRI–8311–8]

Office of Research and Development; Ambient Air Monitoring Reference and Equivalent Methods: Designation of a New Equivalent Method

AGENCY: Environmental Protection Agency.

ACTION: Notice of the designation of a new equivalent method for monitoring ambient air quality.

SUMMARY: Notice is hereby given that the Environmental Protection Agency (EPA) has designated, in accordance with 40 CFR Part 53, a new equivalent method for measuring concentrations of sulfur dioxide (SO_2) in the ambient air.

FOR FURTHER INFORMATION CONTACT: Elizabeth Hunike, Human Exposure and Atmospheric Sciences Division (MD–D205–03), National Exposure Research Laboratory, U.S. EPA, Research Triangle Park, North Carolina 27711. Phone: (919) 541–3737, e-mail: *Hunike.Elizabeth@epa.gov*.

SUPPLEMENTARY INFORMATION: In accordance with regulations at 40 CFR Part 53, the EPA evaluates various methods for monitoring the concentrations of those ambient air pollutants for which EPA has established National Ambient Air Quality Standards (NAAQSs) as set forth in 40 CFR Part 50. Monitoring methods that are determined to meet specific requirements for adequacy are designated by the EPA as either reference methods or equivalent methods (as applicable), thereby permitting their use under 40 CFR Part 58 by States and other agencies for determining attainment of the NAAQSs.

The EPA hereby announces the designation of a new equivalent method for measuring concentrations of sulfur dioxide (SO_2) in the ambient air. This designation is made under the provisions of 40 CFR Part 53, as amended on December 18, 2006 (71 FR 61271).

The new equivalent method is an automated method (analyzer) that utilizes a measurement principle based on ultraviolet fluorescence. The newly designated equivalent SO_2 method is identified as follows:

EQSA–0507–166, ''SIR, S.A. Model S–5001 U.V. Fluorescence SO_2 Analyzer, '' operated with a full-scale measurement range of 0–0.5 ppm, with an integration time setting of 1 minute, and with or without an optional PCMCIA Card or the optional Internal Span permeation oven.

An application for an equivalent method determination for the candidate method based on this SO_2 analyzer was received by the EPA on October 4, 2006. The sampler is commercially available from the applicant, SIR USA, 826 West Braddock Road, Alexandria, VA 22302–3605 or from SIR Spain, Avenida de la Industria, 3; 28760 Tres Cantos (Madrid), Spain.

A test analyzer representative of this method has been tested in accordance with the applicable test procedures specified in 40 CFR Part 53 (as amended on December 18, 2006). After reviewing the results of those tests and other information submitted by the applicant in the application, EPA has determined, in accordance with Part 53, that this method should be designated as an equivalent method. The information submitted by the applicant in the application will be kept on file, either at EPA's National Exposure Research Laboratory, Research Triangle Park North Carolina 27711 or in an approved archive storage facility. That information will be made available for inspection (upon request and with advance notice) to the extent consistent with 40 CFR Part 2 (EPA's regulations implementing the Freedom of Information Act).

As a designated reference or equivalent method, this method is acceptable for use by states and other air monitoring agencies under the requirements of 40 CFR Part 58, Ambient Air Quality Surveillance. For such purposes, the method must be used in strict accordance with the operation or instruction manual associated with the method and subject to any specifications and limitations (*e.g.,* configuration or operational settings) specified in the applicable designation method description (see the identifications of the method above).

Use of the method should also be in general accordance with the guidance and recommendations of applicable sections of the ''Quality Assurance Handbook for Air Pollution measurement Systems, Volume I,'' EPA/600/R–94/038a and ''Quality Assurance Handbook for Air Pollution Measurement Systems, Volume II, Part 1,'' EPA–454/R–98–004 (available at *http://www.epa.gov/ttn/amtic/qabook.html*). Vendor modifications of a designate reference or equivalent method used for purposes of Part 58 are permitted only with prior approval of the EPA, as provided in Part 53. Provisions concerning modification of such methods by users are specified under Section 2.8 (Modifications of Methods by Users) of Appendix C to 40 CFR Part 58.

In general, a method designation applies to any sampler or analyzer which is identical to the sampler or analyzer described in the application for designation. In some cases, similar samplers or analyzers manufactured prior to the designation may be upgraded or converted (*e.g.,* by minor modification or by substitution of the approved operation or instruction manual) so as to be identical to the designated method and thus achieve designated status. The manufacturer should be consulted to determine the feasibility of such upgrading or conversion.

Part 53 requires that sellers of designated reference or equivalent method analyzers or samplers comply with certain conditions. These conditions are specified in 40 CFR 53.9 and are summarized below:

(a) A copy of the approved operation or instruction manual must accompany the sampler or analyzer when it is delivered to the ultimate purchaser.

(b) The sampler or analyzer must not generate any unreasonable hazard to operators or to the environment.

(c) The sampler or analyzer must function within the limits of the applicable performance specifications given in 40 CFR 50 and 53 for at least one year after delivery when maintained and operated in accordance with the operation or instruction manual.

(d) Any sampler or analyzer offered for sale as part of a reference or equivalent method must bear a label or sticker indicating that it as been designated as part of a reference or equivalent method in accordance with Part 53 and showing its designated method identification number.

(e) If such an analyzer has two or ore selectable ranges, the label or sticker must be placed in close proximity to the range selector and indicator which range or ranges have been included in the reference or equivalent method designation.

(f) An applicant who offers samplers or analyzers for sale as part of a reference or equivalent method is required to maintain a list of ultimate purchasers of such samplers or analyzers and to notify them within 30 days if a reference or equivalent method designation applicable to the method has been canceled or if adjustment of the sampler or analyzer is necessary under 40 CFR 53.11(b) to avoid a cancellation.

(g) An applicant who modifies a sampler or analyzer previously designated as part of a reference or equivalent method is not permitted to sell the sampler or analyzer (as modified as part of a reference or equivalent method (although it may be sold without such representation), nor to attach a designation label or sticker to the sampler or analyzer (as modified) under the provisions described above, until the applicant has received notice under 40 CFr Part 53.14(c) that the original designation or a new designation applies to the method as modified, or until the applicant has applied for an received notice under 40 CFR 53.8(b) of a new reference or equivalent method determination for the sampler or analyzer as modified.

Aside from occasional breakdown or malfunctions, consistent or repeated noncompliance with any of these conditions should be reported to: Director, Human Exposure and Atmospheric Sciences Division (MD–E205–01), National Exposure Research Laboratory, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

Designation of this new equivalent method is intended to assist the States in establishing and operating their air quality surveillance systems under 40 CFR Part 58. Questions concerning the commercial availability or technical aspects of the method should be directed to the applicant.

Jewel F. Morris,

Acting Director, National Exposure Research Laboratory.

[FR Doc. 07–2317 Filed 5–9–07; 8:45 am]

BILLING CODE 6560–50–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–8312–3]

Establishment of the Adaptation for Climate-Sensitive Ecosystems and Resources Advisory Committee (ACSERAC)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; establishment of a Federal Advisory Committee.

SUMMARY: As required by section 9(a)(2) of the Federal Advisory Committee Act, we are giving notice that EPA is establishing the Adaptation for Climate-Sensitive Ecosystems and Resources Advisory Committee (ACSERAC). The purpose of this Committee is to provide advice on the conduct of a study titled ''Preliminary Review of Adaptation Options for Climate-Sensitive Ecosystems and Resources'' to be conducted as part of the U.S. Climate Change Science Program (CCSP). This assessment is part of a comprehensive set of assessments identified by the CCSP's Strategic Plan for the Climate Change Science Program. ACSERAC will advise on the specific issues that should be addressed in the assessment, appropriate technical approaches, the type and usefulness of information to decision makers, the content of the final assessment report, compliance with the Information Quality Act, and other matters important to the successful achievement of the objectives of the study. EPA has determined that this federal advisory committee is in the public interest and will assist the Agency in performing its duties under the Clean Water Act, Clean Air Act, and the Global Climate Protection Act. The draft prospectus for the study is on the CCSP Web site at *http://www.climatescience.gov/Library/sap/sap4-4/sap4-4prospectus-final.htm.* Copies of the Committee Charter will be filed with the appropriate congressional committees and the Library of Congress.

FOR FURTHER INFORMATION CONTACT: Joanna Foellmer (8601D), National Center for Environmental Assessment, Immediate Office, Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, Telephone number: (202) 564–3208, E-mail address: *Foellmer.joanna@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Information About the Document

A copy of the Committee Charter is available at *http://www.fido.gov/facadatabase/* after the Committee Charter is filed with Congress. This usually takes up to 25 days from the date of the **Federal Register** notice. The purpose of the Committee is to provide advice on the conduct of the study titled Preliminary Review of Adaptation Options for Climate-Sensitive Ecosystems and Resources to be conducted as part of the U.S. Climate Change Science Program (CCSP). This study will focus on adaptation to anticipated impacts of climate change on federally owned and managed lands and waters. Within the context of the assessment's prospectus, ACSERAC will advise on the specific issues to be addressed, appropriate technical approaches, the usefulness of information to decision makers, the quality and accurateness of the content of the final assessment report, compliance with the Information Quality Act, and other matters important to the successful achievement of the objectives of the study The draft prospectus for this study is available at: *http://www.climatescience.gov/Library/sap/sap4-4/sap4-4prospectus-final.htm.* ACSERAC is expected to meet twice in 2007: Once in a face-to-face meeting in the Washington, DC area and a second time via conference call.

Membership: Nominations for membership on the ACSERAC were solicited through the **Federal Register**. In selecting members, EPA will consider the necessary areas of technical expertise, different scientific perspectives within each technical discipline, and the collective breadth of experience needed to address the Agency's charge.

Dated: March 22, 2007

George Gray,

Assistant Administrator, Office of Research and Development.

[FR Doc. E7–9024 Filed 5–9–07; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–8312–4]

Establishment of the Human Impacts of Climate Change Advisory Committee (HICCAC)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of establishment of a Federal Advisory Committee.

SUMMARY: As required by section 9(a)(2) of the Federal Advisory Committee Act, we are giving notice that EPA is establishing the Human Impacts of Climate Change Advisory Committee (HICCAC). The purpose of this

Committee is to provide advice on the conduct of a study titled ''Analyses of the effects of global change on human health and welfare and human systems'' to be conducted as part of the U.S. Climate Change Science Program (CCSP). This assessment is part of a comprehensive set of assessments identified in the CCSP's Strategic Plan. HICCAC will advise on the specific issues that should be addressed in the assessment, appropriate technical approaches, the nature of information relevant to decision makers, the content of the assessment report, and other scientific and technical matters that may be found to be important to the successful completion of the study. EPA has determined that this federal advisory committee is in the public interest and will assist the Agency in performing its duties under the Clean Water Act, Clean Air Act, and the Global Climate Protection Act. The draft prospectus for the study is on the CCSP Web site at *http://www.climatescience.gov/Library/sap/sap4–6/sap4–6prospectus-final.htm.*

Copies of the Committee Charter will be filed with the appropriate congressional committees and the Library of Congress.

FOR FURTHER INFORMATION CONTACT: Joanna Foellmer (8601D), National Center for Environmental Assessment, Immediate Office, Office of Research and Development, Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Mail Code 8601D; Washington, DC 20460, Telephone number (202) 564–3208, E-mail address: *Foellmer.joanna@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Information About the Document

A copy of the Committee Charter will be available at *http://www.fido.gov/facadatabase/* after the Committee Charter is filed with Congress. This usually takes up to 25 days from the date of the **Federal Register** notice. The purpose of the Committee is to provide advice on the conduct of a study titled ''Analyses of the effects of global change on human health and welfare and human systems'' to be conducted as part of the U.S. Climate Change Science Program (CCSP). This study will give particular attention to the impacts of climate change on human health, human welfare, and human settlements in the United States. Within the context of the assessment's prospectus, HICCAC will advise on the specific issues to be addressed, appropriate technical approaches, the nature of information relevant to decision makers, the content of the final assessment report, compliance with the Information Quality Act, and other matters important to the successful achievement of the objectives of the study. The draft prospectus for this study is available at: *http://www.climatescience.gov/Library/sap/sap4–6/sap4–6prospectus-final.htm.*

HICCAC is expected to meet twice in 2007: once in a face-to-face meeting in the Washington, DC area and a second time via conference call.

Membership: Nominations for membership on the HICCAC were solicited through the **Federal Register**. In selecting members, EPA will consider the necessary areas of technical expertise, different scientific perspectives within each technical discipline, and the collective breadth of experience needed to address the Agency's charge.

Dated: March 22, 2007.

George Gray,

Assistant Administrator, Office of Research and Development.

[FR Doc. E7–9023 Filed 5–9–07; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–8311–5]

Coastal Elevations and Sea Level Rise Advisory Committee Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of meeting.

SUMMARY: Under the Federal Advisory Committee Act (Pub. L. 92–463), EPA gives notice of a public meeting of the Coastal Elevations and Sea Level Rise Advisory Committee (CESLAC).

DATES: The meeting will be held on Friday, June 8, 2007, from 8:30 a.m. until 3 p.m. Registration will begin at 7:30 a.m.

ADDRESSES: The meeting will be held at the Renaissance Portsmouth Hotel & Conference Center, 425 Water Street, Portsmouth, Virginia 23704.

FOR FURTHER INFORMATION CONTACT: Jack Fitzgerald, Designated Federal Officer, Climate Change Division, Mail Code 6207J, Office of Atmospheric Programs, Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; e-mail address: *Fitzgerald.jack@epa.gov*, telephone number (202) 343–9336, fax: (202) 343–2337.

SUPPLEMENTARY INFORMATION: The purpose of CESLAC is to provide advice on the conduct of a study titled *Coastal Elevations and Sensitivity to Sea Level Rise* which is being conducted as part of the U.S. Climate Change Science Program (CCSP). The study pays particular attention to the coastal area of the U.S. from the state of New York through North Carolina. A copy of the study prospectus is available at *http://www.climatescience.gov/Library/sap/sap4–1/default.php.* A copy of the Committee Charter is available at *http://www.fido.gov/facadatabase/.* This is the second meeting of CESLAC. The meeting will focus on consideration of a draft of the study. The agenda will include presentations on, and discussions of, the material prepared to address the four key questions addressed by the study and, to a lesser extent, the five supplemental questions addressed by the study. Interested individuals should refer to the study prospectus for information on these questions. One hour of the meeting will be allocated for statements by members of the public. Individuals who are interested in making statements should inform Jack Fitzgerald of their interest by Tuesday, May 29, and provide a copy of their statements for the record. Individuals will be scheduled in the order that their statements of intent to present are received. A minimum of three minutes will be provided for each statement. The maximum amount of time will depend on the number of statements to be made. All statements, regardless of whether there is sufficient time to present them orally, will be included in the record and considered by the committee. For information on access or services for individuals with disabilities, please contact Jack Fitzgerald at either the phone number or e-mail address provided under **FOR FURTHER INFORMATION CONTACT**. To request accommodation of a disability, please also contact Jack Fitzgerald, preferably at least ten days prior to the meeting, to give EPA as much time as possible to process your request.

Dated: May 3, 2007.

Jack Fitzgerald,

Designated Federal Officer.

[FR Doc. E7–9016 Filed 5–9–07; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–8312–1; Docket ID No. EPA–HQ–ORD–2007–0198]

Draft EPA's 2007 Report on the Environment: Science Report

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Public Comment Period.

SUMMARY: EPA is announcing a 45-day public comment period for the draft document titled, ''EPA's 2007 Report on the Environment: Science Report'' (ROE SR) (EPA/600/R–07/045). This public comment period is to precede the formal, public, scientific peer review of the draft document by EPA's Science Advisory Board (SAB) on July 10–12, 2007. Notice of the SAB review will be provided via a separate **Federal Register** Notice.

The draft ''EPA's 2007 Report on the Environment: Science Report'' was prepared by EPA Program and Regional Offices, the Office of Research and Development (ORD), the Office of Environmental Information (OEI), the Office of Policy Economics and Innovation (OPEI), and the Office of the Chief Financial Officer (OCFO), with coordination by the National Center for Environmental Assessment within EPA's ORD.

EPA is releasing this draft document solely for the purpose of pre-dissemination peer review under applicable information quality guidelines. This document has not been formally disseminated by EPA. It does not represent and should not be construed to represent any Agency policy or determination. EPA will consider any public comments submitted in accordance with this notice when revising the document.

DATES: The 45-day public comment period begins May 10, 2007, and ends June 25, 2007. Technical comments should be in writing and must be received by EPA by June 25, 2007.

ADDRESSES: The draft ''EPA's 2007 Report on the Environment: Science Report'' is available primarily via the Internet on the National Center for Environmental Assessment's home page under the Recent Additions and the Data and Publications menus at *http://www.epa.gov/ncea*. A limited number of CDs or paper copies are available from the Technical Information Staff, NCEA–W; *telephone*: 202–564–3261; *facsimile*: 202–565–0050. If you are requesting a CD or paper copy, please provide your name, your mailing address, and the document title, ''EPA's 2007 Report on the Environment: Science Report.''

Comments may be submitted electronically via *http://www.regulations.gov*, by mail, by facsimile, or by hand delivery/courier. Please follow the detailed instructions provided in the **SUPPLEMENTARY INFORMATION** section of this notice.

FOR FURTHER INFORMATION CONTACT: For information on the public comment period, contact the Office of Environmental Information Docket; *telephone*: 202–566–1752; *facsimile*: 202–566–1753; or *e-mail*: *ORD.Docket@epa.gov*.

For technical information, contact Denice Shaw, NCEA; *telephone*: 202–564–3234; *facsimile*: 202–565–0065; or *e-mail*: *shaw.denice@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. Information About the Project/Document

The purpose of EPA's Report on the Environment: Science Report (ROE SR) is to compile the most reliable indicators currently available that help answer a series of questions about trends in the environment and human health that EPA believes are of critical importance to its mission and to the national interest. Additionally, the report identifies key limitations of these indicators and gaps where reliable indicators do not yet exist. These gaps and limitations inform strategic planning and decision making at EPA and highlight the disparity between the current state of knowledge and the goal of full, reliable, and insightful representation of environmental conditions and trends.

The indicators for EPA's 2007 ROE SR that comprise the main content of the report underwent independent scientific peer review as well as public review and comment in the summer and fall of 2005 and are available at *http://www.epa.gov/roeindicators*.

II. How To Submit Technical Comments to the Docket at www.regulations.gov

Submit your comments, identified by Docket ID No. EPA–HQ–ORD 2007–0198, by one of the following methods:

- *www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *E-mail: ORD.Docket@epa.gov.*
- *Fax:* 202–566–1753.
- *Mail:* Office of Environmental Information (OEI) Docket (*Mail Code:* 2822T), U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. The phone number is 202–566–1752.
- Hand Delivery: The OEI Docket is located in the EPA Headquarters Docket Center, Room 3334 EPA West Building, 1301 Constitution Ave., 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 Public Reading Room is 202–566–1744. Such deliveries are only accepted during the docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

If you provide comments by mail or hand delivery, please submit three copies of the comments. For attachments, provide an index, number pages consecutively with the comments, and submit an unbound original and three copies.

Instructions: Direct your comments to Docket ID No. EPA–HQ–ORD–2007–0198. Please ensure that your comments are submitted within the specified comment period. Comments received after the closing date will be marked ''late,'' and may only be considered if time permits. It is EPA's policy to include all comments it receives in the public docket without change and to make the comments available online at *http://www.regulations.gov*, including any personal information provided, unless a comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or e-mail. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through *www.regulations.gov*, your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm*.

Docket: Documents in the docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other materials, such as copyrighted material, are publicly available only in hard copy. Publicly available docket materials are available either electronically in *http://www.regulations.gov* or in hard copy at

the OEI Docket in the EPA Headquarters Docket Center.

Dated: May 4, 2007.

Peter W. Preuss,

Director, National Center for Environmental Assessment.

[FR Doc. E7–9022 Filed 5–9–07; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–8311–9]

Correction to the Spring 2007 Regulatory Agenda

AGENCY: Environmental Protection Agency (EPA).

ACTION: Correction.

SUMMARY: On Monday, April 30, 2007, the Regulatory Agenda of the Federal Regulatory and Deregulatory Actions for the Environmental Protection Agency was published in the **Federal Register** (72 FR 23156). The regulatory agenda entry for sequence number 2750, ''Action on Petition to List Diesel Exhaust as a Hazardous Air Pollutant,'' contains erroneous information. This notice corrects the information that was published in the **Federal Register** (72 FR 23191) under the heading of Abstract.

FOR FURTHER INFORMATION CONTACT: Jaime Pagan, Office of Air Quality Planning and Standards, Office of Air and Radiation, Environmental Protection Agency (C304–01), Research Triangle Park, NC 27711; telephone number: (919) 541–5340; fax number: (919) 541–5450; e-mail address: *pagan.jaime@epa.gov.*

SUPPLEMENTARY INFORMATION: The Environmental Protection Agency (EPA) publishes the semiannual regulatory agenda to update the public about:

- Regulations and major policies currently under development;
- Reviews of existing regulations and major policies; and
- Rules and major policymakings completed or canceled since the last Agenda.

The regulatory agenda entry in the proposed rule section for sequence number 2750, ''Action on Petition to List Diesel Exhaust as a Hazardous Air Pollutant'' (72 FR 23191) contains erroneous information. The Agency did not intend to announce a decision to deny the petition. This notice corrects the information that was provided under the heading of Abstract for the Action on Petition to List Diesel Exhaust as a Hazardous Air Pollutant. The following agenda item replaces in its entirety the agenda item that was provided in the EPA's Semiannual Regulatory Agenda for sequence number 2750, Action on Petition to List Diesel Exhaust as a Hazardous Air Pollutant:

Priority: Substantive, Nonsignificant.

Legal Authority: Clean Air Act Section 112(b)(3).

CFR Citation: 40 CFR Part 63.

Legal Deadline: Initial Action, Judicial, 5/30/07. As per 12/2005 Consent Decree, extended several times from original date of 6/12/2006. Final, Judicial 6/26/07, as per 12/2005 Consent Decree. Only required if Agency proposes to grant petition.

Abstract: Section 112 of the Clean Air Act contains a mandate for EPA to evaluate and control emissions of HAP from stationary sources. Section 112(b)(1) of the Clean Air Act includes the original list of hazardous air pollutants (HAP). Section 112(b) of the Clean Air Act requires EPA to review the original list periodically and, where appropriate, revise the list by rule. In addition, under section 112(b)(3) of the Clean Air Act, any person may petition EPA to modify the list by adding or deleting one or more substances. On August 11, 2003, Environmental Defense submitted a petition to add diesel exhaust to the list of HAP. EPA is in the process of considering whether the Agency should take further action to address stationary diesel emissions and, if so, what actions may be appropriate. EPA intends to address this petition in the context of this process.

The current deadline for signature of the **Federal Register** notice is May 30, 2007. (Received extension by litigants December 14, 2006; Received another extension by litigants March 14, 2007; Received another extension by litigants April 12, 2007.)

Dated: May 3, 2007.

Brian F. Mannix,

Associate Administrator, Office of Policy, Economics & Innovation.

[FR Doc. E7–9013 Filed 5–9–07; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–8311–7]

Proposed Settlement Under Section 122(h) of the Comprehensive Environmental Response, Compensation and Liability Act Regarding Regarding the Hilliard's Creek Site, the Route 561 Dump Site, and the U.S. Avenue Burn Site, Gibbsboro, New Jersey

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed administrative settlement and opportunity for public comment.

SUMMARY: The United States Environmental Protection (''EPA'') is proposing to enter into an administrative settlement to resolve claims under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (''CERCLA''). In accordance with Section 122(h)(1) of CERCLA, notice is hereby given of a proposed administrative settlement concerning the Hilliard's Creek Site, the Route 561 Dump Site, and the U.S. Avenue Burn Site (collectively referred to as ''the Site''). Section 122(h) of CERCLA provides EPA with the authority to consider, compromise and settle certain claims for costs incurred by the United States. Notice is being published to inform the public of the proposed settlement and of the opportunity to comment.

The Site is located in the Borough of Gibbsboro, Camden County, New Jersey. From 1851 to 1978 a paint and varnish manufacturing facility was operational there. As part of its operations, hazardous substances were generated, stored and utilized. The facility included areas used for unloading raw materials from railroad cars, raw materials tank farms including storage tanks constructed prior to 1908, storage areas for drummed raw materials, an industrial/domestic wastewater treatment and disposal system consisting of six unlined percolation/settling lagoons, an extensive system of pipes for the transport of raw materials, and a drum cleaning area. The mixing and processing of raw materials took place in a number of specialized buildings within the facility. In 1978 Sherwin-Williams shut down the production at the Site.

As a result of these operations and a release or threatened release of hazardous substances, EPA has undertaken response actions at or in connection with the Site under Section 104 of CERCLA, 42 U.S.C. 9604.

Under the terms of the Agreement, Sherwin-Williams will pay a total of $385,000 to reimburse EPA for certain response costs incurred at the Site. In exchange, EPA will grant a covenant not to sue or take administrative action against Sherwin-Williams for reimbursement of past response costs pursuant to Section 107(a) of CERCLA. The Attorney General has approved this settlement.

EPA will consider any comments received during the comment period and may withdraw or withhold consent

to the proposed settlement if comments disclose facts or considerations that indicate the proposed settlement is inappropriate, improper, or inadequate. EPA's response to any comments received will be available for public inspection at the U.S. Environmental Protection Agency, Office of Regional Counsel, 290 Broadway—17th floor, New York, New York 10007–1866. Telephone: (212) 637–3111.

DATES: Comments must be provided by June 11, 2007.

ADDRESSES: Comments should be sent to the U.S. Environmental Protection Agency, Office, of Regional Counsel, 290 Broadway—17th Floor, New York, NY 10007 and should refer to: In the Matter of the Hilliard's Creek Site, the Route 561 Dump Site, and the U.S. Avenue Burn Site, U.S. EPA Index No. CERCLA–02–2006–2026.

FOR FURTHER INFORMATION CONTACT: U.S. Environmental Protection Agency, Office of Regional Counsel, 290 Broadway—17th Floor, New York, NY 10007, (212) 637–3216.

SUPPLEMENTARY INFORMATION: A copy of the proposed administrative settlement, as well as background information relating to the settlement, may be obtained in person or by mail from Carl R. Howard, U.S. Environmental Protection Agency, Office of Regional Counsel, 290 Broadway—16th Floor, New York, NY 10007. Telephone: (212) 637–3216.

Dated: May 1, 2007.

William McCabe,

Acting Director, Emergency and Remedial Response Division, Region 2.

[FR Doc. E7–9014 Filed 5–9–07; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[OW–2007–0064, FRL–8311–2]

U.S. EPA's 2007 National Clean Water Act Recognition Awards: Availability of Application and Nomination Information

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability.

SUMMARY: This Notice of Availability announces the availability of application and nomination information for the U.S. EPA's 2007 Clean Water Act (CWA) Recognition Awards. The awards recognize municipalities and industries for outstanding and innovative technological achievements in wastewater treatment and pollution abatement programs. The awards are intended to educate the public about the contributions wastewater treatment facilities make to clean water; to encourage public support for municipal and industrial efforts in effective wastewater management, biosolids disposal and reuse, and wet weather pollution control; and to recognize communities that use innovative practices to meet CWA permitting requirements.

DATES: Nominations are due to EPA headquarters no later than June 29, 2007.

ADDRESSES: Applications and nomination information can be obtained from the EPA regional offices and our Web site at *http://www.epa.gov/owm/intnet.htm.* If additional help is needed to obtain the required documentation, see contact information below.

FOR FURTHER INFORMATION CONTACT: William Hasselkus, Telephone: (202) 564–0664. Facsimile Number: (202) 501–2396. E-mail: *hasselkus.william@epa.gov.* Also visit the Office of Wastewater Management's Web page at *http://www.epa.gov/owm.*

SUPPLEMENTARY INFORMATION: The Clean Water Act Recognition Awards are authorized by section 501(a) and (e) of the Clean Water Act, and 33 U.S.C. 1361(a) and (e). Applications and nominations for the national awards are recommended by EPA regions. The framework for the annual recognition awards program is established by regulation 40 CFR part 105. State water pollution control agencies and EPA regional offices make recommendations to headquarters for the national awards. The programs and projects being recognized are in compliance with applicable water quality requirements and have a satisfactory record with respect to environmental quality. Municipalities and industries are recognized for their demonstrated creativity and technological achievements in five awards categories as follows:

(1) Outstanding Operations and Maintenance practices at wastewater treatment facilities;

(2) Exemplary Biosolids Management projects, technology/innovation or development activities, research and public acceptance efforts;

(3) Pretreatment Program Excellence;

(4) Storm Water Management Program Excellence; and

(5) Outstanding Combined Sewer Overflow Control Programs.

Dated: May 3, 2007.

Judy Davis,

Deputy Director, Office of Wastewater Management.

[FR Doc. E7–9026 Filed 5–9–07; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collection Requirement Submitted to OMB for Emergency Review and Approval

May 4, 2007.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden, invites the general public and other Federal agencies to take this opportunity to comment on the following information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written Paperwork Reduction Act (PRA) comments should be submitted on or before May 16, 2007. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contacts listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Jasmeet K. Seehra, Office of Management and Budget (OMB), Room 10236 NEOB, Washington, DC 20503, (202) 395–3123, or via fax at (202) 395–5167 or via Internet at *Jasmeet_K._Seehra@omb.eop.gov* and to Cathy Williams, Federal Communications Commission, Room 1–C823, 445 12th Street, SW., Washington, DC. If you would like to

obtain or view a copy of this information collection, you may do so by visiting the FCC PRA Web page at: *http://www.fcc.gov/omd/pra.*

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection(s), contact Cathy Williams at (202) 418–2918 or via the Internet at *PRA@fcc.gov.*

SUPPLEMENTARY INFORMATION: The Commission is requesting emergency OMB processing of this information collection and has requested OMB approval by May 18, 2007.

OMB Control Number: 3060–XXXX.

Title: Section 15.117, Broadcast Receivers.

Form No.: Not applicable.

Type of Review: New collection.

Respondents: Business or other for-profit entities.

Number of Respondents: 10,000 respondents; 100,000 responses.

Estimated Time Per Response: 0.25 hours (15 minutes).

Frequency of Response: One time reporting requirement.

Obligation to Respond: Mandatory.

Total Annual Burden: 25,000 hours.

Total Annual Cost: None.

Nature and Extent of Confidentiality: An assurance of confidentiality is not offered because this information collection does not require the collection of personally identifiable information (PII) from individuals.

Privacy Act Impact Assessment: Not applicable.

Needs and Uses: The Commission is seeking emergency processing of this information collection by May 18, 2007. The Commission adopted on April 25, 2007, a Second Report and Order, In the Matter of Second Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television, MB Docket 03–15, FCC 07–69. The DTV Act amended 47 U.S.C. Section 309(j)(14)(A) to establish a final date of February 17, 2009 set by Congress for the transition from analog to digital television service by full power television broadcasters. In a continuing effort to inform consumers of this impending deadline, the Commission will require sellers at the point-of-sale to alert consumers about analog-only televisions. Consumers using analog-only television equipment will not be able to receive an over-the-air broadcast signal unless they get a digital TV or a box to convert the digital signals to analog or subscribe to pay TV service after February 17, 2009. The Commission adopted 47 CFR 15.117(i) which prohibits the manufacture or import of television receivers that do not contain a digital tuner after March 1, 2007. Because the rule does not prohibit sale of analog-only television equipment from inventory, the Commission decided it is necessary to require retailers and other sellers who choose to continue selling analog-only television equipment to display a sign or label disclosing that analog-only television equipment will not be able to receive over-the-air broadcasting after February 17, 2009. Therefore, the Commission adopted on April 25, 2007, a Second Report and Order, In the Matter of Second Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television, MB Docket 03–15, FCC 07–69. This rulemaking adopted 47 CFR 15.117(k).

47 CFR 15.117(k) states that any person that displays or offers for sale or rent television receiving equipment that is not capable of receiving, decoding and tuning digital signals must place conspicuously and in close proximity to the television broadcast receivers a sign containing, in clear and conspicuous print, the Consumer Alert Disclosure. The text should be in a size of type large enough to be clear, conspicuous and readily legible, consistent with the dimensions of the equipment and the label. The information may be printed on a transparent material and affixed to the screen, if the receiver includes a display, in a manner that is removable by the consumer and does not obscure the picture, or, if the receiver does not include a display, in a prominent location on the device, such as on the top or front of the device, when displayed for sale, or the information in this format may be displayed separately immediately adjacent to each television broadcast receiver offered for sale and clearly associated with the analog-only model to which it pertains. This requirement would also apply to persons who offer for sale or rent television broadcast receivers via direct mail, catalog, or electronic means.

The Consumer Alert Disclosure must contain the following text: ''This television receiver has only an analog broadcast tuner and will require a converter box after February 17, 2009, to receive over-the-air broadcasts with an antenna because of the Nation's transition to digital broadcasting. Analog-only TVs should continue to work as before with cable and satellite TV services, gaming consoles, VCRs, DVD players, and similar products. For more information, call the Federal Communications Commission at 1–888–225–5322 (TTY: 1–888–835–5322) or visit the Commission's digital television website at: *www.dtv.gov.*''

The Commission is requesting emergency OMB approval for the Consumer Alert Disclosure requirement to allow the Commission to implement this important requirement to alert and disclose to consumers information concerning analog-only television broadcast receivers. Please see the **ADDRESSES** section of this **Federal Register** notice, to determine how to obtain a copy of the entire OMB submission. Please look for the title of this collection in our PRA Web site because it has not been assigned an OMB Control Number yet.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. E7–9028 Filed 5–9–07; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL ELECTION COMMISSION

[Notice 2007–11]

Filing Dates for the California Special Election in the 37th Congressional District

AGENCY: Federal Election Commission.

ACTION: Notice of filing dates for special election.

SUMMARY: California has scheduled a special general election on June 26, 2007, to fill the U.S. House of Representatives seat in the Thirty-Seventh Congressional District held by the late Representative Juanita Millender-McDonald. Under California law, a majority winner in a special election is declared elected. Should no candidate achieve a majority vote, a special runoff election will be held on August 21, 2007, among the top vote-getters of each qualified political party, including qualified independent candidates.

Committees participating in the California special elections are required to file pre- and post-election reports. Filing dates for these reports are affected by whether one or two elections are held.

FOR FURTHER INFORMATION CONTACT: Mr. Kevin R. Salley, Information Division, 999 E Street, NW., Washington, DC 20463; Telephone: (202) 694–1100; Toll Free (800) 424–9530.

SUPPLEMENTARY INFORMATION:

Principal Campaign Committees

All principal campaign committees of candidates who participate in the California Special General and Special Runoff Elections shall file a 12-day Pre-General Report on June 14, 2007; a Pre-

Runoff Report on August 9, 2007; and a Post-Runoff Report on September 20, 2007. (See chart below for the closing date for each report.)

If only one election is held, all principal campaign committees of candidates in the Special General Election shall file a 12-day Pre-General Report on June 14, 2007; and a Post-General Report on July 26, 2007. (See chart below for the closing date for each report.)

Unauthorized Committees (PACs and Party Committees)

Political committees filing on a semiannual basis in 2007 are subject to special election reporting if they make previously undisclosed contributions or expenditures in connection with the California Special General or Special Runoff Elections by the close of books for the applicable report(s). (See chart below for the closing date for each report).

Committees filing monthly that support candidates in the California Special General or Special Runoff Election should continue to file according to the monthly reporting schedule.

Disclosure of Electioneering Communications (Individuals and Other Unregistered Organizations)

Federal Election Commission electioneering communications rules govern television and radio communications that refer to a clearly identified federal candidate and are distributed within 60 days prior to a special general election (including a special general runoff). 11 CFR 100.29. See also 2 U.S.C. 434(f). The statute and regulations require, among other things, that individuals and other groups not registered with the FEC who make electioneering communications costing more than $10,000 in the aggregate in a calendar year disclose that activity to the Commission within 24 hours of the distribution of the communication. See 2 U.S.C. 434(f)(1) and 11 CFR 104.20.

The 60-day electioneering communications period in connection with the California Special General runs from April 27, 2007, through June 26, 2007. The 60-day electioneering communications period in connection with the California Special Runoff runs from June 22, 2007, through August 21, 2007.

CALENDAR OF REPORTING DATES FOR CALIFORNIA SPECIAL ELECTION

Report	Close of books [1]	Reg./cert. & overnight mailing deadline	Filing deadline
If *Only* the Special General is Held (06/26/07), Quarterly Filing Committees Involved Must File			
Pre-General	06/06/07	06/11/07	06/14/07
July Quarterly	06/30/07	07/15/07	[2]07/15/07
Post-General	07/16/07	07/26/07	07/26/07
October Quarterly	09/30/07	10/15/07	10/15/07
If *Only* the Special General is Held (06/26/07), Semiannual Filing Committees Involved Must File			
Pre-General	06/06/07	06/11/07	06/14/07
Post-General	07/16/07	07/26/07	07/26/07
Mid-Year	.....	waived	
Year-End	12/31/07	01/31/08	01/31/08
If Two Elections are Held, Quarterly Filing Committees Involved *Only* in the Special General (06/26/07) Must File			
Pre-General	06/06/07	06/11/07	06/14/07
July Quarterly	06/30/07	07/15/07	[2]07/15/07
If Two Elections are Held, Semiannual Filing Committees Involved *Only* in the Special General (06/26/07) Must File			
Pre-General	06/06/07	06/11/07	06/14/07
Mid-Year	06/30/07	07/31/07	07/31/07
Quarterly Filing Committees Involved in the Special General (06/26/07) and Special Runoff (08/21/07) Must File			
Pre-General	06/06/07	06/11/07	06/14/07
Pre-Runoff	08/01/07	08/06/07	08/09/07
Post-Runoff	09/10/07	09/20/07	09/20/07
October Quarterly	09/30/07	10/15/07	10/15/07
Semiannual Filing Committees Involved in the Special General (06/26/07) and Special Runoff (08/21/07) Must File			
Pre-General	06/06/07	06/11/07	06/14/07
Mid-Year	.....	waived	
Pre-Runoff	08/01/07	08/06/07	08/09/07
Post-Runoff	09/10/07	09/20/07	09/20/07
Year-End	12/31/07	01/31/08	01/31/08
Quarterly Filing Committees Involved *Only* in the Special Runoff (08/21/07) Must File			
Pre-Runoff	08/01/07	08/06/07	08/09/07
Post-Runoff	09/10/07	09/20/07	09/20/07
October Quarterly	09/30/07	10/15/07	10/15/07

CALENDAR OF REPORTING DATES FOR CALIFORNIA SPECIAL ELECTION—Continued

Report	Close of books [1]	Reg./cert. & overnight mailing deadline	Filing deadline
Semiannual Filing Committees Involved *Only* in the Special Runoff (08/21/07) Must File			
Mid-Year	.....	waived	
Pre-Runoff	08/01/07	08/06/07	08/09/07
Post-Runoff	09/10/07	09/20/07	09/20/07
Year-End	12/31/07	01/31/08	01/31/08

[1] The period begins with the close of books of the last report filed by the committee. If the committee has filed no previous reports, the period begins with the date of the committee's first activity.
[2] Notice that this deadline falls on a holiday or a weekend. Filing dates are not extended when they fall on nonworking days. Accordingly, reports filed by methods other than Registered, Certified or Overnight Mail, or electronically, must be received before the Commission's close of business on the last business day before the deadline.

Dated: May 3, 2007.

Robert D. Lenhard,

Chairman, Federal Election Commission.

[FR Doc. E7–8955 Filed 5–9–07; 8:45 am]

BILLING CODE 6715–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisition of Shares of Bank or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the office of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than May 24, 2007.

A. Federal Reserve Bank of Chicago (Patrick M. Wilder, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690-1414:

1. Randall R. Schwartz, Orland Park, Illinois; to acquire voting shares of First Personal Financial Corp., Orland Park, Illinois, and thereby indirectly acquire voting shares of First Personal Bank, Orland Park, Illinois.

Board of Governors of the Federal Reserve System, May 4, 2007.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. E7–8909 Filed 5–9–07; 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 June 4, 2007.

A. Federal Reserve Bank of Dallas (W. Arthur Tribble, Vice President) 2200 North Pearl Street, Dallas, Texas 75201-2272:

1. First Texas BHC, Inc., Fort Worth, Texas; to acquire SWB Bancshares, Inc, Fort Worth, Texas, and thereby indirectly acquire S W Financial, Inc., Dover, Delaware, and Southwest Bank, Fort Worth, Texas.

Board of Governors of the Federal Reserve System, May 4, 2007.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. E7–8910 Filed 5–9–07; 8:45 am]

BILLING CODE 6210–01–S

GENERAL SERVICES ADMINISTRATION

Privacy Act of 1974; Privacy Act System of Records

AGENCY: General Services Administration.

ACTION: Notice of proposed system of records.

SUMMARY: The General Services Administration (GSA), Public Buildings Service (PBS) proposes to establish a system of records subject to the Privacy Act of 1974, 5 U.S.C. 552a. The system of records, Electronic Acquisition System (EAS) (GSA/PBS–6), is an electronic procurement system designed to support nationwide PBS acquisition contract preparation, tracking, and reporting. The system ensures that the PBS contracting staff prepares, assembles, and maintains information necessary for efficient and cost effective operation, control, and management of Federal contracting by PBS. The system may include personal information of individuals who engage in contracting activities with PBS.

DATES: The system of records will become effective on June 11, 2007 unless comments received on or before that date result in a contrary determination.

ADDRESSES: Comments should be directed to the EAS Program Manager, Systems Development Division (PGAB), Office of the PBS Chief Information

Officer, General Services Administration, 1800 F Street NW., Washington DC 20405.

FOR FURTHER INFORMATION CONTACT: GSA Privacy Act Officer (CIB), General Services Administration, 1800 F Street NW, Washington, DC 20405; telephone (202) 208–1317.

Dated: May 1, 2007.

Cheryl M. Paige,

Acting Director, Office of Information Management.

GSA/PBS–6

SYSTEM NAME:

Electronic Acquisition System (EAS).

SYSTEM LOCATION:

The system records and documents are maintained at the Enterprise Service Center of the GSA Public Buildings Service (PBS). Contact the EAS System Manager for additional information.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The system maintains information on individuals, as well as businesses, who have made an offer or provided a quote in response to a PBS solicitation or who have entered into a contract with PBS.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system maintains information required throughout the lifecycle of a PBS contract action including information about contracts, proposals and bids, and vendors. The Central Contractor Registry, a Federal government computer system maintained by the Department of Defense, is the sole source for vendor information in EAS. All information received from CCR is originally submitted by the vendor to CCR. In addition to business contact and identification information (address, telephone number, and Taxpayer Identification Number (TIN)), the system includes personal information on individuals who use personal contact and identification information (home address, telephone, e-mail, and fax numbers, and Social Security Number) for business purposes as sole proprietors.

AUTHORITIES FOR MAINTENANCE OF THE SYSTEM:

Office of Federal Procurement Policy Act of 1974 (Pub. L. 93–400), as amended by Pub. L. 96–83, Federal Acquisition Regulation (FAR), General Services Administration Acquisition Manual (GSAM), GSA Order PBS 2120.1.

PURPOSE:

To provide and maintain a system supporting PBS acquisition contract preparation, workflow activities, tracking, and reporting. The system ensures that the PBS staff prepares, assembles, and maintains information necessary for compliance with FAR and GSAM contracting requirements.

ROUTINE USES OF THE SYSTEM RECORDS, INCLUDING CATEGORIES OF USERS AND THEIR PURPOSE FOR USING THE SYSTEM:

System information may be accessed and used by authorized GSA employees and contractors to conduct official duties associated with Federal acquisition. Information from this system may be disclosed as a routine use:

a. In any legal proceeding, where pertinent, to which GSA is a party before a court or administrative body.

b. To a Federal, State, local, or foreign agency responsible for investigating, prosecuting, enforcing, or carrying out a statute, rule, regulation, or order when GSA becomes aware of a violation or potential violation of civil or criminal law or regulation.

c. To duly authorized officials engaged in investigating or settling a grievance, complaint, or appeal filed by an individual who is the subject of the record.

d. To the Office of Personnel Management (OPM), the Office of Management and Budget (OMB), the Government Accountability Office (GAO) or other Federal agency when the information is required for program evaluation purposes.

e. To another Federal agency in connection with the hiring or retention of an employee; the issuance of a security clearance; the reporting of an investigation; clarifying a job; the letting of a contract; or the issuance of a grant, license, or other benefit to the extent that the information is relevant and necessary to a decision.

f. To a Member of Congress or his or her staff on behalf of and at the request of the individual who is the subject of the record.

g. To an expert, consultant, or contractor of GSA in the performance of a Federal duty to which the information is relevant.

h. To the National Archives and Records Administration (NARA) for records management purposes.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF SYSTEM RECORDS:

STORAGE:

System records and documents are electronically stored on servers, tape backups, and/or compact discs.

RETRIEVABILITY:

Records may be retrieved by name and/or other personal identifier or appropriate type of designation.

SAFEGUARDS:

System records are safeguarded in accordance with the requirements of the Privacy Act, the Computer Security Act, and the EAS System Security Plan. Technical, administrative, and personnel security measures are implemented to ensure confidentiality and integrity of the data. Security measures include password protections, assigned roles, and transaction tracking.

RETENTION AND DISPOSAL:

Disposition of records will be according to the National Archives and Records Administration (NARA) guidelines, set forth in the GSA Records Maintenance and Disposition System (OAD P 1820.2A) handbook.

SYSTEM MANAGER AND ADDRESS:

EAS Program Manager, Systems Development Division (PGAB), Office of the PBS Chief Information Officer, General Services Administration, 1800 F Street NW, Washington DC 20405.

NOTIFICATION PROCEDURE:

Individuals may obtain information about their records from the EAS Program Manager at the above address.

RECORD ACCESS PROCEDURES:

Requests from individuals for access to their records should be addressed to the EAS Program Manager. GSA rules for individuals requesting access to their records are published in 41 CFR part 105–64.

CONTESTING RECORD PROCEDURES:

Individuals must contest their record's source data and appeal determinations for correction at the Central Contractor Registry according to CCR rules. Individuals may contest their GSA records' contents and appeal determinations according to GSA rules published in 41 CFR part 105–64.

RECORD SOURCE CATEGORIES:

Information is obtained from the Central Contractor Registry for registered and matched vendors who are offerors or winners of GSA PBS contract actions.

[FR Doc. E7–8947 Filed 5–9–07; 8:45 am]

BILLING CODE 6820–34–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Circulatory System Devices Panel of the Medical Devices Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). The meeting will be open to the public.

Name of Committee: Circulatory System Devices Panel of the Medical Devices Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the agency on FDA's regulatory issues.

Date and Time: The meeting will be held on June 27, 2007, from 8 a.m. to 5 p.m.

Location: Hilton Washington DC North/Gaithersburg, Salons A, B, and C, 620 Perry Pkwy., Gaithersburg, MD.

Contact Person: James Swink, Center for Devices and Radiological Health (HFZ–450), Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850, 240–276–4179, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area), code 3014512625. Please call the Information Line for up-to-date information on this meeting.

Agenda: The committee will discuss, make recommendations, and vote on a premarket approval application, sponsored by CryoCor Inc., for the CryoCor Cryoablation System, which is intended for the treatment of isthmus-dependent atrial flutter in patients 18 years or older.

FDA intends to make background material available to the public no later than 1 business day before the meeting. If FDA is unable to post the background material on its Web site prior to the meeting, the background material will be made publicly available at the location of the advisory committee meeting, and the background material will be posted on FDA's Web site after the meeting. Background material is available at *http://www.fda.gov/ohrms/dockets/ac/acmenu.htm*, click on the year 2007 and scroll down to the appropriate advisory committee link.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person on or before June 13, 2007. Oral presentations from the public will be scheduled for approximately 30 minutes at the beginning of committee deliberations and for approximately 30 minutes near the end of committee deliberations. Those desiring to make formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before June 5, 2007. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by June 6, 2007.

Persons attending FDA's advisory committee meetings are advised that the agency is not responsible for providing access to electrical outlets.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact AnnMarie Williams, Conference Management Staff, at 240–276–8932, at least 7 days in advance of the meeting.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: May 3, 2007.

Randall W. Lutter,

Associate Commissioner for Policy and Planning.

[FR Doc. E7–9054 Filed 5–9–07; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Vaccines and Related Biological Products Advisory Committee; Amendment of Notice

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

The Food and Drug Administration (FDA) is announcing an amendment to the notice of meeting of the Vaccines and Related Biological Products Advisory Committee. This meeting was originally announced in the **Federal Register** of April 16, 2007 (72 FR 19003). The amendment is being made to reflect a change in the *Date and Time*, *Agenda*, and *Procedure* portions of the meeting.

FOR FURTHER INFORMATION CONTACT: Christine Walsh or Denise Royster, Center for Biologics Evaluation and Research (HFM–71), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852, 301–827–0314, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area), code 3014512391.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of April 16, 2007, FDA announced that a meeting of the Vaccines and Related Biological Products Advisory Committee would be held on May 16, 2007, from 9 a.m. to 4:30 p.m. and May 17, 2007, from 8 a.m. to 1 p.m. Changes to the meeting times, agenda, and procedure are as follows:

- The meeting will be held on May 16, 2007, from 8:30 a.m. to 4:45 p.m. and on May 17, 2007, from 9 a.m. to 3:30 p.m.
- In addition to the agenda items listed in the April 16, 2007, meeting notice, on May 16, 2007, in the afternoon session, the committee will hear an update on the influenza strain selection for the 2007 to 2008 influenza season. As stated in the April 16, 2007, meeting notice, FDA intends to make background material available to the public no later than 1 business day before the meeting. If FDA is unable to post the background material on its Web site prior to the meeting, the background material will be made publicly available at the location of the advisory committee meeting, and the background material will be posted on FDA's Web site after the meeting. Background material is available at *http://www.fda.gov/ohrms/dockets/ac/acmenu.htm*, click on the year 2007 and scroll down to the appropriate advisory committee link.
- On May 16, 2007, from 8:30 a.m. to 4:05 p.m. and on May 17, 2007, from 9 a.m. to 3:30 p.m., the meeting is open to the public. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Oral presentations from the public will be scheduled between approximately 11:25 a.m. and 11:55 a.m. and between 3:35 p.m. and 4:05 p.m. on May 16, 2007, and between approximately 12:45 p.m. and 1:15 a.m. on May 17, 2007.
- On May 16, 2007, from 4:05 p.m. to 4:45 p.m., the meeting will be closed to

permit discussion where disclosure would constitute a clearly unwarranted invasion of personal privacy (5 U.S.C. 552b(c)(6)).

There are no other changes to the meeting.

This notice is issued under the Federal Advisory Committee Act (5 U.S.C. app. 2) and 21 CFR part 14, relating to the advisory committees.

Dated: May 7, 2007.

Randall W. Lutter,

Associate Commissioner for Policy and Planning.

[FR Doc. E7–9053 Filed 5–9–07; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 2004D–0440]

Guidance for Industry on Computerized Systems Used in Clinical Investigations; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a guidance for industry entitled ''Computerized Systems Used in Clinical Investigations,'' dated May 2007. This document provides to sponsors, contract research organizations, data management centers, clinical investigators, and institutional review boards, recommendations regarding the use of computerized systems in clinical investigations. Because the source data in source documentation are necessary for the reconstruction and evaluation of the trial to determine the safety and effectiveness of new human and animal drugs, and medical devices, this guidance is intended to assist in ensuring confidence in the reliability, quality, and integrity of electronic source data and source documentation, i.e., electronic records. This guidance supersedes the guidance entitled ''Computerized Systems Used in Clinical Trials,'' dated April 1999; finalizes the draft guidance of the same title dated September 2004; and supplements the guidance for industry entitled ''Part 11, Electronic Records; Electronic Signatures—Scope and Application,'' dated August 2003, and FDA's international harmonization efforts when applying guidance to source data generated at clinical study sites.

DATES: Submit written or electronic comments on agency guidance at any time.

ADDRESSES: Submit written requests for single copies of this guidance to the Office of Critical Path Programs (HF–18), Office of the Commissioner, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857. Send one self-addressed adhesive label to assist that office in processing your requests. Submit phone requests to 800–835–4709 or 301–827–1800. Submit written comments on the guidance to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Submit electronic comments to *http://www.fda.gov/dockets/ecomments*. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

FOR FURTHER INFORMATION CONTACT: Patricia M. Beers Block, Good Clinical Practice Program (HF–34), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–3340.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a guidance for industry entitled ''Computerized Systems Used in Clinical Investigations.'' This document provides to sponsors, contract research organizations, data management centers, clinical investigators, and institutional review boards, recommendations regarding the use of computerized systems in clinical investigations. There is an increasing use of computerized systems in clinical trials to generate and maintain source data and source documentation on each clinical trial subject. Such source data and source documentation must meet certain fundamental elements of data quality, e.g., attributable, legible, contemporaneous, original, and accurate, that are expected of paper records. FDA's acceptance of data from clinical trials for decisionmaking purposes depends on FDA's ability to verify the quality and integrity of the data during FDA onsite inspections and audits.

In the **Federal Register** of October 4, 2004 (69 FR 59239), FDA announced the availability of the draft guidance entitled ''Computerized Systems Used in Clinical Trials,'' dated September 2004. FDA considered the comments submitted to the docket in revising this guidance. This guidance supersedes the guidance of the same title dated April 1999; finalizes the draft guidance dated September 2004; and supplements the guidance for industry entitled ''Part 11, Electronic Records; Electronic Signatures—Scope and Application,'' dated August 2003, and FDA's international harmonization efforts when applying guidance to source data generated at clinical study sites.

This guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The guidance represents the agency's current thinking on computerized systems used in clinical investigations. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statutes and regulations.

II. The Paperwork Reduction Act of 1995

This guidance refers to previously approved collections of information found in FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in 21 CFR part 11 have been approved under OMB Control No. 0910–0303. The collections of information in 21 CFR 312.62 have been approved under OMB Control No. 0910–0014. The collections of information in 21 CFR 511.1(b)(7)(ii) have been approved under OMB Control No. 0910–0117. The collections of information in 21 CFR 812.140 have been approved under OMB Control No. 0910–0078.

III. Comments

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

IV. Electronic Access

Persons with access to the Internet may obtain the document at either *http://www.fda.gov/oc/gcp* or *http://www.fda.gov/ohrms/dockets/default.htm*.

Dated: May 4, 2007.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. E7–9056 Filed 5–9–07; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 2007D–0173]

Draft Guidance for Industry on Protecting the Rights, Safety, and Welfare of Study Subjects—Supervisory Responsibilities of Investigators; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a draft guidance for industry entitled ''Protecting the Rights, Safety, and Welfare of Study Subjects—Supervisory Responsibilities of Investigators.'' This draft guidance is intended to assist investigators in meeting their responsibilities with respect to protecting human subjects and ensuring the integrity of data in the conduct of clinical investigations. The draft guidance also clarifies FDA's expectations concerning the investigator's responsibility for supervising a clinical study in which some study tasks are delegated to employees of the investigator or to outside parties.

DATES: Submit written or electronic comments on the draft guidance by July 9, 2007. General comments on agency guidance documents are welcome at any time.

ADDRESSES: Submit written requests for single copies of the draft guidance to the Office of Critical Path Programs (HF–18), Office of the Commissioner, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857. Send one self-addressed adhesive label to assist that office in processing your requests. Submit telephone requests to 800–835–4709 or 301–827–1800. Submit written comments on the draft guidance to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Submit electronic comments to *http://www.fda.gov/dockets/ecomments*. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

FOR FURTHER INFORMATION CONTACT: Terrie L. Crescenzi, Office of Critical Path Programs (HF–18), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–7864.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft guidance for industry entitled ''Protecting the Rights, Safety, and Welfare of Study Subjects—Supervisory Responsibilities of Investigators.'' Under the regulations in part 312 (21 CFR part 312) (Investigational New Drug Application) and part 812 (21 CFR part 812) (Investigational Device Exemptions), an investigator is responsible for ensuring that a clinical investigation is conducted according to the signed investigator statement, the investigational plan, and applicable regulations; for protecting the rights, safety, and welfare of subjects under the investigator's care; and for the control of drugs, biological products, and devices under investigation (§§ 312.60 and 812.100). This draft guidance clarifies the responsibilities of investigators in the conduct of clinical investigations conducted under parts 312 and 812, particularly the responsibilities to supervise the conduct of the clinical investigation, and to protect the rights, safety, and welfare of study participants in drug, biologic, and medical device clinical trials. The draft guidance also provides recommendations on how investigators should supervise the study-related actions of persons not in the direct employ of the investigator, including certain study staff and parties conducting associated testing and assessments.

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the agency's current thinking on the supervisory responsibilities of investigators. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statutes and regulations.

II. The Paperwork Reduction Act of 1995

This draft guidance refers to previously approved collections of information found in FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in part 312 have been approved under OMB Control No. 0910–0014; and the collections of information in part 812 have been approved under OMB Control No. 0910–0078.

III. Comments

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

IV. Electronic Access

Persons with access to the Internet may obtain the document at either *http://www.fda.gov/cder/guidance/index.htm* or*http://www.fda.gov/ohrms/dockets/default.htm*.

Dated: May 2, 2007.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. E7–9055 Filed 5–9–07; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Submission for OMB Review; Comment Request

Periodically, the Health Resources and Services Administration (HRSA) publishes abstracts of information collection requests under review by the Office of Management and Budget (OMB), in compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). To request a copy of the clearance requests submitted to OMB for review, call the HRSA Reports Clearance Office on (301)–443–1129.

The following request has been submitted to the Office of Management and Budget for review under the Paperwork Reduction Act of 1995:

Proposed Project: Women's Physical Activity and Healthy Eating Tools Assessment: NEW

The HRSA Office of Women's Health (OWH) developed the Bright Futures for Women's Health and Wellness (BFWHW) Initiative to help expand the scope of women's preventive health activities, particularly related to nutrition and physical activity. An intermediate assessment of the BFWHW

health promotion consumer materials related to physical activity and healthy eating will be conducted in order to assess how the BFWHW materials can stimulate a conversation on physical activity and healthy eating during a clinical encounter, inform future BFWHW programming, and add to the peer-reviewed literature regarding women's health and wellness initiatives.

Towards this end, anonymous assessment forms will be used to collect data from young and adult women clients, health care providers, and administrators of health centers. Data collected will include process and outcome measures. Data domains include: the distribution and use of the materials in the health care setting during wellness and health maintenance/check-up visits; client and provider awareness of physical activity and nutrition behaviors; attitudes about the importance of physical activity and nutrition; self-efficacy; and increase in knowledge and intent to change physical activity and nutrition behaviors.

A total of six organizations, which may include Federally Qualified Health Centers/Community Health Centers, faith-based organizations that offer health care services, worksite health centers, and school-based health clinics, will be selected for the study. Young women will complete anonymous assessment forms at school-based health centers; adult women will be assessed at other health care organizations. The providers at these sites will also be asked to complete a brief one-time anonymous assessment form. Telephone interviews will be conducted with an administrator of each of these sites as well. The data collection period at each site is estimated to last four months. The estimated response burden is as follows:

Data collection activity	Estimated Data Collection Burden Hours				Hourly wage rate	Total cost
	Number of respondents	Hours per response	Responses per respondent	Total burden hours		
Clients	3,000	.81	1	2,430	$5.15	$12,514.50
Administrators	6	4.22	1	25	37.09	927.25
Support Staff	6	63.67	1	382	13.65	5,214.30
Providers	60	5.98	1	359	59.15	21,234.85
Total	3,072			3,196		39,890.90

Written comments and recommendations concerning the proposed information collection should be sent within 30 days of this notice to: Karen Matsuoka, Human Resources and Housing Branch, Office of Management and Budget, New Executive Office Building, Room 10235, Washington, DC 20503.

Dated: May 4, 2007.

Caroline Lewis,

Associate Administrator for Management.

[FR Doc. E7–9011 Filed 5–9–07; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection: Comment Request

In compliance with the requirement for opportunity for public comment on proposed data collection projects (section 3506(c)(2)(A) of Title 44, United States Code, as amended by the Paperwork Reduction Act of 1995, Public Law (Pub. L.) 104–13), the Health Resources and Services Administration (HRSA) publishes periodic summaries of proposed projects being developed for submission to the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995. To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, call the HRSA Reports Clearance Officer on 301–443–1129.

Comments are invited on: (a) The proposed collection of information for the proper performance of the functions of the agency; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Proposed Project: Children's Hospital Graduate Medical Education Payment Program (CHGME PP) Annual Report: NEW

The CHGME PP was enacted by Pub. L. 106–129 to provide Federal support for graduate medical education (GME) to freestanding children's hospitals, similar to Medicare GME support received by other, non-children's hospitals. The legislation indicates that eligible children's hospitals will receive payments for both direct and indirect medical education. Direct payments are designed to offset the expenses associated with operating approved graduate medical residency training programs and indirect payments are designed to compensate hospitals for expenses associated with the treatment of more severely ill patients and the additional costs relating to teaching residents in such programs.

The CHGME PP was reauthorized for a period of five years in October 2006 by Pub. L. 109–307. The reauthorizing legislation requires that participating children's hospitals provide information about their residency training programs in an annual report that will be an addendum to the hospitals' annual applications for funds.

Data are required to be collected on: (1) The types of training programs that the hospital provided for residents such as general pediatrics, internal medicine/pediatrics, and pediatric subspecialties including both medical subspecialties certified and non-medical subspecialties; (2) the number of training positions for residents, the number of such positions recruited to fill, and the number of positions filled; (3) the types of training that the hospital provided for residents related to the health care needs of different populations such as children who are underserved for reasons of family income or geographic location, including rural and urban areas; (4) the changes in residency training including changes in curricula, training experiences, and types of training programs, and benefits that have resulted from such changes and changes for purposes of training residents in the measurement and improvement and the quality and safety of patient care; and

(5) the numbers of residents (disaggregated by specialty and subspecialty) who completed training in the academic year and care for children within the borders of the service area of the hospital or within the borders of the State in which the hospital is located.

The estimated annual burden is as follows:

Form	Number of respondents	Responses per respondent	Total number of responses	Hours per response	Total burden hours
Screening Instrument	60	1	60	5	300
GME Program-level Instrument	60	30	1800	10	18,000
Total	60	.....	1860	.....	18,300

Send comments to Susan G. Queen, Ph.D., HRSA Reports Clearance Officer, Room 10–33, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857. Written comments should be received within 60 days of this notice.

Dated: May 4, 2007.

Caroline Lewis,

Associate Administrator for Management.

[FR Doc. E7–9012 Filed 5–9–07; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Agency Information Collection Activities: Proposed Collection; Comment Request

In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 concerning opportunity for public comment on proposed collections of information, the Substance Abuse and Mental Health Services Administration (SAMHSA) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the information collection plans, call the SAMHSA Reports Clearance Officer on (240) 276–1243.

Comments are invited on: (a) Whether the proposed collections of information are necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Proposed Project: SAMHSA Application for Peer Grant Reviewers (OMB No. 0930–0255)—Extension

Section 501(h) of the Public Health Service (PHS) Act (42 U.S.C. 290aa) directs the Administrator of the Substance Abuse and Mental Health Services Administration (SAMHSA) to establish such peer review groups as are needed to carry out the requirements of Title V of the PHS Act. SAMHSA administers a large discretionary grants program under authorization of Title V, and, for many years, SAMHSA has funded grants to provide prevention and treatment services related to substance abuse and mental health.

In support of its grant peer review efforts, SAMHSA desires to continue to expand the number and types of reviewers it uses on these grant review committees. To accomplish that end, SAMHSA has determined that it is important to proactively seek the inclusion of new and qualified representatives on its peer review groups. Accordingly SAMHSA has developed an application form for use by individuals who wish to apply to serve as peer reviewers.

The application form has been developed to capture the essential information about the individual applicants. Although consideration was given to requesting a resume from interested individuals, it is essential to have specific information from all applicants about their qualifications. The most consistent method to accomplish this is through completion of a standard form by all interested persons which captures information about knowledge, education, and experience in a consistent manner from all interested applicants. SAMHSA will use the information provided on the applications to identify appropriate peer grant reviewers. Depending on their experience and qualifications, applicants may be invited to serve as either grant reviewers or review group chairpersons.

The following table shows the annual response burden estimate.

Number of respondents	Responses/ respondent	Burden/ responses (hours)	Total burden hours
500	1	1.5	750

Send comments to Summer King, SAMHSA Reports Clearance Officer, Room 7–1044, One Choke Cherry Road, Rockville, MD 20857. Written comments should be received within 60 days of this notice.

Dated: April 23, 2007.

Elaine Parry,

Acting Director, Office of Program Services.

[FR Doc. E7–8994 Filed 5–9–07; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Final Comprehensive Conservation Plan and Finding of No Significant Impact for Marin Islands National Wildlife Refuge, Marin County, CA

AGENCY: Fish and Wildlife Service, Department of the Interior.

ACTION: Notice of availability.

SUMMARY: The U.S. Fish and Wildlife Service (Service) announces that the Marin Islands National Wildlife Refuge (Refuge) Final Comprehensive Conservation Plan (CCP) and Finding of No Significant Impact (FONSI) are available for distribution. The CCP, prepared pursuant to the National Wildlife Refuge System Administration Act as amended, and in accordance with the National Environmental Policy Act of 1969, describes how the Service will manage the Refuge for the next 15 years. The compatibility determinations for Research and Monitoring; Wildlife Observation and Photography; Environmental Education and Interpretive Staff-led Tours; and Sport Fishing are also included in the CCP.

DATES: The Final CCP and Finding of No Significant Impact (FONSI) are available now. The FONSI was signed on September 26, 2006. Implementation of the CCP may begin immediately.

ADDRESSES: Copies of the Final CCP and FONSI may be obtained by writing to the San Francisco Bay NWR Complex, Attn: Winnie Chan, 9500 Thornton Avenue, Newark, California, 94560, or via e-mail at *sfbaynwrc@fws.gov.*

Hard copies of the CCP/EA are also available at the following locations:

San Francisco Bay National Wildlife Refuge Complex, 1 Marshlands Road, Newark, CA 94536

San Pablo Bay National Wildlife Refuge, 7715 Lakeville Highway, Petaluma, CA 94954

Marin County Civic Center Library, 3501 Civic Center Drive #427, San Rafael, CA 94903

San Rafael Public Library, 1100 E Street, San Rafael, CA 94901

FOR FURTHER INFORMATION CONTACT: Christy Smith, Refuge Manager, (707) 769–4200, or Winnie Chan, Refuge Planner, (510) 792–0222.

SUPPLEMENTARY INFORMATION: The National Wildlife System Administration Act of 1966, as amended by the National Wildlife Refuge Improvement Act of 1997 (16 U.S.C. 668dd–668ee *et seq.*) requires the Service to develop a CCP for each National Wildlife Refuge. A CCP is also prepared in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370d). The purpose in developing a CCP is to provide refuge managers with a 15-year strategy for achieving refuge purposes and contributing toward the mission of the National Wildlife Refuge System, consistent with sound principles of fish and wildlife management, conservation, legal mandates, and Service policies. In addition to outlining broad management direction on conserving wildlife and their habitats, the CCP identifies wildlife-dependent recreational opportunities available to the public, including opportunities for hunting, fishing, wildlife observation and photography, and environmental education and interpretation. The National Wildlife Refuge System Administration Act of 1966, as amended by the National Wildlife Refuge System Improvement Act of 1997, requires the Service to review and update these CCPs at least every 15 years. Revisions to the CCP will be prepared in accordance with the National Environmental Policy Act of 1969.

Background

The Refuge is located off the shoreline of the City of San Rafael, Marin County, in San Pablo Bay. The 339-acre Refuge of tidelands and 2 islands was established in 1992 ''for the development, advancement, management, conservation, and protection of fish and wildlife resources, and for the benefit of the United States Fish and Wildlife Service, in performing its activities and services.'' The various parcels of land within the Refuge are under the ownership of the California Department of Fish and Game, California State Lands Commission, or the Fish and Wildlife Service. The California Department of Fish and Game owned lands are designated as a State Ecological Reserve. These lands and the Service-owned lands are designated and administered as the Marin Islands National Wildlife Refuge. The Service provides day-to-day management of the entire Marin Islands Refuge and State Ecological Reserve under the National Wildlife Refuge System Administration Act, as amended, and pursuant to a memorandum of understanding with other landowning agencies. The Refuge ''protects an important egret and heron colony on West Marin Island and seeks to increase colonial nesting bird use on East Marin Islands,'' as described in a 1992 Environmental Assessment Proposing the Marin Islands National Wildlife Refuge.

The Draft CCP and Environmental Assessment (EA) was available for a 30-day public review and comment period, which was announced via several methods, including press releases, updates to constituents, and a **Federal Register** notice on July 21, 2006 (71 FR 41463). The Draft CCP/EA identified and evaluated three alternatives for managing the Refuge for the next 15 years. Alternative A was the no-action alternative, which described current Refuge management activities. Under Alternative B, management would have focused on expanding habitat restoration and continued to prohibit public access. Under Alternative C (the preferred plan), the Refuge would expand habitat restoration, provide public use on the Refuge, and conduct environmental education off the Refuge.

The Service received 2 comment letters on the Draft CCP and EA during the comment period. The comments received were incorporated into the CCP, when possible, and are responded to in an appendix to the CCP. In the FONSI, Alternative C was selected for implementation and is the basis for the Final CCP. The FONSI documents the decision of the Service and is based on the information and analysis contained in the EA.

Under the selected alternative, the Service will restore 75 percent of East Marin Island to coastal scrub and oak woodland plant communities to enhance nesting habitat for herons, egrets and other migratory birds. The Service will continue to maintain 95 percent of the existing native coastal scrub and oak woodland plant communities on West Marin Island, which support heron and egret colonies. Other habitat management activities include developing a needs assessment for management of sub-tidal areas of the Refuge. The Service will also study the effects of raven predation on the heron and egret population on the Refuge. While the Refuge's islands will continue to be closed to the public, some public use and environmental education would be provided. Guided tours would be established on East Marin Island to provide wildlife observation, environmental education, and cultural resource interpretation opportunities. Fishing will continue to be permitted in the Refuge's waters. Off-refuge environmental education opportunities include school and community presentations. Cultural resources on the Refuge will be assessed and preserved according to regulatory requirements. Full implementation of the selected plan will be subject to available funding and staffing.

The selected alternative best meets the purposes of the Refuge, the Fish and Wildlife Act of 1956, the Migratory Bird Conservation Act, and the goals of the National Wildlife Refuge System.

Toni M. Deery,

Acting Manager, California/Nevada Operations, Sacramento, California.

[FR Doc. E7–8948 Filed 5–9–07; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Lake Champlain Sea Lamprey Control Alternatives Workgroup

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of meeting.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce a meeting of the Lake Champlain Sea Lamprey Control Alternatives Workgroup (Workgroup). The Workgroup's purpose is to provide, in an advisory capacity, recommendations and advice on research and implementation of sea lamprey control techniques alternative to lampricide that are technically feasible, cost effective, and environmentally safe. The primary objective of the meeting will be to discuss potential focus research initiatives that may enhance alternative sea lamprey control techniques. The meeting is open to the public.

DATES: The Lake Champlain Sea Lamprey Control Alternatives Workgroup will meet on Monday, June 4, 2007, from 10 a.m. to 2 p.m.

ADDRESSES: The meeting will be held at the State University of New York, Valcour Educational Conference Center, 3712 Route 9—Lakeshore, Plattsburgh, NY 12901.

FOR FURTHER INFORMATION CONTACT: Dave Tilton, Designated Federal Officer, Lake Champlain Sea Lamprey Control Alternatives Workgroup, Lake Champlain Fish and Wildlife Resources Office, U.S. Fish and Wildlife Service, 11 Lincoln Street, Essex Junction, VT 05452 (U.S. mail); 802–872–0629 (telephone); or *Dave_Tilton@fws.gov* (electronic mail).

SUPPLEMENTARY INFORMATION: We publish this notice under section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App.). The Workgroup's specific responsibilities are to provide advice regarding the implementation of sea lamprey control methods alternative to lampricides, to recommend priorities for research to be conducted by cooperating organizations and demonstration projects to be developed and funded by State and Federal agencies, and to assist Federal and State agencies with the coordination of alternative sea lamprey control research to advance the state of the science in Lake Champlain and the Great Lakes.

Dated: April 25, 2007.

Linda Repasky,

Acting Regional Director, U.S. Fish and Wildlife Service, Hadley, Massachusetts.

[FR Doc. E7–8989 Filed 5–9–07; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

DEPARTMENT OF AGRICULTURE

Forest Service

Notice of Availability of the Final Environmental Impact Statement (FEIS) for the Buckman Water Diversion Project, Santa Fe County, New Mexico

AGENCIES: Bureau of Land Management, Interior and Forest Service, Department of Agriculture.

ACTION: Notice of Availability.

SUMMARY: In accordance with the National Environmental Policy Act of 1969 (NEPA), as amended, (Pub. L. 91–190, 43 U.S.C. 4321 *et seq.*) the Bureau of Land Management (BLM), Taos Field Office and USDA Forest Service (Forest Service), Santa Fe National Forest, announce the availability of the FEIS for the Buckman Water Diversion Project. The FEIS analyzes the environmental consequences of a proposal to divert water from the Rio Grande.

DATES: The Buckman Water Diversion Project FEIS will be available for review and comment for 30 calendar days starting on the date the Environmental Protection Agency (EPA) publishes the Notice of Availability (NOA) in the **Federal Register**. The BLM and Forest Service can best utilize your comments and resource information submissions within that 30-day comment period.

ADDRESSES: Comments on the FEIS may be submitted as follows:

1. Electronic comments may be submitted at *NM_Comments@nm.blm.gov.* Please do not use special characters or attachments, as the BLM e-mail security system may not accept them.

2. Written comments may be mailed or delivered to the BLM at: Buckman Water Diversion Project FEIS, Project Manager, Bureau of Land Management, Taos Field Office, 226 Cruz Alta Rd., Taos, NM 87571.

The BLM will only accept comments on the Buckman Water Diversion Project FEIS if they are submitted using one of the methods described above. To be given consideration, all FEIS comment submittals must include the commenter's name and address. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. Our practice is to make comments available for public review at the BLM—Taos Field Office during business hours (7:45 a.m. to 4:30 p.m.), Monday through Friday, except for Federal holidays. Copies of the FEIS have been sent to affected Federal, State, and local government agencies, Tribal governments, and interested parties. The document will be available electronically at the following Web site: *http://www.blm.gov/nm.*

Copies of the FEIS will also be available at the following locations:

- Bureau of Land Management, New Mexico State Office, 1474 Rodeo Road, Santa Fe, NM 87505.
- Bureau of Land Management, Taos Field Office, 226 Cruz Alta Rd., Taos, NM 87571.
- Forest Service, Santa Fe National Forest, 1474 Rodeo Road, Santa Fe, NM 87505.
- Forest Service, Espanola Ranger District, 1710 North Riverside Dr., Espanola, NM 87533.
- City of Santa Fe, Sangre de Cristo Water Division, 801 West San Mateo, Santa Fe, NM 87504.
- Santa Fe County, Utilities Department, 205 Montezuma Ave., Santa Fe, NM 87501.
- USDI Bureau of Reclamation, 555 Broadway Ave. Albuquerque NM 87102.

FOR FURTHER INFORMATION CONTACT: Ms. Sher Churchill, Bureau of Land Management, Planning and Environmental Coordinator, Taos Field Office, 226 Cruz Alta Rd., Taos, NM 87571 or Mr. Sanford Hurlocker, Forest Service, District Ranger, Espanola Ranger District, P.O. Box 3307, Espanola, NM 87533. Ms. Churchill and Mr. Hurlocker can be reached by telephone at 505.751.4725 and 505.753.7331, respectively. Requests for information may be submitted electronically at *http://www.blm.gov/nm*.

SUPPLEMENTARY INFORMATION: The project area is located northwest of Santa Fe, New Mexico. If authorized, the project would be predominantly located on public lands administered by the Bureau of Land Management and the Forest Service; a relatively small portion of the project facilities would be located

on private lands and Bureau of Land Management lands leased to the City of Santa Fe. The Forest Service and Bureau of Land Management are joint lead agencies for this project; the Department of Interior Bureau of Reclamation (contributing funds), City of Santa Fe, and Santa Fe County are cooperating agencies. The City of Santa Fe, Santa Fe County, and Las Companas Limited Partnership are the ''Project Applicants.'' The proposed Buckman Water Diversion Project is designed to address the immediate need for a sustainable means of accessing water supplies for the Project Applicants. Most of the water would be derived from the San Juan-Chama Project, a U.S. Bureau of Reclamation inter-basin transfer project. The remainder would be ''native'' water rights owned by the Project Applicants, and diverted from the Rio Grande. The Project Applicants propose to construct and operate a surface water diversion facility at the Rio Grande near the western terminus of Buckman Road located within the Santa Fe National Forest, near the existing Buckman Well Field. The water would be pumped to the Santa Fe vicinity, where it would serve municipal and community water supply customers. The Buckman Water Diversion is proposed to be constructed with the capacity necessary to meet the near-term need for water, based on physical, technical, and environmental limitations. The proposed project has an independent use from the long-term water management strategy being undertaken by the City and the County.

On July 22, 2002, the BLM and Forest Service published a Notice of Intent to prepare an EIS for the Buckman Water Diversion Project in the **Federal Register**. Scoping meetings were held in August and September 2002. Issues and concerns identified during scoping and throughout the NEPA process were addressed in the Draft EIS. On December 17, 2004, the BLM and Forest Service published the Notice of Availability of the Draft EIS for this project in the **Federal Register**. The 60-day comment period ended on February 14, 2005. Thirteen (13) comments were received from individuals, organizations, and agencies. Specific comment responses are provided in the FEIS, and issues and concerns raised during the review and prior to completion of the FEIS are addressed in the FEIS.

The Buckman Water Diversion Project FEIS provides detailed analyses of the No Action Alternative, the Proposed Action, and several alternatives. The No Action Alternative would result in the agencies not authorizing permits for the construction and operation of a water diversion and associated infrastructure. The Proposed Action includes a diversion structure at the Rio Grande; water transmission facilities, including pumps and booster station buildings, water tanks, settling ponds and pipes; water treatment facilities; electric power improvements; and road improvements necessary to build and operate the facilities. While analyzing the Proposed Action, it was determined that there were alternatives for different infrastructure, and the effects of these alternatives were analyzed for possible inclusion in a composite preferred alternative. Therefore, three sediment facility alternatives, two raw water pipeline alternatives, three treated water pipeline alternatives, and two power upgrade alternatives were analyzed in detail. The FEIS discloses details of these infrastructural alternatives and the environmental consequences of implementing them.

The BLM's and Forest Service's Preferred Alternative is to authorize rights-of-way and easements to the Applicants so that they may construct, operate, and maintain the road improvements and major facilities and their locations as described in the Proposed Action, plus one of the alternatives for each of the following: the sediment facility, the raw water pipeline, the treated water pipeline, and the power upgrade facility. The Preferred Alternative also includes mitigation and monitoring requirements to protect resources. The Preferred Alternative will avoid disturbance to the historic Buckman town site, minimize visual impacts on viewers from White Rock Overlook and along Buckman Road, and avoid creating new utility corridors. The alternatives, including the agencies' Preferred Alternative, conform to existing laws and regulations, and provide for resource protection.

In compliance with Section 7(c) of the Endangered Species Act, as amended, the FEIS includes a biological assessment for the purpose of identifying endangered or threatened species, which may be affected by the Preferred Alternative. A Biological Opinion is forthcoming and will be included in the formulation of the final decision.

Dated: March 12, 2007.

Sam Des Georges,

BLM–Taos Field Office Manager.

Daniel J. Jiron,

Santa Fe National Forest, Forest Supervisor.

[FR Doc. 07–2303 Filed 5–9–07; 8:45 am]

BILLING CODE 4310–FB–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AZ–910–0777–XP–241A]

State of Arizona Resource Advisory Council Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Arizona Resource Advisory Council Meeting notice.

SUMMARY: In accordance with the Federal Land Policy and Management Act and the Federal Advisory Committee Act of 1972, the U.S. Department of the Interior, Bureau of Land Management, Arizona Resource Advisory Council (RAC), will meet on June 8, 2007, in Phoenix, Arizona, at the Bureau of Land Management (BLM) National Training Center located at 9828 North 31st Avenue in Phoenix from 8 a.m. and conclude at 4:30 p.m. Morning agenda items include: Review of the March 8, 2007, Meeting Minutes for RAC and RRAC business; BLM State Director's Update on Statewide Issues; Presentations on Proposed Tri-State Shooting Range and Arizona Water Rights; RAC Questions on BLM Field Managers Rangeland Resource Team Proposals; and, Reports by RAC Working Groups. A public comment period will be provided at 11:30 a.m. on June 8, 2007, for any interested publics who wish to address the Council on BLM programs and business.

Under the Federal Recreation Enhancement Act, the RAC has been designated the Recreation Resource Advisory Council (RRAC), and has the authority to review all BLM and Forest Service (FS) recreation fee proposals in Arizona. The afternoon meeting agenda on June 8, will include discussion and review of the Recreation Enhancement Act (REA) Working Group Report, updated 4th Quarter Schedule of Fiscal Year 2007 BLM and FS recreation fee proposals, and two FS fee proposals in Arizona:

(1) Alto Pit OHV Use Area (Prescott National Forest): Ten minutes from downtown Prescott, and 2 hours from Phoenix and Flagstaff, this fee proposal would add a campground fee at a rate of $10 per night per campsite for single sites and $20 per night for a double site. Improvements include 10 single family sites and one double family site, three toilets, picnic tables, fire rings, loading and unloading area, 9 miles of internal designated trail system, additional external connection trails, 20 acres of designated cross county area, children's OHV play area, and year-round on site host.

(2) Haigler Canyon Campground and Day Use Area (Tonto National Forest): Proposed $6 per vehicle fee for overnight camping and day-use at Haigler Canyon Recreation Site near Young, Arizona. Major improvements will increase facilities and services available to the public. Fee revenues will be used for the continued operation and maintenance. A quality, water-based recreational experience will be provided for day-users, campers, hikers, and anglers. The site will include developed campsites and day-use areas plus space for campground hosts. Fourteen campsites will be provided with a picnic table, fire ring with cooking surface, and a tent pad. Campsites will offer hardened sites for tent trailers and tents. Walk-in campsites will be part of developed campsites. Day-use facilities will provide parking for 10–15 vehicles, picnic tables, and barbecue grills.

Following the FS and BLM proposals, the RRAC will open the meeting to public comments on the fee proposals. After completing their RRAC business, the BLM RAC will reconvene to provide recommendations to the RAC Designated Federal Official on the fee proposals and discuss future RAC meetings and locations.

DATES: *Effective Date:* May 8, 2007.

FOR FURTHER INFORMATION CONTACT: Deborah Stevens, Bureau of Land Management, Arizona State Office, One North Central Avenue, Suite 800, Phoenix, Arizona 85004–4427, 602–417–9215.

Michael Taylor,

Acting State Director.

[FR Doc. 07–2316 Filed 5–9–07; 8:45 am]

BILLING CODE 4310–32–M

INTERNATIONAL TRADE COMMISSION

[Inv. No. 337–TA–604]

In the Matter of Certain Sucralose, Sweeteners Containing Sucralose, and Related Intermediate Compounds Thereof; Notice of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on April 6, 2007, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of Tate & Lyle Technology Limited of London, United Kingdom and Tate & Lyle Sucralose, Inc. of Decatur, Illinois. Supplemental letters were filed on April 13, April 18, April 23, and April 25, 2007. The complaint, as supplemented, alleges violations of section 337 in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain sucralose, sweeteners containing sucralose, and related intermediate compounds thereof by reason of infringement of certain claims of U.S. Patent Nos. 5,470,969, 5,034,551, 4,980,463, 5,498,709, and 7,049,435. The complaint, as supplemented, further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

The complainants request that the Commission institute an investigation and, after the investigation, issue a general exclusion order and permanent cease and desist orders.

ADDRESSES: The complaint and supplement, except for any confidential information contained therein, are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Room 112, Washington, DC 20436, telephone 202–205–2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its Internet server at *http://www.usitc.gov*. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://www.usitc.gov/secretary/edis.htm*.

FOR FURTHER INFORMATION CONTACT: Anne M. Goalwin, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205–2574.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2006).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on May 7, 2007, *ordered that*—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain sucralose, sweeteners containing sucralose, and related intermediates compounds thereof by reason of infringement of one or more of claims 20–26, 28, and 29 of U.S. Patent No. 5,470,969; claims 1–4 and 11–22 of U.S. Patent No. 5,034,551; claims 1–3 and 16–18 of U.S. Patent No. 4,980,463; claims 8, 9, and 13 of U.S. Patent No. 5,498,709; and claim 1 of U.S. Patent No. 7,049,435; and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainants are—Tate & Lyle Technology Limited, Sugar Quay, Lower Thames Street, London EC3R 6DQ, United Kingdom.

Tate & Lyle Sucralose, Inc., 2200 East Eldorado Street, Decatur, IL 62525.

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint, as supplemented, is to be served:

AIDP, Inc., 17920 East Ajax Circle, City of Industry, California 91748.

Beijing Forbest Chemical Co., Ltd, Room 2 1801, Building 2, Yard 3, District 1, Fangqunyuan, Fangzhuang, Fengtai District, Beijing 100078, People's Republic of China.

Beijing Forbest Trade Co., Ltd., Room 2 1801, Building 2, Yard 3, District 1, Fangqunyuan, Fangzhuang, Fengtai District, Beijing 100078, People's Republic of China.

Forbest International USA, LLC, 131 Fieldcrest Avenue, Suite B, Edison, New Jersey 08873.

Changzhou Niutang Chemical Plant Co., Ltd., No. 51 Yanzhang Road, Niutang Town, Changzhong, Jiangsu 213263, People's Republic of China.

U.S. Niutang Chemical, Inc., 2913 Saturn Street, Unit G, Brea, California 92821.

CJ America, Inc., 3470 Wilshire Blvd, Suite 930, Los Angeles, California 90010.

Fortune Bridge Co. Inc., 137 Meacham Ave, Elmont, New York 11003.

Garuda International, Inc., 638 Industrial Drive, Exeter, California 93221.

Gremount International Co., Ltd., Rm. 2107, Plaza A, Freetown Center, No.

58, South Road Dongsanhuan, Chaoyang District, Beijing 100022, People's Republic of China.
Guangdong Food Industry Institute, No. 146 Xin-gang Dong Road, Guangzhou, Guangdong 510308, People's Republic of China.
Hebei Province Chemical Industry Academe, No.18, Jianhua South Street, Shijiazhuang City, Hebei Province 050031, People's Republic of China.
Hebei Research Institute of Chemical Industry, No. 18, Jianhua South Street, Shijiazhuang City, Hebei Province 050031, People's Republic of China.
Hebei Sukerui Science and Technology Co., Ltd., Zengcun Town Industrial Park, Gaocheng City, Hebei 052160, People's Republic of China.
Heartland Packaging Corporation, 14300 Clay Terrace Boulevard, Suite 249, Carmel, Indiana 46032. L&P Food Ingredient Co., Ltd., #146, Xin-gang Dong Road, Guangzhou, Guangdong 510308, People's Republic of China.
Lianyungang Natiprol (Intl'l) Co., Ltd., 17/F, Building A, Longhe Mansion, No. 6, Cangwu Road, Xinpu, Lianyungang, Jiangsu 222006, People's Republic of China.
MTC Industries, Inc., 41 Mercedes Way Unit 21, Edgewood, New York 11717.
Nantong Molecular Technology Co., Ltd., No. 15 Fuxing Rd., Economic and Technical Development Zone, Nantong, Jiangsu Province 226009, People's Republic of China.
Nu-Scaan Nutraceuticals, Ltd., Waterside House, Waterside, Macclesfield, Cheshire, SK11 7HG, United Kingdom.
ProFood International, Inc., 40 Shuman Boulevard, Suite 160, Naperville, Illinois 60563.
Ruland Chemistry Co., Ltd., Rm. 1201 Heping Mansion, No. 22 East Beijing Road, Nanjing 210018, People's Republic of China.
Shanghai Aurisco International Trading Co. Ltd., 1603, 3 Building, 1555 North Kaixuan Road, Shanghai, 200063, People's Republic of China.
Vivion, Inc., 929 Bransten Road, San Carlos, California 94070.
Zhongjin Pharmaceutical (Hong Kong) Co. Ltd., Rm B 12/F Wing On Cheong Bldg., 5 Wing Lok St., Central, Hong Kong, Hong Kong.

(c) The Commission investigative attorney, party to this investigation, is Anne M. Goalwin, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, SW., Room 401, Washington, DC 20436; and

(3) For the investigation so instituted, the Honorable Charles E. Bullock is designated as the presiding administrative law judge.

The Commission notes that some of the patents at issue may cover processes that produce chemical precursors or intermediates of sucralose or that recover certain chemical catalysts from the synthesis. In instituting this investigation, the Commission has not made any determination as to the scope of 35 U.S.C. 1337(a)(1)(B)(ii) or whether 337(a)(1)(B)(ii) is sufficiently broad as to encompass such processes. Accordingly, the presiding administrative law judge may wish to consider these fundamental issues at an early date. Any such decision should be issued in the form of an initial determination (ID) under Rule 210.42(c), 19 CFR 210.42(c). The ID will become the Commission's final determination 45 days after the date of service of the ID unless the Commission determines to review the ID. Any such review will be conducted in accordance with Commission Rules 210.43, 210.44 and 210.45, 19 CFR 210.43, 210.44, and 210.45.

Responses to the complaint, as supplemented, and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(d) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint, as supplemented, and the notice of investigation. Extensions of time for submitting responses to the complaint, as supplemented, and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint, as supplemented, and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint, as supplemented, and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint, as supplemented, and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of a limited exclusion order or cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: May 7, 2007.

William R. Bishop,

Acting Secretary to the Commission.

[FR Doc. E7–9047 Filed 5–9–07; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[USITC SE–07–008]

Government in the Sunshine Act Meeting Notice

AGENCY HOLDING THE MEETING: United States International Trade Commission.

TIME AND DATE: May 15, 2007 at 11 a.m.

PLACE: Room 101, 500 E Street, SW., Washington, DC 20436, Telephone: (202) 205–2000.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda for future meetings: None.
2. Minutes.
3. Ratification List.
4. Inv. No. 731–TA–1104 (Final) (Certain Polyester Staple Fiber from China)—briefing and vote. (The Commission is currently scheduled to transmit its determination and Commissioners' opinions to the Secretary of Commerce on or before May 24, 2007.)
5. Outstanding action jackets: None.

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

By order of the Commission.

Issued: May 7, 2007.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. E7–9088 Filed 5–9–07; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Bureau of Justice Statistics

[OMB Number 1121–NEW]

Agency Information Collection Activities: Proposed Collection; Comments Requested

ACTION: 60-Day Notice of Information Collection Under Review: Proposed Collection—Former Prisoner Survey.

The Department of Justice (DOJ), Bureau of Justice Statistics, will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with

the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for ''sixty days'' until July 9, 2007. This process is conducted in accordance with 5 CFR 1320.10.

If you have comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Christopher Mumola, Bureau of Justice Statistics, 810 Seventh Street NW., Washington, DC 20531 (phone: 202–353–2132).

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Enhance the quality, utility, and clarity of the information to be collected; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of Information Collection*: New data collection.

(2) *Title of the Form/Collection*: Former Prisoner Survey.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection*: FPS (Survey Questionnaire), FPS–1 (Records Form), FPS–2 (Roster Verification Form), and FPS–C (Consent to Participate in Research). The Bureau of Justice Statistics, Office of Justice Programs, Department of Justice, is the sponsor for the collection.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract*: Primary: Individuals or Households. Other: State, Local, or Tribal Government. The work under this clearance will be used to develop surveys to produce national estimates for the incidence and prevalence of sexual assault within correctional facilities as required under the Prison Rape Elimination Act of 2003 (Pub. L. 108–79).

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond*: It is estimated that 16,500 former prisoners will be interviewed. Of these, 87% (14,355) are estimated to be non-victims and will spend approximately 30 minutes on average responding to the survey, while 13% (2,145) will be victims and will spend approximately 40 minutes on average responding to the survey. Approximately 200 parole office groupings will be asked to develop and verify rosters of eligible parolees and provide background and contact information for those cases sampled. It is estimated that the rostering and verification process will average approximately 2 hours and 10 minutes per office. Providing contact and background information will average 10.84 hours for the 140 smaller offices (with smaller sample sizes) and 21.67 hours for the 60 larger offices (with larger sample sizes). The total average burden will thus be 13 hours for the 140 smaller offices and 24 hours for the 60 larger offices.

(6) *An estimate of the total public burden (in hours) associated with the collection*: There are an estimated 11,858 total burden hours associated with this collection.

If additional information is required contact: Lynn Bryant, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Patrick Henry Building, Suite 1600, 601 D Street NW., Washington, DC 20530.

Dated: May 4, 2007.

Lynn Bryant,

Department Clearance Officer, PRA, Department of Justice.

[FR Doc. E7–9000 Filed 5–9–07; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF JUSTICE

Notice of Lodging of First Amended and Restated Settlement Agreement Under the Comprehensive Environmental Response, Compensation and Liability Act

Notice is hereby given that on April 25, 2007 a proposed First Amended and Restated Settlement Agreement (''Amended Agreement'') in *In re Armstrong World Industries, Inc., et al.,* Bankr. No. 00–4471, was lodged with the United States Bankruptcy Court for the District of Delaware. In this action the United States obtained a settlement, on behalf of the United States Environmental Protection Agency (''EPA''), of 19 general unsecured bankruptcy claims under Section 107(a) of the Comprehensive Environmental Response, Compensation and Liability Act (''CERCLA''), 42 U.S.C. 9607(a), against Armstrong World Industries, Inc. (''AWI''). The bankruptcy court approved the settlement agreement on October 21, 2005.

Under the proposed Amended Agreement, the parties seek to resolve an additional CERCLA claim of the United States on behalf of EPA with respect to the Berry's Creek Study Area in Bergen County, New Jersey. Under the proposed Amended Agreement, the United States is to receive an allowed general unsecured claim of $500,000 against the bankruptcy estate of AWI, in return for a covenant not to sue, contribution protection, and the designation of the Berry's Creek facility as a Liquidated Site.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Amended Agreement. Comments should be addressed to he Assistant Attorney General, Environment and Natural Resources Division, and either e-mailed to *pubcomment-ees.enrd@usdoj.gov* or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, and should refer to *In re Armstrong World Industries, Inc., et al.,* Bankr. No. 00–4471 (Bankr. D. Del.) and DJ No. 90–11–3–07780.

The Amended Agreement may be examined at the Office of the United States Attorney, 1007 Orange Street, Suite 700, Wilmington, DE 19801. During the public comment period, the Amended Agreement may also be examined on the following Department of Justice Web site, *http://www.usdoj.gov/enrd/Consent_Decrees.html.* A copy of the Settlement Agreement may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611 or by faxing or e-mailing a request to Tonia Fleetwood (*tonia.fleetwood@usdoj.gov*), fax no. (202) 514–0097, phone confirmation number (202) 514–1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of $8.25 (25 cents per page reproduction cost) payable to the U.S. Treasury or, if

by e-mail or fax, forward a check in that amount to the Consent Decree Library at the stated address.

Robert Brook,

Assistant Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 07–2305 Filed 5–9–07; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Clean Air Act

Notice is hereby given that on April 30, 2007, a proposed Consent Decree in *United States* v. *Total Petrochemicals USA, Inc.,* Civil Action No. 07–CV–00248–MAC, was lodged with the United States District Court for the Eastern District of Texas.

In this action, the United States sought a civil penalty and injunctive relief for violations of the Clean Air Act, 42 U.S.C. 7401, *et seq.,* and its implementing regulations, in connection with the petroleum refinery that settling defendant Total Petrochemicals USA, Inc. operates at Highway 366 and 32nd Street in Port Arthur, Texas. Specifically, the United States alleged violations of the New Source Performance Standards for petroleum refineries and the National Emission Standards for Hazardous Air Pollutants for Benzene Waste Operations. The Consent Decree requires Total Petrochemicals USA, Inc. to implement injunctive relief to improve its refinery's performance, including reducing emissions from major refinery units, reducing the flaring of process upset gasses, improving leak detection and repair procedures, and improving the management of benzene wastewater streams. The Decree also requires Total to pay a $2.9 million civil penalty.

The Department of Justice will receive a period of thirty (30) days from the date of this publication comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either e-mailed to *pubcomment-ees.enrd@usdoj.gov*, or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, and should refer to *United States* v. *Total Petrochemicals USA, Inc.,* D.J. Ref. # 90–5–2–1–08283/3.

The Consent Decree may be examined at the Office of the United States Attorney for the Eastern District of Texas, 350 Magnolia Avenue, Suite 150, Beaumont, Texas 77701 (contact AUSA Michael Lockhart), and at U.S. EPA Region 6, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202 (contact Patricia Welton). During the public comment period, the Consent Decree also may be examined on the following Department of Justice Web site: *http://www.usdoj.gov/enrd/Consent_Decrees.html.* A copy of the Consent Decree also may be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, or by faxing or e-mailing a request to Tonia Fleetwood (*tonia.fleetwood@usdoj.gov*), fax no. (202) 514–0097, phone confirmation number (202) 514–1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of $30.75 (25 cents per page reproduction cost) payable to the U.S. Treasury, or, if by e-mail or fax, forward a check in that amount to the Consent Decree Library at the stated address.

Thomas A. Marianai, Jr.,

Assistant Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 07–2306 Filed 5–9–07; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Office of Justice Programs

[OMB Number 1121–0240]

Agency Information Collection Activities: Revision of a Currently Approved Collection; Comments Requested

ACTION: 60–Day Notice of Information Collection Under Review: 2007 Survey of State and Local Law Enforcement Agencies.

The Department of Justice (DOJ), Office of Justice Programs, Bureau of Justice Statistics (BJS), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for ''sixty days'' until July 9, 2007. This process is conducted in accordance with 5 CFR 1320.10.

If you have comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Brian Reaves, Bureau of Justice Statistics, 810 Seventh St., NW., Washington, DC 20531.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Enhance the quality, utility, and clarity of the information to be collected; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of Information Collection:* Revision of a currently approved collection.

(2) *Title of the Form/Collection:* 2007 Survey of State and Local Law Enforcement Agencies.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection: Form Number:* The form numbers are CJ–44L and CJ–44S, Bureau of Justice Statistics, Office of Justice Programs, Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Federal, State, and Local Government. This information collection is a survey of State and local law enforcement agencies. The survey will provide statistics on law enforcement personnel, budgets, equipment, and policies and procedures.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that 3,200 respondents will complete a survey form, including 1,000 3-hour forms and 2,200 2-hour forms.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 7,400 total annual burden hours associated with this collection.

If additional information is required contact: Lynn Bryant, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Patrick Henry Building, Suite 1600, 601 D Street NW., Washington, DC 20530.

Dated: May 4, 2007.

Lynn Bryant,

Department Clearance Officer, PRA, Department of Justice.

[FR Doc. E7–8998 Filed 5–9–07; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF LABOR

Employment and Training Administration

Request for Certification of Compliance—Rural Industrialization Loan and Grant Program

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: The Employment and Training Administration is issuing this notice to announce the receipt of a ''Certification of Non-Relocation and Market and Capacity Information Report'' (Form 4279–2) for the following:

Applicant/Location: Plasticware, LLC/Bethlehem, New York.

Principal Product: The loan, guarantee, or grant application is for a new business venture to purchase manufacturing production lines for plastic drinking cups. The NAICS industry code for this enterprise is: 326199 All Other Plastics Product Manufacturing—Cups, plastics (except foam), manufacturing.

DATES: All interested parties may submit comments in writing no later than May 24, 2007. Copies of adverse comments received will be forwarded to the applicant noted above.

ADDRESSES: Address all comments concerning this notice to Anthony D. Dais, U.S. Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW., Room S–4231, Washington, DC 20210; or e-mail *Dais.Anthony@dol.gov;* or transmit via fax 202–693–3015 (this is not a toll-free number).

FOR FURTHER INFORMATION CONTACT: Anthony D. Dais, at telephone number (202) 693–2784 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: Section 188 of the Consolidated Farm and Rural Development Act of 1972, as established under 29 CFR Part 75, authorizes the United States Department of Agriculture (USDA) to make or guarantee loans or grants to finance industrial and business activities in rural areas. The Secretary of Labor must review the application for financial assistance for the purpose of certifying to the Secretary of Agriculture that the assistance is not calculated, or likely, to result in: (a) A transfer of any employment or business activity from one area to another by the loan applicant's business operation; or, (b) an increase in the production of goods, materials, services, or facilities in an area where there is not sufficient demand to employ the efficient capacity of existing competitive enterprises unless the financial assistance will not have an adverse impact on existing competitive enterprises in the area. The Employment and Training Administration (ETA) within the Department of Labor is responsible for the review and certification process. Comments should address the two bases for certification and, if possible, provide data to assist in the analysis of these issues.

Signed: At Washington, DC this 4th day of May, 2007.

Gay M. Gilbert,

Administrator, Office of Workforce Investment, Employment and Training Administration.

[FR Doc. E7–9009 Filed 5–9–07; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[SGA/DFA–PY 06–05]

Solicitation for Grant Applications (SGA); Migrants and Seasonal Farmworkers Program SGA—National Farmworker Jobs Program, Housing Assistance Addendum

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

ACTION: Notice: Addendum to SGA/DFA–PY–06–05.

SUMMARY: The Employment and Training Administration published a document in the **Federal Register** on April 20, 2007, announcing the availability of funds for the housing assistance portion of National Farmworkers Jobs Program (NFJP), under section 167 of the Workforce Investment Act of 1998. This notice is an addendum to the SGA and it adds Section VIII, entitled ''Other Information.''

FOR FURTHER INFORMATION CONTACT: James Stockton, Grant Officer, Division of Federal Assistance, (202) 693–3335.

Addendum

VIII. Other Information

OMB Information Collection No.: 1205–0458.

Expires: September 30, 2009.

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. Public reporting burden for this collection of information is estimated to average 20 hours per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimated or any other aspect of this collection of information, including suggestions for reducing this burden, to the U.S. Department of Labor, the OMB Desk Officer for ETA, Office of Management and Budget, Room 10235, Washington, DC 20503. PLEASE DO NOT RETURN YOUR COMPLETED APPLICATION TO THE OMB. SEND IT TO THE SPONSORING AGENCY AS SPECIFIED IN THIS SOLICITATION.

This information is being collected for the purpose of awarding a grant. The information collected through this ''Solicitation for Grant Applications'' will be used by the Department of Labor to ensure that grants are awarded to the applicant best suited to perform the functions of the grant. Submission of this information is required in order for the applicant to be considered for award of this grant. Unless otherwise specifically noted in this announcement, information submitted in the respondent's application is not considered to be confidential.

Signed at Washington, DC, this 7th day of May, 2007.

James W. Stockton,

Grant Officer, Employment and Training Administration.

[FR Doc. E7–9003 Filed 5–9–07; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[SGA/DFA–PY 06–04]

Solicitation for Grant Applications (SGA); Migrants and Seasonal Farmworkers Program SGA—National Farmworker Jobs Program Addendum

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

ACTION: Notice: Amendment to SGA/DFA–PY–06–04.

SUMMARY: The Employment and Training Administration published a document in the **Federal Register** on April 20, 2007, announcing the availability of funds for the operation of National Farmworkers Jobs Program (NFJP), under section 167 of the Workforce Investment Act of 1998. This notice is an addendum to the SGA and it adds Section VIII, entitled ''Other Information.''

FOR FURTHER INFORMATION CONTACT: James Stockton, Grant Officer, Division of Federal Assistance, (202) 693–3335.

Addendum

VIII. Other Information

OMB Information Collection No.: 1205–0458.

Expires: September 30, 2009.

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. Public reporting burden for this collection of information is estimated to average 20 hours per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimated or any other aspect of this collection of information, including suggestions for reducing this burden, to the U.S. Department of Labor, the OMB Desk Officer for ETA, Office of Management and Budget, Room 10235, Washington, DC 20503. PLEASE DO NOT RETURN YOUR COMPLETED APPLICATION TO THE OMB. SEND IT TO THE SPONSORING AGENCY AS SPECIFIED IN THIS SOLICITATION.

This information is being collected for the purpose of awarding a grant. The information collected through this ''Solicitation for Grant Applications'' will be used by the Department of Labor to ensure that grants are awarded to the applicant best suited to perform the functions of the grant. Submission of this information is required in order for the applicant to be considered for award of this grant. Unless otherwise specifically noted in this announcement, information submitted in the respondent's application is not considered to be confidential.

Signed at Washington, DC this 7th day of May, 2007.

James W. Stockton,

Grant Officer, Employment and Training Administration.

[FR Doc. E7–9004 Filed 5–9–07; 8:45 am]

BILLING CODE 4510–FN–P

MILLENNIUM CHALLENGE CORPORATION

[MCC FR 07–04]

Notice of Quarterly Report (January 1, 2007–March 31, 2007)

AGENCY: Millennium Challenge Corporation.

SUMMARY: The Millennium Challenge Corporation (MCC) is reporting for the quarter January 1, 2007 through March 31, 2007 with respect to both assistance provided under Section 605 of the Millennium Challenge Act of 2003 (Pub. L. 108–199, Division D (the Act)), and transfers of funds to other federal agencies pursuant to Section 619 of that Act. The following report shall be made available to the public by means of publication in the **Federal Register** and on the Internet Web site of the MCC (*http://www.mcc.gov*) in accordance with Section 612 (b) of the Act.

Dated: May 4, 2007.

Frances C. McNaught,

Vice President, Congressional and Public Affairs, Millennium Challenge Corporation.

ASSISTANCE PROVIDED UNDER SECTION 605

Projects	Obligated	Objectives	Cumulative disbursements	Measures
Country: Madagascar Year: 2007 Quarter 2 Total Obligation: $109,773,000 Entity to which the assistance is provided: MCA Madagascar Total Quarterly Disbursement: $0				
Land Tenure Project	$37,803,000	Increase Land Titling and Security.	$1,913,000	Legislative proposal (''loin de cadrage'') reflecting the PNF submitted to Parliament and passed. Percentage of land documents inventoried, restored, and/or digitized. Average time and cost required to carry out property-related transactions at the local and/or national land services offices. Time/cost to respond to information request, issue titles and to modify titles after the first land right. Number of land disputes reported and resolved in the target zones and sites of implementation. Percentage of land in the zones that is demarcated and ready for titling. Promote knowledge and awareness of land tenure reforms among inhabitants in the zones (surveys).

ASSISTANCE PROVIDED UNDER SECTION 605—Continued

Projects	Obligated	Objectives	Cumulative disbursements	Measures
Finance Project	35,888,000	Increase Competition in the Financial Sector.	827,000	Submission to Parliament and passage of new laws recommended by outside experts and relevant commissions. CPA Association (CSC) list of accountants registered. Maximum check clearing delay. Volume of funds in payment system and number of transactions. Public awareness of new financial instruments (surveys). Report of credit and payment information to a central database. Number of holders of new denomination T-bill holdings, and T-bill issuance outside Antananarivo as measured by Central Bank report of redemption date. Volume of production covered by warehouse receipts in the zones. Volume of MFI lending in the zones. MFI portfolio-at-risk delinquency rate. Number of new bank accounts in the zones.
Agricultural Business Investment Project	17,683,000	Improve Agricultural Projection Technologies and Market Capacity in Rural Areas.	2,109,000	Number of rural producers receiving or soliciting information from ABCs about the opportunities. Zones identified and description of beneficiaries within each zone submitted. Number of cost-effective investment strategies developed. Number of plans prepared. Number of farmers and business employing technical assistance received.
Program Administration* and Control, Monitoring and Evaluation.	18,399,000		6,751,000	
To be allocated**			1,906,000	
Country: Honduras Year: 2007 Quarter 2 Total Obligation: $215,000,000 Entity to which the assistance is provided: MCA Honduras Total Quarterly Disbursement: $2,014,000				
Rural Development Project	72,195,000	Increase the productivity and business skills of farmers who operate small and medium-size farms and their employees.	3,947,000	Hours of technical assistance delivered to Program Farmers (thousands). Funds lent by MCA-Honduras to financial institutions (cumulative). Hours of technical assistance to financial institutions (cumulative). Lien Registry equipment installed. Kilometers of farm-to-market road upgraded (cumulative).
Transportation Project	125,700,000	Reduce transportation costs between targeted production centers and national, regional and global markets.	443,000	Kilometers of highway upgraded. Kilometers of secondary road upgraded. Number of weight stations built.
Program Administration* and Control, Monitoring and Evaluation.	17,105,000		790,000	
To be allocated**			1,906,000	
Country: Cape Verde Year: 2007 Quarter 2 Total Obligation: $110,078,000 Entity to which the assistance is provided: MCA Cape Verde Total Quarterly Disbursement: $0				
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Watershed and Agricultural Support	10,848,000	Increase agricultural production in three targeted watershed areas on three islands.	216,000	Productivity: Horticulture (tons per hectare). Value-added for farms and agribusiness (millions of dollars).

ASSISTANCE PROVIDED UNDER SECTION 605—Continued

Projects	Obligated	Objectives	Cumulative disbursements	Measures
Infrastructure Improvement	78,760,000	Increase integration of the internal market and reduce transportation costs.	3,360,000	Volume of goods shipped between Praia and other islands (tons). Mobility Ratio: Percentage of beneficiary population who take at least 5 trips per month. Savings on transport costs from improvements (million dollars).
Private Sector Development	7,200,000	Spur private sector development on all islands through increased investment in the priority sectors and through financial sector reform.	0	Value added in priority sectors above current trends (escudos). Volume of private investment in priority sectors above current trends.
Program Administration* and Control, Monitoring and Evaluation.	13,270,000	.....	2,089,000	
To be allocated**	.....	.....	1,684,000	
Country: Nicaragua Year: 2007 Quarter 2 Total Obligation: $174,925,000 Entity to which the assistance is provided: MCA Nicaragua Total Quarterly Disbursement: $447,000				
Property Regularization Project	26,400,000	Increase Investment by strengthening property rights.	143,000	Automated registry-cadastre database installed. Number of parcels with a registered title, rural and urban (total of 21,000 and 22,000, rural and urban, respectively). Projected areas demarcated. Number of projected area management plans implemented. Number of conflicts resolved by program mediation.
Transportation Project	92,800,000	Reduce transportation costs between Leon and Chinandega and national, regional and global markets.	0	N–1 Road: Kilometers of road upgraded. Secondary Roads: Kilometers of secondary road upgraded.
Rural Business Development Project	33,500,000	Increase the value added of farms and enterprises in the region.	1,116,000	Rural business development centers: Value of TA and support services delivered to program businesses. Improvement of water supply for farming and forest production: Watershed Management Action Plan. Funds disbursed for improvement of water supply for farming and forest production projects.
Program Administration,* Due Diligence, Monitoring and Evaluation.	22,225,000	.....	1,974,000	
To be allocated**	0	.....	681,000	
Country: Georgia Year: 2007 Quarter 2 Total Obligation: $294,693,000 Entity to which the assistance is provided: MCA Georgia Total Quarterly Disbursement: $3,655,000				
Regional Infrastructure Rehabilitation	211,700,000	Key Regional Infrastructure Rehabilitated.	6,594,000	Reduction in journey time: Akhalkalaki-Ninotsminda-Teleti (hours). Reduction in vehicle operating costs (cumulative). Increase in internal regional traffic volumes (cumulative). Decreased technical losses. Reduction in the production of greenhouse gas emissions measured in tons of CO2 equivalent. Increase in collection rate of GGIC. Number of household beneficiaries served by RID projects (cumulative). Actual operations and maintenance expenditures (USD).

ASSISTANCE PROVIDED UNDER SECTION 605—Continued

Projects	Obligated	Objectives	Cumulative disbursements	Measures
Regional Enterprise Development	47,500,000	Enterprises in Regions Developed.	1,185,000	Increase in annual revenue in portfolio companies (in (1,000 USD). Increase in number of portfolio company employees and number of local suppliers. Increase in portfolio companies' wages and payments to local suppliers (in 1,000 USD). Jobs created. Increase in aggregate incremental net revenue to project assisted firms (in 1,000 USD and cumulative over five years). Direct household net income (in 1,000 USD cumulative over five years). Direct household net income for market information initiative beneficiaries (in 1,000 USD cumulative over five years). Number of beneficiaries.
Program Administration*, Due Diligence, Monitoring and Evaluation.	35,493,000	.....	3,991,000	
To be allocated**	0	.....	13,765,000	
Country: Vanuatu Year: 2007 Quarter 2 Total Obligation: $65,690,000 Entity to which the assistance is provided: MCA Vanuatu Total Quarterly Disbursement: $147,000				
Transportation Infrastructure Project	60,690,000	Facilitate transportation to increase tourism and business development.	2,000	Traffic volume (average annual daily traffic). Days road is closed (number per annum). Number of S–W Bay, Malekula flights cancelled due to flooding (per annum). Time of wharf (hours/ vessel).
Program Administration* , Due Diligence, Monitoring and Evaluation.	5,000,000	.....	805,000	
To be allocated**	.....	.....	$915,000	
Country: Armenia Year: 2007 Quarter 2 Total Obligation: $235,150,000 Entity to which the assistance is provided: MCA Armenia Total Quarterly Disbursement: $2,709,000				
Irrigated Agriculture Project	145,680,000	Increase agricultural productivity and Improve Quality of Irrigation.	0	Increase in hectares covered by HVA crops (i.e., vegetables, potato, fruits, grapes). Percentage of respondents satisfied with irrigation services. Share of WUA water charges compared WUA annual operations and maintenance cost (percentage). Number of farmers using better on-farm water management: drip irrigation; ET Gage, and soil moisture monitoring. Loans provided under the project (USD in thousands).
Rural Road Rehabilitation Project	67,100,000	Better access to economic and social infrastructure.	0	Annual increase in irrigated land in Project area (hectares). State budget expenditures on maintenance of irrigation system (AMD in millions). Reduction in Kilowatt hours used (thousand KWh). Share of water losses compared to total water intake (percentage). Share of WUA water charges compared to WUA annual operations and maintenance cost (percentage).
Program Administration*, Due Diligence, Monitoring and Evaluation.	22,370,000	.....	143,000	
To be allocated **	0	.....	3,448,000	

ASSISTANCE PROVIDED UNDER SECTION 605—Continued

Projects	Obligated	Objectives	Cumulative disbursements	Measures
Country: Benin Year: 2007 Quarter 2 Total Obligation: $305,761,000 Entity to which the assistance is provided: MCA Benin Total Quarterly Disbursement: $1,356,000				
Access to Financial Services	19,650,000	Expand Access to Financial Services.	49,000	Strengthen capacity of select financial institutions. Strengthen monitoring capacity of Supervisory Authority. Total incremental increase in value of new credit extended and savings received by financial institutions participating in the project. Share value of all loans outstanding that have one or more installments of principal past due over 30 days. Total number of loans guaranteed by land titles, per year.
Access to Justice	34,270,000	Improved Ability of Justice System to Enforce Contracts and Reconcile Claims.	0	Increase efficiency and improved services of courts and the arbitration center. Increase access to court system. Improve enterprise registration center.
Access to Land	36,020,000	Strengthen property rights and increase investment in rural and urban land.	44,000	Value of investments made to rural land parcels per year; land investment data will come from self-reported data through EMICoV. Value of investments made to urban land parcels per year; land investment data will come from self-reported data through EMICoV.
Access to Markets	168,020,000	Improve Access to Markets through Improvements to the Port of Cotonou.	0	Total volume of exports and imports passing through Port of Cotonou, per year in million metric tons.
Program Administration*, Due Diligence, Monitoring and Evaluation.	22,370,000	.....	1,363,000	
To be allocated**	0	.....	1,997,000	
Country: Ghana Year: 2007 Quarter 2 Total Obligation: $536,639,000 Entity to which the assistance is provided: MCA Ghana Total Quarterly Disbursement: $741,000				
Agriculture Project	239,552,000	Enhance Profitability of cultivation, services to agriculture and product handling in support of the expansion of commercial agriculture among groups of smallholder farms.	0	Number of hectares irrigated. Number of days to conduct a land transaction. Number of land disputes in the pilot registration districts. Registration of land rights in the pilot registration districts. Volume of products passing through post-harvest treatment (metric tons). Portfolio-at-risk of agriculture loan fund. Value of loans disbursed to clients from agricultural loan fund (US$). Number of additional loans. Vehicle operating costs (on roads requiring minor, medium and major rehabilitation).
Rural Development	101,288,000	Strengthen the rural institutions that provide services complementary to, and supportive of, agricultural and agriculture business development.	0	Time/quality per procurement. Score card of citizen satisfaction with services. Gross enrollment rates. Gender parity in school enrollment. Distance to collect water. Time to collect water. Distance to sanitation facility. Travel tine to sanitation facility. Incidence of guinea worm, diarrhea or bilharzia.

ASSISTANCE PROVIDED UNDER SECTION 605—Continued

Projects	Obligated	Objectives	Cumulative disbursements	Measures
Transportation	136,804,000	Reduce the transportation costs affecting agriculture commerce at sub-regional levels.	0	Average number of days lost due to guinea worm, diarrhea or bilharzias. Percentage of households, schools, and agricultural processing plants in target districts with electricity. Number of inter-bank transactions. Value of deposit accounts in rural banks. Volume capacity ratio. Vehicles per hour at peak hour. Travel time at peak hour. International roughness index. Annual average daily traffic. Travel time for walk-on passengers and small vehicles. Travel time for trucks.
Program Administration*, Due Diligence, Monitoring and Evaluation.	22,370,000	.....	0	
To be allocated**	.....	.....	$741,000	

* Program administration funds are used to pay items such as salaries, rent, and the cost of office equipment.
** These amounts represent disbursements made that will be allocated to individual projects in the subsequent quarter(s) and reported as such in subsequent quarterly report(s).

619 Transfer Funds

U.S. Agency to which funds were transferred	Amount	Description of program or project
USAID	$8,296,400	Threshold Program.
USAID	$4,717,048	Threshold Program.
USAID	$13,541,023	Threshold Program.

[FR Doc. E7–8961 Filed 5–9–07; 8:45 am]
BILLING CODE 9211–03–P

NUCLEAR REGULATORY COMMISSION

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: U. S. Nuclear Regulatory Commission (NRC).

ACTION: Notice of pending NRC action to submit an information collection request to OMB and solicitation of public comment.

SUMMARY: The NRC is preparing a submittal to OMB for review of continued approval of information collections under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

Information pertaining to the requirement to be submitted:

1. *The title of the information collection:* 10 CFR Part 63, ''Disposal of High-Level Radioactive Wastes in a Proposed Geologic Repository at Yucca Mountain, Nevada.''

2. *Current OMB approval number:* 3150–0199.

3. *How often the collection is required:* One time.

4. *Who is required or asked to report:* The State of Nevada, local governments, or affected Indian Tribes, or their representatives, requesting consultation with the NRC staff regarding review of the potential high-level waste geologic repository site, or wishing to participate in a license application review for the potential geologic repository.

5. *The number of annual respondents:* 3.

6. *The number of hours needed annually to complete the requirement or request:* 363 (An average of 40 hours per response for consultation requests, 80 hours per response for license application review participation proposals, and one hour per response for statements of representative authority).

7. *Abstract:* 10 CFR Part 63 requires the State of Nevada, local governments, or affected Indian Tribes to submit certain information to the NRC if they request consultation with the NRC staff concerning the review of the potential repository site, or wish to participate in a license application review for the potential repository. Representatives of the State of Nevada, local governments, or affected Indian Tribes must submit a statement of their authority to act in such a representative capacity. The information submitted by the State, local governments, and affected Indian Tribes is used by the Director of the Office of Nuclear Material Safety and Safeguards as a basis for decisions about the commitment of NRC staff resources to the consultation and participation efforts.

Submit, by July 9, 2007, comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?

2. Is the burden estimate accurate?

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

4. How can the burden of the information collection be minimized, including the use of automated collection techniques or other forms of information technology?

A copy of the draft supporting statement may be viewed free of charge at the NRC Public Document Room, One White Flint North, 11555 Rockville Pike, Room O–1 F21, Rockville, MD 20852. OMB clearance requests are available at the NRC worldwide Web site: *http://www.nrc.gov/public-involve/doc-comment/omb/index.html.* The document will be available on the NRC

home page site for 60 days after the signature date of this notice.

Comments and questions about the information collection requirement may be directed to the NRC Clearance Officer, Margaret A. Janney (T–5 F52), U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, by telephone at 301–415–7245, or by Internet electronic mail to *INFOCOLLECTS@NRC.GOV*.

Dated at Rockville, Maryland, this 3rd day of May, 2007.

For the Nuclear Regulatory Commission.

Margaret A. Janney,

NRC Clearance Officer, Office of Information Services.

[FR Doc. E7–9005 Filed 5–9–07; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: U.S. Nuclear Regulatory Commission (NRC).

ACTION: Notice of pending NRC action to submit an information collection request to the Office of Management and Budget (OMB) and solicitation of public comment.

SUMMARY: The NRC is preparing a submittal to OMB for review of continued approval of information collections under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

Information pertaining to the requirement to be submitted:

1. *The title of the information collection:* 10 CFR Part 39—Licenses and Radiation Safety Requirements for Well Logging.

2. *Current OMB approval number:* OMB No. 3150–0130.

3. *How often the collection is required:* Applications for new licenses and amendments may be submitted at any time. Applications for renewal are submitted every 10 years. Reports are submitted as events occur.

4. *Who is required or asked to report:* Applicants for and holders of specific licenses authorizing the use of licensed radioactive material for radiography.

5. *The number of annual respondents:* 170 (37 NRC licensees and 133 Agreement State licensees).

6. *The number of hours needed annually to complete the requirement or request:* 36,890 hours. The NRC licensees total burden is 8,037 hours (116 reporting hrs plus 7,921 recordkeeping hrs). The Agreement State licensees total burden is 28,853 hours (423 reporting hrs plus 28,430 recordkeeping hrs). The average burden per response for both NRC licensees and Agreement State licensees is 3.2 hours, and the burden per recordkeeper is 214 hours.

7. *Abstract:* 10 CFR Part 39 establishes radiation safety requirements for the use of radioactive material in well logging operations. The information in the applications, reports and records is used by the NRC staff to ensure that the health and safety of the public is protected and that licensee possession and use of source and byproduct material is in compliance with license and regulatory requirements.

Submit, by July 9, 2007, comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?

2. Is the burden estimate accurate?

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

4. How can the burden of the information collection be minimized, including the use of automated collection techniques or other forms of information technology?

A copy of the draft supporting statement may be viewed free of charge at the NRC Public Document Room, One White Flint North, 11555 Rockville Pike, Room O–1 F21, Rockville, MD 20852. OMB clearance requests are available at the NRC worldwide Web site: *http://www.nrc.gov/public-involve/doc-comment/omb/index.html*. The document will be available on the NRC home page site for 60 days after the signature date of this notice.

Comments and questions about the information collection requirements may be directed to the NRC Clearance Officer, Margaret A. Janney (T–5 F52), U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, by telephone at 301–415–7245, or by Internet electronic mail to *INFOCOLLECTS@NRC.GOV*.

Dated at Rockville, Maryland, this 3rd day of May 2007.

For the Nuclear Regulatory Commission

Margaret A. Janney,

NRC Clearance Officer, Office of Information Services.

[FR Doc. E7–9006 Filed 5–9–07; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Sunshine Federal Register Notice

AGENCY HOLDING THE MEETINGS: Nuclear Regulatory Commission.

DATES: Week of May 14, 2007.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

ADDITIONAL MATTERS TO BE CONSIDERED:

Week of May 14, 2007—Tentative

Monday, May 14, 2007

12:45 p.m. Affirmation Session (Public Meeting) (Tentative)

a. Final Rule: Requirements for Expanded Definition of Byproduct Material (RIN: 3150–AH84) (Tentative)

* * * * *

*The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings call (recording)—(301) 415–1292. Contact person for more information: Michelle Schroll, (301) 415–1662.

* * * * *

The NRC Commission Meeting Schedule can be found on the Internet at: *http://www.nrc.gov/what-we-do/policy-making/schedule.html.*

* * * * *

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: May 7, 2007.

R. Michelle Schroll,

Office of the Secretary.

[FR Doc. 07–2336 Filed 5–8–07; 12:46 pm]

BILLING CODE 7590–01–P

RAILROAD RETIREMENT BOARD

Proposed Collection, Comment Request

SUMMARY: In accordance with the requirement of Section 3506 (c)(2)(A) of the Paperwork Reduction Act of 1995 which provides opportunity for public comment on new or revised data collections, the Railroad Retirement Board will publish periodic summaries of proposed data collections.

Comments are invited on: (a) Whether the proposed information collection is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (b) the accuracy of the RRB's estimate of the burden of the collection of the information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden related to the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Title and Purpose of information collection: Designation of Contact Officials; 3220–0200.

Coordination between railroad employers and the RRB is essential to properly administer the payment of benefits under the Railroad Retirement Act (RRA) and the Railroad Unemployment Insurance Act (RUIA). In order to enhance timely coordination activity, the RRB utilizes Form G–117a, Designation of Contact Officials. Form G–117a is used by railroad employers to designate employees who are to act as point of contact with the RRB on a variety of RRA and RUIA-related matters.

The RRB estimates that about 100 G–117a's will be submitted annually. Completion is voluntary. One response is requested from each respondent. Completion time is estimated at 15 minutes. No changes are proposed to Form G–117a.

Additional Information or Comments: To request more information or to obtain a copy of the information collection justification, forms, and/or supporting material, please call the RRB Clearance Officer at (312) 751–3363 or send an E-mail request to *Charles.Mierzwa@RRB.GOV*. Comments regarding the information collection should be addressed to Ronald J. Hodapp, Railroad Retirement Board, 844 N. Rush Street, Chicago, Illinois 60611–2092 or send an E-mail to *Ronald.Hodapp@RRB.GOV*. Written comments should be received within 60 days of this notice.

Charles Mierzwa,

Clearance Officer.

[FR Doc. E7–8949 Filed 5–9–07; 8:45 am]

BILLING CODE 7905–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 27818; 812–13268]

First American Investment Funds, Inc., et al.; Notice of Application

May 4, 2007.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice of an application for an order under section 6(c) of the Investment Company Act of 1940 (''Act'') for an exemption from section 15(a) of the Act and rule 18f–2 under the Act, as well as from certain disclosure requirements.

SUMMARY OF THE APPLICATION: Applicants request an order that would permit them to enter into and materially amend subadvisory agreements without shareholder approval and would grant relief from certain disclosure requirements.

APPLICANTS: First American Investment Funds, Inc. (''FAIF'') and FAF Advisors, Inc. (''Adviser'').

FILING DATES: The application was filed on March 8, 2006, and amended on May 1, 2007.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on May 29, 2007 and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request by writing to the Commission's Secretary.

ADDRESSES: Secretary, U.S. Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090. Applicants, 800 Nicollet Mall, Minneapolis, MN 55402.

FOR FURTHER INFORMATION CONTACT: Lewis B. Reich, Senior Counsel, at (202) 551–6919, or Julia Kim Gilmer, Branch Chief, at (202) 551–6871 (Office of Investment Company Regulation, Division of Investment Management).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the Commission's Public Reference Branch, 100 F Street, NE., Washington, DC 20549–0102 (telephone (202) 551–5850).

Applicants' Representations

1. FAIF is organized as a Maryland corporation and is registered under the Act as an open-end management investment company. FAIF currently offers its shares in 39 series, each with its own investment objectives, restrictions and policies. Two of these series, the International Fund and the International Select Fund (collectively, the ''International Funds'') will operate under a manager of managers structure. Applicants also request relief for any other existing or future series of FAIF that is advised by the Adviser or by an entity that controls, is controlled by, or is under common control with the Adviser, uses the manager of managers investment management approach, and complies with the terms and conditions of the application (such series, together with the International Funds, the ''Funds'').[1]

2. The Adviser is registered as an investment adviser under the Investment Advisers Act of 1940 (the ''Advisers Act'') and serves as investment adviser to the International Funds pursuant to an investment advisory agreement (''Advisory Agreement'') with each Fund. The Advisory Agreement between the Adviser and FAIF, acting on behalf of the International Funds, was approved by the shareholders of the International Fund and the initial shareholder of the International Select Fund and by the Board of each International Fund, including a majority of the directors who are not ''interested persons'' as defined in section 2(a)(19) of the Act (''Independent Directors''), of the International Funds.

3. Under the terms of the Advisory Agreements, the Adviser will provide

[1] All existing entities that currently intend to rely on the order are named as applicants. If the name of any Fund contains the name of a Money Manager (as defined below), the name of the Adviser, or the name of the entity controlling, controlled by, or under common control with the Adviser that serves as the primary adviser to the Fund will precede the name of the Money Manager.

general investment management services to each Fund, including overall supervisory responsibility for the general management and investment of the Fund's assets, and have the authority, subject to Board approval, to enter into investment subadvisory agreements (''Investment Subadvisory Agreements'') with one or more subadvisers (''Money Managers''). Each Money Manager will be registered under the Advisers Act. The Adviser will evaluate, allocate assets to and oversee the Money Managers and recommend to the Board their hiring, retention or termination. Money Managers recommended to the Board by the Adviser are selected and approved by the Board, including a majority of the Independent Directors. Each Money Manager will have discretionary authority to invest the assets or a portion of the assets of the applicable Fund. The Adviser will compensate each Money Manager out of the fees paid to the Adviser under the Advisory Agreement.

4. Applicants request an order that would permit the Adviser to select and hire Money Managers and materially amend Investment Subadvisory Agreements without obtaining shareholder approval. The requested relief will not extend to any Money Manager that is an affiliated person, as defined in section 2(a)(3) of the Act, of a Fund or the Adviser, other than by reason of serving as a Money Manager to one or more of the Funds (''Affiliated Money Manager'').

5. Applicants also request an exemption from various disclosure provisions described below that may require a Fund to disclose fees paid by the Adviser to each Money Manager. An exemption is requested to permit a Fund to disclose (as both a dollar amount and as a percentage of the Fund's net assets): (a) The aggregate fees paid to the Adviser and any Affiliated Money Managers; and (b) the aggregate fees paid to Money Managers other than Affiliated Money Managers (collectively, ''Aggregate Fee Disclosure''). For any Fund that employs an Affiliated Money Manager, the Fund will provide separate disclosure of any fees paid to the Affiliated Money Manager.

Applicants' Legal Analysis

1. Section 15(a) of the Act provides, in relevant part, that it is unlawful for any person to act as an investment adviser to a registered investment company except under a written contract that has been approved by the vote of a majority of the company's outstanding voting securities. Rule 18f–2 under the Act provides that each series or class of stock in a series company affected by a matter must approve such matter if the Act requires shareholder approval.

2. Form N–1A is the registration statement used by open-end investment companies. Item 14(a)(3) of Form N–1A requires disclosure of the method and amount of an investment adviser's compensation.

3. Rule 20a–1 under the Act requires proxies solicited with respect to an investment company to comply with Schedule 14A under the Securities Exchange Act of 1934 (''1934 Act''). Items 22(c)(1)(ii), 22(c)(1)(iii), 22(c)(8) and 22(c)(9) of Schedule 14A, taken together, require a proxy statement for a shareholder meeting at which the advisory contract will be voted upon to include the ''rate of compensation of the investment adviser,'' the ''aggregate amount of the investment adviser's fees,'' a description of the ''terms of the contract to be acted upon,'' and, if a change in the advisory fee is proposed, the existing and proposed fees and the difference between the two fees.

4. Form N–SAR is the semi-annual report filed with the Commission by registered investment companies. Item 48 of Form N–SAR requires investment companies to disclose the rate schedule for fees paid to their investment advisers, including the Money Managers.

5. Regulation S–X sets forth the requirements for financial statements required to be included as part of investment company registration statements and shareholder reports filed with the Commission. Sections 6–07(2)(a), (b), and (c) of Regulation S–X require that investment companies include in their financial statements information about investment advisory fees.

6. Section 6(c) of the Act provides that the Commission may exempt any person, security, or transaction or any class or classes of persons, securities, or transactions from any provisions of the Act, or from any rule thereunder, if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants state that their requested relief meets this standard for the reasons discussed below.

7. Applicants assert that the shareholders of a Fund rely on the Adviser to select one or more Money Managers which have the appropriate skills and experience to manage the assets of the Fund. Applicants assert that, from the perspective of an investor in a Fund, the role of the Money Managers is substantially equivalent to that of the individual portfolio managers employed by traditional investment company advisory firms. Applicants state that requiring shareholder approval of each Investment Subadvisory Agreement would impose costs and unnecessary delays on the Funds, and may preclude the Adviser from acting promptly in a manner considered advisable by the Board. Applicants note that the Advisory Agreement and any Investment Subadvisory Agreement with an Affiliated Money Manager will remain subject to section 15(a) of the Act and rule 18f–2 under the Act.

8. Applicants assert that some Money Managers use a ''posted'' rate schedule to set their fees. Applicants state that while Money Managers are willing to negotiate fees that are lower than those posted on the schedule, they are reluctant to do so where the fees are disclosed to other prospective and existing customers. Applicants submit that the requested relief would allow the Adviser to negotiate more effectively with each individual Money Manager.

Applicants' Conditions

Applicants agree that any order granting the requested relief will be subject to the following conditions:

1. Before a Fund may rely on the order requested in the application, the operation of the Fund in the manner described in the application will be approved by a majority of the Fund's outstanding voting securities, as defined in the Act, or, in the case of a Fund whose public shareholders purchase shares on the basis of a prospectus containing the disclosure contemplated by condition 2 below, by the sole initial shareholder before offering the Fund's shares to the public.

2. The prospectus for each Fund will disclose the existence, substance, and effect of any order granted pursuant to the Application. Each Fund will hold itself out to the public as employing the management structure described in the Application. The prospectus will prominently disclose that the Adviser has ultimate responsibility (subject to oversight by the Board) to oversee the Money Managers and recommend their hiring, termination, and replacement.

3. Within 90 days of the hiring of a new Money Manager, the affected Fund shareholders will be furnished all information about the new Money Manager that would be included in a proxy statement, except as modified by the order to permit Aggregate Fee Disclosure. This information will include Aggregate Fee Disclosure and

any change in such disclosure caused by the addition of the new Money Manager. To meet this obligation, the Fund will provide shareholders within 90 days of the hiring of a new Money Manager with an information statement meeting the requirements of Regulation 14C, Schedule 14C and Item 22 of Schedule 14A under the 1934 Act, except as modified by the order to permit Aggregate Fee Disclosure.

4. The Adviser will not enter into an Investment Subadvisory Agreement with any Affiliated Money Manager without that agreement, including the compensation to be paid thereunder, being approved by Fund shareholders.

5. At all times, at least a majority of the Board will be Independent Directors, and the nomination of new or additional Independent Directors will be at the discretion of the then existing Independent Directors.

6. When a Money Manager change is proposed for a Fund with an Affiliated Money Manager, the Board, including a majority of the Independent Directors, will make a separate finding, reflected in the applicable Board minutes, that such change is in the best interests of the Fund and its shareholders and does not involve a conflict of interest from which the Adviser or the Affiliated Money Manager derives an inappropriate advantage.

7. Independent legal counsel, as defined in rule 0–1(a)(6) under the Act, will be engaged to represent the Independent Directors. The selection of such counsel will be within the discretion of the then existing Independent Directors.

8. Whenever a Money Manager is hired or terminated, the Adviser will provide the Board with information showing the expected impact on the profitability of the Adviser.

9. The Adviser will provide general investment management services to each Fund, including overall supervisory responsibility for the general management and investment of the Fund's assets, and, subject to review and approval of the Board, will: (a) Set each Fund's overall investment strategies, (b) evaluate, select and recommend Money Managers to manage all or a part of a Fund's assets, (c) when appropriate, allocate and reallocate a Fund's assets among multiple Money Managers, (d) monitor and evaluate the performance of Money Managers, and (e) implement procedures reasonably designed to ensure that the Money Managers comply with each Fund's investment objective, policies and restrictions.

10. No director or officer of a Fund, or director or officer of the Adviser, will own directly or indirectly (other than through a pooled investment vehicle that is not controlled by such person) any interest in a Money Manager, except for (a) ownership of interests in the Adviser or any entity that controls, is controlled by, or is under common control with the Adviser, or (b) ownership of less than 1% of the outstanding securities of any class of equity or debt of a publicly traded company that is either a Money Manager or an entity that controls, is controlled by or is under common control with a Money Manager.

11. Each Fund will disclose in its registration statement the Aggregate Fee Disclosure.

12. The requested order will expire on the effective date of Rule 15a–5 under the Act, if adopted.

13. The Adviser will provide the Board, no less frequently than quarterly, with information about the profitability of the Adviser on a per-Fund basis. The information will reflect the impact on profitability of the hiring or termination of any Money Manager during the applicable quarter.

For the Commission, by the Division of Investment Management, under delegated authority.

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E7–9001 Filed 5–9–07; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–55700; File No. SR–CBOE–2007–42]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Increase the Class Quoting Limit in ISE Options

May 3, 2007.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on April 30, 2007, the Chicago Board Options Exchange, Incorporated (''CBOE'' 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 CBOE. The Exchange has designated this proposal as one constituting a stated policy, practice, or interpretation with respect to the meaning, administration, or enforcement of an existing rule under Section 19(b)(3)(A)(i) of the Act,[3] and Rule 19b–4(f)(1) thereunder,[4] which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

CBOE proposes to increase the class quoting limit in an option class. The text of the proposed rule change is available on CBOE's Web site (*http://www.cboe.com*), at the CBOE's Office of the Secretary, and at the Commission's public reference room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, CBOE 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 CBOE 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

CBOE Rule 8.3A, Maximum Number of Market Participants Quoting Electronically per Product, establishes class quoting limits (''CQLs'') for each class traded on the Hybrid Trading System.[5] A CQL is the maximum number of quoters that may quote electronically in a given product and the current levels are established from 25–40, depending on the trading activity of the particular product.

Rule 8.3A, Interpretation .01(c) provides a procedure by which the President of the Exchange may increase the CQL for a particular product. In this regard, the President of the Exchange may increase the CQL in exceptional circumstances, which are defined in the rule as ''substantial trading volume, whether actual or expected.'' [6] The

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(i).

[4] 17 CFR 240.19b–4(f)(1).

[5] *See* Rule 8.3A.01.

[6] ''Any actions taken by the President of the Exchange pursuant to this paragraph will be

Continued

effect of an increase in the CQL is procompetitive in that it increases the number of market participants that may quote electronically in a product. The purpose of this filing is to increase the CQL in International Securities Exchange (''ISE'') from its current limit of 25 to 40. The trading volume in ISE recently has increased substantially. Increasing the CQL in ISE will enable the Exchange to enhance the liquidity offered, thereby offering deeper and more liquid markets.

2. Statutory Basis

CBOE 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) of the Act.[7] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[8] requirements that the rules of an exchange be designed to promote just and equitable principles of trade, to prevent fraudulent and manipulative acts and, in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

CBOE 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 neither received nor solicited written comments on the proposal.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing proposed rule change will take effect upon filing with the Commission pursuant to Section 19(b)(3)(A)(i) of the Act[9] and Rule 19b–4(f)(1) thereunder,[10] because it constitutes a stated policy, practice, or interpretation with respect to the meaning, administration, or enforcement of an existing rule.

At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

• Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or

• Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–CBOE–2007–42 on the subject line.

Paper Comments

• Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–CBOE–2007–42. 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 CBOE. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CBOE–2007–42 and should be submitted on or before May 31, 2007.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[11]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E7–8958 Filed 5–9–07; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–55705; File No. SR–CHX–2007–05[

Self-Regulatory Organizations; Chicago Stock Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change and Amendment No. 1 Thereto, Relating to Participant Fees and Credits

May 4, 2007.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on March 23, 2007, the Chicago Stock Exchange, Inc. (''CHX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared substantially by the CHX. The CHX amended the proposed rule change on May 1, 2007.[3] The CHX has designated this proposal as one establishing or changing a member due, fee, or other charge imposed by the CHX under Section 19(b)(3)(A)(ii) of the Act,[4] and Rule 19b–4(f)(2) thereunder,[5] which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change, as amended, from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The CHX proposes to amend its Schedule of Participant Fees and Credits (''Fee Schedule''), effective April 1, 2007, to (1) assess a single ''take'' fee and provide a single ''provide'' credit for Matching System transactions in all securities; (2) eliminate the provisions relating to sharing of market data; and (3) modify the Matching System routing fees for executions through the Reg

submitted to the SEC in a rule filing pursuant to Section 19(b)(3)(A) of the Exchange Act.'' Rule 8.3A.01(c).

[7] 15 U.S.C. 78(f)(B).

[8] 15 U.S.C. 78(f)(b)(5).

[9] 15 U.S.C. 78s(b)(3)(A)(i).

[10] 17 CFR 240.19b–4(f)(1).

[11] 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. The Commission considers the 60-abrogation period to have commenced on May 1, 2007, the date the CHX filed Amendment No. 1.

[4] 15 U.S.C. 78s(b)(3)(A)(ii).

[5] 17 CFR 240.19b–4(f)(2).

NMS Linkage Plan. The text of the proposed rule change is available at the CHX, the Commission's Public Reference Room, and the CHX's Web site at *http://www.chx.com/rules/proposed_rules.htm*.

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 CHX 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 CHX 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 CHX proposes to amend its Fee Schedule, effective April 1, 2007, to (1) assess a single ''take'' fee and provide a single ''provide'' credit for Matching System transactions in all securities; (2) eliminate the provisions relating to sharing of market data revenues; and (3) modify the Matching System routing fees for executions through the Reg NMS Linkage Plan.

On April 1, 2007, the new market data revenue allocation formula that is part of Regulation NMS takes effect.[6] This new formula significantly modifies the manner in which market data revenue is allocated among the self-regulatory organizations that participate in the plans associated with the dissemination of market data. Among other things, the new formula allocates revenue among the securities in each plan based (in most cases) on the square root of the dollar volume of trading in each security; allocates revenue based upon both quotes and trades in each security; and limits the amount of revenue associated with trades with dollar volumes less than $5,000.[7] The Exchange believes that it is appropriate to gain some experience with the impact of this new revenue sharing formula before determining whether it is appropriate to share a portion of that revenue with Exchange participants.[8] As a result, effective April 1, 2007, the Exchange proposes to eliminate the market data revenue credits set out in its Fee Schedule.

At the same time, however, the Exchange would slightly increase its ''take'' fees and more significantly increase the ''provide'' credits for transactions that occur within the CHX's Matching System. Under these changes, the CHX would charge a ''take'' fee of $.0029/share and pay a ''provide'' credit of $.0026/share. These changes are designed, at least in part, to provide an incentive for participants to submit single-sided orders to the Matching System for execution.

As a final portion of this proposed rule change, the Exchange would modify the routing fees associated with the use of the Linkage Plan's routing mechanism. These proposed fee changes respond, in part, to changes instituted by other markets and simplify the fee structure by assessing a fee of $0.0030/share for executed orders routed to all markets in all securities (except that a $.0003/share fee will be assessed on executed orders routed to the NYSE in non-ETFs).[9] The Exchange believes that this simplified fee structure will be easier for its participants to understand; will not require the Exchange to continually modify its fees as other markets make changes to their own fee schedules; and will allow the Exchange to cover a portion of its costs of providing its participants with access to the Linkage Plan.[10]

The provisions in Sections E(1), E(6) and F(1) of the CHX Schedule of Participant Fees and Credits that were applicable only through March 31, 2007 are deemed to have been removed, effective as of April 1, 2007, leaving only the provisions that took effect on April 1, 2007.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b)(4) of the Act[11] in that it provides for the equitable allocation of reasonable dues, fees and other charges among its members.

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.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change establishes or changes a member due, fee, or other charge imposed by the Exchange, it has become effective pursuant to Section 19(b)(3)(A) of the Act[12] and Rule 19b–4(f)(2)[13] thereunder. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change, as amended, is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (http://www.sec.gov/rules/sro.shtml); or
- Send an e-mail to *rule-comments@sec.gov*. Please include File No. SR–CHX–2007–05 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–CHX–2007–05. 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

[6] *See* Release No. 34–55160 (January 24, 2007), 72 FR 4202 (January 30, 2007) (File No. S7–10–04) (confirming that the compliance date for the market data revenue allocation amendment remains April 1, 2007).

[7] *See* Reg NMS Final Rule Release, No. 34–51808, File No. S7–10–04, 70 FR 37496 (June 29, 2005), Section XIV (Text of Adopted Amendments to the CTA Plan, the CQ Plan and the Nasdaq UTP Plan).

[8] In addition, even if the Exchange believed it was appropriate to share revenue under the new allocation, the Exchange will not receive sufficient information from the securities information processors to readily calculate the amount of revenue that might be shared in connection with a specific quote or trade.

[9] *See* Securities Exchange Act Release No. 55395 (March 2, 2007), 72 FR 11067 (March 12, 2007) (SR–CBOE–2007–25) (setting new transaction fees for the CBOE Stock Exchange).

[10] These costs include the costs associated with maintaining an omnibus clearing account for Linkage Plan transactions with the National Securities Clearing Corporation.

[11] 15 U.S.C. 78f(b)(4).

[12] 15 U.S.C. 78s(b)(3)(A).

[13] 17 CFR 19b–4(f)(2).

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 CHX.

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–CHX–2007–05 and should be submitted on or before May 31, 2007.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[14]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E7–8960 Filed 5–9–07; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–55701; File No. SR–FICC–2007–02]

Self-Regulatory Organizations; Fixed Income Clearing Corporation; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Clarify the Rules of Its Government Securities Division With Respect to Obligations Associated With Brokered Repo Trades

May 3, 2007

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on March 12, 2007, the Fixed Income Clearing Corporation (''FICC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change described in Items I, II, and III below, which items have been prepared primarily by FICC. FICC filed the proposed rule change pursuant to Section 19(b)(3)(A)(i) of the Act[2] and Rule 19b–4(f)(1) thereunder[3] so that the proposal was effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested parties.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The purpose of the proposed rule change is to add language to Section 3 to Rule 19 (Special Provisions for Brokered Repo Transactions) of FICC's Government Securities Division (''GSD'') Rules to make explicit that blind broker repo trades assumed by FICC are included in the calculation of the parties to such trades' receive and deliver obligations to FICC.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, FICC 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. FICC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of these statements.[4]

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In 2006, the Commission approved a clarifying change to FICC's Rules relating to a longstanding practice by FICC of assuming brokers' positions in certain blind broker repo transactions.[5] As part of that filing, a new Section 5 was added to Rule 19 of the GSD Rules to expressly provide for this practice. FICC has determined that an additional change as set forth below is necessary to further clarify the GSD Rules with respect to obligations associated with brokered repo trades.

Section 3 of GSD Rule 19 allows FICC to deem a repo brokered trade as compared based solely upon the submission of trade data by the broker despite an untimely submission of data by the dealer and states that such a trade would be included in the calculation of the margin and mark-to-market payments of the parties to the trade. FICC is adding language to Section 3 to make it clear that such a trade is also included in the calculation of the parties' receive and deliver obligations, which is consistent with the language in Section 5 of Rule 19. The proposed change is technical in nature and does not reflect a change in the practices or policies of GSD.

The proposed rule change is consistent with the requirements of Section 17A of the Act[6] and the rules and regulations thereunder applicable to FICC because the proposed change is a clarification that does not adversely affect the safeguarding of securities and funds in the custody or control of the clearing agency or for which it is responsible and does not adversely affect the respective rights or obligations of the clearing agency or its members.

(B) Self-Regulatory Organization's Statement on Burden on Competition

FICC does not believe that the proposed rule change will have any impact or impose any burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments relating to the proposed rule change have not yet been solicited or received. FICC will notify the Commission of any written comments received by FICC.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective upon filing pursuant to Section 19(b)(3)(A)(i) of the Act[7] and Rule 19b–4(f)(1)[8] thereunder because it constitutes a stated policy, practice, or interpretation with respect to the meaning, administration, or enforcement of an existing rule of FICC. 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

[14] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78s(b)(3)(A)(i).

[3] 17 CFR 240.19b–4(f)(1).

[4] The Commission has modified the text of the summaries prepared by FICC.

[5] Securities Exchange Act Release No. 54487 (September 22, 2006), 71 FR 58025 (October 2, 2006) [File No. SR–FICC–2005–17].

[6] 15 U.S.C. 78q–1.

[7] 15 U.S.C. 78s(b)(3)(A)(i).

[8] 17 CFR 240.19b–4(f)(1).

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–FICC–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–FICC–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 Section, 100 F Street, NE., Washington, DC 20549. The text of the proposed rule change is available at FICC, the Commission's Public Reference Room, and *http://www.ficc.com/commondocs/rule.filings/rule.filing.07–02.pdf.* 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–FICC–2007–02 and should be submitted on or before May 31, 2007.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[9]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E7–8913 Filed 5–9–07; 8:45 am]

BILLING CODE 8010–01–P

[9] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–55704; File No. SR–ISE–2007–25]

Self-Regulatory Organizations; International Securities Exchange, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change as Modified by Amendment No. 1 Thereto Relating to Fee Changes

May 3, 2007.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on April 17, 2007, the International Securities Exchange, LLC (''ISE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared substantially by the Exchange. On May 2, 2007, the ISE submitted Amendment No. 1 to the proposed rule change.[3] ISE has designated this proposal as one establishing or changing a due, fee, or other charge imposed by ISE under Section 19(b)(3)(A)(ii) of the Act[4] and Rule 19b–4(f)(2) thereunder,[5] which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change, as amended, from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The ISE is proposing to amend its Schedule of Fees to establish fees for transactions in options on a new category of Premium Products.[6] The text of the proposed rule change is available at the Exchange, the Commission's Public Reference Room, and *http://www.iseoptions.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. ISE has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange is proposing to amend its Schedule of Fees to establish fees for transactions in options on a new category of Premium Products, foreign currency options, referred to in the Exchange's Schedule of Fees as FX options.[7] The Exchange began trading in FX options on April 17, 2007. All of the applicable execution fees covered by this filing are identical to fees charged by the Exchange for all other Premium Products. Specifically, the Exchange is proposing to adopt an execution fee and a comparison fee for all transactions in FX options.[8] The amount of the execution fee and comparison fee for all ISE Market Maker transactions shall be equal to the execution fee and comparison fee currently charged by the Exchange for ISE Market Maker transactions in equity options.[9] The amount of the execution fee and comparison fee for products covered by this filing shall be $0.15 and $0.03 per contract, respectively, for all Public Customer Orders[10] and Firm Proprietary orders. Finally, the amount of the execution fee and comparison fee for all non-ISE Market Maker transactions shall be $0.16 and $0.03 per contract, respectively. Since FX options are not multiply-listed, the Payment for Order Flow fee shall not apply.

In addition to the execution fees noted above, the Exchange also proposes to charge ISE market makers a monthly access fee of $500 for the right to quote in FX options. In order to promote trading in FX options, the Exchange proposes to waive, through October 17, 2007: (1) All transaction

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Amendment No. 1 makes clarifications to the purpose section of the proposed rule change and technical formatting corrections to the Schedule of Fees contained in Exhibit 5.

[4] 15 U.S.C. 78s(b)(3)(A)(ii).

[5] 17 CFR 240.19b–4(f)(2).

[6] ''Premium Products'' is defined in the Schedule of Fees as the products enumerated therein.

[7] *See* Securities Exchange Act Release No. 55575 (April 3, 2007), 72 FR 17963 (April 10, 2007) (SR–ISE–2006–59) (order approving the listing and trading of foreign currency options).

[8] These fees will be charged only to Exchange members.

[9] The execution fee is currently between $.21 and $.12 per contract side, depending on the Exchange Average Daily Volume, and the comparison fee is currently $.03 per contract side.

[10] ''Public Customer Order'' is defined in Exchange Rule 100(a)(39) as an order for the account of a Public Customer. ''Public Customer'' is defined in Exchange Rule 100(a)(38) as a person that is not a broker or dealer in securities.

fees applicable to members and (2) the monthly access fee applicable to ISE market makers. As a further incentive for market makers to quote in FX options, the Exchange proposes to waive one API for each class of market maker in FX options. For example, a firm that is both a primary market maker (''PMM'') and a competitive market maker (''CMM'') in FX options (''FXPMM'' and ''FXCMM,'' respectively) will receive a waiver of two APIs, one for quoting as a FXPMM and one for quoting as a FXCMM.

Finally, FX options are an options product and, as such, are subject to certain other fees that are currently on the Schedule of Fees. These fees include the minimum PMM fee and the Inactivity fee applicable to both PMMs and CMMs. In order to promote trading in FX options, ISE proposes to exclude FXPMMs and FXCMMs from being subject to these fees.

The Exchange believes that the proposed rule change will further the Exchange's goal of introducing new products to the marketplace that are competitively priced.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the objectives of Section 6(b) of the Act [11] in general, and Section 6(b)(4) of the Act [12] in particular, in that it is designed to provide for the equitable allocation of reasonable dues, fees, and other charges among Exchange members and other persons using Exchange facilities.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes that the proposed rule change will not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has not solicited, and does not intend to solicit, comments on the proposed rule change. The Exchange has not received any unsolicited written comments from its members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing proposed rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act [13] and Rule 19b–4(f)(2) [14] thereunder, because it establishes or changes a due, fee, or other charge imposed by the Exchange. At any time within 60 days of the filing of such proposed rule change the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.[15]

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–ISE–2007–25 on the subject line.

Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–ISE–2007–25. 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 ISE. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–ISE–2007–25 and should be submitted on or before May 31, 2007.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[16]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E7–8912 Filed 5–9–07; 8:45 am]

BILLING CODE 8010–01–P

[11] 15 U.S.C. 78f(b).

[12] 15 U.S.C. 78f(b)(4).

[13] 15 U.S.C. 78s(b)(3)(A)(ii).

[14] 17 CFR 240.19b–4(f)(2).

[15] For purposes of calculating the 60-day period within which the Commission may summarily abrogate the proposed rule change, the Commission considers the period to commence on May 2, 2007, the date on which the Exchange filed Amendment No. 1.

[16] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–55703; File No. SR–NASD–2007–026]

Self-Regulatory Organizations; National Association of Securities Dealers, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Implement Technical Changes to the Customer, Industry and Mediation Codes

May 3, 2007.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] notice is hereby given that on April 13, 2007 the National Association of Securities Dealers, Inc. (''NASD ''), through its wholly owned subsidiary, NASD Dispute Resolution, Inc. (''NASD Dispute Resolution'') 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 NASD Dispute Resolution. NASD has designated the proposed rule change as concerned solely with the administration of the self-regulatory organization under Section 19(b)(3)(A)(iii) of the Act [3] and Rule 19b–4(f)(3) thereunder,[4] which renders the proposal effective upon receipt of this filing by the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(3).

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

NASD Dispute Resolution is proposing to amend the NASD Codes of Arbitration Procedure for Customer Disputes (''Customer Code'') and for Industry Disputes (''Industry Code''), and to amend the NASD Code Mediation Procedure (''Mediation Code'') (collectively, the ''Codes'') to delete rule language that was rescinded prior to the approval of the Codes, to change a reference that was amended by a separate NASD proposal, and to insert rule language that was approved by the Commission prior to its approval of the Customer and Industry Codes, but was inadvertently omitted from the Customer and Industry Codes. Proposed new language is in italics; proposed deletions are in brackets. The text of the proposed rule change is available at NASD, on NASD's Web site (*http://www.nasd.com*) 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, 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

Recently, NASD reorganized its dispute resolution rules (Rules 10000 *et seq.*) into three separate procedural codes: the Customer Code; the Industry Code; and the Mediation Code.[5] The Customer, Industry and Mediation Codes replaced the NASD Code of Arbitration Procedure (''old Code'') in its entirety.

The Commission approved the Mediation Code on October 31, 2005.[6] The Commission approved the Customer Code and Industry Code (collectively, ''new Codes'') on January 24, 2007,[7] and the new Codes became effective on April 16, 2007.[8]

NASD is proposing several technical, nonsubstantive amendments to the Mediation Code and the new Arbitration Codes. With these amendments, NASD is proposing to delete provisions that were rescinded prior to the Codes' approval, to change a reference that was amended by a separate NASD proposal, and to add a provision that was approved by the Commission prior to its approval of the new Mediation and Arbitration Codes, but was inadvertently omitted from the new Codes.

First, NASD proposes to delete Interpretive Material (IM) 12000(f) and IM–13000(f) from the Arbitration Codes because these paragraphs were rescinded by SR–NASD–2005–070.[9] These paragraphs state that failure by a member or person associated with a member to waive the California Rules of Court, Division VI of the Appendix, entitled, ''Ethics Standards for Neutral Arbitrators in Contractual Arbitration'' in certain circumstances may be deemed conduct inconsistent with just and equitable principle of trade, and a violation of Rule 2110. These provisions were included in IM–12000 and IM–13000 of the new Codes inadvertently, and should be removed.

Second, NASD proposes to amend the numerical reference in Rule 12102(a) of the Customer Code, Rule 13102(a) of the Industry Code and Rule 14102(a) of the Mediation Code, which identify the part of the Plan of Allocation and Delegation of Functions by NASD to Subsidiaries (''Delegation Plan'') that applies to NASD Dispute Resolution. In a proposal filed on September 5, 2006 to reflect the complete separation of NASD from the Nasdaq Stock Market, NASD amended the number of the section of the Delegation Plan that applies to NASD Dispute Resolution.[10] As a result of this change, NASD is proposing to amend Rules 12102(a), 13102(a), and 14102(a) to change the reference to the Delegation Plan.

Finally, NASD proposes to insert a provision in the proposed amendments to Rules 12206(c) and 13206(c) of the Customer Code and Industry Code, respectively, stating that the six-year time limit on the submission of claims shall not apply to any claim that is directed to arbitration by a court of competent jurisdiction upon request of a member or associated person. This provision was approved by the Commission prior to its approval of the new Arbitration Codes, but was inadvertently omitted from them.[11]

2. Statutory Basis

NASD believes that the proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Act,[12] which provides, among other things, that NASD's rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest. NASD believes that the proposed rule change is consistent with the provision of the Act noted above because it will assist in the administration of arbitrations by clarifying the Customer, Industry, and Mediation Codes, which will make them easier to understand and apply.

(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 by NASD.

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)(iii) of the Act and Rule 19b–4(f)(3) thereunder because it is concerned solely with the administration of the self-regulatory

[5] In 2004, NASD filed separately with the Commission the Industry and Mediation Codes. *See* Securities Exchange Act Release No. 51857 (June 15, 2005), 70 FR 36430 (June 23, 2005) (File No. SR–NASD–2004–011) (notice); and Securities Exchange Act Release No. 51855 (June 15, 2005), 70 FR 36440 (June 23, 2005) (File No. SR–NASD–2004–013) (notice).

[6] *See* Securities Exchange Act Release No. 52705 (October 31, 2005), 70 FR 67525 (November 7, 2005) (File No. SR–NASD–2004–013) (approval order).

[7] *See* Securities Exchange Act Release No. 55158 (Jan. 24, 2007), 72 FR 4574 (Jan. 31, 2007) (File Nos. SR–NASD–2003–158 and SR–NASD–2004–011) (approval orders).

[8] The changes were announced in Notice to Members 07–07 (Feb. 2007).

[9] *See* Securities Exchange Act Release No. 51825 (June 13, 2005), 70 FR 35482 (June 20, 2005) (File No. SR–NASD–2005–070) (approval order).

[10] *See* Securities Exchange Act Release No. 54798 (November 21, 2006), 71 FR 69156 (November 29, 2006) (File No. SR–NASD–2006–104) (approval order).

[11] *See* Securities Exchange Act Release No. 50714 (November 22, 2004), 69 FR 69971 (December 1, 2004) (File No. SR–NASD–2003–101) (approval order).

[12] 15 U.S.C. 78o–3(b)(6).

organization.[13] 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–NASD–2007–026 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–2007–026. 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 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 the File Number SR–NASD–2007–026 and should be submitted on or before May 31, 2007.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[14]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E7–8914 Filed 5–9–07; 8:45 am]

BILLING CODE 8010–01–P

[13] 17 CFR 240.19b–4(f)(3).

[14] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–55707; File No. SR–NYSEArca–2007–41]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to NYSE Arca Marketplace Trading Sessions

May 4, 2007.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on April 20, 2007 NYSE Arca, Inc. (''NYSE Arca'' or ''Exchange''), through its wholly owned subsidiary NYSE Arca Equities, Inc. (''NYSE Arca Equities''), 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 proposal pursuant to Section 19(b)(3)(A) of the Act[3] and Rule 19b–4(f)(6) thereunder,[4] which renders the proposed rule change effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes, through NYSE Arca Equities, to update the list in NYSE Arca Equities Rule 7.34 of securities eligible to trade in one or more, but not all three, of the Exchange's trading sessions. The Exchange proposes to add to the lists the following investment company units (ICUs)[5] of funds that are trading on NYSE Arca, L.L.C. (''NYSE Arca Marketplace''), the equities trading facility of NYSE Arca Equities, pursuant to unlisted trading privileges (''UTP''): (1) SPDR®[6] S&P®[7] International Small Cap ETF; and (2) SPDR® S&P® World ex-US ETF. The text of the proposed rule change is available on the Exchange's Web site (*http://www.nyse.com*), at the principal office of the Exchange, 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. 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

NYSE Arca Equities Rule 7.34 currently provides, in part, that NYSE Arca Marketplace shall have three trading sessions each day: An Opening Session (1 a.m. Pacific Time (''PT'') to 6:30 a.m. PT), a Core Trading Session (6:30 a.m. PT to 1 p.m. PT) and a Late Trading Session (1 p.m. PT to 5 p.m. PT), and that the Core Trading Session for securities described in NYSE Arca Equities Rules 5.1(b)(13), 5.1(b)(18), 5.2(j)(3), 8.100, 8.200, 8.201, 8.202, 8.203, 8.300, and 8.400 (each, a ''Derivative Securities Product'') shall conclude at 1:15 p.m. PT.[8]

NYSE Arca Equities Rule 7.34 includes a list of those securities which are eligible to trade in one or more, but not all three, of the Exchange's trading sessions. The Exchange maintains on its Web site (*http://www.nysearca.com*) a list that identifies all securities traded

[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] NYSE Arca Equities Rule 5.1(b)(15) defines an ICU as a security representing an interest in a registered investment company that could be organized as a unit investment trust, an open-end management investment company, or a similar entity.

[6] SPDR® is a registered trademark of The McGraw-Hill Companies, Inc.

[7] S&P® is a registered trademark of The McGraw-Hill Companies, Inc.

[8] NYSE Arca Equities Rules 5.1(b)(13), 5.2(j)(3), 8.100, 8.200, 8.201, 8.202, 8.203, 8.300, and 8.400 relate to Unit Investment Trusts, ICUs, Portfolio Depositary Receipts, Trust Issued Receipts, Commodity-Based Trust Shares, Currency Trust Shares, Commodity Index Trust Shares, Partnership Units, and Paired Trust Shares, respectively. *See* Securities Exchange Act Release No. 54997 (December 21, 2006), 71 FR 78501 (December 29, 2006) (SR–NYSEArca–2006–77) (amending NYSE Arca Equities Rule 7.34).

on the NYSE Arca Marketplace that do not trade for the duration of each of the three sessions specified in NYSE Arca Equities Rule 7.34. The Exchange proposes to add the following securities to these lists: (1) SPDR® S&P® International Small Cap ETF; and (2) SPDR® S&P® World ex-US ETF. These ICUs currently trade on the Exchange on a UTP basis pursuant to generic listing standards for foreign derivative securities products described in NYSE Arca Equities Rule 5.2(j)(3) that were adopted by the Exchange pursuant to Rule 19b–4(e) under the Act.[9]

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[10] in general, and furthers the objectives of Section 6(b)(5),[11] in particular, in that it is designed to facilitate transactions in securities, to promote just and equitable principles of trade, to enhance competition, and to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

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, if consistent with the protection of investors and the public interest, it has become effective pursuant to Section 19(b)(3)(A) of the Act[12] and Rule 19b–4(f)(6) thereunder.[13]

The Exchange has asked the Commission to waive the 30-day operative delay. The Commission believes that such waiver is consistent with the protection of investors and the public interest because the proposed rule change should provide transparency and more clarity with respect to the trading hours eligibility of certain derivative securities products and should promote consistency in the trading halts of derivative securities. The Commission notes that this filing does not change the trading hours of the Derivative Securities Products listed in NYSE Arca Equities Rule 7.34, but codifies trading hour sessions that have been established through other rule changes or through the use of the Exchange's generic listing standards pursuant to Rule 19b–4(e) under the Act. For these reasons, the Commission designates the proposed rule change as operative immediately.[14]

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 e-mail to *rule-comments@sec.gov*. Please include File Number SR–NYSEArca–2007–41 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–NYSEArca–2007–41. 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 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–NYSEArca–2007–41 and should be submitted by or before May 31, 2007.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[15]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E7–9045 Filed 5–9–07; 8:45 am]

BILLING CODE 8010–01–P

[9] *See* Securities Exchange Act Release No. 55621 (April 12, 2007), 72 FR 19571 (April 18, 2007) (SR–NYSEArca–2006–86).

[10] 15 U.S.C. 78f(b).

[11] 15 U.S.C. 78f(b)(5).

[12] 15 U.S.C. 78s(b)(3)(A).

[13] 17 CRF 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires an exchange to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Commission has determined to waive the five-day pre-filing notice requirement in this case.

[14] For purposes only of waiving the operative date of this proposal, the Commission has considered the rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[15] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–55708; File No. SR–NYSEArca–2007–39]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to NYSE Arca Marketplace Trading Sessions

May 4, 2007.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on April 20, 2007 NYSE Arca, Inc. (''NYSE Arca'' or

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

''Exchange''), through its wholly owned subsidiary NYSE Arca Equities, Inc. (''NYSE Arca Equities''), 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 proposal pursuant to Section 19(b)(3)(A) of the Act[3] and Rule 19b–4(f)(6) thereunder,[4] which renders the proposed rule change effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes, through NYSE Arca Equities, to update the list in NYSE Arca Equities Rule 7.34 of securities eligible to trade in one or more, but not all three, of the Exchange's trading sessions. The Exchange proposes to add to the lists the following investment company units (ICUs)[5] of funds that are trading on NYSE Arca, L.L.C. (''NYSE Arca Marketplace''), the equities trading facility of NYSE Arca Equities, pursuant to unlisted trading privileges (''UTP''): (1) Claymore/Robeco Developed International Equity ETF; (2) Claymore/Robeco Developed World Equity ETF; (3) iShares®[6] MSCI EAFE Growth Index Fund; (4) iShares® MSCI EAFE Value Index Fund; (5) SPDR®[7] FTSE/Macquarie Global Infrastructure 100 Index ETF; (6) SPDR® S&P China ETF; (7) SPDR® S&P Emerging Asia Pacific ETF; (8) SPDR® S&P Emerging Europe ETF; (9) SPDR® S&P Emerging Latin America ETF; (10) SPDR® S&P Emerging Markets ETF; (11) SPDR® S&P Emerging Middle East & Africa ETF; (12) streetTRACKS®[8] DJ Wilshire International Real Estate ETF; (13) streetTRACKS® MSCI ACWI ex-US ETF; (14) streetTRACKS® Russell/Nomura PRIMETM Japan ETF; (15) streetTRACKS® Russell/Nomura Small CapTM Japan ETF; and (16) Vanguard®[9] FTSE All-World ex U.S. ETF. The text of the proposed rule change is available on the Exchange's Web site (*http://www.nyse.com*), at the principal office of the Exchange, 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. 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

NYSE Arca Equities Rule 7.34 currently provides, in part, that NYSE Arca Marketplace shall have three trading sessions each day: an Opening Session (1 a.m. Pacific Time (''PT'') to 6:30 a.m. PT), a Core Trading Session (6:30 a.m. PT to 1 p.m. PT) and a Late Trading Session (1 p.m. PT to 5 p.m. PT), and that the Core Trading Session for securities described in NYSE Arca Equities Rules 5.1(b)(13), 5.1(b)(18), 5.2(j)(3), 8.100, 8.200, 8.201, 8.202, 8.203, 8.300, and 8.400 (each, a ''Derivative Securities Product'') shall conclude at 1:15 p.m. PT.[10]

NYSE Arca Equities Rule 7.34 includes a list of those securities which are eligible to trade in one or more, but not all three, of the Exchange's trading sessions. The Exchange maintains on its Web site (*http://www.nysearca.com*) a list that identifies all securities traded on the NYSE Arca Marketplace that do not trade for the duration of each of the three sessions specified in NYSE Arca Equities Rule 7.34. The Exchange proposes to add the following securities to these lists: (1) Claymore/Robeco Developed International Equity ETF; (2) Claymore/Robeco Developed World Equity ETF; (3) iShares MSCI EAFE Growth Index Fund; (4) iShares MSCI EAFE Value Index Fund; (5) SPDR FTSE/Macquarie Global Infrastructure 100 Index ETF; (6) SPDR S&P China ETF; (7) SPDR S&P Emerging Asia Pacific ETF; (8) SPDR S&P Emerging Europe ETF; (9) SPDR S&P Emerging Latin America ETF; (10) SPDR S&P Emerging Markets ETF; (11) SPDR S&P Emerging Middle East & Africa ETF; (12) streetTRACKS DJ Wilshire International Real Estate ETF; (13) streetTRACKS MSCI ACWI ex-US ETF; (14) streetTRACKS Russell/Nomura PRIMETM Japan ETF; (15) streetTRACKS Russell/Nomura Small Cap Japan ETF; and (16) Vanguard FTSE All-World ex U.S. ETF. These ICUs currently trade on the Exchange on a UTP basis pursuant to generic listing standards for foreign derivative securities products described in NYSE Arca Equities Rule 5.2(j)(3) that were adopted by the Exchange pursuant to Rule 19b–4(e) under the Act.[11]

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[12] in general, and furthers the objectives of Section 6(b)(5),[13] in particular, in that it is designed to facilitate transactions in securities, to promote just and equitable principles of trade, to enhance competition, and to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

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;

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(6).

[5] NYSE Arca Equities Rule 5.1(b)(15) defines an ICU as a security representing an interest in a registered investment company that could be organized as a unit investment trust, an open-end management investment company or a similar entity.

[6] iShares® is a registered trademark of Barclays Global Investors, N.A.

[7] SPDR® is a registered trademark of The McGraw-Hill Companies, Inc. and licensed by State Street Bank and Trust Company.

[8] streetTRACKS® is a registered trademark of State Street Corporation.

[9] Vanguard® is a registered trademark of The Vanguard Group, Inc.

[10] NYSE Arca Equities Rules 5.1(b)(13), 5.2(j)(3), 8.100, 8.200, 8.201, 8.202, 8.203, 8.300, and 8.400 relate to Unit Investment Trusts, ICUs, Portfolio Depositary Receipts, Trust Issued Receipts, Commodity-Based Trust Shares, Currency Trust Shares, Commodity Index Trust Shares, Partnership Units, and Paired Trust Shares, respectively. *See* Securities Exchange Act Release No. 54997 (December 21, 2006), 71 FR 78501 (December 29, 2006) (SR–NYSEArca–2006–77) (amending NYSE Arca Equities Rule 7.34).

[11] *See* Securities Exchange Act Release No. 55621 (April 12, 2007), 72 FR 19571 (April 18, 2007) (SR–NYSEArca–2006–86).

[12] 15 U.S.C. 78f(b).

[13] 15 U.S.C. 78f(b)(5).

(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, if consistent with the protection of investors and the public interest, it has become effective pursuant to Section 19(b)(3)(A) of the Act[14] and Rule 19b–4(f)(6) thereunder.[15]

The Exchange has asked the Commission to waive the 30-day operative delay. The Commission believes that such waiver is consistent with the protection of investors and the public interest because the proposed rule change should provide transparency and more clarity with respect to the trading hours eligibility of certain derivative securities products and should promote consistency in the trading halts of derivative securities. The Commission notes that this filing does not change the trading hours of the Derivative Securities Products listed in NYSE Arca Equities Rule 7.34, but codifies trading hour sessions that have been established through other rule changes or through the use of the Exchange's generic listing standards pursuant to Rule 19b–4(e) under the Act. For these reasons, the Commission designates the proposed rule change as operative immediately.[16]

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 e-mail to *rule-comments@sec.gov*. Please include File Number SR–NYSEArca–2007–39 on the subject line.

Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEArca–2007–39. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro/shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also 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–NYSEArca–2007–39 and should be submitted by or before May 31, 2007.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[17]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E7–9044 Filed 5–9–07; 8:45 am]

BILLING CODE 8010–01–P

[14] 15 U.S.C. 78s(b)(3)(A).

[15] 17 CRF 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires an exchange to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Commission has determined to waive the five-day pre-filing notice requirement in this case.

[16] For purposes only of waiving the operative date of this proposal, the Commission has considered the rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[17] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–55709; File No. SR–OCC–2007–05]

Self-Regulatory Organizations; The Options Clearing Corporation; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to OCC's Clearing Fee Schedule

May 4, 2007.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on April 11, 2007, The Options Clearing Corporation (''OCC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which items have been prepared primarily by OCC. 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 proposed rule change would (i) make permanent the current discounted clearing fee schedule for specified contracts, (ii) further discount the newly adopted clearing fee schedule, and (iii) modify the new product clearing fee schedule, with all changes being effective May 1, 2007.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, OCC 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. OCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.[2]

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to amend OCC's standard clearing and new products fee schedules, effective May 1, 2007, as described below. First, OCC is making permanent the current discounted clearing fee schedule for (i) securities

[1] 15 U.S.C. 78s(b)(1).

[2] The Commission has modified parts of these statements.

options and (ii) security futures where at least one side of the trade is cleared by an OCC clearing member. Second, OCC is discounting the newly adopted permanent clearing fee schedule until further action by the OCC Board of Directors. Third, OCC is modifying its new product fee schedule to reflect the foregoing clearing fee changes and to make it easier to administer. The following charts summarize the changes:

Contracts/trade	Current permanent standard fee schedule, effective April 1, 2004	New permanent standard fee schedule, effective May 1, 2007*	Discounted standard fee schedule, effective May 1, 2007
1–500	$0.0825/contract	$0.05/contract	$0.035/contract.
501–1,000	$0.0675/contract	$0.04/contract	$0.028/contract.
1,001–2,000	$0.0575/contract	$0.03/contract	$0.021/contract.
>2,000	$110.00 (capped)	$55.00 (capped)	$35.00 (capped).

*Clearing fees are currently charged at these rates as discounted fees. See File No. SR–OCC–2006–14.

New product fee schedule, effective July 1, 2005	New product fee schedule, effective May 1, 2007
First calendar month traded: $ .00. Second calendar month traded: $0.00. Cleared trades w/contracts of: 1–4,400—$ .01. Thereafter reverts to clearing fees specified in the current clearing fee schedule. Greater than 4,400—$ 40.00 per trade Third calendar month traded: Cleared trades w/contracts of: 1–2,200—$ .02. Greater than 2,200—$ 40.00 per trade. Fourth calendar month traded: Reverts to current clearing fees.	From first day of listing through the end of the following calendar month.

The foregoing reductions in OCC's clearing fees reflect the strong contract volume experienced by OCC this year to date. OCC believes that these fee changes will financially benefit clearing members and other market participants without adversely affecting OCC's ability to meet its expenses and maintain an acceptable level of retained earnings. The discounted clearing fees will remain in effect until further action by OCC's Board of Directors.

The proposed rule change is consistent with Section 17A of the Act because it benefits clearing members and other market participants by reducing and discounting clearing fees and allocating them in a fair and equitable manner. The proposed rule change is not inconsistent with the existing rules of OCC, including any other rules proposed to be amended.

(B) Self-Regulatory Organization's Statement on Burden on Competition

OCC does not believe that the proposed rule change would impose any burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were not and are not intended to be solicited with respect to the proposed rule change and none have been received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing rule change changes fees charged clearing members by OCC, it has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act[3] and Rule 19b–4(f)(2)[4] thereunder. At any time within sixty 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–OCC–2007–05 on the subject line.

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b–4(f)(2).

Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, 100 F Street, NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–OCC–2007–05. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 100 F Street, NE., Washington, DC 20549. Copies of such filing also will be available for inspection and copying at the principal office of OCC and on OCC's Web site at *http://www.optionsclearing.com*.

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–OCC–2007–05 and should be submitted on or before May 31, 2007.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[5]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E7–8957 Filed 5–9–07; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–55702; File No. SR–ODD–2007–02]

Self-Regulatory Organizations; The Options Clearing Corporation; Order Granting Approval of Accelerated Delivery of Supplement to the Options Disclosure Document Reflecting Certain Changes to Disclosure Regarding Options Adjustment Methodology and Fund Shares

May 3, 2007.

On September 22, 2006, The Options Clearing Corporation (''OCC'') submitted to the Securities and Exchange Commission (''Commission''), pursuant to Rule 9b–1 under the Securities Exchange Act of 1934 (''Act''),[1] five preliminary copies of a supplement to its options disclosure document (''ODD'') reflecting certain changes to disclosure regarding options adjustment methodology.[2] On December 22, 2006, OCC submitted to the Commission five preliminary copies of another supplement to the ODD reflecting certain changes to disclosure regarding, among other things, the term ''fund shares.'' [3] On April 27, 2007, OCC submitted to the Commission five definitive copies of a single supplement combining the two preliminary supplements discussed above.[4]

The ODD currently provides general disclosures on the characteristics and risks of trading standardize options. Recently, OCC amended its options adjustment rules to eliminate the need to round adjusted strike prices and/or units of trading in the event of certain stock dividends, stock distributions, or stock splits.[5] OCC also revised the definition of ''ordinary dividends and distributions'' such that cash dividends or cash distributions announced on or after February 1, 2009, would be considered ordinary if declared on a regular basis pursuant to a policy or practice.[6] Further, OCC amended its rules to provide that no adjustment would be made for cash dividends or cash distributions less than $12.50 per contract.[7] The proposed supplement therefore amends the ODD to accommodate these changes.

The proposed supplement also amends the ODD to reflect certain other changes to OCC rules. To accommodate one such change, the proposed supplement adds disclosure pertaining to OCC's authority to adjust yield-based Treasury options if an options exchange increases the multiplier for such options.[8] The proposed supplement also adds disclosure pertaining to OCC's authority to fix exercise settlement price for yield-based Treasury options in unusual market conditions.[9] Pursuant to another OCC rule change, the proposed supplement amends the ODD to include acceleration of the expiration date of American-style equity options that have been adjusted to call for cash deliverable.[10]

The proposed supplement also amends the ODD to reflect changes to the rules of the option exchanges. For instance, certain options exchanges amended their rules to permit listing and trading of options on fund shares that hold baskets of currencies [11] or hold or trade in commodity futures products.[12] Therefore, to accommodate listing and trading of these options, the proposed supplement amends the term ''fund shares.''

Lastly, the proposed supplement deletes certain disclosures originally made in February 2003 Supplement.[13] First, the proposed supplement deletes disclosure pertaining to options series opened before September 16, 2000, as those options have all expired. Second, pursuant to adoption of rules by certain options exchanges to permit cancellation or adjustment of trades resulting from an erroneously reported index level, the proposed supplement deletes the provision disclosing that a person who buys or sells an index option based on such erroneously information is bound by the trade.[14] The proposed supplement is intended to be read in conjunction with the more general ODD, which, as described above, discusses the characteristics and risks of options generally.[15]

Rule 9b–1(b)(2)(i) under the Act [16] provides that an options market must file five copies of an amendment or supplement to the ODD with the Commission at least 30 days prior to the date definitive copies are furnished to customers, unless the Commission determines otherwise, having due regard to the adequacy of information disclosed and the public interest and protection of investors.[17] In addition, five copies of the definitive ODD, as amended or supplemented, must be filed with the Commission not later than the date the amendment or supplement, or the amended options disclosure document, is furnished to customers. The Commission has reviewed the proposed supplement and finds, having due regard to the adequacy of information disclosed and the public interest and protection of investors, that the proposed supplement may be furnished to customers as of the date of this order.

[5] 17 CFR 200.30–3(a)(12).

[1] 17 CFR 240.9b–1.

[2] *See* letter from Jean M. Cawley, First Vice President and Deputy General Counsel, OCC, to Sharon Lawson, Senior Special Counsel, Division of Market Regulation (''Division''), Commission, dated September 21, 2006.

[3] *See* letter from Jean M. Cawley, First Vice President and Deputy General Counsel, OCC, to Sharon Lawson, Senior Special Counsel, Division, Commission, dated December 21, 2006.

[4] *See* letter from Jean M. Cawley, First Vice President and Deputy General Counsel, OCC, to Sharon Lawson, Senior Special Counsel, Division, Commission, dated April 26, 2007.

[5] *See* Securities Exchange Act Release No. 55258 (February 8, 2007), 72 FR 7701 (February 16, 2007) (SR–OCC–2006–01).

[6] *Id.*

[7] *Id.*

[8] *See* Securities Exchange Act Release No. 50895 (December 20, 2004), 69 FR 78085 (December 29, 2004) (SR–OCC–2004–11).

[9] *Id.*

[10] *See* Securities Exchange Act Release No. 55124 (January 18, 2007), 72 FR 3466 (January 25, 2007) (SR–OCC–2006–20).

[11] *See* Securities Exchange Act Releases No. 54087 (June 30, 2006), 71 FR 38918 (July 10, 2006) (SR–ISE–2005–60); 54693 (November 2, 2006), 71 FR 65851 (November 9, 2006) (SR–CBOE–2006–74); and 54983 (December 20, 2006), 71 FR 78476 (December 29, 2006) (SR–Amex–2006–87).

[12] *See* Securities Exchange Act Releases No. 54450 (September 14, 2006), 71 FR 55230 (September 21, 2006) (approving SR–Amex–2006–44) and 55547 (March 28, 2007), 72 FR 16388 (April 4, 2007) (SR–Amex–2006–110).

[13] *See* Securities Exchange Act Release No. 47418 (February 27, 2003), 68 FR 11439 (March 10, 2003) (SR–ODD–2003–01) (''February 2003 Supplement'').

[14] *See e.g.*, Securities Exchange Act Releases No. 50880 (December 17, 2004), 69 FR 77790 (December 28, 2004) (SR–CBOE–2004–83) and 51246 (February 24, 2005), 70 FR 10425 (March 3, 2005) (SR–Amex–2005–11).

[15] The Commission notes that the options markets must continue to ensure that the ODD is in compliance with the requirements of Rule 9b–1(b)(2)(i) under the Act, 17 CFR 240.9b–1(b)(2)(i). Any future changes to the rules of the options markets would need to be submitted to the Commission under Section 19(b) of the Act. 15 U.S.C. 78s(b).

[16] 17 CFR 240.9b–1(b)(2)(i).

[17] This provision permits the Commission to shorten or lengthen the period of time which must elapse before definitive copies may be furnished to customers.

It is therefore ordered, pursuant to Rule 9b–1 under the Act,[18] that definitive copies of the proposed supplement to the ODD (SR–ODD–2007–02), reflecting these changes to disclosure, may be furnished to customers as of the date of this order.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[19]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E7–8959 Filed 5–9–07; 8:45 am]

BILLING CODE 8010–01–P

SOCIAL SECURITY ADMINISTRATION

[Document No. SSA–2007–0034]

The Ticket To Work and Work Incentives Advisory Panel Meeting

AGENCY: Social Security Administration (SSA).

ACTION: Notice of teleconference.

DATES: June 13, 2007—2 p.m. to 4 p.m. Eastern Daylight Savings Time. Ticket to Work and Work Incentives Advisory Panel Conference Call. Call-in number: 1–888–790–4158. Pass code: PANEL TELECONFERENCE. Leader/Host: Berthy De la Rosa-Aponte.

SUPPLEMENTARY INFORMATION:

Type of meeting: On June 13, 2007, the Ticket to Work and Work Incentives Advisory Panel (the ''Panel'') will hold a teleconference. This teleconference meeting is open to the public.

Purpose: In accordance with section 10(a)(2) of the Federal Advisory Committee Act, the Social Security Administration (SSA) announces this teleconference meeting of the Ticket to Work and Work Incentives Advisory Panel. Section 101(f) of Public Law 106–170 establishes the Panel to advise the President, the Congress, and the Commissioner of SSA on issues related to work incentive programs, planning, and assistance for individuals with disabilities as provided under section 101(f)(2)(A) of the Act. The Panel is also to advise the Commissioner on matters specified in section 101(f)(2)(B) of that Act, including certain issues related to the Ticket to Work and Self-Sufficiency Program established under section 101(a).

The interested public is invited to listen to the teleconference by calling the phone number listed above. Public testimony will be taken from 3:30 p.m. until 4 p.m. Eastern Daylight Savings Time. You must be registered to give public comment. Contact information is given at the end of this notice.

Agenda: The full agenda for the meeting will be posted on the Internet at *http://www.ssa.gov/work/panel/meeting_information/agendas.html* at least one week before the starting date or can be received, in advance, electronically or by fax upon request.

Contact Information: Records are kept of all proceedings and will be available for public inspection by appointment at the Panel office. Anyone requiring information regarding the Panel should contact the staff by:

- Mail addressed to the Social Security Administration, Ticket to Work and Work Incentives Advisory Panel Staff, 400 Virginia Avenue, SW., Suite 700, Washington, DC 20024. Telephone contact with Tinya White-Taylor at (202) 358–6120.
- Fax at (202) 358–6440.
- E-mail to *TWWIIAPanel@ssa.gov*.
- To register for the public comment portion of the meeting please contact Tinya White-Taylor by calling (202) 358–6120 or by e-mail to *tinya.white-taylor@ssa.gov*.

Dated: May 3, 2007.

Chris Silanskis,

Designated Federal Officer.

[FR Doc. E7–9018 Filed 5–9–07; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF STATE

[Public Notice 5793]

Bureau of Educational and Cultural Affairs (ECA) Request for Grant Proposals: Educational Adviser Training and Support Services

Announcement Type: New Cooperative Agreement.

Funding Opportunity Number: ECA/A/S/A–08–05.

Catalog of Federal Domestic Assistance Number: 00.000.

Key Dates: October 1, 2007 to December 31, 2008.

Application Deadline: Friday, July 13, 2007.

Executive Summary: The Educational Information and Resources Branch of the Office of Global Educational Programs in the Bureau of Educational and Cultural Affairs announces an open competition for a program of Educational Adviser Training and Support Services. Public and private non-profit organizations meeting the provisions described in Internal Revenue Code Section 26 U.S.C. 501(c)(3) may submit proposals to develop training programs and provide support services for Department of State-affiliated overseas educational advisers.

Overseas educational advisers are part of the Department of State's network of over 450 EducationUSA centers that promote U.S. higher education in 170 countries around the world. Centers exist in a variety of locations including: U.S. embassies and consulates, Fubright Commissions, Binational Centers, Non-governmental organizations, universities and libraries. A complete list of centers is located at *http://www.educationusa.state.gov.*

Overseas educational advisers provide timely and objective information to foreign audiences on U.S. study opportunities at accredited academic institutions and guide students and professionals in selecting programs appropriate to their needs.

Project proposals should be structured to focus on the following:

1. Short-term training in the U.S. for mid- and senior-level advisers.
2. Web-based training for beginning level advisers.
3. Adviser project development.
4. Logistical support for adviser attendance at international education conferences and workshops including the NAFSA: Association of International Educators conference to be held in Washington DC in May/June 2008.
5. Fiscal Management: sub-contractors
6. Insurance—Funded programs should normally use Bureau insurance

The training component of the proposal should include two U.S.-Based Training program (USBT) sessions for mid-level advisers and one Professional Advising Leadership (PAL) program for senior-level advisers. The USBT for mid-level educational advisers should be approximately three weeks in duration and must include workshops on advising issues of concern, visits to a variety of U.S. academic institutions outside of the Washington, DC metropolitan area and attendance at a national or regional NAFSA: Association of International Educators Conference or similar professional development opportunity.

The Professional Advising Leadership (PAL) program should be designed for senior-level advisers. Advisers applying for a PAL fellowship will have at least four years of advising experience. Applicants will formulate a proposal outlining a project that will be of benefit to the adviser's center, region and the profession as a whole. Proposals may fall into these four broad areas: short-term training, conference attendance, specific individualized research, on-site shadowing/internship, or a combination of two or more (based on time and logistics requirements). The Bureau

[18] 17 CFR 240.9b–1.

[19] 17 CFR 200.30–3(a)(39).

anticipates awarding one grant to administer this program.

I. Funding Opportunity Description

Authority

Overall grant making authority for this program is contained in the Mutual Educational and Cultural Exchange Act of 1961, Public Law 87–256, as amended, also known as the Fulbright-Hays Act. The purpose of the Act is ''to enable the Government of the United States to increase mutual understanding between the people of the United States and the people of other countries * * *; to strengthen the ties which unite us with other nations by demonstrating the educational and cultural interests, developments, and achievements of the people of the United States and other nations * * * and thus to assist in the development of friendly, sympathetic and peaceful relations between the United States and the other countries of the world.''

Purpose: The program's objectives are threefold:

(1) To strengthen the professional development of overseas educational advisers;

(2) To sustain a corps of knowledgeable advisers that will continue to improve the quality and effectiveness of educational advising in their home on topics including:

- Standardized testing
- Admissions
- Scholarships and financial aid
- Student mobility/U.S. student visas
- Relevant technology

(3) To strengthen the cooperation between overseas educational advisers and U.S. college and university-based education professionals.

Guidelines

1. Participants

For the purposes of this RFGP, eligible advisers are defined as those who are currently working at a State Department-affiliated advising center and who have demonstrated the skills associated with the four major components of overseas educational advising: (1) Knowledge of the U.S. and home country educational systems; (2) knowledge of the application process for individuals to enroll in U.S. higher educational institutions; (3) demonstrated educational advising and cross-cultural communication skills; and (4) demonstrated office management skills as they relate to an overseas advising center. In addition, each participant must demonstrate leadership and a commitment to the profession.

Approximately forty participants are expected for two USBT programs and eleven for the PAL program. Participants will be selected by ECA/A/S/A based on nominations from overseas posts.

2. Program Design

The Bureau invites organizations to submit creative and flexible program plans which can be tailored, in close consultation with ECA/A/S/A, to the selected advisers' individual needs. However, the proposal should still include an overall project framework which identifies objectives, an implementation plan and measurable, expected outcomes.

Possible topics to incorporate for the USBT portion of the program include: degree equivalency and accreditation; international student admissions; financial aid; standardized testing; ESL programs; immigration and visa issues; fields of study; cultural adjustment; U.S. societal diversity; specialized Internet usage; distance learning; proposal writing; fundraising; public relations and marketing; determining appropriate fees for advising services for students and others, given each host country's environment; trends in advising center cost-sharing and training and management of volunteer staff.

For the PAL component, advisers, in consultation with ECA/A/S/A and the grantee organization, will develop a research or training project to be carried out in the United States that will have a formative impact on advising in their countries and regions. For 2008, PAL projects will focus on the following topics: financial aid for underprivileged international students; financial aid for international graduate applicants; campus internationalization; credit transfer for foreign credentials; advising on short-term training; international marketing strategies for U.S. higher education; and medical school admissions.

3. Timing/Program Phases

The USBT and PAL components should provide for the possibility of attendance at, and active participation in, an appropriate national or regional conference where workshops and seminars address issues of current interest to international educators and overseas advisers and where the opportunity to brainstorm and to share information plays an important part. Advisers should have opportunities to present and/or participate in panels and pre-conference/conference workshops. In addition, the USBT portion of the program should include internship experiences and visits to a four-year public university, a private college or university, a community college, an Historically Black College or University (HBCU) or other minority-serving institution, and a graduate or research institution. Ideally, USBT participants should visit campuses while classes are in session to optimize their experience through interaction with students.

4. Logistics

The grantee organization will be responsible for all arrangements associated with this program. For the USBT and PAL components, these include organizing a coherent progression of activities, providing international and domestic travel arrangements for all advisers, making lodging and local transportation arrangements, orienting and debriefing advisers, preparing support material, and recruiting host campuses. The organization should work with host campuses and experts in the field of higher education and overseas advising to achieve maximum program effectiveness, by providing participants with hands-on training and direct involvement in the administration of practices and policies of higher education institutions.

5. Evaluation/Follow-Up

The proposal must include a detailed evaluation and follow-up plan. Special emphasis should be given to designing a program which incorporates outcome measurement strategies that assess ultimate effectiveness.

6. Visa/Insurance/Tax Requirements

The program must comply with applicable visa regulations. Participant health and accident insurance will be provided to the overseas advisers by the Bureau; the recipient organization will be responsible for enrolling participants in the Bureau's insurance program and providing any necessary assistance should medical care be needed. Administration of the program must be in compliance with reporting and withholding regulations for federal, state, and local taxes as applicable. Recipient organizations should demonstrate tax regulation adherence in the proposal narrative and budget.

7. Printed Materials

Drafts of all printed materials developed for this program should be submitted to ECA/A/S/A for review and approval. All official documents should highlight the U.S. government's role as program sponsor and funding source. The Bureau requires that it receive the copyright use and be allowed to distribute this material as it sees fit.

In a cooperative agreement, The Educational Information and Resources Branch (ECA/A/S/A) is substantially involved in program activities above and beyond routine grant monitoring. ECA/A/S/A activities and responsibilities for this program are as follows:

- Selection of program participants in coordination with Public Affairs Sections at U.S. embassies and consulates overseas
- Participation in the development of program sessions and speaking at opening and closing events
- Organization of meetings with Department of State representatives
- Review and approval of program plans and agendas
- Selection of alumni projects

II. Award Information

Type of Award: Cooperative Agreement. ECA's level of involvement in this program is listed under number I above.

Fiscal Year Funds: FY2008.

Approximate Total Funding: $1,000,000.

Approximate Number of Awards: 1.

Approximate Average Award: $1,000,000.

Anticipated Award Date: Pending availability of funds, October 1, 2007.

Anticipated Project Completion Date: December 31, 2008.

Additional Information:

Pending successful implementation of this program and the availability of funds in subsequent fiscal years, it is ECA's intent to renew this grant for two additional fiscal years, before openly competing it again.

III. Eligibility Information:

III.1. Eligible applicants: Applications may be submitted by public and private non-profit organizations meeting the provisions described in Internal Revenue Code section 26 U.S.C. 501(c)(3).

III.2. Cost Sharing or Matching Funds: There is no minimum or maximum percentage required for this competition. However, the Bureau encourages applicants to provide maximum levels of cost sharing and funding in support of its programs.

When cost sharing is offered, it is understood and agreed that the applicant must provide the amount of cost sharing as stipulated in its proposal and later included in an approved grant agreement. Cost sharing may be in the form of allowable direct or indirect costs. For accountability, you must maintain written records to support all costs which are claimed as your contribution, as well as costs to be paid by the Federal government. Such records are subject to audit. The basis for determining the value of cash and in-kind contributions must be in accordance with OMB Circular A–110, (Revised), Subpart C.23—Cost Sharing and Matching. In the event you do not provide the minimum amount of cost sharing as stipulated in the approved budget, ECA's contribution will be reduced in like proportion.

III.3. *Other Eligibility Requirements:* Bureau grant guidelines require that organizations with less than four years experience in conducting international exchanges be limited to $60,000 in Bureau funding. ECA anticipates awarding one grant, in an amount up to $1,000,000 to support program and administrative costs required to implement this exchange program. Therefore, organizations with less than four years experience in conducting international exchanges are ineligible to apply under this competition. The Bureau encourages applicants to provide maximum levels of cost sharing and funding in support of its programs.

IV. Application and Submission Information

Note: Please read the complete announcement before sending inquiries or submitting proposals. Once the RFGP deadline has passed, Bureau staff may not discuss this competition with applicants until the proposal review process has been completed.

IV.1 *Contact Information to Request an Application Package:* Please contact the Educational Information and Resources Branch, ECA/A/S/A, Room 349, U.S. Department of State, SA–44, 301 4th Street, SW., Washington, DC 20547, telephone: 202–453–8868, fax: 202–453–8890, e-mail: *MoraDD@state.gov* to request a Solicitation Package. Please refer to the Funding Opportunity Number ECA/A/S/A–08–05 located at the top of this announcement when making your request. Alternatively, an electronic application package may be obtained from grants.gov. Please see section IV.3f for further information.

The Solicitation Package contains the Proposal Submission Instruction (PSI) document which consists of required application forms, and standard guidelines for proposal preparation.

It also contains the Project Objectives, Goals and Implementation (POGI) document, which provides specific information, award criteria and budget instructions tailored to this competition.

Please specify Bureau Program Officer Dorothy Mora and refer to the Funding Opportunity Number ECA/A/S/A–08–05 located at the top of this announcement on all other inquiries and correspondence.

IV.2. *To Download a Solicitation Package Via Internet:* The entire Solicitation Package may be downloaded from the Bureau's Web site at *http://exchanges.state.gov/education/rfgps/menu.htm*, or from the Grants.gov Web site at *http://www.grants.gov*.

Please read all information before downloading.

IV.3. *Content and Form of Submission:* Applicants must follow all instructions in the Solicitation Package. The application should be submitted per the instructions under IV.3f. ''Application Deadline and Methods of Submission'' section below.

IV.3a. You are required to have a Dun and Bradstreet Data Universal Numbering System (DUNS) number to apply for a grant or cooperative agreement from the U.S. Government. This number is a nine-digit identification number, which uniquely identifies business entities. Obtaining a DUNS number is easy and there is no charge. To obtain a DUNS number, access *http://www.dunandbradstreet.com* or call 1–866–705–5711. Please ensure that your DUNS number is included in the appropriate box of the SF–424 which is part of the formal application package.

IV.3b. All proposals must contain an executive summary, proposal narrative and budget.

Please Refer to the Solicitation Package. It contains the mandatory Proposal Submission Instructions (PSI) document and the Project Objectives, Goals and Implementation (POGI) document for additional formatting and technical requirements.

IV.3c. You must have nonprofit status with the IRS at the time of application. If your organization is a private nonprofit which has not received a grant or cooperative agreement from ECA in the past three years, or if your organization received nonprofit status from the IRS within the past four years, you must submit the necessary documentation to verify nonprofit status as directed in the PSI document. Failure to do so will cause your proposal to be declared technically ineligible.

IV.3d. Please take into consideration the following information when preparing your proposal narrative:

The following is included for informational purposes only: IV.3d.1 *Adherence to All Regulations Governing the J Visa*. The following visa language is included for informational purposes only: The Bureau of Educational and Cultural Affairs places critically important emphasis on the secure and proper administration of Exchange

Visitor (J visa) Programs and adherence by grantees and sponsors to all regulations governing the J visa. Therefore, proposals should demonstrate the applicant's capacity to meet all requirements governing the administration of Exchange Visitor Programs as set forth in 22 CFR 62, including the oversight of Responsible Officers and Alternate Responsible Officers, screening and selection of program participants, provision of pre-arrival information and orientation to participants, monitoring of participants, proper maintenance and security of forms, record-keeping, reporting and other requirements. ECA will be responsible for issuing DS–2019 forms to participants in this program.

A copy of the complete regulations governing the administration of Exchange Visitor (J) programs is available at *http://exchanges.state.gov* or from: United States Department of State, Office of Exchange Coordination and Designation, ECA/EC/ECD—SA–44, Room 734, 301 4th Street, SW., Washington, DC 20547, Telephone: (202) 203–5029, FAX: (202) 453–8640.

Please refer to Solicitation Package for further information.

IV.3d.2 *Diversity, Freedom and Democracy Guidelines.* Pursuant to the Bureau's authorizing legislation, programs must maintain a non-political character and should be balanced and representative of the diversity of American political, social, and cultural life. ''Diversity'' should be interpreted in the broadest sense and encompass differences including, but not limited to ethnicity, race, gender, religion, geographic location, socio-economic status, and disabilities. Applicants are strongly encouraged to adhere to the advancement of this principle both in program administration and in program content. Please refer to the review criteria under the ''Support for Diversity'' section for specific suggestions on incorporating diversity into your proposal. Public Law 104–319 provides that ''in carrying out programs of educational and cultural exchange in countries whose people do not fully enjoy freedom and democracy,'' the Bureau ''shall take appropriate steps to provide opportunities for participation in such programs to human rights and democracy leaders of such countries.'' Public Law 106–113 requires that the governments of the countries described above do not have inappropriate influence in the selection process. Proposals should reflect advancement of these goals in their program contents, to the full extent deemed feasible.

IV.3d.3. *Program Monitoring and Evaluation.* Proposals must include a plan to monitor and evaluate the project's success, both as the activities unfold and at the end of the program. The Bureau recommends that your proposal include a draft survey questionnaire or other technique plus a description of a methodology to use to link outcomes to original project objectives. The Bureau expects that the grantee will track participants or partners and be able to respond to key evaluation questions, including satisfaction with the program, learning as a result of the program, changes in behavior as a result of the program, and effects of the program on institutions (institutions in which participants work or partner institutions). The evaluation plan should include indicators that measure gains in mutual understanding as well as substantive knowledge.

Successful monitoring and evaluation depend heavily on setting clear goals and outcomes at the outset of a program. Your evaluation plan should include a description of your project's objectives, your anticipated project outcomes, and how and when you intend to measure these outcomes (performance indicators). The more that outcomes are ''smart'' (specific, measurable, attainable, results-oriented, and placed in a reasonable time frame), the easier it will be to conduct the evaluation. You should also show how your project objectives link to the goals of the program described in this RFGP.

Your monitoring and evaluation plan should clearly distinguish between program *outputs* and *outcomes. Outputs* are products and services delivered, often stated as an amount. Output information is important to show the scope or size of project activities, but it cannot substitute for information about progress towards outcomes or the results achieved. Examples of outputs include the number of people trained or the number of seminars conducted. *Outcomes*, in contrast, represent specific results a project is intended to achieve and is usually measured as an extent of change. Findings on outputs and outcomes should both be reported, but the focus should be on outcomes.

We encourage you to assess the following four levels of outcomes, as they relate to the program goals set out in the RFGP (listed here in increasing order of importance):

1. *Participant satisfaction* with the program and exchange experience.

2. *Participant learning*, such as increased knowledge, aptitude, skills, and changed understanding and attitude. Learning includes both substantive (subject-specific) learning and mutual understanding.

3. *Participant behavior*, concrete actions to apply knowledge in work or community; greater participation and responsibility in civic organizations; interpretation and explanation of experiences and new knowledge gained; continued contacts between participants, community members, and others.

4. *Institutional changes*, such as increased collaboration and partnerships, policy reforms, new programming, and organizational improvements.

Please note: Consideration should be given to the appropriate timing of data collection for each level of outcome. For example, satisfaction is usually captured as a short-term outcome, whereas behavior and institutional changes are normally considered longer-term outcomes.

Overall, the quality of your monitoring and evaluation plan will be judged on how well it (1) Specifies intended outcomes; (2) gives clear descriptions of how each outcome will be measured; (3) identifies when particular outcomes will be measured; and (4) provides a clear description of the data collection strategies for each outcome (*i.e.*, surveys, interviews, or focus groups). (Please note that evaluation plans that deal only with the first level of outcomes [satisfaction] will be deemed less competitive under the present evaluation criteria.)

Grantees will be required to provide reports analyzing their evaluation findings to the Bureau in their regular program reports. All data collected, including survey responses and contact information, must be maintained for a minimum of three years and provided to the Bureau upon request.

IV.3d.4. Describe your plans for: *i.e.* sustainability, overall program management, staffing, coordination with ECA and PAS or any other requirements etc.

IV.3e. Please take the following information into consideration when preparing your budget:

IV.3e.1. Applicants must submit a comprehensive budget for the entire program. There must be a summary budget as well as breakdowns reflecting both administrative and program budgets. Applicants may provide separate sub-budgets for each program component, phase, location, or activity to provide clarification.

IV.3e.2. Allowable costs for the program include the following:

(1) Salaries and fringe benefits; travel and per diem;

(2) Other direct costs, inclusive of rent, utilities, etc.;

(3) Indirect expenses (except against participant program expenses), auditing costs;

(4) Participant program costs; *i.e.*, international/domestic travel, visas, per diem, conference attendance;

(5) Alumni Web site and alumni support activities;

(6) Advising coordinator expenses for pre-conference campus visits;

(7) Campus coordinator costs for advising center visits; *i.e.*, international/domestic travel, visas, per diem Please refer to the Solicitation Package for complete budget guidelines and formatting instructions.

IV.3f. Application Deadline and Methods of Submission:

Application Deadline Date: Friday, July 13, 2007.

Reference Number: ECA/A/S/A–08–05.

Methods of Submission:

Applications may be submitted in one of two ways:

1. In hard-copy, via a nationally recognized overnight delivery service (*i.e.*, DHL, Federal Express, UPS, Airborne Express, or U.S. Postal Service Express Overnight Mail, etc.), or

2. Electronically through *http://www.grants.gov.* Along with the Project Title, all applicants must enter the above Reference Number in Box 11 on the SF–424 contained in the mandatory Proposal Submission Instructions (PSI) of the solicitation document.

IV.3f.1 Submitting Printed Applications: Applications must be shipped no later than the above deadline. Delivery services used by applicants must have in-place, centralized shipping identification and tracking systems that may be accessed via the Internet and delivery people who are identifiable by commonly recognized uniforms and delivery vehicles. Proposals shipped on or before the above deadline but received at ECA more than seven days after the deadline will be ineligible for further consideration under this competition. Proposals shipped after the established deadlines are ineligible for consideration under this competition. ECA will *not* notify you upon receipt of application. It is each applicant's responsibility to ensure that each package is marked with a legible tracking number and to monitor/confirm delivery to ECA via the Internet. Delivery of proposal packages *may not* be made via local courier service or in person for this competition. Faxed documents will not be accepted at any time. Only proposals submitted as stated above will be considered.

Important note: When preparing your submission please make sure to include one extra copy of the completed SF–424 form and place it in an envelope addressed to ''ECA/EX/PM''.

The original and eight copies of the application should be sent to: U.S. Department of State, SA–44, Bureau of Educational and Cultural Affairs, Ref.: ECA/A/S/A–08–05, Program Management, ECA/EX/PM, Room 534, 301 4th Street, SW., Washington, DC 20547.

IV.3f.2—Submitting Electronic Applications

Applicants have the option of submitting proposals electronically through Grants.gov (*http://www.grants.gov*). Complete solicitation packages are available at Grants.gov in the ''Find'' portion of the system. Please follow the instructions available in the ''Get Started'' portion of the site (*http://www.grants.gov/GetStarted*).

Several of the steps in the Grants.gov registration process could take several weeks. Therefore, applicants should check with appropriate staff within their organizations immediately after reviewing this RFGP to confirm or determine their registration status with Grants.gov. Once registered, the amount of time it can take to upload an application will vary depending on a variety of factors including the size of the application and the speed of your internet connection. Therefore, we strongly recommend that you not wait until the application deadline to begin the submission process through Grants.gov.

Direct all questions regarding Grants.gov registration and submission to: Grants.gov Customer Support.

Contact Center Phone: 800–518–4726.

Business Hours: Monday–Friday, 7 a.m.–9 p.m. Eastern Time.

E-mail: support@grants.gov.

Applicants have until midnight (12 a.m.), Washington, DC time of the closing date to ensure that their entire application has been uploaded to the Grants.gov site. There are no exceptions to the above deadline. Applications uploaded to the site after midnight of the application deadline date will be automatically rejected by the grants.gov system, and will be technically ineligible.

Applicants will receive a confirmation e-mail from grants.gov upon the successful submission of an application. ECA will *not* notify you upon receipt of electronic applications.

It is the responsibility of all applicants submitting proposals via the Grants.gov web portal to ensure that proposals have been received by Grants.gov in their entirety, and ECA bears no responsibility for data errors resulting from transmission or conversion processes.

Optional—IV.3f.3 You may also state here any limitations on the number of applications that an applicant may submit and make it clear whether the limitation is on the submitting organization, individual program director or both.

IV.3g. Intergovernmental Review of Applications: Executive Order 12372 does not apply to this program.

V. Application Review Information

V.1. Review Process

The Bureau will review all proposals for technical eligibility. Proposals will be deemed ineligible if they do not fully adhere to the guidelines stated herein and in the Solicitation Package. All eligible proposals will be reviewed by the program office, as well as the Public Diplomacy section overseas, where appropriate. Eligible proposals will be subject to compliance with Federal and Bureau regulations and guidelines and forwarded to Bureau grant panels for advisory review. Proposals may also be reviewed by the Office of the Legal Adviser or by other Department elements. Final funding decisions are at the discretion of the Department of State's Assistant Secretary for Educational and Cultural Affairs. Final technical authority for cooperative agreements resides with the Bureau's Grants Officer.

Review Criteria

Technically eligible applications will be competitively reviewed according to the criteria stated below. These criteria are not rank ordered and all carry equal weight in the proposal evaluation:

1. *Quality of the program idea:* Proposals should exhibit originality, substance, precision, and relevance to the Bureau's mission.

2. *Program planning*: Detailed agenda and relevant work plan should demonstrate substantive undertakings and logistical capacity. Agenda and plan should adhere to the program overview and guidelines described above.

3. *Ability to achieve program objectives*: Objectives should be reasonable, feasible, and flexible. Proposals should clearly demonstrate how the institution will meet the program's objectives and plan.

4. *Multiplier effect/impact*: Proposed programs should strengthen long-term mutual understanding, including maximum sharing of information and establishment of long-term institutional and individual linkages.

5. *Support of Diversity*: Proposals should demonstrate substantive support

of the Bureau's policy on diversity. Achievable and relevant features should be cited in both program administration (selection of participants, program venue and program evaluation) and program content (orientation and wrap-up sessions, program meetings, resource materials and follow-up activities).

6. *Institutional Capacity*: Proposed personnel and institutional resources should be adequate and appropriate to achieve the program or project's goals.

7. *Institution's Record/Ability*: Proposals should demonstrate an institutional record of successful exchange programs, including responsible fiscal management and full compliance with all reporting requirements for past Bureau grants as determined by Bureau Grants Staff. The Bureau will consider the past performance of prior recipients and the demonstrated potential of new applicants.

8. *Follow-on Activities*: Proposals should provide a plan for continued follow-on activity (without Bureau support) ensuring that Bureau supported programs are not isolated events.

9. *Project Evaluation*: Proposals should include a plan to evaluate the activity's success, both as the activities unfold and at the end of the program. A draft survey questionnaire or other technique plus description of a methodology to use to link outcomes to original project objectives is recommended.

10. *Cost-effectiveness*: The overhead and administrative components of the proposal, including salaries and honoraria, should be kept as low as possible. All other items should be necessary and appropriate.

11. *Cost-sharing*: Proposals should maximize cost-sharing through other private sector support as well as institutional direct funding contributions.

12. *Value to U.S.-Partner Country Relations*: Proposed projects should receive positive assessments by the U.S. Department of State's geographic area desk and overseas officers of program need, potential impact, and significance in the partner country(ies).

VI. Award Administration Information

VI.1a. Award Notices:

Final awards cannot be made until funds have been appropriated by Congress, allocated and committed through internal Bureau procedures. Successful applicants will receive an Assistance Award Document (AAD) from the Bureau's Grants Office. The AAD and the original grant proposal with subsequent modifications (if applicable) shall be the only binding authorizing document between the recipient and the U.S. Government. The AAD will be signed by an authorized Grants Officer, and mailed to the recipient's responsible officer identified in the application.

Unsuccessful applicants will receive notification of the results of the application review from the ECA program office coordinating this competition.

VI.2 *Administrative and National Policy Requirements:* Terms and Conditions for the Administration of ECA agreements include the following:

Office of Management and Budget Circular A–122, ''Cost Principles for Nonprofit Organizations''

Office of Management and Budget Circular A–21, ''Cost Principles for Educational Institutions''

OMB Circular A–87, ''Cost Principles for State, Local and Indian Governments''

OMB Circular No. A–110 (Revised), Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and other Nonprofit Organizations

OMB Circular No. A–102, Uniform Administrative Requirements for Grants-in-Aid to State and Local Governments

OMB Circular No. A–133, Audits of States, Local Government, and Non-profit Organizations

Please reference the following Web sites for additional information: *http://www.whitehouse.gov/omb/grants*, *http://exchanges.state.gov/education/grantsdiv/terms.htm#articleI.*

VI.3. *Reporting Requirements:* You must provide ECA with a hard copy original plus two copies of the following reports:

1. A final program and financial report no more than 90 days after the expiration of the award;

Grantees will be required to provide reports analyzing their evaluation findings to the Bureau in their regular program reports. (Please refer to IV. Application and Submission Instructions (IV.3.d.3) above for Program Monitoring and Evaluation information.

All data collected, including survey responses and contact information, must be maintained for a minimum of three years and provided to the Bureau upon request.

All reports must be sent to the ECA Grants Officer and ECA Program Officer listed in the final assistance award document.

Organizations awarded grants will be required to maintain specific data on program participants and activities in an electronically accessible database format that can be shared with the Bureau as required. As a minimum, the data must include the following:

(1) Name, address, contact information and biographic sketch of all persons who travel internationally on funds provided by the grant or who benefit from the grant funding but do not travel.

(2) Itineraries of international and domestic travel, providing dates of travel and cities in which any exchange experiences take place. Final schedules for in-country and U.S. activities must be received by the ECA Program Officer at least three work days prior to the official opening of the activity.

VII. Agency Contacts

For questions about this announcement, contact: Dorothy Mora, Educational Information and Resources Branch, ECA/A/S/A, Room 349, ECA/A/S/A–08–05, U.S. Department of State, SA–44, 301 4th Street, SW., Washington, DC 20547, phone: 202–453–8868, fax: 202–453–8890, e-mail: *MoraDD@state.gov*.

All correspondence with the Bureau concerning this RFGP should reference the above title and number ECA/A/S/A–08–05.

Please read the complete announcement before sending inquiries or submitting proposals. Once the RFGP deadline has passed, Bureau staff may not discuss this competition with applicants until the proposal review process has been completed.

VIII. Other Information

Notice

The terms and conditions published in this RFGP are binding and may not be modified by any Bureau representative. Explanatory information provided by the Bureau that contradicts published language will not be binding. Issuance of the RFGP does not constitute an award commitment on the part of the Government. The Bureau reserves the right to reduce, revise, or increase proposal budgets in accordance with the needs of the program and the availability of funds. Awards made will be subject to periodic reporting and evaluation requirements per section VI.3 above.

Dated: May 1, 2007.

Dina Habib Powell,

Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. E7–9034 Filed 5–9–07; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Application of Lynx Aviation, Inc., d/b/a Frontier Airlines, for Certificate Authority

AGENCY: Office of the Secretary, Department of Transportation.

ACTION: Notice of Order to Show Cause (Order 2007–5–2), Docket OST–2007–27074.

SUMMARY: The Department of Transportation is directing all interested persons to show cause why it should not issue an order finding Lynx Aviation, Inc., d/b/a Frontier Airlines, fit, willing, and able, and awarding it a certificate of public convenience and necessity to engage in interstate scheduled air transportation of persons, property, and mail.

DATES: Persons wishing to file objections should do so no later than May 18, 2007.

ADDRESSES: Objections and answers to objections should be filed in Docket OST–2007–27074 and addressed to U.S. Department of Transportation, Docket Operations, (M–30, Room PL–401), 400 Seventh Street, SW., Washington, DC 20590, and should be served upon the parties listed in Attachment A to the order.

FOR FURTHER INFORMATION CONTACT: Vanessa R. Balgobin, Air Carrier Fitness Division (X–56, Room 6401), U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, (202) 366–9721.

Dated: May 4, 2007.

Robert S. Goldner,

Special Counsel.

[FR Doc. E7–8997 Filed 5–9–07; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Availability of Draft Advisory Circulars, Other Policy Documents and Proposed Technical Standard Orders

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: This is a recurring Notice of Availability, and requests for comments, on draft advisory circulars (ACs), other policy documents, and proposed technical standard orders (TSOs) currently offered by Aviation Safety.

SUMMARY: The FAA's Aviation Safety, an organization responsible for the certification, production approval, and continued airworthiness of aircraft, and certification of pilots, mechanics, and others in safety related positions, publishes proposed non-regulatory documents that are available for public comment on the Internet at *http://www.faa.gov/aircraft/draft_docs/.*

DATES: We must receive comments on or before the due date for each document as specified on the Web site.

ADDRESSES: Send comments on proposed documents to the Federal Aviation Administration at the address specified on the Web site for the document being commented on, to the attention of the individual and office identified as point of contact for the document.

FOR FURTHER INFORMATION CONTACT: See the individual or FAA office identified on the Web site for the specified document.

SUPPLEMENTARY INFORMATION: Final advisory circulars, other policy documents, and technical standard orders (TSOs) are available on FAA's Web site, including final documents published by the Aircraft Certification Service on FAA's Regulatory and Guidance Library (RGL) at *http://rgl.faa.gov.*

Comments Invited

When commenting on draft ACs, other policy documents or proposed TSOs, you should identify the document by its number. The Aviation Safety organization will consider all comments received on or before the closing date before issuing a final document. You can obtain a paper copy of the draft document or proposed TSO by contacting the individual or FAA office responsible for the document as identified on the Web site. You will find the draft ACs, other policy documents and proposed TSOs on the ''Aviation Safety Draft Documents Open for Comment'' Web site at *http://www.faa.gov/aircraft/draft_docs/.* For Internet retrieval assistance, contact the AIR Internet Content Program Manager at 202–267–8361.

Background

We do not publish an individual **Federal Register** Notice of each document we make available for public comment. On the Web site, you may subscribe to our service for e-mail notification when new draft documents are made available. Persons wishing to comment on our draft ACs, other policy documents and proposed TSOs can find them by using the FAA's Internet address listed below. This notice of availability and request for comments on documents produced by Aviation Safety will appear again in 30 days.

Issued in Washington, DC, on May 3, 2007.

Frank Paskiewicz,

Manager, Production and Airworthiness Division, Aircraft Certification Service.

[FR Doc. 07–2309 Filed 5–9–07; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: Greene County, PA

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Cancellation of the Notice of Intent.

SUMMARY: This notice rescinds the previous Notice of Intent (issued November 28, 1994) to prepare an Environmental Impact Statement for improvements of a portion of U.S. Route 19 (U.W. 19) in Franklin Township, Greene County, Pennsylvania.

FOR FURTHER INFORMATION CONTACT: David W. Cough, P.E., Director of Operations, Federal Highway Administration, Pennsylvania Divsion Office, 228 Walnut Street, Room 508, Harrisburg, PA 17101–1720, Telephone (717) 221–3411—OR—R. Alan Bailey, P.E., Assistant District Executive, Pennsylvania Department of Transportation, District 12–0, 825 North Gallatin Avenue Extension, Uniontown, PA 15401, Telephone (724) 439–7259.

SUPPLEMENTARY INFORMATION: Additional public meetings and environmental analyses have indicated that all project alternatives can be down-scoped with little or no significant impact to the environment. An Environmental Assessment will be pursued, based on a revised project scoping.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Dated: May 3, 2007.

James A. Cheatham,

FHWA Division Administrator, Harrisburg, PA.

[FR Doc. 07–2315 Filed 5–9–07; 8:45 am]

BILLING CODE 4910–22–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: Los Angeles County, CA

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an Environmental Impact Statement (EIS) will be prepared for the proposed Interstate 5 (I–5) High Occupancy Vehicle (HOV)/Truck Lanes project in the City of Santa Clarita and the County of Los Angeles, California, in accordance with the National Environmental Policy Act (NEPA) of 1969.

FOR FURTHER INFORMATION CONTACT: Steve Healow, FHWA California Division, 650 Capitol Mall, #4–100, Sacramento, CA 95814, *telephone:* 916–498–5849, or Carlos Montez, California Department of Transportation, 100 South Main Street, Los Angeles, CA 90012, *telephone:* 213–897–9116.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the California Department of Transportation (Caltrans), will prepare an EIS on a proposal to widen existing I–5 to include truck climbing lanes and HOV lanes. This I–5 project extends from State Route 14 (SR–14) on the south to Parker Road on the north, a distance of approximately 13.6 miles. The proposed improvements include extending the existing HOV lanes on I–5 from SR–14 to Parker Road (approximately 13 miles) and adding truck climbing lanes between SR–14 interchange and Calgrove Boulevard (northbound) and Pico Canyon Road/Lyons Avenue (southbound), a distance of three to four miles. Analysis supporting the EIS will determine the type of facility necessary to meet the existing and future transportation needs in the corridor. Due to traffic volumes, truck traffic, and substantial planned development, the capacity of the existing corridor will be exceeded. The proposed EIS will evaluate a constrained alternative, which would provide one HOV lane in each direction from SR–14 to Parker Road, and truck climbing lanes in each direction from SR–14 to Calgrove Boulevard (NB) and Pico Canyon Road/Lyons Road (SB). This constrained alternative would provide standard lane widths. The EIS would also evaluate a standard alternative, which includes the same HOV and truck lanes, as described above, and standard lane widths and full shoulders. A no build alternative will also be evaluated.

The public information program and project development team (PDT) meetings will continue throughout the environmental and design phases for the proposed project. The Draft EIS will be available for public and agency review and comment. A public hearing will be held to discuss the alternatives and the potential impacts of the proposed action. Public notice will be given for the time and place of the public hearing. To ensure that the full range of issues related to this proposed action is addressed and all significant concerns are identified, comments and suggestions are invited from all interested parties. Comments or questions about this proposed action and the EIS should be directed to FHWA and Caltrans at the addresses indicated above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning, and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Issued on: May 3, 2007.

Maiser Khaled,

Director, Project Development & Environment, California Division, Federal Highway Administration.

[FR Doc. E7–8937 Filed 5–9–07; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: San Bernardino County, CA

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Intent.

SUMMARY: The FHWA is issuing this notice to advise the public of its intent to prepare an Environmental Impact Statement (EIS) for the proposed realignment and widening of State Route 58 Freeway (SR–58) located west of the City of Barstow near the community of Hinkley in San Bernardino County, California.

FOR FURTHER INFORMATION CONTACT: Tay Dam, Senior Project Development Engineer, Federal Highway Administration, 888 South Figueroa, Suite 1850, Los Angeles, CA 90017. *Telephone:* (213) 202–3954. Boniface Udotor, California Department of Transportation District 8, 464 W. Fourth Street, San Bernardino, CA 92401. *Telephone:* (909) 383–1387.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the California Department of Transportation, District 8, will prepare an EIS to realign and widen SR–58 from a two-lane conventional highway to a four-lane expressway/freeway west of the City of Barstow near the community of Hinkley (between Post Mile 21.8 and Post Mile 31.1) in San Bernardino County, California. The project length is approximately 10 miles long. As proposed, the EIS document would address the following current and future transportation issues for this area:

- This section of SR–58 is currently a nonstandard two-lane conventional highway between a four-lane freeway to the west and a four-lane freeway to the east. The existing highway section has insufficient capacity to handle present and future travel demands, which is forecasted to be more than double the year 2030. Since SR–58 remains the main east-west corridor for interregional travelers, no other viable alternatives for travel exist. This proposed project will close one gap in lane continuity and remove the bottleneck condition.
- The existing two-lane highway has numerous driveways and intersecting cross-streets, which present numerous conflict points affecting the operation of the highway. Upgrading from a non-standard two-lane highway to a full-standard four-lane expressway/freeway would allow for better passing and increased sight distance. A separated median would reduce the risk of head-on collisions. A clearance zone (clear recovery zone) from the edge of the traveled way to obstructions would provide an unobstructed roadside for errant drivers to regain control.
- The pavement section of SR–58 for this area is inadequate to handle the high movement of truck volumes, which are contributing to rising maintenance costs. It is expected that SR–58 will continue to carry high truck volumes because the route is designated for extra-legal and oversized loads. Currently, SR–58 serves as the major connection point between I–15 in Bakersfield and the I–15/I–40 in Barstow. A new pavement design would meet standards for carrying truckloads and reduce future maintenance costs.

A preferred alternative has not been selected at this point. The following four alternatives will be addressed in the EIS document:

- *Alternative 1:* No Build. Under this alternative, the capacity of SR–58 would remain the same as current traffic conditions continue to worsen while local developments take place. This alternative would not address the transportation issues described above.

• *Alternative 2:* Realign and Widen (South). This alternative realigns and widens SR–58 from two lanes to a four-lane expressway/freeway about one-half mile south of the existing SR–58.

• *Alternative 3:* Widen the Existing. This alternative follows the existing SR–58 alignment or a slightly offset alignment throughout the project limits.

• *Alternative 4:* Realign and Widen (North). This alternative consists of a realignment of SR–58 to a four-lane expressway/freeway just north of the existing SR–58.

The alternatives described above will be further refined through efforts conducted under the National Environmental Policy Act (40 CFR parts 1500–1508, and 23 CFR part 771), the 1990 Clear Air Act Amendments, section 404 of the Clean Water Act, Executive Order 12898 regarding environmental justice, the National Historic Preservation Act, the Endangered Species Act, the section 4(f) of the U.S. Department of Transportation Act, and other federal environmental protection laws, regulations, policies, and executive orders. The EIS will incorporate comments from the public scoping process as well as analysis in technical studies. Other alternatives suggested during scoping process would be considered during the development of the EIS. The EIS will consider any additional reasonable alternatives identified during scoping process. Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State, regional and local agencies, and to private organizations and citizens who previously have expressed, or are known to have, an interest in this project. Location and details of the public scoping meeting for the proposed project will be advertised in local newspapers and other media and will be hosted by the California Department of Transportation, District 8.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation Federal programs and activities apply to this program.)

Issued On: May 2, 2007.

Maiser Khaled,

Director, Project Development & Environment, California Division, Federal Highway Administration.

[FR Doc. E7–8939 Filed 5–9–07; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: San Bernardino County, CA

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Intent.

SUMMARY: The FHWA is issuing this notice to advise the public of its intent to prepare an Environmental Impact Statement (EIS) for the proposed widening and realignment of State Route 58 (SR–58) Kramer Junction Expressway from two to four lanes located between the Kern/San Bernardino County line and a point 12.9 miles east on SR–58 in San Bernardino County, California. This will be a gap closure project.

FOR FURTHER INFORMATION CONTACT: Tay Dam, Senior Project Development Engineer, Federal Highway Administration, 888 South Figueroa, Suite 1850, Los Angeles, CA 90017. *Telephone:* (213) 202–3954. Marie Petry, California Department of Transportation District 8, 464 W. Fourth Street, San Bernardino, CA 92401. *Telephone:* (909) 383–6379.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the California Department of Transportation, will prepare an EIS for the proposed widening and realignment of SR–58 Kramer Junction Expressway in San Bernardino County, California. This 13-mile long project would take place entirely within San Bernardino County and is centered on the Kramer Junction where SR–58 intersects with US–395 west of the City of Barstow. This section of SR–58 is currently a nonstandard two-lane highway between a four-lane freeway to the west and a four-lane expressway to the east. The proposed project would close this gap. The existing two-lane segment includes an at-grade signalized intersection at SR–58/US–395 (Kramer Junction), an overhead crossing of Burlington Northern Santa Fe (BNSF) railroad west of that intersection, and numerous uncontrolled at-grade driveway and street access points. There is also an at-grade railroad crossing on US–395 north of the SR–58/US–395 intersection that slows traffic and contributes to accidents when traffic backs up during train crossings. SR–58 is a major east-west transportation corridor with a high percentage of truck traffic transporting goods in and out of the state. The purpose of this project is to provide for increased separation of slow moving vehicles, to separate local and regional traffic, to reduce accidents, and to eliminate the convergence of SR–58 and US–395 traffic. The project would also provide congestion relief and improve traffic operations and access to local services.

A preferred alternative has not been selected at this point. One No Build (Alternative A) and three Build Alternatives (Alternatives B, C, and D) will be addressed in the EIS document. All three proposed Build Alternatives would increase capacity and be reclassified from a conventional highway to an expressway. As proposed, Alternative B would be a realignment north of the existing highway. Alternative C would be generally along the existing highway alignment, and Alternative D would be a realignment south of the existing highway. Furthermore, construction of a new freeway-to-freeway interchange where SR–58 intersects with US–395 is proposed for Alternatives B, C, and D. This new interchange would have to span the existing at-grade railroad under Alternatives B and C, but this would not be necessary under Alternative D because the new interchange is far enough south of the railroad. In addition, Alternatives B and D would include a second grade separation (overhead) structure to span the railroad further east and west, respectively, of the proposed SR–58/US–395 interchange.

The alternatives described above will be further refined through efforts conducted under the National Environmental Policy Act (40 CFR parts 1500–1508, and 23 CFR part 771), the 1990 Clear Air Act Amendments, section 404 of the Clean Water Act, Executive Order 12898 regarding environmental justice, the National Historic Preservation Act, the Endangered Species Act, the section 4(f) of the U.S. Department of Transportation Act, and other federal environmental protection laws, regulations, policies, and executive orders. The EIS will incorporate comments from the public scoping process as well as analysis in technical studies. Other alternatives suggested during scoping process would be considered during the development of the EIS. The EIS will consider any additional reasonable alternatives identified during scoping process. Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State, regional and local agencies, and to private organizations and citizens who previously have expressed, or are known to have, an interest in this project. Location and details of the

public scoping meeting for the proposed project will be advertised in local newspapers and other media and will be hosted by the California Department of Transportation, District 8.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation Federal programs and activities apply to this program.)

Issued On: May 2, 2007.

Maiser Khaled,

Director, Project Development & Environment, California Division, Federal Highway Administration.

[FR Doc. E7–8940 Filed 5–9–07; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Notice of Application for Approval of Discontinuance or Modification of a Railroad Signal System or Relief From the Requirements of Title 49 Code of Federal Regulations Part 236

Pursuant to Title 49 Code of Federal Regulations (CFR) part 235 and 49 U.S.C. 20502(a), the following railroad has petitioned the Federal Railroad Administration (FRA) seeking approval for the discontinuance or modification of the signal system or relief from the requirements of 49 CFR part 236 as detailed below.

[Docket Number FRA–2007–27762]

Applicant: Canadian National Railway Company, Mr. Timothy R. Luhm, Senior Manager of S&C, Southern Region, Chicago Division, 17641 Ashland Avenue, Homewood, Illinois 60430.

The Canadian National Railway Company (CN) seeks approval of the permanent discontinuance and removal of the automatic block signal (ABS) system on Track Numbers 3 and 4, from Milepost 15.68 to Milepost 20.25, on the Chicago Division, Chicago Subdivision, between Riverdale and Harvey, Illinois. The ABS system was suspended on August 14, 2001, due to a derailment.

The reason given for the proposed change is that the ABS system impedes train operations on Track Numbers 3 and 4. Due to the congestion in the area from the Intermodal facility, GTW, Harvey Yard, IHB, CSX, and Cook County Lumber, cars are continually stored and interchanged in this area.

Any interested party desiring to protest the granting of an application shall set forth specifically the grounds upon which the protest is made, including a concise statement of the interest of the party in the proceeding. Additionally, one copy of the protest shall be furnished to the applicant at the address listed above.

All communications concerning this proceeding should be identified by docket number FRA–2007–27762 and may be submitted by one of the following methods:

- *Web site: http://dms.dot.gov.* Follow the instructions for submitting comments on the DOT electronic site;
- *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; or
- *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.

Communications received within 45 days of the date of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.–5 p.m.) at the above facility. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's Web site at *http://dms.dot.gov.*

FRA wishes to inform all potential commenters that anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78) or you may visit *http://dms.dot.gov.*

FRA expects to be able to determine these matters without an oral hearing. However, if a specific request for an oral hearing is accompanied by a showing that the party is unable to adequately present his or her position in a written statement, an application may be set for public hearing.

Issued in Washington, DC, on May 2, 2007.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. E7–9030 Filed 5–9–07; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Notice of Application for Approval of Discontinuance or Modification of a Railroad Signal System or Relief From the Requirements of Title 49 Code of Federal Regulations Part 236

Pursuant to Title 49 Code of Federal Regulations (CFR) part 235 and 49 U.S.C. 20502(a), the following railroad has petitioned the Federal Railroad Administration (FRA) seeking approval for the discontinuance or modification of the signal system or relief from the requirements of 49 CFR part 236 as detailed below.

[Docket Number FRA–2007–27767]

Applicant: Marquette Rail, LLC, Mr. Donald J. Davis, Roadmaster, 5550 West First Street, Ludington, Michigan 49431.

Marquette Rail, LLC seeks approval of the proposed discontinuance and removal of the interlocked signal system on the Manistee River moveable bridge, Milepost CBA 113.5, on the Manistee Subdivision near Manistee, Michigan. The proposed changes include the permanent elimination of the two controlled signals, the replacement of the power-operated switches at the derail locations with hand throw switches, and the display of permanent red signals.

The reason given for the proposed changes is to eliminate the costly upkeep and maintenance of the equipment and place a person on the site to visually inspect the operation of all equipment each time a train crosses.

Any interested party desiring to protest the granting of an application shall set forth specifically the grounds upon which the protest is made, including a concise statement of the interest of the party in the proceeding. Additionally, one copy of the protest shall be furnished to the applicant at the address listed above.

All communications concerning this proceeding should be identified by Docket Number FRA–2007–27767 and may be submitted by one of the following methods:

- *Web site: http://dms.dot.gov.* Follow the instructions for submitting comments on the DOT electronic site;
- *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; or
- *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.

Communications received within 45 days of the date of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.–5 p.m.) at the above facility. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's Web site at *http://dms.dot.gov.*

FRA wishes to inform all potential commenters that anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78) or you may visit *http://dms.dot.gov.*

FRA expects to be able to determine these matters without an oral hearing. However, if a specific request for an oral hearing is accompanied by a showing that the party is unable to adequately present his or her position in a written statement, an application may be set for public hearing.

Issued in Washington, DC, on May 2, 2007.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. E7–9029 Filed 5–9–07; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

May 4, 2007.

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 11000, 1750 Pennsylvania Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before June 11, 2007 to be assured of consideration.

Internal Revenue Service (IRS)

OMB Number: 1545–1836.

Type of Review: Extension.

Title: Support Schedule for Advance Ruling Period.

Form: 8734.

Description: Form 8734 is used by charities to furnish financial information that Exempt Organization Determinations of IRS can use to classify a charity as a public charity.

Respondents: Non-profit institutions.

Estimated Total Burden Hours: 549,120 hours.

OMB Number: 1545–1877.

Type of Review: Extension.

Title: Revenue Procedure 2004–18, Average Area Purchase Price Safe Harbors and Nationwide Purchase Prices under section 143.

Description: Revenue Procedure 2004–18 provides issuers of qualified mortgage bonds, as defined in section 143(a) of the Internal Revenue Code, and issuers of mortgage credit certificates, as defined in section 25(c), with (1) nationwide average purchase prices for residences located in the Untied States, and (2) average area purchase price safe harbors for residences located in statistical areas in each state, the District of Columbia, Puerto Rico, the Northern Mariana Islands, American Samoa, the Virgin Islands, and Guam.

Respondents: State, local, and tribal governments.

Estimated Total Burden Hours: 15 hours.

OMB Number: 1545–2049.

Type of Review: Extension.

Title: Notice 2006–107—Diversification Requirements for Qualified Defined Contribution Plans Holding Publicly Traded Employer Securities.

Description: This notice contains two model forms that may be used by employers to notify plan participants of their diversification rights under sections 901 and 507 of the Pension Protection Act of 2006.

Respondents: Businesses or other for-profit institutions.

Estimated Total Burden Hours: 7,725 hours.

OMB Number: 1545–2041.

Type of Review: Extension.

Title: Expenses Paid by Certain Whaling Captains in Support of Native Alaskan Subsistence Whaling.

Description: This document provides guidelines under section 170(n) for substantiating certain expenses of carrying out sanctioned whaling activities.

Respondents: Individuals and households.

Estimated Total Burden Hours: 48 hours.

OMB Number: 1545–0134.

Type of Review: Revision.

Title: Application to Adopt, Change, or Retain a Tax Year.

Form: 1128.

Description: Form 1128 is needed in order to process taxpayers' request to change their tax year. All information requested is used to determine whether the application should be approved. Respondents are taxable and nontaxable entities including individuals, partnerships, corporations, estates, tax-exempt organizations and cooperatives.

Respondents: Businesses and other for-profit institutions.

Estimated Total Burden Hours: 232,066 hours.

OMB Number: 1545–1599.

Type of Review: Extension.

Title: REG–208299–90 (NPRM) Allocation and Sourcing of Income and Deductions Among Taxpayers Engaged in a Global Dealing Operation.

Description: The information requested in sections 1.475(g)–2(b), 1.482–8(b)(3), (c)(3), (e)(5), (e)(6), (d)(3), and 1.863–3(h) is necessary for Service to determine whether the taxpayer has entered into controlled transactions at an arm's length price.

Respondents: Businesses and other for-profit institutions.

Estimated Total Burden Hours: 20,000 hours.

Clearance Officer: Glenn P. Kirkland, Internal Revenue Service, Room 6516, 1111 Constitution Avenue, NW., Washington, DC 20224, (202) 622–3428.

OMB Reviewer: Alexander T. Hunt, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503, (202) 395–7316.

Robert Dahl,

Treasury PRA Clearance Officer.

[FR Doc. E7–9032 Filed 5–9–07; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[REG–208985–89]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13(44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final notice of proposed rulemaking, REG–208985–89, Taxable Year of Certain Foreign Corporations Beginning After July 10, 1989 (§§ 1.563–3, 1.898–3, and 1.898–4).

DATES: Written comments should be received on or before July 9, 2007 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn Kirkland, Internal Revenue Service, room 6512, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulations should be directed to Larnice Mack at Internal Revenue Service, room 6512, 1111 Constitution Avenue, NW., Washington, DC 20224, or at (202) 622–3179, or through the Internet at (*Larnice.Mack@irs.gov*).

SUPPLEMENTARY INFORMATION:

Title: Taxable Year of Certain Foreign Corporations Beginning After July 10, 1989.

OMB Number: 1545–1355.

Regulation Project Number: REG–208985–89 (formerly INTL–848–89).

Abstract: This regulation provides guidance concerning Internal Revenue Code section 898, which seeks to eliminate the deferral of income and, therefore, the understatement in income, by United States shareholders of certain controlled foreign corporations and foreign personal holding companies. The elimination of deferral is accomplished by requiring a specified foreign corporation to conform its taxable year to the majority U.S. shareholder year. The information collected will be used by the IRS to assess the reported tax and determine whether taxpayers have complied with Code section 898.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 700.

Estimated Time per Respondent: 1 hour.

Estimate Total Annual Burden Hours: 700.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: May 1, 2007.

Glenn Kirkland,

IRS Reports Clearance Officer.

[FR Doc. E7–8915 Filed 5–9–07; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[PS–78–91; PS–50–92; and REG–114664–97]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning existing final regulations, PS–78–91 (TD 8430), Procedure for Monitoring Compliance With Low-Income Housing Credit Requirements; PS–50–92 (TD 8521), Rules To Carry Out the Purposes of Section 42 and for Correcting Administrative Errors and Omissions; and REG–114664–97 (TD 8859), Compliance Monitoring and Miscellaneous Issues Relating to the Low-Income Housing Credit (§§ 1.42–5, 1.42–13, and 1.42–17).

DATES: Written comments should be received on or before July 9, 2007 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn P. Kirkland, Internal Revenue Service, room 6516, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulations should be directed to Carolyn N. Brown, at (202) 622–6688, or at Internal Revenue Service, room 6516, 1111 Constitution Avenue, NW., Washington, DC 20224, or through the Internet, at *Carolyn.N.Brown@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: PS–78–91, Procedure for Monitoring Compliance With Low-Income Housing Credit Requirements; PS–50–92, Rules To Carry Out the Purposes of Section 42 and for Correcting Administrative Errors and Omissions; and REG–114664–97, Compliance Monitoring and Miscellaneous Issues Relating to the Low-Income Housing Credit.

OMB Number: 1545–1357.

Regulation Project Numbers: PS–78–91; PS–50–92; and REG–114664–97.

Abstract:

PS–78–91. This regulation requires state allocation plans to provide a procedure for state and local housing credit agencies to monitor for compliance with the requirements of Code section 42 and report any noncompliance to the IRS.

PS–50–92. This regulation concerns the Secretary of the Treasury's authority to provide guidance under Code section 42 and allows state and local housing credit agencies to correct administrative errors and omissions made in connection with allocations of low-income housing credit dollar amounts and recordkeeping within a reasonable period after their discovery.

REG–114664–97. This regulation amends the procedures for state and local housing credit agencies'

compliance monitoring and the rules for state and local housing credit agencies' correction of administrative errors or omissions.

Current Actions: There is no change to these existing regulations.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations, individual or households, not-for-profit institutions, and state, local or tribal governments.

Estimated Number of Respondents: 22,055.

Estimated Time per Respondent: 4 hours, 45 minutes.

Estimated Total Annual Burden Hours: 104,899.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: May 2, 2007.

Glenn P. Kirkland,

IRS Reports Clearance Officer.

[FR Doc. E7–8916 Filed 5–9–07; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 720

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 720, Quarterly Federal Excise Tax Return.

DATES: Written comments should be received on or before July 9, 2007 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn Kirkland, Internal Revenue Service, room 6512, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Larnice Mack at Internal Revenue Service, room 6512, 1111 Constitution Avenue, NW., Washington, DC 20224, or at (202) 622–3179, or through the Internet at (*Larnice.Mack@irs.gov*).

SUPPLEMENTARY INFORMATION:

Title: Quarterly Federal Excise Tax Return.

OMB Number: 1545–0023.

Form Number: 720.

Abstract: Form 720 is used to report (1) Excise taxes due from retailers and manufacturers on the sale or manufacture of various articles, (2) the tax on facilities and services, (3) environmental taxes, (4) luxury tax, and (5) floor stocks taxes. The information supplied on Form 720 is used by the IRS to determine the correct tax liability. Additionally the data is reported by the IRS to Treasury so that funds may be transferred from the general revenue fund to the appropriate trusts funds.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations, individuals, not-for-profit institutions, farms, and Federal, state, local or tribal governments.

Estimated Number of Respondents: 387,744.

Estimated Time per Respondent: 9 hrs, 13 minutes.

Estimated Total Annual Burden Hours: 3,575,505.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: May 1, 2007.

Glenn Kirkland,

IRS Reports Clearance Officer.

[FR Doc. E7–8917 Filed 5–9–07; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Forms W–8BEN, W–8ECI, W–8EXP, and W–8IMY

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and

other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form W–8BEN, Certificate of Foreign Status of Beneficial Owner for United States Tax Withholding, Form W–8ECI, Certificate of Foreign Person's Claim for Exemption From Withholding on Income Effectively Connected With the Conduct of a Trade or Business in the United States, Form W–8EXP, Certificate of Foreign Government or Other Foreign Organization for United States Tax Withholding, and Form W–8IMY, Certificate of Foreign Intermediary, Foreign Flow-Through Entity, or Certain U.S. Branches for United States Tax Withholding.

DATES: Written comments should be received on or before July 9, 2007 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn Kirkland, Internal Revenue Service, room 6512, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Larnice Mack at Internal Revenue Service, room 6512, 1111 Constitution Avenue, NW., Washington, DC 20224, or at (202) 622–3179, or through the Internet at (*Larnice.Mack@irs.gov).*

SUPPLEMENTARY INFORMATION:

Title: Form W–8BEN, Certificate of Foreign Status of Beneficial Owner for United States Tax Withholding, Form W–8ECI, Certificate of Foreign Person's Claim for Exemption From Withholding on Income Effectively Connected With the Conduct of a Trade or Business in the United States, Form W–8EXP, Certificate of Foreign Government or Other Foreign Organization for United States Tax Withholding, and Form W–8IMY, Certificate of Foreign Intermediary, Foreign Flow-Through Entity, or Certain U.S. Branches for United States Tax Withholding.

OMB Number: 1545–1621.

Form Number: W–8BEN, W–ECI, W–8EXP, and W–8IMY.

Abstract: Form W–8BEN is used for certain types of income to establish that the person is a foreign person, is the beneficial owner of the income for which Form W–8BEN is being provided and, if applicable, to claim a reduced rate of, or exemption from, withholding as a resident of a foreign country with which the United States has an income tax treaty. Form W–8ECI is used to establish that the person is a foreign person, is the beneficial owner of the income for which Form W–8ECI is being provided, and to claim that the income is effectively connected with the conduct of a trade or business within the United States. Form W–8EXP is used by a foreign government, international organization, foreign central bank of issue, foreign tax-exempt organization, or foreign private foundation. The form is used by such persons to establish foreign status, to claim that the person is the beneficial owner of the income for which Form W–8EXP is given and, if applicable, to claim a reduced rate of, or exemption from, withholding. Form W–8IMY is provided to a withholding agent or payer by a foreign intermediary, foreign partnership, and certain U.S. branches to make representations regarding the status of beneficial owners or to transmit appropriate documentation to the withholding agent.

Current Actions: There are no changes being made to the forms at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals, business or other for-profit organizations, and not-for-profit institutions.

Estimated Number of Respondents: Form W–8BEN—3,000,000; Form W–8ECI—180,000; Form W–8EXP—240; Form W–8IMY—400.

Estimated Time per Respondent: Form W–8BEN—13 hr., 47 min.; Form W–8ECI—10 hr., 33 min.; Form W–8EXP—18 hr., 28 min.; Form W–8IMY—16 hr., 46 min.

Estimated Total Annual Burden Hours: Form W–8BEN—41,370,000; Form W–8ECI—1,899,000; Form W–8EXP—4,431; Form W–8IMY—6,704.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: May 1, 2007.

Glenn Kirkland,

IRS Reports Clearance Officer.

[FR Doc. E7–8918 Filed 5–9–07; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 6627

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 6627, Environmental Taxes.

DATES: Written comments should be received on or before July 9, 2007 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn Kirkland, Internal Revenue Service, room 6512, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Larnice Mack at Internal Revenue Service, room 6512, 1111 Constitution Avenue, NW., Washington, DC 20224, or at (202) 622–3179, or through the Internet at (*Larnice.Mack@irs.gov*).

SUPPLEMENTARY INFORMATION:

Title: Environmental Taxes.

OMB Number: 1545–0245.

Form Number: 6627.

Abstract: Internal Revenue Code sections 4681 and 4682 impose a tax on ozone-depleting chemicals (ODCs) and on imported products containing ODCs. Form 6627 is used to compute the environmental tax on ODCs and on imported products that use ODCs as materials in the manufacture or production of the product. It is also used to compute the floor stocks tax on ODCs.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations and individuals.

Estimated Number of Respondents: 2,894.

Estimated Time per Respondent: 2 hours; 25 minutes.

Estimated Total Annual Burden Hours: 6,971.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: May 2, 2007.

Glenn Kirkland,

IRS Reports Clearance Officer.

[FR Doc. E7–8919 Filed 5–9–07; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Revenue Procedure 2004–35

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Revenue Procedure 2004–35, Late Spousal S Corp Consents in Community Property States.

DATES: Written comments should be received on or before July 9, 2007 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn P. Kirkland, Internal Revenue Service, room 6516, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the revenue procedure should be directed to Carolyn N. Brown at Internal Revenue Service, room 6516, 1111 Constitution Avenue, NW., Washington, DC 20224, or at (202) 622–6688, or through the Internet at *Carolyn.N.Brown@irs.gov*.

SUPPLEMENTARY INFORMATION:

Title: Late Spousal S Corp Consents in Community Property States.

OMB Number: 1545–1886.

Revenue Procedure Number: Revenue Procedure 2004–35.

Abstract: Revenue Procedure 2004–35 allows for the filing of certain late shareholder consents to be an S Corporation with the IRS Service Center.

Current Actions: There are no changes being made to the revenue procedure at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 500.

Estimated Annual Average Time per Respondent: 1 hour.

Estimated Total Annual Hours: 500.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number.

Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: May 2, 2007.

Glenn P. Kirkland,

IRS Reports Clearance Officer.

[FR Doc. E7–8920 Filed 5–9–07; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Notice 89–102

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C.

3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Notice 89–102, Treatment of Acquisition of Certain Financial Institutions; Tax Consequences of Federal Financial Assistance.

DATES: Written comments should be received on or before July 9, 2007 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn Kirkland, Internal Revenue Service, room 6516, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulations should be directed to Larnice Mack at Internal Revenue Service, room 6512, 1111 Constitution Avenue, NW., Washington, DC 20224, or at (202) 622–3179, or through the Internet at (*Larnice.Mack@irs.gov*).

SUPPLEMENTARY INFORMATION:

Title: Treatment of Acquisition of Certain Financial Institutions; Tax Consequences of Federal Financial Assistance.

OMB Number: 1545–1141.

Notice Number: Notice 89–102.

Abstract: Section 597 of the Internal Revenue Code provides that the Secretary of the Treasury shall provide guidance concerning the tax consequences of Federal financial assistance received by certain financial institutions. Notice 89–102 provides that qualifying financial institutions that receive Federal financial assistance prior to a planned sale of their assets or their stock to another institution may elect to defer payment of any net tax liability attributable to the assistance. Such financial institutions must file a statement describing the assistance received, the date of receipt and any amounts deferred.

Current Actions: There are no changes to this notice at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 250.

Estimated Average Time per Respondent: 30 minutes.

Estimated Total Annual Burden Hours: 125.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: May 1, 2007.

Glenn Kirkland,

IRS Reports Clearance Officer.

[FR Doc. E7–8921 Filed 5–9–07; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Quarterly Publication of Individuals, Who Have Chosen To Expatriate, as Required by Section 6039G

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice.

SUMMARY: This notice is provided in accordance with IRC section 6039G, as amended, by the Health Insurance Portability and Accountability Act (HIPPA) of 1996. This listing contains the name of each individual losing United States citizenship (within the meaning of section 877(a)) with respect to whom the Secretary received information during the quarter ending March 31, 2007.

Last name	First name	Middle name/ initials
Hansen	Karen	Fargh
Merswolke-Fay.	Leslye	
O'Brien II	Andrew	Gordon S.
Kvaal	Leif	Christian
Yiu	Joseph	Tin-Chong
Lau	Joseph	Si-Sing
Booth	Patricia	Wood
Youn	Kenny	
Chen	Annie	A Y
Ho	Laura	M
Hsu	Joyce	I-Yin
MacDonald	William	Russell
Boccaccio	John	Pierre
Suen	David	Toi Wai
Au	Jason	O
Stuart	Samantha	
Tien	Calvin	Thomas
Thompson	Tanja	
Maresh	Lothar	Werner
Yeung	Cecilia	Dip Yee
Yeung	Solomon	To Ling
Tsui	Kwok	Fung D
Wu	Nancy	Bing Yun
Huston	Richard	John
Al-Refai	Majid	Badir
Bustin	Andrew	Joseph
Sung	Chiang	
Palladino Sandstro.	Christine	M
Parvin-Boulle	Nathalie	A
Ognjanovich	Frances	Maria
Perry	Lloyd	C
Hirsch	Steven	Richard
Fraser	Lucy	
Banks	Alistair	Glover
Huebner	Annelese	
Sarasin	Esme	Forester
Stuesser-Simpson.	Annette	Desiree
Tavolato	Paolo	Allessandro
Cheng	David	Mui-Wen
Ruane	John	P
Chan	Sum	Chu Lee
Bahremand	Ramin	
Penman	Jeffrey	D
Bucchieri	John	Paul
Peake	Russell	V
Law	Ka	Lok
Lam	Edward	Sung-Lai
Burnley	Roger	Leon
Kennedy-Fagin.	Gail	
Racine	Helene	
Stevens	Andrew	David
Lee	Kevin	Carlim
Akhavan	Majid	Reza
Leksas	Janne	Helen
Ying	Claudine	Lauren
Endelman	Martin	Phillip
Conner	Charles	M
Dambrosio	Claudia	
Kendzior	Peter	
Chiu	Shirley	Lai Ling
Ellis	Anja	Alexandra
Penman	Anne	V
Meling	Marian	Cronin
Rasmussen	Joyce	Carol
Fidanque De Herrera.	Emma	Marissa
Fedanque De Orillac.	Myra	V
Mak	Kai-Kwong	Lawrence
Aitken	Adam	George Freeric
Lau	David	
Petersen	Jo-Ann	
Soo	Charmain	Sau Moy

Last name	First name	Middle name/ initials
Lee	Ryan	Cheuk Yeu
Vilagappara	Geetha	
Von Schilling	Andrea	E
Kim	Eric	
Gale	Timothy	John
Sin	Hendrick	
Goulandris	Basil	P
Bartlett	Shirley	
Calvert	Christine	Gabrielle
Lin	Susan	Shui-Shien
Garrow	Michael	P
Paduano	Rocco	
Vinge	Donald	Leslie
Madro	Walter	John
Kim	Ernest	
De Escoriaza	Sebastian	
Greco	Carmen	A
Madro	Karen	Kae
Storey	Eric	M
Watson	Lorraine	Elise
Wainright	Claire	W
Tommasi	Michele	Carlos
Smith	Thomas	Lee
Frangakis	Angela	Daphne
Moore	Vivien	Louise
Slater	Harvey	Lloyd
Vourecas-Petalas.	Alexander	
Akhrass	Jameel	
Penman	Richard	
Ahn	Herin	
Seo	Daeso	
Meyer	Langtry	Nelson
Hernandez	Martir	Antonio Cadre
Villa	Mary	Kathleen
Standen	Frances	Pearl
Lee	Sosun	Kim

Dated: April 20, 2007.

Angie Kaminski,

Manager, Team 103, Examinations Operations, Philadelphia Compliance Services.

[FR Doc. E7–8924 Filed 5–9–07; 8:45 am]

BILLING CODE 4830–01–P

U.S.-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION

Notice of Open Public Hearing

AGENCY: U.S.-China Economic and Security Review Commission.

ACTION: Notice of open public hearing—May 23–25, 2007, Washington, DC.

SUMMARY: Notice is hereby given of the following hearing of the U.S.-China Economic and Security Review Commission.

Name: Carolyn Bartholomew, Chairman of the U.S.-China Economic and Security Review Commission.

The Commission is mandated by Congress to investigate, assess, evaluate and report to Congress annually on ''the national security implications and impact of the bilateral trade and economic relationship between the United States and the People's Republic of China.'' Pursuant to this mandate, the Commission will hold a public hearing in Washington, DC on May 23–25, 2007 to address ''The Extent of the Government's Control of China's Economy, and Implications for the United States.''

Background

This event is the third in a series of public hearings the Commission will hold during its 2007 report cycle to collect input from leading experts in academic, business, industry, government and the public on the impact of the economic and national security implications of the U.S. bilateral trade and economic relationship with China. The May 23–25 hearing is being conducted to obtain commentary about the Chinese government's control of key industries, the effect on the United States and the world economy, and whether such control violates the principles of the WTO.

The May 23–25 hearing will address ''The Extent of the Government's Control of China's Economy, and Implications for the United States,'' and will be co-chaired by Commissioners Jeffrey Fiedler, Kerri Houston and Michael R. Wessel.

Information on this hearing, including a detailed hearing agenda and information about panelists, will be made available on the Commission's Web site closer to the hearing date. Detailed information about the Commission, the texts of its annual reports and hearing records, and the products of research it has commissioned can be found on the Commission's Web site at *http://www.uscc.gov.*

Any interested party may file a written statement by May 23, 2007, by mailing to the contact below.

DATE AND TIME: Wednesday, May 23, 2007, 3 p.m. to 5 p.m. Eastern Daylight Savings Time; Thursday, May 24, 2007, 8:30 a.m. to 5 p.m.; and Friday, May 25, 2007, 8:30 a.m. to 12:30 p.m.

ADDRESSES: The hearing will be held on Capitol Hill in three days, where Commissioners will take testimony from invited witnesses. The specific locations are as follows:

May 23, 2007—Room 385, Russell Senate Office Building, located at Delaware & Constitution Avenues, NE., Washington, DC 20510.

May 24, 2007—Room 562, Dirksen Senate Office Building located at First Street and Constitution Avenue, NE., Washington, DC 20510.

May 25, 2007—Room 385, Russell Senate Office Building, located at Delaware & Constitution Avenues, NE., Washington, DC 20510.

Public seating is limited to approximately 50 people on a first come, first served basis. Advance reservations are not required.

FOR FURTHER INFORMATION CONTACT: Any member of the public wishing further information concerning the hearing should contact Kathy Michels, Associate Director for the U.S.-China Economic and Security Review Commission, 444 North Capitol Street, NW., Suite 602, Washington, DC 20001; phone: 202–624–1409, or via e-mail at *kmichels@uscc.gov.*

Authority: Congress created the U.S.-China Economic and Security Review Commission in 2000 in the National Defense Authorization Act (Pub. L. 106–398), as amended by Division P of the Consolidated Appropriations Resolution, 2003 (Pub. L. 108–7), as amended by Public Law 109–108 (November 22, 2005).

Dated: May 7, 2007.

Kathleen J. Michels,

Associate Director, U.S.-China Economic and Security Review Commission.

[FR Doc. E7–9020 Filed 5–9–07; 8:45 am]

BILLING CODE 1137–00–P

Corrections

Federal Register

Vol. 72, No. 90

Thursday, May 10, 2007

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG–144859–04]

RIN 1545–BD72

Section 1367 Regarding Open Account Debt

Correction

In proposed rule document E7–6764 beginning on page 18417 in the issue of Thursday, April 12, 2007, make the following correction:

§ 1.1367–2 [Corrected]

On page 18422, in § 1.1367–2(e), in *Example 7*, in the table, in the last column, in the last entry, ''2,000'' should read ''$2,000''.

[FR Doc. Z7–6764 Filed 5–9–07; 8:45 am]

BILLING CODE 1505–01–D

Federal Register

Thursday,
May 10, 2007

Part II

Department of Education

Safe Schools/Healthy Students Program—Notice of Final Priorities, Requirements, Selection Criteria, and Definitions; and Notice Inviting Applications for New Awards for Fiscal Year (FY) 2007; Notices

DEPARTMENT OF EDUCATION

RIN 1865–ZA04

Safe Schools/Healthy Students Program

AGENCY: Office of Safe and Drug-Free Schools, Department of Education.

ACTION: Notice of final priorities, requirements, selection criteria, and definitions.

SUMMARY: The Assistant Deputy Secretary for Safe and Drug-Free Schools announces priorities, requirements, selection criteria, and definitions under the Safe Schools/Healthy Students program. The Assistant Deputy Secretary for Safe and Drug-Free Schools may use these priorities, requirements, selection criteria, and definitions for competitions in fiscal year (FY) 2007 and later years. We take this action to focus Federal financial assistance on safe, respectful, and drug-free learning environments and healthy childhood development, as well as to support the implementation and enhancement of integrated, comprehensive, community-wide plans designed to meet these goals.

EFFECTIVE DATE: These priorities, requirements, selection criteria, and definitions are effective June 11, 2007.

FOR FURTHER INFORMATION CONTACT: Karen Dorsey, U.S. Department of Education, 400 Maryland Avenue, SW., room 3E336, Washington, DC 20202–6200. *Telephone:* (202) 708–4674 or via e-mail: *karen.dorsey@ed.gov.*

If you use a telecommunications device for the deaf (TDD), you may call the Federal Relay Service (FRS) at 1–800–877–8339.

Individuals with disabilities may obtain this document in an alternative format (*e.g.*, Braille, large print, audiotape, or computer diskette) on request to the contact person listed under **FOR FURTHER INFORMATION CONTACT**.

SUPPLEMENTARY INFORMATION: The Safe Schools/Healthy Students (SS/HS) grant program draws on the best practices of the education, justice, social service, and mental health systems to provide a continuum of activities, curricula, programs and services designed to increase protective factors and reduce risk as an effective way to promote healthy child development and address the problems of school violence and alcohol and other drug abuse.

Key to the SS/HS grant program is creating and implementing a comprehensive plan that addresses specific needs, gaps, or weaknesses in services and builds on available resources and services. Creating and implementing the comprehensive plan allows an applicant to prevent youth drug use and violence, promote safe environments and prosocial skills, and provide for healthy child development.

The establishment in this notice of priorities, requirements, selection criteria, and definitions is designed to describe more clearly our vision for this important initiative and provide prospective applicants with additional insight into the program and its requirements.

We published a notice of proposed priorities, requirements, selection criteria, and definitions for this program in the **Federal Register** on February 27, 2007 (72 FR 8704).

Except for minor editorial and technical revisions, there are no differences between the notice of proposed priorities, requirements, selection criteria, and definitions and this notice of final priorities, requirements, selection criteria, and definitions.

Analysis of Comments and Changes

In response to our invitation in the notice of proposed priorities, requirements, selection criteria, and definitions, five parties submitted comments. An analysis of the comments follows.

Generally, we do not address technical and other minor changes or suggested changes we are not authorized to make under the applicable statutory authority.

Comment: One commenter recommended that community organizations be allowed to apply directly for an SS/HS grant. The commenter expressed concern that by limiting eligibility to local educational agencies (LEAs), the Department would exclude some communities from receiving much needed Federal resources. The commenter noted that while schools are interested in having an intervention implemented, that interest wanes when they discover that they have to be the entity applying for funding because they feel they are unable to commit the necessary time and resources to coordinate, manage, and implement a grant.

Discussion: The U.S. Departments of Education, Health and Human Services, and Justice initially designed the SS/HS initiative in response to direction from Congress. The conference committee report that accompanied the initial funding appropriated for SS/HS in FY 1999 instructed the Federal agencies to ''promote safe learning environments for students'' through competitive grants ''to local educational agencies for developing community-wide approaches to creating safe and drug-free schools * * *'' (House of Representatives Report 105–825, to accompany H.R. 4328, Making Omnibus Consolidated and Emergency Supplemental Appropriations for Fiscal Year 1999).

The SS/HS initiative recognizes the importance of community partners in creating a comprehensive, coordinated plan for meeting the initiative's very broad goals, as demonstrated by the requirement that every application include a partnership among a local school district, a local public mental health authority, and local law enforcement and juvenile justice entities. However, we continue to believe that an LEA is the entity best positioned to take the lead in developing and implementing a comprehensive set of strategies and activities that significantly improves the school environment and climate. Community-based organizations are often well suited to implement effective prevention programs for students and families and can be an important partner in a SS/HS project, but these organizations may lack the level of control and oversight of school settings needed to implement effective, comprehensive school-based projects.

Change: None.

Comment: Two commenters expressed concern about the elimination of the previous SS/HS eligibility requirement that barred former SS/HS grant recipients from applying for a second SS/HS grant. One commenter felt that this change might reduce the number of awards made to small, rural districts. Specifically, the commenter was concerned that small, rural districts may be unable to compete with larger LEAs that frequently have dedicated resources for grant writing.

The other commenter asserted that the advantages realized by receiving a SS/HS grant, including the ability to leverage additional resources, are so significant that previous recipients should not be eligible to compete for another SS/HS grant.

Discussion: In developing the notice of proposed priorities, requirements, selection criteria, and definitions, we carefully considered whether or not to eliminate the restriction on eligibility for previous SS/HS grantees. The proposal to eliminate the restriction was based in significant part on the unique needs of LEAs with very large enrollments or States and territories whose governance structure includes only a single LEA. In these cases, SS/HS funds from a single grant, though significant, were not sufficient to reach

all schools and sub-regions in the LEA. We believe that eliminating this restriction provides an opportunity for an LEA to compete for additional support to realize its goal of creating a safer learning environment for all of its schools or sub-regions. To ensure that former SS/HS grant recipients do not receive new SS/HS awards to sustain their original projects, we proposed to require that former SS/HS grant recipients submit a program-specific assurance stating that if awarded, the project will not serve those schools or sub-regions that were served by the first SS/HS project.

Additionally, we recognize that all previous grantees, not just large LEAs with dedicated grant-writing personnel, have experience with the initiative that may assist them in preparing competitive grant applications. In an effort to level the playing field and balance the interests of small, large, rural, and urban LEAs, as well as those of prior SS/HS grant recipients and of LEAs that have not yet received a SS/HS grant, we plan to award a preference for LEAs that have not received a SS/HS grant. Our experience with other grant competitions suggests that this strategy generally helps novice applicants compete effectively with entities that have previously received grants and implemented discretionary grant projects.

Change: None.

Comment: One commenter requested that an educational service agency (ESA) that has previously received a SS/HS grant on behalf of several of its member districts be able to apply on behalf of other LEAs that were not part of the previous SS/HS project. This commenter also requested that the ESA be able to implement with the new LEAs the same activities previously implemented as part of a prior SS/HS grant received by the ESA. Finally, the commenter requested that ESAs that have previously received a SS/HS grant and are submitting a new application on behalf of LEAs not served by the prior grant be considered new applicants under Priority 2.

Discussion: The notice of proposed priorities, requirements, selection criteria, and definitions did not propose to continue the prohibition on an LEA receiving a second SS/HS grant that was established in the notice of final priorities for the program published in the **Federal Register** on May 28, 2004 (69 FR 30756). Instead, through Priority 2, we proposed to establish a priority for LEAs that have not previously received a SS/HS grant at any time. This preference is designed to help level the playing field for applicants that have not previously received SS/HS funding given that prior recipients will now be allowed to compete for funding.

We are not restricting the ability of an ESA to propose programs used in a previous SS/HS project, provided that different LEAs are being served under the new SS/HS project.

Priority 1 does not address the issue of whether or not an applicant is a prior recipient or a new applicant for SS/HS funding. Priority 2 provides a priority for new applicants, but ESAs that have previously received a SS/HS grant would not be considered new applicants, even if their applications were designed to serve LEAs that had not received services under a previous SS/HS project. The priority is designed to help applicants that have not received SS/HS funds compete effectively with prior recipients that have had the advantage of designing and implementing a successful SS/HS project. Permitting an ESA with a prior SS/HS grant award to be eligible under this priority (even when it would implement activities in new schools or LEAs) would run counter to our objective in establishing Priority 2 because those ESAs have used a previous grant to gain experience that they can build upon in serving new schools and LEAs.

Change: None.

Comment: One commenter suggested that we change the application requirements and definitions to require that applicants for SS/HS funds demonstrate the participation in their projects of local agencies working to prevent substance abuse. Specifically, the commenter recommended that the application requirement for a preliminary memorandum of agreement (MOA) be modified to require the addition of a local substance abuse prevention agency as a partner or, alternatively, that the local behavioral health authority be included if a single authority is responsible for both mental health and substance abuse services. The commenter felt that requiring the inclusion of such agencies would enhance efforts to prevent youth violence and promote healthy youth development.

The commenter also suggested that the contents of the required final MOA be expanded to include details about the procedures to be used for referral, treatment, and follow-up for students receiving substance abuse services. Additionally, the commenter proposed definitions for the terms ''local substance abuse prevention agency'' and/or ''behavioral health authority,'' and requested that the Department apply these definitions to the SS/HS program.

Discussion: As stated by the commenter, local substance abuse prevention agencies and/or behavioral health authorities exist in many localities, but this is not true for every community and every State. Some States and many localities do not have independent substance abuse prevention agencies but combine responsibilities for substance abuse prevention, intervention, and treatment with behavioral health, mental health, public health, or even child welfare. Because of the variation in State and local government structures, we would not easily be able to determine if local agencies for substance abuse prevention exist in each applicant's jurisdiction and, thus, we would not be able to make an accurate and efficient determination regarding an applicant's eligibility.

Applicants are required to address, in their preliminary and final MOAs among the required SS/HS partners, as well as in their responses to the selection criteria, how multiple and diverse sectors of the community have been and will continue to be involved in the design, implementation, and continuous improvement of the project. Those LEAs situated in localities with a separate local substance abuse prevention agency could include the separate local substance abuse prevention agency in their Comprehensive Plan and as a SS/HS partner and describe the participation of that agency in their application. The final MOA from a partnership that includes a separate local substance abuse prevention agency could also include details about the proposed procedures to be used for referral, treatment, and follow-up for students receiving substance abuse services to be provided by or coordinated by the local substance abuse prevention agency.

Change: None.

Comment: None.

Discussion: The notice of proposed priorities, requirements, selection criteria, and definitions proposed that previous SS/HS grant recipients be allowed to compete for additional SS/HS funding provided that the applicants submit a program-specific assurance with their grant applications. In this assurance, an applicant would state that the scope of work contained in the grant application is new and that funding, if awarded, will not be used to sustain activities, programs, curricula, or services provided to a population during the first SS/HS grant.

Although we did not receive any comments about the proposed assurance, we were contacted by some

LEAs that have previously received a SS/HS grant award, seeking clarification about the proposed assurance. Based on these contacts, we believe that the language for the assurance proposed in the notice of proposed priorities, requirements, selection criteria, and definitions may not have clearly conveyed our intent.

Our rationale for eliminating the restriction on eligibility that prohibited recipients of a SS/HS grant from applying for a subsequent grant is that, despite the size of SS/HS grants, some very large LEAs were not eligible to apply for sufficient funding to design and implement a comprehensive SS/HS plan district-wide and that such LEAs would not have been able to include all of their schools or sub-regions in their first SS/HS projects. Our intent was to provide an opportunity for these LEAs to implement activities, curricula, programs, and services to those schools or sub-regions that were not served by the first SS/HS project. We did not intend to limit the activities, programs, curricula, or services that can be included in a new application for schools not previously served, nor did we intend this to provide an opportunity for prior recipients to ''redo'' a SS/HS project in the schools and sub-regions that were served by the first SS/HS project.

We expect current and former SS/HS grantees to use the resources provided by the SS/HS initiative (direct grant funds as well as technical assistance resources) and their strong community partnerships to create the system and institutional changes needed to sustain SS/HS activities, curricula programs, and services after Federal funding has ended.

Change: We have modified the text of the assurance to clarify our intent in requiring this assurance. LEAs that have received funds or services (or for those LEA consortia that include a member LEA that has received funds or services) under the SS/HS program must submit a program-specific assurance as part of the SS/HS application. That assurance must state that, if awarded, the project will not serve those schools or sub-regions that were served by the first SS/HS project.

Note: This notice does *not* solicit applications. In any year in which we choose to use this priority, we invite applications through a notice in the **Federal Register**. When inviting applications we designate a priority as absolute, competitive preference, or invitational. The effect of each type of priority follows:

Absolute priority: Under an absolute priority we consider only applications that meet the priority (34 CFR 75.105(c)(3)).

Competitive preference priority: Under a competitive preference priority we give competitive preference to an application by either (1) Awarding additional points, depending on how well or the extent to which the application meets the competitive priority (34 CFR 75.105(c)(2)(i)); or (2) selecting an application that meets the competitive priority over an application of comparable merit that does not meet the priority (34 CFR 75.105(c)(2)(ii)).

Invitational priority: Under an invitational priority we are particularly interested in applications that meet the invitational priority. However, we do not give an application that meets the invitational priority a competitive or absolute preference over other applications (34 CFR 75.105(c)(1)).

Priorities

Priority 1—Comprehensive Plan

This priority supports projects of LEAs proposing to implement an integrated, comprehensive community-wide plan designed to create safe, respectful, and drug-free school environments and promote prosocial skills and healthy childhood development. Plans must focus activities, curricula, programs, and services in a manner that responds to the community's existing needs, gaps, or weaknesses in areas related to the five comprehensive plan elements:

- Element One—Safe School Environments and Violence Prevention Activities.
- Element Two—Alcohol, Tobacco, and Other Drug Prevention Activities.
- Element Three—Student Behavioral, Social, and Emotional Supports.
- Element Four—Mental Health Services.
- Element Five—Early Childhood Social and Emotional Learning Programs.

Priority 2—LEAs That Have Not Previously Received a Grant or Services Under the Safe Schools/Healthy Students Initiative

Under this priority, we give priority to applications from LEAs that have not yet received a grant under this program as an applicant or as a member of a consortium. In order for a consortium application to be eligible under this priority, no member of the LEA consortium may have received a grant or services under this program as an applicant or as a member of a consortium applicant.

Application and Eligibility Requirements

The applicant must meet the following requirements:

1. *Program-Specific Assurances for Former SS/HS Grant Recipients.* For those LEAs that have previously received funds or services (or for those LEA consortia that include a member LEA that has received funds or services) under the SS/HS program, a program-specific assurance must be submitted as part of the SS/HS application. All participating LEAs in a proposed consortium project must sign this program-specific assurance. The assurance must state that, if awarded, the project will not serve those schools or sub-regions served by the first SS/HS project. Applications from prior SS/HS grant recipients (or from a consortium that includes an LEA that has previously received SS/HS funds or services) that do not include the program-specific assurance will be rejected and not considered for funding.

2. *Funding Limits for Applicants.* An applicant's request for funding must not exceed the following maximum amounts, based on student enrollment data, for any of the project's four 12-month budget periods: $2,250,000 for an LEA with at least 35,000 students; $1,500,000 for an LEA with at least 5,000 students but fewer than 35,000 students; and $750,000 for an LEA with fewer than 5,000 students. In applying these maximums, applicants must use the most recent student enrollment data from the National Center for Education Statistics' (NCES) Common Core of Data (CCD) as posted on the NCES Web site. In the case of consortium applicants, the maximum funding request is based on the combined student enrollment data for the participating LEAs. Department of the Interior, Bureau of Indian Education-funded schools that are not included in the NCES database and request grant funds that exceed $750,000 for any of the project's four 12-month budget periods must provide documentation of enrollment data.

3. *Preliminary MOA.* Each applicant must include in its application a preliminary MOA that is signed by the authorized representatives of the LEA, the local juvenile justice agency, the local law enforcement agency, and the local public mental health authority—the required SS/HS partners. For consortium applicants, the preliminary MOA must be signed by the authorized representatives of each member LEA and by the authorized representatives of each corresponding required SS/HS partner for each member LEA.

Additionally, the preliminary MOA must:

(a) Include information that supports the selection of each identified SS/HS required partner that has signed the preliminary MOA;

(b) Demonstrate the support and commitment of the required SS/HS partners to implement and sustain the project if funded;

(c) Name a core management team of senior representatives from the required partners, and clearly define how each member of the team will support the project director in the day-to-day management of the project;

(d) Describe how multiple and diverse sectors of the community, including parents and students, have been and will continue to be involved in the design, implementation, and continuous improvement of the project; and

(e) Include, as an attachment, a logic model (a graphic representation of the project in chart format) that identifies needs or gaps and connects those needs or gaps with corresponding project goals, objectives, activities, partners' roles, outcomes, and outcome measures for each of the SS/HS elements.

Applications that do not include the preliminary MOA signed by the authorized representatives of each of the required SS/HS partners (the LEA, the local juvenile justice agency, the local law enforcement agency, and the local public mental health authority) and the logic model will be rejected and not considered for funding.

4. *Final MOA.* If funded, grant recipients must complete a final MOA. The final MOA must be signed by the authorized representatives of the LEA, the local juvenile justice agency, the local law enforcement agency, and the local public mental health authority—the required SS/HS partners. For consortium applicants, the final MOA must be signed by the authorized representative for each member LEA and the authorized representative for each of the corresponding required SS/HS partners for each member LEA. The final MOA must also include the following:

(a) Information that supports the selection of each identified SS/HS required partner that has signed the final MOA;

(b) Any needed revisions to the statement of support and commitment for each of the required SS/HS partners to implement and sustain the project;

(c) A final roster of the core management team of senior representatives from the required SS/HS partners that clearly defines how each member of the team will support the project director in the day-to-day management of the project;

(d) Any needed revisions to the process for involving multiple and diverse sectors of the community in the implementation and continuous improvement of the project;

(e) A final logic model that identifies needs or gaps and connects those needs or gaps with corresponding project goals, objectives, activities, partners' roles, outcomes, and outcome measures for each of the SS/HS elements;

(f) A description of each partner's financial responsibility for the services that it will provide, along with the conditions and terms of responsibility for those services, including the quality, accountability, and coordination of services as they relate to achieving the goals, objectives, and outcomes of the project;

(g) A description of the procedures to be used for referral, treatment, and follow-up for children and adolescents in need of mental health services and an assurance that the local public mental health authority will provide administrative control and/or oversight of the delivery of mental health services; and

(h) Any other necessary revisions to information furnished in the preliminary MOA.

Funding Restrictions: The funding restrictions for this program are:

1. No less than seven percent of a grantee's budget for each year must be used to support costs associated with local evaluation activities.

2. No more than 10 percent of the total budget for each project year may be used to support costs associated with security equipment, security personnel, and minor remodeling of school facilities to improve school safety.

Selection Criteria

The selection criteria for this program are:

1. Community Assessment

(a) The extent to which the applicant describes individual, family, school, and community risk and protective factors that relate to the five SS/HS elements and that will be addressed by the project.

(b) The extent to which the applicant describes student problem behaviors as they relate to the five SS/HS elements and how they will be addressed by the project.

(c) The extent to which the applicant identifies, in the project narrative and the logic model, needs and gaps related to the five SS/HS elements that are not addressed by current services and programs.

2. Goals and Objectives

(a) The extent to which the applicant's project narrative and logic model specify one or more goals for each of the five SS/HS elements and to which the goals are clearly linked to the needs and gaps identified in the community assessment.

(b) The extent to which the objectives identified in the applicant's project narrative and logic model are measurable and linked to each of the stated goals.

3. Project Design

(a) The extent to which the applicant's project narrative and logic model propose activities, curricula, programs, and services that will address each of the goals and objectives of the proposed project.

(b) The extent to which activities, curricula, programs, and services proposed by the applicant are evidence-based or reflect current research and effective practice, and are appropriate for the age and developmental levels, gender, and cultural diversity of the target population.

4. Evaluation

(a) The extent to which the applicant's project narrative describes a plan for regularly monitoring program implementation and identifies process measures that the applicant will use to assess the quality and completeness of the activities planned under the grant.

(b) The extent to which the applicant's project narrative and logic model identify outcomes that are clearly linked to the identified objectives and activities for the project, and specify how outcomes will be measured.

5. Management

(a) The extent to which the applicant describes a management plan adequate to achieve the objectives of the proposed program on time and within budget, including clearly defined responsibilities of partners, staff, and contracted service providers, and milestones for accomplishing project tasks.

(b) The extent to which the applicant provides, in the project narrative and the preliminary MOA, information about any preexisting partnership involving the required SS/HS partners and about accomplishments of that partnership that are directly related to the five SS/HS elements.

(c) The extent to which the applicant describes, in the project narrative and in the preliminary MOA, a core management team that is appropriate and adequate to achieve the project's objectives and support the project

director in day-to-day management of the project.

(d) The extent to which the applicant describes, in the project narrative and in the preliminary MOA, how multiple and diverse sectors of the community, including students and families, have been and will continue to be involved in the design, implementation, and continuous improvement of the project.

(e) The extent to which the applicant describes a plan to develop data systems that will be used to support decision making processes established for the grant, including the use of technology.

6. Budget

The extent to which the proposed budget and budget narrative correspond to the project design and are reasonable in relation to the numbers of students and staff and to the identified objectives to be achieved.

Additional Selection Factors

The following factors may be considered in selecting an application for an award: (1) Geographic distribution; and (2) diversity of activities addressed by the projects.

Definitions

1. *Authorized representative* means—the official within an organization with the legal authority to give assurances, make commitments, enter into contracts, and execute such documents on behalf of the organization as may be required by the U.S. Department of Education (the Department), including certification that commitments made on grant proposals will be honored and that the applicant agrees to comply with the Department's regulations, guidelines, and policies.

2. *Local juvenile justice agency* means—an agency or entity at the local level that is officially recognized by State or local government to address juvenile justice issues in the communities to be served by the grant. Examples of juvenile justice agencies include: juvenile justice task forces; juvenile justice centers; juvenile or family courts; juvenile probation agencies; and juvenile corrections agencies.

3. *Local law enforcement agency* means—the agency (or agencies) that has law enforcement authority for the LEA. Examples of local law enforcement agencies include: municipal, county, and State police; tribal police and councils; and sheriffs' departments.

4. *Local public mental health authority* means—the entity legally constituted (directly or through contract with the State mental health authority) to provide administrative control or oversight of mental health services delivery within the community.

Executive Order 12866

This notice of final priorities, requirements, selection criteria, and definitions has been reviewed in accordance with Executive Order 12866. Under the terms of the order, we have assessed the potential costs and benefits of this regulatory action.

The potential costs associated with the notice of final priorities, requirements, selection criteria, and definitions are those resulting from statutory requirements and those we have determined as necessary for administering this program effectively and efficiently.

In assessing the potential costs and benefits—both quantitative and qualitative—of this notice of final priorities, requirements, selection criteria, and definitions, we have determined that the benefits of this regulatory action justify the costs.

We have also determined that this regulatory action does not unduly interfere with State, local, and tribal governments in the exercise of their governmental functions.

We fully discussed the costs and benefits in the notice of proposed priorities, requirements, selection criteria, and definitions.

Paperwork Reduction Act of 1995

Certain sections of the proposed priorities, requirements, and selection criteria for the SS/HS grant program contain information collection requirements already approved by the Office of Management and Budget (OMB) under OMB control number 1865–0004 (1890–0001). The Department does not believe the proposed priorities, requirements, and selection criteria will change the current approved burden for 1865–0004 (1890–0001). However, as required by the PRA, the Department has submitted 1865–0004 (1890–0001) to OMB for a revised information collection clearance.

The current absolute priority for the SS/HS grant program includes six elements that an applicant's comprehensive plan must address. This notice proposes to reduce the elements from six to five. While this notice establishes two new requirements, we have eliminated the requirement that applicants submit a MOA for mental health services. Also, we have established fewer program-specific selection criteria. The current approved information collection contains seven selection criteria with a total of 25 sub-criteria to which applicants must respond. In this notice, we have established six selection criteria, with only 15 sub-criteria.

The proposed changes to the information collection do not change the estimated 26 hours needed to review the instructions, search existing data sources, gather needed data, prepare and review responses. The elimination of one of the elements in the absolute priority and the elimination of 10 sub-criteria provide more than enough time for applicants to respond to new requirements (i.e., signatures on the program-specific assurance and completing a logic model).

In this notice, we have established a priority for LEAs that have not previously received a grant or services under the SS/HS Initiative. To receive priority, applicants will be required to submit a program-specific assurance. This new information collection requirement is primarily cosmetic, as the application will include a form requiring the authorized representative's signature for the applicant; for consortium applicants it would require the signatures from the authorized representative from all participating LEAs, but again, the elimination of the sub-criteria more than offsets this.

The current approved information collection requires applicants to submit two different MOAs with the application. We are requiring applicants to submit a single preliminary MOA with the application and a final MOA submitted post award. The proposed collection does require submission of a logic model, but this requirement adds little burden as the applicant need only present a subset of the narrative information in a chart format.

If you want to comment on the proposed information collection requirements, send your comments to the Office of Information and Regulatory Affairs, OMB, *Attention:* Desk Officer for U.S. Department of Education by e-mail to *OIRA_DOCKET@omb.eop.gov* or by fax to (202) 395–6974. You may also send a copy of these comments to the Department contact named in the addresses section of this notice.

Intergovernmental Review

This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. One of the objectives of the Executive order is to foster an intergovernmental partnership and a strengthened federalism. The Executive order relies on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

This document provides early notification of our specific plans and actions for this program.

Electronic Access to This Document

You may view this document, as well as all other Department of Education documents published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: *http://www.ed.gov/news/fedregister*.

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1–888–293–6498; or in the Washington, DC, area at (202) 512–1530.

You may also view this document in text at the following sites: *http://www.ed.gov/programs/dvpsafeschools/applicant.html. http://www.sshs.samhsa.gov*.

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: *http://www.gpoaccess.gov/nara/index.html*.

(Catalog of Federal Domestic Assistance Number 84.184L Safe Schools/Healthy Students Program.)

Program Authority: Safe and Drug-Free Schools and Communities Act (20 U.S.C. 7131); Public Health Service Act (42 U.S.C. 290aa); and Juvenile Justice and Delinquency Prevention Act (42 U.S.C. 5614(b)(4)(e) and 5781 *et seq.*).

Dated: May 4, 2007.

Deborah A. Price,

Assistant Deputy Secretary for Safe and Drug-Free Schools.

[FR Doc. E7–9043 Filed 5–9–07; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Office of Safe and Drug-Free Schools; Overview Information; Safe Schools/Healthy Students Program; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2007

Catalog of Federal Domestic Assistance (CFDA) Number: 84.184L.

Dates: Applications Available: May 10, 2007.

Deadline for Transmittal of Applications: June 19, 2007.

Deadline for Intergovernmental Review: August 20, 2007.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The Safe Schools/Healthy Students program (SS/HS) supports the implementation and enhancement of integrated, comprehensive community-wide plans that create safe and drug-free schools and promote healthy childhood development.

Priorities: These priorities are from the notice of final priorities, requirements, selection criteria, and definitions for this program, published elsewhere in this issue of the **Federal Register**.

Absolute Priority: For FY 2007 and any subsequent year in which we make awards based on the list of unfunded applicants from this competition, this priority is an absolute priority. Under 34 CFR 75.105(c)(3) we consider only those applications that meet this priority.

This priority is:

Comprehensive Plan

This priority supports projects of local educational agencies (LEAs) proposing to implement an integrated, comprehensive community-wide plan designed to create safe, respectful, and drug-free school environments and promote prosocial skills and healthy childhood development. Plans must focus activities, curricula, programs, and services in a manner that responds to the community's existing needs, gaps, or weaknesses in areas related to the five comprehensive plan elements:

Element One—Safe School Environments and Violence Prevention Activities.

Element Two—Alcohol, Tobacco, and Other Drug Prevention Activities.

Element Three—Student Behavioral, Social, and Emotional Supports.

Element Four—Mental Health Services.

Element Five—Early Childhood Social and Emotional Learning Programs.

Competitive Preference Priority: Within this absolute priority, we give competitive preference to applications that address the following priority.

Under 34 CFR 75.105(c)(2)(i) we award an additional 5 points to an application that meets this priority.

This priority is:

LEAs That Have Not Previously Received a Grant or Services Under the Safe Schools/Healthy Students Initiative

Under this priority, we give priority to applications from LEAs that have not yet received a grant under this program as an applicant or as a member of a consortium. In order for a consortium application to be eligible under this priority, no member of the LEA consortium may have received a grant or services under this program as an applicant or as a member of a consortium.

Application Requirements: The following requirements apply to all applications submitted under this competition (Definitions for important terms associated with this competition can be found in the notice of final priorities, requirements, selection criteria, and definitions published elsewhere in this issue of the **Federal Register**.):

(1) *Program-Specific Assurances for Former SS/HS Grant Recipients.* For those LEAs that have previously received funds or services (or for those LEA consortia that include a member LEA that has received funds or services) under the SS/HS program, a program-specific assurance must be submitted as part of the SS/HS application. All participating LEAs in a proposed consortium project must sign this program-specific assurance. The assurance must state that, if awarded, the project will not serve those schools or sub-regions that were served by the first SS/HS project. Applications from prior SS/HS grant recipients (or from a consortium that includes an LEA that has previously received SS/HS funds or services) that do not include the program-specific assurance will be rejected and not considered for funding.

(2) *Funding Limits for Applicants.* An applicant's request for funding must not exceed the following maximum amounts, based on student enrollment data, for any of the project's four 12-month budget periods: $2,250,000 for an LEA with at least 35,000 students; $1,500,000 for an LEA with at least 5,000 students but fewer than 35,000 students; and $750,000 for an LEA with fewer than 5,000 students. In applying these maximums, applicants must use the most recent student enrollment data from the National Center for Education Statistics' (NCES) Common Core of Data (CCD) as posted on the NCES Web site. In the case of consortium applicants, the maximum funding request is based on the combined student enrollment data for the participating LEAs. Department of the Interior, Bureau of Indian Education-funded schools that are not included in the NCES database and request grant funds that exceed $750,000 for any of the project's four 12-month budget periods must provide documentation of enrollment data.

(3) *Preliminary Memorandum of Agreement (MOA).* Each applicant must include in its application a preliminary MOA that is signed by the authorized representatives of the LEA, the local juvenile justice agency, the local law enforcement agency, and the local public mental health authority—the required SS/HS partners. For consortium applicants, the preliminary MOA must be signed by the authorized representative of each member LEA and by the authorized representative of each

corresponding required SS/HS partner for each member LEA. Additionally, the preliminary MOA must:

(a) Include information that supports the selection of each identified SS/HS required partner that has signed the preliminary MOA;

(b) Demonstrate the support and commitment of the required SS/HS partners to implement and sustain the project if funded;

(c) Name a core management team of senior representatives from the required partners, and clearly define how each member of the team will support the project director in the day-to-day management of the project;

(d) Describe how multiple and diverse sectors of the community, including parents and students, have been and will continue to be involved in the design, implementation, and continuous improvement of the project; and

(e) Include, as an attachment, a logic model (a graphic representation of the project in chart format) that identifies needs or gaps and connects those needs or gaps with corresponding project goals, objectives, activities, partners' roles, outcomes, and outcome measures for each of the SS/HS elements.

Applications that do not include the preliminary MOA signed by the authorized representatives of each of the required SS/HS partners (the LEA, the local juvenile justice agency, the local law enforcement agency, and the local public mental health authority) and the logic model will be rejected and not considered for funding.

(4) *Final MOA.* If funded, grant recipients must complete a final MOA. The final MOA must be signed by the authorized representatives of the LEA, the local juvenile justice agency, the local law enforcement agency, and the local public mental health authority—the required SS/HS partners. For consortium applicants, the final MOA must be signed by the authorized representative for each member LEA and authorized representative for each of the corresponding required SS/HS partners for each member LEA. The final MOA must also include the following:

(a) Information that supports the selection of each identified SS/HS required partner that has signed the final MOA;

(b) Any needed revisions to the statement of support and commitment for each of the required SS/HS partners to implement and sustain the project;

(c) A final roster of the core management team of senior representatives from the required SS/HS partners that clearly defines how each member of the team will support the project director in the day-to-day management of the project;

(d) Any needed revisions to the process for including multiple and diverse sectors of the community in the implementation and continuous improvement of the project;

(e) A final logic model that identifies needs or gaps and connects those needs or gaps with corresponding project goals, objectives, activities, partners' roles, outcomes, and outcome measures for each of the SS/HS elements;

(f) A description of each partner's financial responsibility for the services that it will provide, along with the conditions and terms of responsibility for those services, including the quality, accountability, and coordination of services as they relate to achieving the goals, objectives, and outcomes of the project;

(g) A description of the procedures to be used for referral, treatment, and follow-up for children and adolescents in need of mental health services and an assurance that the local public mental health authority will provide administrative control and/or oversight of the delivery of mental health services; and

(h) Any other necessary revisions to information furnished in the preliminary MOA.

Program Authority: Safe and Drug-Free Schools and Communities Act (20 U.S.C. 7131); Public Health Service Act (42 U.S.C. 290aa); and Juvenile Justice and Delinquency Prevention Act (42 U.S.C. 5614(b)(4)(e) and 5781 *et seq.*).

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 75, 77, 79, 80, 81, 82, 84, 85, 97, 98, 99, and 299. (b) The notice of final priorities, requirements, selection criteria, and definitions published elsewhere in this issue of the **Federal Register**. (c) The notice of final eligibility requirement for the Office of Safe and Drug-Free Schools discretionary grant programs published in the **Federal Register** on December 4, 2006 (71 FR 70369).

Note: The regulations in part 79 apply to all applicants except Federally recognized Indian tribes.

II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds: $38,000,000. Contingent upon the availability of funds and the quality of applications, the Secretary may make additional awards later in FY 2007 and in FY 2008 from the list of unfunded applicants from this competition.

Estimated Range of Awards: Up to $750,000 for an LEA with fewer than 5,000 students; up to $1,500,000 for an LEA with at least 5,000 students but fewer than 35,000 students; and up to $2,250,000 for an LEA with at least 35,000 students.

Estimated Average Size of Awards: $750,000 for an LEA with fewer than 5,000 students; $1,500,000 for an LEA with at least 5,000 students but fewer than 35,000 students; and $2,250,000 for an LEA with at least 35,000 students.

Estimated Number of Awards: 25.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 48 months.

III. Eligibility Information

1. *Eligible Applicants:* LEAs and consortium of LEAs.

Note: The Secretary is limiting eligibility under the SS/HS grant competition (CFDA Number 84.184L) to applicants that do not currently have an active grant under this program. For the purpose of this eligibility requirement, a grant is considered active until the end of the grant's project or funding period, including any extensions of those periods that extend the grantee's authority to obligate funds (notice of final eligibility requirement (71 FR 70369).

2. *Cost Sharing or Matching:* This competition does not involve cost sharing or matching.

3. (a) *Other: Participation by Private School Children and Teachers.* Section 9501 of the Elementary and Secondary Education Act (ESEA) of 1965, as amended, requires that LEAs or other entities receiving funds under the Safe and Drug-Free Schools and Communities Act provide for the equitable participation of private school children, their teachers, and other educational personnel in private schools located in areas served by the grant recipient. In order to ensure that grant program activities, curricula, programs, and services address the needs of private school children, LEAs must engage in timely and meaningful consultation with private school officials during the design and development of the program. This consultation must take place before any decision is made that affects the opportunities of eligible private school children, teachers, and other educational personnel to participate.

Administrative direction and control over grant funds must remain with the grantee.

(b) *Maintenance of Effort.* Section 9521 of the ESEA provides that LEAs may receive a grant only if the State educational agency finds that the combined fiscal effort per student or the aggregate expenditures of the LEA and the State with respect to the provision

of free public education by the LEA for the preceding fiscal year was not less than 90 percent of the combined effort or aggregate expenditures for the second preceding fiscal year.

IV. Application and Submission Information

1. *Address to Request Application Package:* You can obtain an application package via the Internet, from the Education Publications Center (ED Pubs), or from the program office.

To obtain a copy via the Internet, use the following address: *http://www.ed.gov/fund/grant/apply/grantapps/index.html.*

To obtain a copy from ED Pubs, write, fax, or call the following: Education Publications Center (ED Pubs), P.O. Box 1398, Jessup, MD 20794–1398. Telephone, toll free: 1–877–433–7827. FAX: 301–470–1244. If you use a telecommunications device for the deaf (TDD), call toll free: 1–877–576–7734.

You can contact ED Pubs at its Web site, also: *edpubs@inet.ed.gov.*

If you request an application from ED Pubs, be sure to identify this competition as follows: CFDA number 84.184L.

To obtain a copy from the program office, contact: Karen Dorsey, U.S. Department of Education, 400 Maryland Avenue, SW., room 3E336, Washington, DC 20202–6450. Telephone: (202) 708–4674 or by e-mail: *karen.dorsey@ed.gov.*

If you use TDD, call the Federal Relay Service (FRS), toll free, 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 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 is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. You must limit the application narrative to the equivalent of no more than 40 pages, using the following standards:

- A page is 8.5″ x 11″, on one side only, with 1″ margins at the top, bottom, and on both sides.
- Double space (no more than three lines per vertical inch) all text in the application narrative. Titles, headings, footnotes, quotations, references, and captions, as well as text in charts, tables, figures, and graphs, can be single spaced.
- Use a font that is either 12 point or larger or no smaller than 10 pitch (characters per inch).
- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial.
- Number all pages consecutively using the style 1 of 40, 2 of 40, and so forth.
- Include a Table of Contents with page references. The 40-page limit does not apply to the Table of Contents.

Our reviewers will not read any pages of the narrative portion of your application that—

- Exceeds the page limit if you apply these standards; or
- Exceeds the equivalent of the pages limit if you apply other standards.

3. *Submission Dates and Times:*

Applications Available: May 10, 2007.

Deadline for Transmittal of Applications: June 19, 2007.

Applications for grants under this competition may be submitted electronically using the Grants.gov Apply site (Grants.gov), or in paper format by mail or hand delivery. For information (including dates and times) about how to submit your application electronically, or by mail or hand delivery, please refer to section IV. 6. *Other Submission Requirements* in this notice.

We do not consider an application that does not comply with the deadline requirements.

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice. If the Department provides an accommodation or auxiliary aid to an individual with a disability in connection with the application process, the individual's application remains subject to all other requirements and limitations in this notice.

Deadline for Intergovernmental Review: August 20, 2007.

4. *Intergovernmental Review:* This competition is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this competition.

5. *Funding Restrictions:*

(1) No less than seven percent of a grantee's budget for each project year must be used to support costs associated with local evaluation activities.

(2) No more than 10 percent of the total budget for each project year may be used to support costs associated with security equipment, security personnel, and minor remodeling of school facilities to improve school safety.

(3) We reference additional regulations outlining funding restrictions in the Applicable Regulations section of this notice.

6. *Other Submission Requirements:* Applications for grants under this competition may be submitted electronically or in paper format by mail or hand delivery.

a. *Electronic Submission of Applications.*

To comply with the President's Management Agenda, we are participating as a partner in the Governmentwide Grants.gov Apply site. The Safe Schools/Healthy Students competition, CFDA Number 84.184L, is included in this project. We request your participation in Grants.gov.

If you choose to submit your application electronically, you must use the Governmentwide Grants.gov Apply site at *http://www.Grants.gov* Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may not e-mail an electronic copy of a grant application to us.

You may access the electronic grant application for the Safe Schools/Healthy Students competition at *http://www.Grants.gov*. You must search for the downloadable application package for this competition by the CFDA number. Do not include the CFDA number's alpha suffix in your search (e.g., search for 84.184, not 84.184L).

Please note the following:

- Your participation in Grants.gov is voluntary.
- When you enter the Grants.gov site, you will find information about submitting an application electronically through the site, as well as the hours of operation.
- Applications received by Grants.gov are date and time stamped. Your application must be fully uploaded and submitted and must be date and time stamped by the Grants.gov system no later than 4:30 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not consider your application if it is date and time stamped by the Grants.gov system later than 4:30 p.m., Washington, DC time, on the application deadline date. When we retrieve your application from Grants.gov, we will notify you if we are rejecting your application because it was date and time stamped by the Grants.gov system after 4:30 p.m., Washington, DC time, on the application deadline date.

• The amount of time it can take to upload an application will vary depending on a variety of factors, including the size of the application and the speed of your Internet connection. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the submission process through Grants.gov.

• You should review and follow the Education Submission Procedures for submitting an application through Grants.gov that are included in the application package for this competition to ensure that you submit your application in a timely manner to the Grants.gov system. You can also find the Education Submission Procedures pertaining to Grants.gov at *http://e-Grants.ed.gov/help/GrantsgovSubmissionProcedures.pdf.*

• To submit your application via Grants.gov, you must complete 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 submit your application in paper format.

• If you submit your application electronically, you must submit all documents electronically, including all information you typically provide on the following forms: Application for Federal Assistance (SF 424), the Department of Education Supplemental Information for SF 424, Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications. Please note that two of these forms—the SF 424 and the Department of Education Supplemental Information for SF 424—have replaced the ED 424 (Application for Federal Education Assistance).

• If you submit your application electronically, you must attach any narrative sections of your application as files in a .DOC (document), .RTF (rich text), or .PDF (Portable Document) format. If you upload a file type other than the three file types specified in this paragraph or submit a password-protected file, we will not review that material.

• Your electronic application must comply with any page-limit requirements described in this notice.

• After you electronically submit your application, you will receive from Grants.gov an automatic notification of receipt that contains a Grants.gov tracking number. (This notification indicates receipt by Grants.gov only, not receipt by the Department.) The Department then will retrieve your application from Grants.gov and send a second notification to you by e-mail. This second notification indicates that the Department has received your application and has assigned your application a PR/Award number (an ED-specified identifying number unique to your application). We may request that you provide us original signatures on forms at a later date.

Application Deadline Date Extension in Case of 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 under **FOR FURTHER INFORMATION CONTACT** in section VII in this notice and provide an explanation of the technical problem you experienced with Grants.gov, along with the Grants.gov Support Desk Case Number. We will accept your application if we can confirm that a technical problem occurred with the Grants.gov system and that that problem affected your ability to submit your application by 4:30 p.m., Washington, DC time, on the application deadline date. The Department will contact you after a determination is made on whether your application will be accepted.

Note: The extensions to which we refer in this section apply only to the unavailability of, or technical problems with, the Grants.gov system. We will not grant you an extension if you failed to fully register to submit your application to Grants.gov before the application deadline date and time or if the technical problem you experienced is unrelated to the Grants.gov system.

b. *Submission of Paper Applications by Mail.*

If you submit your application in paper format by mail (through the U.S. Postal Service or a commercial carrier), you must mail the original and two copies of your application, on or before the application deadline date, to the Department at the applicable following address:

By mail through the U.S. Postal Service:

U.S. Department of Education,
Application Control Center,
Attention: (CFDA Number 84.184L),
400 Maryland Avenue, SW.,
Washington, DC 20202–4260; or

By mail through a commercial carrier:

U.S. Department of Education,
Application Control Center, Stop 4260, Attention: (CFDA Number 84.184L), 7100 Old Landover Road,
Landover, MD 20785–1506.

Regardless of which address you use, you must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

If your application is postmarked after the application deadline date, we will not consider your application.

Note: The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

c. *Submission of Paper Applications by Hand Delivery.* If you submit your application in paper format by hand delivery, you (or a courier service) must

deliver the original and two copies of your application by hand, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.184L), 550 12th Street, SW., Room 7041, Potomac Center Plaza, Washington, DC 20202–4260.

The Application Control Center accepts hand deliveries daily between 8 a.m. and 4:30 p.m., Washington, DC time, except Saturdays, Sundays, and Federal holidays.

Note for Mail or Hand Delivery of Paper Applications: If you mail or hand deliver your application to the Department—

(1) You must indicate on the envelope and—if not provided by the Department—in Item 11 of the SF 424 the CFDA number, including suffix letter, if any, of the competition under which you are submitting your application; and

(2) The Application Control Center will mail to you a notification of receipt of your grant application. If you do not receive this notification within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245–6288.

V. Application Review Information

1. *Selection Criteria:* The selection criteria for this competition are from the notice of final priorities, requirements, selection criteria, and definitions published elsewhere in this issue of the **Federal Register** and are listed in the application package.

2. *Review and Selection Process:* Additional factors we consider in selecting an application for award are: (1) Geographic distribution; and (2) diversity of activities addressed by the projects.

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 Notification (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:* Semi-annual and annual performance reports are required for each of the project's four 12 month performance periods in accordance with 34 CFR 75.720(c). At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary in 34 CFR 75.118. For specific requirements on reporting, please go to *http://www.ed.gov/fund/grant/apply/appforms/appforms.html.*

4. *Performance Measures:* The Department has established the following Government Performance and Results Act (GPRA) performance measures for the SS/HS program:

(1) Student Victimization/Perception of School Safety

(a) Percentage of grantees that experience a decrease in students who did not go to school on 1 or more days during the past 30 days because they felt unsafe at school or on their way to and from school.

(b) Percentage of grantees that experience a decrease in students who have been in a physical fight on school property in the 12 months prior to the survey.

(2) Student Substance Use/Abuse

(a) Percentage of grantees that report a decrease in students who report current (30-day) marijuana use.

(b) Percentage of grantees that report a decrease in students who report current (30-day) alcohol use.

(3) Mental Health Services Provided

(a) Percentage of grantees that report an increase in the number of students receiving school-based mental health services.

(b) Percentage of grantees that report an increase in the percentage of mental health referrals for students that result in mental health services being provided in the community.

These measures constitute the Department's indicator of success for this program. Consequently, we advise an applicant for a grant under this program to give careful consideration to these measures in conceptualizing the approach and evaluation for its proposed project. Each grantee will be required to provide, in its annual performance and final reports, data about its progress in meeting these measures.

VII. Agency Contacts

FOR FURTHER INFORMATION CONTACT: Karen Dorsey, U.S. Department of Education, 400 Maryland Avenue, SW., room 3E336, Washington, DC 20202–6450. Telephone: (202) 708–4674 or by e-mail: *karen.dorsey@ed.gov*.

If you use a TDD, call the FRS, toll free, at 1–800–877–8339.

VIII. Other Information

Alternative Format: Individuals with disabilities can obtain this document and a copy of the application package in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT** in section VII in this notice.

Electronic Access to This Document: You may view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: *http://www.ed.gov/news/fedregister*.

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1–888–293–6498; or in the Washington, DC, area at (202) 512–1530.

You may also view this document in text or PDF at the following sites: *http://www.ed.gov/programs/dvpsafeschools/applicant.html; http://www.sshs.samhsa.gov*.

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: *http://www.gpoaccess.gov/nara/index.html*.

Dated: May 4, 2007.

Deborah A. Price,

Assistant Deputy Secretary for Safe and Drug-Free Schools.

[FR Doc. E7–9041 Filed 5–9–07; 8:45 am]

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Federal Register

Thursday,
May 10, 2007

Part III

The President

Proclamation 8140—Mother's Day, 2007

Notice of May 8, 2007—Continuation of the National Emergency Blocking Property of Certain Persons and Prohibiting the Export of Certain Goods to Syria

Federal Register
Vol. 72, No. 90
Thursday, May 10, 2007

Presidential Documents

Title 3—

The President

Proclamation 8140 of May 7, 2007

Mother's Day, 2007

By the President of the United States of America

A Proclamation

Motherhood is one of the most cherished and valued roles in our society. On Mother's Day, we pay tribute to these dedicated women who give unconditional love and guidance to their children.

A mother's work requires extraordinary patience and compassion, and her example influences the formation of young lives. President Gerald Ford wrote that ''there is no undertaking more challenging, no responsibility more awesome, than that of being a mother.'' Mothers make great sacrifices and serve as caregivers and role models to help their children embrace dreams and aspirations. From these remarkable women, children learn character and values, the importance of giving back to their communities, and the courage to realize their potential. Mothers of military personnel provide support and encouragement while their sons and daughters defend our freedom in places far from home, and many mothers bring honor to the uniform of the United States while working to lay the foundations of peace for generations to come.

The bond between mothers and their children is one defined by love. As a mother's prayers for her children are unending, so are the wisdom, grace, and strength they provide to their children. On Mother's Day, we are reminded of the great debt we owe to our Nation's mothers for their love and devotion to their sacred duty.

To honor mothers, the Congress, by a joint resolution approved May 8, 1914, as amended (38 Stat. 770), has designated the second Sunday in May each year as ''Mother's Day'' and has requested the President to call for its appropriate observance. Throughout the year, and especially on this day, America's sons and daughters honor our mothers and celebrate their selfless gift of love.

NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States of America, do hereby proclaim May 13, 2007, as Mother's Day. I encourage all Americans to show their gratitude and love to mothers for making a difference in the lives of their children, families, and communities. I call upon citizens to observe this day with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this seventh day of May, in the year of our Lord two thousand seven, and of the Independence of the United States of America the two hundred and thirty-first.



[FR Doc. 07–2355
Filed 5–9–07; 10:51 am]
Billing code 3195–01–P

Presidential Documents

Notice of May 8, 2007

Continuation of the National Emergency Blocking Property of Certain Persons and Prohibiting the Export of Certain Goods to Syria

On May 11, 2004, pursuant to my authority under the International Emergency Economic Powers Act (50 U.S.C. 1701–1706) and the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003 (Public Law 108–175), I issued Executive Order 13338 in which I declared a national emergency authorizing the blocking of property of certain persons and prohibiting the exportation or reexportation of certain goods to Syria. On April 25, 2006, I issued Executive Order 13399 to expand the scope of this national emergency. I took these actions to deal with the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States constituted by the actions of the Government of Syria in supporting terrorism, maintaining its then-existing occupation of Lebanon, pursuing weapons of mass destruction and missile programs, and undermining United States and international efforts with respect to the stabilization and reconstruction of Iraq.

Because the actions and policies of the Government of Syria continue to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States, the national emergency declared on May 11, 2004, and the measures adopted on that date and on April 25, 2006, in Executive Order 13399, to deal with that emergency, must continue in effect beyond May 11, 2007. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency authorizing the blocking of property of certain persons and prohibiting the exportation or reexportation of certain goods to Syria.

This notice shall be published in the **Federal Register** and transmitted to the Congress.



THE WHITE HOUSE,
May 8, 2007.

[FR Doc. 07–2356
Filed 5–9–07; 10:51 am]
Billing code 3195–01–P

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S. 521/P.L. 110–25

To designate the Federal building and United States courthouse and customhouse located at 515 West First Street in Duluth, Minnesota, as the "Gerald W. Heaney Federal Building and United States Courthouse and Customhouse". (May 8, 2007; 121 Stat. 102)

Last List May 8, 2007

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